NAIROBI CITY COUNTY

FINANCE & ECONOMIC AFFAIRS



ENVIRONMENTAL AND SOCIAL RISK MANAGEMENT

Draft Policy, 2026

Nairobi City County Environmental and Social Risk Management Draft Policy, 2026

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FOREWORD



Nairobi City County stands at a critical juncture in its development trajectory. As the capital city and a key economic hub in the region, Nairobi continues to experience rapid urban growth, expanding infrastructure, and increased investment across multiple sectors. While these developments create immense opportunities for economic prosperity and improved livelihoods, they also present complex environmental and social risks that must be proactively managed.

The Nairobi City County Environmental and Social Risk Management Policy, 2026, establishes a strategic framework to guide the County Government in integrating environmental sustainability and social safeguards into its planning, investment, and project implementation processes. The Policy seeks to ensure that development initiatives undertaken within the County are environmentally responsible, socially inclusive, and aligned with national laws and global sustainability standards.

This Policy underscores the County Government's commitment to responsible stewardship of natural resources, protection of communities, and promotion of resilient and sustainable urban development. It strengthens institutional mechanisms to identify, assess, mitigate, and monitor environmental and social risks associated with county programs, infrastructure development, and private-sector investments.

Through this Policy, the County Government will enhance transparency, accountability, and coordination among stakeholders while ensuring that development activities generate positive outcomes for both people and the environment.

I call upon all county departments, development partners, private sector actors, and residents of Nairobi to support the effective implementation of this Policy as we collectively work towards building a resilient, inclusive, and sustainable city.

H.E. Sakaja Arthur Johnson, EGH

Governor

Nairobi City County

PREFACE



The Nairobi City County Environmental and Social Risk Management Policy (ESRMP) provides a comprehensive framework for integrating environmental and social considerations into county development planning, investment decisions, and program implementation.

Nairobi's dynamic urban landscape continues to evolve rapidly, driven by population growth, industrial expansion, infrastructure development, and increasing demand for services. While these developments are necessary to support economic growth and improve residents' quality of life, they also introduce potential environmental and social challenges that require structured management.

This Policy responds to these emerging challenges by establishing clear principles, institutional arrangements, and operational procedures for environmental and social risk management within the County Government. It provides guidance on environmental and social screening, risk assessment, mitigation planning, stakeholder engagement, monitoring, and reporting.

The Policy further strengthens the County Government's ability to comply with national legal and regulatory frameworks while promoting sustainable development practices that safeguard ecosystems, protect vulnerable populations, and enhance community wellbeing.

The successful implementation of this Policy will require strong interdepartmental collaboration, stakeholder participation, and continuous strengthening of institutional capacity. It is therefore expected that all county entities will integrate the provisions of this Policy into their planning and operational processes.

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ACKNOWLEDGEMENT



The development of the Nairobi City County Environmental and Social Risk Management Policy, 2026, reflects a collaborative and consultative process involving a wide range of stakeholders from the public sector, private sector, development partners, and civil society.

The County Government expresses its sincere appreciation to the Office of the County Executive Committee for providing strategic leadership and policy direction throughout the policy development process. Special recognition is extended to the County Research and Policy Development Technical Working Committee and the Research and Policy Development Department for spearheading the technical coordination and drafting of this Policy.

The County also acknowledges the valuable contributions of technical officers from various county departments, national government agencies, environmental regulatory authorities, development partners, and subject-matter experts, whose insights and expertise significantly strengthened the policy framework.

Equally appreciated are the stakeholders who participated in consultative forums and validation workshops, providing critical feedback that ensured the Policy reflects the priorities and aspirations of Nairobi City County residents.

Their collective efforts have resulted in a Policy that provides a robust foundation for managing environmental and social risks while promoting sustainable and inclusive urban development.

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ACRONYMS

Acronym	Meaning
CAP	Chapter (Laws of Kenya)
CBO	Community-Based Organization
CEAPs	County Environmental Action Plans
CEC	County Executive Committee
CECM	County Executive Committee Member
CIDP	County Integrated Development Plan
CoK	Constitution of Kenya
CSO	Civil Society Organization
CSR	Corporate Social Responsibility
ECDE	Early Childhood Development and Education
EIA	Environmental Impact Assessment
EMCA	Environmental Management and Coordination Act
EMS	Environmental Management System
E&S	Environmental and Social
ESIA	Environmental and Social Impact Assessment
ESG	Environmental, Social, and Governance
ESMP	Environmental and Social Management Plan
ESRM	Environmental and Social Risk Management
ESRMP	Environmental and Social Risk Management Policy
ESS	Environmental and Social standards
FPIC	Free, Prior and Informed Consent
GHG	Greenhouse Gas
GoK	Government of Kenya
GRM	Grievance Redress Mechanism
HIA	Health Impact Assessment
ICT	Information and Communication Technology
IFC	International Finance Corporation
IPCC	Intergovernmental Panel on Climate Change
ISO	International Organization for Standardization
KAM	Kenya Association of Manufacturers
KeNHA	Kenya National Highway Authority
KeRRA	Kenya Rural Roads Authority
KFS	Kenya Forest Service
KIPPRA	Kenya Institute for Public Policy Research and Analysis
KMD	Kenya Meteorological Department
KNBS	Kenya National Bureau of Statistics
KURA	Kenya Urban Roads Authority
KWS	Kenya Wildlife Service
LMP	Labour Management Procedures
MCA	Member of County Assembly

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M&E	Monitoring and Evaluation
MoU	Memorandum of Understanding
MTP	Medium Term Plan
NCA	National Construction Authority
NCCG	Nairobi City County Government
NDC	Nationally Determined Contribution
NDMA	National Drought Management Authority
NEMA	National Environment Management Authority
NLC	National Land Commission
NGO	Non-Governmental Organization
OSHA	Occupational Safety and Health Act
PAPs	Project Affected Persons
PBB	Public Investment Management
PIM	Public Investment Management
PPP	Public Private Partnership
RAP	Resettlement Action Plan
SEA	Strategic Environmental Assessment
SEP	Stakeholder Engagement Plan
SDGs	Sustainable Development Goals
SME	Small and Medium Enterprise
TOR	Terms of Reference
TVET	Technical and Vocational Education and Training
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
WASH	Water, Sanitation and Hygiene
WB	World Bank

Table 2: Acronyms

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DEFINITION OF OPERATIONAL TERMS

Climate Resilience: The ability of systems and communities to withstand and recover from climate-related shocks.

Compliance: Adherence to legal, regulatory, and policy requirements.

Due Diligence: Assessment conducted to identify risks before project approval or financing.

Environmental and Social Impact Assessment (ESIA): A formal process used to evaluate the likely environmental and social impacts of a proposed project before decision-making.

Environmental and Social Management Plan (ESMP): A document outlining mitigation measures, monitoring actions, and institutional responsibilities to manage identified risks.

Environmental and Social Risk (E&S Risk): Potential adverse impacts of a project or activity on the environment, communities, and stakeholders across the project lifecycle.

Environmental and Social Risk Management (ESRM): A systematic process of identifying, assessing, mitigating, monitoring, and reporting environmental and social risks in development projects.

Environmental Audit: Periodic evaluation of project compliance with environmental standards.

Environmental Impact Assessment (EIA): A structured process for identifying and evaluating the potential environmental and social impacts of a proposed project before implementation, with the aim of informing decision-making and ensuring appropriate mitigation of adverse impacts;

Environmental risk: The probability of pollution or destruction of the natural environment, through either accidental or deliberate actions.

Environmental: Any aspect related to climate change, water, air, land, water contamination, biodiversity conservation and natural resources.

ESG (Environmental, Social, Governance): A framework used to evaluate sustainability and ethical impact of investments.

Governance and Political Economy (GPE): The study of how power, politics, and institutions influence policy outcomes and development results.

Grievance Redress Mechanism (GRM): A formal system for receiving, addressing, and resolving complaints from affected stakeholders.

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Human Rights: Rights inherent to all human beings regardless of race, sex, nationality, ethnicity, language, religion or any other status.

Investment Cycle: The financial and administrative timeline. This involves capital allocation, budgeting, due diligence, and the release of funds. Risks here are often regulatory or fiscal.

Metropolitan County: A county centred around a major city that serves as a region's economic, social, and infrastructural hub.

Mitigation Measures: Actions taken to avoid, minimize, or compensate for adverse impacts.

Nationally Determined Contribution (NDC): A country's pledge to cut emissions and build climate resilience under the Paris Agreement.

Operational Risk: The risk of loss resulting from inadequate or failed internal processes, people, and systems or from external events, including legal, strategic, IT, and reputational risks.

Polluter Pays Principle: Those responsible for environmental harm bear the cost of mitigation and restoration.

Precautionary Principle: The principle that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

Program-Based Budgeting (PBB): A budgeting method that allocates resources based on program outcomes and performance rather than generic expenditure categories.

Project Lifecycle: The sequence of stages a project undergoes, including identification, design, appraisal, implementation, monitoring, and closure.

Public Investment Management (PIM): The process by which governments plan, prioritize, appraise, budget, implement, monitor, and evaluate public infrastructure projects to ensure value for money and fiscal discipline.

Resettlement Action Plan (RAP): A framework outlining compensation and resettlement measures for affected persons.

Risk Categorization: Classification of projects into low, medium, or high risk based on potential impacts.

Risk Management: The identification, assessment, and prioritization of risks followed by coordinated and economical application of resources to minimize, monitor, and control the probability and/or impact of unfortunate events or maximize the realization of opportunities.

Risks: Events or conditions that may occur and whose occurrence, if it does take place, has a harmful or negative impact on the achievement of the Bank's business objectives.

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Screening: The process of determining the level of environmental and social risk associated with a project.

Social: Any aspect related to human rights, labour condition, gender, health and safety, vulnerable group, affected community and cultural heritage.

Stakeholder Engagement: A continuous process of involving stakeholders in project planning and implementation.

Strategic Environmental Assessment: means a formal and systematic process to analyse and address the environmental effects of policies, plans, programmes and other strategic initiatives;

Sustainability: Development that meets present needs without compromising future generations.

Sustainable Development: means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems;

Sustainable Use: means present use of the environment or natural resources which does not compromise the ability to use the same by future generations or degrade the carrying capacity of supporting ecosystems;

Vulnerable Groups: Populations at higher risk of adverse impacts, including women, children, persons with disabilities, and informal settlement residents.

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EXECUTIVE SUMMARY

The Nairobi City County Environmental and Social Risk Management Policy, 2026, establishes a unified framework for identifying, assessing, and managing environmental and social risks across all public and private development projects.

Nairobi's rapid urbanization, population growth, and expanding infrastructure investments have significantly increased pressure on natural resources, ecosystems, and social systems. These dynamics have led to rising environmental degradation, climate-related risks, informal settlements, and socio-economic vulnerabilities. At the same time, fragmented risk management systems and weak integration of safeguards have exposed the County to regulatory non-compliance, project delays, fiscal inefficiencies, and social conflict.

This Policy responds to these challenges by institutionalizing Environmental and Social Risk Management (ESRM) across the entire project lifecycle from planning and design to implementation and closure. It introduces standardized processes for risk screening, impact assessment, mitigation planning, stakeholder engagement, and monitoring.

The Policy aligns with the Constitution of Kenya and international, national and county legislation and standards, including ESG frameworks and climate commitments. It strengthens governance, enhances accountability, and promotes transparency in development processes.

Key outcomes of the Policy include:

- Improved environmental protection and climate resilience
- Enhanced social inclusion and protection of vulnerable groups
- Reduced fiscal and legal risks associated with development projects
- Increased access to sustainable and climate financing
- Strengthened investor confidence and a "risk-ready" investment environment

The Policy applies to all county sectors, departments, agencies, and corporations; contractors; private-sector actors; and development partners involved in projects within Nairobi City County.

Its implementation will position Nairobi as a leader in sustainable urban governance, ensuring that development is environmentally responsible, socially inclusive, and economically sustainable for present and future generations.

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CHAPTER ONE

1.0 INTRODUCTION

1.1 Background

Urban governance in the twenty-first century necessitates the integration of environmental sustainability, climate resilience, social inclusion, and prudent resource management into decision-making processes (Esteves et al., 2012; World Bank, 2017; UNEP, 2023a). This imperative requires metropolitan counties to be increasingly accountable for how public, private, and blended investments interact with ecosystems, communities, labor markets, cultural heritage, and regulatory instruments. Within infrastructure, utilities, telecommunications, real estate, commercial, and industrial sectors, investment and project lifecycles directly shape the environmental and social (E&S) risk profiles that define modern institutional responsibility.

Managing the resulting organizational exposures requires a unified E&S risk management approach applicable to all development actors and project scales. International standards reinforce the requirement for structured E&S risk management systems as a prerequisite for project financing. Global entities, led by the World Bank, the International Finance Corporation (IFC), and the African Development Bank (AfDB), currently enforce established safeguards to ensure systemic compliance (AfDB, 2023). Private investors must likewise adhere to regulatory benchmarks to maintain alignment with defined global, national, and county E&S requirements across every stage of investment and project lifecycles.

Unified alignment ensures that non-state actors contribute to the overarching sustainability goals of public entities while securing the necessary capital and allowing governments to mitigate risks associated with project abandonment and social pushback. Sustainable development is further enshrined as a national value and principle of governance under the Constitution of Kenya (Republic of Kenya, 2010). This mandate obligates national and county governments to integrate E&S safeguards into all investment and project lifecycles across all forms of development.

The Nationally Determined Contribution (NDC) under the Paris Agreement reinforces the need to strengthen climate mitigation and adaptation measures across all development actors. Despite current policy commitments, the Nairobi City County Government maintains fragmented E&S safeguard mechanisms that exhibit inconsistent application. Persistent misalignments in the oversight of the underlying cycles contribute to

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unmanaged E&S risks, regulatory non-compliance, litigation, project delays, and fiscal inefficiencies (KIPPRA, 2021).

1.1.1 Urban Development and Environmental-Social Challenges

Kenya has experienced rapid urbanization over the past two decades. Within this period, Nairobi City emerged as a key driver of economic transformation and regional competitiveness (UN-Habitat, 2020). As a capital and regional economic hub, Nairobi City County hosts a high concentration of financial services, manufacturing, and commercial activities. The referenced functions exist alongside expanding public and private investments. In reality, the stated growth has intensified strain on land, infrastructure, and natural resources. The noted expansion simultaneously accelerates informal settlement growth and increases susceptibility to climate-related vulnerabilities.

The noted urban dynamics heighten environmental risks across several domains. These include air quality, water resources, land use, biodiversity, and energy consumption. Climate change further introduces risks related to extreme weather and low-carbon transitions. Additional exposures involve wastewater, hazardous materials, waste management, and resource depletion. Correspondingly, social risks involve labour conditions, occupational health and safety, and community security. Other critical concerns include equity, inclusion, gender-based violence, and involuntary resettlement. The resultant development also impacts cultural heritage and marginalized groups.

Sustained omissions to systematically assess, identify, and mitigate E&S risks across investment and project lifecycles can undermine infrastructure resilience. The established lapses strain community relations and generate fiscal pressures. Weakened service delivery consistently follows the inability to manage systemic fragility effectively (Smyth & Vanclay, 2017). Furthermore, unmanaged E&S risks interactions often result in litigation, compensation liabilities, and project delays. The cited events lead to cost overruns and reputational damage. The stated outcomes erode public trust and restrict access to climate finance. Ultimately, the referenced factors threaten long-term fiscal stability (KIPPRA, 2021).

1.1.2 Development Projects and Operational Context in Nairobi City County

A diverse portfolio of public and private development projects is undertaken across the Nairobi City County jurisdiction. The resultant initiatives originate from the statutory mandates assigned to devolved governments. The specified functional areas include agriculture, livestock, and health services. Further mandates involve pollution control, cultural facilities, and public amenities. The statutory functions also encompass transport,

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infrastructure, animal welfare, and trade regulation. Additionally, the County oversees planning, development, education, and sanitation. Disaster management and general public services complete the organizational scope.

Project implementation occurs within a highly complex urban setting. Rapid urbanization and the expansion of informal settlements define the County territorial landscape. This milieu is further characterized by environmental fragility and socio-economic inequalities. The stated institutional and spatial factors constitute the operational reality of the County. Given this profile, the geographic footprint and execution of public and private developments inherently generate substantial E&S risks. Therefore, managing the resulting interactions remains essential to protect the public interest.

1.1.3 Nature of Nairobi City County Government Development Projects

The Nairobi City County Government manages an expansive portfolio of capital and recurrent development initiatives, delivered through Programme-Based Budgeting (PBB) and Public Investment Management (PIM) systems (Kim et al., 2020; National Treasury, 2022; Republic of Kenya, 2012). Project implementation spans multiple sectors, including Finance and Economic Planning Affairs; Business and Hustler Opportunities; Disaster Management and Coordination; Green Nairobi; Innovation and Digital Economy; Built Environment and Urban Planning; Talents, Skills Development, and Care; Health, Wellness, and Nutrition; and Mobility and Works (Nairobi City County Government, 2023).

1.1.4 Nature of Private Development Projects in Nairobi City County

Private-sector development complements public-sector initiatives. Private investments contribute to urban growth through real estate, commercial, industrial, and service-based enterprises. Implementation of private ventures occurs under varied regulatory and planning arrangements. Private undertakings are expected to comply with national and county E&S risk regulations (Republic of Kenya, 2015; NEMA, 2020). Despite these formal requirements, variations in enforcement and compliance often result in inconsistent application of E&S safeguards for all private development activities (KIPPRA, 2021). The resulting disparity leads to uneven risk management outcomes for the private category. The observed inconsistencies highlight the need for a coordinated approach toward private initiatives. Therefore, proper alignment remains necessary for private investment to contribute to sustainable urban development.

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1.1.5 Urban Development Context and Multi-Stakeholder Risks

The non-integration of current Environmental and Social Risk Management (ESRM) processes across public and private investment processes in Nairobi City County has resulted in fragmented oversight. In many scenarios, development ventures across the two categories of investors do not undergo comprehensive E&S due diligence, approval, and monitoring in line with applicable statutory and planning requirements. Specifically, non-compliance with the Public Finance Management (Public Investment Management) Regulations, 2022, creates systemic gaps in risk identification, mitigation, and accountability throughout the project lifecycle. These administrative gaps increase exposure to environmental degradation, social harm, and governance failures.

Similarly, the limited use of a consolidated Environmental, Social, and Governance (ESG) reporting framework across both investor groups constrains the county's ability to mobilize sustainable financing and attract responsible investment. This constraint affects government and commercial initiatives alike, reducing access to instruments such as green bonds, climate finance, and blended finance. Furthermore, the current state reinforces perceptions of a weak "risk-ready" investment environment. Consequently, Nairobi's broader development pipeline remains exposed to sub-optimal outcomes in sustainability, social inclusion, climate resilience, and long-term fiscal stability.

1.2 Rationale for the Policy

The Nairobi City County Environmental and Social Risk Management Policy (ESRMP) provides a structured framework to integrate environmental and social considerations into all investment and project lifecycles. A strategic approach of this nature aligns County development with the Constitution of Kenya and relevant legislation while strengthening governance across all sectors. By institutionalizing the required protocols, the ESRM Policy ensures consistent application among all County departments and development actors. The resulting systematic integration addresses financial, legal, and fiscal risks through early identification, effectively reducing exposure to project delays, cost overruns, and litigation (Amade et al., 2020).

This proactive strategy enhances fiscal discipline and supports broad legal compliance. Additionally, the ESRMP strengthens access to sustainable financing by aligning with global Environmental, Social, and Governance (ESG) standards. Adherence to international benchmarks improves the county's ability to attract green finance, climate funds, and blended finance while harmonizing local processes with national regulatory frameworks.

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The alignment of these standards ensures that Nairobi's development initiatives are compatible with both investor expectations and national Treasury guidelines, creating a more competitive and “risk-ready” investment environment.

Furthermore, the ESRM Policy promotes socio-ecological resilience and social inclusion by integrating climate risk into development planning. The framework prioritizes stakeholder engagement, grievance mechanisms, and the protection of vulnerable groups to ensure equitable growth (Esteves et al., 2012; UNEP, 2023b). Collectively, the proposed measures improve investor confidence and support sustainable urban development alongside long-term fiscal stability (KIPPRA, 2021). By establishing high governance standards, the county creates a robust foundation for future infrastructure and enhanced service delivery goals.

1.3 Guiding Principles of the Policy

The implementation of the Nairobi City County Environmental and Social Risk Management Policy (ESRMP) is guided by the following principles, which align with the Constitution of Kenya, national policy frameworks, and international standards for sustainable development:

a) **Sustainability and Intergenerational Equity:** Development shall balance economic, environmental, and social considerations while ensuring that present needs do not compromise the ability of future generations to meet their own needs, in line with county, national, and global sustainability commitments.
b) **Public Participation and Stakeholder Engagement:** Development processes shall ensure meaningful and inclusive engagement of stakeholders to promote transparency, accountability, and legitimacy in decision-making.
c) **Social Inclusion and Equity:** Development shall ensure equitable distribution of benefits and protect vulnerable and marginalized groups from disproportionate impacts, while upholding human rights and social safeguards.
d) **Fiscal Prudence:** E&S risks shall be integrated into financial planning and investment decisions to minimize long-term liabilities and enhance efficient use of public resources.
e) **Transparency and Accountability:** All E&S impacts shall be documented and reported through clear and accessible systems aligned with ESG standards to strengthen accountability and investor confidence.
f) **Precautionary Principle:** Where there is potential for serious or irreversible harm, lack of full scientific certainty shall not delay preventive action to protect the environment and society.

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g) **Polluter Pays Principle:** Public and private entities responsible for environmental or social harm shall bear the full cost of mitigation, restoration, and compensation, promoting accountability and responsible behaviour.

h) **Integration of E&S Risk into Governance Systems**: E&S risk management shall be embedded across all county systems, including planning, budgeting, procurement, and Public Investment Management (PIM), to ensure coordinated and consistent implementation.

i) **Climate Resilience by Design:** All development projects shall incorporate climate risk assessments and resilience measures at the design stage to enhance adaptability and reduce exposure to climate-related risks.

j) **Continuous Improvement and Adaptive Management:** The ESRM Policy shall be reviewed to incorporate emerging evidence, lessons learned, and evolving regulatory, environmental, and socio-economic conditions, with the aim of strengthening its effectiveness and ensuring its continued relevance and responsiveness.

k) **Legal and Constitutional Alignment:** All actions under the ESRM Policy shall comply with constitutional provisions, particularly the right to a clean and healthy environment and the duty to ensure sustainable management of natural resources.

1.4 Vision of the Policy

A sustainable and inclusive city **where** development is environmentally responsive and socially equitable.

1.5 Mission of the Policy

To institutionalize a comprehensive Environmental and Social Risk Management framework that proactively identifies, mitigates, and monitors risks across all projects within Nairobi City County.

1.6 Policy Goal

The policy aims to establish a structured, risk-informed approach to guide all County entities, contractors, financiers, and stakeholders in the project life cycle, thereby ensuring environmental sustainability, social inclusion, and adherence to applicable legal and regulatory requirements and recognized best practices.

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1.7 Objectives of the Policy

The objectives of the ESRM Policy are to:

(i) Institutionalize mandatory ESRM across all county operations by integrating environmental and social risk factors into the full project lifecycle.
(ii) Create a unified ESRM framework for screening, assessing, mitigating, monitoring and reporting E&S risks across all county projects and investments.
(iii) Improve oversight and accountability by defining roles and reporting structures for ESRM coordination among county entities and development partners.
(iv) Enhance compliance with environmental and social standards to protect communities and promote sustainable development.
(v) Strengthen ESRM capacity and frameworks to align county operations with national climate goals and global sustainability standards, enhancing transparency and investor confidence.

1.8 Scope of the Policy

The ESRM Policy applies to all public and private development projects within Nairobi City County. This mandate extends to every contractor, consultant, and partner engaged in these investment activities. The regulatory framework governs the entire project lifecycle from identification and feasibility through to financing, implementation, and closure. By encompassing both government-led and commercial ventures, the policy ensures comprehensive oversight across the county's development pipeline. This oversight maintains the long-term viability of all urban initiatives and strengthens institutional accountability.

1.9 Policy development Process

The Nairobi City County Environmental and Social Risk Management Policy (ESRMP) was developed through a structured, evidence-driven process aligned with the Public Policy Development Handbook (Republic of Kenya, 2024), ensuring regulatory compliance and operational feasibility.

The process involved:

(i) Stakeholder consultations with government departments, community representatives, CBOs, NGOs, private sector representatives and utility providers.
(ii) Benchmarking against national regulations and laws, in environmental and social risk management.

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(iii) Review of county and national initiatives, frameworks and strategies for environmental and social risk management.
(iv) Public engagement through surveys and citizen engagement fora to gather input from residents and professionals.
(v) Validation of the policy through feedback and reviews from technical experts.
(vi) Approval by the relevant county leadership and organs
(vii) The process ensured that the policy is well grounded on practical realities, responsive to county environmental and social risk management challenges, and aligned with the broader national and global best practices.

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CHAPTER TWO

2.0 SITUATIONAL ANALYSIS

This chapter provides a comprehensive assessment of the E&S risks affecting Nairobi City County and the institutional context within which these risks are managed. The analysis examines the environmental, social, and governance dynamics shaping the County's development trajectory and evaluates the capacity of existing systems to manage these risks effectively. Understanding this context is essential for establishing a robust Environmental and Social Risk Management Policy (ESRMP) capable of safeguarding public and private investments, protecting vulnerable populations and strengthening urban resilience.

Environmental and social (E&S) risk management in Nairobi requires integration at every stage. During planning and identification, evidence from Auditor-General reports, fiscal accountability assessments, infrastructure performance reviews, and climate hazard documentation highlights systemic vulnerabilities that must shape project design.
In the preparation and design phase, international & national governance frameworks guide the incorporation of resilience measures and social safeguards to address climate hazards, equity concerns, and accountability gaps.

During implementation, transparency in resource allocation and continuous monitoring of environmental impacts and social outcomes ensure risks are managed proactively. In the operation and monitoring stage, infrastructure performance data and social indicators are used to evaluate whether projects deliver sustainable and inclusive benefits, while climate hazard documentation supports adaptive preparedness.

In this way, E&S risks are embedded across the project life cycle, making them central to sustainable urban development and risk management.

2.1 Urban Development Context of Nairobi City County.

As Kenya's capital and the economic hub of East Africa, Nairobi City County is experiencing rapid urbanization and unprecedented growth in capital-intensive infrastructure investments. These investments include transport corridors, water supply systems, drainage networks, sanitation facilities, housing developments and social infrastructure. According to KNBS projections estimates the County's population at approximately 4,978,028 in 2026 and projected to exceed 5 million by 2027 (KNBS, 2019 projections). Rapid

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demographic expansion has intensified demand for infrastructure and public services while simultaneously increasing pressure on land, water resources, ecosystems and governance systems.

Urban expansion in Nairobi is characterized by significant spatial inequality reflected not only in settlement patterns but also in socio-economic conditions. Kenya's national average population density stands at approximately 103 persons per square kilometre (KNBS projections and 2026 estimates). Approximately 18.5% of the city's population lives in informal settlements which collectively occupy 6% of the County's land area (KNBS, 2019). Population densities in these informal settlements often significantly exceed the county-level average baseline of 4,850 persons per square kilometer . This creates severe pressure on housing, sanitation infrastructure, drainage systems and transportation networks. Informal settlements often lack adequate service delivery and are particularly vulnerable to environmental hazards such as flooding, pollution and disease outbreaks (KIPPRA, 2024). These environmental and social vulnerabilities underscore the critical need for robust Environmental and Social Risk Management (ESRM) policies to systematically identify, mitigate and monitor E&S risks in all infrastructure projects.

Nairobi City County Government manages a large and growing infrastructure investment portfolio supported through the county's own source revenue, national government equitable share and conditional grants, development partner financing and public–private partnerships. The portfolio is reflected in the County's FY 2025/26 annual development plans and budget estimates, which allocate substantial resources to infrastructure as a core priority.These investments are essential for economic development and urban modernization. However, without systematic E&S safeguards, large-scale infrastructure development may exacerbate environmental degradation, displacement risks and social inequality.

2.2 Fiscal and Environmental-Social Governance Risk Landscape

Fiscal risks in Nairobi City County are influenced by structural challenges in public investment management, rising expenditure demands and ongoing debt obligations, which together shape the County's ability to deliver sustainable and inclusive development. While these pressures present constraints, they also highlight critical areas for reform and improvement in fiscal discipline, investment prioritization and debt management. Strengthening these aspects can enhance the County's resilience and create greater opportunities for sustainable urban growth.

The County operates within a narrow fiscal space, with a FY 2025/26 budget of approximately Kshs 44.6 billion, a substantial portion of which is absorbed by recurrent

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expenditure. Notably, the wage bill has consistently exceeded the recommended threshold of 35% of total revenue, reaching levels as high as 54% in certain periods. In addition, pending bills estimated at over Kshs 86 billion in 2025 after peaking above Kshs 120 billion continue to strain cash flow and undermine service delivery (Auditor-General of Kenya, 2025).

These fiscal challenges are compounded by fragmented environmental and social (E&S) governance mechanisms in public investment decision-making, which have often resulted in the prioritization of low-impact, high-risk, and low-return projects. Such practices compromise the County's sustainable development objectives and expose investments to significant environmental and social risks. Despite the scale of investment and the complexity of Nairobi's urban challenges, the County lacks a comprehensive Environmental and Social Risk Management framework that systematically integrates safeguards across the project life cycle. This gap is particularly critical given the requirements of the Public Finance Investment Management (Public Investment Management) Regulations, 2022, Legal Notice No. 54 of 2022) which mandates the identification, appraisal, and mitigation of E&S risks in all public investments.

In the absence of such a framework, public investments remain vulnerable to environmental degradation, social conflict, legal non-compliance, and financial inefficiencies, thereby weakening both fiscal stability and sustainable urban development outcomes.

2.3 Environmental Degradation

2.3.1 Solid waste Management

Solid waste management is one of Nairobi's most pressing environmental challenges and a major driver of urban degradation. The city generates approximately 3,000–3,500 tonnes of municipal solid waste daily, yet only about 60% is formally collected and disposed of through official systems. The remainder is often illegally dumped or burned in open areas, contributing to air pollution, soil contamination, and public health risks (UN-Habitat, Waste Wise Cities Tool, 2024).

The Dandora dumpsite, Nairobi's primary waste disposal facility, receives about 2,000 tonnes of waste per day and has exceeded its design capacity since 2001. Methane emissions, frequent fires, and leachate contamination from the dumpsite have significant environmental and health implications for surrounding communities, while also polluting the Nairobi River system (Nairobi Rivers Commission, 2025).

2.3.2 Climate Risks

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Air pollution is one of the growing concerns in Nairobi and a significant contributor to environmental degradation. Average concentrations of fine particulate matter (PM2.5) in the city stand at 22.7 µg/m^3, which is approximately four times higher than the World Health Organization's recommended guideline of 5 µg/m^3 (World Health Organization, 2023). Major sources of this pollution include vehicle emissions (about 40% of PM2.5), open waste burning (25%), and industrial activities (15%), with additional contributions from construction dust linked to rapid infrastructure development (Clean Air Fund, 2024).

Flooding in Nairobi has been a recurring problem for many years, with recent events showing how climate variability and poor urban planning combine to create severe risks. Flooding events in 2024 displaced households and damaged businesses across Nairobi (Kenya Red Cross, 2024). Most recently, in March 2026, extreme rainfall of 112 millimetres in 24 hours triggered flash floods that killed at least 26 people in Nairobi and displaced thousands of households nationwide (Kenya Red Cross, 2026).

Urban heat island effects are also becoming more pronounced as built-up areas in Nairobi experience temperatures 2–4°C higher than surrounding rural areas due to extensive concrete structures, asphalt surfaces, and reduced vegetation cover (IPCC, 2022). This contributes to heat stress, higher energy demand for cooling, and reduced urban livability.

Without systematic integration of climate risk assessment, adaptation planning, and resilience measures into project design and implementation, large-scale infrastructure investments risk being undermined by these escalating threats. Strengthening the County's Environmental and Social Risk Management (ESRM) framework to explicitly address climate risks is therefore essential for building long-term environmental sustainability and protecting both people and assets from future shocks.

2.3.3 Water and Sanitation risks

The Nairobi River Basin, encompassing the Nairobi, Ngong, and Mathare rivers, is heavily polluted by untreated sewage, industrial effluents, and solid waste. According to the National Environment Management Authority (NEMA, 2023), more than 60% of wastewater generated in Nairobi continues to be discharged untreated into rivers and drainage channels, resulting in severe water pollution and degradation of aquatic ecosystems. Despite clean-up initiatives, the river remains unsafe, with visible methane and hydrogen sulphide bubbles indicating severe organic pollution. Communities along the river continue to rely on it for domestic use, exposing them to waterborne diseases and perpetuating cycles of poverty and vulnerability (Nairobi Rivers Commission, 2025).

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2.3.4 Biodiversity Risks

Urban expansion in Nairobi has resulted in significant ecosystem degradation and the loss of green spaces. The Nairobi Master Plan of 1948 allocated approximately 27.5% of the city's land to parks, forests, and open spaces for a population of about 250,000 people. Today, with a population exceeding five million, green space availability per person has declined sharply. Nairobi City County currently has a combined 3,106.4 hectares of public open spaces, equivalent to 5.32% of the built-up area and translating to 6.56 square metres per capita, far below the 15–20% minimum allocation recommended for successful cities (UN-Habitat, 2020). Much of this decline is linked to competing alternative uses of land, including housing developments, commercial real estate, transport infrastructure, and industrial expansion, which have encroached upon areas originally designated for public use.

In 2000, Nairobi had 7.0% land cover with more than 30% canopy density (5,200 ha), but by 2020 this had declined to 2.0% natural forest (1,700 ha) and 2.0% non-natural tree cover (1,400 ha). Between 2001 and 2024, the city lost 470 ha of tree cover, equivalent to 9% of the 2000 baseline, resulting in 290 kt of CO_2e emissions and reduced ecological resilience (Global Forest Watch, 2024). Forest ecosystems such as Karura Forest (928 ha), Ngong Forest (1,000 ha), and City Park (64 ha) continue to face threats from infrastructure expansion and private developments. The loss of wetlands and green corridors has fragmented habitats, reduced biodiversity, and diminished the city's capacity to absorb floodwaters and recharge groundwater.

Nairobi National Park (NNP), (Est in 1946) as Kenya's first national park and the only national park located within a capital city, serves as a unique biodiversity hotspot, carbon sink, urban microclimate regulator, and major tourism attraction. However, adjacent county and national infrastructure projects have caused severe habitat fragmentation, undermining its ecological integrity. Nationally, Kenya has lost nearly 375,000 hectares of tree cover since 2000, further destabilizing water catchments critical for Nairobi's ecosystem (Global Forest Watch, 2025).

In Nairobi City County, the degradation of ecosystems, loss of green spaces, deforestation, and habitat fragmentation underscore the urgent need to embed environmental and social risk management into urban planning and public investment decisions, ensuring that competing land uses are balanced with sustainability, resilience, and community well-being.

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2.4 Social Risk Landscape

2.4.1 Land and Settlement Dynamics

Nairobi City County Government faces a complex social risk landscape

Urban inequality to lead socio-economic disparities between affluent, well-serviced neighborhoods and densely populated informal settlements characterized by inadequate infrastructure, limited access to basic services, and concentrated poverty.

Land insecurity describes the absence of formal legal rights to land and housing, leaving residents exposed to forced evictions, arbitrary displacement, and loss of livelihoods without adequate notice, compensation, or resettlement support. Informal settlements dominate much of Nairobi's urban fabric, and residents in these areas often lack formal land tenure. As a result, they face constant threats of eviction and displacement. Infrastructure projects such as road expansions, river restoration programmes and drainage improvements frequently trigger resettlement risks, particularly in informal settlements located along riparian corridors

Labour market vulnerabilities encompass the predominance of low-paid, unprotected jobs in the informal economy, high youth unemployment, limited social protection mechanisms, and precarious working conditions that leave large segments of the population without safety nets during economic shocks or displacement events.

In early 2026, enforcement actions aimed at restoring riparian zones along the Nairobi River and its tributaries threatened thousands of households living in flood-prone areas, continuing a pattern of recurrent interventions seen in prior years.

Between 2020 and 2025, severe flooding events repeatedly displaced tens of thousands of Nairobi residents, with informal settlements consistently the hardest hit. For example, the 2024 long-rains floods alone displaced over 113,395 people (approximately 22,679 households) in Nairobi County, contributing to a national total exceeding 293,200 displaced persons. These repeated displacements, combined with riparian evictions linked to flood-mitigation and infrastructure works, exacerbate poverty and risk social instability when structured resettlement frameworks, fair compensation mechanisms, and livelihood restoration programmes are absent (Kenya Red Cross, NDMA and UNDP reports, 2024–2026).

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2.4.2 Cultural Heritage Risks

Nairobi City County hosts several cultural heritage sites, museums, historical landmarks and public cultural spaces that contribute to environmental sustainability and social well-being. Institutions such as the Nairobi National Museums of Kenya and the Nairobi Gallery play a central role in preserving cultural and natural heritage while promoting conservation, education and supporting sustainable tourism and cultural awareness (National Museums of Kenya, 2006; UNESCO, 2023).

Public heritage landscapes such as Uhuru Gardens, the site where Kenya's independence was declared in 1963, also serve as important recreational and memorial spaces that preserve cultural landscapes and urban green areas while strengthening national identity and tourism (Government of Kenya, 2022). However, despite their significance, cultural heritage protection is not yet fully integrated into Environmental and Social Risk Management (ESRM) processes within Nairobi City County Government. Rapid urbanization, infrastructure expansion, and increasing land demand continue to place pressure on heritage sites and historic landscapes, creating risks of encroachment and degradation. UNESCO emphasizes that integrating heritage protection into urban planning and development is essential for sustainable urban growth and community resilience.

In Nairobi, challenges such as limited conservation funding and fragmented integration of heritage considerations in planning and environmental assessments continue to constrain effective management, highlighting the need to strengthen the integration of cultural heritage protection within the county's ESRM framework to safeguard cultural assets, support sustainable tourism, and enhance environmental sustainability and social well-being.

2.4.3 Socioeconomic Vulnerabilities.

Nairobi's Informal employment accounts for approximately 83.8% of non-agricultural employment in Kenya, with many residents in Nairobi's informal settlements relying on low-income activities in the informal economy (Kenya National Bureau of Statistics, Economic Survey 2025). Youth unemployment remains particularly high, and many young people earning between KSh 6,000 and KSh 9,000 per month in informal sector jobs.

These vulnerabilities disproportionately affect a wide range of groups, including the elderly who often lack regular income, face declining health and depend on strained family support. Persons with disabilities encounter physical, attitudinal and economic barriers to employment and services while orphans and vulnerable children (OVCs) and child-headed households experience heightened risks of exploitation, school dropout, malnutrition and

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limited access to healthcare and protection. Street families who live with extreme marginalization and social exclusion as well as immigrants, refugees and asylum seekers who face additional legal, linguistic, documentation and integration challenges in accessing services and livelihoods. Women and girls across these groups face compounded vulnerabilities, including limited access to economic opportunities and increased exposure to gender-based violence during forced evictions or disaster events.

This diverse and intersecting vulnerability profile necessitates the integration of comprehensive social risk screening, vulnerability mapping, and targeted mitigation measures into the County's ESRM framework. Such measures will ensure that development interventions are not only environmentally sound but also socially inclusive and equitable, preventing the further marginalization of already vulnerable populations.

2.4.4 Public Health and Safety Risks

Nairobi City County faces significant public health and safety risks driven by rapid urbanization, high population density, poor sanitation and pollution. Approximately 56% of households in informal settlements lack improved sanitation (KNBS, 2023), raising the risk of cholera and other water-borne diseases. Poor air quality, caused by vehicle emissions, open waste burning, and industrial activity, further worsens respiratory and cardiovascular health outcomes. Public safety risks are also notable, with Nairobi accounting for around 22% of national road accident injuries (KNBS Economic Survey, 2024).

Rapid construction contributes to dangers such as structural collapses and falling debris, while unsafe waste handling exposes workers and communities to injuries and hazardous materials. These challenges highlight the need for robust environmental and social (E&S) risk management frameworks. Environmentally, pollution control, improved waste management, and expanded access to sanitation are critical to reducing disease burdens. Socially, enforcing occupational health and safety standards, integrating risk considerations into urban planning, and strengthening road safety measures can mitigate accidents and protect vulnerable populations. Embedding E&S risk management into Nairobi's development agenda ensures that economic growth is balanced with sustainability, resilience, and improved health outcomes for communities.

2.4.5 Labour Risks

Labour risks in Nairobi County are pronounced due to widespread informal employment, weak safety enforcement, and limited access to protective equipment. Over 80% of the workforce operates in the informal sector (KNBS, 2024), where workers often face unsafe

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conditions, toxic exposure, and unstable work arrangements. Youth unemployment remains high at 27% (KNBS, 2023), increasing vulnerability to exploitation, while child labour persists in low-income areas, with children engaged in domestic service, street vending, waste picking, and small workshops (KNBS, 2023 Labour Force Data). These practices expose children to hazardous environments and long-term harm.

This labour challenges highlight the need for stronger safeguards and compliance mechanisms. Environmentally, unsafe waste handling and toxic exposure highlight the importance of stricter occupational health and safety (OHS) standards, improved waste management, and better monitoring of hazardous materials.

Socially, targeted interventions to eliminate child labour, expand youth employment opportunities, and strengthen labour protections are essential to reducing exploitation and inequality. Embedding E&S frameworks into labour governance ensures that Nairobi's economic growth is not achieved at the expense of worker welfare, but instead promotes sustainable development, resilience, and improved social outcomes for vulnerable populations.

2.5 Environmental and Social Risks Associated with Development Projects

Infrastructure investments undertaken within Nairobi City County generate a range of environmental and social risks throughout the project lifecycle. When Environmental and Social Risk Management (ESRM) safeguards are inconsistently applied, these risks can offset the intended benefits of urban modernization and economic growth.

Construction activities frequently produce dust emissions, noise and vibration, construction waste, and temporary soil and water contamination. Infrastructure development can also lead to disruption of ecosystems, fragmentation of green corridors and increased flood risks when drainage systems are poorly designed or riparian reserves are encroached upon. Social risks typically include involuntary land acquisition and resettlement, disruption of community livelihoods, occupational safety and health hazards, limited public participation, and potential damage to cultural heritage sites or public open spaces.

These challenges cut across both publicly led and privately financed projects. High-profile cases in recent years have attracted public scrutiny and legal challenges, with allegations of forced evictions, inadequate compensation, insufficient consultation with affected communities, and inadequate grievance redress mechanisms. For example, the recent enforcement actions under the Nairobi River Regeneration Programme and associated riparian-zone restoration works (2024–2026) have displaced thousands of households in

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informal settlements along the Nairobi, Ngong, and Mathare rivers, often without structured resettlement plans or full livelihood restoration support.

Private investments, especially through public-private partnerships (PPPs), have accelerated infrastructure delivery in Nairobi. The Nairobi Expressway, a $668 million PPP completed in 2022, illustrates how private capital can mobilize resources for large-scale projects (Afri Fund Capital, 2025). However, private sector involvement also shifts risk allocation, making environmental and social risk management (ESRM) essential to ensure that investors uphold safeguards and remain accountable for impacts.

These underscores that systematic ESRM integration including rigorous screening, stakeholder consultation, resettlement planning in line with national and international standards as well as ongoing monitoring large-scale infrastructure and real estate investments risk exacerbating environmental degradation, social inequality, and community conflict. Strengthening the County's ESRM framework is therefore essential to ensure that both public and private development contributes to inclusive, sustainable, and resilient urban growth.

2.6 Institutional and Governance Context

Environmental and social risk governance in Nairobi City County operates within a multi-tiered institutional framework involving both County and National Government institutions. At the County level several departments play critical roles in project planning, implementation, and oversight. The departments are also responsible for land-use planning, development approvals, environmental compliance, infrastructure delivery, and day-to-day service provision.

National oversight is primarily exercised by the National Environment Management Authority (NEMA) under the Environmental Management and Coordination Act (EMCA Cap 387). Other key national institutions include the National Land Commission (NLC), Kenya Urban Roads Authority (KURA), Water Resources Authority (WRA), and the Ministry of Transport and Infrastructure. While the legal frameworks provide a clear basis for environmental protection and project regulation, effective liaison and coordination between the Nairobi City County Government and these national MDAs is essential. However, overlapping mandates, differing priorities, and occasional delays in approval processes can hinder seamless collaboration.

The enactment of the Nairobi City County Climate Change Act, 2024 represents a significant step toward strengthening climate governance. The Act establishes a County Climate Change Steering Committee, a County Climate Change Planning Committee, Sub-County

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Planning Sub-Committees, and a dedicated County Climate Change Fund to support mitigation and adaptation initiatives, while aligning with the national Climate Change Act, 2016.

Despite these institutional arrangements, gaps in capacity persist. Many County departments continue to face limitations in technical expertise, human resources, and integrated systems for comprehensive environmental and social risk assessment, monitoring and enforcement. Data management systems across institutions remain fragmented, limiting evidence-based decision-making.

Strengthening inter-governmental coordination, building institutional capacity and fully mainstreaming environmental and social risk management into the County's project development cycle are therefore critical priorities for ensuring sustainable and inclusive urban development in Nairobi.

2.7 Stakeholder Engagement and Public Participation

Public participation and stakeholder engagement in Nairobi City County are legally anchored in Article 196 and Article 201 of the Constitution of Kenya 2010, the County Governments Act 2012, and the Nairobi City County Public Participation Act. These mechanisms are operationalized primarily through consultations and engagements during the preparation of the County Integrated Development Plans (CIDP), Annual Development Plans and project-specific public forums for infrastructure and urban renewal initiatives. However, barriers in engagement include short notice periods, language barriers, limited use of digital tools and low awareness among residents. As a result, citizen engagement in county planning forums has been estimated at only about 0.18% of the population in recent cycles (Nairobi City County Open Government Partnership Local Action Plan 2025–2027; OGP, 2025). This limited participation reduces project ownership, heightens the risk of community resistance, and undermines the legitimacy of development decisions.

Strengthening stakeholder engagement and accountability systems is therefore essential. This includes institutionalizing accessible grievance redress mechanisms (GRMs) that are known and trusted by communities and workers, adopting digital GRM platforms where appropriate, and ensuring proactive, continuous dialogue throughout the project cycle. Such improvements will reduce conflicts, enhance project sustainability, and ensure that both public infrastructure and private developments deliver inclusive benefits for all Nairobi residents.

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2.8 SWOT Analysis

A SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of the current environmental and social risk management (ESRM) landscape in Nairobi City County provides a strategic foundation for the proposed ESRM Policy. It identifies internal strengths and weaknesses within the County's institutional, environmental, and social context, as well as external opportunities and threats that will influence the Policy's successful development and implementation.

Table 3: SWOT Analysis

Category	Key Issues
Strengths	• Strong constitutional and legal frameworks (Constitution 2010, EMCA, Nairobi City County Climate Change Act 2024) • Significant ecological assets (Nairobi National Park, Karura & Ngong Forests, Nairobi River Basin) • Strategic position as East Africa's economic and diplomatic hub hosting UNON • Growing institutional commitment to E&S and climate governance • Availability of credible E&S data from multiple sources • Mandate to formulate county policies and legislation • Existing technical expertise and partnerships with development actors
Weaknesses	• Fragmented institutional mandates and inter-agency coordination • Absence of a comprehensive integrated ESRM framework • Weak E&S risk screening, monitoring and data management systems • Inadequate public investment management systems • Weak enforcement of land-use planning and development control • Inconsistent stakeholder engagement and grievance redress mechanisms
Opportunities	• Access to global climate finance and sustainable investment instruments • Advances in digital monitoring, GIS and smart city technologies • Ongoing ecosystem restoration initiatives (e.g. Nairobi River regeneration) • High potential for PPPs in material recovery and waste segregation systems • High potential for PPPs in energy, transport and water sectors • Stronger engagement of civil society and development partners • Digital transformation for improved participation and monitoring

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Category	Key Issues
Threats	• Rapid population growth and urbanization (projected >5 million by 2027) • Increasing climate change impacts (flooding, droughts, urban heat) • Continued environmental degradation and loss of green spaces • High levels of air and water pollution • Persistent socio-economic vulnerabilities and informal employment • Land tenure insecurity and resettlement risks • Governance challenges. • Overreliance on national transfers with limited own-source revenue

Establishing a dedicated Environmental and Social Risk Management Policy (ESRMP) is therefore not only necessary but urgent. The Policy will institutionalize systematic E&S risk screening at the earliest stages of project identification and design, strengthen inter-governmental coordination and accountability, build institutional capacity for monitoring and enforcement, and embed meaningful stakeholder engagement and grievance redress throughout the project cycle. The ESRM policy will directly advance the County's ESRM Policy Vision of a sustainable, inclusive and resilient Nairobi.

In this way, the Policy will transform identified risks into opportunities and position Nairobi City County as a regional leader in sustainable urban governance while ensuring that rapid urban development truly benefits current and future generations.

2.9 POLICY, LEGAL AND REGULATORY FRAMEWORK

This chapter outlines the legal, policy, and regulatory framework governing Environmental and Social Risk Management (ESRM) in Kenya. It reviews the constitutional provisions, international laws, national and county legislations. that guide the identification, assessment, mitigation, and monitoring of environmental and social risks associated with development projects.

Kenya's ESRM framework is grounded in constitutional principles, environmental laws, social protection legislation, financial governance laws, and devolved governance structures. Together, these instruments ensure that development initiatives are implemented in a sustainable, inclusive, transparent, and accountable manner.

The legal and regulatory framework relevant to environmental and social risk management can broadly be categorized into the following areas:

i. The Constitution of Kenya
ii. International Laws and Conventions
iii. Environmental Legal Frameworks
iv. Social Laws and Regulations
v. Financial Regulatory Framework
vi. Devolution Laws
vii. Stakeholder Engagement and Disclosure Laws

2.10 The Constitution of Kenya

The Constitution of Kenya provides the overarching legal foundation for integrating environmental and social considerations into public decision-making. The key constitutional provisions include:

a) **Article 10:** Establishes national values and principles of governance, including sustainable development, public participation, transparency, and accountability.
b) **Article 27:** Guarantees equality and freedom from discrimination
c) **Article 28**: guarantees the right to have human dignity respected and protected
d) **Article 29**: Freedom and security of the person.
e) **Article 30:** guarantees freedom slavery, servitude and forced labour.
f) **Article 40**: guarantees protection of right to property
g) **Article 41:** guarantees the right to fair labour practices
h) **Article 42:** Provides every person the right to a clean and healthy environment.
i) **Article 43**: protects the economic and social rights.

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j) **Article 56:** Requires protection of marginalized and vulnerable groups.
k) **Article 69**: Obligates the State to ensure sustainable management of natural resources and public participation in environmental governance.
l) **Article 70:** Provides mechanisms for enforcement of environmental rights through the courts.
m) **Article 201:** Requires openness, accountability, and public participation in public finance management.
n) **The Fourth Schedule** assigns environmental management responsibilities to both national and county governments, including pollution control, environmental planning, and waste management.

These constitutional provisions impose a binding obligation on county governments to uphold and promote national values and principles of governance, including sustainable development, public participation, and transparency in decision-making, as well as in the planning and implementation of county development projects.

They also encapsulate environmental and social rights that must be safeguarded by the County through the Environmental and Social Risk Management (ESRM) Policy. This ensures that all county projects and decisions are planned and implemented in a manner that protects the environment, promotes social equity, and advances sustainable development.

2.11 International Laws and Conventions

Article 2 of the Constitution of Kenya, provides that international treaties and conventions ratified by Kenya form part of the law of the country. These international instruments guide national policies on environmental protection, sustainable development, climate governance, and social safeguards. They include:

a) **United Nations Framework Convention on Climate Change (1992)** establishes a global framework for addressing climate change and obligates countries to assess climate risks, reduce greenhouse gas emissions, and integrate climate considerations into development planning.
b) **Paris Agreement (2015)** strengthens global commitments to climate mitigation, encourages adaptation and climate resilience into development investments and infrastructure planning.

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c) **United Nations Sustainable Development Goals (2015)** promotes sustainable development through environmental protection, social inclusion, and economic growth.

d) Convention on Biological Diversity (1992) promotes conservation of biodiversity, sustainable use of natural resources, and equitable sharing of benefits derived from genetic resources.

e) United Nations Convention to Combat Desertification (1994) promotes sustainable land management and measures to address land degradation and drought. It supports environmental risk management in agricultural and land-based development projects.

f) Basel Convention on Hazardous Wastes (1989) regulates the movement and disposal of hazardous waste and ensures environmentally sound management practices.

g) Stockholm Convention on Persistent Organic Pollutants (2001) requires countries to eliminate or reduce the production and release of harmful chemicals that pose environmental and public health risks.

h) International Labour Organization Conventions promote workers' rights, occupational safety, elimination of child labor, and protection of vulnerable groups.

i) African Regional Instruments such as the **African Charter on Human and Peoples' Rights (1981)** – protects communities' rights to a healthy environment and social equity while the **African Convention on the Conservation of Nature and Natural Resources (1968)** – guides sustainable natural resource management in projects.

j) World Bank and International Finance Corporation (IFC) Standards

International development partners such as the World Bank and the International Finance Corporation influence environmental and social governance through global safeguard frameworks and standards which serve as a benchmark for good international best practice in Environmental and Social Risk Management.

The World Bank Environmental and Social Framework consists of the Bank's vision for sustainable development that outlines its aspirations regarding environmental and social sustainability, the World Bank Environmental and Social Policy for Investment Project Financing and the Environmental and Social Standards.

The **World Bank Environmental and Social Standards (ESSs)** set out the requirements for Borrowers relating to the identification and assessment of

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environmental and social risks and impacts associated with projects. These 10 standards include:

i. Environmental and Social Standard 1: Assessment and Management of Environmental and Social Risks and Impacts;
ii. Environmental and Social Standard 2: Labor and Working Conditions;
iii. Environmental and Social Standard 3: Resource Efficiency and Pollution Prevention and Management;
iv. Environmental and Social Standard 4: Community Health and Safety;
v. Environmental and Social Standard 5: Land Acquisition, Restrictions on Land Use and Involuntary Resettlement;
vi. Environmental and Social Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources;
vii. Environmental and Social Standard 7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities;
viii. Environmental and Social Standard 8: Cultural Heritage;
ix. Environmental and Social Standard 9: Financial Intermediaries; and
x. Environmental and Social Standard 10: Stakeholder Engagement and Information Disclosure.

k) International Finance Corporation Framework

The IFC sets out Performance Standards on Environmental and Social Sustainability, which are a set of eight strategic guidelines for the identification, management and mitigation of environmental and social risks in projects. The 8 standards include:

i. Performance Standard 1: Assessment and Management of Environmental and Social Risks and Impacts
ii. Performance Standard 2: Labor and Working Conditions
iii. Performance Standard 3: Resource Efficiency and Pollution Prevention
iv. Performance Standard 4: Community Health, Safety, and Security
v. Performance Standard 5: Land Acquisition and Involuntary Resettlement
vi. Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources
vii. Performance Standard 7: Indigenous Peoples
viii. Performance Standard 8: Cultural Heritage

l) **World Bank Group Environmental, Health, and Safety (EHS) Guidelines** are technical reference documents that describe Good International Industry Practice

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(GIIP) for managing environmental, occupational health, and community safety risks in projects.

The above international conventions and frameworks provide globally recognized principles and standards for environmental protection, climate action, sustainable development, and social safeguards; therefore, the County's Environmental and Social Risk Management (ESRM) Policy shall ensure that development projects integrate environmental sustainability, climate resilience, and protection of communities in accordance with international best practices.

In particular, the Policy shall incorporate these international standards to ensure that environmental and social risks and impacts are properly identified, assessed, managed, and monitored in all development projects and programmes.

2.12 Environmental Legal Frameworks

Kenya's management of environmental risks and impacts are governed by several national and county laws and policies. The assessment and management of environmental risks are regulated by the following laws and policies at National and County level.

a. National Environmental Legislation and Policies

i. **Environmental Management and Coordination Act (EMCA) Cap. 387** which is the principal environmental legislation in Kenya.

ii. EMCA Regulations

(a) Environmental Impact Assessment and Audit Regulations Legal Notice 101 of 2003
(b) Water Quality Regulations Legal Notice 177 of 2024
(c) Waste Management Regulations Legal Notice 178 of 2024
(d) Air Quality Regulations, Legal Notice 180 of 2024
(e) Noise and Excessive Vibration Regulations, legal Notice 61 of 2009
(f) Strategic and Integrated Environmental Assessments and Environmental Audits, Regulations Legal Notice 71 of 2025
(g) Extended Producer Responsibility Regulations
(h) Access to Biological Resources and Benefit Sharing) Regulations, Legal Notice 68 of 2025
(i) Controlled Substances Regulations, Legal Notice No. 53 of 2025
(j) Wetlands, Riverbanks, Lake Shores and Sea Shore Management Regulations, Legal Notice No. 16 of 2009

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iii. Sustainable Waste Management Act, Cap. 387C

(a) Sustainable Waste Management (extended producer responsibility Regulations, Legal Notice 176 of 2024

iv. Climate Change Act, Cap 387A.

v. Policies

(a) National Climate Change Policy, 2018
(b) National Environmental Policy, 2013

vi. Action Plans

(a) County Environmental Action Plans (CEAPs)
(b) Kenya Green Economy Strategy and Implementation Plan, 2016-2030
(c) Nairobi City County Integrated Development Plan (2023-2027)

b. County Environmental Legislation

i. Nairobi City County Climate Change Management Act, 2023
ii. Nairobi City County Air Quality Act, No. 4 of 2022
iii. Nairobi City County Plastic Control Act, No. 1 of 2016
iv. Nairobi City County Solid Waste Management Act, No. 5 of 2015

The (ESRM) Policy shall align with the existing national and county environmental legal and policy framework to ensure effective identification, assessment, and management of environmental risks in development projects and programs. The policy shall ensure that environmental impact assessments and audits are conducted where applicable, that pollution prevention and waste management measures are integrated into project planning, and that projects adhere to standards relating to air quality, water quality, noise control, and ecosystem protection. It shall also promote climate-responsive planning, sustainable resource use, and continuous environmental monitoring to ensure that development projects and programs activities are implemented in an environmentally responsible and legally compliant manner

2.13 Social Laws and Regulations

Laws and regulations relating to social risk assessment are diverse and can be categorized as follows at both National and County level.

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a) Land Use and Land Acquisition

Land governance plays a central role in managing environmental and social risks associated with development. These laws include:

i. **Physical and Land Use Planning Act, Cap 303**
ii. **Land Act, Cap 280** – Provides procedures for land administration and compulsory acquisition for public purposes while protecting the rights of affected persons.
iii. **Land Laws (Amendment) Act, 2016 –** Harmonizes land legislation with constitutional provisions and strengthens safeguards against unlawful evictions**.**
iv. **National Land Commission Act, Cap 281 –** Establishes the National Land Commission and regulates land acquisition and compensation**.**
v. **Community Land Act, Cap 287 –** Protects communal land rights and promotes community participation in land governance.
vi. **The Matrimonial Property Act Cap. 152**
vii. **The National Land Policy, 2009**

b) Labour and Occupational Health and Safety

i. **The Employment Act Cap 226**
ii. **The Labour Relations Act, Cap 233** regulates employment conditions, workers' rights, and dispute resolution mechanisms.
iii. **The Work Injury Benefits Act, Cap 236** provides compensation mechanisms for workers who suffer occupational injuries or diseases
iv. **Occupational Safety and Health Act, Cap. 236A and its subsidiary legislation** provides standards for workplace safety and health.

c) Gender and Vulnerability

i. The Children Act, Cap. 141 establishes modern social safeguards to protect children from exploitation, harm, and hazardous environments.
ii. The Sexual Offences Act Cap.63A
iii. Protection against domestic violence Cap. 151
iv. Social Assistance Act Cap. 258A
v. Persons with Disabilities Act No. 4 of 2025
vi. Prevention, Protection and Assistance to Internally Displaced Persons and Affected communities Cap. 134A

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vii. The National Cohesion and Integration Act Cap. 7N
viii. National Gender and Equality Commission Act Cap. 7K
ix. The Kenya Social Protection Policy, 2023

d) Public Health

i. Public Health Act, Cap. 242
ii. HIV/AIDS Prevention and Control Act Cap. 246A
iii. Nairobi City County Community Health Services Act, No. 1 of 2019 – Integrates environmental health into community health systems.

e) Cultural Heritage

i. National Museums and Heritage Act., Cap. 216
ii. The Nairobi City County Cultural Heritage Act, 2017

The Environmental and Social Risk Management (ESRM) Policy shall integrate the principles established under Kenya's social legislations to ensure that development projects protect workers, communities, and vulnerable groups. Incorporating these principles into the policy will promote safe working conditions, fair labour practices, employee welfare, and social inclusion, while providing mechanisms for compensation and dispute resolution. This integration will strengthen the management of social risks, ensure legal compliance, and support responsible and inclusive project implementation.

2.14 Financial Regulatory Framework

Public financial governance laws ensure that investment decisions incorporate transparency, accountability, and evidence-based planning.

a) **Public Finance Management Act Cap. 412A** governs budgeting, financial accountability, and monitoring of public expenditure.
b) **Public Finance Management (Public Investment Management) Regulations, 2022** establishes procedures for planning, appraising, and implementing public investment projects.
c) **The Public Procurement and Asset Disposal Act Cap. 412C** regulates procurement processes for public institutions, promoting transparency, fairness, and competitive bidding.

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d) **The PPP ACT** mandates the County to conduct feasibility studies for every proposed public private projects to assess its technical, social, economic, and environmental impact before approval.

The (ESRM) Policy shall align with the public financial governance framework by ensuring that environmental and social risk considerations are integrated into project planning, appraisal, budgeting, procurement, and implementation processes. This alignment will promote transparency, accountability, and evidence-based decision-making in public and private investments, while ensuring that environmental and social risks are properly assessed, managed, and monitored throughout the project cycle in accordance with established financial management and procurement procedures.

2.15 Devolution Laws

Kenya's devolved governance framework assigns key environmental and social management functions to county governments.

a) **County Government Act, Cap. 265** establishes county governance structures and requires public participation in development planning.

b) **Urban Areas and Cities Act Cap 275** regulates urban management and development planning, ensuring sustainable urban growth and environmental protection.

These laws provide a legal and structural foundation for the NCCG Environmental and Social Risk Draft Policy 2026. They mandate the County governments to manage their environment and social welfare while incorporating sustainable urban and county development planning principles. Further, they require county institutions to coordinate and oversee projects in line with governance structures.

2.16 Stakeholder Engagement and Disclosure Laws

Stakeholder engagement is an essential aspect in the management of environmental and social risks. It improves the sustainability of projects, enhances project acceptance, and makes a significant contribution to successful project design and implementation.

a) **The Access to Information Act Cap. 7M** safeguards citizens' right to access information held by public entities, supporting transparency and accountability, which is a key component of social risk management in projects.

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b) **Nairobi City County Public Participation Act, 2015** enable citizens to hold the County Government accountable and to contribute in decision making process.

To align with these legal provisions, the Environmental and Social Risk Management (ESRM) Policy shall require timely disclosure of relevant project information, facilitate meaningful public participation throughout the project cycle, and ensure that stakeholders particularly affected communities and vulnerable groups are consulted during project planning and implementation.

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CHAPTER THREE

3.0 POLICY ISSUES, OBJECTIVES, AND POLICY STATEMENTS

This chapter outlines the key policy issues, objectives, and policy statements that guide the implementation of Environmental and Social Risk Management (ESRM) within the County. The chapter addresses gaps in the identification, assessment, and management of environmental and social risks associated with development programs and development projects.

Fragmented ESRM framework undermines compliance with the Public Finance Management (Public Investment Management) Regulations, 2022 and the County's ability to ensure sustainable and inclusive. As development activities expand, there is an increasing need to systematically identify, assess, mitigate and monitor E&S across the project lifecycle.

The policy issues presented in this chapter establish a comprehensive framework for mainstreaming ESRM throughout the project life cycle. They aim to ensure that all projects within the county are implemented in ways that safeguard the environment, protect communities, promote responsible resource use and align with international, national and county legal and regulatory requirements.

3.1 Policy Issue 1: Environmental and Social Risk Identification and Screening

Effective management of E&S risks begins with early identification and screening during project planning. Currently, the absence of a standardized mechanism for screening projects exposes the County to potential environmental harm, social conflict, and project delays. Establishing a structured E&S risk screening system will enable the County to identify potential risks at the earliest stage, inform project design, and guide appropriate mitigation measures.

Policy Objective: To establish a structured and systematic mechanism for identifying and screening E&S risks associated with all programs and projects in the county.

Policy Statements

a) The County shall establish a standardized Environmental and Social Risk (ESR) screening framework for all programs and projects.
b) All proposed projects shall undergo E&S risk screening at the earliest stage of project planning and design.
c) Sector departments shall submit project concept notes to facilitate preliminary environmental and social risk identification.
d) E&S screening shall determine the potential risks and impacts associated with each project.

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e) Based on the screening results, projects shall be categorized according to their level of E&S risk (Low, Medium, and High).
f) The County shall adopt standardized screening tools, templates, and guidelines to support consistent risk identification.
g) Screening results shall inform project design, mitigation planning and decision-making during project appraisal.
h) E&S risk considerations shall be integrated into county planning, budgeting and project approval processes.

3.2 Policy Issue 2: Project Appraisal

A robust project appraisal process is essential to ensure that proposed development initiatives are technically feasible, financially viable, environmentally and socially sustainable. In the absence of a comprehensive appraisal framework, projects risk being approved without adequate assessment of their potential impacts, costs, and benefits. Strengthening project appraisal mechanisms will support evidence-based decision-making and improve the quality and sustainability of county investments.

Policy Objective: To ensure that all projects undergo a comprehensive appraisal to determine their technical, financial, environmental, and social viability before approval.

Policy Statements

a) The County treasury shall establish a structured project appraisal framework for all development initiatives.
b) All proposed projects shall undergo technical and financial appraisal prior to approval.
c) E&S risks identified during screening shall form part of the appraisal process.
d) Projects classified as medium or high risk shall undergo enhanced economic and social appraisal.
e) Appraisal processes shall assess the feasibility, sustainability, and potential impacts of proposed projects.
f) Project appraisal shall ensure alignment with County development priorities and legal requirements.
g) Only projects that meet the required appraisal standards shall proceed to approval and implementation.

3.3 Policy Issue 3: Environmental and Social Impact Assessment

Development projects may generate significant environmental and social impacts if not carefully assessed and managed. Projects with moderate to high risk require detailed analysis to identify potential impacts and develop appropriate mitigation strategies. Conducting Environmental and Social Impact Assessments ensures that development activities comply with applicable laws, safeguard ecosystems and protect the well-being of

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affected communities. Assessment processes shall identify potential environmental and social impacts associated with project implementation.

Policy Objective: To ensure that projects with medium and high E&S risks undergo comprehensive environmental and social impact assessments in accordance with applicable laws and standards.

Policy Statements

a) Projects classified as medium risk shall undergo Environmental Impact Assessment (EIA).
b) Projects classified as high risk shall undergo Environmental Social Impact Assessment (ESIA).
c) Environmental and social assessments shall be conducted in accordance with county and national environmental laws and regulatory requirements.
d) The findings of environmental and social assessments shall inform project design and mitigation strategies.
e) Environmental and social impact reports shall be submitted to the relevant regulatory/oversight authorities for review and approval.
f) No project requiring E&S approval shall proceed to implementation without obtaining the necessary regulatory clearance.

3.4 Policy Issue 4: Environmental and Social Risk Mitigation

Identifying environmental and social risks alone is insufficient without clear mechanisms for mitigating them. Effective mitigation planning ensures that potential adverse impacts are prevented, minimized, or managed throughout the project lifecycle. Establishing structured mitigation frameworks will enable the County to implement appropriate safeguards and promote sustainable project implementation.

Policy Objective: To ensure that environmental and social risks identified during project planning and appraisal are effectively mitigated.

Policy Statements

a) The County shall require the preparation of E&S Risk Mitigation Plans for all projects.
b) Mitigation plans shall outline measures to prevent, reduce or manage environmental and social impacts.
c) Environmental and social mitigation measures shall be integrated into project design and implementation plans.
d) Approved environmental and Social Risk mitigation Plans shall be embedded in project bid documents during the procurement process.
e) Approved mitigation measures shall form part of the project implementation and operational requirements.

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f) Project implementers shall ensure that mitigation measures are implemented throughout the project lifecycle.
g) Environmental and social mitigation requirements shall be incorporated into procurement and contract documentation.
h) Contractors and implementing agencies shall comply with all approved environmental and social mitigation measures.

3.5 Policy Issue 5: Contract Management

Environmental and social safeguards shall be integrated into procurement and contract management processes to ensure compliance during project implementation. Without clear contractual obligations, contractors and implementing agencies may overlook environmental and social requirements. Embedding ESRM obligations into contracts strengthens accountability and ensures that mitigation measures are implemented effectively.

Policy Objective: To ensure that environmental and social risk management obligations are effectively integrated into procurement and contract management processes.

Policy Statements

a) The County shall integrate E&S safeguard requirements into procurement and contracting processes.
b) E&S obligations shall be incorporated into all relevant project contracts.
c) Contractors shall be required to comply with E&S risk management requirements during project implementation.
d) The contracting authority shall develop ESR compliance KPIs during contract implementation (Sector Project Implementation Team)
e) Contract management processes shall include monitoring of environmental and social compliance.
f) Non-compliance with E&S obligations shall attract appropriate contractual remedies.
g) The County shall maintain documentation and reporting systems to track contractor compliance with ESR requirements.

3.6 Policy Issue 6: Governance and Institutional Arrangements

Effective environmental and social risk management requires clear governance structures and well-defined institutional responsibilities. Currently, coordination challenges and unclear roles hinder effective oversight of project implementation. Establishing structured governance mechanisms will strengthen accountability, coordination, and oversight of environmental and social risk management across county departments.

Policy Objective: To establish clear governance structures and institutional responsibilities for ESRM. *All private projects require statutory approval.

Policy Statements

a) The County shall identify and establish institutional structures to oversee environmental and social risk management in county projects.
b) Each project shall have a designated Project Implementation Committee responsible for oversight.
c) The Accounting Officer shall appoint members of the Project Implementation Committee.
d) Membership of the committee shall include relevant technical expertise necessary for project implementation.
e) The County shall maintain a centralized pipeline of approved and appraised projects.
f) Only projects included in the approved pipeline shall be considered for implementation and financing.

3.7 Policy Issue 7: Workforce Conditions and Labour Relations

County projects involve a diverse workforce that must be protected through fair labour practices, safe working conditions, and compliance with national labour laws. Weak labour protections can expose workers to unsafe conditions, exploitation, and disputes. Promoting responsible labour practices will enhance worker welfare, improve productivity, and ensure compliance with labour and occupational safety standards.

Policy Objective

To ensure fair labour practices, safe and healthy working conditions, and protection of workers involved in projects in accordance with applicable labour laws and occupational safety standards.

Policy Statements

a) The County shall ensure that all workers engaged in projects are treated in accordance with applicable labour laws and regulations.
b) Contractors, subcontractors, and implementing agencies shall comply with national labour laws, occupational safety and health regulations, and other applicable employment standards.
c) The County shall promote fair, transparent, and non-discriminatory employment practices in all County-funded projects.
d) Contracting entity shall provide workers with safe and healthy working conditions in accordance with occupational safety and health standards.
e) Contractors and implementing agencies shall implement appropriate occupational health and safety measures to prevent workplace accidents and injuries.
f) All workers shall be provided with appropriate training and awareness on workplace health and safety requirements.

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g) Child labour, forced labour, and any form of exploitation shall be strictly prohibited in all projects.
h) Contractors shall ensure that workers have access to appropriate personal protective equipment where required.
i) Workers shall have access to accessible and transparent grievance redress mechanisms to address labour-related complaints and disputes.
j) The County shall promote continuous improvement in labour practices and workplace safety in projects.

3.8 Policy Issue 8: Resource Utilization and Pollution Prevention

Development activities can lead to excessive resource consumption and environmental pollution if not properly managed. Efficient use of natural resources and adoption of environmentally sustainable practices are essential to ensure long-term environmental sustainability. Promoting responsible resource utilization and pollution prevention will reduce environmental degradation and support sustainable development.

Policy Objective: To promote efficient utilization of natural resources and prevent or minimize pollution arising from projects.

Policy Statements

a) The County shall promote sustainable and efficient utilization of natural resources in all projects.
b) Environmental considerations shall be integrated into project planning and design to minimize resource consumption.
c) Sector departments shall ensure that project designs incorporate measures for efficient use of water, energy, land, and raw materials.
d) All programs and projects in the county shall adopt environmentally sustainable technologies and practices where feasible.
e) Measures shall be implemented to prevent, reduce, and control pollution arising from County development activities.
f) Contractors and implementing agencies shall adopt appropriate waste management practices during project life cycle.
g) Hazardous and non-hazardous waste generated during project activities shall be handled, stored, transported, and disposed of in accordance with applicable laws and regulations.
h) The County shall promote waste reduction, reuse, and recycling practices in project life cycle.
i) Continuous improvement in environmental performance shall be encouraged through the adoption of cleaner production practices and sustainable resource management approaches.

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3.9 Policy Issue 9: Community Health and Safety

Development projects may expose surrounding communities to safety hazards, environmental risks, and public health concerns. Without appropriate safeguards, project activities can adversely affect the well-being of nearby residents. Ensuring that community health and safety considerations are integrated into project planning and implementation is critical for protecting the public and maintaining community trust.

Policy Objective: To protect the health, safety, and well-being of communities potentially affected by projects and activities within the county.

Policy Statements

a) The County shall ensure that community health and safety considerations are integrated into the planning and implementation of all projects.
b) E&A risk assessments shall identify potential risks to community health and safety.
c) Project designs shall incorporate measures to prevent or minimize risks to surrounding communities.
d) Contractors and implementing agencies shall implement appropriate safety measures to protect the public during project life cycle.
e) Adequate signage, barriers, and safety controls shall be installed at project sites where necessary.
f) The County shall ensure that project activities do not expose communities to unnecessary environmental, health, or safety hazards.
g) Emergency preparedness and response measures shall be established for projects that may pose significant risks to communities.
h) Communities shall be informed of potential risks associated with project activities and the measures in place to mitigate them.

3.10 Policy Issue 10: Land Acquisition, Use, and Resettlement

Some development projects require land acquisition, which may result in the displacement of individuals or communities. If not managed properly, land acquisition processes can lead to disputes, livelihood loss, and social disruption. Establishing fair, transparent, and legally compliant procedures will ensure that land acquisition and resettlement processes respect the rights of affected persons and minimize adverse impacts.

Policy Objective: To ensure that land acquisition and resettlement processes associated with projects within the county are conducted in a fair, transparent, and legally compliant manner while minimizing adverse social impacts.

Policy Statements

a) The County shall ensure that land acquisition for all projects complies with the Constitution of Kenya and applicable land laws and regulations.

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b) County project planning shall prioritize the use of available public land to minimize the displacement of individuals and communities.
c) Involuntary resettlement shall be avoided wherever feasible and minimized where unavoidable.
d) Where land acquisition is necessary, it shall be undertaken in a transparent and legally compliant manner.
e) Affected persons shall be identified and consulted during project planning and land acquisition processes.
f) Persons affected by land acquisition shall receive fair, prompt, and adequate compensation in accordance with applicable laws and regulations.
g) Resettlement planning shall consider the restoration of livelihoods and living standards of affected persons.
h) The County shall ensure that vulnerable groups are adequately protected during land acquisition and resettlement processes.
i) Appropriate grievance redress mechanisms shall be established to address land-related complaints and disputes.
j) Sector departments shall monitor implementation of land acquisition and resettlement measures to ensure compliance with legal and policy requirements.

3.11 Policy Issue 11: Urban Nature and Biodiversity Conservation

Rapid urbanization and infrastructure development can threaten biodiversity, natural habitats, and ecological systems within the County. Protecting urban ecosystems and promoting sustainable management of natural resources is essential for maintaining environmental balance and enhancing urban resilience. Integrating biodiversity conservation into development planning will help safeguard ecological assets for present and future generations.

Policy Objective: To promote the conservation of biodiversity, protection of urban ecosystems, and sustainable management of natural resources within the County.

Policy Statements

a) The County shall promote the conservation of biodiversity and protection of urban ecosystems in all development initiatives.
b) Environmental and social considerations shall be integrated into the project planning processes to protect natural habitats and ecological systems.
c) All projects done within the county shall avoid or minimize adverse impacts on biodiversity and sensitive ecosystems.
d) Environmental and social assessments shall identify potential impacts on biodiversity and natural resources.
e) Mitigation measures shall be implemented to prevent or minimize ecological degradation arising from development activities.
f) The County shall promote sustainable management and utilization of natural resources within its jurisdiction.

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g) Development initiatives shall incorporate measures to restore or rehabilitate degraded ecosystems where necessary.
h) The County shall promote urban greening initiatives, including tree planting and protection of green spaces.
i) Collaboration with relevant national agencies and stakeholders shall be encouraged to support biodiversity conservation efforts.

3.12 Policy Issue 12: Stakeholder Engagement and Grievance Redress

Inclusive stakeholder participation strengthens transparency, accountability, and public trust in development initiatives. Inadequate consultation can lead to community resistance, project delays, and unresolved grievances. Establishing structured stakeholder engagement and grievance redress mechanisms ensures that affected stakeholders have opportunities to participate in decision-making and raise concerns.

Policy Objective: To ensure inclusive stakeholder participation in all projects and establish effective mechanisms for addressing grievances.

Policy Statements

a) The County shall promote inclusive and meaningful stakeholder engagement throughout the project lifecycle.
b) Stakeholders shall be identified and mapped during project planning stages.
c) Relevant stakeholders shall be consulted during project design, appraisal, implementation, and evaluation.
d) Information regarding projects shall be shared with stakeholders in a timely and transparent manner.
e) The County shall establish accessible and transparent grievance redress mechanisms with timelines for stakeholders affected by projects.
f) Grievances shall be documented, reviewed, and addressed promptly.
g) Stakeholders shall be informed of available grievance redress procedures and channels.
h) Project implementers shall ensure that grievance redress mechanisms are functional and responsive.
i) Lessons learned from stakeholder engagement and grievance management shall inform improvements in project implementation.

3.13 Policy Issue 13: Preservation of Historic Sites and Cultural Heritage

Projects within the county may intersect with historic sites, monuments, and cultural heritage resources that hold national and community significance. Failure to safeguard these resources can result in irreversible cultural loss. Protecting cultural heritage through appropriate planning, assessment, and mitigation measures ensures that development respects and preserves historical and cultural assets.

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Policy Objective: To safeguard gazetted historic sites, monuments, and cultural heritage resources that may be affected by the projects within the county.

Policy Statements

a) The County Government shall promote the protection and preservation of historic sites, National monuments, and cultural heritage resources.
b) Project planning processes shall identify any cultural heritage resources that may be affected by proposed development activities.
c) Projects shall avoid or minimize adverse impacts on historic sites and monuments of national heritage.
d) Environmental and social assessments shall include consideration of cultural heritage impacts where relevant.
e) Appropriate mitigation measures shall be implemented where project activities may affect heritage resources.
f) Contractors and project implementers shall comply with heritage protection requirements during project implementation.
g) Chance-find procedures shall be established to guide actions in the event that cultural heritage artifacts are discovered during project activities.
h) Relevant national heritage authorities shall be notified in the event of any discovery of cultural or historical artifacts.

3.14 Policy Issue 14: Ex-Post Evaluation

Learning from completed projects is essential for improving future policy and project implementation. Without systematic evaluation, valuable lessons on environmental and social performance may be lost. Conducting ex-post evaluations allows the County to assess the effectiveness of implemented safeguards and incorporate lessons learned into future planning and decision-making.

Policy Objective: To assess the environmental and social performance of completed projects and incorporate lessons learned into future planning and policy development.

Policy Statements

a) The County Public Investment Management unit shall conduct ex-post evaluations of completed projects to assess their environmental and social outcomes.
b) Ex-post evaluations shall determine the effectiveness of E&A risk mitigation measures implemented during project execution.
c) Evaluations shall assess whether projects achieved their intended environmental and social objectives.
d) Lessons learned from ex-post evaluations shall inform future project design, planning, and implementation.
e) Evaluation findings shall be documented and disseminated to relevant County departments and stakeholders.

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f) The County shall integrate evaluation results into its knowledge management and continuous improvement processes.

3.15 Policy Issue 15: Compliance & Enforcement

Effective environmental and social risk management depends not only on strong policies, but on consistent compliance and credible enforcement. Without clear standards, monitoring systems, and consequences for non-compliance, even well-designed interventions can result in environmental harm, social conflict, project delays, and financial loss.

In Nairobi City County, compliance and enforcement remain constrained by fragmented systems, limited monitoring capacity, and weak coordination across implementing and regulatory institutions. This Policy addresses these gaps by establishing a structured, technology-enabled, and accountable compliance and enforcement framework.

The framework promotes proactive compliance, strengthens oversight, and ensures that all program and projects adhere to established environmental and social standards throughout their lifecycle.

Policy Objective: To ensure that programs and projects adhere to standards designed to protect the environment and affected communities.

Policy Statements

a) Every program and project shall establish a framework for ensuring environmental and social risk compliance
b) Develop standards to help programs and projects ensure compliance with institutional responsibilities for environmental and social risk management.
c) Develop understand their requirements through training, technical assistance, and guidance. This often includes providing financial or regulatory incentives for good performance.
d) Develop a Compliance Monitoring System to include tools for Self-Monitoring and Reporting
e) Conduct Inspections and Audits in conjunction with regulatory agencies or third-party auditors to enhance compliance.
f) Adopt remotely digitally driven Oversight through adoptive and innovative technology to monitor air, water, and waste.
g) Develop actions and administrative sanctions including civil and criminal prosecution for noncompliance and corrective Enforcement
h) Develop and enforcement and compliance management system to monitor enforcement and compliance
i) Conduct an Environmental and Social Due Diligence (ESDD) analysis before approving a transaction to identify potential liabilities

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j) Incorporate environmental and social risk corrective plans in program and project Contracts

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CHAPTER FOUR

4.0 IMPLEMENTATION FRAMEWORK

This framework focuses on governance structure, institutional roles, coordination mechanisms and accountability to ensure effective implementation of the Environment and Risk Management Policy within Nairobi City County.

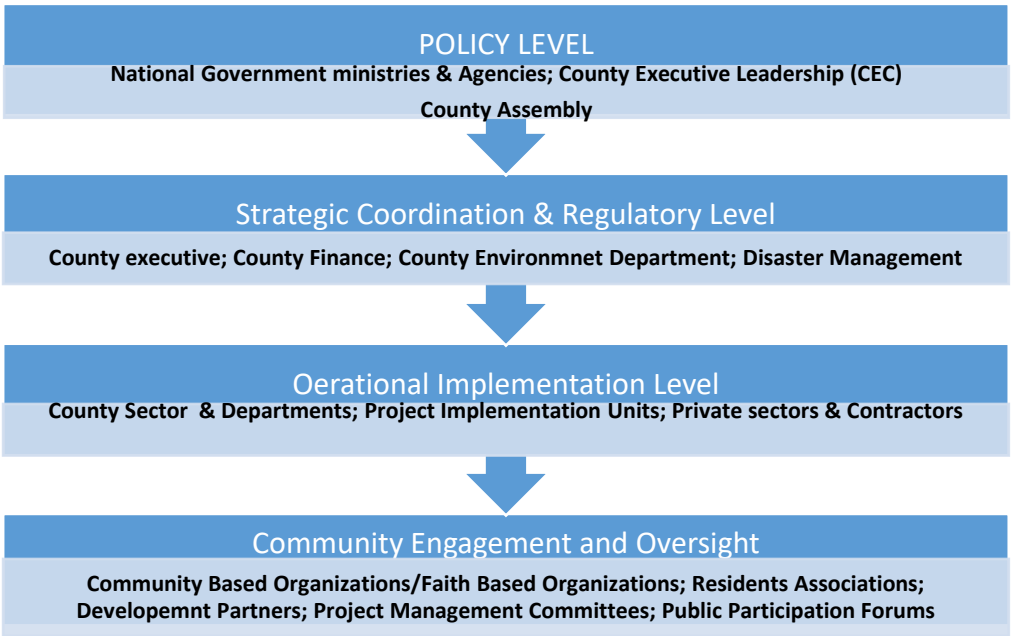
The framework aims to:

a) Promote environmental sustainability and climate resilience
b) Strengthen risk prevention, preparedness, and response systems
c) Improve coordination among county departments, national institutions and external stakeholders.
d) Ensure community participation and accountability

4.1 Institutional Arrangement for Service Delivery

The County will adopt a multi-tiered management framework to ensure effective Co-ordination across all levels.

Figure 1: Institutional Arrangement for Service Delivery



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4.2 Institution-based actors and roles

These institutions provide the overall governance, coordination, and sector leadership for environmental and social risk management.

4.2.1 National Government Actors

National Government Actor	Roles and Responsibilities
National Environment Management Authority (NEMA)	Provide overall regulatory oversight for environmental management in accordance with national environmental laws and regulations; review, approve, and monitor Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and Environmental Audits; enforce compliance with environmental standards and pollution control measures; issue environmental licenses and permits; conduct inspections and environmental monitoring; provide technical guidance to county governments and project implementers on environmental safeguards.
National Disaster Operations Centre (NDOC)	Coordinate national disaster preparedness, response, and recovery efforts; support early warning systems for natural hazards such as floods, droughts, and landslides; facilitate coordination between national and county disaster management agencies; provide technical guidance on disaster risk reduction and emergency response planning within development projects.
Kenya Meteorological Department	Provide climate and weather forecasting services; supply meteorological data to inform environmental and social risk assessments; support climate risk analysis and adaptation planning; strengthen early warning systems and climate resilience strategies within infrastructure and development projects.
Ministry of Health (MOH)	Establish and enforce public health standards related to environmental health, sanitation, and occupational safety; monitor health risks associated with environmental pollution, waste management, and infrastructure development; provide guidance on health impact assessments; ensure that projects comply with national public health regulations.
National Rivers Commission	Regulate activities affecting rivers, riparian reserves, and water catchment areas; protect water ecosystems and promote sustainable management of river corridors; ensure projects comply with regulations on water resource protection and riparian land use; support monitoring of water quality and river ecosystem health.

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National Government Actor	Roles and Responsibilities
Kenya Forest Service (KFS)	Protect and manage forest ecosystems and biodiversity resources; regulate activities affecting forest areas and protected ecosystems; provide guidance on forest conservation and restoration; support sustainable land use planning and environmental protection in projects affecting forest landscapes.
Climate Change Directorate	Provide national policy guidance on climate change mitigation and adaptation; support integration of climate change considerations into development planning and project design; coordinate climate change reporting and compliance with national and international climate commitments; support climate risk assessments and resilience planning.
Kenya National Highways Authority (KeNHA)	Plan, design, and implement national highway infrastructure while ensuring compliance with environmental and social safeguards; conduct environmental and social assessments for road projects; implement mitigation measures to minimize environmental degradation and social displacement
Kenya Rural Roads Authority (KeRRA)	Develop and maintain rural road infrastructure in accordance with environmental and social safeguard requirements; ensure that road projects minimize environmental degradation and protect community interests; incorporate climate resilience and environmental sustainability in rural infrastructure development.
Kenya Urban Roads Authority (KURA)	Manage urban road infrastructure development while ensuring compliance with environmental and social safeguards; integrate environmental protection measures and social risk mitigation strategies in urban infrastructure projects.
Ministry of Lands and Physical Planning	Provide oversight on land administration and spatial planning; regulate land acquisition processes; ensure lawful land tenure arrangements and fair compensation where land is acquired for development projects; support spatial planning that integrates environmental sustainability and social inclusion.
Other National Regulatory Agencies	Provide sector-specific regulatory oversight in areas such as water resources, infrastructure, public health, and natural resource management; support compliance with national development policies and environmental laws; collaborate with county governments in enforcing environmental and social safeguards.

Table 4: National Government Actors and their Roles

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4.2.2 County Government Actors

County Government Actor	Roles and Responsibilities
Nairobi City County Executive	Provide strategic leadership and policy direction for environmental and social risk management within the county; ensure integration of environmental and social safeguards into county development policies, plans, and programs; allocate resources for environmental protection and sustainable development initiatives.
County Assembly	Oversight and legislation; approval of resource allocation towards environmental and socially sustainable projects
Green Nairobi Subsector / Environment Department	Lead environmental management and sustainability initiatives at the county level; coordinate environmental conservation programs, pollution control measures, and urban greening initiatives; monitor environmental compliance in county projects; promote climate resilience and sustainable resource management.
County Treasury	Coordinate development of frameworks, tools and template for environmental and risk management; build and strengthen the capacity of county government and its entities on the implementation of the policy
Economic Planning Department (Public Investment Management Unit – PIM)	Integrate environmental and social risk management into project identification, appraisal, prioritization, and approval processes; ensure that development projects undergo appropriate environmental and social risk assessments before funding allocation; coordinate monitoring of county development projects.
Sectoral Project Committees	Review concept notes, pre-feasibility and feasibility studies; Identify potential project risks and propose mitigation measures
Project Management Committees	Represent community in project implementation to ensure mitigation of environmental and social risks; map out most likely grievances for resolution through GRM
Built Environment Sector (Urban Planning, Lands, Housing)	Ensure sustainable urban development through integrated spatial planning and land use regulation; incorporate environmental and social considerations into infrastructure development; regulate building approvals and ensure adherence to urban planning standards and environmental safeguards.
County Health Department	Monitor and manage public health risks associated with development activities; enforce sanitation and environmental health standards; conduct inspections to ensure compliance with occupational health and

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County Government Actor	Roles and Responsibilities
	safety requirements; provide guidance on health risk mitigation in projects.
Donor Coordination Unit	Facilitate collaboration between the county government and development partners; mobilize financial and technical support for environmental and social sustainability initiatives; ensure alignment of donor-funded projects with county environmental and social safeguard frameworks.
Resource Allocation Panel	Review and prioritize development projects for funding and implementation; ensure that environmental and social risks are adequately assessed and mitigated before project approval; promote transparency and accountability in project selection processes.
County Sector Departments	Implement development projects in accordance with environmental and social safeguard requirements; integrate risk mitigation measures into project design and implementation; ensure compliance with regulatory requirements throughout the project lifecycle.
County Monitoring and Evaluation Units	Monitor implementation of environmental and social safeguards across county programs and projects; track performance indicators related to environmental sustainability and social inclusion; produce monitoring reports to inform decision-making and accountability processes.
County Public Participation Department	Facilitate citizen engagement and stakeholder consultations during project planning and implementation; ensure communities are informed and involved in decision-making processes; collect and address community concerns regarding environmental and social impacts of projects.

Table 5: County Government Actors and their Roles

4.2.3 Non-State Actors

Non-State Actor Category	Examples of Actors	Enhanced Roles and Responsibilities
Civil Society Organizations (CSOs) and NGOs	Environmental NGOs, governance organizations, advocacy groups	Promote environmental protection and social accountability; facilitate community awareness on environmental and social safeguards; monitor project impacts and advocate for compliance with environmental standards; support transparency and citizen engagement.

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Community-Based Organizations (CBOs)	Resident associations, youth groups, women groups, local community associations	Provide local knowledge on environmental and social risks; mobilize communities for public participation processes; assist in identifying potential impacts of projects; participate in community-based monitoring and reporting of project impacts.
Private Sector and Contractors	Construction firms, infrastructure developers, service providers	Implement projects in compliance with environmental and social safeguard requirements; adhere to occupational health and safety standards; adopt environmentally responsible practices including waste management, pollution control, and sustainable resource use.
Academic and Research Institutions	Universities, policy research institutes, think tanks	Conduct research and evidence-based studies on environmental sustainability and social impacts; provide technical expertise in environmental and social risk assessments; support development of innovative solutions and technologies for sustainable development.
Development Partners and Donor Agencies	Bilateral donors, multilateral institutions, international NGOs	Provide financial resources, technical expertise, and capacity-building support; promote adoption of international environmental and social safeguard standards; support monitoring and evaluation of development projects.
Professional Bodies and Technical Associations	Engineers' associations, planners' associations, environmental professionals	Provide professional standards and technical expertise; support development of guidelines and best practices in environmental and social risk management; ensure professional accountability in project design and implementation.
Private Financial Institutions	Commercial banks, development finance institutions, investment firms	Integrate environmental and social risk considerations into financing decisions; require compliance with environmental and social safeguards for financed projects; promote responsible and sustainable investment practices.

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Media Organizations	Print, broadcast, and digital media	Promote transparency and public awareness on environmental and social issues; disseminate information on project activities and environmental impacts; enhance public accountability through investigative reporting and information sharing.

Table 6: Non-State Actors and their Roles

4.3 Environmental and Social Risk Actors

The Environmental and Social Risk Management (ESRM) framework is supported by institutions responsible for establishing normative standards, regulatory oversight, and technical guidance for environmental protection and social safeguards. These actors operate primarily at the policy and regulatory levels and ensure that development activities align with national environmental laws, climate change strategies, public health standards, and natural resource management principles.

At the national level, regulatory institutions provide the legal and technical foundation for environmental governance by issuing guidelines, conducting environmental approvals, and monitoring compliance with environmental legislation. These institutions also support county governments by offering technical expertise, environmental data, and guidance on environmental risk mitigation measures.

At the county level, relevant departments translate national regulatory frameworks into local implementation mechanisms. They integrate environmental sustainability into county planning processes, monitor local environmental conditions, and ensure that county-led projects adhere to environmental and social safeguard standards.

Together, these actors perform several core functions within the ESRM framework:

a) **Policy and regulatory guidance:** Establishing environmental standards and safeguard requirements applicable to development projects.
b) **Risk identification and assessment:** Supporting environmental and social impact assessments and environmental audits.
c) **Technical advisory support:** Providing expertise on climate change adaptation, ecosystem protection, and environmental management.
d) **Data and knowledge management:** Generating environmental monitoring data to inform risk mitigation strategies.
e) **Intergovernmental coordination:** Ensuring alignment between national environmental policies and county development initiatives.

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4.4 Project Planning and Implementation Level Actors

Environmental and social risk management is operationalized at the project planning and implementation level, where development initiatives are conceived, designed, financed, and executed.

Actors at this level play a critical role in translating environmental and social safeguards into practical project actions. Their responsibilities begin at the earliest stages of project identification and extend throughout implementation and completion.

Key responsibilities at this level include:

a) Project Screening and Risk Identification

Before projects are approved, implementing departments must undertake preliminary environmental and social risk screening to determine the potential impacts of the proposed intervention. This process helps identify whether detailed environmental or social assessments are required.

b) Integration of Safeguards in Project Design

Environmental sustainability, climate resilience, social inclusion, and public health considerations must be incorporated into project design. This includes integrating mitigation measures, environmental management plans, occupational safety measures, and social protection strategies into project plans.

c) Implementation of Safeguard Measures

During project execution, implementing agencies must ensure that all environmental and social mitigation measures are adhered to. Contractors and service providers must comply with environmental standards, occupational health and safety regulations, and community protection measures.

d) Coordination with Regulatory Agencies

Project implementers must maintain regular communication with regulatory institutions to ensure that necessary approvals, licenses, and compliance requirements are met throughout the project lifecycle.

e) Documentation and Reporting

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Implementing agencies must maintain records of environmental and social risk mitigation actions and submit periodic compliance reports to relevant oversight bodies.

Through these measures, project-level actors ensure that environmental and social safeguards are embedded within day-to-day development operations.

4.5 Compliance and Enforcement Actors

Compliance and enforcement functions ensure that environmental and social safeguard commitments made during project planning are fully respected during implementation.

These actors serve as the accountability arm of the ESRM framework, ensuring that development activities adhere to legal requirements, regulatory standards, and approved safeguard plans.

Their responsibilities extend beyond simple regulatory oversight and include a combination of monitoring, enforcement, and corrective action.

Primary enforcement activities include:

a) **Regulatory inspections:** Conducting routine and targeted inspections of development projects to verify compliance with environmental and social requirements.
b) **Environmental audits:** Reviewing environmental performance and assessing adherence to environmental management plans.
c) **Compliance verification:** Confirming that required licenses, permits, and approvals are in place before and during project implementation.
d) **Incident investigation:** Investigating environmental violations, pollution incidents, or community complaints related to development projects.
e) **Corrective enforcement measures:** Issuing compliance notices, recommending sanctions, or requiring remedial actions where non-compliance is identified.

4.6 Stakeholder Engagement Actors

Environmental and social risk management relies heavily on the active participation of stakeholders whose livelihoods, environments, and social conditions may be affected by development initiatives.

Stakeholder engagement actors ensure that development processes remain inclusive, participatory, and transparent.

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Engagement typically occurs through multiple platforms, including public consultations, community forums, participatory planning sessions, and collaborative partnerships with civil society organizations.

Key contributions of stakeholder engagement actors include:

a) **Community representation:** Ensuring that the interests and concerns of affected communities are adequately represented during decision-making processes.
b) **Information dissemination:** Communicating project information, environmental risks, and mitigation measures to stakeholders in a clear and accessible manner.
c) **Feedback and dialogue:** Providing platforms through which stakeholders can express concerns, propose solutions, and participate in project monitoring.
d) **Conflict prevention:** Facilitating dialogue between project implementers and communities to prevent disputes arising from environmental or social impacts.
e) **Support for grievance mechanisms:** Assisting communities in accessing formal grievance redress processes where necessary.

4.7 Capacity Development and Technical Support

Successful implementation of the ESRM framework depends on the availability of adequate technical knowledge, institutional capacity, and professional expertise.

Capacity development actors play a supporting role in strengthening the ability of government institutions, project implementers, and community stakeholders to effectively manage environmental and social risks.

Support may take several forms:

a) **Institutional strengthening**: Technical partners and research institutions assist government agencies in improving systems for environmental monitoring, risk assessment, and safeguard enforcement.
b) **Professional training and skills development**: County officials, project managers, and technical staff require continuous training on environmental assessment methodologies, climate risk management, occupational safety standards, and social safeguards.
c) **Knowledge generation and research**: Academic institutions and research organizations contribute to the evidence base for environmental management by conducting studies on environmental trends, climate risks, and social vulnerability.

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d) **Technical advisory services**: Specialized experts may be engaged to conduct environmental assessments, develop mitigation strategies, and design innovative sustainability solutions.

4.8 Resource Planning, Mobilization, and Allocation

Effective environmental and social risk management requires adequate financial and institutional resources. Without dedicated funding and resource planning, safeguard commitments may remain largely aspirational.

Resource mobilization for ESRM implementation should therefore be integrated into broader public financial management and investment planning systems.

Key elements of resource planning include:

a) **Mainstreaming safeguards in project budgets:** Environmental mitigation measures, monitoring activities, and compliance costs should be incorporated into project budgets from the outset.
b) **County budget allocations:** Dedicated funding should be allocated for environmental management, monitoring activities, and sustainability programs.
c) **Leveraging development partner support:** Partnerships with international development partners can provide financial and technical support for environmental initiatives and climate resilience projects.
d) **Accessing climate and environmental financing mechanisms:** Opportunities may exist to access global climate finance facilities and environmental funds for sustainability initiatives.
e) **Promoting private sector participation:** Public-private partnerships and responsible private sector investment can contribute resources and innovative solutions for environmental management.

4.9 Monitoring, Evaluation, Accountability, and Oversight

Monitoring and evaluation serve as the learning and accountability pillar of the ESRM framework.

This function ensures that environmental and social safeguards are not only implemented but also evaluated for effectiveness and improved over time.

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Oversight systems should focus on three main dimensions:

a) Performance Monitoring

Monitoring systems track environmental indicators, compliance with safeguard commitments, and the effectiveness of mitigation measures implemented within development projects.

b) Institutional Accountability

Oversight institutions ensure that public officials, implementing agencies, and contractors remain accountable for environmental and social performance. This includes reviewing compliance reports, conducting audits, and responding to stakeholder concerns.

c) Learning and Continuous Improvement

Monitoring results provide valuable insights that can inform policy adjustments, strengthen institutional practices, and improve future project design. Lessons learned from project implementation should be systematically documented and integrated into future planning processes. Strong monitoring and oversight systems contribute to evidence-based decision-making, transparency, and responsible environmental governance.

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CHAPTER FIVE

5.0 MONITORING AND EVALUATION FRAMEWORK

Monitoring and Evaluation (M&E) shall be a core component of the implementation of the Nairobi City County Environmental and Social Risk Management Policy (ESRMP). The purpose of the M&E framework is to:

a) Provide a structured mechanism for tracking progress, assessing performance, and ensuring accountability in the implementation of environmental and social risk management interventions across the County.
b) Systematically measure the effectiveness, efficiency, and impact of policy interventions aimed at mitigating environmental and social risks associated with development activities.
c) Generate reliable data and evidence to inform decision-making, policy adjustments, and resource allocation within the County Government.
d) Strengthen environmental governance and promote responsible development through continuous monitoring and periodic evaluation.
e) Ensure that county programs and projects comply with established environmental and social safeguards and contribute to sustainable development outcomes.

5.1 Objectives of the Monitoring and Evaluation Framework

The Monitoring and Evaluation Framework shall pursue the following objectives:

a) Track progress in the implementation of the Environmental and Social Risk Management Policy.
b) Assess the effectiveness of environmental and social risk mitigation measures implemented across county programs and projects.
c) Ensure compliance with applicable environmental and social standards and regulatory requirements.
d) Provide timely, reliable, and evidence-based information to support decision-making and policy implementation.
e) Promote transparency and accountability in environmental and social governance.
f) Facilitate learning, adaptive management, and continuous improvement in environmental and social risk management practices within the County.

5.2 Monitoring and Evaluation Approach

The County shall adopt a results-based monitoring and evaluation approach that emphasizes measurable outcomes and impacts arising from the implementation of this Policy.

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Monitoring will focus on tracking progress in implementing policy actions, compliance with environmental and social safeguards, and achievement of defined performance indicators. Evaluation will assess the relevance, effectiveness, efficiency, sustainability, and impact of the policy interventions.

The M&E approach shall incorporate:

a) Routine Monitoring: Continuous tracking of activities, outputs, and compliance with environmental and social standards.
b) Performance Reviews: Periodic assessments of implementation progress against defined indicators and targets.
c) Impact Evaluations: Assessment of long-term environmental and social outcomes associated with policy implementation.
d) Stakeholder Feedback Mechanisms: Inclusion of community and stakeholder perspectives to strengthen accountability and responsiveness.

5.3 Monitoring Indicators and Performance Measurement

The County shall establish a comprehensive set of indicators to measure the performance and impact of environmental and social risk management interventions.

The indicators shall cover but not limited to:

a) Policy implementation indicators – measuring the level of policy integration across county departments.
b) Compliance indicators – tracking adherence to environmental and social regulations.
c) Environmental outcome indicators – measuring improvements in environmental quality.
d) Social safeguard indicators – measuring community wellbeing, inclusion, and protection of vulnerable groups.

Key indicators may include:

Strategic Area	KPI Indicator	Measurement	Data Source
Policy Integration	Percentage of county departments integrating ESRM into planning processes	% of departments	Department plans, CIDP reports
	Number of county policies and strategies screened for environmental and social risks	Number	Policy screening reports
	Proportion of county projects subjected to environmental and social screening	% of projects	Project screening records

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Strategic Area	KPI Indicator	Measurement	Data Source
	Number of environmental and social risk assessments conducted for county programs	Number	Risk assessment reports
Environmental Compliance	Percentage of projects complying with environmental licensing requirements	% of projects	Compliance audits
	Number of Environmental Impact Assessments conducted	Number	EIA reports
	Number of environmental audits undertaken	Number	Audit reports
	Rate of compliance with environmental management plans	% compliance	ESMP monitoring reports
Environmental Performance	Reduction in environmental incidents associated with county projects	% reduction	Incident reports
	Percentage of county projects implementing waste management measures	% projects	Project monitoring reports
	Improvement in waste collection and management performance	% improvement	Waste management reports
	Air quality compliance levels in monitored areas	% compliance	Environmental monitoring data
	Water quality compliance in monitored sites	% compliance	Water testing reports
	Number of ecosystem restoration initiatives implemented	Number	Program reports
Climate and Sustainability	Number of county projects integrating climate risk assessments	Number	Project documentation
	Percentage of development projects incorporating climate resilience measures	% projects	Project reports
	Reduction in greenhouse gas emissions from county operations	% reduction	Emissions reports
	Number of climate adaptation initiatives implemented	Number	Program reports
Social Safeguards	Number of projects undertaking social impact assessments	Number	Assessment reports
	Percentage of projects implementing social safeguard plans	% projects	Project monitoring reports

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Strategic Area	KPI Indicator	Measurement	Data Source
	Number of community grievances received through grievance redress mechanisms	Number	GRM records
	Percentage of grievances resolved within established timelines	% resolved	GRM reports
	Level of community participation in environmental decision-making processes	% participation	Stakeholder engagement reports
	Number of vulnerable groups benefiting from mitigation programs	Number	Social impact reports
Occupational Health and Safety	Number of occupational health and safety inspections conducted	Number	Inspection reports
	Number of workplace incidents associated with county projects	Number	Incident reports
	Percentage reduction in workplace accidents	% reduction	Safety reports
	Number of workers trained on environmental and safety standards	Number	Training records
Institutional Capacity	Number of county staff trained on environmental and social risk management	Number	Training reports
	Number of departments with designated ESRM focal persons	Number	Administrative records
	Level of institutional compliance with ESRM guidelines	% compliance	Internal audits
Stakeholder Engagement	Number of stakeholder consultations conducted on environmental matters	Number	Consultation reports
	Percentage of projects conducting public participation before implementation	% projects	Participation records
	Number of partnerships established with environmental organizations	Number	Partnership agreements
Monitoring and Reporting	Timeliness of submission of environmental and social monitoring reports	% on time	Reporting records
	Number of county environmental monitoring reports produced	Number	Published reports
	Availability of environmental data in county information systems	% completeness	Data system reports
	Number of oversight reviews conducted by the County Assembly	Number	Assembly reports

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Strategic Area	KPI Indicator	Measurement	Data Source
Accountability and Governance	Number of compliance enforcement actions taken for environmental violations	Number	Enforcement reports
	Number of policy review and improvement actions initiated	Number	Policy review reports

Table 7: ESRM Key Performance Indicators

5.4 Data Collection and Information Management

Data for monitoring and evaluation shall be collected using standardized tools and procedures to ensure accuracy, reliability, and consistency. The Public Investment Management Information System shall enhance data and information management.

The County shall promote the use of the Public Investment Management Information system to improve efficiency in data collection, analysis, and reporting.

5.5 Reporting Framework

Regular reporting shall be undertaken to track progress in the implementation of the Policy and to ensure accountability.

Report Type	Responsible Entity	Frequency
Environmental and Social Screening Reports	Implementing Departments	Project-Based
Environmental and Social Compliance Reports	Sector Departments	Quarterly
Environmental and Social Performance Reports	Department of Environment	Bi-Annual
County Environmental Risk Status Report	Department of Environment	Annual
Policy Implementation Review Report	County Executive	Every 10 Years

Table 8: ESRM Policy Reporting Framework

Policy Evaluation

Periodic evaluations shall be undertaken to assess the performance and impact of the Environmental and Social Risk Management Policy.

The evaluation process shall assess:

a) Relevance of the policy in addressing environmental and social risks.

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b) Effectiveness of policy implementation mechanisms.
c) Efficiency in resource utilization.
d) Sustainability of mitigation measures and environmental protection initiatives.
e) Overall impact on environmental quality and community wellbeing.

Mid-term and end-term evaluations shall be conducted to inform policy review, revision, and future policy development.

5.6 Learning and Adaptive Management

The County Government shall promote continuous learning and adaptive management in environmental and social risk management.

Lessons learned from monitoring and evaluation processes shall be used to:

a) Improve environmental and social safeguard practices.
b) Strengthen institutional capacity across county departments.
c) Inform policy updates and regulatory improvements.
d) Enhance collaboration with stakeholders and development partners.

Knowledge generated through monitoring and evaluation activities shall be disseminated through policy reviews, technical reports, stakeholder forums, and knowledge-sharing platforms to ensure continuous improvement in environmental and social governance within Nairobi City County.

5.7 Policy Review

The Nairobi City County Environmental and Social Risk Management Policy, 2026, shall be subject to periodic review to ensure its continued relevance, effectiveness, and alignment with evolving environmental, social, and governance priorities.

In accordance with public policy development guidelines, this Policy shall undergo a comprehensive review ten (10) years after its adoption and implementation. The review process shall assess the policy's performance, emerging environmental and social risks, institutional effectiveness, and the adequacy of the policy framework in addressing current and future development challenges within the County.

Notwithstanding the ten-year review cycle, the County may undertake an earlier review of the Policy where circumstances warrant.

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Such circumstances may include:

a) Significant changes in the constitutional, legal, or institutional framework governing environmental and social risk management;
b) Occurrence of major environmental, social, or public health emergencies that necessitate policy adjustments;
c) Emergence of new environmental risks, technologies, or development dynamics affecting the County;
d) The need to align the Policy with new national, regional, or international environmental and social governance frameworks;
e) Recommendations arising from monitoring, evaluation, or policy performance reviews.

The sector responsible for Finance and Economic Planning shall coordinate the policy review process in consultation with relevant county departments, stakeholders, and regulatory institutions, including the National Environment Management Authority. The review process shall incorporate stakeholder consultations, technical assessments, and evidence generated through the policy monitoring and evaluation framework.

Findings from the review shall inform necessary amendments to the Policy and guide future environmental and social risk management strategies within the Nairobi City County Government.

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