



MULTI-LEVEL GOVERNANCE AND COORDINATION UNDER KENYA'S NATIONAL CLIMATE CHANGE ACT

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ACTION AREA: _____ Cross-cutting

FOCUS AREA: _____ Strategising

COUNTRY: _____ Kenya

SECTORS

INVOLVED: _____ Cross-sectoral

TIMEFRAME: _____ 2016 - Present

CASE SUMMARY: _____ The Climate Change Act, which was signed into law in May 2016, provides the primary framework for governing climate change across Kenya. The country is one of only a few countries in the world to directly regulate climate change (Bellali et al., 2018). The main objectives of this law are to promote climate action at the county level and strengthen accountability for climate action.

One of the law's innovative features is that it allows citizens to hold private and public entities that impair efforts to reduce the impacts of climate change accountable (Bellali et al., 2018). The act also established a multi-level climate governance architecture, which is still under development.

Key activities under the National Climate Change Act (2016) framework so far have included: the establishment of the Climate Change Directorate (CCD); the National Climate Change Council and the National Climate Change Fund; the development of the Kenya Climate Change Knowledge Portal (KCCCKP) and the National Climate Change Registry; and the creation of the Climate Change Resource Centre.

In this way, the Climate Change Act has strengthened county resilience, relationships between counties and the national government, and social cohesion within communities. The establishment and implementation of the act constitutes a good practice because it is built on a solid multi-level governance structure, enjoys high-level political buy-in, is innovative in nature, and emphasises citizen participation.





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BACKGROUND: Kenya is an emerging economy that is highly vulnerable to climate change. Over 80% of the country's landmass is arid and semi-arid land. The country suffers from poor infrastructure and other developmental challenges. Further, the country's economy highly depends on climate-sensitive sectors, including agriculture and tourism. Climate hazards, particularly droughts and floods, have already led to considerable losses across the economy (Ministry of Environment and Natural Resources, 2015). The impacts of droughts and flood are estimated at 3% of the country's Gross Domestic Product (World Bank, n.a.).

In the face of these climate risks, Kenya has a strong history of climate governance beginning with the passing of the National Climate Change Response Strategy (NCCRS) in 2010. The NCCRS established goals to mainstream climate mitigation and adaptation into national planning and budgeting and outlined priority projects in key sectors, including agriculture, tourism, energy, infrastructure, health, water, and urban development. This strategy was further reflected in Kenya's National Planning Document, Vision 2030, which establishes medium-term planning processes for planning and budgeting, particularly relating to climate change. The Medium-Term Plans (MTPs) became a key vehicle for anchoring development in a low-emissions pathway and for facilitating climate proofing within the economy, as the NCCRS calls for (Bellali et al., 2018).

Building on these foundational documents, Kenya developed its first five-year National Climate Change Action Plan (NCCAP) in 2013 (covering the period 2013-2017) to mainstream climate change across all government functions and processes (Republic of Kenya, 2013). Also in 2013, the government developed the National Adaptation Plan (NAP) to highlight priority areas and vulnerabilities for building climate resilience (Republic of Kenya, 2015). This was followed by the elaboration of the country's Intended Nationally Determined Contribution (INDC) in 2015. To better coordinate and effectively implement the Nationally Determined Contribution (NDC) and the National Adaptation Plan (NAP), Kenya updated the NCCAP, covering the period 2018-2022 (Bellali et. al, 2018).

All of these plans and policies provide the foundation for Kenya's flagship climate change legislative framework (a full-scale national climate policy is yet to be developed): The National Climate Change Act (CCA), which was signed into law in 2016. The framework was created for governing climate change in the country. It inter alia established the Climate Change Directorate (CCD) within the Ministry of Environment and Forestry, which operates as the principal technical agency for climate change. Furthermore, it established a National Climate Change Fund within the National Treasury, and a mechanism for citizens to hold entities accountable for climate action. Under the National Climate Change Act, the National Environment Management Authority (NEMA) monitors and enforces compliance of climate change interventions. In addition, the act provided for the setup of climate change units/desk offices in all government departments and agencies to mainstream climate change into sectoral planning and operations (Bellali et. al, 2018).

The 47 county governments are responsible for operationalising climate change planning and budgeting within their jurisdictions and in alignment with the Vision 2030, NAP, NCCAP, and NDC. Under the CCA, each county government is responsible for developing a five-year County Integrated Development Plan (CIDP), a 10-year County Spatial Plan, and a County Sectoral Plan. The Climate Change Act directs county governments to mainstream the implementation of the NCCAP into their CIDPs and sector plans, and to designate a County Executive Committee (CEC) member to coordinate climate change affairs. The first generation of CIDPs (2013-2017) already identified some local impacts of climate change and established measures to address these challenges in climate-sensitive sectors under county jurisdiction, such as agriculture, livestock, fisheries, water, health, and waste management (Bellali et. al, 2018). In the second generation of CIDPs, covering 2018-2022, most county governments have mainstreamed climate change actions into their policies based on local circumstances.

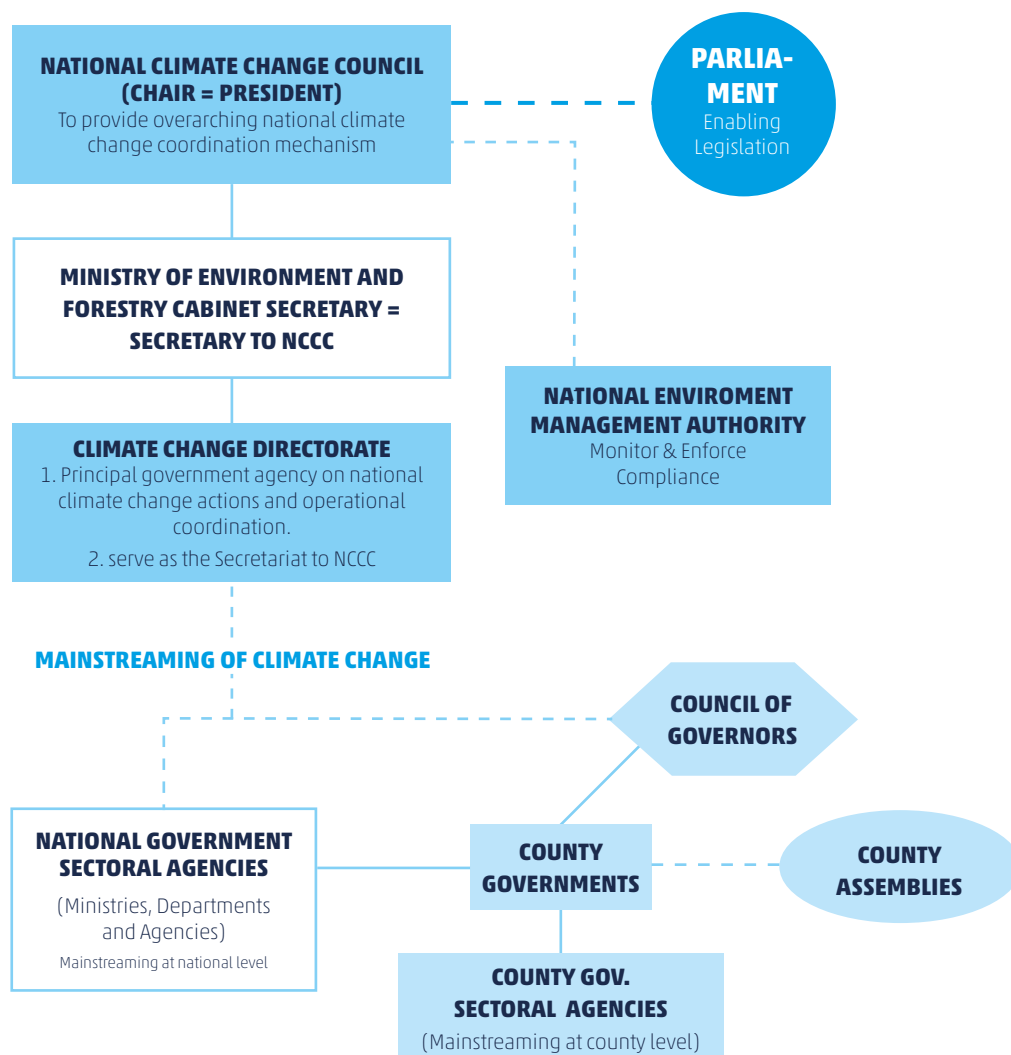


Figure 1: Breakdown of climate change governance in Kenya (Bellali et. al, 2018)

ACTIVITIES: ————— The goal of the National Climate Change Act (CCA) and its supporting policies and plans is to mainstream climate change mitigation and adaptation into both national and county level budgeting and planning. Key activities under the National Climate Change Act framework have so far included (Republic of Kenya, 2016a):

- **ESTABLISHMENT OF THE CLIMATE CHANGE DIRECTORATE (CCD):** The act officially established the Climate Change Directorate in the Ministry of Environment as the lead governmental agency on national climate change plans and actions. The directorate has the mandate to coordinate operations under these various plans, provide analytical support to various ministries, agencies, and county governments, and coordinate both national and international reporting requirements.
- **ESTABLISHMENT OF THE NATIONAL CLIMATE CHANGE COUNCIL:** Chaired by the President of the Republic, this institution oversees the mainstreaming of the NCCAP and administers the National Climate Change Fund.



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- **ESTABLISHMENT OF THE NATIONAL CLIMATE CHANGE FUND:** The act established the Climate Change Fund as a national mechanism to finance priority climate actions and interventions. It is embedded in the National Treasury and the official regulations are still being developed. Ultimately, it will provide direct financial support to organisations, county governments, and communities to develop and implement specific climate change projects.
- **DEVELOPMENT OF THE KENYA CLIMATE CHANGE KNOWLEDGE PORTAL (KCCCKP):** The CCD has developed, and operates the Kenya Climate Change Knowledge Portal (KCCCKP) to improve knowledge management and coordinate national climate actions more effectively. The intention was to provide supporting information on various topics, including policy, reporting and verification, finance, adaptation and mitigation, projects, and e-learning. The goal is to help bridge information gaps for sectoral and county-level action and planning.
- **NATIONAL CLIMATE CHANGE REGISTRY:** Similar to the KCCCKP, the CCD also established the National Climate Change Registry. The registry will enable government and non-government actors to better understand specific climate change initiatives and actions, and their resulting mitigation and / or adaptation impacts in Kenya and assist CCD to fulfil domestic and international reporting requirements on climate change.
- **ESTABLISHMENT OF THE CLIMATE CHANGE RESOURCE CENTRE:** Under the act, the CCD established the National Climate Change Resource Centre to serve as the national repository for general climate change information. In addition to physical and digital resources, the centre also provides facilities and training rooms to support webinars, teleconferencing, capacity building and workshops, and other innovation/knowledge exchanges.
- **DEVELOPMENT OF A CLIMATE FINANCING MECHANISM AT THE COUNTY LEVEL:** The County Climate Change Fund (CCCF) mechanism (part of the county-level action described above in the KCCCKP and NCCF) is implemented by the National Drought Management Authority through the Adaptation Consortium. It facilitates the flow of climate finance to counties and integrates climate change considerations into planning and implementation. The Adaptation Consortium is an innovation cluster and a forum for dialogue and sharing of experiences on community adaptation to climate change. CCCF focuses on addressing community climate change priorities, building resilience and fostering sustainable economic growth. The CCCF mechanism has been piloted successfully in five counties, Isiolo, Garissa, Kitui, Makueni and Wajir. Its expansion is one of the priorities in the National Climate Change Action Plan, 2018-2022 (Crick et al., 2019). Drawing on the success of the pilot, the CCCF mechanism is currently being rolled out in Vihiga, Nandi, Bomet, Kisii, Kakamega, Kisumu, Narok, Siaya, Taita Taveta, Tharaka Nithi, Embu, Machakos, Kilifi and Kwale.

INSTITUTIONS

- INVOLVED:** —————
- **GOVERNMENT AGENCIES:** National Environment Management Authority; Climate Change Directorate; Ministry of Environment and Forestry; National Treasury; Ministry of Devolution and Planning; Ministry of Energy; Ministry of Agriculture, Livestock and Fishers; Ministry of Finance; Ministry of Water and Irrigation; National Drought Management Authority
 - **IMPLEMENTATION PARTNERS:** The National Climate Change Council, chaired by the President of the Republic
 - **INTERNATIONAL PARTNERS:** Gesellschaft für Internationale Zusammenarbeit (GIZ) provided funding and technical support.

COOPERATION

WITH: ————— County Assemblies

FINANCE: ————— The exact amount of financing for the establishment and implementation of the CCA is not available.

IMPACT OF

- ACTIVITIES:** —————
- **COUNTY-LEVEL CLIMATE ACTION:** By engaging and empowering county governments in the climate budgeting and planning processes through the establishment of communication structures between national and sub-national levels of governance, the National Climate Change Act has created bottom-up channels for driving climate progress. In mainstreaming climate change actions, counties have engaged in the planning and budgeting of climate change actions. Examples of counties that have engaged in such a process include Kisumu and Makueni.
 - **IMPROVED ACCOUNTABILITY:** In providing a mechanism for communities to hold governmental and private sector entities accountable for impairing climate progress, the National Climate Change Act created an innovative pathway for stakeholder engagement, monitoring and evaluation, and ensures sustainability of impact. For example, the act allows citizens to sue public and private entities that impair efforts to dampen climate change impacts (Odhiambo, 2016).

Article 10 of the Constitution identifies public participation as a mandatory value for national governance, to be applied in all instances where public institutions are implementing the constitution through the implementation of a law or public policy. The CCA prioritises public participation in line with the National Constitution. In this spirit, the CCA has provided mechanisms to ensure public participation in various forms, when public bodies make decisions on climate change matters.

WHY IS IT

- GOOD PRACTICE:** —————
- **POLITICAL BUY-IN:** Kenya has been successful in implementing its climate governance framework because of the buy-in secured at both the national and county government levels.
 - **MULTI-LEVEL GOVERNANCE:** The climate governance framework in Kenya is characterised by a deliberate approach to devolution of planning and budgeting to the county level. The county-level planning aligns with national frameworks, but drives initiatives based on the local context.



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- **INNOVATION:** The CCA is one of the only national climate change laws that empowers communities to hold government and private sector entities accountable for impairing climate progress. Indeed, the CCA involves these actors in climate action, particularly in identifying the local impacts of climate change and planning measures to meet the challenges in climate-sensitive sectors under the jurisdiction of the counties, such as agriculture, livestock, fisheries, water, health and waste management.
- **INTER-SECTORAL COOPERATION AND STAKEHOLDER ENGAGEMENT:** Stakeholders in all sectors (agriculture, transport, energy, etc.) have been involved through the county climate change plans and participatory planning under the CCD. The devolution process has opened up democratic space for citizen participation in decision-making. This is clearly stipulated in the Constitution (Government of Kenya, 2010b), the Public Participation Bill (Government of Kenya, 2016), the County Government Act (Government of Kenya, 2012a), and the Public Finance Management Act (Government of Kenya, 2012c) – all of which establish principles and enforceable provisions for public participation. The national framework established by these policies provides the following opportunities for citizen-led networks: i) a coordination role for climate action; ii) the ability to be drivers of change; iii) the responsibility to hold different levels of government and other stakeholders accountable.

SUCCESS FACTORS:

- **EXISTING COORDINATION MECHANISMS AND POLICY FRAMEWORKS:** A strong devolution structure (through the 2010 Constitution and the ambitious decentralisation process) made it easier to integrate climate change considerations into national and sub-national planning, rather than needing to establish a devolution structure alongside climate policy and action.
- **ESTABLISHMENT OF A NATIONAL CLIMATE CHANGE FUND:** The National Climate Change Fund established under the CCA is now in place under the National Treasury. It will ultimately provide direct financial support to organisations, county governments, and communities to develop and implement specific climate change projects. Further, the fund presents a valuable source of co-financing and partnership for project development. It also improves the Kenyan policy environment, attracting climate financing from the Adaptation Fund, Green Climate Fund and other bilateral and multilateral financing sources.

OVERCOMING BARRIERS / CHALLENGES:

WHAT WERE THE MAIN BARRIERS / CHALLENGES TO DELIVERY?

INSTITUTIONAL:

Counties do not have jurisdiction over some sectors relevant for climate action, such as water resources management, wildlife, and mining. These functions remain with national departments like the Water Resources Authority.

As a second institutional barrier, the National Climate Change Council has not met to this date. An active council, however, would be crucial for the implementation of the act.

As a third institutional barrier, siloed workstreams and budgeting for climate change action have led to limited room for cross-cutting projects and programmes.

CAPACITY:

There existed a lack of technical capacity on climate change issues at the county governance level.

INFORMATIONAL:

The evidence base to develop the County Integrated Development Plan (CIDP) was limited. Most available data is qualitative and difficult to leverage for a prioritisation of sectors and projects.

FINANCIAL:

The implementation of climate change actions requires financial resources. However, the CCD does not possess the adequate financial resources.

HOW WERE THESE BARRIERS / CHALLENGES OVERCOME?

The engagement of national institutions in county climate change initiatives has helped to streamline the mainstreaming of climate change actions at the local level. In initial stakeholder meetings, a landscape analysis was conducted to identify and anticipate some of the issues related to overlapping mandates and jurisdictional power.

Some sections of the National Climate Change Act do not require approval by the National Climate Change Council. Therefore, their implementation is ongoing. Deliberations are ongoing to resolve the pending issues regarding overlapping mandates and jurisdictional power within the governing framework of the National Climate Change Council. This is an institutional issue, so CCD and other stakeholders have voiced their concern about the need to convene the council while still engaging in other non-council issues to ensure that progress is made.

While this is still a challenge, there have been discussions at the county level about shifting the responsibility for climate change budgeting to the county level.

The CCD developed specific curriculums for sub-national personnel to build capacity for climate change governance.

The CCD has worked deliberately to downscale and tailor national and regional climate change impact data to local levels both through the KCCKP and National Climate Change Resource Centre portals established by the CCA and individual county level initiatives.

Partnerships between the CCD and NGOs have facilitated the implementation of various climate change actions through expanded and blended financing.



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- LESSONS LEARNED:** ———
- **SEQUENCE POLICIES AND ACTIONS IN CLIMATE GOVERNANCE:** Interviewees highlighted the odd nature of Kenya's climate governance architecture, namely, having a climate act, strategy, and an action plan at the national level before having a climate policy. In general, it was recommended to have the framing climate change legislation as a principal driver for the other plans and policies.
 - **ESTABLISH A NETWORK OF SUPPORTING RESOURCES:** Institutions and platforms such as the CCD, the NCCC, the National Climate Change Fund, the registry and the KCCKP help in identifying opportunities for climate action and integrating them both vertically and horizontally. Thus, they help to avoid misalignment between different authorities and departments within a county structure as well as with respect to the national plans.
 - **COORDINATE HORIZONTALLY AND VERTICALLY:** To adequately address transboundary issues, both horizontal coordination at the inter-county scale (for example in Kwale and Mombasa) and vertical relations with higher government tiers need to be considered. Horizontal coordination is necessary to assess climate impacts on and of interdependent sectors (for example agriculture, water, mining) and on common geographical areas (for example a water catchment area between two counties). Vertical coordination is necessary for the joint climate response to be administered at the level at which the function, mandate and resource is held.

HOW TO REPLICATE THIS PRACTICE:

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- **ESTABLISH A STRONG DECENTRALISATION STRUCTURE** to enable buy-in, commitment, and facilitate the operationalisation of climate change initiatives and policy at the local level of governance.
 - **EQUIP COORDINATION MECHANISMS WITH ADEQUATE INFORMATION AND RESOURCES** to influence planning and budgeting processes. These resources will help to avoid that the mechanism merely plays a representative role.
 - **INVOLVE RESEARCHERS IN ACTIVITIES OF COUNTIES OR REGIONAL AUTHORITIES** to promote increased interaction between scientists and policymakers, ensuring that needs inform research and that best available knowledge flows into planning and decision-making processes.
 - **DEVELOP IMPROVED DOWNSCALED CLIMATE INFORMATION** on trends and focus on creating pathways to communicate this information to end users of natural resources and decision-making authorities to climate-proof investments and development pathways.

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 - Benson Owuor Ochieng, Executive Director, Institute for Law and Environmental Governance (ILEG), b.ochieng@ilegkenya.org

FURTHER KEY RESOURCES:

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- Bellali, J., Strauch, L., Oremo, F., Ochieng, B. (2018). Multi-level climate governance in Kenya. Activating mechanisms for climate action. Berlin: adelphi/ILEG. Available at: https://www.localclimateaction.org/sites/localclimateaction.org/files/documents/v-led_country_study_kenya_web.pdf
 - Republic of Kenya (2016a). The Climate Change Act, 2016. Available at: <http://kenyalaw.org/kl/fileadmin/pdfdownloads/Acts/ClimateChangeActNo11of2016.pdf>

WEBSITE: _____ · Kenya Climate Change Knowledge Portal: <http://www.kcckp.go.ke/>

· Institute for Law and Environmental Governance(ILEG): www.ilegkenya.org

· Kenya Vision 2030: <http://www.vision2030.go.ke/about/>

CASE STUDY

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CASE STUDY

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REFERENCES: _____

· Crick, F., Hesse, C., Orindi, V., Bonaya, M. and Kiiru, J. (2019). Delivering climate finance at local level to support adaptation: experiences of County Climate Change Funds in Kenya. Ada Consortium, Nairobi. Available at: <https://pubs.iied.org/pdfs/G04415.pdf>

· Friedrich Ebert Stiftung (2012). Devolution System Made Simple. Available at: <http://library.fes.de/pdf-files/bueros/kenia/09856.pdf>

· Government of Kenya (2012a). County governments Act. Available at: http://constitutionnet.org/sites/default/files/the_county_government_act_2012.pdf

· Government of Kenya (2012b). Intergovernmental Relations Act. Available at: http://crecokenya.org/new/attachments/article/175/The_Intergovernmental_Relations_Act_2012_1.pdf

· Government of Kenya (2012c). Public Finance Management Act. Available at: <https://www.worldbank.org/content/dam/Worldbank/document/Africa/Kenya/Kenay%20Devolution/Public%20Finance%20Management%20Act%20%282012%29.pdf>

· Government of Kenya (2010a). National Climate Change Response Strategy. Executive Brief. Available at: <http://www.environment.go.ke/wp-content/documents/complete%20nccrs%20executive%20brief.pdf>

· Government of Kenya (2010b). The Constitution of Kenya. Available at: <https://www.wipo.int/edocs/lexdocs/laws/en/ke/ke019en.pdf>

· Government of Kenya (2016). Public Participation Bill. Available at: http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2016/PublicParticipationBill_2016.pdf

· King'uyu, S. M. (2017). Kenya: Tracking national progress on adaptation. Available at: https://de.slideshare.net/OECD_ENV/cccxg-global-forum-march-2017-bgb-kenya-tracking-national-progress-on-adaptation-by-stephen-kinguyu

· Ministry of Environment and Natural Resources (2015). Kenya's Intended Nationally Determined Contribution. Available at: https://www4.unfccc.int/sites/ndcstaging/PublishedDocuments/Kenya%20First/Kenya_NDC_20150723.pdf



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- Ngaruiya, G., Oremo, F., Ochieng, B. (2018). Devolving climate change governance in Kwale County, Kenya. Devolution of climate change guide. Nairobi: ILEG. Available at: https://www.localclimateaction.org/sites/localclimateaction.org/files/documents/devolving_climate_change_governance_in_kwale_county.pdf
- Odhiambo, E. (2016). In Kenya, companies now liable for climate change damages. Thompson Reuters Foundation News. Available at: <http://news.trust.org/item/20160701145000-qju48/>
- Republic of Kenya (2015). Kenya National Adaptation Plan 2015-2030. Available at: https://www4.unfccc.int/sites/NAPC/Documents%20NAP/Kenya_NAP_Final.pdf
- Republic of Kenya (2013). National Climate Change Action Plan 2013-2017. Available at: <https://cdkn.org/wp-content/uploads/2013/03/Kenya-National-Climate-Change-Action-Plan.pdf>
- Republic of Kenya (2016b). National Climate Change Framework Policy. Available at: [http://www.google.com/url?url=http://www.ke.undp.org/content/dam/kenya/docs/energy_and_environment/2016/Climate-Change-Framework-Policy\(31Nov2016\).doc%3Fdownload&rct=j&firm=1&q=&esrc=s&sa=U&ved=0ahUKEwjBlc2o4sHZAhXKPbQKHxfVDVYQFggTMAA&usg=AOvWaw1O51ayJ6_3nU_TK09sP598](http://www.google.com/url?url=http://www.ke.undp.org/content/dam/kenya/docs/energy_and_environment/2016/Climate-Change-Framework-Policy(31Nov2016).doc%3Fdownload&rct=j&firm=1&q=&esrc=s&sa=U&ved=0ahUKEwjBlc2o4sHZAhXKPbQKHxfVDVYQFggTMAA&usg=AOvWaw1O51ayJ6_3nU_TK09sP598)
- Republic of Kenya (2017). Nationally Determined Contribution Sector Analysis Report 2017. Available at: <http://www.starckplus.com/documents/ta/ndc/NDC%20Sector%20Analysis%20Report%202017.pdf>
- World Bank (n.a.). Kenya. Available at: <https://climateknowledgeportal.worldbank.org/country/kenya/vulnerability>

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