

National Climate Change Framework Policy & Bill

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Introduction

- Kenya has been attempting to integrate climate change considerations into various legal instruments for some time. Proactive policy, regulatory and legislative initiatives that are ongoing include the following, which are but a few examples for illustrative purposes:

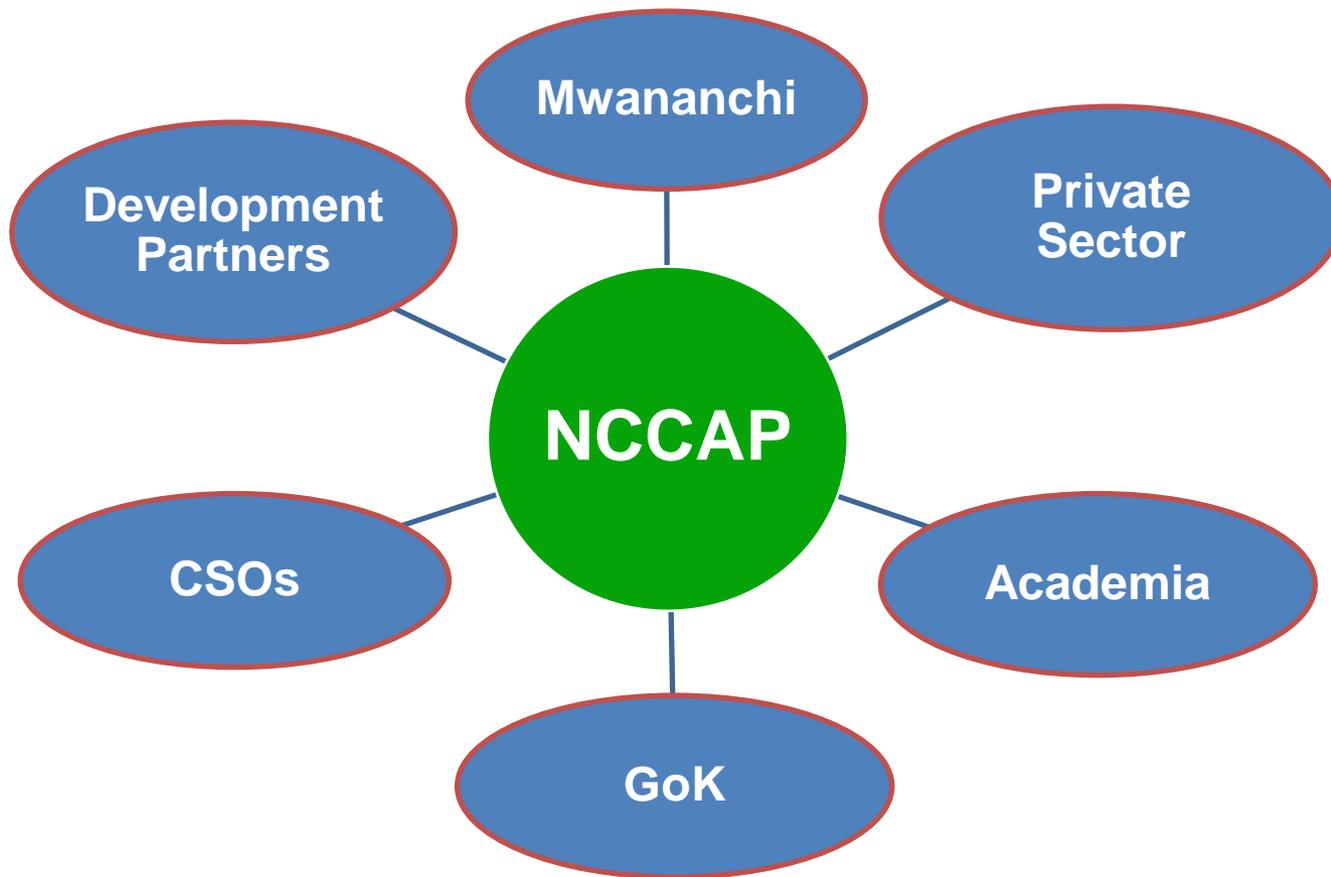
Towards a coherent CC policy and law

- Constitutional recognition of sustainable development, public participation in environmental decision-making, and socio-economic rights: *Constitution of Kenya 2010*
- Intensification of forest rehabilitation and reforestation by increasing forest cover of the total land area from 2% to 10%: *Kenya Vision 2030*
- Mandatory agro-forestry practices for all farms: *Agriculture (Farm Forestry) Rules 2009*
- Strategies for efficient and accessible integrated transportation systems: *Sessional Paper on Integrated National Transport Policy and The Nairobi Metro 2030 Strategy*
- Encouragement of renewable energy developments through fiscal incentives, rural electrification and mandatory solar power use: *Energy Policy and Energy Act 2006*
- Promotion of eco-tourism with conservation measures and co-benefits for adaptation: *Tourism Act 2010*

Towards a coherent CC policy and law

- Regarding the current institutional framework, a range of institutions have been created that have a specific mandate to address climate change or have substantial engagement with the issue. These include the Climate Change Secretariat within the Ministry of Environment, and the establishment of 'climate desks' in key sectoral ministries.
- The Government has also developed a NCCRS and NCCAP

Actors



An inclusive consultative process that cut across all stakeholder categories with national and county levels consultations.

Context: NCCRS & NCCAP



Supports efforts towards the continued implementation of the Constitution, attainment Vision 2030 & MDGs; identifies priority adaptation & mitigation needs; helps Kenya to meet international obligations under UNFCCC.

Challenges that were identified

Despite the achievements certain gaps, barriers and challenges still exist.

- Jurisdictional ambiguities and conflicts and common due to overlapping legislative mandates.
- Fundamental legal instruments (constitution, vision 2030 , EMCA) do not explicitly mention climate change or response strategies.

Challenges that were identified

- Institutional capacity still remain a major challenge. Regardless of “ on –paper” reforms there must be government ability to implement them with SUFFICIENT FINANCE, TECHNOLOGY, SKILLED HUMAN RESOURCES (both at national and local level)

Towards a coherent CC policy and law

- **Hence the need for a long-term and overarching legislative and institutional framework that can facilitate the necessary direction, guidance, coordination and high-level political buy-in to mainstream climate change across government and enable the effective implementation of actions to address climate change .**

Towards a coherent CC Policy & Law

- In the Legal Preparedness Assessment Report(LPAR), the NCCAP identified:
 - 90 national policies and laws in different sectors relevant to climate change.
 - The required reforms to address climate change adaptation & mitigation.
 - Gaps, barriers, contradictions & opportunities.
- The NCCAP key recommendations include:
 - Standalone Coherent Climate Change Policy.
 - Climate Change law.
 - Miscellaneous Amendments.
 - Institutional reforms.
- Produced an “issues paper” to inform policy formulation.

NCCAP Components & output streams

9. Coordination & Management

1. Low Carbon Climate Resilient Development Pathway

2. Enabling Policy and Regulatory Framework

3. ADAPTATION

4. MITIGATION

ENABLERS

**5. National
Technology
Action
Plan**

**6. National
Performance &
Benefit
Measurement**

**7. Knowledge
Management &
Capacity
Development**

8. Finance

PROGRESS

- The National Climate Change Framework Policy and legislation are priority actions of the GoK
- Coordination by the MEW&NR:
 - ✚ Multi-stakeholder National Steering Committee (NSC) constituted;
 - ✚ Roadmap and budget;
 - ✚ Consultancy procured;
 - ✚ Draft National Climate Change Framework Policy;
 - ✚ Draft inputs to Climate Change Bill;
 - ✚ Stakeholder's consultation strategy.

Goal, Objectives and Guiding Principles of Policy

Goal: Enhanced resilience to climate change and low carbon development for the prosperity and sustainable development of Kenya.

The **Objectives** are to:

- a) Establish an **effective institutional framework** to, and mainstream climate change response into relevant sectors
- b) **Reduce vulnerability** to the impacts of climate change
- c) **Catalyze Kenya's transition** to cleaner, lower emission and less carbon intensive development.
- d) Incentivize **private sector involvement** in building climate change resilience and engaging in low carbon development opportunities by removing barriers
- e) Facilitate **widespread public awareness**
- f) Provide a framework to **mobilize resources** for climate change response
- g) Adopt **intergenerational, special needs, and gender mainstreaming** approach

Steps in the roadmap

- County consultations
- Cluster stakeholders - Private sector/CSO meetings, Media
- Parliament: Senate/National Assembly
- National Validation meeting – Held in Sept 2014
- Final Policy and Cabinet Memorandum submitted in March 2015 and is awaiting Cabinet Approval.

The Climate Change Bill 2014

THE CLIMATE CHANGE BILL, 2014

A Bill for AN ACT of Parliament to provide for a regulatory framework for enhanced response to climate change; to provide for mechanisms and measures to achieve low carbon climate resilient development, and for connected purposes

Progress on Climate Change Bill

- The Climate Change Bill, 2014- engagement process has taken over 5 year period:
 - Climate Change Bill passed through the third reading in the National Assembly (Hansard report of 5th March, 2015).
 - Climate change bill is now with the Senate (Senate committee on Land and Natural Resources -held public hearing /participation on 29th April 2015 (as a requirement of the constitution)
 - Almost at the final protocol/legislative process.

Thank you!