



# Table of Contents

- Table of Contents**..... 2
- List of Abbreviations**..... 2
- Executive Summary**..... 2
- 1 Global Context on Climate Action** ..... 3
- 2 Kenya’s Climate Policy Development Environment**..... 4
  - 2.1 Foundational Frameworks..... 5
  - 2.2 National-Level Directives ..... 5
  - 2.3 Localized Climate Action ..... 5
  - 2.4 Kenya Constitution 2010 ..... 5
  - 2.5 The Intergovernmental Relations Act, 2012..... 6
  - 2.6 Kenya’s Vision 2030 ..... 6
  - 2.7 Kenya’s Climate Policy Architecture..... 8
- 3 County-Level Planning and Finance for Climate Action in Kenya** ..... 9
  - 3.1 County Climate Strategy development..... 9
  - 3.2 Climate Financing arrangements..... 9
  - 3.3 County Integrated Development Plans ..... 10
- 4 Institutionalization of Climate Action** ..... 11
  - 4.1 National Institutional Framework..... 11
  - 4.2 Key Institutions for Multilevel Dialogue on Climate Change ..... 11
  - 4.3 Sub National Institutional Arrangements..... 12
- 5 Analysis of Kenya’s Legal and Policy Framework for Nature-based Solutions**..... 13
  - 5.1 International Agreements ..... 13
  - 5.2 National Laws ..... 13
  - 5.3 Recommendations..... 13
- 6 References** ..... 15

# List of Abbreviations

|       |   |
|-------|---|
| CCCFs | County Climate Change Funds                     |
| CIDPs | County Integrated Development Plans             |
| CoG   | Council of Governors                            |
| EMCA  | Environmental Management and Coordination Act   |
| GHG   | Green House Gases                               |
| IGRTC | Intergovernmental Relations Technical Committee |
| MLG   | Multi-Level Governance                          |
| MTPs  | Medium Term Plans                               |
| NbS   | Nature-based Solutions                          |
| NDCs  | Nationally Determined Contributions             |
| NCCAP | National Climate Change Action Plan             |



# Executive Summary

**Global climate governance, galvanized by the 2015 Paris Agreement, has shifted towards a nationally driven, action-oriented approach, emphasizing Nationally Determined Contributions and the critical role of non-state actors.**

Despite this progress, challenges persist in achieving global targets due to fragmented multi-sectoral and siloed governance, particularly insufficient local authority consultation and limited access to resources at the local level. This highlights the imperative for Multi-Level Governance, involving both vertical (inter-tier) and horizontal (intra-tier) coordination, to ensure effective and integrated climate action from local to international scales. Recognizing this, Kenya is actively structuring its policies and institutions to enhance coordinated efforts across all governance levels.

*Kenya's commitment to climate action is deeply embedded in its legislative and planning frameworks. The 2010 Constitution and the County Governments Act, 2012, provide the foundational legal basis for decentralized climate initiatives, empowering counties to manage their affairs and resources.*



At the national level, guiding documents like Vision 2030, the National Climate Change Response Strategy (2010), the National Adaptation Plan (2015-2030), and the Nationally Determined Contributions (updated 2020) committing to a 32% Green House Gas (GHG) emission reduction by 2030 outline comprehensive strategies for mitigation and adaptation. These are operationalized through Medium Term Plans, which have increasingly mainstreamed climate change since MTP2 (2013-2017) and incorporated climate resilience into key national agendas. The National Climate Change Framework Policy (2016) and the National Climate Change Finance Policy (2016) further strengthen policy and financial management for climate action, including establishing a national Climate Change Fund. The current National Climate Change Action Plan (2023-2028) serves as the five-year blueprint for implementing Nationally Determined Contributions and the National Action Plan across all sectors and government levels.

A cornerstone of Kenya's climate governance is the Climate Change Act, 2016. This landmark legislation establishes the National Climate Change Council, chaired by the President, for overall coordination. Crucially, it mandates county governments to integrate climate change into their County Integrated Development Plans and develop County Climate Change Action Plans. To facilitate this, the Act requires counties to establish County Climate Change Units, County Climate Change Funds, and Monitoring, Reporting, and Evaluation systems, emphasizing public participation and adherence to sustainable development principles.

Financial mechanisms are equally vital. The County Governments Act, 2012, makes County Integrated Development Plans the basis for budgeting, ensuring climate actions are funded at the local level, with a strong emphasis on citizen participation. The Public Finance Management Act, 2012, provides the overarching legal framework for transparent financial management, while the Intergovernmental Budget and Economic Council, established under this Act, plays a critical role in coordinating and harmonizing climate funding between national and county governments, facilitating resource flows for programs like the Financing Locally Led Climate Action (FLLoCA).

Complementing the frameworks, is Kenya's legal and policy foundation for Nature-based Solutions (NbS). The law does not explicitly mention NbS but supports the international agreements like the Paris Agreement, the Ramsar Convention, and IUCN Standards, which guide its financing and implementation. Nationally, policies and laws such as the EMCA, Forest Act, Water Act, Wildlife Act, Climate Change Act, Land laws, and Planning Acts provide entry points for NbS through forestry, watershed management, wetland protection, ecosystem-based adaptation, and urban green infrastructure.

Overall, Kenya's climate governance is characterized by a robust constitutional foundation, a decentralized government structure, comprehensive national policies, and strong mechanisms for intergovernmental coordination and finance. This integrated, multi-level approach is designed to effectively translate global commitments into local action, fostering a low-carbon, climate-resilient society across all sectors and communities.



# 1. Global Context on Climate Action

The 2015 Paris Agreement<sup>[1]</sup> transformed global climate governance by shifting from a top-down approach to an inclusive, nationally driven system. It requires all countries to submit Nationally Determined Contributions (NDCs)<sup>[2]</sup>, reflecting the principle of “common but differentiated responsibilities,” where each nation contributes based on its capacity. Initial NDCs from 176 countries cover the period up to 2025/2030 and are subject to five-year updates.

## Key Aspects of the Paris Agreement



### Focus on action

The agreement emphasizes translating international negotiations into action at national, regional, and local levels.



### High-impact sectors

Sectors like agriculture, land use, housing, transport, infrastructure development, and waste management are central to achieving emissions reductions and promoting adaptation, many of which are managed at sub-national level.



### Role of non-state actors

Private companies, non-governmental organizations, and civil society play an increasingly significant role, making their own climate commitments and driving more ambitious goals. Initiatives like the Global Climate Action Agenda and the Talanoa Dialogue promote collaboration between governments and non-state actors.

## Challenges and the Rise of Multi-Level Governance

Despite these advancements, achieving global climate targets faces significant challenges due to the complexity of multi-sectoral and Multi-Level Governance (MLG), leading to fragmented efforts and inadequate coordination. A key issue is that national governments often develop NDCs without sufficient consultation with local authorities, resulting in targets that don't fully reflect local conditions or needs. Local actors also struggle to access resources and incentives due to coordination hurdles between global, regional, and national frameworks<sup>[3]</sup>.

To overcome these issues, MLG has gained prominence. The Intergovernmental Panel on Climate Change (IPCC's 2018) report highlights that effective climate action requires coordinated efforts across all levels of government: local, regional, national, and international<sup>[4]</sup>. MLG involves two main types of coordination:

### Vertical Coordination

This focuses on interactions between different governmental tiers (e.g., local, national, international like the United Nations Framework Convention on Climate Change (UNFCCC)). It can be top-down (central governments setting policies and funding local actions) or bottom-up (local authorities influencing national strategies). The most effective frameworks combine both.



### Horizontal Coordination

This involves collaboration among actors at the same governance level, such as national sector forums, regional bodies, and city-to-city partnerships, facilitating cross-sectoral cooperation.

Kenya, with its robust climate change policy framework, recognizes the necessity of integrated, coordinated efforts across all governance levels. The country is actively establishing new policies and structures at both national and sub-national levels to improve coordination, enhance efficiency, and ensure its climate goals align with global targets through collaborative efforts<sup>[5]</sup>.



## 2. Kenya's Climate Policy Development Environment

This chapter delves into Kenya's legislative and planning frameworks for climate action, operating at both national and sub-national levels.

### 2.1 Foundational Frameworks

Kenya's climate action is firmly rooted in its constitution. The **2010 Constitution**<sup>[6]</sup> and the **County Government Act No. 17 of 2012**<sup>[7]</sup> empower counties to manage their own affairs and resources, providing a strong legal basis for localized climate initiatives.

### 2.2 National-Level Directives

At the national level, Kenya's commitment to addressing climate change is outlined in its **NDCs** and the **NAP 2015-2030**<sup>[8]</sup>.

These documents detail the country's strategies for both **mitigation** (reducing

emissions) and **adaptation** (adjusting to the impacts of climate change). The **National Climate Change Response Strategy** and **Vision 2030**, Kenya's overarching development blueprint, further solidify the foundation for climate action. Notably, the **National Climate Change Action Plan (NCCAP, 2013-2018)**<sup>[9]</sup> was a pioneering effort in Sub-Saharan Africa, integrating climate change into government priorities, setting goals for low-emission development, and shaping Kenya's climate governance structure.

### 2.3 Localized Climate Action

To ensure universal action at the local level, Kenya implements **climate change action plans** and **multisectoral mainstreaming** of climate action across various sectors. Specific goals for sustainable urban growth and climate resilience are set through plans like **Integrated Strategic Urban Development Plans** and

**Ward Climate Change Action Plans**. These local plans are integrated with the **County Integrated Development Plan**, which ensures alignment between local development goals and national priorities. Together, these documents create a comprehensive framework guiding counties in their efforts to combat climate change and its effects<sup>[10]</sup>.

### 2.4 Kenya Constitution 2010

Kenya's 2010 Constitution forms the bedrock of its climate governance, notably by establishing a **devolved government** with a central authority and 47 semi-autonomous county governments<sup>[11]</sup>. This decentralization is key to localizing climate action in high-emitting sectors like agriculture, health, housing, and energy.



### 2.5 Constitutional Foundations for Climate Action

Several articles within the Constitution underpin Kenya's commitment to environmental protection and climate resilience:

**Article 42** grants every citizen the **right to a clean and healthy environment** and mandates its sustainable protection through legislation.

**Article 21** obligates the state to use legislative and policy measures to fulfil fundamental rights, including socio-economic rights, and emphasizes the government's duty to serve all citizens without discrimination. **Clause 4 of Article 21** further requires the state to enact and implement laws to meet its international human rights obligations, linking national action to global commitments.

**Article 174** acknowledges the right of communities to manage their own affairs and promote their development. This reinforces the importance of local-level engagement and supports **bottom-up climate initiatives**, ensuring community involvement in environmental governance.

These constitutional provisions ensure that climate action in Kenya is comprehensive, inclusive, and sustainable, deeply embedding environmental protection within the nation's legal and governance framework.

## 2.5 The Intergovernmental Relations Act, 2012

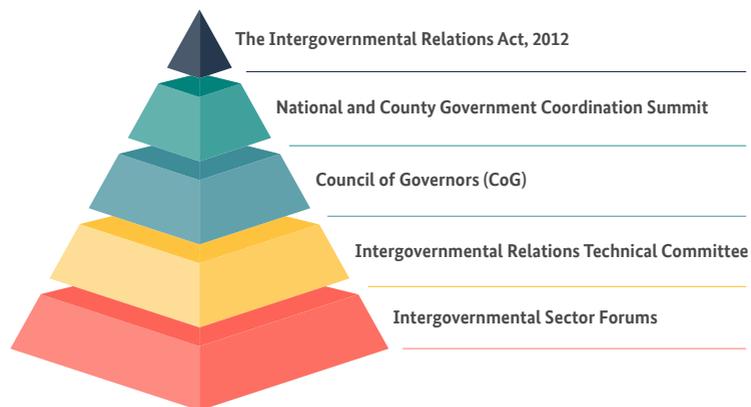
The **Intergovernmental Relations Act, 2012**<sup>[12]</sup>, stands as a cornerstone of Kenya's devolved governance structure, playing a pivotal role in fostering essential cooperation and coordination between the national and county governments. This crucial legislation established several key bodies designed to facilitate seamless interaction and shared responsibility.

Foremost among these is the **National and County Government Coordination Summit**<sup>[13]</sup>. Chaired by the President and comprising all county governors, this high-level forum serves as the ultimate platform for strategic

themselves. The CoG actively facilitates vital information sharing, drives capacity building initiatives, and provides a mechanism for dispute resolution, ensuring harmonious progress across the devolved units.

Providing critical operational support, the **Intergovernmental Relations Technical Committee (IGRTC)**<sup>[15]</sup> serves as the secretariat for both the Summit and the CoG. The IGRTC plays a key role in facilitating their activities and monitoring the implementation of development plans, ensuring that decisions are translated into action.

Finally, **Intergovernmental Sector Forums** at the county level bring together national government departments and their



consultation and coordination on matters of national and local development.

Complementing this, the **Council of Governors (CoG)**<sup>[14]</sup>, an assembly of all 47 county governors, is instrumental in promoting horizontal coordination among the counties

corresponding county executive members. These specialized forums are designed to harmonize service delivery, fostering collaborative approaches to specific sectoral challenges and ensuring that services are delivered efficiently and effectively to citizens at the local level.



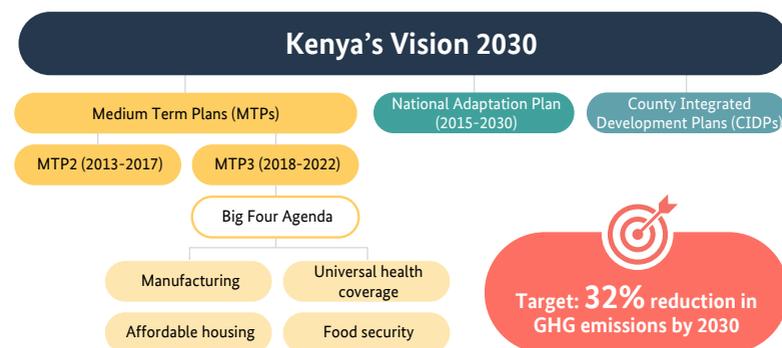
## 2.6 Kenya's Vision 2030

**Kenya's Vision 2030**<sup>[16]</sup>, launched in 2008, sets an ambitious goal: to transform the nation into an industrialized, middle-income economy. The implementation of this long-term vision has increasingly woven in climate change considerations through its rolling **Medium Term Plans (MTPs)**.

The journey of climate mainstreaming began with **MTP2 (2013-2017)**, which marked the

In parallel with these MTPs, Kenya has developed key climate-specific frameworks. The **National Adaptation Plan (2015-2030)** is a cornerstone, concentrating on improving adaptation measures, building resilience to climate shocks, and enhancing the crucial synergies between adaptation and mitigation efforts.

Further demonstrating its commitment, Kenya's NDCs, initially submitted in 2015 and updated in 2020, outline a bold target: a **32% reduction in GHG emissions by 2030** relative to the business-as-usual scenario. Notably, 21% of the cost for achieving this ambitious goal is to be borne by local resources, showcasing



first time climate change was integrated into national planning. Building on this foundation, **MTP3 (2018-2022)** further solidified this commitment by establishing a dedicated climate change thematic working group. This plan also strategically incorporated the "Big Four Agenda," focusing on crucial areas such as manufacturing, universal health coverage, affordable housing, and food security, all of which have inherent links to climate resilience.

national ownership. The NDC places a strong emphasis on adaptation, including the vital task of mainstreaming climate actions into both the MTPs and **County Integrated Development Plans (CIDPs)**. It also champions nature-based solutions, sustainable waste management, and aims to enhance adaptive capacity through technology uptake and knowledge sharing, paving the way for a more resilient and sustainable Kenya.



## 2.7 Kenya's Climate Policy Architecture

Kenya has progressively built a comprehensive and robust policy framework to address climate change, moving from initial strategies to detailed action plans and strong legal mandates. This evolution reflects a deep commitment to both adaptation and mitigation, integrated across all levels of government and sectors.

The journey began with The **National Climate Change Response Strategy**<sup>[17]</sup> in 2010. As Kenya's inaugural national climate strategy, it laid the groundwork by emphasizing coordinated efforts, mainstreaming adaptation and mitigation into development planning, and outlining initial projects in vital sectors such as forestry, energy, agriculture, and transport.

Building on this foundation, **The National Climate Change Framework Policy (2016)**<sup>[18]</sup> was enacted to promote a more coordinated,

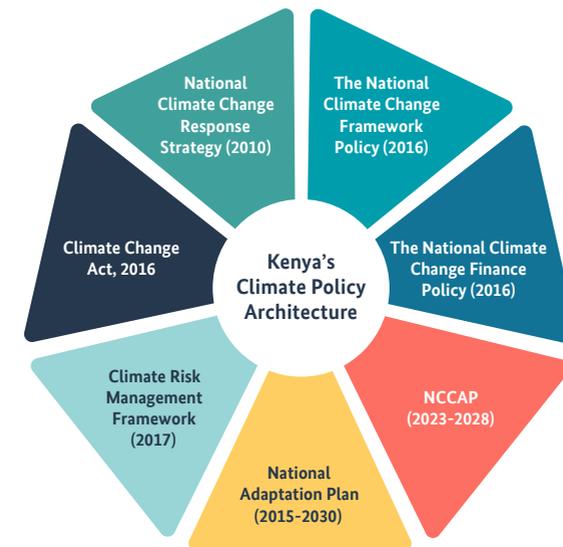
coherent, and effective response to climate change. Its core objective is to integrate climate considerations across all levels of government and sectors, ultimately aiming for enhanced adaptive capacity and guiding the nation towards a low-carbon development pathway.

Financial aspects of climate action were specifically addressed by **The National Climate Change Finance Policy (2016)**. This policy is crucial for ensuring the robust management of climate finance, including transparent tracking and reporting mechanisms consistent with international commitments. It further established a national Climate Change Fund and a Climate Finance Budgeting and Tracking System to streamline financial flows<sup>[19]</sup>.

For actionable implementation, Kenya relies on comprehensive plans. The **NCCAP (2023-2028)** serves as a five-year blueprint for translating both Kenya's NDCs and the NAP into tangible actions, mainstreaming climate

considerations across all economic sectors and government levels. Complementing this is the **National Adaptation Plan (2015-2030)** which specifically aims to enhance the long-term resilience of key sectors by supporting macro-level adaptation actions and addressing critical county-level vulnerabilities. Further strengthening the strategic approach, the

**Change Council**, chaired by the President, underscoring the high-level commitment to climate action. Crucially, the Act legally mandates county governments to integrate climate change into their **CIDPs**, develop specific **County Climate Change Action Plans**, and establish essential supporting structures. These structures include **County Climate**



**Climate Risk Management Framework (2017)** integrates climate change adaptation with disaster risk management and broader sustainable development goals, fostering a holistic view of climate challenges<sup>[5]</sup>.

The crowning achievement in Kenya's climate governance is the landmark **Climate Change Act, 2016**. This legislation provides the primary legal and institutional framework for climate action. It established the **National Climate**

**Change Units, County Climate Change Funds (CCCFs)**, and robust Monitoring, Reporting, and Evaluation systems. The Act also explicitly ensures public participation in climate initiatives and adherence to sustainable development principles, embedding climate action firmly into the nation's governance fabric.



## 3. County-Level Planning and Finance for Climate Action in Kenya

Kenya's legal and institutional framework for climate financing at the sub-national level is robust, drawing primarily from the **County Governments Act, 2012**, the **Public Finance Management Act, 2012**, and the coordinating role of the **Intergovernmental Budget and Economic Council**.

### 3.1 County Climate Strategy Development

**County Governments Act, 2012:** This Act is fundamental in establishing the framework for county-level development planning and expenditure, inherently including climate action. It mandates counties to prepare:

- **County Integrated Development Plans<sup>[7]</sup>:** These five-year plans are the bedrock for county budgeting and expenditure. The Act (and subsequent climate legislation like the **Climate Change Act, 2016**) requires CIDs to integrate climate change adaptation and mitigation measures, making them central to a county's climate finance strategy.
- **County Sectoral Plans and Spatial Plans:** These specialized plans, also required by the Act, further embed climate considerations into specific sectors (e.g., agriculture, water) and land use planning, which in turn influences climate-related investments. Crucially, the Act emphasizes **citizen participation** in the

development, budgeting, and review of these plans, ensuring that local climate needs and priorities inform financial allocations. This participatory approach is a key enabler for locally led climate action, often leading to the establishment of **CCCFs** and the prioritization of community-driven climate projects. Many counties have further enacted their own **County Climate Change Acts** to solidify these provisions and mandate a percentage of their development budgets for climate action<sup>[20]</sup>.

### 3.2 Climate Financing Arrangements

**Public Finance Management Act, 2012<sup>[21]</sup>:** The Act provides the overarching legal framework for managing public finances at both national and county levels, directly impacting climate finance through:

- **Budgeting and Expenditure Framework:** It sets out the processes for preparing, approving, and executing budgets, ensuring that funds, including those



for climate action, are allocated and spent in a transparent and accountable manner. This includes provisions for the establishment and management of public funds at the county level, which can be utilized for climate initiatives (e.g., the County Revenue Fund, and dedicated CCCFs where established).

- **Financial Accountability:** The Act lays down robust financial reporting, auditing, and oversight mechanisms, essential for tracking climate finance flows and ensuring that resources are used effectively and efficiently for their intended climate resilience and mitigation purposes.

**Intergovernmental Budget and Economic Council:** Established under the Public Finance Management Act, IBEC serves as a critical intergovernmental forum for coordinating financial matters between the national and county governments. Its role in climate financing includes:

- **Harmonizing Climate Funding:** IBEC provides a platform for high-level discussions and agreements on the division of revenue and allocation of resources, including those specifically earmarked for climate change. This helps in aligning national climate finance strategies with county-level implementation needs.

- **Facilitating Resource Flows:** By coordinating budget processes and financial policies, IBEC helps to ensure a smoother flow of climate finance from national and international sources to county governments, as seen with programs like the Financing Locally Led Climate Action (FLLoCA) program. This mechanism often requires counties to meet certain preconditions (like having climate legislation and specific bank accounts) to access funds, thereby promoting good financial governance for climate action.

In summary, these three legislative and institutional pillars collectively create a framework where county governments are not only mandated to integrate climate change into their planning and decision-making but are also provided with the financial mechanisms and coordination platforms necessary to mobilize,

manage, and deploy resources effectively for locally led climate action.

### 3.3 County Integrated Development Plans

**County Integrated Development Plans** serve as the primary planning instruments at the county level, laying out a county's overall development priorities for **five-year periods**. These crucial plans are not just about general development; both the **Climate Change Act** and various national policies mandate that CIDPs integrate **climate change adaptation and mitigation measures**. This makes them central to a county's broader climate action framework. Furthermore, to ensure that local needs and priorities are genuinely reflected, **public participation** in the development, budgeting, and review of CIDPs is a mandatory requirement.



## 4. Institutionalization of Climate Action

### 4.1 National Institutional Framework

Kenya has developed a robust **National Institutional Framework** for climate action, characterized by a strong constitutional foundation, dedicated legal and policy instruments, and multi-level governance structures. This framework aims to integrate climate change considerations across all sectors and levels of government, fostering a low-carbon, climate-resilient society<sup>[22]</sup>.

Here are the key components of Kenya's National Institutional Framework for climate change:

#### National Climate Change Council:

- Chaired by the **President**, this high-level body provides overall national climate change coordination.
- Its functions include ensuring climate change is mainstreamed by both national and county governments, approving and overseeing NCCAP implementation, advising on legislative and policy measures, setting greenhouse gas emission targets, and imposing climate change duties on public and private entities.

#### Climate Change Directorate:

- Housed within the **Ministry** responsible for climate change, the CCD is responsible for **coordinating the implementation of climate actions**.
- It plays a crucial role in providing analytical support to sector ministries and facilitating coordination between national and county levels.



## 4.2 Key Institutions for Multilevel Dialogue on Climate Change

Effective governance in Kenya relies on a robust framework of institutions designed to facilitate dialogue and coordination across different levels of government. These bodies are particularly crucial for ensuring a cohesive and integrated approach to national development, with a specific emphasis on climate change matters.

At the apex of this framework is the **National and County Government Coordination Summit**. This high-level body brings together the President and all county governors, serving as a vital platform for consultations and the monitoring of development plans across the nation. Importantly, these discussions frequently encompass the strategic integration of climate change considerations into national and county development agendas.

Complementing this, the **CoG**, comprised of all 47 county governors, plays a pivotal role in fostering horizontal coordination among counties. The CoG is instrumental in promoting information sharing, resolving disputes, and

collaborating on a wide range of issues, with climate action being a particularly significant area of focus. This ensures that counties can learn from each other's experiences and align their efforts in addressing climate challenges.

Providing essential support and facilitating the activities of both the Summit and the CoG is the **IGRTC**. This committee offers crucial secretariat services, ensuring the smooth operation of these intergovernmental bodies as they deliberate on and advance climate change initiatives.

Finally, **Intergovernmental Sector Forums** serve as specialized platforms for harmonization and coordination of service delivery within counties, often with a direct bearing on climate resilience. These forums bring together national government departments and their corresponding county executive members, enabling targeted discussions and integrated approaches to specific sectors. This collaborative structure is vital for effectively mainstreaming climate change adaptation and mitigation strategies across various sectors, thereby enhancing the overall effectiveness of service provision at the grassroots level.

## 4.3 Sub National Institutional Arrangements

Kenya's decentralized governance structure, established by the 2010 Constitution, places its 47 counties at the forefront of local development and, crucially, at the heart of climate action. The **county climate action framework** in Kenya is built upon a strong foundation of national legislation and policies, but it is ultimately designed to enable and empower climate action at the local level.

Kenya's pivotal national legislation, the **Climate Change Act**, explicitly mandates county governments to integrate climate change into their development planning, decision-making, and implementation. This comprehensive act requires counties to prepare a five-year **County Integrated Development Plan**, a 10-year **County Spatial Plan**, and various **County Sectoral Plans**, all of which must fully incorporate climate change actions.

The Act further directs county governments to mainstream the implementation of the **NCCAP** into their CIDPs and sector plans. This crucial coordination is to be overseen by a designated **County Executive Committee** member.

To support this mainstreaming, the legislation mandates the establishment of key institutions at the county level<sup>[23]</sup>:



### County Climate Change Units:

These units are responsible for coordinating all climate actions within the county.



### County Climate Change Funds:

These mechanisms are designed to mobilize and transparently manage financial resources specifically for local climate initiatives.



### Climate Information Services:

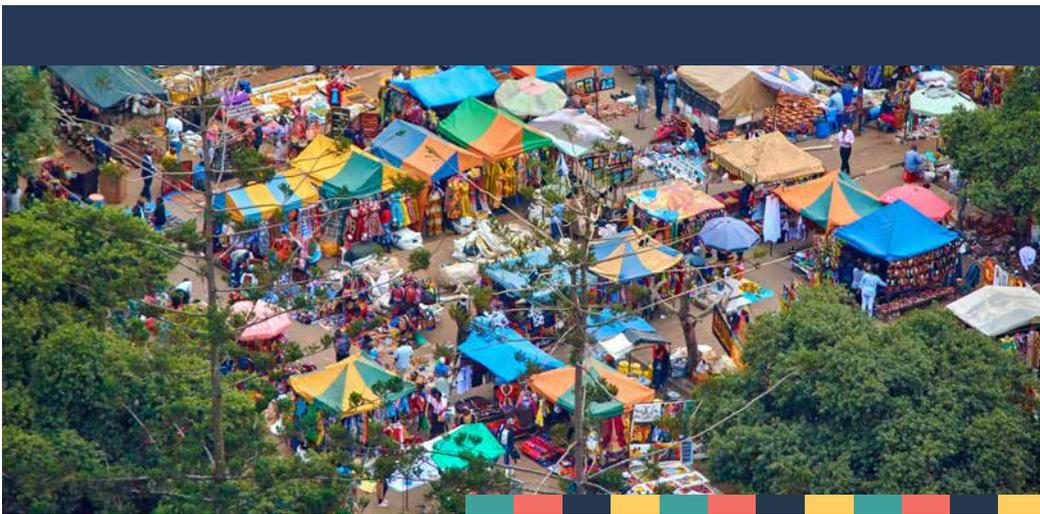
These services are vital for providing relevant climate data and information essential for effective planning.



### Monitoring, Reporting, and Evaluation systems:

These systems are to be put in place to track the progress and impacts of all county-level climate actions.

Finally, the Act encourages counties to enact their own climate legislation, guidelines, and procedures, such as **County Climate Change Policies and Acts of County Assembly**. This allows counties to further define and implement their specific obligations under the national Act, tailoring climate action to their unique local contexts.



## 5. Analysis of Kenya’s Legal and Policy Framework for Nature-based Solutions

Kenya’s legal and policy framework, while not explicitly naming “Nature-based Solutions” (NbS), provides a strong foundation for their implementation through various laws and international agreements.

### 5.1 International Agreements

- **The Paris Agreement:** This international treaty encourages NbS by promoting sustainable land use, ecosystem restoration, and the protection of natural carbon sinks like forests and wetlands. It also emphasizes using ecosystem-based approaches for climate adaptation and provides funding through mechanisms like the Green Climate Fund for related projects.
- **IUCN Global standards for NbS:** The standards offer a foundational benchmark for implementing NbS with integrity, outlining eight criteria for effective design, governance and monitoring. This serves as a base guidance for Kenya NbS adoption and implementation.
- **The Ramsar Convention on Wetlands<sup>[24]</sup>:** This convention, dedicated to wetland conservation, aligns with NbS principles by promoting the “wise use” of wetlands for flood regulation, water purification, and carbon sequestration. Recent resolutions have explicitly framed wetlands as crucial NbS tools for national climate strategies.

### 5.2 National Laws

- **Environmental Management and Coordination Act (EMCA)<sup>[25]</sup>:** Kenya’s primary environmental law supports NbS through provisions for wetland conservation, coastal zone management, and environmental impact assessments. However, the lack of a specific NbS definition creates ambiguity in its implementation.
- **Forest Conservation and Management Act:** This act promotes participatory forestry and community involvement, which are core principles of NbS, even without using the term.
- **Water Act<sup>[26]</sup>:** This legislation enables **Integrated Water Resources Management** and catchment conservation, providing a legal basis for protecting water ecosystems and restoring watersheds, which are key NbS strategies.
- **Wildlife Conservation and Management Act<sup>[27]</sup>:** This law empowers the government to declare protected wetlands and national reserves, emphasizing community involvement and biodiversity stewardship, which are essential for NbS.
- **Climate Change Act<sup>[18]</sup>:** The act mandates climate adaptation measures and prioritizes ecosystem-based approaches, such as Reducing Emissions from Deforestation and forest Degradation (**REDD+**), which are consistent with NbS principles.
- **Land Act & County Governments Act:** These laws support NbS by restricting the use of ecologically sensitive land, promoting public participation in planning, and enabling co-management of ecosystems.
- **Physical and Land Use Planning Act:** This framework creates legal space for urban NbS interventions like green infrastructure and ecological corridors.

### 5.3 Recommendations

To strengthen the legal framework for NbS, the analysis recommends:

- ➔ **Formal legal recognition of NbS** within the EMCA to establish a clear legal basis.
- ➔ Developing a national NbS strategy and guidelines.
- ➔ Establishing institutional incentives and regulatory mechanisms to operationalize the framework.
- ➔ Strengthening stakeholder coordination and building capacity at the county level to integrate NbS into development plans.

## 6. References

- [1] P. Agreement, "Paris agreement," in report of the conference of the parties to the United Nations framework convention on climate change (21st session, 2015: Paris). Retrived December, HeinOnline, 2015, p. 2. Accessed: Aug. 06, 2025. [Online]. Available: [https://heinonline.org/hol/cgi-bin/get\\_pdf.cgi?handle=hein.journals/intim55&section=46](https://heinonline.org/hol/cgi-bin/get_pdf.cgi?handle=hein.journals/intim55&section=46)
- [2] N. Ozor, A. Nyambane, C. M. Onuoha, M. O. Makokha, and F. M'mboiy, "Nationally determined contributions (NDCs) implementation index, monitoring and tracking tools for selected countries in Africa." Availabe Httpsatspnet Orgwpcntentuploads202007NDC-Implement-Index-Rep. Pdf Accessed 7 Novemb. 2023, 2020, Accessed: Feb. 16, 2025. [Online]. Available: <https://atpsnet.org/wp-content/uploads/2020/07/NDC-Implementation-Index-Report.pdf>
- [3] N. Ozor, W. Muhathiah, and A. Nyambane, "Paving the Way for Climate Action: Kenya's Journey towards Implementing the Nationally Determined Contributions (NDCs)", Accessed: Feb. 16, 2025. [Online]. Available: <https://atpsnet.org/wp-content/uploads/2024/09/TECHNOPOLICY-BRIEF-NO.72-PAVING-THE-WAY-FOR-CLIMATE-ACTION-KENYAS-JOURNEY-TOWARDS-IMPLEMENTING-THE-NATIONALLY-DETERMINED-CONTRIBUTIONS-NDCs.pdf>
- [4] D. Coen, J. Kreienkamp, T. Pegrarn, and C. Bal, "Multilevel Governance of Global Climate Change: Problems, Policies and Politics.," 2020, Accessed: Aug. 06, 2025. [Online]. Available: <https://discovery.ucl.ac.uk/id/eprint/10140072/>
- [5] C. A. S. (K) Limited, S. Mutimba, and R. Wanyoike, "Towards a coherent and cost-effective policy response to climate change in Kenya: Country report," 2013, Accessed: Aug. 06, 2025. [Online]. Available: [https://ke.boell.org/sites/default/files/towards\\_a\\_coherent\\_and\\_cost\\_effective\\_policy\\_response\\_to\\_climate\\_change\\_in\\_kenya1.pdf](https://ke.boell.org/sites/default/files/towards_a_coherent_and_cost_effective_policy_response_to_climate_change_in_kenya1.pdf)
- [6] C. Murray, "Kenya's 2010 constitution," N. F. Band Jahrb. Offentlichen Rechts, vol. 61, pp. 747–788, 2013.
- [7] L. O. KENYA, "COUNTY GOVERNMENTS ACT." Kenya Law. Available from: <http://www.parliament.go.ke/sites/default...>, 2012. Accessed: Feb. 16, 2025. [Online]. Available: <http://kenyalaw.org/8181/exist/rest/db/kenyalex/Kenya/Legislation/English/Acts%20and%20Regulations/C/County%20Governments%20Act%20-%20No.%2017%20of%202012/docs/CountyGovernmentsAct17of2012.pdf>
- [8] G. of Kenya, "Kenya National Adaptation Plan: 2015–2030," Minist. Environ. For., 2016.
- [9] Y. N. Ndirangu, "Effectiveness of the policy framework for climate change interventions at county government level: case of Makueni County Government, Kenya," PhD Thesis, Doctoral dissertation. Strathmore University, 2024. Accessed: Aug. 06, 2025. [Online]. Available: <https://su-plus.strathmore.edu/server/api/core/bitstreams/6a4a08f1-c2cd-4cfc-b833-81338a897d5f/content>
- [10] M. Nzau, "Mainstreaming climate change resilience into development planning in Kenya," Int. Inst. Environ. Dev. IIED Ctry. Rep. IIED Lond., 2013, Accessed: Aug. 06, 2025. [Online]. Available: [https://cdkn.org/sites/default/files/files/Kenya\\_PRESS.pdf](https://cdkn.org/sites/default/files/files/Kenya_PRESS.pdf)
- [11] D. K. Manyala, "Role of Inter-Governmental Relations on Service Delivery in Multi-Level Systems of Governance in Counties in Kenya," PhD Thesis, JKUAT-COHRED, 2021. Accessed: Aug. 06, 2025. [Online]. Available: <http://ir.jkuat.ac.ke/handle/123456789/5501>
- [12] W. V. Mitullah, "FES Kenya Occassional Paper, No. 6 ISBN: 9966-957-09-x Intergovernmental Relations Act 2012: Reflection and Proposals on Principles, Opportunities and Gaps," 2012, Accessed: Aug. 06, 2025. [Online]. Available: <https://erepository.uonbi.ac.ke/handle/11295/38819>
- [13] J. Laichena, E. Kiptoo, S. Nkanyani, S. Mwamakamba, I. Jacobs-Mata, and I. Ires, "Kenya National Policy Dialogue summary report.\backslashslash." Summary report of the National Policy Dialogue, Nairobi, Kenya, 2022. Accessed: Aug. 06, 2025. [Online]. Available: <https://cgspace.cgiar.org/bitstreams/d7c566e4-aa4e-4b10-89c8-f12e3c0b7531/download>
- [14] T. S. Ashiko and M. Wachira, "KNOWLEDGE MANAGEMENT PRACTICES AND EFFECTIVENESS OF INSTITUTIONS SUPPORTING DEVOLUTION IN KENYA: A CASE STUDY OF THE COUNCIL OF GOVERNORS," Int. J. Innov. Enterp. Soc. Sci., vol. 3, no. 1, pp. 251–262, 2025.
- [15] V. Sebayiga, "Resolving Intergovernmental Disputes in Kenya through Alternative Dispute Resolution (ADR) Mechanisms," J. Confl. Manag. Sustain. Dev., vol. 10, no. 2, 2023, Accessed: Aug. 06, 2025. [Online]. Available: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4405567](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4405567)
- [16] W. Nyangena, "The Kenya Vision 2030 and the Environment: issues and challenges," Environ. Dev. EFD-Kenya, pp. 45–56, 2012.
- [17] P. O. Ongugo et al., "A review of Kenya's national policies relevant to climate change adaptation and mitigation," Insights Mt Elgon, 2014, Accessed: Aug. 06, 2025. [Online]. Available: [https://www.academia.edu/download/47780744/A\\_review\\_of\\_Kenyas\\_national\\_policies\\_re20160804-27950-1m06m56.pdf](https://www.academia.edu/download/47780744/A_review_of_Kenyas_national_policies_re20160804-27950-1m06m56.pdf)
- [18] C. Wambua, "The Kenya climate change act 2016: Emerging lessons from a pioneer law," CCLR, vol. 13, p. 257, 2019.
- [19] P. Odhengo, J. Atela, P. Steele, V. Orindi, and F. Imbali, "Climate finance in Kenya: review and future outlook," Clim. Finance Policy Brief, vol. 1, 2019, Accessed: Aug. 06, 2025. [Online]. Available: [https://admin.adaconsortium.org/storage/uploads/2024/11/06/16-08-2019-Final-Kenya-climate-finance-paper-5\\_uid\\_672b0e45aa598.pdf](https://admin.adaconsortium.org/storage/uploads/2024/11/06/16-08-2019-Final-Kenya-climate-finance-paper-5_uid_672b0e45aa598.pdf)
- [20] J. M. Cohen and R. M. Hook, "Decentralized planning in Kenya," Public Adm. Dev., vol. 7, no. 1, pp. 77–93, Jan. 1987, doi: 10.1002/pad.4230070106.
- [21] L. O. KENYA, "Public Finance Management Act," Public Finance, p. 2, 2012.
- [22] M. Kiremu, F. Scrimgeour, J. Mutegi, and R. Mumo, "Climate finance readiness: A review of institutional frameworks and policies in Kenya," Sustain. Environ., vol. 8, no. 1, p. 2022569, Dec. 2022, doi: 10.1080/27658511.2021.2022569.
- [23] M. J. Naeku, "Climate change governance: An analysis of the climate change legal regime in Kenya," Environ. Law Rev., vol. 22, no. 3, pp. 170–183, Sep. 2020, doi: 10.1177/1461452920958398.
- [24] G. V. T. Matthews, "The Ramsar Convention on Wetlands: its history and development," Ramsar Convention Bureau Gland, 1993. Accessed: Aug. 06, 2025. [Online]. Available: [https://www.ramsar.org/sites/default/files/migration\\_files/documents/pdf/lib/Matthews-history.pdf](https://www.ramsar.org/sites/default/files/migration_files/documents/pdf/lib/Matthews-history.pdf)
- [25] L. Juma, "Environmental Protection in Kenya: Will the Environmental Management and Co-ordination Act (1999) Make a Difference," SC Env't LJ, vol. 9, p. 181, 2000.
- [26] National Council for Law, "water Act 2016 kenya - Google Search." Accessed: Mar. 10, 2025. [Online]. Available: <https://wra.go.ke/download/the-water-act-2016/>
- [27] G. W. Njoroge, "The Wildlife Conservation And Management Act 2013: Facilitative Or Prohibitive On Growth Of Wildlife Conservancies In Kenya.," PhD Thesis, University of Nairobi, 2016. Accessed: Aug. 06, 2025. [Online]. Available: [https://erepository.uonbi.ac.ke/bitstream/handle/11295/100110/Njoroge\\_The%20Wildlife%20Conservation%20And%20Management%20Act%202013%20Facilitative%20Or%20Prohibitive%20On%20Growth%20Of%20Wildlife%20Conservancies%20In%20Kenya..pdf?sequence=1](https://erepository.uonbi.ac.ke/bitstream/handle/11295/100110/Njoroge_The%20Wildlife%20Conservation%20And%20Management%20Act%202013%20Facilitative%20Or%20Prohibitive%20On%20Growth%20Of%20Wildlife%20Conservancies%20In%20Kenya..pdf?sequence=1)





**Paper compiled by:**

Abel Omanga (Covenant of Mayors in Sub Saharan Africa)

Brenda Kajuju (Resilience Initiative Africa)

Moses Munuve (Connective Cities)

Sophia Kamau (Resilience Initiative Africa)

