Kenya

Mobilizing Investments for the Implementation of NDCs

Learning Theme #3 - Integrated Governance

Aligning County Integrated Development Plans to the National Climate Change Action Plan

Part A: Institutional Mapping

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Introduction

Kenya's pioneering and ambitious commitment to low carbon, climate resilient development is strongly communicated by the National Climate Change Response Strategy, National Climate Change Action Plans, the strong targets defined in the Nationally Determined Contribution to the Paris Agreement of the UNFCCC, and other national and subnational policies. **Consistent across all these strategies is the recognition of the significant financial resources necessary**.

The mobilization of the financial resources required to respond adequately to climate change is a global goal shared by all countries, with critically important collective action challenges across all scales. Climate finance refers to *"local, national or transnational financing—drawn from public, private and alternative sources of financing—that seeks to support mitigation and adaptation actions that will address climate change."*[1]

The multi-national project, "**Mobilizing Investment for NDC Implementation**" (MI) is focused on diverse interventions in 7 different countries: Bangladesh, Dominican Republic, Ethiopia, Kenya, Peru, Philippines, and Viet Nam.

Among the various components of the MI project is Learning Theme #3 (LT3)—focused on gaining insights and better understanding the role of "Integrated Governance" on improving investments in NDCs. Three distinctive country scenarios were explored under LT3, with the intent to map and better understand the climate governance landscape and the unique capacity and coordination challenges manifest in each countries' emerging NDC investment strategy. The LT3 countries of study include Peru, Kenya, and the Philippines.

While opportunities for economic growth and human development exist everywhere, the way forward, i.e. "the favorable conditions," varies for different places— even within the same country. This is especially true under the pressures of climate change; not only to cope and adapt to its direct and cascading indirect impacts, but also to improve energy access while defying the gravitational pull from legacy systems dependent on carbon intensification for economic growth.

Climate and infrastructure expenditures, along with de-risking and attracting additional sectoral investments, remains a challenge for both national and sub-national governments in the majority of countries where such investments are pressingly needed. **In fact, the challenges are proving much more complex than simply supplying the wanting finance or ramping up new technologies.**

Pursuing new opportunities for human and economic development at the local level, requires (among other things) **addressing coordination and capacity challenges between actors, sectors, levels of government, and public & private sector interests.** While at the same time, maintaining a balanced, inclusive, trans-institutional approach across the urban-rural interface (e.g. monitoring the water, energy, food nexus).

Understandably, public investment in both hard and soft infrastructure[2] has a strong impact on where people decide to live and work. This in turn, directly influences the nature and location of private investments. Well-managed **public investments to strengthen resilience to climate change and low carbon infrastructure can be a growth enhancing form of public expenditure**. In contrast—uncoordinated, unmonitored poor choices in public investment wastes resources, erodes public trust, and hampers growth and private sector investment opportunities.[3]

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[1] UNFCCC, 2019. "Introduction to climate finance. https://unfccc.int/topics/climate-finance/the-big-picture/introduction-to-climate-finance

[2] Infrastructure includes a wide variety of systems (both built and natural) that are essential to the functioning of communities - they can be hard or soft infrastructure. Hard infrastructure generally refers to the large physical infrastructure, such as bridges, sewers, and electric distribution systems, etc., while soft infrastructure refers to the institutions and programmes that support the economy, education, safety and health of the city residents; such as law enforcement, public education, and the health care system, etc.

[3] OECD (2014) Recommendation of the Council on "Effective Public Investment Across Levels of Government." Adopted March 12, 2014

LT3 Kenya - Thematic Focus

Kenya's new constitution in 2010, established a devolved government structure that created 47 counties as sub-national units of government. Consequently, in order to successfully operationalize Kenya's ambitious NDC, the 47 counties must now define and align their particular County Integrated Development Plans (CIDPs), and County Sector Plans with the National Climate Change Action Plan. This involves intensive county planning, budgeting and implementation across multiple sectors. Undoubtedly, **county governments are critical, functional co-financiers with an emergent, increasingly important role to become Implementing Entities of low carbon, climate resilient initiatives.**

The application of LT3 on Integrated Governance of the MI project in Kenya is comprised of two components:

- **Part A:** An Institutional Mapping diagnostic with the objective to help lay the ground work for discussion and specification of the coordination and capacity challenges to integrated, multi-level governance MLG that stunt the County Integrated Development Plans and County Sector Plans from efficiently aligning with the National Climate Change Action Plan, which in turn enables scaling up climate finance and investments that build resilience to climate change and accelerate low carbon development.

- **Part B:** A Domestic Technical Consultation will be held in Nairobi Jan 2020, with planning officials from 5 counties and the national government. This will be moderated by national and local authorities. The technical consultation will be informed by the Institutional Mapping Diagnostic, with the interactive discussions organized to incentivize analysis and elaborate recommendations. The learning objectives of the DTC include the elaboration of priority policies and themes to strengthen the use of common indicators, and institutional arrangements to consolidate expenditures and investments in local county climate actions and infrastructure. The participatory technical consultation between national and county officials will produce observations and recommendations to improve the coordination and capacity to design and implement CIDPs aligned with the National Climate Change Action Plan.

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1.0 Multi-level Climate Governance in Kenya

Integrated governance refers to more than political process. Specifically, it concerns the processes of interaction and decision-making among the diverse actors involved in a collective problem that lead to the creation, reinforcement or reproduction of social norms and institutions.[4] **Integrated, multi-level governance (MLG) therefore, refers to the synergistic interplay between institutions, levels of government, and civil society organizations that shape how policies and actions are defined and implemented.** This can involve vertical and horizontal interactions and take numerous forms.[5]

An outcome of the 2017 Global Nationally Determined Contributions (NDC) Conference in Berlin was that integrated governance is a key pillar for NDC implementation, transparency, and climate finance. Countries cannot meet their climate goals unless national governments work hand-in-hand with all tiers of government, civil society and the private sector partners under a balanced territorial approach.[6]

Recognizing that MLG is an underserved concept, an informative step to help mobilize climate finance is to conduct an institutional mapping exercise as a diagnostic to help identify and prioritize improving MLG coordination and capacity gaps. Institutional mapping is concerned with understanding the existing distribution of power that influence the outcome of a decision-making process.[7] It focuses on the key actors, their interactions, where power is located, who has the ability to influence decisions, and who makes decisions. The aim is to identify roles and responsibilities of different actors in order to clarify their relationships towards improved climate action. (see Appendix 1: Integrated Governance; Definitions, and Concepts)

This institutional mapping exercise largely draws upon the Governance Analytical Framework (GAF) which consists of five coherently linked analytical tools: problems, social norms, actors, nodal points, and processes. Problems are sets of interrelated issues at stake. Actors or stakeholders are individuals or groups whose collective action leads to the formulation of the social norms that guide, prescribe, and sanction collective and individual behaviour. Nodal points, meaning the physical or virtual interfaces where problems, processes, actors, and norms converge and 'processes' refers to these complex interactions over time.[8]

The devolved government structure in Kenya created 47 counties which are sub-national units of government.[9] These counties are distinct from, yet interdependent with the national government; thus creating a complex relationship that continues to evolve with attendant challenges. A number of county government functions such as agriculture, air pollution, environmental conservation have direct

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[4] Hufty, M; (2011) "Investigating Policy Processes: The Governance Analytical Framework (GAF).

[5] Ibid

[6] GIZ, UNDP, LEDS-GP (2017) "NDC Conference 2017" Berlin, May 2-6, 2017

[7] McFadden, L., Priest, S. and Green, C. (2010) Introducing institutional mapping: A guide for SPICOSA scientists, *Spicosa Project Report*, London, Flood Hazard Research Centre, Middlesex University.

[8] Hufty, M; (2011) "Investigating Policy Processes: The Governance Analytical Framework (GAF).

[9] Constitution of Kenya Article 10.

implications for the climate change agenda.[10] Consequently, **counties have been charged with the responsibility to integrate climate change in county planning, budgeting and implementation.** They are required to mainstream the implementation of the National Climate Change Action Plan (which operationalizes Kenya's NDCs) into County Integrated Development Plans (CIDPs), and the County Sector Plans.[11]

The Kenyan experience, in the context of how CIDP alignment to the NCCAP impacts the flow of climate finance and investment, makes for an interesting case to analyze the role of MLG on achieving the NDC. In this institutional mapping exercise, the coordination and capacity gaps between levels of governance will be identified by posing the following questions:

1. What are the barriers that stunt alignment of CIDPs with NCCAP?
2. Are counties contemplating the use of harmonized climate-smart indicators across all counties in their CIDPs? If so, what processes are being used to select, register, and verify these indicators?
3. What support can be leveraged across various governance levels to support effective development of climate-smart indicators in the CIDPs?
4. How can climate-smart indicators be used as an efficient monitoring and tracking system under the CIDPs to align county priorities to NCCAP goals, and subsequently guide public expenditures and leverage private sector investment?

2.0 Mainstreaming Climate Action

The Constitution of Kenya, 2010 created impetus for climate action through enshrining the right to a clean and healthy environment[12] and the principle of sustainable development to guide governance.[13] The State is under an obligation to eliminate all processes and activities that may endanger the environment[14] thus creating a strong basis for climate action in Kenya. This section aims to elucidate the mainstreaming approach adopted towards climate governance in Kenya and its correlation to achieving the NDCs.

Mainstreaming is an approach that seeks to ensure climate change is integrated in all planning, budgeting, and developmental processes rather than a siloed approach where climate issues are considered in isolation.[15] The crosscutting nature of climate change makes a good case for mainstreaming as it ensures effective stakeholder participation,[16] coordination and harmonization of sectoral interventions, as well as promoting prudent use of resources.

While discussing integrated governance and the NDCs, familiarity with the regulatory and policy provisions on the roles of various actors in the mainstreaming of climate change is imperative. A chronological account from 2010-2018 highlighting these provisions is provided.

2.1 National Climate Change Response Strategy 2010 (NCCRS)

The NCCRS is the first government dedicated document aimed at addressing the adverse impacts of climate change.[17] It acknowledges the need to address the impacts from climate change and align

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[10] Fourth schedule of the Constitution, these include: crop husbandry, county health services, control of air pollution, and implementing national govt policies on environmental conservation including forestry.

[11] Climate Change Act, 2016 Sec 19

[12] Constitution of Kenya (2010) Ar. 42.

[13] Ar. 10 (2) (d).

[14] Ar. 69 (1) (g).

[15] Climate Change Act Section 2 and 3(2) (a).

[16] Climate Change Act Section 4(2) (f).

[17] Government of Kenya, 'National Climate Change Response Strategy (NCCRS)' (Ministry of Environment and Mineral Resources 2010).

sectoral polices and development plans with the goals of building resilience and reducing GHG emissions. The Strategy presents adaptation and mitigation strategies in the following key sectors: agriculture, energy, health, water, fisheries, forestry, wildlife and rangelands.

The Strategy outlines eight key objectives: understanding the international climate change regime, evidence and impacts of climate change in Kenya, adaptation and mitigation measures, understanding climate change nationally and regionally, vulnerability assessments, research and technology, enabling governance framework and a concerted action plan. The mention of vulnerability assessments, enabling governance framework, and a concerted action plan have all had an important influence in defining specific activities within the mainstreaming approach adopted under the 2016 Climate Change Act (see below).

2.2 National Climate Change Action Plan NCCAP (2013-2017)

The NCCAP is Kenya's first technical climate change action plan aiming to achieve the NCCRS' objectives laid out in the preceding section. The Cabinet Secretary Ministry of Environment and Forestry has been charged with the duty of formulating the NCCAP after every five years. NCCAP shall be the main instrument to prioritize climate change into sectoral functions.[18]

The Plan defines the lead government institutions [and their specific mandate] relevant to addressing climate change. These are: Ministry of Environment and Forestry, Ministry of Planning and National Development, Ministry of Energy, Ministry of Finance, Ministry of Agriculture, Ministry of Water and Irrigation, National Economic and Social Council, National Environment Council, National Council for Science and Technology, County Governments, Climate Change Units in government departments, National Drought Management Authority.[19]

2.3 Kenya's Nationally Determined Contribution 2015

Kenya ratified the Paris Agreement of the UNFCCC on 28 December 2016, and it came into force for the country on 27 January 2017. However, the country had already submitted its NDC on 25 July 2015.[20] The NDC sets a target of **reducing Greenhouse Gas (GHG) emissions by 30%** by the year 2030, as compared to a business as usual scenario. Kenya understands the importance of the IPCC 1.5C report, highlighting the need to work together to prevent global warming from rising to the irreversible 2C. Agriculture, Energy, Forestry, Industry, Transportation, and Waste are the priority sectors of Kenya's NDC.[21]

The NDC, however, notes that Kenya's global contribution to GHG emissions is very low, but the country faces a significant problem of vulnerability to the adverse impacts of climate change. For this reason, specific adaptation actions are prioritized in the national five-year Medium-Term Plans utilized for economic planning. Kenya's mitigation component of the NDC is partly based on its NCCAP (previously 2013-2017 and now the 2018-2022 draft), which sets out the low carbon development pathway to achieve the 30% GHG emission reduction target, as well as supporting efforts towards the attainment of Vision 2030.

2.4 The Climate Change Act, 2016

The Climate Change Act, 2016 establishes Kenya as one of the few countries globally to specifically regulate greenhouse gas emissions in comprehensive standalone legislation. This Act defines the

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[18] Climate Change Act, Section 13 (3) (b).

[19] Government of Kenya, 'National Climate Change Action Plan NCCAP 2013-2018' (Ministry of Environment and Mineral Resources 2013).

[20] Government of Kenya, Kenya's Intended Nationally Determined Contribution, 23 July 2015 (Ministry of Environment and Natural Resources 2015). <http://www4.unfccc.int/submissions/INDC/ Published%20Documents/Kenya/1/Kenya_INDC_20150723.pdf> (accessed 20-10-2018).

[21] Government of Kenya 'Nationally Determined Contributions Sector Analysis Report' (Ministry of Environment and Natural Resources 2015)1.

enabling regulatory framework- aspired to in the NCCAP 2013-2017 which set out to have a standalone law on climate change, as well as to create a National Climate Change Council and Climate Change Directorate (CCD).

From the onset, Kenya has recognized that a standalone law is not a panacea to addressing climate change since it is a phenomenon that cross cuts all sectors. Therefore, the Climate Change Act of 2016 is emphatic about **prioritizing climate change considerations into decision making, operations, and functions by line ministries and at all levels of governance**.[22]

The Act establishes the National Climate Change Council (NCCC), which is chaired by the President. The role of the NCCC is to ensure mainstreaming of climate change at both national and county level,[23] approve and oversee implementation of the NCCAP, and to administer the National Climate Change Fund. (see below)[24] The constitution of the NCCC[25] is telling of the mainstreaming approach. Its members have been drawn from line ministries, the Council of Governors to represent the interests of County governments, the private sector to represent the business community, Civil Society to undertake their transparency and advocacy role, marginalized communities to address the needs of the most vulnerable, and academia to ensure access and inclusion of the latest research and evidence on climate change matters. The Council is yet to be operationalized, pending ongoing litigation challenging the nomination, approval and appointment of procedure of its members.[26] When operationalized, another milestone of the pioneering NCCAP 2013-2017 will be realized (now revised under 2018-2022).

The development and review of the NCCAP is the responsibility of the Climate Change Directorate (CCD) under the Ministry of Environment and Forestry (MoEF). The CCD's members have been drawn from a variety of disciplines, demonstrating the importance of Kenya's integrated approach towards technical capacity to address climate change. The Directorate also serves as the secretariat to the NCCC. Other ministries such as energy, agriculture, water, devolution and planning have responsibilities towards clean energy, food security, sustainable management of water resources and mainstreaming climate change into development plans respectively.

In order to facilitate mainstreaming in the public sector, The Climate Change Act directs every State Department to establish a climate change unit to undertake mainstreaming of the NCCAP into sectoral strategies for implementation.[27] These units are to have sufficient budgetary allocations and human resources to discharge their function. Private entities have also been charged with climate change duties which the Council shall prescribe.[28] This is an important step in ensuring that activities by private entities are equally monitored towards mainstreaming of climate change.

The Act also **tasks county governments to address climate change through their County Integrated Development Plans (CIDPs)** in accordance with the objectives of the NCCAP under the coordination of a designated County Executive Committee Member. It further requires counties to undertake annual reporting on climate change progress.[29] This role allocated to the county governments is at the crux of

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[22] Section 2 and 3.

[23] The Act has established Climate Change Units/Desk Offices in all government departments and agencies to mainstream climate change.

[24] Section 5; The National Climate Change Fund is vested in the National Treasury as per Section 25.

[25] Section 7 (2) (a-d)

[26] JR No.11 of 2017 http://kenyalaw.org/caselaw/cases/view/159741. J Aburile at para 59 held that 'In the instant case, it is clear that the Act stipulates the procedure for nomination and appointment of members of the NCCC. It is also clear that procedure was never followed when the CS presented names of nominees to H.E. the President instead of presenting to Parliament. Accordingly…the procedure for nomination to the NCCC was not followed by the Respondents.'

[27] Section 15 (5) (c)

[28] Section 16.
The National Environment Management Authority (NEMA) is tasked with monitoring and enforcing compliance of climate change actions under Sec 17.

[29] Section 19.

this report which seeks to investigate how far counties have been able to harmonize their CIDPs to the NCCAP.

2.5 Sessional Paper No. 5 of 2016 on National Climate Change Framework Policy

The Policy was developed to facilitate a coordinated, coherent and effective response to the local, national and global challenges and opportunities presented by climate change. It states that "an overarching mainstreaming approach has been adopted to ensure the integration of climate change considerations into development planning, budgeting and implementation in all sectors and at all levels of government".[30] The Policy echoes the aspirations of the Climate Change Act in so far as mainstreaming is concerned.

2.6 National Policy on Climate Finance, 2016

The Policy recognizes that significant financial resources are needed towards climate action. It seeks to position Kenya to better access climate finance to realize increased adaptive capacity and low carbon sustainable development.[31] The National Treasury is the line government department that will deliver on the climate finance aspects of the Climate Change Act, 2016, and Kenya's NDC. The Policy defines climate finance to mean all forms of finance (expenditures and investments) that specifically targets low-carbon or climate-resilient development; such as domestic budget allocations, public grants and loans from bilateral and multilateral agencies, and private sector investment.

In the spirit of mainstreaming of climate change at all government levels, County Integrated Development Plans (CIDPs) have been mentioned as an opportunity for climate change resource mobilization and integration of climate action into county governance.[32] This highlights the important linkages between county funds dedicated to climate change and whether the utilization of such funds will purposefully be linked to achieve overall national goals on climate change. The **linkages between the County Climate Change Funds and CIDP will be highlighted** in the subsequent sections.

2.7 The Draft National Climate Change Action Plan (NCCAP), 2018-2022

The Draft NCCAP is the national mechanism through which Kenya's NDC will be implemented, in accordance with the Climate Change Act, 2016 which requires the Government to develop five-year NCCAPs to guide the mainstreaming of adaptation and mitigation actions into sector functions of the National and County Governments. This NCCAP is still a draft because full operationalization of the Climate Change Act is yet to happen, hence the Climate Change Council envisioned therein is yet to be constituted and it is the body charged with the authority to approve the Plan.

This Plan builds on the first Action Plan (2013-2017) and provides a framework for Kenya to deliver on its NDC. It guides the development actions of the National and County Governments, the private sector, civil society and other actors as Kenya transitions to a low carbon, climate resilient development pathway.[33] Therefore, it is important that the Plan is treated as a dynamic living document taking into account any developments that have implications for climate action priorities and opportunities.

Aligning itself with the Big four agenda[34] of employment creation through manufacturing, universal health coverage, affordable housing, and food and nutritional security the Plan has seven priority climate actions which include: disaster risk reduction; water and the blue economy; food and nutrition security; forestry, wildlife, and tourism; health, sanitation and human settlements; manufacturing; and energy and transport.[35]

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[30] Government of Kenya, 'National Climate Change Framework Policy' (Ministry of Environment and Natural Resources, 2016).

[31] Government of Kenya, 'National Policy on Climate Finance 2016' (Ministry of Finance 2016).

[32] Ibid p 6.

[33] Government of Kenya, 'National Climate Change Action Plan 2018-2022' (Ministry of Environment and Forestry 2018).

[34] Factors that will guide the country's development planning cycle of 2018-2022 according to President Kenyatta's legacy.

[35] Government of Kenya, 'National Climate Change Action Plan 2018-2022' (Ministry of Environment and Forestry 2018) 4.

3.0 The Role of Counties in achieving the NDC

The devolved government structure in Kenya created 47 counties in 2010, which are sub-national units of government. A number of county government functions; such as agriculture, air pollution, environmental conservation— have direct implications for the climate change agenda.[36] Consequently, **counties have been charged with the responsibility to integrate climate change in county planning, budgeting and implementation**. They are **required to mainstream the implementation of the NCCAP into County Integrated Development Plans (CIDPs), and the County Sector Plans.**[37]

The County Integrated Development Plan (CIDP) is an overall framework prepared by all counties to guide development over a five-year period and to coordinate both national and county government work.[38] The **CIDP informs all spending of the counties** and any funds appropriated outside the county's planning framework is in contravention with the law.[39] It should contain information on development priorities that inform the spending of counties.[40]

Bearing in mind the **pivotal place of CIDPs in informing and financing climate actions**, it is imperative that CIDPs are explicit in determining what priority climate actions they would like to tackle in a given period. A number of factors come into play when one seeks to evaluate how effectively a CIDP has integrated climate actions:[41]

i. has the CIDP outlined climate-related programmes with specific objectives to be met by counties' spending?

ii. is there provision for a clear and realistic resource mobilization strategy to finance the programmes?

iii. does the CIDP indicate areas of coordination between the national government, other county governments, development partners and other stakeholders in county development?

iv. does the CIDP provide an implementation, monitoring and evaluation framework?

v. are there adequate justifications for the proposals being advanced by the CIDP, and what data or evidence is cited in the proposals?

With the first generation of CIDPs running from 2013-2017, counties are currently in year-two of their second generation CIDPs running from 2018-2022 and it is worthwhile to assess what progress they have made in integrating climate change.

In order to more clearly assess progress and identify mainstreaming challenges, this report analyzes the CIDPs of five counties. The five counties were chosen in consultation with the Council of Governors[42]. The selection criteria included regional balance, underserved counties when it comes to climate interventions, and resource-constrained counties.

3.1 Lamu County CIDP

Lamu County is situated on Kenya´s Northern Coastline, near Somali and is made up of Lamu, Manda, Pate and Kiwayuu islands. Agriculture is a vital sector in Lamu County, contributing to approximately 90 percent of household incomes. However, production is mostly small scale, on an average of four (4)

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36 Fourth schedule of the Constitution, these include: crop husbandry, county health services, control of air pollution, and implementing national govt policies on environmental conservation including forestry.

37 Climate Change Act, 2016 Sec 19

38 Article 220(2) of the Constitution of Kenya. The county executive committee member responsible for planning is charged with the submission of the CIDP before the county assembly

39 Public Finance Management Act 35, 126

40 https://www.internationalbudget.org/wp-content/uploads/kenya-questions-to-ask-about-county-integrated-development-plan.pdf

41 Ibid.

42 Consultations with Council of Governors October 21, 2019 and Nov 26, 2019.

ha land holdings and highly dependent on rain fed agriculture.[43] The key sub-sectors under the agriculture sector are crops, livestock, and fisheries.[44]

The main crops grown are maize, cowpeas, dolichos, cassava, pigeon peas, and green grams. Mangoes, coconut, cotton, bixa, and simsim are produced for commercial purposes. Cotton is the most important commercial crop in the county, contributing 42 percent of the household income. Cattle, sheep, goat and poultry are the most common livestock reared in this county. Thirty percent of the county's population depends on livestock directly or indirectly. Fishing is also an important economic activity in the county providing food and employment; engaging 3,500 artisan fishermen.[45]

Having appreciated the importance of agriculture in Lamu, its CIDP has outlined a sub-program on climate change and adaptation in agriculture under the program of 'crop productivity'[46] as represented below.

Picture 1: Climate Change program Lamu CIDP.[47]

Programme Name: Crop production and Productivity									
Objective: To improve access to agricultural support services and revenue generation for the county									
Outcome: Increased production and incomes at farm level									
Sub Programme1	**Key outcome**	**Baseline**	**Key performance indicators**	**Planned Target**					
				Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	**Total Budget (KShs)**
Climate change adaptation in agriculture	Improved resilience and adaptability to climate change	30%	• % Reduction of food in security • % Increase of farmers accessing potable water • % Increase in crop yields at farm level • % Acreage reduction of soil degradation at farm level	30	30%	35%	35%	40%	600 million

Using some of the parameters for evaluating effective mainstreaming of climate change into CIDPs, a number of gaps arise. There is little information on the data point used to arrive at the 30% baseline asserted by this proposed sub-program. Additionally, the lack of specific actors listed to implement the identified project is a potential challenge that can exacerbate existing institutional coordination challenges and delay implementation.

The CIDP has listed the Climate Smart Agriculture project as priority for several wards. Commendably, it **mentions the source of funding as the County government and appoints department of agriculture as the implementing agency.** However, the development of activities listed could benefit from more evidence-based information justifying their selection.

Picture 2: Climate Smart Agriculture Project, Lamu CIDP[48]

Project Name/Location	**Objectives**	**Target**	**Development of Activities**	**Cost in Millions (KShs)**	**Source of Funding**	**Time Frame**	**Implementing Agency**
Climate Smart Agriculture	To increase crop productivity and enhance resilience to climate change risk	CIGs and VMGs, Vulnerable and marginalized groups, common interest groups	Climate risk, Climate profile development, water-harvesting, drought resistant crops, kitchen gardens, food security assessments, CIG and VMGs micro projects, agro-forestry.	26,650,000	LCG	5 years	Department of Agriculture

43 MoALF. 2018. Climate Risk Profile for Laikipia Country. Kenya County Climate Risk Profile Series. The Kenya Ministry of Agriculture, Livestock and Fisheries (MoALF), Nairobi, Kenya.

44 Ibid

45 Ibid.

46 http://lamu.go.ke/wp-content/uploads/2019/03/CIDP-Final-Copy-2018-2022.pdf

47 P 96 CIDP

48 See p. 150, 166, 173

Apart from a mention on domestication of the National Climate Change Act,[49] there is no direct linkage to the NCCAP, even in the context of the climate smart agriculture project earmarked for all county wards.

3.2 Mandera County CIDP

Mandera County is located in the North Eastern part of Kenya. It is predominantly semi-arid, with most of the county receiving average annual rainfall of below 250 mm. Despite the unfavourable climatic conditions, agriculture is the major livelihood in the county, employing over 90% of the population. Livestock production is the predominant sub-sector, employing over 84% of the population, and contributing approximately 72% to household incomes.[50]

Commendably, its CIDP has a dedicated section on 'climate change/disaster risk reduction linkage with NCCAP 2018-2022'. This section asserts that:

> In this second generation of the CIDP, Mandera County Government plans to **responsibly take charge of several devolved functions where action will contribute to the achievement of the NCCAP** including agriculture, soil and water conservation, forestry, trade development, water, sanitation, health and county transport. We seek support to effectively mitigate against adverse effects of drought, floods and other climate-driven disasters.[51]

It is encouraging to see contemplation of their role though not in detail in contributing to the realization of the NDCs.

Similar to Lamu county where agriculture is the mainstay of the county's economy, a climate smart agriculture program has been listed. The program lacks baseline data putting into question the ambition and rationale of the planned targets.

Picture 3: Climate Smart Agriculture Project, Mandera CIDP[52]

Programme 3: IRRIGATION INFRASTRUCTURE DEVELOPMENT FOR DRY LAND FARMING									
Objective(s): Improve food security in the dry lands Promote Sustainable Land Use and Environmental Conservation									
Outcome: Increase area under food production Increase farm output production Adoption climate resilient agricultural technologies									
Sub-programme	Key Performance Indicators	Key Outcome	Baseline	Planned Targets 2018 - 2022					Total Budget (Ksh.) Million
				18/19	19/20	20/21	21/22	22/23	
3.7Kenya Climate Smart Agriculture Programme	-No of beneficiaries -Increase of productivity of selected value chain -CIG/VMG adopting at least one TIMP	Develop and adopt climate resilient agricultural technologies	Nil	0	750	750	750	750	200
			5%	0	10%	10%	10%	10%	100
			20No	0	24	24	24	24	200

49 P 324

50 MoALF. 2018. Climate Risk Profile for Mandera County. Kenya County Climate Risk Profile Series. The Kenya Ministry of Agriculture, Livestock and Fisheries (MoALF), Nairobi, Kenya.

51 P 68-69

52 P 123.

Picture 4: Enhancing Pastoralists resilience, Mandera CIDP [53]

Flagship /County Transformative Projects

Project Name	Location	Objectives	Outputs	Time frame
Regional human and livestock disease control centre	Mandera	To enhance pastoralists resilience to effects of climate change.	Livestock emergency fund set up.	2018-2022

The county has listed enhancement of pastoralists relicense to climate change as a transformative project. The key output is a livestock emergency fund set up unaccompanied by a resource mobilization target and strategy as well as designated implementing actors.

Picture 5: Climate Proofed Water Infrastructure, Mandera CIDP[54]

Programme 3	Drought Mitigation Programme									
Objective:	Reduced Vulnerability of Local Pastoralist & Agro-Pastoralist Communities to the Adverse Effects of Drought Emergencies, Adequately Ensured									
Outcome:	No loss of lives or livelihoods by citizens occurs during drought emergencies due to limited access to water									
Sub-Programme	Key Outcomes	Baseline 2017/18	Key Performance Indicators	Planned Targets – 2018 - 2022					Cost	Sources of Funds
				18/19	*19/20*	*20/21*	*21/22*	*22/23*		
Climate Proofed Water Infrastructure	Improved resilience capacity of local communities	2	No of Climate Proof Dams (>100,000M³) Completed	1	2	1	1	2	389.5M	MCG, GOK & Partners
		0	Drilling & Equipping of EDE Boreholes	3	3	3	3	3	240M	

The key performance indicators listed above are in need of further justification as one would expect to a water-stressed and resource constrained county to look into quick win and low-cost measures of adaptive capacity in the water sector such as sand dams and water pans.

3.3 Nyamira County CIDP

Nyamira county is located in the western part of Kenya. Agriculture is the County's economic backbone where 90% of its population is dependent on agricultural production and marketing directly and indirectly. It supports 80% of total employment opportunities in the county. The impacts of climate change on maize has been singled out as farmers continue to record lower yields and call for safety nets to cushion farmers has been stated as an adaptation strategy.[55] It is proposed that NGOs and private sector players can also play a role in facilitating these safety nets.

Without much detail, the Plan broadly asserts that promotion of climate smart technologies in agriculture, fisheries and livestock production extension should be mainstreamed as a matter of priority. Under crop development services, the Plan outlines reducing impact of climate change as a key outcome. Encouragingly, there is a baseline to draw upon which can open conversation on the level of ambition of the listed targets. On the other hand, the key performance indicators lack in clarity such as *'adaption, adoption…strategies'* and detailing out what constitutes climate smart technologies'

[53] P 133

[54] P 142

[55] P 49

Picture 6: Crop Development Services, Nyamira CIDP[56]

PROGRAMME 1: POLICY, PLANNING, GENERAL ADMINISTRATION AND SUPPORT SERVIES									
Objective: Improve customer service delivery by 95%									
Outcome: improved customer service									
Sub-program	**Key Outcome**	**Base-line**	**Key performance indicator**	**Planned Targets**					**Total Budget (Ksh)**
				Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	
	Reduced impact of climate change and its effects in agriculture	4000	No. of farmers adopting climate smart technologies in crop value chains, adaption ,adoption & mitigation strategies	6500	8500	9000	12,500	15,000	20M

3.4 Laikipia County CIDP

Laikipia County is in the Central Rift Valley region of Kenya. Agriculture and livestock are the main sources of livelihood. They contribute more than 75% of household incomes and employ more than 60% of the county's population. About 43% of the population are in absolute poverty while 27.2% rely on food aid during food shortages. Farmers in Laikipia County rely on rain fed agriculture and this makes them more vulnerable to climate variability especially during drought periods.[57]

Picture 7: Climate change adaptation and mitigation Laikipia CIDP[58]

Programme Name: Environment and Natural Resources									
Objective: To ensure clean, safe and secure environment									
Outcome: Ensure sustainably Managed and conserved Environment and Natural Resources									
Sub Programme	**Key Outcome**	**Base line**	**Key Performance Indicators**	**Planned Targets**					**Total Budget**
				Year 1	**Year 2**	**Year 3**	**Year 4**	**Year 5**	
Climate Change Adaptation & Mitigation	Reduced emissions of Green House Gases	National Climate Change Policy	County Climate Change Policy	1	0	0	0	0	1,000
		6.9%	% of Tree cover	0.5%	0.5%	0.5%	0.5%	0.5%	1.2 B

Picture 8: *Climate change adaptation and mitigation Laikipia CIDP*[59]

Sector	**Programme**	**Sub Programme**	**Outcome indicators**	**Baseline**	**Source of Data**	**Reporting Responsibility**	**Situation in 2018**	**Mid-term Target (2020)**	**End-term Target (2022)**

Climate Change Adaptation & Mitigation	County Climate Change Policy	National Climate Change Policy	Department of Environment GROOTS	Chief Officer- Department of Environment	1	-	-
	% of Tree cover	6.9%	Department of Environment KEFRI KFS ICRAF CETRAD Meteorological Department	Chief Officer- Department of Environment	7.4%	8.4%	9.4%

56 P 163

57 MoALF. 2018. Climate Risk Profile for Laikipia Country. Kenya County Climate Risk Profile Series. The Kenya Ministry of Agriculture, Livestock and Fisheries (MoALF), Nairobi, Kenya.

58 P 103

59 P 130

Laikipia County is heavily reliant on agriculture and livestock, However, the only climate change action strategy listed as both a mitigation and adaptation strategy is tree planting which though important, cannot be sufficient against the vulnerabilities that climate change presents for its constituents. Albeit, one can see that there is explicitly linkage to the NCCAP while making reference to the baseline and sources of data. Commendably, **reporting responsibilities have been clearly allocated encouraging accountability** of duty bearers.

3.5 West Pokot County CIDP

West Pokot county is situated in the north rift region. Agriculture and livestock sector are the backbone of the county's economy with more than 80% of the population engaging in farming and related activities. Encouragingly, its CIDP makes an attempt to domesticate the Sustainable Development Goals by proposing related interventions at the county level.[60]

Picture 9: County goals and SDGs, West Pokot CIDP

	SDG	Targets	County aligned Priorities, Programmes &Projects
1	Take urgent action to combat climate change and its impacts	Strengthening resilience and adaptive capacity of climate related hazards and natural disasters, integrate climate change measures into national policies and planning, improve on awareness raising on climate change mitigation, adaptation , impact reduction and early warning,	-Increase county forest cover from 3.8% to 10% by planting 7.5M trees in county forests -Carry out community trainings on climate change mainstreaming, adaptation & mitigation measures - Strengthen access to climate information services & disaster early warning system

The Plan recognizes the function of the NCCAP as the principle document that should guide mainstreaming of climate change at the county level.[61] Though a step in the right direction, more detail is needed to back the listed county priorities and strategies if such projects are to attract planning and budgetary support.

[60] P 51

[61] P 55

Picture 10: CIDP linkage to NCCAP West Pokot CIDP

Table 15; Linkage with National Climate Change Action Plan

	Subsector	County priorities/strategies for Implementation
1.	Forestry	Creating community training on climate change Enacting laws that protects, manages and conserves the forests Establishing drought resistant trees and fruit trees in drylands Establish Trees nurseries to increase the provision of seedlings Protecting of water catchments, riverbanks, swamps and fragile lands
2.	Agriculture	Provision of downscaled weather information and farm inputs, water harvesting, research and dissemination of drought resistant crops, proper management of agricultural waste e.g. using manure instead of inorganic and promotion of agroforestry especially tree-based inter-cropping.
3.	Water	Construction of dams and water pans, protection of water towers, river banks and water bodies. Building capacity for water quality improvement and awareness campaign to promote water efficiency measures.
4.	Livestock/pastoralism	breeding of animals that adapt well to climate vagaries, regular vaccination campaigns, promotion of economic livelihood diversification; e.g. cultivation of drought-tolerant food crops such as millet and bee-keeping for honey production and awareness campaigns among pastoral communities to underscore the importance of balancing stocking rates with the available land resources as a way of ensuring sustainable pastoralism.
5.	Infrastructure	Ensuring that the infrastructure is climate-proof over its lifespan which includes the construction of culverts, factoring a maintenance component into all infrastructural development funds and designing infrastructure that can withstand the prevailing climate conditions.
6.	Disaster Management	Strengthening disaster preparedness; proper planning of urban settlements which takes into consideration the expected high growth rate of urban population due to climate-induced migration from rural areas to urban centres

The proposed program on climate change and forest and conservation management need to be strengthened.[62] The output on dryland forest farms lacks baseline data hence putting in question the proposed targets. Reference to improved energy jikos does little to curb deforestation which is a leading cause of climate change in Kenya not to mention the adverse health impacts wood fuel has on human health. Exploring clean energy options for cooking and heating provides a more sustainable future for households and embodies the aspirations of the NCCAP.[63] In this instance, there is clearly a disconnect between NCCAP goals and the CIDP.

Picture 11: Climate Change and Forest Conservation, West Pokot CIDP

Programme Name: Forest Conservation and Management

Objective: To sustainably manage County forestry resources for livelihood improvement.

Outcome; Increased tree cover and sustainably managed forest resources.

Sub Programme	Key Outputs/Output	Key Performance Indicators	Targets Year 1	Year 2	Year 3	Year 4	Year 5	Budget
Climate change adaptation and mitigation	dryland forest farms developed	Acreage of dryland forest farms developed	20	20	20	20	20	20M
	50,000 improved energy jikos given to households	No. of improved energy jikos given to households	10,000	15,000	10,000	10,000	5000	5M
	Community trainings on climate change conducted	No. of trainings conducted	3	4	5	5	5	11M
	5,000 Ha of land planted with drought resistant trees and fruit trees	No. of ha of land plated with drought tolerant trees and fruit trees	1000	1000	1000	1000	1000	20M

Lastly, the target presented below[64] on tree planting could be more explicit by mentioning the acreage which then justifies the cost provided. The mention of Faith Based Organizations is an interesting

62 P79

63 The Plan seeks to promote the transition to clean cooking with alternative clean cooking fuels such as ethanol and LPG for the urban households mentioning health and environmental benefits.

64 P 180

addition to some of the potential partners who may have heavy influence not only financially but in determining and shifting cultural norms towards realising climate goals.

Picture 11: Tree planting project, West Pokot CIDP

Sub-sector-Forestry Department

Project Name/location	Objective	Target	Key Description of Activities	Cost (Kshs.)	Source of funding	Timeframe	Implementing Agency	Remark
Climate Change Mitigation and Adaptation	To minimize effects of climate change	County wide	Plant drought tolerant timber trees Plant Drought Tolerant fruit trees Supply farmers, women groups and youth groups with bee hives	30,000,000	National/ county Govt/ CDF, Donors NGOs/FBOs	2018-2022	Forestry Department	

4.0 Strengthening CIDPs

It is evident that climate change has been contemplated in the five counties, as all CIDPs have at least one program or project specifically dedicated to climate change adaptation or mitigation. However, rather than a tool to guide risk assessment and budgetary allocations, climate change seems to have been considered as a standalone sector rather than a cross-cutting challenge. Only Mandera and West Pokot explicitly mention the importance of linking the CIDP to the NCCAP, but do not adopt a systematic process of doing so thus reiterating the identified gap that county and national government climate goals are far from being aligned.

All CIDPs make broad assertions often lacking baseline data apart from one instance in Laikipia in reference to tree cover which even states the source of the data. The lack of baseline data affects the credibility and measurability of the selected key performance indicators and targets. There is notably a leaning towards tree planting and climate-smart agriculture-based projects in all the CIDPs with minimal display of creativity of integrating climate change across all sectors and taking advantage of low-cost and quick win solutions. None of the CIDPs presented detailed resource mobilization strategies which are imperative in obtaining finance for any of the proposed projects.

Some questions to be discussed during the MI Phase B, the Domestic Technical Consultation include;

- what was the process in the counties that arrived at these priorities and resulted in the identification of these activities?
- What actors/ stakeholders were involved? Do they define the problems differently? What is the status of these activities?
- Where are the counties in each step of the "climate policy and action" pathway? Are there MLG coordination and capacity gaps? (see below)

4.1 Climate Policy and Action Pathway

<u>Climate Policy and Action Pathway:</u>

- Strategic Planning/ Agenda setting
- Political Leadership
- Stakeholder support
- Goal setting, Activity definition
    - Identifying and bridging gaps, needs,
- Implementation
    - Addressing the identified challenges and barriers
    - Capacity building needs
    - Financing
- Monitoring and Evaluation
- Dissemination, sharing.

4.2 MLG Coordination and Capacity Challenges

OECD "Mind the Gaps" - Coordination & Capacity Challenges

Information gap	Asymmetries of information (quantity, quality, type) between different stakeholders, either voluntary or not. • Need for instruments for revealing & sharing information
Capacity gap	Insufficient scientific, technical, infrastructural capacity of local actors, in particular for designing appropriate strategies => Need for instruments to build local capacity
Funding gap	Unstable or insufficient revenues undermining effective implementation of responsibilities at sub-national level or for crossing policies, • Need for shared financing mechanisms
Policy gap	Sectoral fragmentation across ministries and agencies. • Need for mechanisms to create multidimensional/systemic approaches at the sub national level, and to exercise political leadership and commitment.
Administrative gap	"Mismatch" between functional areas and administrative boundaries. • Need for instruments for reaching "effective size"
Objective gap	Different rationalities creating obstacles for adopting convergent targets. • Need for instruments to align objectives
Accountability gap	Difficulty to ensure the transparency of practices across the different constituencies • Need for institutional quality measurement • Need for instruments to strengthen the integrity framework at the local level • Need for instruments to enhance citizen's involvement

(Charbit, 2011)

4.3 Climate Change Indicator Development Guidebook

The National Treasury and Planning have developed a Climate Change Indicator Development Guidebook under the Kenya Devolution Support Programme.[65] This initiative lends credence to the assertion that there is a **pressing need to establish methodical processes to design and prioritize impactful projects at the county level, as well as monitor and track these projects to ensure alignment to national climate goals.**

To strengthen this initiative, there is **need to identify the multi-level governance intersections that impact the alignment of CIDPs to national climate goals.** Having identified these connections, the interventions proposed will be better suited to empower counties to develop climate-smart indicators that increase the resilience of their constituents and contribute to the realization of overall national climate goals

4.4 County Climate Change Funds: Linkages to CIDP and NCCAP

Finance is a key pillar in achieving climate goals at all levels of government and all proposed projects in the CIDPs will need resource mobilization. Not surprisingly, counties are very proactive on legislating and establishing institutions on climate finance. The Climate Change Act establishes the Climate

[65] funded by the UKaid's DFID, on Mainstreaming Climate Resilient Planning, Budgeting and M&E at National and County Levels. The project is being implemented jointly by UNDP, The State Department for Planning through the Monitoring and Evaluation Department (MED) and Ministry of Environment and Forestry through
the Climate Change Directorate.

Change Fund[66] and states that the Fund shall be vested under National Treasury, administered by the Climate Change Council and managed by the Principal Secretary in charge of climate change affairs. This fund may provide technical assistance to counties. The National Climate Finance Policy mentions the need for robust systems at both levels of government to ensure prudent application of climate finance. Additionally, the Draft Climate Change Fund Regulations, 2018 by the National Treasury have been developed in anticipation of the mandate under the Climate Change Act.

The County Climate Change Fund (CCCF) mechanism puts in place structures that guide the identification and prioritisation of climate interventions and disbursing of funding for implementation. Adaptation Consortium (ADA), one of the major players in the CCCF space works with two planning communities, Ward County Climate Change Planning Committee (WCCPCs) and County Climate Change Planning Committees (CCCPCs). WCCPCs are made up of community members (men, women and youth) elected by the community on grounds of good reputation. The WCCCPCs are involved in identification of priority projects for investments. They undertake consultations with community members on their priority needs.

Based on these consultations, **WCCPCs then identify and prioritise investment that build the community's resilience to climate change in the form of proposals for funding** that are submitted to the county climate change fund. The CCCPCs are made up of representatives from Ward County Climate Change Planning Committees, technical officers from the county government and other stakeholders (including a representative of the civil societies that are active in the county) for strengthened representativeness approves Ward County Climate Change Planning Committees' proposals for funding.[67]

Resources are then channelled from the County Climate Change Fund down to priority projects as identified by WCCPCs through consultations with their communities and approved by the CCCPC. This is usually in the form of payment to various service providers, which could be private firms, individuals, local NGOs, for various project activities. This raises the questions;

- *Are the CCCFs working in parallel to the CIDP process?*
- *Should there be a direct linkage or coordination efforts between CCCF activities and CIDP project prioritization?*

4.5 Early learnings from the CCCFs

What are some of the lessons we can derive from the CCCFs? Some of the advantages of devolved climate flows is the efficiency since funds are channelled directly to devolved structures that work directly with communities in the planning and implementation of project activities; the projects are selected by the community hence are aligned with their priorities and aspirations; and it gives a chance to build the skill set of grassroot organizations as they learn on planning and implementation of climate actions.

On the other hand, some of the downsides of devolved climate finance mentioned is **the lack of monitoring and tracking systems on climate finance flows** at the county. This gap creates an opportunity to anchor CCCFs processes into CIDPs to allow for effective monitoring and evaluation systems embedded in all county structures. As it stands, a number of donors are involved in this space and there is no system to track what resources have been channelled to the counties let alone what they are being used for.

This may also lead to the risk of duplication of project activities due to lack of national oversight systems hence inefficient use of resources. The CCCFs allow for decision making on projects at the ward level and there's a risk of maladaptive projects if the ward committees do not receive proper capacity building on climate change interventions. Perhaps using **the CIDP process presents an**

[66] Sec 25

[67] Exploring Kenya's Climate Finance Landscape with A Civil Society Lens, PACJA. (this doc has been shared in confidence)

opportune platform to address these capacity and coordination concerns and ensure CCCFs are contributing towards national goals.

Having appreciated the rationale of the mainstreaming approach, the purpose of CIDPs and a glimpse into five counties' progress on mainstreaming climate change into their CIDPs, this next section uses the GAF to provide a detailed analysis of the problem, the actors, their roles and intersections, and the challenges that ensue thereby stunting alignment of county climate goals to national climate goals.

5.0 Aligning CIDPs with the NCCAP

5.1 Defining the problem

A foremost step in institutional mapping is defining what is at stake which paves way for identifying actors and their respective roles and responsibilities. It is clear from the preceding sections that the gap can be broadly defined as the **lack of processes to guide alignment of the CIDPs to NCCAP.**

5.1.2 Climate Change Directorate (CCD)

An interview with the CCD revealed that their conception of **the problem is the lack of reporting, monitoring and tracking systems at national and county levels** owing to the absence of regulations as provided for in the Climate Change Act.[68]

It was also mentioned that **donors approaching counties directly undermines governance structures** such as the role of the Council of Governors in guiding, monitoring, and tracking activities at the county level. On one hand, donor intervention is appreciated but if proper channels are not utilized, such intervention can be counterproductive.[69]

5.1.3 The National Treasury, department of planning

The National Treasury, department of planning, monitoring and evaluation unit define the problem as a **capacity gap at the county level to mainstream climate change**, and a **regulatory gap to guide monitoring and tracking** of climate actions particularly climate finance.[70] Having recognized this gap, the planning department liaised with the CCD and donor partners to develop the climate indicator guidebook mentioned in the preceding sections. The guidebook is yet to be finalized and popularized among county officials.

5.1.4 The Council of Governors

The Council of Governors define the problem as a capacity gap at the county level. They assert that a number of county governments are interested in enacting climate change policies and legislation and are in **need of guidance in selecting high impact transformative projects**. They propose a mentorship approach where counties are hand-held in the process of developing climate-smart indicators for priority sectors which can then be integrated into their CIDPs and in turn contribute to realizing NCCAP.[71]

5.1.5 County Governments

Directors in charge of planning and environment from the five select counties reveal several commonalities across counties in defining the problem.[72] All counties assert that capacity gaps particularly at the county is the biggest impediment towards aligning the CIDPs to the NCCAP**. Lack of adequate human resources to undertake mainstreaming** was mentioned by all counties as one of the challenges. County departments including those of planning and environment **remain understaffed and overstretched beyond capacity** to undertake mainstreaming which is an arduous task. Some counties

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[68] Sec 9 (6) and Sec 36, Sec 22. CCD is in the process of developing a reporting template which is undergoing stakeholder consultation.

[69] Consultations with Climate Change Directorate October 2019.

[70]Consultations with planning department November 1, 2019.

[71] Consultations with Council of Governors on October 21, 2019 and Nov 26, 2019

[72] Phone interviews with the Directors were conducted in the month of November 2019

did mention that a **lack of adequate technical capacity in terms of understanding climate change** in the local context poses a challenge to mainstreaming. **County departments working in silos is generally frustrating coordination** across all sectors including climate change efforts. Counties are **yet to establish effective information sharing systems** across departments which will play a key role in the mainstreaming process. **Inadequate financial resources** as a result of low budgetary allocations from the national government and internal county budgets is equally impeding climate change mainstreaming actions as counties direct already constrained resources to immediate needs.

5.2 Actors, Roles, and Gaps

With the various construction of the problem in mind, this next section maps out the roles of different actors in the context of aligning the CIDPs to the NCCAP. It seeks to identify all actors, clarify their roles and responsibilities as well as points of interactions with each other and most importantly highlight the capacity gaps that exists among them.

5.2.1 National Climate Change Council

National Climate Change Council (NCCC), chaired by the President whose role is to ensure mainstreaming of climate change at both national and county level,[73] approve and overseeing implementation of the NCCAP and to administers the National Climate Change Fund.[74] The Council has an oversight role in ensuring Kenya is on track with her NDCs.

The constitution of the Council reveals a mainstreaming approach and interaction between various governance levels. [75] Its members have been drawn from line ministries, Council of Governors to represent the interests of County governments, private sector to represent the business community, Civil Society to undertake their watchdog and advocacy role, marginalized communities to address the needs of the most vulnerable and academia to bring forth the latest research and evidence on climate change matters.

A current **challenge is that the Council is yet to be operationalized thus delaying the approval of the draft NCCAP.** Despite this challenge the draft NCCAP continues to be made used as an authoritative reference point for all matters climate change in Kenya revealing acceptance of the document despite lack of official approval.

5.2.2 Cabinet Secretary Environment and Forestry

The Cabinet Secretary (CS) Ministry of Environment and Forestry has been charged with the duty of formulating the NCCAP after every five years. NCCAP shall be the main instrument to achieve mainstreaming of climate change into sectoral functions.[76] The CS also sits at the Council, creating a point of intersection between the ministry and the Council.

5.2.3 Climate Change Directorate

The development and review of the NCCAP is the responsibility of the Climate Change Directorate (CCD) under the Ministry of Environment and Forestry (MoEF) taking leadership from the CS. They provide the technical input to the NCCAP. The Directorate also serves as the secretariat to the NCCC. The CCD's members have been drawn from a variety of disciplines evidencing the need for an integrated approach towards technical capacity on climate change. The CCD is also working closely with the department of planning to help counties establish climate-smart indicators into their CIDPs creating a point of intersection between these actors and promoting coordination of actions between climate change and planning.

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[73] The Act has established Climate Change Units/Desk Offices in all government departments and agencies to mainstream climate change.

[74] Section 5; The National Climate Change Fund is vested in the National Treasury as per Section 25.

[75] Section 7 (2) (a-d)

[76] Climate Change Act, Section 13 (3) (b).

The CCD continues to dispense its mandate under the Act such as formulating reporting requirements for all state and public entities, but this will continue to be in draft form pending operationalization of the Council. Nonetheless, CCD is taking a proactive approach such as the initiative mentioned above to ensure that mainstreaming actions still carry on.

5.2.4 National Treasury and Planning

Owing to the recognition of the pivotal role that finance plays in achieving the NDCs, the National Treasury plays a central place in financing climate projects outlined in the CIDPs through the Climate change fund that shall be vested under the National Treasury.[77] The fund can receive moneys from donors, grants and the consolidation fund. Once operationalized, this fund will create platforms for interactions with county governments who can draw money from it, and donors who can contribute to the fund.

5.2.4.1 Cabinet Secretary, Treasury and Planning

The CS Treasury and Planning is a member of the NCCC to give direction on matters finance. The CS is also charged with developing climate finance regulations setting out procedures and powers to identify sources of climate finance to monitor uses by various state, non-state and private sector actors, to enhance integrity and to eliminate corrupt practices.[78]

5.2.4.2 National Treasury, Climate Finance Unit

National Treasury established the Climate Finance and Green Economy Unit to provide technical support to line ministries, county governments, the private sector, civil society organisations and development partners on matters pertaining to climate finance in order to enhance and accelerate its accessibility and flows into the country. A key role of the climate change finance unit is to create linkages between the climate finance mechanism at the Treasury and other state and non-state organisations.

One of the challenges facing the climate finance unit is the absence of a monitoring and tracking framework for climate finance being exacerbated by donors working directly with the counties. The unit is keen to establish a voluntary reporting mechanism as a means of tracking climate finance. The unit is also developing a 'green incentivization policy' as they are keen to create an enabling framework for private sector players to engage in green initiatives. This is owing to the numerous requests from private sector seeking tax and fiscal reliefs. The **private sector will play a key role in implementing the climate change projects outlined in CIDPs** and such points of cooperation should be encouraged.

5.2.4.3 National Treasury, Department of Planning

In this context, the department of planning plays a vital role in monitoring and evaluating all development plans across all levels of governments including the CIDPs. The development of the climate change indicator handbook discussed above is a good illustration of the mandate of the department in ensuring alignment of CIDPs to NCCAP. It also illustrates the intersections with the CCD and donor community who played an active role in its development. Moving ahead, it will be important for this department to establish through the Council of Governors, a process of capacity building counties to mainstream climate change as they develop their CIDPs in conjunction with the CCD.

5.2.5 State Departments and Public Entities

The Climate change act designates the following duties relevant to CIDPs to state department and all public entities:[79]

i. Integrate the climate change action plan into sectoral strategies, action plans and other implementation projections for the assigned legislative and policy functions. This function complements the NCCC's role on mainstreaming oversight.

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[77] Climate change act sec 25(2)

[78] Sec 25 (9)

[79] Sec 15 (5)

ii. Report on sectoral greenhouse gas emissions for the national inventory. this is a helpful function for the CS environment and CCD tasked with development, updating and reviewing of NCCAP. CCD has developed reporting requirements and is engaging in stakeholder participation.

iii. Designate a unit with adequate staff and financial resources and appoint a senior officer as head of the unit to coordinate the mainstreaming of the climate change action plan and other climate change statutory functions and mandates into sectoral strategies for implementation; this offers a possible point of interaction with county governments when formulating CIDPS. Sectoral heads could assist counties with baseline data and technical expertise in project identification. Some questions arise, do these units have adequate budgetary and personnel capacity to collect quality data which can be shared with counties while formulating CIDPs?

iv. Regularly monitor and review the performance of the integrated climate change functions through sectoral mandates. Reporting systems from the CIDPs could give this departments an accurate picture on performance.

v. Report annually to the Council on the status and progress of performance and implementation of all assigned climate change- there is an intersection with the NCCC to help with NCCC's oversight's role.

5.2.6 Council of Governors (COG)

COG[80] guides information sharing on the performance of counties to encourage and initiate the execution of their functions; collective consultation on matters of interest; offer a collective voice on policy issues; and promote inter–county consultations. The COG is a member of the NCCC in order to represent county governments' interests on matters climate change by ensuring roles and responsibilities match the vulnerabilities, capacity, and financial resources that accrue to counties.

The CoG is also the entry point to engaging with counties. It facilitates the provision of technical support to counties through trainings. Further, it records a database of all activities in the counties which is useful in advising different stakeholders on areas of need and the most appropriate methods of engagement with counties.[81] In the context of the CIDPs, CoG is increasingly becoming an important resource center not only to counties but for all levels of governance including non-government stakeholders. Their web platform provides for all the counties' CIDPs making them easily accessible. It also provides good practices documented from different counties which can be a powerful tool in the future for assisting counties to develop impactful climate projects for their CIDPs.

Once the climate change fund is operationalized, the CoG will have a role to play in informing the counties on the criteria they need to fulfill to access climate finance hence intersection with National Treasury where the Fund is vested and with NCCC that administers the fund. COG can also play a potentially important role by creating channels of communication between state departments particularly the climate change units in providing data and technical expertise to counties as they seek to strengthen their CIDPs.

The **CoG faces personnel capacity challenges to meet all the needs of the counties** in addition to some actors directly engaging with counties. For personnel, the CoG is embarking on recruitment of staff to have a more effective reach. Actors directly engaging with counties is a difficult challenge to tackle as it implores on institutions to appreciate and respect processes in the absence of an enforcement mechanism.

5.2.7 County Governments

The county governments have been charged with mainstreaming climate change into their CIDPs. CIDPs are to be prepared every five years and embody the county's development agenda. The following persons and institutions play a vital role in the context of CIDPs and NCCAP.

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[80] A non-partisan organization established under Section 19 of the Intergovernmental Relations Act (IGRA 2012)

[81] https://cog.go.ke

5.2.7.1 County Executive Committee (CEC) member Planning

The CEC responsible for planning is charged with the submission of the CIDP before the county assembly for approval. The CEC is in charge of oversight in the formulation of the CIDP.

5.2.7.2 CEC Environment and climate change

In this context, CEC environment has a major role to play in ensuring the mainstreaming of climate change in the CIDP. The CEC should offer direction on the sectors to be prioritized and guidance on project identification and development.

5.2.7.3 CEC Finance

Resource mobilization strategies is a key facet of an effective CIDP. In the context of climate change, the CEC finance should offer direction on various strategies to acquire finance for the identified climate change projects.

5.2.8 Donor Community

The donor community has several intersections with many actors. The donor community funded the formulation of the NCCAP, the donor community continues to be involved in various projects that have implications for alignment of CIDPs to NCCAP. For example, DFID's involvement with department of planning in development of the handbook as previously stated.

Other donors engaging in the CCCFs space can also take an active role in liaising with CCD, Climate Finance Unit and department of planning to establish monitoring and tracking systems of climate finance and ensure connection of all projects to the NCCAP. During consultations, the CCD and CoG reiterated that cooperation from donors to follow the prescribed channels in co-opting county governments will be helpful in monitoring and tracking climate actions at county level. It would be of interest to find out what factors discourage donors from co-opting counties through COG.

5.2.9 Civil Society Organizations (CSOs)

The CSO has representation at the NCCC to undertake their watchdog and advocacy role and ensure the rights of citizenry are protected. They also play an important role in ensuring that the climate change projects selected at the county level have allowed for public participation and seek to empower the most vulnerable groups. Additionally, they can play an important role in implementing some of the projects selected or guiding donors and should work closely with the respective CECs.

5.2.10 Marginalized Communities

The marginalized communities have representation at the NCCC to address the needs of the most vulnerable and should continue to work hand in hand with CSOs to ensure the projects incorporated into their CIDPs promote gender and social inclusion and empower special interest groups.

5.2.11 Academia

Academics are also represented in the NCCC to bring forth the latest research and evidence on climate change matters. Their role is especially important to establish baseline data which is imperative in formulating climate-smart indicators in the CIDPs to align them with NCCAP. There **should be coordination between academia and the climate change units at state departments to guide good practices backed by data** which can then be channeled to counties through CoG. One of the key challenges is the resource constraints that local universities face in funding research to create evidence bases. This in turn affects the ability of state departments and public entities to access reliable data. Without good baseline data from state units, counties cannot effectively integrate climate change which int turn affects NCCC's function of monitoring mainstreaming.

5.2.12 Private Sector

The importance of the private sector cannot be overemphasized. Many at times, private sector activities on one hand contribute to climate change, but also, their continued investment in innovative technology and financing of green initiatives is playing a major role in addressing climate change. The private sector seats at NCCC to present their interests and to help them appreciate their roles and responsibilities. At the county level, the private sector will play a key role in realizing the climate actions outlined in the CIDPs through financing and implementation of projects.

The most pressing challenge for private sector is enabling environments to conduct business which majors on tax reliefs for green initiatives and easing permitting and licencing procedures. The proposed green incentivization policy by Treasury is encouraging as it shows government interests in ensuring private sector players are actively involved in climate action.

It is evident that climate governance in Kenya is hierarchical, **skewing towards a top-down approach—despite the devolved governance structure**. Further, there is heavy reliance on regulating as opposed to facilitating[82]. With second generation CIDP's already in place, **minimal progress has been achieved in integrating climate change and this calls for reflection** on how effective regulations are in achieving mainstreaming of climate change into county goals. A recent study revealed that financial constraints is a major challenge for counties in undertaking mainstreaming of climate change as the cost is not accounted for in the annual budgets. Over-stretched personnel were also mentioned as an impeding factor hindering mainstreaming which is a time-consuming process.[83] Therefore, proposed interventions should seek to go beyond the temptation to over-regulate and take into account what other pain points exist for different actors.

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[82] Bellali, Johara; Lisa Strauch, Francis Oremo, Benson Ochieng 2018: Multi-level climate governance in Kenya. Activating mechanisms for climate action. Berlin: adelphi/ILEG. P44

[83] Ibid.

Appendix 1: Integrated Governance; Definitions, and Concepts

- **Governance** - "...processes of interaction and decision-making among the actors involved in a collective problem that lead to the creation, reinforcement, or reproduction of social norms and institutions." Importantly, "governance" does not presuppose vertical authority and regulatory power- like political systems do. Governance refers to formal and informal, vertical and horizontal processes, with no a priori preference.
- **Multi-level Governance** - the synergistic "interplay" between institutions, levels of government and civil society organizations that shape how policies and actions are defined and implemented. This can involve vertical and/or horizontal interactions and take numerous forms.
- **Actors/ stakeholders** - can be individuals or groups whose collective action leads to the social norms that guide, prescribe, and sanction collective and individual behavior.
- **Problems** - the interrelated issues at stake. Needs to be "deconstructed," since we are talking about governance challenges, it is important to recognize the assumption that the "problem" is a social construct. For example, river bank flooding is not a problem—it recharges topsoils, recycles nutrients, etc. However, river bank flooding into a populated area, or into a food system ready for harvest- is certainly a problem.
- This deconstruction of the "problem" is often a power struggle. Different actors try to impose their view of:
    - The nature, cost and impact of the problem, and;
    - The rules of the game for the negotiation process. (How are decisions made? What is an equitable solution to "the problem?" Who is going to be part of the process? What system of "rights" applies? etc.)
    - Alludes to "rules of the game." But also, "meta-governance" or the rules that determine how the rules of the game are established.
- **Norms** - Interactions between actors and collective decisions lead to the emergence and formulation of "norms;" defined in general terms as shared beliefs about what is considered "normal" or appropriate behavior. Norms themselves guide actors' behavior and are modified by collective interactions, which may be observed at the "Nodal points" (below). In fact- it is norms that actually create social institutions. When norms recur, they become institutionalized, meaning they are internalized by individuals and help to form an institution that sanctions actions and rules. Typology of Norms:
    - **Meta-norms** - Principles that guide values in societies, such as sustainable development, gender equality, how much alcohol is too much alcohol, the importance of a private vehicle, etc.
    - **Constitutive norms** - The organizational or institutional mechanisms that enable the operation of the analysis or the process that addresses the issue/problems. E.g. the statutes of the United Nations Environment Programme, or the norms concerning chieftainship in a tribal society. They define the actor, create identity, formalize authority/ mandate, etc
    - **Regulatory norms** - The rules that drive & control the behavior of individuals and groups. Rules define what are appropriate or inappropriate actions. They specify what each person can/cannot do. They can create rewards, punishments, sanctions, etc to further influence actions.
    - All of these norms also have life cycles, and they can co-exist, overlap often times they contradict each other. A major source of competition between actors is which type of norms determine the "rules of the game".
- **Nodal points** - the physical or virtual interfaces where problems, processes, actors and norms converge; where decisions are taken, agreements concluded, and social norms created.
- **Processes** - refers to these complex interactions over time.