

## **OVERVIEW: NATIONAL POLICIES/STRATEGIES AND INSTRUMENTS**

### **Kenya Vision 2030 and Bottom-up Economic Transformation Agenda**

The two instruments are fundamental to all the sectors of the economy and act as informing tools in the development of policies in the environment, climate, agriculture and wildlife sectors.

Kenya Vision 2030 was launched as Kenya's development blueprint covering the period 2008-2030 and aligned to the delivery of the Sustainable Development Goals. It was aimed at making Kenya a newly industrialized, 'middle-income country providing high-quality life for all its citizens by the year 2030'. The Vision has guided development planning since 2008 through the following medium-term plans (MTP) 2008-2012, 2013-2017, 2018-2022 and 2023-2027 which will transition the country to the next long-term development plan.

MTP IV is informed by Kenya Vision 2030, BETA and global and regional development commitments that are UN SDGs and Africa Agenda 2063. MTP IV is driven by 5 core pillars. Agriculture, Micro, Small and Medium Enterprise (MSME) economy, Housing and Settlement, Healthcare and Digital Superhighway, and Creative Economy.

BETA has targeted sectors with the most impact to drive economic recovery to be achieved through six objectives: bringing down the cost of living, eradicating hunger, creating jobs, expanding the tax base, improving foreign exchange balances, and inclusive growth.

BETA will be implemented through five MTP IV sectors namely, Finance and production, Infrastructure, Social, Environment and Natural resources and Governance and Public Administration.

The Government of Kenya has adopted a rights-based approach to addressing the Sustainable Development Goals (SDGs). Vision 2030 and the country's Fourth Medium-Term Plan (MTP IV), County Integrated Development Plans, and strategic and sectoral plans aim to ensure that work towards achieving the SDGs is localized and mainstreamed. Kenya's performance in achieving the SDGs is mixed, leaving the country ranked 118th of 163 countries assessed in the 2022

Sustainable Development Report. To accelerate progress towards the SDGs, MTP IV incorporates best practices in climate mitigation and adaptation and promotes a transition to an inclusive green economy.

## **CLIMATE CHANGE**

The effects of climate change in Kenya have been far-reaching, affecting every sector of the

economy. Shifts in temperatures, unpredictable rainfall patterns, and rising water levels have led to detrimental effects. The country's economy is dependent on rain-fed agriculture, tourism, and natural resources. Although Kenya contributes less than 0.1 percent of global greenhouse gas (GHG) emissions annually, it remains susceptible to these emissions.

Kenya submitted an updated, more ambitious Nationally Determined Contribution (NDC) on December 24, 2020, with a commitment to reduce emissions by 32 percent by 2030 relative to the business-as-usual scenario and in line with its development agenda and national circumstances.

Kenya is a leader in addressing climate change and was one of the first countries in Africa to enact a comprehensive law and policy to guide national and subnational climate action. The Climate Change Act 2016 and the Climate Change Amendment Act 2023, the National Climate Change Action Plan III 2023-2027, and the long-term Low Emissions Development Strategy 2022-2050 will guide low-carbon and climate-resilient development in Kenya. Kenya's priorities as articulated through these, and other, instruments include adaptation, reducing emissions from deforestation and forest degradation, landscape restoration, climate-smart agriculture, geothermal and clean energy development, and drought and flood risk management.

### ***Policies on Climate Change.***

**Climate Change (Amendment) Act 2023** The Act is an amendment to the Climate Change Act of 2016. The Act of 2016 provides a legislative framework to guide Kenya's response to the adverse impacts of climate change through adaptation and mitigation actions towards a resilient and low carbon development pathway.

***The Climate Change (Amendment) Act (2023)*** introduces new definitions related to carbon projects, carbon budgets, carbon credits, carbon markets, and more. The amendment includes provisions for the regulation of carbon markets, guidance on carbon markets, the facilitation of greenhouse gas emissions mitigation by authorized entities, and the establishment of the national carbon registry. It also mandates environmental and social impact assessments for carbon trading projects in accordance with the **EMC Act (1999)** and specifies the anticipated benefits of projects, such as greenhouse gas removal from the atmosphere, avoidance of emissions to meet Kenya's international obligations and incentives that promote offset projects.

[The climate change draft on carbon market regulations is still undergoing public participation, to provide a framework for implementation of carbon market projects including incentives for greenhouse gas emissions reduction.]

On **March 26<sup>th</sup>-27<sup>th</sup> 2024**, the **Kenya Carbon Market Conference** was held, themed; Delivering on Carbon Finance. Carbon markets are prioritized as a pivotal component of Kenya's climate-positive growth and carbon credits are envisioned as the country's next major export. On the path to realizing this vision, Kenya has marked notable strides by establishing robust legal and institutional frameworks through amending the Climate Change Act to incorporate carbon markets and is close to finalizing regulations that provide clarity on implementation. The two-day conference aimed at showcasing Kenya's progress in creating an enabling environment that provides confidence to investors and attracts carbon finance towards the country's climate positive growth. It also shared

knowledge and experiences on building readiness to participate in high integrity carbon markets while ensuring benefits and that carbon finance is channeled to where it is needed most.

The Climate Change Act, of 2016 provides for the development of a five-year National Climate Change Action Plan (**NCCAP**) to guide the mainstreaming of adaptation and mitigation actions into the sectors functions of the national and county governments. Kenya's third Action Plan on climate change (**NCCAP 2023-2027**) builds on the previous Action Plans; to enhance adaptive capacity and resilience to climate change and promote low-carbon development as well as to provide a framework for Kenya to deliver on its Nationally Determined Contribution (**NDC**) under the Paris Agreement towards reducing GHG emissions by 32% by 2030.

The **NCCAP** outlines seven priority climate action areas, with adaptation and mitigation actions across policy and regulatory environments, capacity building, knowledge management, technology and innovation, climate finance, monitoring, reporting and verification.

**Climate Finance**, Kenya's commitment to addressing climate change through mobilizing climate finance has progressively emerged as a key topic underpinning recent policy, legal and institutional development. These include the **National Climate Finance Policy (2018)**. The policy provides a legal and institutional framework to mobilize and manage climate finance in Kenya.

**County Climate Change Initiatives**, counties have enacted county legislation to address climate change such as the establishment of county climate change Funds (CCCF) and the mainstreaming of climate change actions in the County Integrated Development Plans (CIDPs) among others.

## **ENVIRONMENT**

Environment and natural resources in Kenya are valuable national assets that the country must sustainably manage for present and future generations. They offer a range of benefits and opportunities for local and national economic development, improved livelihoods, and the provision of environmental goods and services. Recently, it has been estimated that natural resources contribute about 42% of the country's Gross Domestic Product (GDP) and support about 70% of the country's population's livelihoods. Despite being the foundation on which sustainable development is anchored, many environmental degradation issues and challenges face the country. These include population pressures, climate change, deforestation, poor land management, and degraded water quality among others.

Recognizing the value of the environment and natural resources in the economic development of the country and the challenges these resources face, Kenya has developed several relevant policies, enacted a range of legal frameworks, and established institutions meant to advance the conservation of the environment and natural resources in the country.

**The 15 Billion National Tree Growing Programme**, is a flagship Government climate action initiative anchored by the 10-year National Landscape and Ecosystem Restoration Strategy that seeks to raise Kenya's tree cover by 17.8% from the current 12.2% to 30% by the year 2032. In total, the Government seeks to restore 10.6 million hectares of degraded ecosystems and landscapes across

11 intervention areas.

Since the launch of the 15 Billion National Tree Growing Programme slightly over a year ago, the MECCF working within the 'whole-of-Government, whole-of-society' delivery framework has made tremendous progress including:

- Developed the National Landscape and Ecosystem Restoration Strategy 2023-2032;
- Distributed 100 metric tons of seeds estimated to produce 2 billion seedlings; ○ Established 15 Billion and Restoration Secretariat headed by the Coordinator and anchored at the State Department for Forestry;
- Overseen the growing of 300 million seedlings across the Country as recorded on Jaza Miti Application.

The climax of the 15 Billion National Tree Growing Programme last year was the National Tree Growing Day, Kenya's first Green Holiday on 13th November 2023 during which over a record 150 million trees were grown on one day across the Country.

### ***Policies on the Environment***

**The Environmental Management and Coordination Act of 1999 (Amended 2015).** The Act was promulgated to establish an appropriate legal and institutional basis for environmental management. It recognized that improved legal and administrative coordination of diverse sectorial initiatives is necessary to improve national capacity for environmental management. It outlines measures for the protection of different ecosystems such as forests, lakes, wetlands, and the conservation of biological diversity, among others. The Act provides for the entitlement to the right to a clean and healthy environment which is consistent with Art 42 of CoK 2010.

The following instruments are connected to EMCA.

- **The Kenya Constitution, 2010**

Kenya's Constitution 2010 under the following Articles (**42 & 69**) guarantees its citizens a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative measures **Article 42(a)**. **Article 69** states that "(1) The State shall a) ensure sustainable exploitation, utilization, management and conservation of the environmental and natural resources, and ensure equitable sharing of the accruing benefits; d) encourage public participation in the management, protection and conservation of the environment; and h) utilize the environment and natural resources for the benefit of the people of Kenya".

- **Kenya Vision 2030**

Kenya Vision 2030 aims to transform Kenya into, "a newly-industrializing, middle-income country

providing a high quality of life to all its citizens in a clean and secure environment.” Under its Fourth Medium-Term Plan 2023-2027 among the key priority areas are the environment and natural resources, the plan aims to increase tree growing and restoration campaigns and the rehabilitation of degraded water towers.

**National Environmental Policy, 2013.** The policy gives the framework to guide the country’s efforts in addressing the ever-growing environmental issues and challenges such as environmental governance, loss of biodiversity, valuation of environmental and natural resources, rehabilitation and restoration of environmentally degraded areas, urbanization, waste management and pollution and climate change, among others. The Policy calls for proper management of water towers through integrated approaches, land use planning, and watershed management mechanisms, while ensuring that all water catchment areas are zoned and managed as protected areas.

**Water Towers Coordination and Conservation Policy.** This policy provides a mechanism for the conservation and coordination of water towers in Kenya. Water towers provide multiple ecosystem goods and services. Five major water towers namely: Mt. Kenya, Aberdares, Mau Complex, Cherangany Hills and Mt. Elgon forms the upper catchment of all the main rivers in the country, providing 75 percent of the country's water resources. There are other water towers spread across the country, including Loita Hills which provide essential services to communities including firewood, honey, pasture, herbs and medicinal plants, and water for domestic and livestock production.

Despite their importance, water towers are faced with unprecedented challenges, which limit their capacity to provide ecosystem services. These include human population growth, which creates unsustainable demand for ecosystem goods and services leading to the conversion of water towers to cropland, illegal logging and grazing in water towers among many others.

**Water Act (2016).** This is the principal Act for the governance of water resources in Kenya, covering water resources, and water storage and sewerage services. The Water Act is in place to ensure effective management and use of water resources. The Water Towers Conservation and Coordination Policy complements the Water Act by ensuring that there is adequate reception of water in the water towers for management under the Water Act. The Water Resources Authority (WRA) established under the Water Act 2016 among other mandates regulate the management and use of water resources and formulate and enforce standards on water resources.

**Water (Amendment) Bill 2023,** Water (Amendment) Bill, 2023. The Bill seeks to promote private investment in the water sector through the public-private partnerships (PPPs) model. The amendments seek to achieve this by expanding the remit of national government entities such as the Water Works Development Agencies (WWDAs) and National Water Storage Authority (the NWSA) to allow them to provide water services by allowing them to enter into bulk water purchase agreements under the PPP Act, 2021(the PPP Act) which was previously the preserve of county water service providers (WSPs).

It also seeks to allow the agencies to petition the water services regulatory board to declare a default and order the transfer of water services providers’ functions to them if county governments

fail to repay loans advanced to finance development, rehabilitation, or maintenance of works.

**Forest Conservation and Management Act (2016).** This is the principal Act regulating the protection and conservation of all public forests. It also makes provision for community participation in forest lands by community forest associations, the trade in forest products, the protection of indigenous forests and the protection of water resources. The Act establishes the Kenya Forest Service, with its functions, among other things: conserve, protect and manage all public forests, prepare and implement management plans for all public forests and, where requested, assist in the preparation of management plans for community forests or private forests in consultation with the relevant owners; receive applications for and issue licenses and permits; manage water catchment areas with soil and water conservation, carbon sequestration and other environmental services in collaboration with relevant stakeholders.

Forthcoming Amendments: An Amendment to Forest Conservation and Management Act (2016), that seeks to introduce the role of forest regulator, by transitioning the Kenya Water Towers Agency into a Forest Regulatory Authority.

### ***Updates on PELIS***

*The Forest Conservation and Management Act (2016)* allows for collaboration with communities adjacent to forests through Community Forest Associations (CFAs), this led to the creation of Plantation Establishment and Livelihoods Improvement Schemes (PELIS) however, according to the findings of the Taskforce Report on Forest Management and Logging, the report highlighted that the abuse of PELIS has been rampant and recommended for progressive phasing out of PELIS, to be replaced with the concession of forest plantation with the provision of a role for the CFAs.

Recent remarks by the chief conservator of forests highlighted the importance of PELIS in meeting the national demand for wood products and communities adjacent to forests relying on these ecosystems for their livelihoods, 'The government aims to utilize PELIS to establish 54,000 hectares of commercial forest plantation in areas within degraded forests'.

Around the Mau Forest Complex, there are Amala Nairotia and Nyangores CFAs, the two CFAs are in the Transmara forest block adjacent to Bomet County to the south. There are no PELIS activities undertaken by the above CFAs. In Cherangany Hills, several CFAs such as Cherangany CFA and Sambiche CFA are carrying out PELIS, Cherangany CFA is restoring parts of degraded forests through tree planting with the support of KFS and Sambiche CFA located in Emugut received 30,000 seedlings from Nature Kenya to support its operation.

## **AGRICULTURE**

The agricultural sector is the backbone of the economy, contributing approximately 33 percent of Kenya's Gross Domestic Product (GDP). The agriculture sector employs over 40 percent of the total population and 70 percent of the rural population. The sector has recorded mixed performances over

the past few years. The sector grew at 6.1%, 2.8 % and 5.2% in 2018, 2019 and 2020 respectively (KNBS, 2022) and recorded a shrinkage of 0.1 % in 2021 which was occasioned by unfavorable weather conditions in various parts of the country, which resulted in reduced crop and livestock production. The food security situation has been worsening in the Arid and Semi Arid Lands (ASALs) in Kenya due to a delay of long rains coupled with the COVID19 pandemic and the global wars, as well as increasing global prices of fertilizers. The rising food Prices along with the drought have the most devastating impact on the welfare, nutrition, and food security of the poor households as it pushes them further into poverty and weakens their ability to access food.

Kenya has developed various policies that are aimed at ensuring food and nutrition security in the country. The following policies include among others.

**Agricultural Sector Transformation and Growth Strategy (2019-2029).** To transform Kenya's agricultural sector and make it a regional powerhouse, the Government has formulated the Agricultural Sector Transformation and Growth Strategy (ASTGS). The Strategy is based on the belief that food security requires a vibrant, commercial, and modern agricultural sector that supports Kenya's economic development and its commitments to regional and global growth.

The strategy details the flagship projects prioritized for implementation in the first five years. Following a review of their performance, an additional set of projects will be developed for the next five years of the strategy to match the transformation needs at the time. **Constitution of Kenya 2010**, The CoK 2010 pronounces itself when it comes to food security and nutrition, under Article 43 (c) 'Every person has the right to be free from hunger, and to have adequate food of acceptable quality.

**Agricultural Policy 2021.** The policy provides a clear road map to the realization of Vision 2030 agricultural goals and targets and sustainable development goals. It identifies current challenges in the agricultural sector and outlines suitable guidelines to address them. It provides measures towards the sustainable use of natural resources, particularly land and water, which are expected to boost agricultural production and productivity.

**Kenya Climate Smart Agriculture Strategy (2017-2026).** The broad objective of the Kenya Climate Smart Agriculture Strategy Climate (KCSAS) is to adapt to climate change, build resilience of agricultural systems while minimizing emissions for enhanced food and nutritional security and improved livelihoods. The implementation of this Strategy is guided by the following principles among others: 1) Intergovernmental and participatory: recognizing inter-dependence of the two levels of government in line with Kenya's Constitution and the Intergovernmental Relations Act, 2013. Second, Sustainable agriculture: it will endeavor to nurture healthy ecosystems and support sustainable management of land, water and natural resources while ensuring increased productivity for national food security.

This Strategy promotes good governance that comprises elements of accountability, transparency in decision-making, particularly in budget, and procurement processes that are critical to the effectiveness of resource use and the reduction of corruption and waste, and participation, a consultation process that enables stakeholders to participate in the formulation of development strategies.

Wildlife resources are valuable natural assets that must be sustainably managed for present and future generations. In Kenya, wildlife, and the habitats they occupy constitute an important asset to the country. They serve as critical water catchment areas, biodiversity reservoirs and are central to the tourism industry and its growing contribution to the national gross domestic product (GDP). Wildlife is the bedrock of Kenya's tourism industry which contributes over 10% to the country's GDP and over 18% to our foreign exchange earnings. The protected areas and natural habitats not only support wildlife but also provide a range of ecosystem services and products that are critical to the livelihoods of Kenyans and the country's sustainable development. These include watershed protection, provision of clean water, sequestration of carbon dioxide, crop pollination, and control of soil erosion. The sector is experiencing enormous challenges that might undermine its potential, rapid population growth, increasing human wildlife conflicts, economic developments that are leading to loss of space for wildlife, an upsurge in land subdivision, effects of climate change, and inadequate sectoral policies.

### ***Policies on Wildlife Conservation and Management.***

**Wildlife Conservation and Management Act (2013).** This Act is administered by the Kenya Wildlife Service, the provision of the Act applies to wildlife resources on public, community and private land and Kenya terrestrial waters. The implementation of the Act is guided by the general principles of devolution, public participation, ecosystem approach, sustainable utilization and benefit sharing. The WCMA was amended in 2018 to address various shortcomings it had that prevented its proper enforcement including minimum penalties, lack of a comprehensive list of protected species and failure to address the provisions of the CITES Convention.

*The Statute Law (Miscellaneous Amendment) Act No. 18 of 2018*, amends the **Wildlife Conservation and Management Act 2013**, the Act focuses on two key issues; 1) Institutional and functions changes .2) New offenses and penalties on wildlife crimes.

**Sessional Paper No.1 of 2020 on Wildlife policy.** The policy aims to create an enabling environment for the conservation and sustainable management of wildlife for current and future generations. It seeks to provide an innovative framework for re-engineering the wildlife sector, with specific objectives including, conserving Wildlife as a national heritage, promoting sustainable use of wildlife resources, facilitating collaboration for effective governance and financing of the sector among relevant stakeholders, and managing viable wildlife populations and habitats.

The continuous threat to wildlife calls for robust and effective conservation policies to accelerate the re-engineering of the sector and consolidate the roles of various actors, including national and county governments, private and community landowners and non-government actors.

The Wildlife Policy 2020 identifies challenges such as lack of effective monitoring frameworks, inadequate scientific data, illegal bushmeat trade, and increasing human-wildlife conflicts due to factors like land use changes and climate change impacts. These challenges hinder effective wildlife conservation and management in Kenya, emphasizing the need for improved assessment of



management effectiveness, accurate scientific data, law enforcement against bush meat trade, and strategies to mitigate human-wildlife conflicts through national strategies and ecosystem based management plans.

**National Wildlife Strategy 2030.** The National Wildlife Strategy 2030 is a roadmap for transforming wildlife conservation in Kenya. It identifies a clear set of five (5) year priority goals and strategies around four key pillars: Resilient Ecosystems; Engagement by all Kenyans, Evidence Based Decision Making and Sustainability and Governance. It recognizes that climate change places Kenya's wildlife at risk, but also that ecosystem conservation and management can contribute to greater climate resilience by serving as a form of adaptation. It specifically calls for the creation of a National Wildlife Adaptation Strategy, which would determine complementarities between wildlife conservation and climate change adaptation.

**The National Human-Wildlife Coexistence Strategy and Action Plan (2024-2033).** The Ministry of Wildlife and Tourism and KWS among other partners launched the Strategy on 7<sup>th</sup> March 2024, the strategy encompasses five crucial components aimed at fostering sustainable wildlife conservation while effectively mitigating human-wildlife conflicts. Land & Space Management; emphasizing the importance of sustainable land use practices to ensure adequate space for both wildlife and human settlement, introducing innovative, effective, and affordable approaches to mitigate HWC, and aspects of technology to be incorporated. Advocating institutional reforms within wildlife management agencies to streamline processes and improve efficiency, includes revising policies, enhancing coordination among relevant authorities and ensuring accountability in wildlife conservation. Recognizing the economic importance of wildlife while ensuring fair compensation for losses incurred due to HWC, the component highlights the need to balance conservation goals with the socio economic interests of local communities and promote sustainable livelihoods alongside wildlife conservation.

**Human-Wildlife Compensation Scheme-** President Ruto on 12th April 2024 launched the digital compensation scheme that provides financial support to those affected by wildlife-related incidents such as crop damage, property destruction, deaths or injury across the country. Claims are submitted through a USSD Code which makes it more accessible and efficient, verification will be done by verification officers and thereafter payments will be made to the beneficiaries. It aims to promote coexistence between humans and wildlife while ensuring that communities impacted by such incidents receive fair compensation for their losses.

### ***Wildlife Corridors***

All over the country, wildlife populations have declined dramatically over the last few decades. Ecosystems are failing to provide ecological services such as water storage, soil protection and climate moderation. At the same time, human-wildlife conflict has increased. Land-use and climate change, combined with increasing population pressures and poverty, have led to widespread habitat loss and fragmentation.

Animals migrate across landscapes to access vital resources such as pasture, water, and breeding grounds; to reduce the risks of predation; and to enhance genetic health. Connectivity conservation recognizes the importance of physical connections and linkages between isolated habitats that

increase the effective area available to wildlife, ensuring connectivity through the restoration of wildlife habitats helps to improve the integrity of ecosystems.

The 2016 report on wildlife corridors identified 58 migratory routes/corridors in the southern Kenya rangeland ecosystems: Maasai Mara Ecosystems (17); Eburu Forest and Lake Naivasha Elmentaita-Nakury conservation and ecological area (8); Athi-Kaputiei and Nairobi National Park (7); south Rift (8); Amboseli and Kilimanjaro (8) and the conservation Tsavo Conservation area (10). 52 migratory routes were identified in the northern Kenya rangelands and coastal terrestrial ecosystems.

### ***Linkage between National Policies and CIDPs***

In Kenya, the linkage between national policies and County Integrated Development Plans (CIDPs) is crucial for effective governance and development coordination at both the national and subnational levels. Several mechanisms facilitate this linkage.

- ❖ • ***The constitution of Kenya (2010)***, the fourth schedule of the constitution outlines the distribution of functions between the national and county governments. This division of responsibilities necessitates coordination between the two levels of government to ensure coherence in policy implementation. National policies often provide overarching frameworks within which county governments operate.
- ❖ ***National Development Plans***, such as Kenya Vision 2030-MTP IV, and BETA which outline the country's development priorities, strategic plans and goals, act as the reference point for counties when formulating their own plans.
- ❖ ***The County Integrated Development Plans (CIDPs)***, The NTEP Ministry has coordinated the alignment of CIDPs to MTP IV through, guidelines on the preparation of CIDPs, sensitization of County Executive Committee Members, County Chief Officers, and County Directors responsible for economic planning on the alignment of CIDPs to BETA and MTP IV; and provision of technical support to Counties on preparation and review of CIDPs.
- ❖ ***Policy Coordination Mechanisms***: There are various mechanisms in place to facilitate coordination between national policies and CIDPs. For instance, **the Intergovernmental Budget and Economic Council (IBEC)** serves as a platform for consultation and coordination between the national and county governments on matters of budgeting, planning, and economic policy. And the **Council of Governors**, which provides a forum for consultation and sharing of information and best practices among county governments. It is a platform for the governors to engage with the national government on issues of mutual concern, such as allocation of resources, implementation of national policies at the county level, among others.