

MULTI-LEVEL CLIMATE GOVERNANCE IN KENYA

Activating mechanisms
for climate action



V-LED | STIMULATING
URBAN CLIMATE ACTION



VERTICAL INTEGRATION AND LEARNING FOR
LOW-EMISSION DEVELOPMENT IN AFRICA AND SOUTHEAST ASIA

MULTI-LEVEL CLIMATE GOVERNANCE IN KENYA

Activating mechanisms for climate action

By adelphi and the Institute of Law and Environmental Governance (ILEG)

www.localclimateaction.org





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Acronyms

AF	Adaptation Fund
BMU	German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety
CAF	County Adaptation Funds
CCD	Climate Change Directorate
CDM	Clean Development Mechanism
CEC	County Executive Committee
CIDP	County Integrated Development Plan
COG	Council of Governors
COP	Conference of Parties
CORDIO	Coastal Oceans Research and Development in the Indian Ocean
CS	Cabinet Secretary
DANN	Designated National Authority
DRR	Disaster Risk Reduction
EAC	East African Community
EMCA	Environmental Management and Coordination Act
FCPF	Forest Carbon Partnership Facility
GCAA	Global Climate Action Agenda
GCF	Green Climate Fund
GDP	Gross Domestic Product
GESIP	Green Economy Strategy and Implementation Plan
GHG	Greenhouse Gas
IFMIS	Integrated Finance Management Information System
IGAD	Intergovernmental Authority on Development
INDC	Intended National Determined Contributions
KCRN	Kwale County Natural Resources Network

KEPSA	Kenya Private Sector Alliance
LDC	Least Developed Countries
MLCG	Multi-Level Climate Governance
MOU	Memorandum of Understanding
MTEF	Medium Term Expenditure Framework
NAP	National Adaptation Plan
NCCAP	National Climate Change Action Plan
NCCC	National Climate Change Council
NCCRS	National Climate Change Response Strategy
NDC	Nationally Determined Contributions
NDMA	National Drought Management Authority
NEMA	National Environment Management Authority
NGO	Nongovernmental Organisation
NIE	National Implementing Entity
PES	Payment for ecosystem services
PWD	Persons with Disability
REDD+	Reducing Emissions from
SAGAs	Semi-Autonomous Agencies
SE4ALL	Sustainable Energy for All
UDC	Urban Development, Planning, and Lands Committee
UNFCCC	United Nations Framework Convention on Climate Change
V-LED	Vertical Integration and Learning for Low Emission Development
WAPCs	Ward Adaptation Planning Committees
WASREB	Water Services Regulatory Board
WBGU	German Advisory Council on Global Change

Executive summary

The avoidance of dangerous climate change calls for a global transformation process towards a low-carbon society that reduces global greenhouse gas emissions (GHG) to zero shortly after the middle of the century. This is a structural change of enormous scale and speed that requires joint action by all sectors of society and levels of government. Coordinating these efforts and ensuring their coherence within a multi-level governance system is key to driving forward effective, efficient and ambitious climate actions.

The Republic of Kenya has a robust climate change policy framework and a sophisticated system of domestic institutions. Kenyan policymakers are aware that tackling climate change will require integrated action at different levels of governance, across sectors, and with non-governmental stakeholders. To foster low-emission development and enhance climate resilience, new institutional arrangements and new forms of cooperation are emerging at both national and sub-national levels.

This study summarises the important progress Kenya has made in developing its policy and institutional architecture in response to climate change through the lens of multi-level governance and multi-stakeholder climate action. It is written for both policy makers and development practitioners working in Kenya and is based on the four-year project known as V-LED, or Vertical Integration and Learning for Low-Emission Development in Africa and Southeast Asia. From 2015 through 2018 V-LED aimed to stimulate local climate action by rallying ambition and connecting national institutions, county authorities, communities and businesses. Based on experience gained from this project and additional research, the study analyses climate governance in practice, highlighting encouraging practices and continuing challenges of effective multi-level governance.

Kenya is a regional (and global) leader in both decentralised governance and frameworks for climate change response. **Since the adoption of its 2010 Constitution, the country has undergone an intense transition, devolving governance to 47 newly established counties** with the ambition of strengthening democracy and bringing resources,

development, service delivery to its citizens. Devolution brought clear improvements such as increasing local autonomy and equalising the allocation of resources between counties. However, the multi-level governance system is still maturing and memories of past favouritism due to political affiliations continue to shape local–national relationships.

Kenya is one of the first countries in Africa – and among only a few in the world – to enact a comprehensive law and policy to guide national and sub-national responses to climate change. The 2016 Climate Change Act created new institutional arrangements for governing climate change at both national and county levels. It established a National Climate Change Council, chaired by the President, to implement the Nationally Determined Contributions under the Paris Agreement.

The interplay of the country’s devolution process and climate change policy make up Kenya’s unique multi-level climate governance framework. While the country’s climate architecture is impressive, efforts to coordinate county and national actions are impeded by strictly sectoral budgeting processes and the challenge of mainstreaming climate change action. The country has developed sophisticated layers of commissions, committees and councils that contribute to various aspects of vertical and horizontal coordination for adaptation, mitigation and green growth. In practice, however, implementation significantly lags due to actors jockeying for power in response to devolution, unclear mandates and a lack of capacity at the local and county levels, which limit absorptive capacity for international climate finance and aid.

To remain at the forefront of climate change response, Kenya will need to facilitate bold and cross-sectoral transformative actions, which will require effective horizontal and vertical integration between various stakeholders at the local, county and national levels. This study identifies possible entry points to ensure complementarity and consistency of policy and practice:

- Activate existing vertical and horizontal coordination structures. Empowering existing intergovernmental committees and coordinating climate-proofed sectoral plans and budgets. This will improve outcomes and contribute to achieving Kenya’s NDCs.
- Align Kenya’s national long-term development vision with its climate change strategy at appropriate scales of implementation and “green” its economic growth. Implementation should phase out high-emission practices and subsidise the scaling up of alternative low-emission pathways in parallel.

- Strengthen climate resilience through establishing regional blocks. Counties may work together based on shared landscapes and climate priorities (coastal areas, arid and semi-arid lands, and highlands) and follow ecosystem-based approaches to natural resource management.
- Enable local innovation by incentivising low-emission development. Empower regional authorities and county governments through financial mechanisms, and take advantage of international and sub-national governing networks to facilitate horizontal coordination and exchange.
- Offer long-term capacity development through coaching and sustained technical support to county governments and local community groups to institutionalise multi-level cooperation and encourage the development of bankable projects.

If properly activated and implemented, Kenya's strong policy and institutional framework could generate climate action and act as an international model. The V-LED project was met with great interest and commitment from a great diversity of stakeholders from all levels of government and high ambitions at the local community level. Since national devolution is finalising, now is the time to focus on enabling factors that streamline inter-governmental cooperation, institutionalise multi-stakeholder participation and empower local government in leading sustainable growth and transformative climate action.



Kenya key facts:

- Kenya's population is 49.7 million¹
- 27 per cent of the population lives in urban areas¹
- Life expectancy is 67 years¹
- 36 per cent of the population lives in poverty¹
- Kenya ranks 137 out of 160 countries in the gender inequality index²
- Mobile cellular subscription is 86 per 100 people¹

Sources: 1: The World Bank, 2018; 2: UNDP 2018.

1 • Introduction

In 2014, Kenya was reclassified a lower middle income country, strengthening its foothold as an economic powerhouse in Eastern Africa. It thereby graduated from its Least Developed Country (LDC) status in the United Nations Framework Convention on Climate Change (UNFCCC), foregoing some of the LDC specific support. However, Kenya is also highly vulnerable to climate change with about 80 per cent of the country falling under the high vulnerability class (Mwangi and Mutua 2015). Tragic recurring famines blight certain regions while the spectacular floods of 2018 had devastating socio-economic effects. Exacerbated by climate change, the coexistence of starvation and extreme wealth is sadly a growing reality in the nation. According to Oxfam (2017), “extreme inequality is out of control in Kenya [...] the number of millionaires will grow by 80 per cent over the next 10 years” –one of the fastest growing numbers of super-rich in the world.

Mirroring the trend of many African states, Kenya is also experiencing a surge in urban migration, with an urbanisation rate of 27 per cent in 2018, projected to rise to 46 per cent in 2050 (UNDESA 2018). Rural-urban linkages are developing and Kenya is currently investing in its transport system, restoring its railway line and facilitating large scale foreign acquisition of land for a number of purposes including renewable energy systems. Kenya’s massive infrastructural investments do come at the cost of rapidly declining biodiversity and the erosion of life-supporting systems. Land use, land use change and forestry (LULUCF) amount to 38 per cent of Kenyan GHG emissions behind agriculture at 41 per cent.

Although youth unemployment is high, Kenya is home to a young and highly innovative tech scene, with some of its successful products being exported internationally. The Global Innovation Index 2018 showed that Kenya outperformed most other lower middle income countries.

The Kwale County Natural Resource Network is only one inspiring example of Kenya’s active civil society that has seized the opportunity for greater participation brought by devolution, to set their country onto a sustainable pathway. The creativity of its youth, the ambition of its leaders and the vibrancy of its civil society are strong foundations for transforming Kenya into a low-emission, climate-resilient middle income country.

How can national and county governments best work together to transform Kenya into a newly industrialising country whilst meeting Kenya's commitments under the Paris Agreement and building a sustainable and socially just future for their citizens? How can Kenya leverage the potential of its civil society and private sector to drive transformative climate actions?

The **V-LED project** – Vertical Integration and Learning for Low-Emissions Development in South East Asia and Africa – was designed on the premise that coherence and coordination within a multi-level governance system are key to fostering transformative shifts towards a low-emission society. Working as a coalition with partners in South Africa, Kenya, Vietnam, Philippines and Germany, the project facilitated meaningful dialogue between various stakeholders at every level of government to better integrate sub-national and national policy and implementation frameworks, increase adaptation and mitigation capacity, and learn from existing pioneering efforts.

Main V-LED activities in Kenya included fostering dialogue about climate governance and action vertically, between national and sub-national actors, as well as horizontally, between actors at the same governing level. The project also developed a guide to the national devolution process through the lens of climate change as well as a how-to toolkit for civil society and citizens interested in participating in political decision making and developing local climate actions.

This study summarises knowledge gained from the V-LED project implementation in Kenya as well as interviews with key informants. It looks at the current multi-level institutional arrangements and climate governance processes in Kenya with the aim of spotlighting success, highlighting challenges and identifying entry-points for climate action. The following questions guided the study:

-  How is Kenya developing and implementing climate change policies across multiple governance levels?
-  What types of coordination between national and sub-national actors enable local climate action and how?
-  What other factors support local climate action and how?

1.1 Structure of the study

This study is structured into five main chapters. Chapter Two introduces the reader to the theoretical background of the study, acknowledging the importance of a coherent and coordinated multi-level governance approach for transformative climate actions. Chapter Two additionally gives an overview of the research methods used to gather and analyse data in the writing of this study.

Chapter Three provides an overview of Kenya's multi-level climate change governance architecture, highlighting the key policies, institutions, and actors that guide the country's climate efforts – describing the “what” of Kenya's climate change response.

In contrast, Chapter Four presents the “how”: what actually occurs in practice, including the bottlenecks, enabling factors, and forms of coordination that have stimulated local climate action. Based on information gleaned from the interviews, it offers a multi-level reality check of the climate change architecture. Finally, Chapter Five synthesises the lessons learnt and highlights entry points for improving multi-level governance for local climate action.

V-LED believes in bringing multiple stakeholders together to bridge the dialogue gap and align common intentions and actions. To manage the collective issue of climate change, everyone is needed and each voice is valuable: Let's begin the conversation.



2. Theoretical background and research methods

The avoidance of dangerous climate change calls for a global transformation process towards a low-carbon society that reduces global greenhouse gas emissions to zero shortly after the middle of the century (UNFCCC 2015a). This is a structural change of enormous scale and speed that requires joint action by all sectors of society and levels of government. Coordinating these efforts and ensuring their coherence within a multi-level governance system is key to driving forward effective, efficient and ambitious climate actions.

2.1 Transformative multi-level governance: global trends

With the adoption of the 2015 Paris Agreement, the global climate regime shifted towards a more inclusive climate governance system, applicable to all countries in light of their common but differentiated responsibilities and respective capabilities. Unlike the former approach of the Kyoto Protocol (UNFCCC 1998) – under which only some countries, representing 14 per cent of global CO₂ emissions, were subject to emission reduction targets (Annex I Parties) – under the Paris Agreement, all countries share the responsibility for a global climate response. The Paris Agreement gives national governments the opportunity to set their own emission reduction and adaptation targets through Nationally Determined Contributions (NDCs). In the first round of pledges, 176 countries submitted their NDCs for the period up to 2025/2030. Countries will update these targets every five years from 2020 onwards, with the aim of ratcheting up their ambition with each submission.

Now, as the Paris Agreement enters into force, the focus of action is shifting from international negotiations to national, regional, and local governments that must translate the Paris goals into local climate action. Opportunities for driving climate action forward have increasingly been shaped by a diverse range of both state and non-state actors. Over the past two decades, research has highlighted the critical role of sub-national governments in reducing greenhouse gas emissions. Many of the sectors with high mitigation poten-

tial, such as housing, transport, land use, urban planning, infrastructure development, and waste, are often under the control of sub-national government entities. Leveraging this “transformative power” (UN Habitat 2016; WBGU 2016), an increasing groundswell of sub-national actors have set ambitious GHG reduction goals and moved ahead even in the absence of national leadership or significant international progress (Chan et al. 2015). At the same time, companies and civil society actors are making their own climate commitments and are driving action through a plethora of collective (transnational) climate action networks and coalitions. For these reasons, **sub-national governments and non-state actors have an important role to play in implementing climate actions that support national GHG emissions targets and drive higher ambitions.**

Recognising this reality, the decision accompanying the Paris Agreement explicitly encourages governments to work more closely with non-party stakeholders including cities and regions (UNFCCC 2015). Alongside the negotiations, sub-national and non-state actors were declared a “fourth pillar” of the 21st Conference of the Parties (COP 21) and cited as critical drivers of the successful outcome (Hale 2016). These dynamics were further accelerated by, among others, the launch of the Global Climate Action Agenda (GCAA) and the Talanoa Dialogue process that set out to advance cooperative climate action across levels of government and with non-state actors.

Despite the promising blueprint of the Paris Agreement, the combined national pledges to date fall well short of the objective to hold global temperature rise to below 2°C, let alone 1.5°C (Robiou du Pont et al. 2017; UNEP 2017). Furthermore, as the range of climate actors broadens and becomes more complex, the resulting **polycentric climate governance landscape increases the risk of fragmentation** (Biermann et al. 2009; van Asselt 2014). At the global level, an increasingly dispersed range of transnational climate actors outside the UNFCCC regime might not work towards the same goals and undermine coherence—meaning that different components “are compatible and mutually reinforcing” (Keohane and Victor G. David 2011). In other words: “If we do not achieve building a shared understanding across the borders of stakeholders and sectors working on different aspects of essentially the same issues, we will remain in the silos that work in isolation, being weaker, or even undermining each other’s efforts”, (Hemmati and Rogers 2015).

At the domestic level, climate efforts are often still disconnected from or not responsive to each other, resulting in inefficient overlaps, missed opportunities for collaboration, and even maladaptation. Many of the NDCs were produced quickly, with inadequate consultation and do not reflect local priorities (LEDS GP 2017). To date, few countries have systematically linked activities on the ground to national priorities and policies, and vice versa.

While sub-national governments have contributed or even pioneered low-emission pathways, their efforts alone cannot replace national actions or achieve transformational changes independent of other levels of government. Local actors depend on regional and national regulatory frameworks that provide incentives and resources (Corfee-Morlot et al. 2009; UNEP 2016). Conversely, sub-national initiatives may hold the key to transformative ideas that could be scaled up and help shape enabling frameworks at the national level (Fuhr et al. 2018). Furthermore, in many cases there is a lack of coherence between countries' sector plans (especially the energy sector) and their NDCs (LEDS GP 2017).

A multi-level climate governance approach can bring about greater alignment or “orchestration” of climate actions (Abbott 2017; Zelli and van Asselt 2013; Chan et al. 2015). The importance of multi-level governance for transformative climate action has gained increasing global traction. The recent IPCC special report on global warming of 1.5 °C report stresses that “climate action requires multi-level governance from the local and community level to national, regional and international levels” and recognises the concept as an important enabler for systemic transformation (IPCC 2018, p. 61). To close the emission gap and achieve transformative levels of climate action, we urgently need an “all hands on deck” approach (Hale 2016) with coordinated climate action across political levels, sectors, and actors. The scale and the speed of the transformation needed to protect our life supporting system require states to critically examine and enhance their existing multi-level governance frameworks to enable vertically and horizontally coordinated action, which is a synergistic division of labour and collaborative institutional arrangement.

2.2 Terminology and definitions

Climate action comprises measures and initiatives that:

1. Reduce the sources of GHG emissions (mitigation); and,
2. Reduce vulnerability to climate change, enhance resilience, and manage the impacts of climate change (adaptation).

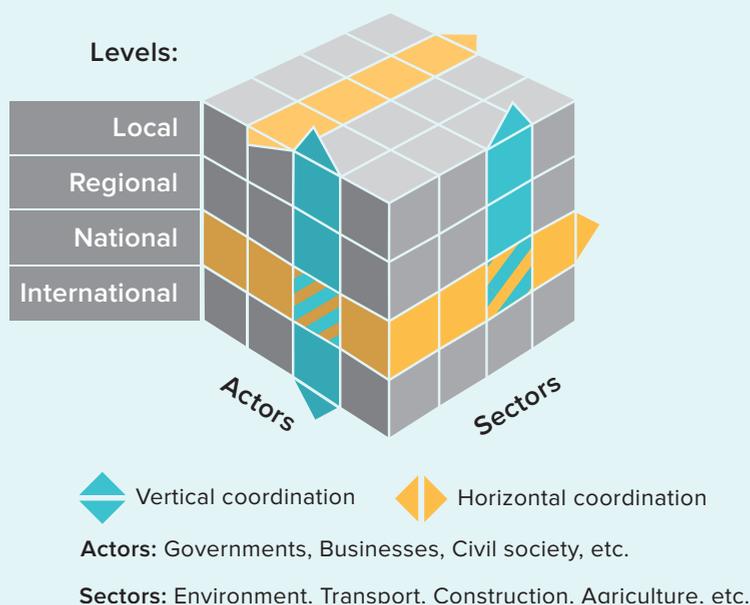
Multi-level climate governance is the synergistic interplay between different levels of government, as well as between a variety of non-state actors, in governing climate action. The notion of multi-level governance implies that tackling climate change requires collaborative processes and actors operating at multiple interlinked scales. It also brings into focus both **vertical** and **horizontal** forms of coordination.

Vertical coordination occurs across different governance levels, encompassing local, regional, and national governments within the same state, but also supra-national and international scales such as the UNFCCC climate regime (Bulkeley 2010; Corfee-Morlot et al. 2009; Hooghe and Marks 2003; Jänicke 2017).

Multi-level climate governance is the synergistic interplay between different levels of government, as well as between a variety of non-state actors, in governing climate action.

Vertical interactions are two-way relationships that can be top-down or bottom-up. In a top-down multi-level governance framework, the central government defines how sub-national actors engage in climate action through methods like national climate policies and laws that regulate climate-relevant sectors, or funding schemes that incentivise specific local actions (Adriázola et al. 2018). In a bottom-up framework, local authorities have substantial autonomy to develop policies and actions that can be scaled up and influence national climate policies. Most climate governance frameworks combine elements of both vertical approaches in a hybrid system.

Figure 1: Multi-level climate governance encompasses vertical and horizontal types of coordination (adapted from Jänicke 2013).



Horizontal coordination refers to actor-to-actor interactions at the same governance level, such as national sector forums, regional governance bodies, and bilateral city-to-city cooperation agreements, as well as wider (transnational) local government networks.

Enabling factors for local climate action include:

- enabling policy frameworks, including clear mandates aligned to planning frameworks and budgetary cycles across levels of government and ministries;
- strong institutional capacities;
- local autonomy, including control over assets, policies, and development strategies;
- high levels of awareness and knowledge, combined with high levels of climate stress;
- availability of financial resources and incentives, paired with existing socio-economic co-benefits of climate action;
- an environmentally concerned civil society;
- membership in transnational municipal climate action networks; and,
- political leadership, such as climate champions.

See, e.g. (Adriázola et al. 2018; Bulkeley 2010; C40 and Arup 2015; Charbit 2011; Charbit and Michalun 2009; Fuhr et al. 2017; Salon et al. 2014).

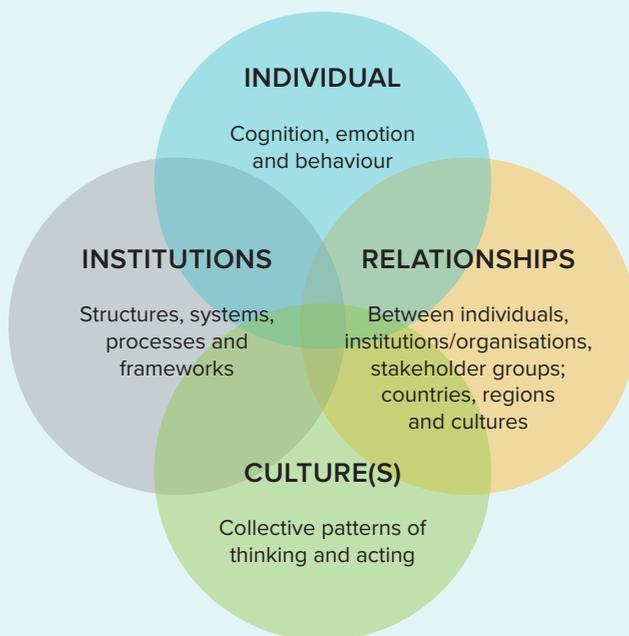
2.3 Data collection and analytical framework

This study used qualitative research methods to collect empirical data and evidence. We conducted 24 semi-structured interviews with representatives of civil society, community-based organisations, county governments, the national government, academia, private sector, development partners, and bi- and multi-lateral organisations (see list of interviews on p. 70). We gathered additional insights during events and workshops held by the V-LED project, mainly in the county of Kwale, south of Mombasa. These events included five sub-national best practice exchange workshops with participants from six neighbouring counties, eight thematic vertical dialogues between national and sub-national levels on the

specific sectors at the core of the Kwale County Integrated Development Plan, one regional exchange conference, and one study tour between Kenya and South Africa. Through these interviews and observations, we gathered insights on vertical and horizontal coordination from a wide range of stakeholders. The policy landscape was then analysed against the backdrop of these perceptions and practices, and we identified some leverage points for climate action.

Our analytical lens is inspired by the academic discussion of multi-level climate governance described above and by the four “dimensions of collaborative initiatives for sustainability” outlined by (Hemmati and Rogers 2015): institutions, cultures, individuals, and relationships (see Figure 2). The institutional and cultural dimensions are the structural conditions that enable or hinder coordination for local climate action (e.g., the institutional climate regime, the policy framework, and the behaviours, attitudes, and norms that

Figure 2: Four dimensions of collaborative initiatives (adapted from Hemmati and Rodgers 2015).



influence how climate change decisions are made in the country). The individual dimension examines the factors that drive actors (understood as individuals, groups, networks, and organisations – both state and non-state – at multiple governance levels) to engage in climate action, such as their perceptions, ideas, and visions. The fourth dimension looks at the relationships between actors, scales, and regions that enable or hinder coordinated climate action, such as trust and respect.

The four dimensions influenced the design of the interview questions as well as the analysis of the factors that enable local climate action, allowing an integral perspective. The literature on multi-level governance provided the means to assess the architecture of the climate change regime both in policy (Chapter 4) and in practice (Chapter 5). It also provided the structure for a multi-level governance grid for analysing the interviews. Using this grid, we examined the enabling factors, the types of coordination, and the drivers of action.

Table 1: Multi-level governance grid for interview analysis.

LEVELS	County	National	International
County	Analysis is based on: <ul style="list-style-type: none"> • Links between each level • Perceptions of each level • Formal and informal processes between each level 		
National			
International			

3. Chapter highlights:

- Since the mid-1990s, Kenya has developed a comprehensive national climate change governance architecture, guided by an overarching mainstreaming approach to integrate climate change considerations into development planning, budgeting, and implementation in all sectors and at all levels of government.
- The new Constitution of Kenya (2010) has brought momentous changes to the national governance framework and the devolution process continues to shape vertical and horizontal coordination for climate actions.
- With the adoption of the 2016 Climate Change Act and National Climate Change Framework Policy, the country is set to enact a coherent policy framework and regulate climate change.
- While there remains much to be done to operationalise the devolved governance system and translate the climate change architecture into practice, Kenya's multi-level climate governance framework rests on a strong foundation.

3. Kenya's climate change governance architecture

Kenya is one of the first countries in Africa to enact a comprehensive law and policy to guide national and sub-national responses to climate change. With the adoption of its 2010 Constitution, the country embarked on an ambitious devolution process. The interplay of the country's devolution process and climate change policy make up Kenya's unique multi-level climate governance framework.

Kenya is highly vulnerable to climate change and climate variability. The temperature is projected to increase by up to 3°C, rainfall will become erratic and more intense, droughts will be prolonged and more frequent, and the coasts will see up to one meter of sea-level rise (Met Office 2011). The country's vulnerability is aggravated by the fact that an estimated 42 per cent of its GDP and 70 per cent of its overall employment are derived from natural resource sectors (Government of Kenya 2015a). The Kenyan people are living with the consequences: decreased agricultural production, loss of livestock, property losses, and famine.

Kenya's GHG emissions account for less than one per cent of the total global emissions (Government of Kenya 2013). The agriculture and forestry sectors make up approximately two-thirds of national emissions, mainly due to emissions from livestock and deforestation (Ibid). Other significant emissions arise from the energy and transport sector and industrial processes and waste (see table 2). The latter are expected to increase with the national vision to become a newly industrialised middle income country by 2030. In its NDC, the country nonetheless pledges to reduce its GHG emissions by 30 per cent by 2030 compared to a business as usual scenario (Government of Kenya 2015b), which is considered an ambitious contribution to the Paris Agreement (Robiou du Pont et al. 2017).

Table 2: National GHG emission trends by sector, 1995 to 2030 (Government of Kenya 2015a).

SECTOR	Baseline Emission (MTCO ₂ e)							
	1995	2000	2005	2010	2015	2020	2025	2030
Agriculture	24	23	26	30	32	34	36	39
Electricity Generation	0	1	1	1	1	12	24	42
LULUCF	10	21	18	21	26	25	23	22
Transportation	4	4	4	7	9	12	16	21
Energy Demand	4	5	5	6	7	8	9	10
Industrial Processes	1	1	1	2	3	4	5	6
Waste	1	1	2	2	2	3	3	4
TOTAL	44	55	57	70	80	96	115	142

3.1 Kenya's climate governance history 1999 – 2010

Since the ratification of the UNFCCC in 1994 and the related Kyoto Protocol in 2005, the country has benefitted immensely from the interest of bilateral and multilateral agencies in developing an enabling regulatory environment for climate change and the green economy.

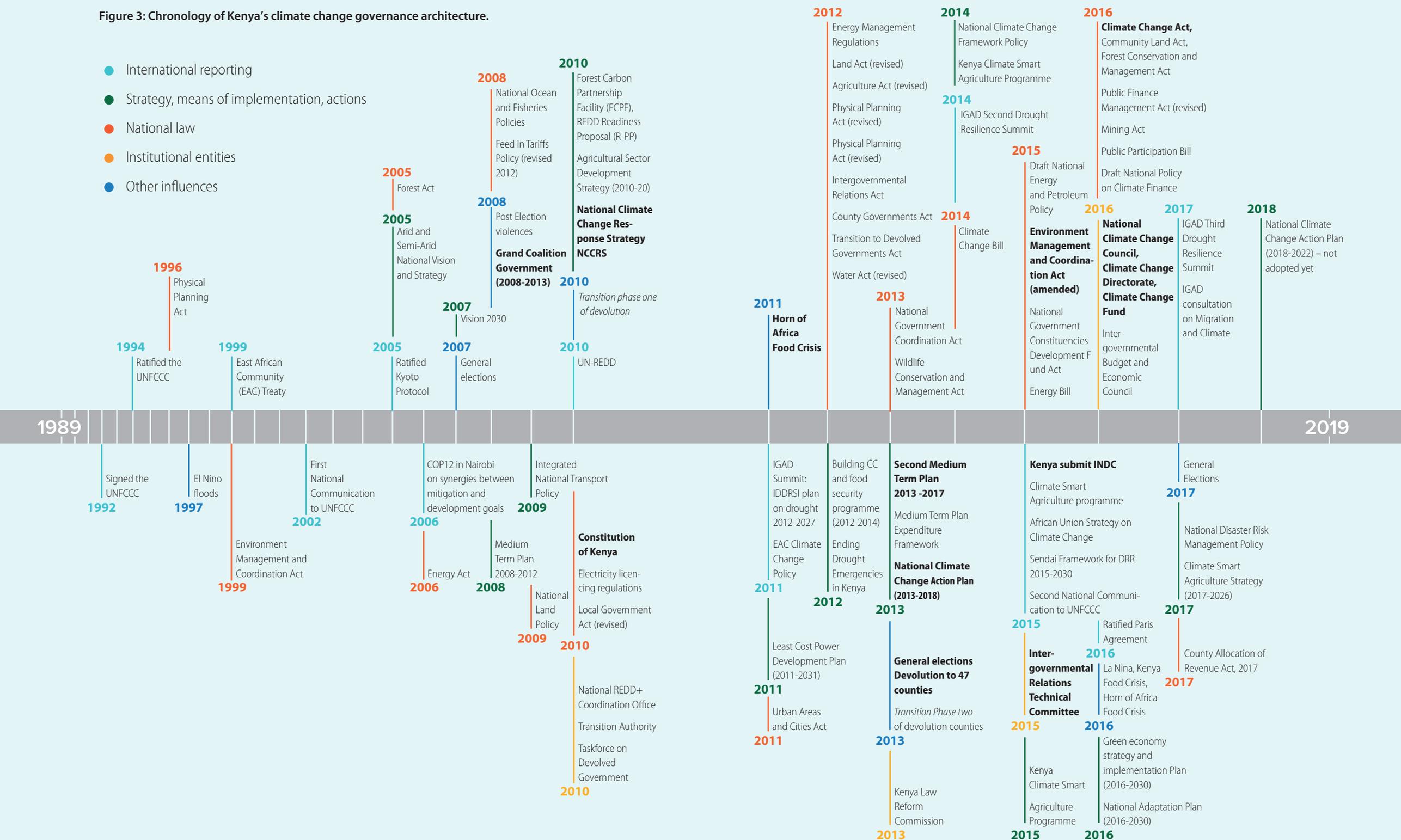
The **Environmental Management and Coordination Act** (EMCA), the government's principal instrument for coordinating environmental management, began mainstreaming climate change into different sectors in 1999. The act established the country's **National Environment Management Authority** (NEMA), which is now the National Designated Authority for the Clean Development Mechanism and the National Implementing Entity for the Adaptation Fund, and is accredited by the Green Climate Fund.

In 2002, the **First National Communication to the UNFCCC** (Government of Kenya 2002), which was enabled by the U.S. and Global Environment Facility programmes, outlined climate impacts through 2030 using general circulation models, but it encountered numerous difficulties and delays in its implementation. In contrast, the **Second National Communication**, which was submitted in 2015, provided a much more comprehensive analysis, demonstrating that climate change was increasingly getting the attention that it deserved (Government of Kenya 2015a).

In 2010, the **National Climate Change Response Strategy** (NCCRS) became the first national planning document to acknowledge the reality of climate change (Government of Kenya 2010c). The strategy's goals include: enhancing understanding of the global climate change regime; assessing the evidence and impacts of climate change; promoting international agreements; and providing enabling policy, legal, and institutional frameworks to combat climate change. The strategy adopts a **climate change mainstreaming** approach and recommends that climate adaptation and mitigation should be integrated into all of the country's development planning, budgeting, and objectives; and that this integration should be achieved through collaboration and joint action of all stakeholders. In addition, the strategy presents implementable mitigation and adaptation projects in key sectors, including forestry, energy, agriculture, and transport; as well as adaptation efforts in water, fisheries, rangelands, health, and socio-physical infrastructure.

Figure 3: Chronology of Kenya's climate change governance architecture.

- International reporting
- Strategy, means of implementation, actions
- National law
- Institutional entities
- Other influences



Kenya's Vision 2030

Kenya's Vision 2030, launched in 2008, is the country's long-term development blueprint, which aims to create a globally competitive and prosperous country that provides a high quality of life for all of its citizens. It aspires to transform Kenya into an industrial, middle-income country by 2030. Vision 2030 relies on three pillars: economic, social, and political. It is implemented through five-year **Medium Term Plans** (MTP) that guide the country's development priorities and the **Medium Term Expenditure Framework** (MTEF) that maintains fiscal discipline by establishing hard budget targets and facilitates expenditure prioritisation.

As stated in the National Climate Change Response Strategy, achieving Vision 2030 requires climate-proofing the country's socio-economic development and anchoring it in a low-emission path. The Second Medium Term Plan (2013-2017) mainstreamed climate change into national planning. For the Third Medium Term Plan (2018-2022), Kenya created a climate change thematic working group to provide input to the plan, which is a major milestone for climate change mainstreaming at the national level.

The new Constitution

In 2010, through a consultative process that put public participation at the centre of its governance system, Kenya adopted its new **Constitution** (Government of Kenya 2010a). It replaced the 1963 independence constitution and brought about momentous political change: the nation embarked on a path of devolution aimed at decentralising the heavily centralised state and steering the country towards achieving Vision 2030.

The constitution established a two-tier system of government, combining a national government and 47 semi-autonomous county governments with executive and legislative powers.

The constitution established a **two-tier system of government**, combining a national government and 47 semi-autonomous county governments with executive and legislative powers. The 2013 elections of country governors and assemblies marked the official launch of "one of the fastest devolution processes in the world" (The World Bank 2014).

Several sectors and functions – previously under the jurisdiction of the national govern-

ment – have since been devolved to the new county governments. Following a transition period, the 2017 general elections marked the point in time where all of the functions outlined in the 2010 Constitution were fully devolved. To perform their functions, county governments are allocated at least 15 per cent of the national budget revenue, giving them considerable scope to influence local investments.

The Big Four agenda

Adding to Kenya's Vision 2030, the "Big Four" are President Kenyatta's legacy project, which will guide the country's development path during the 2018-2022 planning cycle. The four priorities are: employment creation through manufacturing, universal health coverage, affordable housing, and food and nutritional security. These priorities were included in the Third Medium Term Plan 2018-2022; however, they are very resource intensive, and in its 2018-19 budget statement, the National Treasury (2018) acknowledges that most of the Big Four requirements will need to be delivered through public-private partnerships. Devolution of agriculture, health services, county planning, housing, and energy regulation place county governments at the forefront of implementing the Big Four.

3.2 Climate change policies after 2010

During the 2012-2013 pre-election period (the first phase of the devolution transition period), climate framework policies and revisions of agricultural, water, and physical planning acts proliferated. Kenya was facing a terrible drought and a famine, and the citizen-led movement "Kenyans for Kenya" raised more than US \$1.3 million for emergency relief. The drought, which was the first-ever disaster linked to climate impacts, spurred the creation of a regional process to end drought emergencies and institutions to deal with climatic variability, such as the **National Drought Management Authority** (NDMA).

Based on the foundations of the National Climate Change Response Strategy, Vision 2030, and the Constitution, the climate change architecture started to take solid shape as designed by a wide range of stakeholders. The country's **National Climate Change Action Plan** (NCCAP, 2013-2018) is considered a flagship model for other African countries and commits all government ministries, departments, and agencies to mainstream climate change across their functions and processes (Government of Kenya 2013). The NCCAP does not set a GHG emissions reduction target; instead, it outlines priority areas and options for low-emission development. It also includes recommendations to increase the

coherence of Kenya's climate governance architecture through a **standalone coherent climate change policy, a climate change law, and institutional framework reform.**

Since 2013, the country's priorities have shifted to improving adaptation, building the resilience of public and private sector investments to climate shocks, and enhancing synergies between adaptation and mitigation, as described in the **National Adaptation Plan** (NAP, 2015-2030).

The updated **NCCAP** (2018-2022), which at the time of writing had been finalised but not published, will be the operational plan for the implementation of Kenya's **Nationally Determined Contribution**, (NDC, 2015) and the **National Adaptation Plan** for the period 2018-2022. It will also need to align with the president's Big Four development priorities (Kenya Private Sector Alliance 2018a).

In addition, the Kenyan government developed its **National Climate Change Finance Policy** to meet the promises of the Paris Agreement and the ensuing global climate finance pledges. It is also designing a **Climate Finance Budgeting and Tracking System** within the country's Integrated Financial Management Information Systems (IFMIS). The policy provides for the management of climate finance, including coding, tracking, monitoring, and verification, as well as reporting activities, results, and impacts.

3.3 The Climate Change Act and its national climate governance bodies

The Climate Change Act, which was signed into law in May 2016, provides the primary framework for governing climate change across the country. Kenya is one of only a few countries in the world to directly regulate climate change. One of the law's innovative features is that it allows citizens to hold private and public entities that frustrate efforts to reduce the impacts of climate change accountable (Edna Odhiambo 2016). The act also established a new multi-level climate governance architecture, which is still being established (see Figure 4).

Once operational, the National Climate Change Council (NCCC), chaired by the President of the Republic, is tasked with approving and overseeing the mainstreaming and implementation of the **National Climate Change Action Plan** and to administer the **National Climate Change Fund**, also established by the Act and vested in National Treasury. The council could become an important intergovernmental and cross-sectoral platform

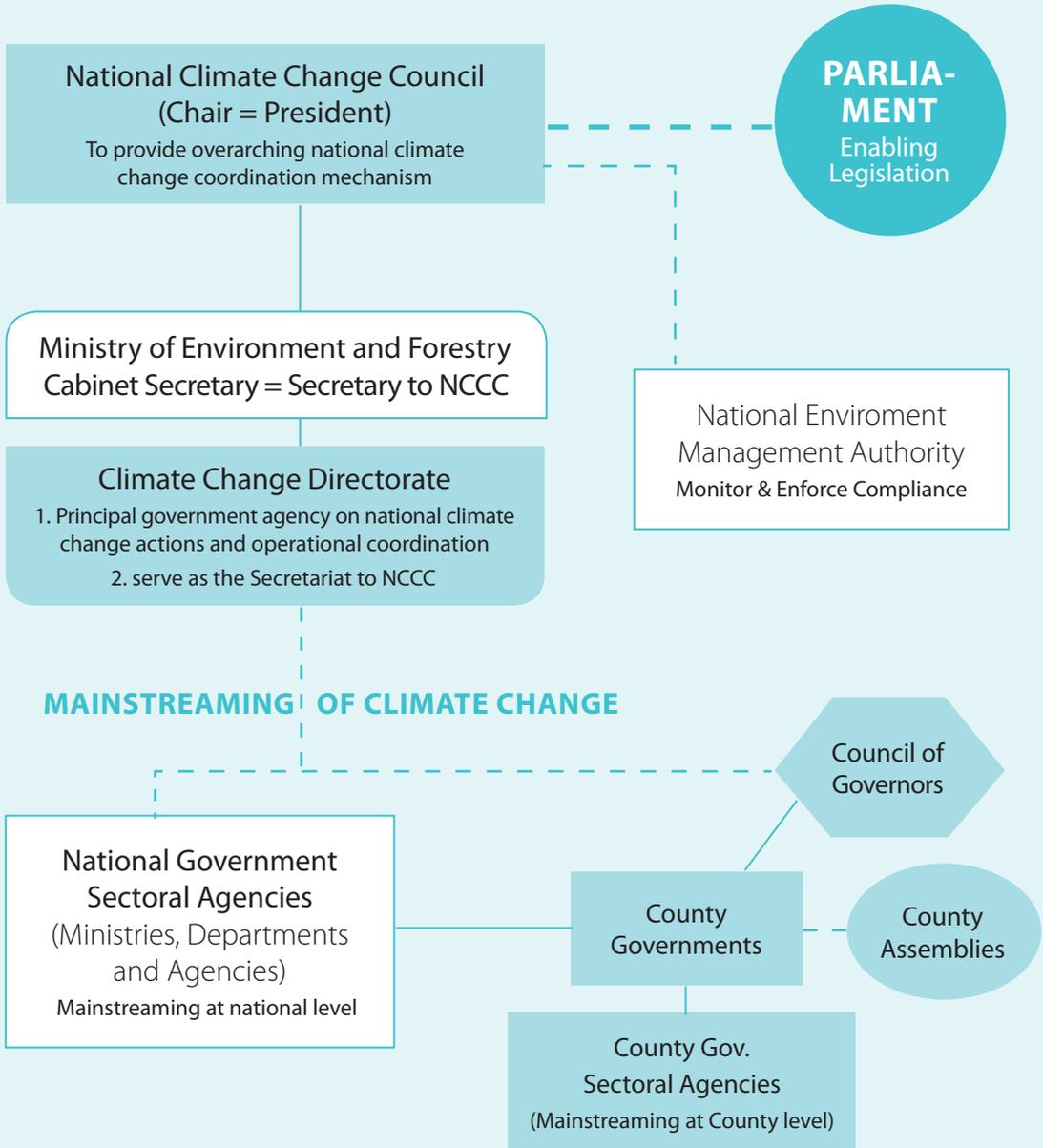
for strengthening the voice of sub-national and non-state actors in climate governance. Nonetheless, it faces operationalisation issues and had, at the time of writing, not been constituted.

The Ministry of Environment and Forestry (MoEF) exercises control over and provides guidance for climate change governance. It develops and reviews climate change policies, strategies, and action plans. It reviews and updates the NCCAP every five years and reports biennially to the Kenyan parliament on the status of international and national obligations on climate change, as well as on progress towards attaining a low carbon, climate-resilient economy. The Climate Change Directorate (CCD) under the MoEF serves as the secretariat to the NCCC and is the principal government agency delivering and coordinating national climate change plans and actions.

Under the Climate Change Act, the **National Environment Management Authority** monitors and enforces compliance of climate change interventions. In addition, the act set up **Climate Change Units/Desk Offices** in all government departments and agencies to mainstream climate change.

Another national ministry involved in climate change governance is the **Ministry of Devolution and Planning**, which is responsible for national development planning and leads the process of mainstreaming climate change into national plans, including the Vision 2030 five-year mid-term plans. The **Ministry of Energy's** mandate is to facilitate the provision of clean, sustainable, affordable, and secure energy for national development. The **Ministry of Agriculture, Livestock and Fisheries** coordinates climate-related issues across the agriculture sector and implements various climate change programmes and projects. The **Ministry of Finance** develops financial and economic policies and allocates funds, including those for climate actions. The **Ministry of Water and Irrigation** facilitates sustainable management and development of water resources for national development, especially in the face of climate change. The **National Drought Management Authority** supervises and coordinates all matters relating to drought management, and is the principal instrument of the government delivering all policies and strategies that relate to drought management and climate change adaptation

Figure 4: Kenya’s institutional climate governance structure in the 2016 Climate Change (adapted from King’uyu 2017).



3.4 Sub-national climate governance

With devolution, county governments have been granted the authority and responsibility for county level planning and budgeting processes. They each must prepare a five-year **County Integrated Development Plan (CIDP)**, a 10-year **County Spatial Plan**, and a **County Sectoral Plan**. Both the constitution and the 2012 **County Government Act** – the main devolution law outlining the structure and operations of county governments – make public participation in these county planning and budgeting processes mandatory; and the county development plans must be aligned with the planning instruments of Vision 2030.

The Climate Change Act directs county governments to mainstream the implementation of the NCCAP in their CIDPs and sector plans, and to designate a County Executive Committee (CEC) member to coordinate climate change affairs. The CEC is required to submit a yearly report on the implementation progress of climate change actions to the County Assembly for review and to the Climate Change Directorate for information purposes.

The first generation of CIDPs (2013-2017) already identified local impacts of climate change and established measures to address these challenges in climate-sensitive sectors under county jurisdiction, such as agriculture, livestock, fisheries, water, health, and waste management. However, the climate impacts and responses were largely identified in generic terms and have not led to an adequate amount of action planning and resource allocation, and some have even resulted in mal-adaptation (Ojwang et al. 2017). Additionally, counties do not have jurisdiction over some sectors relevant for climate action, such as water resources management, wildlife, and mining; these functions remain with national departments like the Water Resources Authority.

3.5 Policies and coordination bodies strengthening multi-level climate governance

The relationships between county and national governments are shaped by the constitutional definition of Kenya's devolution as a **cooperative system of devolved governance**. Article 6(2) and Article 189 define the nature of vertical and horizontal coordination. **The two levels were created on equal basis and are not subordinate to each other.** County and national government levels are **distinct** and **interdependent**, they conduct their intergovernmental relations through consultation and cooperation.

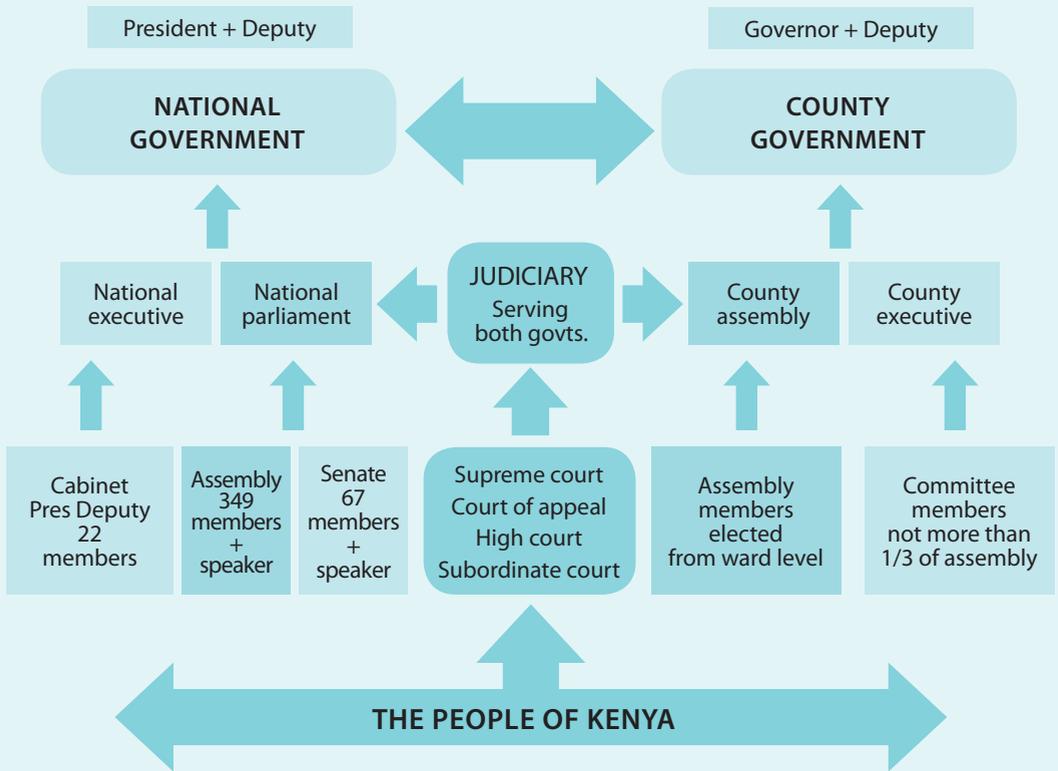
Distinctiveness means, each level has the freedom to make decisions in the functional areas assigned to them without undue interference from the other. Interdependence stresses the levels' shared responsibility and requires them to mutually consult and support each other, exchange information, and coordinate and cooperate. To this end, joint committees and authorities may be established. These entities are further defined in the **Intergovernmental Relations Act** (Government of Kenya 2012b) that established the **National and County Government Coordination Summit**, the **Council of County Governors** (CoG), and the **Intergovernmental Relations Technical Committee** (IGRTC).

At the national level, the **Summit** comprises the president and 47 county governors and serves as a forum for consultations and cooperation, including facilitating and coordinating the transfer of functions, power, or competencies from (and to) either level of government. The main function of the **Council of Governors**, which comprises the 47 county governors, is to facilitate horizontal coordination among counties and serve as a platform for consultation, information sharing, capacity building, performance management, and dispute resolution (Council of Governors 2018). The IGRTC is charged with facilitating the activities of the Summit and CoG, as well as implementing the decisions of the two bodies.

At the county level, the act further provides for the establishment of **Intergovernmental Sector Forums** at the county level that comprise national departments delivering services at the county level and members of the County Executive Committee. The forums are responsible for harmonising and coordinating service delivery (Transparency international Kenya 2017).

The Public Finance Management Act (Government of Kenya 2012c) creates the **Intergovernmental Budget and Economic Council** (IBEC), which provides a platform for consultation and cooperation between the two levels of government on fiscal matters and thus the opportunity to negotiate climate funding.

Figure 5: Kenya's structure and system of governance (adapted from Transparency International Kenya 2017)



Box 1: Overview of Kenya's climate governance architecture.

Key climate policies

- The Constitution of Kenya (2010) stipulates that all citizens have the right to a clean and healthy environment
- National Climate Change Response Strategy, NCCRS (2010)
- National Climate Change Action Plan, NCCAP (2013-17), currently under review for 2018-2022
- 2nd National Communication to the UNFCCC (2015)
- National Adaptation Plan, NAP (2015-2030)
- Nationally Determined Contributions, NDC (2016)
- Green Economy Strategy and Implementation Plan, GESIP (2016-2030)
- National Climate Change Framework Policy (2016)
- Climate Change Act (2016)
- National Policy on Climate Finance (2016)

Key climate governance bodies

- National Climate Change Council (NCCC), chaired by the president, serves as multi-stakeholder platform and overarching coordination mechanism.
- The Climate Change Directorate (CCD) under the Ministry of Environment serves as the secretariat to the NCCC and is the principal government agency for climate change actions.
- The National Environment Management Authority (NEMA) is tasked with overseeing monitoring and implementation.
- Climate Change Units/Desk Offices in all government departments and agencies mainstream climate change.

Key climate finance mechanisms

- National Climate Change Fund, vested in National Treasury.
- The National Treasury is developing a Climate Change Budget code for tracking climate finance.
- National Treasury is the National Designated Authority for the GCF.
- NEMA is the National Implementing Entity for the Adaptation Fund and the GCF.
- At the subnational level, Makueni County is the first to enact a County Climate Change Fund (in 2015); Wajir, Garissa, Isiolo, and Kitui counties are in the process of passing similar laws.



4. Chapter highlights:

- Kenya's multi-level climate governance system is still maturing: vertical coordination is hindered by unclear and overlapping mandates and effective coordination mechanisms still have to be put to practice. Planning frameworks are not well aligned across governance levels and do not result in climate proofed investments.
- Sectoral budgeting processes leave limited room for cross-cutting climate change issues. Climate finance and climate expenditure tracking systems are in place but face difficulties in practice.
- County Climate Change Funds offer inspiration for improved horizontal coordination within counties and for strengthened multi-stakeholder partnerships, citizen participation, and accountability mechanisms for tracking climate actions that contribute to national climate targets.
- Non-state actors such as civil society and natural resource user groups are showing leadership in implementing and advocating for climate action at county level. The private sector is also raising awareness and influencing the government on climate change issues, but does not necessarily invest in changing business models to ensure resilient low-emission development.

4. Multi-level climate governance in practice

“The success of devolution can only be measured by the effectiveness of service delivery to our citizens; effective service delivery emerges from institutional relationships in which the actors are accountable to each other”

(Representative of the Ministry of Devolution and Planning during the V-LED regional workshop, April 2018).

During his keynote speech at the 5th Devolution Conference (2018) President Uhuru Kenyatta proudly stated that “we [Kenyans] manage[d] the most fundamental change in our governance since independence” (President Kenyatta 2018). Devolution brought clear improvements, increasing local autonomy and equalising the allocation of resources to all counties. However, Kenya’s multi-level governance system is still maturing and remains highly dynamic. As national devolution is now formally finalised, county governments will need to deliver on their promises of tangibly improving the lives of their citizens while driving forward an effective climate change response.

While the previous chapter has broadly surveyed Kenya’s multi-level climate governance architecture, this chapter looks at how such policies, regulations and relationships play out in practice. Based off V-LED project activities and interviews with key informants, we explore key issues for driving forward a coherent and effective multi-level climate change response.

Section 4.1 starts with a ‘reality check’ of the multi-level coordination mechanisms that were set up after the 2010 Constitution and the 2016 Climate Change Act. The chapter finds that memories of past favouritism due to political affiliations still shape local–national relationships and hamper cooperative governance arrangements across levels. The new institutional arrangements for governing climate change are still being negotiated both at the national and county levels. Furthermore, efforts to coordinate county and national actions are impeded by the challenges of unclear and overlapping mandates. Drawing on the example of the energy sector, the chapter highlights that effective vertical information channels and coordination mechanisms are needed to guarantee coherence

in the country's transition to a low-emission future. Section 4.2 then looks at the planning and budgeting processes across government levels, highlighting opportunities for achieving greater policy coherence through aligning climate change and development planning instruments.

Section 4.3 focuses on domestic arrangements for financing sub-national climate action, noting that given Kenya's strongly sectoral budgeting process, climate tagging is a promising but challenging endeavour. Section 4.4 and 4.5 broaden their focus beyond intergovernmental relations to explore how county; private sector and citizens are participating in Kenya's transition towards a low-emission, climate resilient future and argue for the inclusion of two "missing scales" scales in the current climate governance regime: ecosystem scales and the urban scale.

4.1 Vertical alignment and cooperation in practice

Historical tensions

For about 50 years, Kenya was governed by a strongly centralised system. Until 2010, the country was divided into eight provinces that were administered by provincial commissioners appointed by the president. The national government was in control and provincial commissioners were known as the president's eyes and ears. Fear and impunity tainted the relationship between some national "appointees" and the sub-national government.

In 2010, the **new constitution** created a new system of 47 counties to replace the 69 districts in 8 provinces, rearranging some political boundaries and redrawing the relationships between individuals, society, and the state (Nyanjom 2011). **Devolution** promised equity and accountability, with citizen participation put at the core of the constitution.

The Kenyan **Senate** was supposed to be the voice of the sub-national level, with members elected by counties to protect their interests, including passing legislation and determining and overseeing the allocation of national revenue to counties. However, the two houses of parliament, the Senate and the National Assembly, are battling for supremacy, and some issues impacting county governments and their functions are bypassing the Senate and dealt with solely by the National Assembly. The constitution gave more legislative powers to the National Assembly than the Senate, and these powers are often misused by the National Assembly to undermine the Senate. Some interviewees said that the Senate is slow and creates delays (2017). As a consequence, a key platform of coordination between the sub-national level and the national level is weakened.

Officially, the **Intergovernmental Relations Act** of 2012 provides the structures for communication between the two levels of governance, national and sub-national, including how they resolve disputes and coordinate joint activities. The challenge has been that many government agencies are only now beginning to implement its provisions. On the other hand, the **Council of Governors**, which comprises the governors of Kenya's 47 counties, and its secretariat appear to be highly regarded, especially by development partners. The council is seen as the front door to the county governors and represents their views and claims. However, an interviewee highlighted that "the CoG leadership and its positions taken on various issues can be influenced by party affiliations" (2018). Furthermore, the CoG does not automatically represent the sub-national governments or their views; it sits in Nairobi and was not mentioned as an important coordinating mechanism by interviewees working at the sub-national level. In contrast, national-level interviewees regularly mentioned the CoG and its power.

Peculiarly, some of Kenya's **line ministries** – such as agriculture, environment and forestry – have staff sitting in the county government, where they are overseen by county commissioners. These include parastatal agencies such as the Kenya Wildlife Service and the Kenya Forestry Service or the National Drought Management Authority. Civil society interviewees (2017) shared that these county commissioners, reporting to the national administration, are sometimes seen as a legacy of the previous provincial commissioners – an image reinforced by the county commissioners role of chairing the security committee. Depending on the county, the level of interaction between these line ministries and the rest of the county government can be smooth and cooperative, but often it is not, according to interviewees (2016/2017). An **Intergovernmental Coordination Committee** hosted by the county governor and engaging executive and legislative members of the county government is sometimes operative, but more often governors and county commissioners jostle for power, and decisions are often made at ad hoc meetings called by county executives vying for assembly approval of their budget proposal. These intergovernmental tensions revolve around the division of responsibilities and resources.

Other **coordination mechanisms** exist at the county level, such as county steering groups, project coordination or management units (PMU), task forces, project steering committees, and thematic or technical working groups. These coordination mechanisms have usually a clear purpose and a defined timeframe. For example, thematic working groups accompany processes such as the preparation of the national Climate Change Action Plan; or PMUs are established to implement defined projects. Interviewees voiced concerns about the transparency and accountability of such coordination platforms: who

establishes them; who is invited into these decision-making spaces; and what are their views on climate change and multi-level governance. These participants help determine the agenda, which views prevail, and whether or not real transformation takes place.

The current mode of governance in Kenya's multi-level system is predominantly top down legislating and regulating, as opposed to providing or enabling. Vertical and horizontal coordination mechanisms are in place and function but are not effective in substantively enhancing intergovernmental collaboration and policy coherence and in initiating the necessary transition to climate resilient development; they are swayed by strong power constellations and affected by the party affiliation of their participants.

Activating existing climate governance structures

Kenya's climate architecture is impressive. With the exception of a minor sequencing hiccup that many interviewees mentioned – namely, having a climate act, strategy, and an action plan at the national level before a climate policy– the Kenyan climate regime has garnered admiration. In addition, the processes for developing the climate architecture, in particular the NCCAP, have had several co-benefits: they opened the debate to a variety of sectors and galvanised massive stakeholder engagement. Furthermore, the National Climate Change Council, which was promulgated by the Climate Change Act in 2016, has **intergovernmental representation** and offers the opportunity to influence decisions at the highest level and access the president. Furthermore, the council provides an opportunity for non-governmental stakeholders to influence the country's climate agenda as its composition foresees members from private sector, civil society universities and/or research organisations.

At the national level, the processes are well crafted, the participation is well designed, and the documents are of high quality.

“I'd really like to recognise the real transformations that are beginning to take place because of the policy and legal frameworks that have been put in place”

“I'd really like to recognise the real transformations that are beginning to take place because of the policy and legal frameworks that have been put in place,” confirmed one interviewee at a local research institute (2018). However, interviewees also agreed that the operationalisation

of Kenya's comprehensive climate architecture faces roadblocks, including inadequate communication between county and national governments; and confusion between functions and mandates of different levels of government due to the devolution process.

Unclear division of mandates between county and national governments

Kenya is in the second phase of the devolution transition, so there are still mismatches between what the law says and what has actually been done. "The law says it, but it has not been given to us yet because all the equipment, all the staff, the payroll and everything is still with national government," said one county government interviewee (2016).

The constitution's fourth schedule (Government of Kenya 2010b) distributes functions between national and county governments. Nevertheless, for the functions and powers that are delineated by sector (e.g. agriculture, water, energy, health), the national level generally holds the policy mandate and the county level is responsible for implementation.

Counties do have the capacity and the mandate to develop bylaws and their own policies, as long as they are aligned with national policies. In some sectors, this capacity could be harnessed to strengthen national policies, creating a hybrid multi-level governance system that balances a two-way vertical relationship, if platforms for interaction and communication were established. "They are realising that a lot of things are not in place [in the constitution] and now they're doing a lot of amendments. And one of the things is [...] how the counties and the national government communicate, there are no clear guidelines," said an interviewee with the national government (2017).

The energy sector illustrates the difficulty in understanding the division of mandates between national and sub-national levels, as well as in communicating between them and setting expectations. Although the constitution's fourth schedule states that electricity and gas reticulation and energy regulation are devolved to the counties (8e), it also states that the national government has those mandates (31).

From the Ministry of Energy's point of view, counties do not have the capacity to realise their mandate and distribute electricity (reticulation); on the other hand, according to interviewees (2016-2018), counties are often not even aware that they can take over that function.

While the distribution of mandates remains unresolved, the national public company –

Kenya Power and Lighting – continues to distribute electricity throughout the country. At the same time, some counties decided to take the opportunity to invest in renewables with the support of the private sector. They are taking things in their own hands and have developed county energy plans, such as the Marsabit County Renewable Energy Master plan and a county-level law, the 2016 Marsabit County Energy Development Act. If the programme develops, it would be adequately managed by technical committees.

In terms of horizontal coordination, as part of the Sustainable Energy for All (SE4ALL) project, an **inter-ministerial committee to coordinate energy nexus issues** was created at the national level. As for vertical national-county coordination, the 2016 SE4ALL action agenda recognises that there is an “inadequate communication mechanism between county and national government on energy planning, implementation, and monitoring, as most of these functions are still centralised by national Government Agencies with limited intervention from county authorities and other local stakeholders” (Government of Kenya 2016d). The document mentions counties several times as a risk factor in its risk assessment but rarely mentions them in the coordination section. However, SE4ALL **County Technical committees** oversee implementation of the SE4ALL project at county levels. The committee has inter-departmental representation but does not create a parallel structure to the county government.

Renewable energy is an important part of both the National Climate Response Strategy and Vision 2030, involving foreign investments, multiple stakeholders, and real opportunities for building intentional multi-level climate governance that strengthens resilient development gains. For this to happen, it is essential that county committees engage in two-way communication and coordination, including respectful dialogues for joint planning and joint problem solving.

Without the right platform to identify opportunities to integrate them both vertically and horizontally, the different authorities and departments within a county risk making decisions that are not aligned with each other, with some aligned to national plans and others aligned to county plans. Effective information channels and coordination mechanisms as well as greater clarity of the respective mandates at county and national level, are needed to guarantee coherence in the country’s energy transition.

4.2. Multi-level planning and budgeting

Aligning climate change and development planning

Kenyan counties are currently developing their second five-year County Integrated Development Plan (CIDP). This time, the plan's template has a placeholder for addressing climate change. Each CIDP should, in theory, reconcile with the national five-year Medium Term Plan. Last year, for the first time, Kenya developed a National Spatial Plan (2015-2045); counties are currently also developing their county spatial plans. Interviewees raised five major issues with the planning system:

- 1) Often, plans don't inform decision-making or budgeting processes;
- 2) physical planning ignores economic planning and vice versa;
- 3) the integration of cross-sectoral issues is complex and not accompanied by training;
- 4) the link between climate change, sectors, and development plans is not yet obvious; and,
- 5) decisions are not made based on quantified evidence and analysis of generated data.

In these planning processes, **climate change is mostly viewed as a stand-alone sector**, although it is sometimes lumped into the environment sector. In addition, climate change is not seen as a central element of planning processes; climate impacts are not integrated in sectoral plans as either risks or opportunities. Although climate-related risks, such as the spectacular floods in 2018, the recurring droughts and the famine alert in 2017 have strongly impacted the economy, decision-makers and developers often do not understand they can mitigate climate risks through their daily actions, and that climate-proofing plans, budgets, and investments will be directly beneficial in both the short and long run.

Climate-proofing plans, budgets, and investments requires an understanding of how national plans impact the county and how sectoral plans impact each other.

Climate-proofing plans, budgets, and investments requires an understanding of how national plans impact the county and how sectoral plans impact each other. The inter-dependencies of the sectoral and vertical planning

processes can strengthen or undermine the implementation of plans and programmes: “When the counties were formed, it was not clearly stated how they would interact with the national programmes. Many felt like they were entities by themselves, and many do not know how programmes at national level are implemented,” said an interviewee with the national government (2016). The very real **disconnect between the national level and the county level** has been so exacerbated by the historical top-down approach that finding a new balance – a hybrid state between top-down national and bottom-up county governance – will need improved communication based on respect, equality, and solid checks and balances. National and county plans and programmes need greater horizontal alignment across sectors and vertical alignment across government levels.

Additionally, **timing is important for aligning climate and development plans**. Certain mid-term or long-term plans and investments cannot easily be retrofitted to a climate or risk proofed version. The “national government is currently preparing the National Climate Action Plan [2018-2022]; their hope was to have the counties’ CIDPs inform this particular plan. But you find some counties are in their final stages of the plan [and] some are just beginning to prepare their plans. And I’m not sure to what extent there is that clear aligning of the priorities,” said an interviewee (2018).

Climate change is not a sector by itself, it is a cross cutting issue that is mainstreamed into sectoral plans. Therefore, regulations responding to climate change will automatically impact sectoral regulations, such as energy, agriculture, forestry, and land use – some of these sectors are within the counties’ mandates, and some remain with the national government. There is an interdependency of these sectors at the local level, a nexus that is already complex to grasp in policies and regulations; but when climate impacts are projected on these sectors and their interdependencies, a new understanding of climate response is needed in order to be effective. This necessitates the active involvement of multiple stakeholders to negotiate this new understanding of a nexus impacted by climate change. Therefore, if enforced, a county climate change policy and act would be powerful tools to ensure climate resilience, but they would be complex to craft. It would require not only 1) a very good understanding of how climate change impacts each sector but also 2) how it impacts the nexus between several sectors and 3) how a climate response can be administered at different levels, vertically and horizontally. Linking climate and development planning processes is indispensable for a sustainable and resilient future and needs to be pro-actively accompanied by data provision, scenario building, multi-level negotiation on trade-offs and co-benefits, and institutional coaching.

Working on climate change at the county level

The task of mainstreaming climate change into existing plans is cumbersome, difficult, and requires data and knowledge. For example, the limited evidence base is a key challenge for CIDP development. Most of the available evidence is qualitative or narrative, as opposed to the quantified data that can be used to leverage resource allocation and prioritisation. “Most of the data, including what is generated by the national government institutions, is limited, with gaps or inaccessible. This affects the complementary role [that] boundary organisations [organisations that cross the boundary between research and politics] can play in analysing data, synthesising information, and generating usable knowledge products that can support decision making at relevant spatial scales,” said an interviewee with a research institution (2018).

The task of mainstreaming climate change is not financed by annual budgets or programmes. Due to budget cuts, many county governments’ technical staff are already overburdened with day-to-day activities. Thus, they have little time for the long processes that mainstreaming may involve. “Who pays for that? Are the employees motivated enough to mainstream [for example] green economy into the plans?” questioned a national government interviewee (2016). If the programmes at county level are already operational, who would finance the additional work that climate-proofing activities would entail?

Furthermore, most counties do not have research officers who can provide adequate information on the county level or on sectoral climate impacts. “Even the statistics offices, you find most of the information is either with an individual or in hard copies. And so being able just to develop the knowledge base that is required to inform these important processes is not possible,” said a local-level interviewee (2018).

Implementing climate response requires a good understanding of climate impacts on sectors and geographical areas, which in turn necessitates data and institutions that can provide the evidence base for informed decision making. This process needs to be invested in with intention and in a sustained manner, it requires political will and leadership from both levels of governance.

4.3 Financing climate-proofed investments concurrently at national and county level

Kenya's enabling environment for climate finance – including at the sub-national level – is well structured and provides numerous opportunities for action. The Intergovernmental Budget and Economic Council (IBEC) provides a platform for negotiation on climate funding and joint climate action by both levels of government. However, planning systems are strongly sectoral and do not easily facilitate financing for climate-proofing sectoral activities or for developing climate projects at the sub-national level, as climate change is not a function and does not yet have a recognised docket at the county level.

Local climate action can be financed through

- 1) a county's own revenue,
- 2) the national annual development budget, or
- 3) climate financing.

Each system is highly regulated and offers entry points for accessing finance; however, climate action to date is mostly financed through international development projects.

1) Counties have three ways of gaining revenue: tax revenue from property and entertainment as regulated by the finance act; an equity share from the national government, which should be released in July of each year "but is released in tranches and often experience delays in disbursement of funds from national treasury," says an interviewee at county level (2018) and should not be less than 15 per cent of the last audited national revenue account; and conditional grants.

2) The allocation of national revenues to county government is based on a formula that uses six parameters with specific weights: counties with larger populations, higher poverty indices, and expansive geographical areas would receive greater shares of revenue. The first step in the financial year, which runs from July 1st to June 30th, is to develop the **Annual Development Plan (ADP)**; every quarter thereafter, the county publishes the Quarterly Budget Implementation Reports and makes them available to the national government and the public.

3) Climate finance is accessed through the National Climate Change Fund provided by the Climate Change Act (2016), the County Climate Change Fund, and international climate financing. The National Climate Change Fund has just been established with a seed fund of Ksh. 500 million allocated from this year's annual national budget (2018).

Each county's budget is tracked according to the Integrated Finance Management Information System. "The system guarantees that each expense is traceable, delivering optimal value to every taxpayer," which allows the treasury to tag climate change expenditures at the county level but "over 40 per cent of the budgetary allocations to Semi-Autonomous Agencies (SAGAs), i.e. parastatals, are released from Treasury as transfers, without being tracked by the IFMIS" said an interviewee at national level (2016.). A climate change coding or monitoring process is being drafted to track the kind of activities or projects in adaptation, mitigation, and climate-relevant expenditure that contribute to meeting Kenya's NDC.

A climate change coding or monitoring process is being drafted to track the kind of activities or projects in adaptation, mitigation, and climate-relevant expenditure that contribute to meeting Kenya's NDC.

County assemblies approve the budgets, but many don't have the understanding of climate change issues to be able to differentiate between adaptation and maladaptation, or to ensure climate-proofing of development investments: "It is not their responsibility to work on climate change, but it is their responsibility to ensure that a budget a governor signs has got a climate component in it," said an interviewee in the national government (2016).

There is no inter-ministerial, multi-sectoral technical team that could climate-proof the MTEF and annual budgets, leaving a gap in the process for advocating for integrating climate finance into budget structures.

It is important to note, however, that **Kenya's budget process is strongly sectoral and that financial allocation leaves limited room for cross-cutting issues such as climate change.** The MTEF's sector working groups are supposed to guide the annual budget and planning needed to achieve medium-term outcomes over three years. The ministries engage in this process through the sector working

groups, which are also the main coordination mechanism for negotiating budget priorities across sectors and for engaging the public in hearings. However, the International Budget Partnership review (International Budget Partnership 2016) found no clear evidence that public views impact actual allocations, nor is there an inter-ministerial, multi-sectoral technical team that could climate-proof the MTEF and annual budgets, leaving a gap in the process for advocating for integrating climate finance into budget structures.

“The talk is there, but the will, I don’t think it’s commensurate to the level of adaptation or climate mitigation that we need to work towards at the county, as a government and as a nation,” said an interviewee with a local research institute (2018). On the other hand, institutionalised multi-stakeholder financial monitoring does drive change. The development partners of the County Climate Change Funds support the organisation of subnational and regional multi-stakeholder processes for climate action. These investments are identified through participatory processes with government planners and local organisations, and are prioritised by communities. Legislation supporting the funding mechanism ensures the sustainability of the process.

In practice though, defunct municipalities are still carrying financial debts that they had before devolution, which leaves them struggling to provide basic services, let alone provide the forward-looking planning required for climate-resilient development.

The climate change coding in place to monitor climate expenditures through IFMIS is thus a powerful tool to track national and sub-national contribution to Kenya’s NDC. The climate change coding in place to monitor climate expenditures through IFMIS is thus a powerful tool to track national and sub-national contribution to Kenya’s NDC. This tool could be extended to encompass transfers to parastatals and state corporations as their budgets are currently not tracked (International Budget Partnership 2016), although they cover GHG intense sectors such as electricity, cement and transport. On the other hand, while inspiring examples such as the County Climate Change Fund exist, there are factors that hinder local climate action financing. The strongly sectoral budgeting process does not easily allow for the integration of climate finance and some counties are grappling with debts. Some other counties however, are organising themselves in regional blocks to strengthen their monitoring and accountability systems and attract climate financing.

4.4. Existing partners and emerging actors: opportunities for multi-stakeholder partnerships

“The best way of ensuring the delivery of services is having an effective and a multi-stakeholder coordination approach, period. And each and every sector should be represented so that they own the decision, they put the argument on the table; if they defeat me, fine, we go forward. That is the only way it works. It is cost effective and it delivers for everybody” (interview with national government representative, 2017).

Integrating the county level in climate action

In Kenya, while it seems at times that the national and county levels are perceived as equals, this perception is at odds with past practice and national and international stakeholders are still getting acquainted to with.

National climate strategies and action plans are implemented in counties, but not always in coordination with county governments. Climate change projects, which are still mostly financed by development partners, can bypass county structures. Some donor-driven projects work directly with civil society or community-level groups and do not align their

Some donor-driven projects work directly with civil society or community-level groups and do not align their work with county priorities.

work with county priorities. Other donors finance national institutions (for example through national treasury) to implement programmes directly at county level. As a consequence, many aid programmes, seeking to tackle climate change issues, set up a parallel structure to address the perceived lack of capacity and accounta-

bility at county level. These parallel structures often take the form of a project coordination or management unit. “For us, the development partner did some analysis, and the counties did not have the capacities to handle such funds, so as we continue capacitating them, and they continue settling and making their accounting systems in order, we are still handling the issues to do with procurement, but we invite them” said an interviewee with the national government (2016).

This centralised process aligns with the governmental system at the national level, but it bypasses the county government; the money goes through the central bank to the designated ministry and then to the project coordination unit, which has an account at the central bank. “You know, there is no law which says you have to go through the county because it is one government. So they [the donors] can come directly to us and they can go to the county. But when the action comes in, it is up to us now to link them, because the resources will be passed through the county,” said an interviewee with the national government (2016). Many large climate change projects focus on developing guidelines and strengthening governance structures at the county level, under the assumption that once the enabling framework is in place, planning will be climate-proofed and physical implementation will automatically occur. However, this has not always been the case; numerous county-level climate change action plans have been developed but not implemented, according to our interviewees.

As a consequence of this system, a wide array of stakeholders work on similar issues, but only loosely coordinate with each other and rarely align under a common plan. However recently, donors have pushed strongly for coordinating bodies and have advocated for multi-stakeholder engagement and citizen participation structures (e.g. the Adaptation Consortium). Through such mechanisms, regional blocks of counties can reach the scale necessary for the national government to take their concerns into account or facilitate financing regulations. For example, with help from donors, the arid and semi-arid regional block created horizontal, cross-county coordination structures to build resilience to climate change.

Opening up space for citizen participation

The devolution process has opened up democratic space for citizen participation in decision-making, as clearly stipulated in the constitution (Government of Kenya 2010a), the Public Participation Bill (Government of Kenya 2016), the County Government Act (Government of Kenya 2012a), and the Public Finance Management Act (Government of Kenya 2012c) – all of which establish principles and enforceable provisions for public participation. The national framework for public participation gives citizen-led networks:

- **a coordination role** for climate action;
- the ability to be **drivers of change**; and,
- the responsibility to hold different levels of government and other stakeholders **accountable**.

Decentralised citizen groups and natural resource end-users are however often excluded from climate-related decision-making, both geographically and intellectually. Most influential climate change networks and the civil society organisations – for example the Pan African Climate Justice Alliance and the Kenya Climate Change Working Group – are concentrated in the capital city, with little if any presence in the counties. These networks need to establish county or regional chapters that can help drive change and action on the ground, where it matters most, while linking across geographic scales for coherence in advocacy, awareness, and capacity-building efforts.

The V-LED project worked with the Kwale County Natural Resource Network (see box 2), which has become a key actor in Kwale County politics. The network organises its membership; participates in county, national, and pan-African civil society groups; and

actively promotes the views of its membership on county legislation, such as the forestry bill and the sand quarrying bill. The network has also galvanised support from private, public, and development partners in raising awareness and providing technical training on understanding and developing climate actions. The network has petitioned the county government of Kwale to develop a climate change policy, and – inspired by neighbouring counties – is working to create the infrastructure for a county-level climate fund. There are limits to this advocacy work, however; if concerns like climate change are not shared by the county governor and political and technical leadership, they will not be brought to the table or prioritised.

“The county assembly would want to do things that the public would see,” said an interviewee at the national level (2016), which can result in prioritising visible activities that bring a short-term benefit instead of long-term strategic ones (Ojwang et al. 2017). One civil society interviewee (2017) described a “borehole race” in the country’s coastal region, where counties attempted to adapt to drought by digging inefficient water pans or boreholes. These efforts to show its constituencies that the government cares can, in the long run, result in maladaptation and increase the vulnerability to drought.

However, citizens and citizen organisations have leverage over county governments. By strengthening citizens’ knowledge of their rights, coupled with “the presence of NGOs, networks and resource user-groups [...] the capacity of communities to understand and articulate climate change issues has the potential of driving re-alignment of local priorities with projected climate risks” (Ojwang, 2017).

Furthermore, climate change needs to be “taken away from the science pedestal,” said one interviewee at the national level (2016), it is cornered to a discipline that can only be dealt with by specific experts; however climate actions should be made feasible and concrete, for example by working with practical “what if” scenarios. Misinformation or lack of information is also an issue; at the beginning of our interviews in 2015, sub-na-

Box 2: The Kwale County Natural Resources Network (KCNRN).

The Kwale County Natural Resources Network is a membership organisation founded in 2011. It brings together a variety of individuals and civil society organisations across Kwale County with the goal of promoting public participation in the sustainable management of natural resources. The network provides a platform for citizens and community groups to discuss, organise, and influence county policies and legislations.

tional interviewees were scarcely aware of the national-level climate change guidelines, including the strategy and the action plan. Three years later, the knowledge base is broader, but it is still too limited to make climate change actionable for decision makers. Several interviewees called for more awareness and technical capacity across sectors,

A clear understanding of necessary trade-offs, co-benefits, and climate risks and uncertainties must be discussed and decisions thoroughly justified.

particularly for county planners and county assembly members, in order to inform decision-making. A clear understanding of necessary trade-offs, co-benefits, and climate risks and uncertainties must be discussed and decisions thoroughly justified. This awareness-raising requires open, constructive, and concrete dialogue about

climate change impacts on programmes and investments, as well as discussion of climate-resilient alternatives. Better informed decision-making would support the creation of “bankable” projects at the county or local level, which most multi- and bilateral interviewees said they wanted to fund.

Civil society has the potential to be a driver of change by holding subnational and national governments accountable for enforcing climate related acts and regulations. Even more, civil society can organise multi-stakeholder processes that monitor project led climate actions from parallel structures or from county governments. Sub-national actors should not let themselves be excluded from centralised climate related decision making and find innovative ways (for example through alliances) to convene stakeholders and explore the bankability of projects.

The private sector driving agendas

The private sector is a potentially powerful influence on the climate change agenda as 42 per cent of Kenya’s GDP is based on natural resources (UNEP 2014) and is therefore highly vulnerable to climate impacts. Some industries have positioned themselves as leaders in climate change mitigation. For example, the giant mobile provider SAFARICOM has set a goal to be carbon neutral by 2050 (European Climate Foundation 2018). The company’s knowledge base is impressive, its assessments are thorough, and its pathways to climate resilience are clear, according to one interviewee (2017). That pathway includes the development of new products such as Mkopa, a solar-powered mobile lighting system with flexible payment schemes that can be viewed as a climate mitigation project with

adaptation co-benefits. SAFARICOM influences the Kenya Association of Manufacturers and helps push the national mitigation agenda forward, according to an interviewee in the private sector (2017). On the other hand, the private sector is also profit driven; some private entities could be responsible for increasing levels of GHG emissions, particularly when there is weak environmental control or enforcement. The Kenya Private Sector Alliance (KEPSA), the umbrella body for associations like the powerful Kenya Association of Manufacturers, is not only actively involved in developing the new National Climate Change Action Plan, but also conducts an impressive information campaign on how to manage climate risks and look for business opportunities. A recent survey found that 82 per cent of Kenyan CEOs agree that climate change affects their businesses (Kenya Private Sector Alliance 2018b).

The national budget allocation to the county is only one strand of financing. The private sector is filling a financial gap: “Government support is subject to ceilings; we need multilateral support and strengthened collaboration with the private sector,” said a county representative (2017). A wide range of private actors in the renewable energy, agriculture, banking, and insurance sectors now see the business opportunities linked to climate change.

The Climate Change Act also provides incentives to the private sector to enable their involvement in both adaptation and mitigation and develop business cases for their climate activities. Similarly, Kenya’s treasury collaborates with the private sector to develop and manage Green Bonds.

However, powerful private sector actors often do not work within the multi-level climate governance and devolution processes. They work directly with the national government, bypassing county governments. For example, energy provision is both a national and a county function, however, often large scale renewable energy investments are negotiated only at the national level even though the investment affects the county. As a result, the county and its population may not always have a say in decisions about investments that directly affect their environment, nor share their benefits. This problem is clouded by the fact that, as in many countries, the discourse on renewable energy is largely focused on positive climate benefits, such as GHG emission reductions, while their social and environmental impacts are not compensated or mitigated adequately thus increasing the vulnerability of the land and its people. Therefore, it is important for stakeholders of a low emission development investment to understand national and county agendas and uphold social and environmental standards.

Despite some positive developments, in reality, a “business as usual” scenario is still the norm. Construction companies, small and medium enterprises, infrastructure, transport, retailers, and food manufacturers only react to the climate risks they face and do not include mitigation in their efforts. Although visible, climate impacts are not yet informing their decisions and investments.

Overall, the variety of actors involved in climate change governance and action is growing. These actors often use specific terminologies, interact in their own communities and shape the climate agenda from different perspectives. Multi-stakeholder partnerships

it is important for stakeholders of low-emission development investments to understand national and county agendas and uphold social and environmental standards.

that can orchestrate their involvement still lack a conductor that can engage all the players on the same stage. Multi-level and multi-stakeholder dialogues, based on mutual respect and equal footing, can forge partnerships necessary for a coherent implementation of national climate and development targets.

4.5 Missing scales for climate resilience in Kenya

Beyond political boundaries: transboundary issues

With the emergence of sub-national and non-state actors and the different sectors, functions, and investment choices involved in climate-resilient development, some questions remain: At which scale is climate change best governed and climate actions implemented? How are transboundary climate impacts managed across counties?

The transboundary nature of climate change and other environmental issues was highlighted in a V-LED’s best practice exchange workshop on water. The workshop highlighted the need for transboundary multi-level climate governance and how taking an ecosystem-based approach helps to engage all relevant stakeholders. Water resources are highly vulnerable to climate variability and change and in high demand by competing sectors (for example, agriculture and mining) that might not consider climate change in their decision-making processes. Because multiple stakeholders manage water across political boundaries and levels of governance, a vertical and horizontal coordination process is particularly important.

The Kenya Water Tower Agency “co-ordinates and oversees the protection, rehabilitation, conservation, and sustainable management of water towers” (Kenya Water Tower Agency 2018). The agency collaborates with the Kenya Forestry Service to protect the forest cover, which is critical for water conservation.

One of the country’s water towers, Kwale County’s Shimba Hills, shares the same catchment area as the large dams built by an international mining company and a national sugar factory. The national Kenya Water Resource Authority issues the permits for the construction of these dams, and the prospecting rights or licenses are issued by the Mineral Rights Board and the National Land Commission. These national-level decisions have a direct impact on the water catchment and the availability of water.

Kenya’s water user associations have limited ways to engage in strategic decision-making processes, since water resource development is governed top down, from national to regional levels. An interviewee at the national level (2018) explained “the regional bodies [...] are planning bodies that work on behalf of the national government. Devolution includes decentralisation of national functions which runs parallel to county governments [...] counties see them as competition, but this is changing.”

Water resources generated in Shimba Hills largely benefit end-users in Kwale and neighbouring Mombasa County. However, the end-users in Mombasa do not pay to conserve the water tower, so a payment-for-ecosystem services (PES) mechanism has been suggested to protect it. However, for this to happen, decision-makers must institutionalise a process for collecting specific indicators and evidence and mechanisms to support coordination and collaboration across administrative boundaries of county governments.

To ensure that transboundary issues are adequately addressed, both horizontal coordination at the inter-county scale (i.e. Kwale and Mombasa) and vertical relations with higher government tiers need to be considered. Horizontal coordination is necessary to assess climate impacts on and of interdependent sectors (e.g. agriculture, water, mining) and common geographical area (e.g. a water catchment area between two counties). Vertical coordination is necessary for the joint climate response to be administered at the level at which the function, mandate and resource is held. For example, broadly speaking, water and mining at national level and agriculture at county level.

Because multiple stakeholders manage water across political boundaries and levels of governance, a vertical and horizontal coordination process is particularly important.

The urban space

“When they made the constitution, Kenyans didn’t want too much government, national and county. Period. All the other [urban employees] are executives; that’s how the urban [level of governance] vanished” (Civil society interviewee, 2018).

Kenya has an annual urban growth rate of more than 4 per cent. The country’s National Urban Development Policy, managed by the Ministry of Lands, Housing, and Urban Development “addresses climate change directly, calling for national and county governments to promote efficient technologies, develop integrated urban transport systems, and educate the public about greenhouse gases” (Broekhoff et al. 2018).

Under the 2012 Urban Areas and Cities Act, the mandate for urban governance and management lies with the county. In November 2017, a new structure was introduced at the county level to respond to the “vanishing” of the urban level under the new constitution: urban management boards. The

The urban management board, which answers to the county assembly, has powerful rights to collect revenue, control land use, manage the provision of services to residents, and develop bylaws.

boards are appointed by the county executive committee, with the approval of the county assembly and nominated by professional associations. The urban management board, which answers to the county assembly, has powerful rights to collect revenue, control land use, manage the provision of services to residents, and develop bylaws.

Although in theory, the boards operate under the jurisdiction of the county government and are accountable to it; in practice the relationships are not always smooth. The county governor appoints an “urban manager who would be answerable to the urban management board and not to the governor; they are autonomous,” said a civil society interviewee (2018). This autonomy is problematic in counties with big towns that generate large amounts of revenue, as it can challenge the authority of the governor.

At the national level, where urbanisation is a key development concern, the Council of Governors hosts an Urban Development, Planning, and Lands Committee (UDC), which ensures that the Urban and Cities Act of 2011 conforms to the constitution and reflects the counties’ mandates. It also advocates to the national assembly and senate, and supports county litigation. While the UDC has been instrumental in developing spatial plan-

ning guidelines for counties and improving urban safety through street lighting, it has failed to deal with the spontaneous and haphazard growth of urban centres. The rapid growth of most urban centres is not adequately managed, obstructing urban climate resilient development pathways and putting residents at risk. Given the high vulnerability to climate change impacts but also the high mitigation potential of Kenya's cities, urban managers urgently need support to develop awareness on urban low-emission development issues and skills to climate proof their decisions.

Kenyan major cities (Nairobi, Mombasa) host urban programmes, are part of numerous regional and global city networks and benefit from the presence of UN-HABITAT. Furthermore, Kenya has all the policies in place to take a low-emission pathway (Broekhoeff 2018), but public finances are still a key limitation to low-emission. In contrast, urbanites witness the high level of private investment in construction. Housing is one of the president's Big Four priorities and further investments will be allocated to it. However there is a high risk that the public sector does not enforce national climate change and sustainability laws, and does not require the private sector to conform to them. Kenya's cities are at risk of being locked-in in unsustainable and risk prone urban development. Kenya's urban growth is managed in a discrepant way by multiple actors at multiple levels and could benefit of improved governance and coherence of agenda and mandates. Interlinkages, between for example housing and low emission development or urban development and transport, are not made explicit in planning and decision-making processes. There is a climate leadership gap across levels of governance for urban affairs and a gap in climate proofing urban investments.



5. Synthesis and entry points

The complex challenges presented by climate change demand system-wide transformative planning and actions. At the heart of this transformation process is a more collaborative and coherent multi-level governance system that ensures complementarity of actions across levels of government, sectoral boundaries, and ecosystems.

The framework for devolution under Kenya's constitution has far-reaching implications for local climate planning and action – particularly for climate-sensitive sectors, but also for sectors with mitigation potential that fall under county jurisdiction, such as water, forestry, energy. However, effective devolution requires a clear understanding of the functions to be devolved, and climate change is not clearly demarcated as a specific function of either level of government. In order to respond to the demands of their citizens, county governments need to know their mandates and functions related to climate change.

Effective devolution also requires vertical coordination, as well as mechanisms to increase accountability between national and county governments. The national government can help provide the enabling environment for climate action at the county level by clarifying mandates and increasing the knowledge base to support sound investments. This effort

Box 3: Some advice from a devolution expert:

- **Interpret guidelines in an innovative way: Be clear about the climate issues, risks, and solutions that must be considered in every sector during development planning.**
- **Joint planning between national and subnational levels is imperative: Joint planning should not infringe on either level's functions, but rather should be a considered and deliberate approach to address what each level needs to do and direct funding so that issues do not fall through the cracks.**
- **Strengthen the negotiation platform of the Intergovernmental Budget and Economic Council.**

Adapted from comments by Elisabeth Ouma, Ministry of Devolution, at the V-LED regional workshop, 2018.

includes supporting county governments in building the capacity required to anticipate risks, plan, and act. County governments cannot take over these complex functions without the cooperation of their national counterparts. The constitution has devolved many functions, but the allocation of resources to county governments does not match the scope of their responsibilities. More coherent multi-level governance would ensure complementarity and consistency of policy, planning and practice in accordance with the respective responsibilities and resources at county and national government levels. This alignment must not only be vertical, but also horizontal to address climate impacts and leverage mitigation potential across political and sector boundaries and ecosystems.

5.1 Possible entry points for multi-level climate resilience

The recommendations below identify some possible entry points for improving multi-level governance for climate-resilient low-emission development in Kenya, which will help contribute to meeting the country's NDC.

Activate existing coordination structures



Kenya's existing legal and institutional system is sufficient – but only if it is adequately activated. More laws and institutions would only further complicate the already complex landscape. However, acknowledging the importance of intergovernmental structures could support the vertical and horizontal alignment of planning and funding of climate-resilient development programmes. It is crucial that the existing coordination mechanisms move beyond representative purposes to being equipped with adequate leverage to influence planning and budgeting processes in a meaningful way. For example, increasing the negotiating power of the Intergovernmental Budget and Economic Council and giving them a deliberate role and purpose could help, as could promoting the two-way dialogue process through the Intergovernmental Relations Technical Committee, in collaboration with an operational National Climate Change Council.

Furthermore, the County Governments Act states that “no budget should be allocated without a planning framework” (Government of Kenya 2012a); however, lessons from the

regional integrated development plans in Kenya show that it is also crucial that plans of different levels are:

- 1) Connected to each other (annual development plans, integrated development plans, spatial plans, sectoral plans such as forestry, energy or water master plans, etc.);
- 2) Linked to executive authorities that hold decision-making power;
- 3) Linked to budget allocations (Augustine and Masinde 2013), which the Ministry of Devolution and Planning could ensure in the process of the Medium Term Expenditure Framework (Government of Kenya 2017).

Short-term and long-term decisions: the need for a stable investment climate and consistent policy directions across levels



Building climate resilience requires combining short-term and long-term thinking. A long-term vision of low-emission development necessitates deliberate strategies and instruments that incentivise change. This change needs to be implemented through two parallel pathways: a phasing-out pathway in which high-emission technologies, subsidies, and investments are reduced; and a low-emission pathway in which alternatives are scaled up. We need to pay attention to investments that lock in a high-emission development pathway for decades, such as the construction of new coal plants, urban infrastructure and housing estates, dams, and harbours. The deep decarbonisation of Kenya's economic growth can reduce the long-term full-cycle costs of its investments: the government predicts that carbon dioxide emissions can decrease by 15 per cent by 2030 below the business-as-usual scenario (Ministry of Environment and Natural Resources 2016). At the same time: "real per capita income in Kenya is expected to nearly double by 2030, outpacing income growth under business- as-usual scenario" (UNEP 2014). A low-emission development pathway can reduce long-term investments costs while fostering job creation and economic growth.

Intergovernmental or multi-stakeholder coordination mechanisms such as the National Climate Change Council, the Intergovernmental Relations Technical Committee or the Intergovernmental Budget and Economic Council could lead the effort to guide the country along such a low-emission climate-resilient pathway. Most importantly, climate change needs to be clearly demarcated as a specific function of either level of government. Clarity in how the existing enabling framework translates from national to sub-national level and clarity in the mandate of actors at different levels of governance would ensue.

*Thinking outside of the box for the future we want,
including incentive structures for
low-emission development*



Multi-level governance instruments such as financing mechanisms (e.g., climate investment funds, green bonds, green subsidies, and clean technology funds), good practice networks, registries and inventories, certifications, and award schemes can be used to incentivise low-emission development (Clapp et al. 2010, Adriázola et al. 2018). These instruments do not need a centralised, top-down regulatory framework but can be created voluntarily through bottom-up initiatives by regional authorities or county governments.

Transnational sub-national climate action networks and initiatives, which are receiving increased attention, can support technical exchanges for replicating best practices or creating bankable projects. Some examples of these networks are ICLEI Local Governments for Sustainability, C40 Cities Climate Leadership Group; the Compact of States and Regions; the Durban Adaptation Charter; the Global Taskforce of Local and Regional Governments (GTF), which is facilitated by United Cities and Local Governments (UCLG) and the Global Observatory on Local Democracy and Decentralisation (GOLD).

Furthermore, V-LED good practice exchange workshops between county governments have proven successful in stimulating horizontal learning. As such, national partnerships, associations, and networks between regions and cities can function as important drivers for enabling and upscaling sub-national climate action.

Promote actionable research and innovative approaches to capacity building



Embedding researchers in counties or regional authorities can promote increased interaction between scientists and policymakers, ensuring that real needs inform research and that best available knowledge flows into planning and decision-making processes. Capacity development can take many forms. Efforts by the Friederich Ebert Stiftung (2012) and the Kenya School of Government (2018) have sought to create climate champions in Kenya's counties. V-LED and other projects provided a series of trainings at the county level that involved both civil society and county government representatives. However, coaching programmes that link sub-national capacities to national universities or to the capacity development departments of ministries hold untapped potential (Ojwang et al. 2017). University courses could be incorporated into distance learning programmes to make them accessible across the country. No matter the form, the lessons need to be locally applicable and should answer the concrete climate finance and technical questions that might arise during the planning, implementation, and monitoring cycles of civil servants, whichever level they work at.

Use regional blocks



Counties in Kenya's coastal regions, arid and semi-arid lands, and highlands have very different concerns, priorities, and realities. As long as the focus is on delivering on national priorities, region-specific issues may be overlooked. Degrees of vulnerabilities, levels of risk, and mitigation opportunities differ widely among geographical regions and require different areas of focus in their development pathways.

Better, downscaled climate information on trends – adequately communicated to end users of natural resources and decision-making authorities – is crucial to climate-proof investments and development pathways, and should build on the previous efforts of

the Kenya Meteorological Centre and Climate Prediction and Applications Centre (WMO 2011).

Building regional blocks could promote the alignment of transboundary and ecosystem approaches through spatial planning processes and alliances across county boundaries, which, in turn, could leverage more meaningful financing. Since some issues that cross county boundaries are not nationwide problems, horizontal cross-border alliances could increase creditworthiness and access to private or international financing.

5.2 Conclusion

The successful achievement of the NDCs and the resilience and wellbeing of Kenyans depends on the quality of the country's coordination mechanisms and the alignment of different levels of government behind the same goal. Counties and national governments could invest in non-state actors' efforts to implement local climate actions, bank on their innovation potential, support their involvement in decision-making processes, and capitalise on their efforts to meet GHG reduction targets.

The sustainable management of natural resources is essential to building the resilience needed for a more prosperous Kenya. Multi-stakeholder partnerships across levels of governance provide the platforms through which planning and budgeting can translate strategies into action.

The momentous transformation needed to preserve our life-supporting systems cannot be underestimated; we must work together across boundaries to take common actions and move in a common direction.



List of interviews	LOCAL	COUNTY	NATIONAL
PUBLIC SECTOR	Ward County Assembly Member	National Drought Management Authority; Natural Resource Management County Executive Commissioner	National Environment Management Authority; Ministry of Agriculture; Ministry of Environment; Ministry of Energy; National Treasury; Executive Office of the President; Ministry of Devolution and Planning
CIVIL SOCIETY	Focus groups with women, men and youth group	Mikoko Pamoja; Kwale County Natural Resource Network	ILEG (co-author); Friedrich Ebert Stiftung; Permaculture Research Institute Kenya
ACADEMIA/ JOURNALIST	Radio Kaya, CORDIO East Africa		University of Nairobi (reviewer of the study)
MULTI AND BILATERAL DEVELOPMENT PARTNER		Kuza project	GIZ; DANIDA; UNDP Kenya
PRIVATE SECTOR		KISCOL	SAFARICOM

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The Republic of Kenya has the potential to be a frontrunner in climate resilient development: It has a strong policy framework and a sophisticated system of domestic institutions aimed at advancing the country's climate change response. In parallel, based on the constitutional precept that "all sovereign power belongs to the people of Kenya", the country has embarked on a rapid devolution process which could provide the necessary structures for localising the climate agenda.

How can Kenya achieve the policy coherence and coordination that foster transformative action? How can policy and practice for local climate action be bridged?

This report reviews Kenya's climate change policies and actions through a multi-level governance lens. It is part of a series of four country studies and one synthesis report that explores how multi-level climate governance enables local climate action in Kenya, Philippines, South Africa and Vietnam. The studies are based on the four-year V-LED project – Vertical Integration and Learning for Low-Emission Development – funded by the German Ministry for the Environment (BMU) as part of its International Climate Change Initiative (IKI).

