

# THE STATE OF THE CLIMATE JUSTICE MOVEMENT IN KENYA



# Acknowledgment

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This study, commissioned by Natural Justice, draws on the voices and experiences of a wide range of stakeholders across Kenya's climate justice landscape.

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# List of Acronyms

AACJ	African Activists for Climate Justice
ASAL	Arid and Semi-Arid Land
CBO	Community Based Organisation
CCCAP	County Climate Change Action Plan
CCCF	County Climate Change Fund
CCD	Climate Change Directorate
CIDP	County Integrated Development Plan
CLAN	Community Land Action Now!
CSOs	Civil Society Organizations
FBO	Faith Based Organisation
FCDC	Frontier Counties Development Cooperation
FGD	Focused Group Discussion
FLLoCA	Financing Locally Led Climate Action
INGO	International Non-Government Organisation
IPLCs	Indigenous People and Local Communities
JKP	Jumuiya Ya Kaunti Za Pwani
KCCWG	Kenya Climate Change Working Group
KII	Key Informant Interview
KPCG	Kenya Platform for Climate Governance
KSG	Kenya School of Government
LREB	Lake Region Economic Bloc
NAP	National Adaptation Plan
NCCAP	National Climate Change Action Plan
NDC	Nationally Determined Contribution
NGO	Non-Government Organisation
NJ	Natural Justice
NOREB	North Rift Economic Bloc
PACJA	Pan Africa Climate Justice Alliance
PCRA	Participatory Climate Risk Assessment
SEKEB	South Eastern Kenya Economic Bloc
UNFCCC	United Nations Framework Convention on Climate Change
T.W.G	Technical Working group

# Operational Definition of Terms

**Civil society organizations:** Any non-profit, voluntary citizens' group which is organized at a local, national or international level.

**Climate Change:** A change in the state of the climate that can be identified by changes in the mean and / or the variability of its properties, and that persists for an extended period, typically decades or longer.

**Climate justice:** Recognition of unequal impact of climate change on marginalized and vulnerable populations and individuals and striving to attain equity and human rights in decision making and action on climate change.

**The CJM:** The Climate Justice Movement(CJM) is a social and environmental group that addresses the ethical and political issues related to climate change with an emphasis on the need for fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, in the development, implementation, and enforcement of environmental laws, regulations, and policies

**Climate Action:** Climate action encompasses efforts to mitigate climate change by reducing greenhouse gas emissions and adapting to its impacts. This includes initiatives like transitioning to renewable energy, improving energy efficiency, and implementing sustainable land management practices.

**Environmental justice:** A social movement that focuses on ensuring fairness in environmental policies and practices, particularly regarding how marginalized and vulnerable communities are affected by environmental hazards and policies

**Indigenous Peoples:** Cultural communities, tribal groups that can be identified in particular geographical areas by the presence in varying degrees of the following characteristics: self-identification as members of a distinct indigenous cultural group and recognition of this identity by others; collective attachment to geographically distinct habitats or ancestral territories in a geographical area and to the natural resources in these habitats and territories; customary cultural, economic, social, or political institutions that are separate from those of the dominant society and culture; and an indigenous language, often different from the official language of the country or region.

**Public Litigation:** An act involving anyone going to court based on public interest considerations, to challenge a decision or action that is, or is likely to be, unconstitutional.

**Local Communities:** Non-indigenous communities with historical linkages to places and livelihoods characterized by long- term relationships with the natural environment, often over generations.

**Non-government Organization:** A private, voluntary grouping of individuals or associations, not operating for profit that are organized to benefit the public and promote social welfare, development, charity, or research.

**Non-state actors:** Entities that are not part of the government or state apparatus, but still exert influence in various sectors, including civil society organizations, private sector entities, and other groups.

**Regional Economic Bloc:** a group of counties that have joined together to leverage their collective resources and potential for economic development. These blocs aim to foster regional growth by pooling resources, harmonizing policies, and attracting investments.

**Registered Climate Justice Network:** A group of Climate Justice Organizations and individuals advocating for equitable solutions to climate change registered under any of the following: PBOs Act of 2013, NGOs Act of 1990, trusts under the ministry of lands, CBOs under the ministry of social services, Companies Act, Cooperative Act or societies Act.

**Unregistered Networks:** Informal loose groups embedded within communities and unrecognized cultural and pressure groups advocating for equitable solutions to climate change not registered under any of the following: PBOs Act of 2013, NGOs Act of 1990, trusts under the ministry of lands, CBOs under the ministry of social services, Companies Act, Cooperative Act or societies Act.

**IPLCs:** Indigenous Peoples and Local Communities (IPLCs) in Kenya represent diverse ethnic groups that have inhabited the country's territories for centuries. They have distinct cultural identities, traditional knowledge systems, and close relationships with their lands, territories, and natural resources. IPLC groups in Kenya include various indigenous communities such as Maasai, Samburu, Turkana, Pokot, Borana, Endorois, Sengwer, Waata, Yaku, Njemps, Ogiek, Ilchamus and many others, as well as marginalized local communities residing in different regions of the country.



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# Executive Summary

The Climate Justice Movement (CJM) refers to a social and or environmental group that addresses the ethical and political issues related to climate change with an emphasis on the need for fair treatment and meaningful involvement of all people. Numerous understandings of the concept of climate justice have been promoted by various stakeholders. However, there is an emerging consensus by many actors involved in the CJM that defines climate justice as a recognition of unequal impact of climate change on marginalized and vulnerable populations and individuals and striving to attain equity and human rights in decision making and action on climate change. This includes advocating for climate finance, mitigation, adaptation, and loss and damage support. It also emphasizes fair distribution of burdens and benefits, recognizing historical and systemic inequalities.

In Kenya the CJM plays a pivotal role in advocating for and shaping policies that address climate change at local, county, and national levels. Understanding the current state of the CJM in the country is crucial for effective action and advocacy. Knowing the movement's strengths, weaknesses, and evolving strategies helps individuals and organizations align their efforts to maximize impact and ensure the pursuit of a just and equitable response to climate change.

In 2024, Natural Justice (NJ) commissioned a study to define and assess the state of the CJM in Kenya, examining its strengths, barriers, growth potential, and associated risks. The review aimed to inform strategic intervention at local, sub-national and national levels that could enhance the effectiveness and efficiency of the CJM in Kenya. The study reached 404 respondents drawn from the national, sub-national and local Civil Society Organizations (CSOs) engaged in the CJM directly or by phone calls through such data acquisition methods as key informant interviews, structured questionnaires and interviews as well as focused group discussions.



The CJM in Kenya features diverse actors operating at various levels with different mandates. The actors engaged in climate change movement are organised as climate justice networks. The networks are characterized by their diversity and decentralized governance, reflecting the multifaceted nature of climate impacts in Kenya and the need for localized solutions. These networks are made up of various actors, including indigenous people organizations, grassroots organizations, community groups, and social movements, often organized around specific needs and priorities. This decentralization allows for greater community participation and ensures that climate action is tailored to local contexts and priorities.



A review of their goals, objectives and strategies revealed areas of convergence and potential duplication. To achieve collective action for greater impact in advancing climate justice in Kenya it is recommended to operationalize the CJM engagement framework with enhanced inclusion of grassroots networks and indigenous peoples' organizations. Furthermore, there should be increased investment in supporting and empowering local actors such as Indigenous Peoples' organizations to harness their unique and valuable potential to advance climate justice by scaling up partnerships between established civil society organizations (CSOs) and grassroots groups.

There has been commendable contribution by the CJM in Kenya in influencing climate change policy practice both at the national and county levels. Despite the registered successes, challenges persists. For instance, as the CJM pushes for the operationalization of the climate change institutional framework, it no longer holds the consolidated power and unified voice it had during the climate policy formulation process. Power wrangles over the civil society representation on the National Climate Change Council have led to a split in the civil society coalition. This has not only delayed agreement on civil society representation at the council but also threatens to jeopardize the collective action for the CJM and efforts to track and report on climate financing channeled to non-state actors. It is recommended that a mediation be fronted to resolve the power struggle over CSOs representative on the National Climate Change Council. Additionally the government should be nudged to establish and expedite operationalization of the remaining climate change institutions including the National Climate Change Fund.

Kenya's climate change legal framework, while comprehensive, faces challenges in implementation and effectiveness. Weaknesses include inadequate funding, weak enforcement of existing laws, limited public awareness, and a lack of coordina-

tion between different levels of government ministries, departments and agencies. It is important to acknowledge intergovernmental structures that could support the vertical and horizontal alignment of planning and funding of climate action programmes. Accordingly, it is recommended that the CJM engagement and coordination mechanisms move beyond representative purposes to being equipped with adequate leverage to influence planning and budgeting processes at the county and national levels in a meaningful way through existing platforms and spaces.

The study revealed that climate related capacity initiatives within the CJM at local, county and national levels are at three broad categories of enabling policy environment, institutional/organizational capacity strengthening, and individual competencies. In the face of shrinking civic space, collective action of the CJM and their allies is crucial for defending and expanding the space for participation and advocacy. This includes forging alliances, building public pressure, and engaging in strategic public litigation and policy interventions. It also involves strengthening the resilience of CSOs through capacity building and institutionalizing climate change education within the government curriculum.

The study revealed that the CJM in Kenya recognize that climate change exacerbates existing gender inequalities. The movement approaches to climate justice emphasize the importance of gender-responsive policies that address the specific needs and rights of women and girls. The movement also advocate for increased female participation in climate decision-making and leadership roles. A major barrier to achieving gender-responsive climate action was insufficient knowledge on gender and how to mainstream it into climate policies among many policy makers both at the county and national level. It is recommended that the capacity of the policy makers be strengthened to adopt intersectional, gender-transformative approach to climate planning and action.





# 1.0

## BACKGROUND AND CONTEXT

Contentions over climate justice have played a significant role in shaping the UN Framework Convention on Climate Change (UNFCCC), its Kyoto Protocol, and the Paris agreement signed in December 2015. The UNFCCC has provided a forum for key climate justice issues to be discussed alongside international climate policy<sup>1</sup>. Perspectives and arguments about climate justice are well-established within the UNFCCC and long-standing divisions remain, most prominently between developed and developing countries. There are other dimensions to climate justice within the realm of climate change governance and policy, such as gender, indigenous communities, and land use rights, but in general these debates play out within the frame of current and historical North-South relationships<sup>2</sup>.

The 2015 Paris Agreement (PA) and other decisions from the 21st yearly session of the Conference of the Parties – known as COP21 – to the 1992 United Nations Framework Convention on Climate Change (UNFCCC) is a landmark, legally binding international agreement on climate change. The goal of PA is to keep the global temperature rise to well below 2°C (while pursuing efforts to limit it to 1.5°C).

In this context, the concept of climate justice acknowledges that historical polluting nations and industries have contributed disproportionately to the current climate crisis, and therefore have a moral and ethical responsibility to support vulnerable communities in adapting and mitigating the effects of climate change. Climate justice also recognizes that the impacts of climate change, such as extreme weather events, sea level rise, and food insecurity, are not felt equally across the globe. For example, developing nations and vulnerable communities often bear the brunt of these impacts despite contributing relatively little to greenhouse gas emissions.

Climate change is fundamentally inequitable and unjust. Climate justice has a long history partly connected to environmental justice. It is a fact that Kenya is experiencing the devastating impact of climate change and variability<sup>3</sup>. The impact of climate change and the responses have significant implications for human rights. As such, climate justice must be understood and pursued within a human rights framework. In the face of face of climate change, all three dimensions of human rights can be at risk; Civil and political rights; economic, social and cultural rights; collective rights e.g., right to a clean and healthy environment. The diagram below further illustrates the different perspectives and lenses on climate justice (Mearns, R., Norton, A. 2010).



Figure 1: The different perspectives and lens on climate justice. Source: International Institute for Environment and Development (IIED)

1 Morgan J, Waskow D. A new look at climate equity in the UNFCCC. *Climate Policy* 2014, 14:17-22.

2 Okereke C. Global environmental sustainability: Intragenerational equity and conceptions of justice in multilateral environmental regimes. *Geoforum* 2006, 37:725-738.

3 [National Climate Change Action Plan \(NCCAP\) III - 2023-2027. Towards Low Carbon Climate Resilient Development. | FAOLEX](#)

Put simply, climate justice means putting equity and human rights at the core of decision making and action on climate change<sup>4</sup>. It is a term used for framing global warming as an ethical and political issue, rather than one that is purely environmental or physical in nature. This is done by relating the effects of climate change to concepts of justice, particularly environmental justice and social justice and by examining issues such as equality, human rights, collective rights, and historical responsibilities for climate change<sup>5</sup>

Justice, equity, and human rights are at the core of global climate action. The Paris Agreement<sup>6</sup>, reflect these values throughout its text particularly in the preamble and Articles 2, 4, 7, 9, 10, and 11. Together, these provisions highlight the importance of integrating social justice, equity, and human rights into climate policy and action. The Paris Agreement is consistent with the human rights obligations relating to climate change in many respects that requires states to strengthen their commitments in order to fulfill those obligations.

As such, climate justice emphasizes that wealthier nations, industries, and individuals, who often contribute the most to emissions, are held accountable in line with the polluter principle<sup>7</sup>.

The UNFCCC and PA calls for states to protect future generations and to take action on climate change “on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities”. This acknowledges that while climate change affects people everywhere, those who have contributed the least to greenhouse gas emissions (i.e., the poor, children, and future generations) are most affected. Consequently, equity in climate action requires that efforts to mitigate and adapt to the impacts of climate change benefit people in developing countries, indigenous peoples, people in vulnerable situations, and future generations.

Accordingly, climate justice is a fundamental human rights issue. It is the recognition that every human being has the right to life, as enshrined in Article 6 of the Universal Declaration of Human Rights (UDHR) and Article 26 of the Constitution of Kenya 2010<sup>8</sup>. Nonetheless, even with the consideration of human rights in the Kenyan Constitution and the linkage provided between climate change interventions and human rights issues, continued change in climate overtime has increasingly threatened human existence in Kenya. Specifically, the country is highly vulnerable to climate change and is already feeling the effects with a notable increase in climate-related disasters, such as droughts, floods, insecurity and displacement. Cumulatively, climate hazards and events are estimated to cause an economic loss of about 2-2.8% of the country’s gross domestic product (GDP) every year<sup>9</sup>.



<sup>4</sup> [Climate change is a matter of justice – here’s why | UNDP Climate Promise](#)

<sup>5</sup> Human Rights and the Environment, Megano Donald, December, 2022.

<sup>6</sup> [The Paris Agreement | UNFCCC](#)

<sup>7</sup> [What is the polluter pays principle?](#)

<sup>8</sup> [Kenya Law: The Constitution of Kenya](#)

<sup>9</sup> [Economics of Climate Change in Kenya: Evidence from Sectoral Studies - IEA Kenya](#)

This is largely because the economy and livelihoods of many Kenyans are dependent on many climate-sensitive sectors, such as agriculture, water, energy, tourism, wildlife, and health. For instance, Kenyan farmers face significant challenges due to changing weather patterns. From droughts to extreme rainfall causing floods, their crop losses and income instability impact food security. Similarly, lack of compensation and knowledge about climate adaptation measures exacerbates their plight. In summary, climate injustice in Kenya manifests through climate change loss and damage. Urgent action is needed to address these challenges and promote climate resilience for all Kenyans<sup>10</sup>.

Interlinked to climate justice is the concept of environmental justice. Broadly defined, environmental justice entails the right to have access to natural resources; not to suffer disproportionately from environmental policies, laws and regulations; and the right to environmental information, participation and involvement in decision-making<sup>11</sup>. Environmental justice serves two purposes. First, it ensures no groups of persons bear disproportionate environmental burdens and second, that all have an opportunity to participate democratically in decision-making processes<sup>12</sup>.

In Kenya, environmental justice mostly entails the right to have access to, use and control natural resources by communities. This view is exemplified by the Endorois case,<sup>13</sup> where the community was fighting against violations resulting from their displacement from their ancestral lands without proper prior consultations, adequate and effective compensation for the loss of their property, the disruption of the community's pastoral enterprise and violations of the right to practice their religion and culture, as well as the overall process of their development as a people.

The African Commission on Human and Peoples' Rights (ACHPR) found Kenya to be in violation of the African Charter,<sup>14</sup> and urged Kenya to, inter alia, recognise the rights of ownership of the Endorois; restitute their ancestral land; ensure the Endorois have unrestricted access to Lake Bogoria and surrounding sites for religious and cultural rites and for grazing their cattle. The Government of Kenya is however yet to implement the decision of the Commission in the Endorois case. This demonstrates the Government's laxity in actualizing environmental rights in Kenya.<sup>15</sup>

Environmental injustice continues to manifest itself increasingly in Kenya. The recent conflicts such as those in Lamu County and in the pastoral counties are largely attributable to environmental injustices inflicted over the years. In some, there are feelings that land and other land-based resources were taken away from local communities, creating a feeling of disinheritance. In other areas, there are conflicts over access to resources, such as forests among forest communities for livelihood. And in other areas conflicts emerge due to competition over scarce natural resources and competing land uses.

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10 [https://www.researchgate.net/publication/238224873\\_The\\_Effects\\_of\\_Droughts\\_on\\_Food\\_Security\\_in\\_Kenya](https://www.researchgate.net/publication/238224873_The_Effects_of_Droughts_on_Food_Security_in_Kenya)

11 1R. Ako, 'Resource Exploitation and Environmental Justice: the Nigerian Experience,' in F.N. Botchway (ed), *Natural Resource Investment and Africa's Development*, (Cheltenham, UK: Edward Elgar Publishing, 2011), pp. 74-76.

12 U.S. Environmental Justice Agency, 'What is Environmental Justice?'

Available at <http://www.epa.gov/environmentaljustice>

13 Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya, No. 276 / 2003.

14 Arts. 1, 8, 14, 17, 21 and 22. the Kenyan government had violated their right to religious practice (Art. 8), right to property (Art. 14), right to freely take part in the cultural life of his/her community (Art. 17), right of all peoples to freely dispose of their wealth and natural resources (Art. 21), and right to development (Art. 22)

15 United Nations Human Rights Committee, 'Consideration of reports submitted by States parties under Art. 40 of the Covenant Concluding observations adopted by the Human Rights Committee at its 105th session, 9-27 July 2012. CCPR/C/KEN/CO/3, para. 24.



Nonetheless, very little has been done to address these injustices. Consequently, Kenya has witnessed increased CJM activism, legal efforts, and faith-based advocacy to demand climate justice and redress the prevailing conditions of the climate crisis<sup>16</sup>. These actions aim to protect vulnerable communities, promote accountability, and drive meaningful change - including enhanced commitment to climate finance contribution by the rich global north countries. To begin with, in climate litigation, thanks to organizations such as Natural Justice, Kenya is among countries where climate litigation is on the rise.

People seeking to secure climate action and justice through legal means have increased with latest parties being the people versus the government on change of use cases. Besides, the country now has two cases listed in the global climate litigation database, emphasizing the need for accountability and justice. In a similar manner, Kenyan youth have actively protested against climate change with recorded cases in cities like Kisumu, where dozens of youth climate activists took to the streets, demanding stronger action from leaders to curb climate change in the recent past – such cases were also seen in the African Climate Summit held in 2023. Additionally climate governance dialogue supported by the CJM have brought together diverse stakeholders to address the climate change challenges and find solutions. The dialogues aims to promote climate action, and foster collaboration to achieve climate justice. African Activists for Climate Justice (AACJ) programme has been supporting this initiative.



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16 Center for Human Rights and Policy Studies, 2019

## 1.1

# Natural Justice and African Activists on Climate Justice (AACJ)

Rooted on the goal of having a united a powerful and lasting climate action footprint in the African continent, the African Activists for Climate Justice Programme is a dynamic climate justice consortium comprised of Pan-Africa Climate Justice Alliance (PACJA), Natural Justice, African Women's Development and Communication Network (FEMNET), Oxfam Novib, Africa Youth Commission - each with strategic strengths in youth mobilization, litigation and human rights empowerment, women-led advocacy, resilient community building, amplifying African narratives, and locally driven adaptation initiatives to connect grassroots communities to regional and global climate processes. The project is supported by the Dutch Ministry of Foreign Affairs through the *Power of Voices* programme that supports strengthening civil society organizations by empowering local organizations, enhancing their capacity, and ensuring they have a significant role in creating an inclusive and sustainable society.

This initiative is part of the broader policy framework for strengthening civil society for the period 2021-2025 and as designed, Natural Justice; being a non-profit organization that focuses on environmental and human rights law, particularly in Africa; plays a crucial role in the AACJ programme especially in providing legal assistance to communities affected by environmental and social issues; advocating for policies that protect the rights of indigenous peoples and local communities; assisting communities articulate their values and priorities through biocultural community protocols; and strengthening the capacity of local organizations and communities to engage in legal and policy processes especially in this era of shrinking civic space in the pursuit for climate justice<sup>17</sup>.



<sup>17</sup> [Natural Justice – Lawyers for Communities and the Environment](#)





# 2.0

## **PURPOSE, OBJECTIVES AND SCOPE OF THE STUDY**

The CJM in Kenya are crucial for advocating for equitable solutions, protecting vulnerable communities, preserving the environment, and ensuring a sustainable and just future in the face of climate change challenges. These movements contribute to shaping policies, building resilience, and fostering a sense of collective responsibility towards a climate-resilient and equitable society.

The purpose of the comprehensive review was to assess the current state of the CJM in Kenya at various levels, including local, county, and national, with the aim of understanding its strengths, barriers, potential for growth, and associated risks.

The review provides a nuanced and evidence-based analysis that can inform strategic interventions by CSOs and policy decisions at the county and national level to enhance the effectiveness of the CJM in Kenya.

The Objectives of the study included and was not limited to:

1. Identifying, mapping and profiling the CJM and stakeholders at the local, county, and national levels while assessing their goals, strategies, level of awareness, understanding and effectiveness
2. Evaluating the capacity-building initiatives within the CJM, extent of mainstreaming gender and other cross-cutting into climate change policy at the county and national levels
3. Analyzing and providing a summary of the existing legal and policy frameworks related to climate justice in Kenya within which the CJM is working
4. Undertaking a SWOT analysis of the successful strategies and initiatives that have contributed to the advancement of climate justice at different levels to provide recommendations and actionable insights for stronger the CJM in Kenya and beyond against, within, and towards which these climate justice groups / movement are working.

The study was national in scope, targeting the CJM and enumerating the state (strengths, barriers, growth and risks) of the CJM in Kenya at the local, sub-national and national levels in Kenya, with the aim of applying the recommendations to strengthen the CJM across all levels in the country. A mixed-methods approach was used, in which both qualitative and quantitative methods were used to carry out the study.

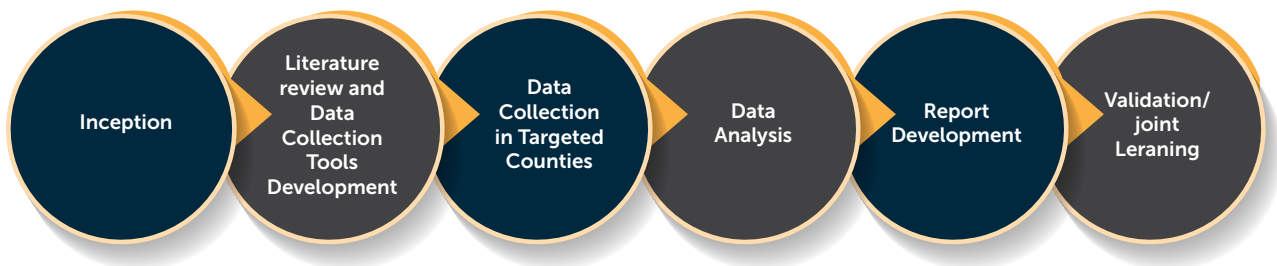


# 3.0

## METHODOLOGY AND TECHNICAL APPROACH



The study involved a detailed desk review and a field study using suitable participatory methodologies involving government, donor actors, academia, research and CBOs for analysis of the state of the CJM in Kenya. The government representatives were drawn from relevant line ministries and departments of the National Government, the respective County Governments. Development actors (funding organizations and international NGOs) were mostly drawn from the national level, Civil Society actors at County and National level, FBOs, CBOs, Self-Help Groups, and informal groups drawn from the local grassroots levels. This being a study for non-state actors' contribution to climate justice, a significant number of respondents were drawn from this group and included those working directly and indirectly on issues of climate change in Kenya.



*Figure 2: Methodological and technical approach of the study. Source: Author, 2024.*

Data was directly drawn from sampled the CJM representatives and community members. On the account of the need for expert appraisal of the state of the CJM in Kenya, key informant interviews and FGDs were conducted with key organizational representatives at all levels. Purposive sampling was employed in selecting key informants with intended generation of relevant data to map, appraisal and determination of the CSO contribution to the CJM.



### 3.1. Sampling

Both probability and non-probability sampling Purposive sampling was used to select respondents for key informant interviews and focus group discussions and stratified random sampling was used for the survey.

In order to attain the survey sample, a representative number (between 350 to 400 respondents) based on scope of the study was agreed upon with an initial mapping exercise for the CJM actors (paying attention to the national cluster of counties and transects or regional economic) undertaken.

Thereafter, snowballing, from the initial list, was used to map other stakeholders/responders in CSO platforms and key informants. The same approach was used in the identification of the participants for FGDs to ensure representation of the CJM actors working in different regional economic blocs, as well as representatives from national and county level civil society working towards national & county level Climate Change policy & legislations, as well as programme interventions.

After the mapping exercise, the study set was split into six main clusters (based on the national county transects) which included Lake Region Economic Bloc (LREB), North Rift Economic Bloc (NOREB), Frontier Counties Development Council (FCDC), South Eastern Kenya Economic Bloc (SEKEB), Jumuiya Ya Kaunti Za Pwani (JKP), Nairobi, and Mt Kenya and Aberdares Region Economic Bloc.

From the mapping list, the CJM were distributed to the respective regional clusters. The CJM's representatives and community members in the sampling list were then targeted for interviews.

However, in cases of non-cooperation or absence, the missing the CJM's representatives or community members were randomly replaced with the available ones. For qualitative data collection, the CJM were purposively selected from the mapping list and supplemented with a number of other stakeholders from development/donor partners and public sector in the climate change space.

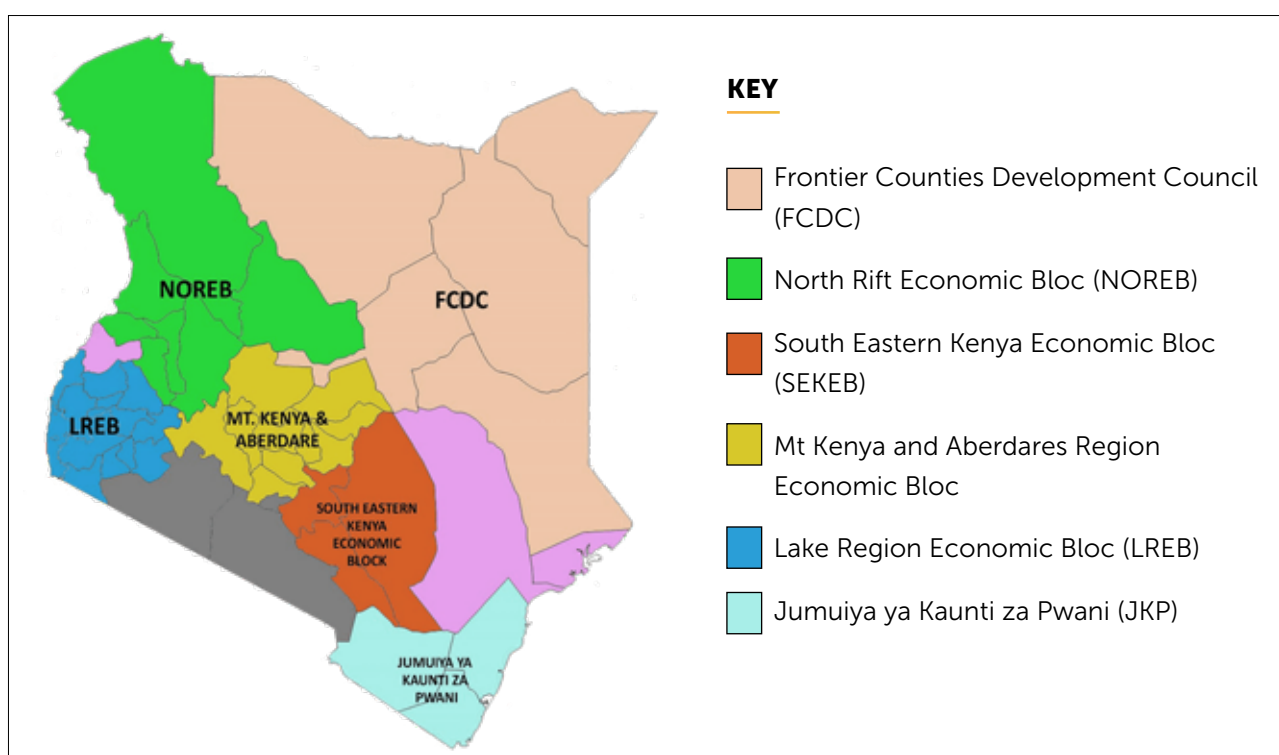


Figure 3: Kenya County Regional Economic Blocs



## 3.2. Data Collection and Synthesis



The collection of data was aligned to the objectives which included; identifying, mapping and profiling the CJM and stakeholders at the local, county, and national levels while assessing their goals, strategies, level of awareness, understanding and effectiveness; evaluating the capacity-building initiatives within the CJM and cross cutting theme at the local, county, and national levels; analyzing and providing a summary of the existing legal and policy frameworks related to climate justice in Kenya and; undertaking a SWOT analysis of the successful strategies and initiatives that have contributed to the advancement of climate justice at different levels to provide recommendations and actionable insights for stronger the CJM in Kenya and beyond. The collection and synthesis of data for identifying, mapping and appraisal of the state of the CJM in Kenya employed a number of methods. The methods were systematically applied to sequentially inform processes and objectively validate and build consensus on the emerging findings.



### 3.3.

## Primary Data Collection for Appraisal of the State of the CJM in Kenya.

Data was generated from secondary and primary sources by employing standard research procedures ensuring that the outcomes of the process was objective data and representing the status of the CJM in Kenya. In order that this was achieved, the following were undertaken;

- I. **Structured Questionnaires:** For quantitative data collection, a structured questionnaire was administered to the CJM's representatives and community members to generate information on key elements of the CJM in Kenya. The questionnaires were administered through Kobo tool box and phone interviews. This proportion made it possible to generalize the findings with substantial accuracy.
- II. **Key Informant Interviews:** In generating in-depth information on the state of the CJM in Kenya, representatives of CSOs, county directors of climate change, donor partners and line ministries were interviewed. This method particularly generated in-depth insights into key aspects of climate justice including; different perceptions of effectiveness of the CJM across different levels ranging from local to national, its interface with existing climate and environment policies, strategies and initiatives in place and their contribution to advancing climate justice, funding, policy and other perspectives of climate justice. In total, 19 key informants from sampled the CJM and other stakeholders were interviewed. From the informants the diverse CSO level perspectives on the state of the CJM in Kenya were elucidated.
- III. **Participatory Focus Group Discussions:** Participatory Focus Group Discussions (FGDs) were conducted to bring out both individual and diverse organizational perspectives in appraising the state of the CJM in Kenya. These discussions among stakeholders and their collective contribution to advancing climate justice in Kenya. A total of twelve participatory FGDs were conducted across the country, two in each of the regional economic blocs.

The participatory FGDs were held in central locations and outcast areas including Loiyangalani. The participants were drawn from the CJM and informal groups ensuring a balance between organizational sizes in diversity. Apart from generating pertinent information for appraising the state of the CJM in Kenya, the FGDs also provided a platform where other emerging issues; like environmental justice, human rights, extractives, were discussed with consensus. Through the deliberations, it was also possible to document best practices, lessons learnt and success stories and or case studies. The implementation synergies, challenges, design, policy successes and barriers to climate justice were also exhaustively discussed, hence the appraisal from various stand points. The process also provided a forum where the CJM rated the collective contribution to climate justice and immediate prospects.

## Summary of Respondents by Methods

Table 1: Summary of respondents contacted by methods. Source: Author, 2024

Tool Used	INGO	L/N NGO	Informal Groups	CBO	FBO	Community members	Research/ Academia/ Government	Total
KII	4	5	3	4	2	-	2	20
Questionnaire	10	78	65	98	55	70	8	384
<b>Total</b>	<b>14</b>	<b>83</b>	<b>68</b>	<b>102</b>	<b>57</b>	<b>70</b>	<b>10</b>	<b>404</b>

## Kenya County Regional Economic Blocs and Summary of FGD Participants

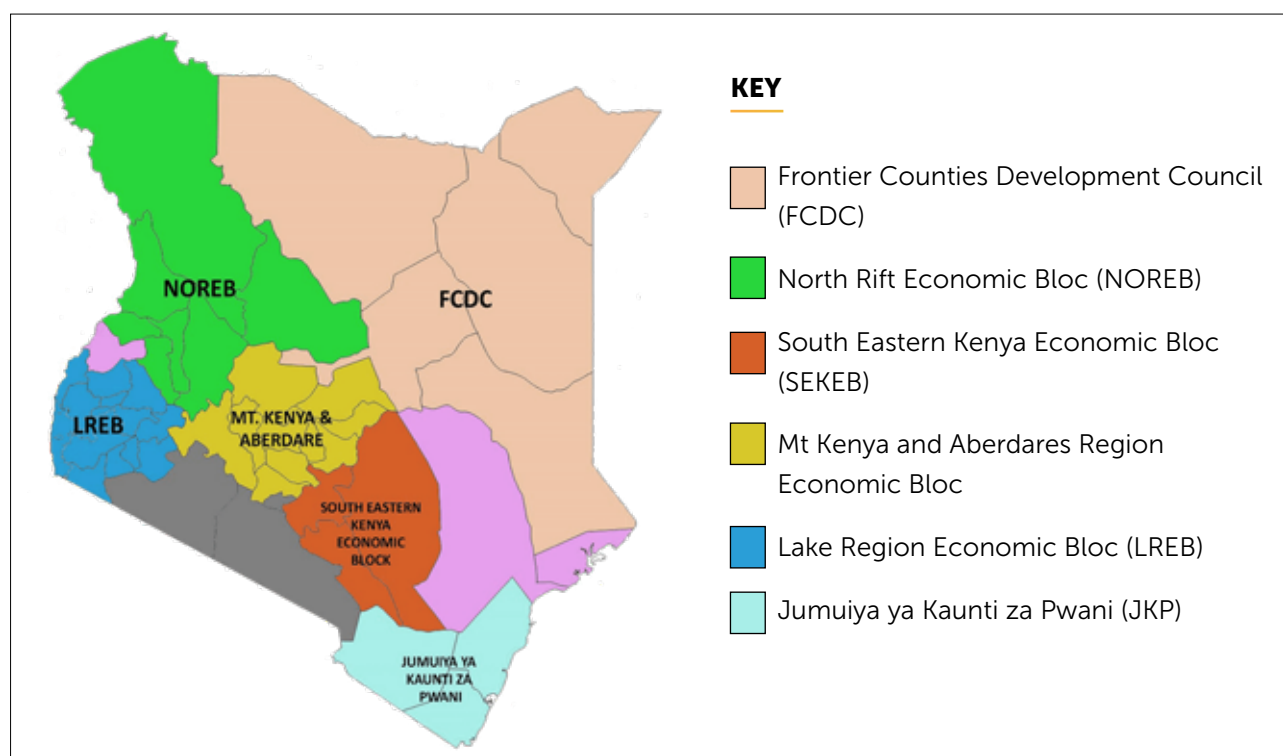



Table 2: Summary of FGD Participants

Cluster Location	Male	Female	Total
FCDC - Loiyangalani	21	37	58
NOREB -Eldoret	22	20	42
SEKEB - Kitui	21	31	52
Mt. Kenya/Aberdares - Nyeri	23	28	51
LREB - Kisumu	38	54	92
Jumuiya ya Pwani – Kilifi	23	24	47
Nairobi	28	24	52
<b>Total</b>	<b>176</b>	<b>218</b>	<b>394</b>

## 3.4

# Limitations and Mitigation Measures

The implementation of the study encountered some contextual and methodological challenges that necessitated collective action as described below;

- 
- I. **Uncooperative respondents:** Some of the key potential respondents were not keen to participate in the study. Due to this, there may be a slight lack of some perspectives on contributions and other individual experiences in some areas of climate change response. Some of the potential respondent's nonparticipation stemmed from the fact that they differed in affiliation on network and coordination mechanisms in the climate change space i.e., the eminent rivalry between KCCWG and KPCG. Further to this, some key informants provided unreasonable contact times and were not available for interviews at call back times. Nonetheless, the effect of non-participation of these respondents were reduced by contacting other counterparts who provided information that was relevant to answering key study questions.
  - II. **Respondent Bias:** In some instances, a few the CJM overstated their contribution to the CJM in Kenya. However, the study had put in place mechanisms to cross-check data from all sources for verification purposes. Slight bias may only have resulted in instances where there was only one source of data.
  - III. **Limitations in reaching remote networks/ organisations:** Due to budgetary limitations, it was difficult to conduct face-to-face interviews with some organizations due to distance. To address this challenge, phone interviews were conducted for such organisations/networks, The absence of in-person engagement may have resulted in the loss of certain nuanced responses that rely on physical presence, verbal cues, or non-verbal communications
  - IV. **Timing of the Study:** The study coincided with the timelines for early preparations for the 29th Conference of Parties (COP29) to the United Nations Framework Conference on Climate (UNFCCC). This made it difficult to reach some of the targeted respondents. To mitigate this, data collection was delayed shortly to allow some of targeted respondents arrive back from the COP.
  - V. **Political Environment:** the political environment in the country, particularly the youth-led Gen Z uprising against the finance bill, may have influenced participation of respondents. Nonetheless, the study team applied their contextual understanding and experience to distinguish between the two dynamics to ensure integrity of the data collected.



# 4.0

## **FINDINGS AND DISCUSSIONS**



## 4.1. Assessment of current state

### 4.1.1 The CJM in Kenya and their challenges

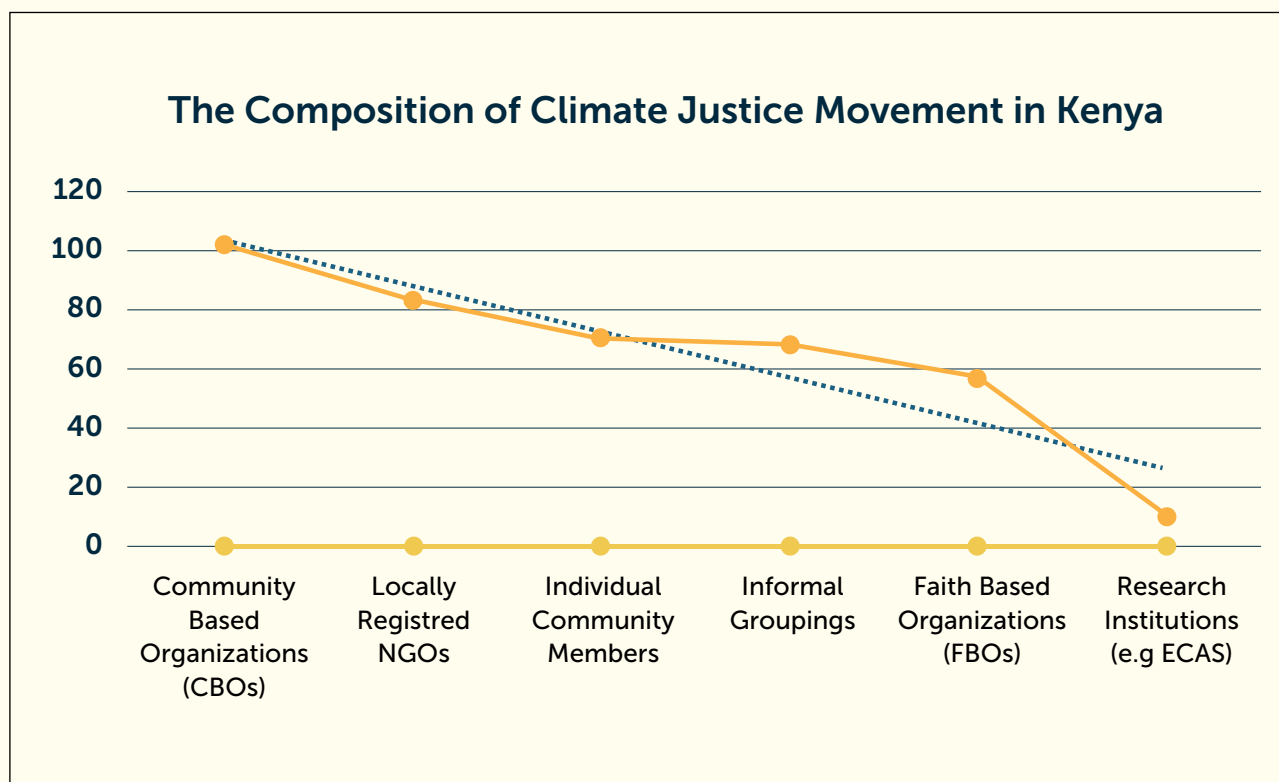


Figure 4: Non-State Actors involved in climate justice in Kenya.

The study established that overall, there is a consensus amongst actors, including government representatives of line ministries, that the CJM in Kenya has made significant contributions to climate justice in the country and is composed of a ray of actors. Some of these actors included local non-government organizations, international NGOs, Faith Based Organizations, Indigenous People and Local Community focused organizations like MPIDO, CEMIRIDE and Isiolo Gender Watch amongst others, Faith Based Organizations like Christian Aid, Green Faith International, Act Alliance, Dorcas Aid International and World Renew amongst others as well as Community Based Organizations. Nonetheless, on a case to case basis, research organizations, by way of evidence generation to inform policies, individual community members as well as informal and or unregistered groups also led the pursuit for climate justice in the country. Particularly, out of the survey sample, there were 332 climate justice actors, including international, national, local NGOs (LNGOs) and informal networks of indigenous peoples and local communities (IPLCs) involved in the CJM across the country either as a priority focus area or through integration and/or mainstreaming in their broader programmatic interventions.

Community Based Organizations; 102 in number (about 31%); represented the largest group of the CJM composition in Kenya followed by locally registered non-government organizations; 83 in number (25%), individual community members; 70 in number (21%), informal groupings; 68 in number (20%), Faith Based Organizations; 57 in number (17%) and finally research institutions such as ECAS having a number of 10 (3%). Structurally therefore, the study established that though climate justice actors in the country are of diverse backgrounds in legal registration, they have a common goal for ensuring that the victims of climate crisis are fairly and equitably safeguarded from the foundational principles of justice as enshrined on the Paris Agreement.

Besides, the study established that though variously registered under the Kenyan law and the Non-Governmental Organizations Coordination Board as well as the registrar of societies, there exists no limitation to working together across the various actors to achieve climate justice. For instance, it was established that most community based organizations, informal groups and community members, were either affiliated to a national or international NGO or Faith Based Organization. A case in point included local actors in Turkana and the coastal region that are linked to Natural Justice, the Marsabit County Climate Change Chapter linked to PACJA, an informal group of actors in Kajiado linked to KC-CWG and other actors in Kilifi linked to Kilifi Climate Change Governance Platform as well as Young Women Christian Association amongst others.

Nonetheless, the case is different with INGOs. The study established that most INGOs are members to the CJM that are global in scope with interventions ranging from local to national and from regional to international. A good case is Care International and Care Denmark. Though operational in Kenya and champion climate justice within the country's juris-

diction, the two had membership in Climate Action Network International (CAN International). But also coordinated local the CJM locally. The same case is by Greenbelt Movement, FES, ForumCIV, and Hivos amongst other INGOs.

At the local level, local networks like CLAN!(Community Land Action Now!) play a unique role in the CJM in Kenya. As an informal network, CLAN! brings together Indigenous Peoples, Local Communities (IPLCs), Civil Society Organizations (CSOs), and Community-Based Organizations (CBOs) to advocate for community land rights and climate justice. These networks often operate without formal registration, allowing them to be more flexible and responsive to the needs of their communities. They focus on grassroots mobilization, awareness campaigns, and direct action to secure land tenure rights and promote sustainable land management practices. Nonetheless, such networks experience challenges including but not limited to; political interference, limited involvement of marginalized communities, as well as limited awareness as shown-cased below;

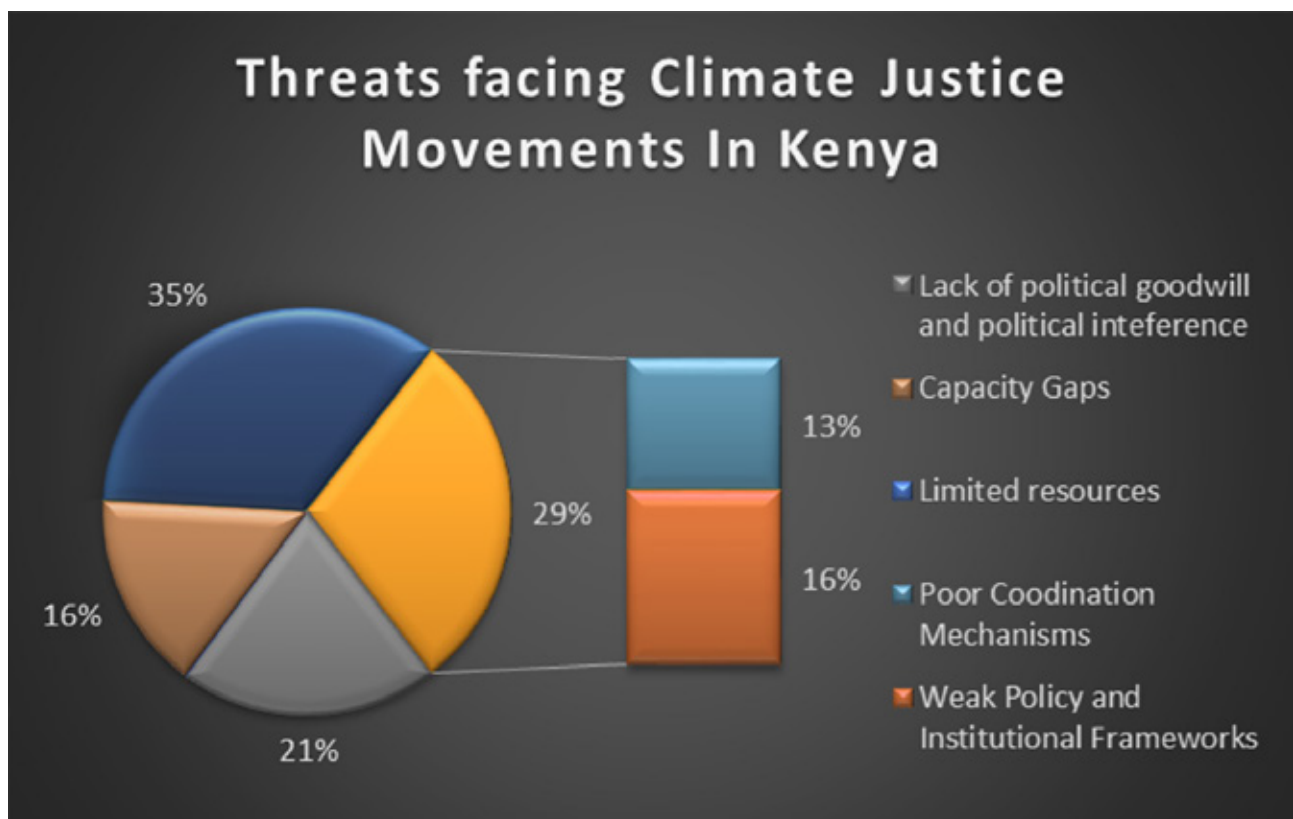


Figure 4: Challenges facing the CJM in Kenya



Whereas community-based organizations (CBOs) and IPLC-aligned institutions and such social common interest groups play a crucial role especially in direct engagement with those impacted most by climate change, environmental degradation, and abuse of human rights at the frontline of climate crisis, the study found that they are not meaningfully involved in advancing climate justice at least in the formal county government and national government decision making processes. Limited access to resources as well as significant capacity gaps on climate justice matters was established as one of the main reasons for their low level of engagement and visibility.

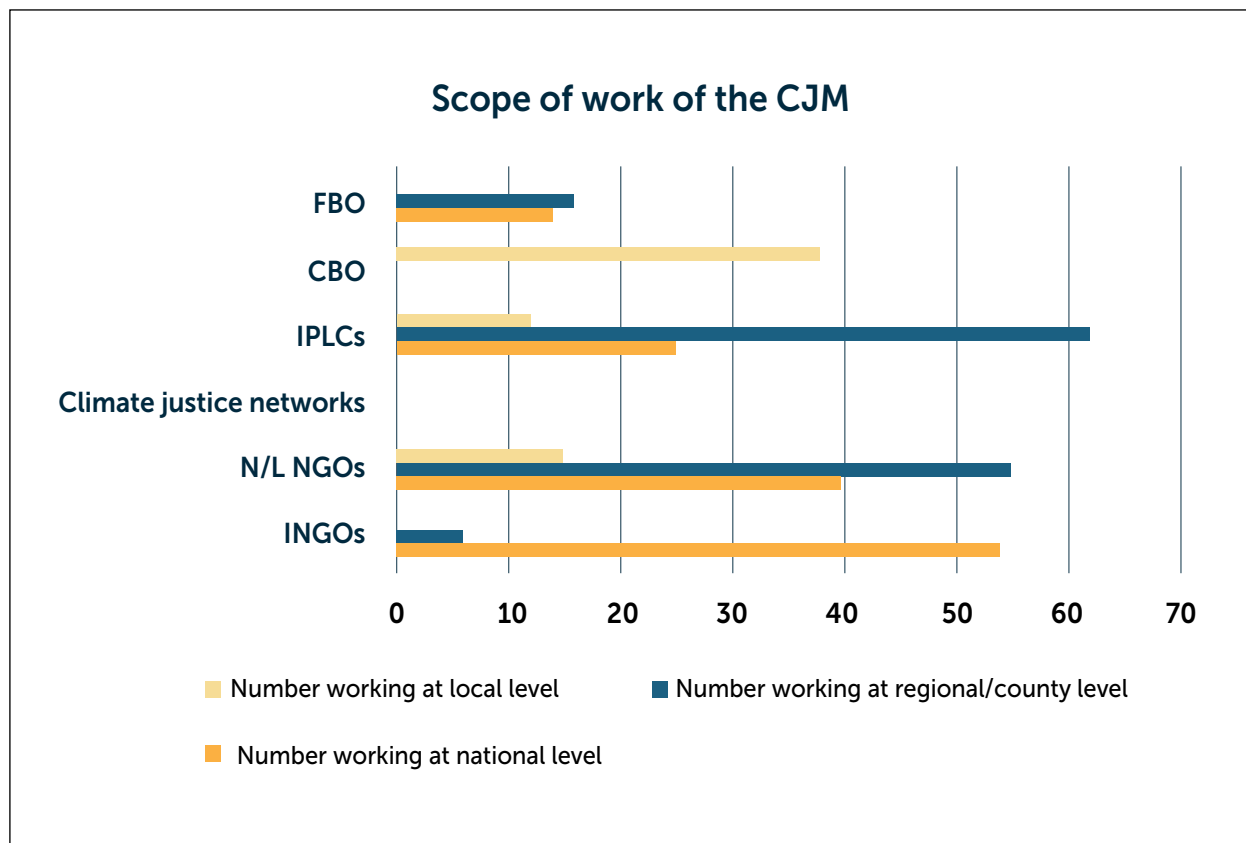


Figure 5: Scope of work of the CJM in Kenya.

The study established that to varying degrees, climate justice work is being implemented at the national level and in all the 47 counties across the country. While there are counties and 'regions' or economic blocs with significant concentration by CJM undertaking climate justice interventions, the study revealed that there are at least pockets of climate justice initiatives in the rest of the 'less concentrated' counties and regions.

Additionally, there are Climate Justice Networks working at the national level and those working at the regional economic bloc level and within specific

counties. Most of the INGOs work at the national 90% and regional 10% levels as compared to LN-GOs where presence distribution between national and regional economic bloc /county was at 34% and 64.3% respectively. On their part IPLCs organizations like those affiliated to CLAN network have concentrated operational presence at the local level with 70.8% of their work. The study found out that there are six CBOs with regional level work, while one FBO, National Council of Churches of Kenya (NCCCK) is working at national level.

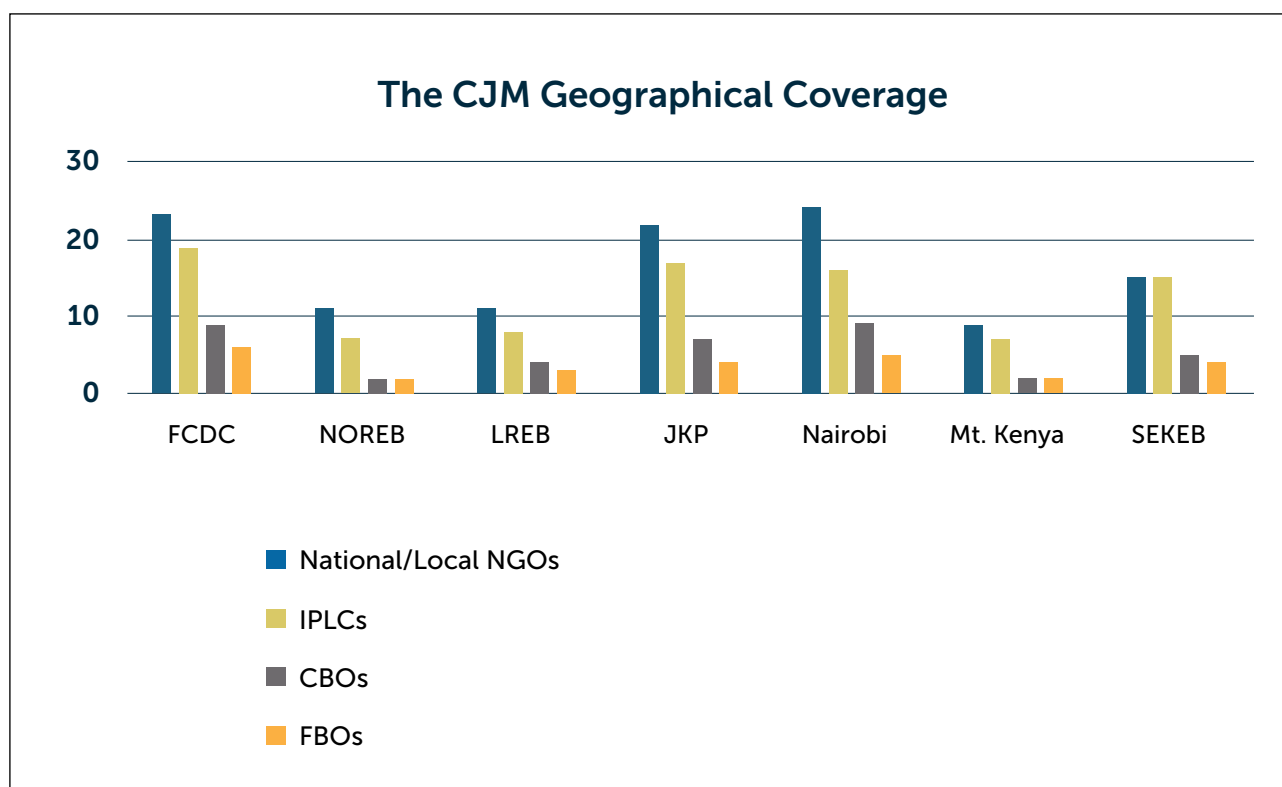


Figure 6: Geographical representation of the CJM in Kenya.

Counties (or cluster of counties) from the Arid & Semi-Arid (ASAL) which constitutes Frontier Counties Development Council (FCDC), South Eastern Kenya Economic Bloc (SEKEB), Jumuiya ya Kaunti za Pwani (JKP), and Nairobi have more concentration of Climate Justice Networks particularly focusing on strengthening adaptation and resilience to climate change and human rights. The FCDC has the largest number of Climate Justice Networks (57). Nairobi region follows with (54) Climate Justice Networks. JKP has the third largest number of the CJM (50) while SEKEB has 30 CJM. Mt. Kenya, LREB and NOREB have almost similar distribution of the CJM intervening on climate justice, each with 20, 26 and 22 the CJM respectively. Most of the INGOs surveyed have offices located in Nairobi with coverage spread out in most of 47 counties.



### 4.1.2 Climate justice engagement from the community level

The FGDs with representatives of IPLCs drawn from the Maasai, Sengwer, Ogiek, Endorois, Njemps, Ilchamus among others that CLAN works with revealed that IPLCs share certain characteristics that makes them highly vulnerable to the impacts of climate change.

First, IPLCs are among the poorest of the poor, and thus the most threatened segment of Kenya's population in terms of social, economic and environmental vulnerability. They inhabit areas that have suffered historical marginalisation in terms of development which compounds their vulnerability to climate change. At the same time, a vast majority of IPLCs are spread across Arid and Semi-Arid Lands (ASAL), a region particularly vulnerable to the impacts of climate change. The World Bank estimates that, of the 100 million people across the world that could be pushed back into poverty as a consequence of climate change. This implies that indigenous peoples could be the worst affected (World Bank 2017).

Second, for their economic, social and cultural activities, IPLCs depend on natural resources for their livelihoods which are sensitive to climate change. For instance, some of the IPLCs interviewed are dependent on forests to meet their livelihood needs while others are mobile pastoralists who depend on rangeland resources to keep livestock.

Third, they live in geographical regions and ecosystems that are the most vulnerable to climate change. These include ASALs, mountainous areas with fragile ecosystems like Mau and Cherangany hills among others. The impacts of climate change in such regions have strong implications for the ecosystem-based livelihoods on which many IPLCs depend. Moreover, in some areas such as Loiyangalani the very existence of many IPLCs is under threat from large scale investments like wind power projects by the government which has forced pastoralists from their lands leading to loss of livelihoods and community cohesion. Further as a coping strategy pastoralist in the ASALs migrate in search of scarce water and pasture in the face of climate change. This comes with compounding risks and challenges like gender-based violence, school drop-outs and disruption of learning for school going pastoralists children, loss of social and cultural activities among others (Tablino 1999).

**"We are quickly running out of options for survival with increased frequency and severity of drought wiping out our livestock," said a key informant in Loiyangalani.**



The study found that IPLCs, their rights, and their institutions often lack recognition by the government. Consequently, consultation with and participation of IPLCs in climate change decision making is limited in the absence of dedicated public mechanisms established for this purpose. Exclusion from decision making processes is also compounded by the limited capacity of their own institutions, organizations and networks.

The lack of consultation and participation is a root cause of social, economic and environmental vulnerabilities, and also of discrimination and exploitation. From the FGDs It was evident that the social, cultural and economic needs of IPLCs are not adequately addressed in public environmental and climate policies. The IPLCs are often the minority and are rarely well represented in political and institutional arenas.

In spite of the challenges and barriers outlined above the study revealed the huge potential the IPLCs have as powerful agents of change in the CJM. The IPLCs are endowed with an exceptional nature of indigenous and local knowledge and cultural approaches that are of high relevance and value to climate change adaptation. Research has also found several traditional and innovative adaptive practices that can enhance resilience of communities, ranging from improved building technologies to rainwater harvesting and community- based disaster risk reduction. Further the IPLCs share a complex cultural relationship with natural resources and ecosystems. As natural capital is their core productive assets, their economic activities do not allow it to depreciate.

#### **4.1.3 County Level: Collaboration of climate justice activities within individual counties, considering local government involvement and community partnerships.**

Kenya established its devolved governance system in 2013. Since then, the 47 county governments are responsible for the county level planning and budgeting processes (Environmental Governance in Kenya: Implementing the Framework Law 2008). In addition, while the Climate Change Act, 2016 and the corresponding National Climate Change Action Plan (NCCAP) are developed at the national level, all 47 county governments must ensure that they are contributing to the Climate Change Act, 2016 and NCCAP. Considering that the Nationally Determined Contribution (NDC) is integrated in the Climate Change Act, 2016 and NCCAP, all climate change policy at the county level must also align to the NDC. They therefore have “climate change duties and must act in a manner best suited to achieve the successful implementation of the Climate Change Act, 2016 and the NCCAP” (Environmental Governance in Kenya: Implementing the Framework Law 2008). As such, county governments are very important actors regarding climate change policy in Kenya because much of the implementation of the Climate Change Act, 2016 and NCCAP is done through the county governments. Many of the climate change actions are to be delivered at a county level in line with the devolved functions making the counties important seats of action. In most cases, especially for the sectors of agriculture, water, energy and health, the national level is responsible for creating the policies while the county level is responsible for implementation (Bellali et al., 2018). County governments have the possibility of creating their own policies when these are aligned with national policies (J. Mbula 2019).

The CJM in Kenya has supported the County governments to mainstream climate change into their county functions.



## Case study 1: Establishment of County Climate Change Fund in the Counties



Between 2012 and 2018, the Adaptation Consortium, a partnership between government and three INGOs namely CARE International, IIED, and Christian Aid and their local CSO partners piloted decentralized climate finance in Kenya through the county climate change fund mechanism (CCCF) in five arid and semi-arid counties (ASAL) of Makueni, Kitui, Garissa, Isiolo and Wajir. The five counties enacted legislations which established and institutionalized CCCF. All the five counties had their CCCFs fully operational having put in place the structures that guided identification and prioritization of adaptation interventions and disbursed funding for implementation. For instance, by 2015 Makueni County had operationalised its CCCF way ahead of national government enacted the climate change act, 2016. By 2018, a total of 82 community prioritized public good investments had been implemented and handed over to local communities in two rounds of investments across the pilot counties.

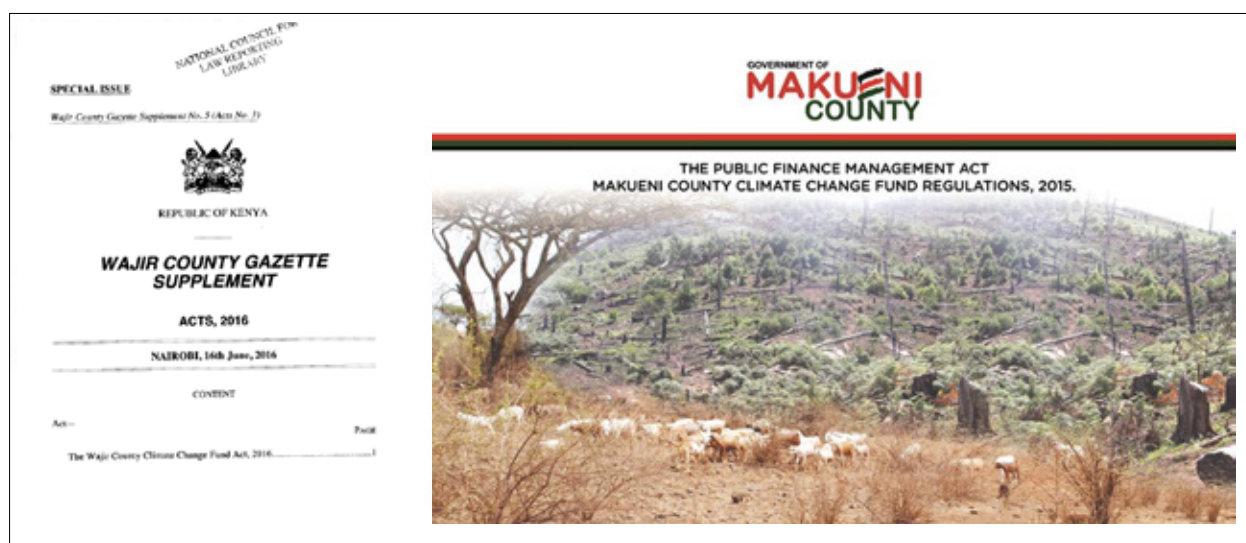


Figure 7: Left:- Wajir CCCF Act (2016) and Right Makueni Climate Change Regulations (2015)



#### 4.1.3.1 County Integrated Development Plan

Each county must put in place a County Integrated Development Plan (CIDP) for a period of 5 years, the most recent being from 2023 to 2027. These CIDPs stipulate the development priorities of the county and can be used to inform the annual budget process (State Department for Devolution, 2023). The Climate Change Act, 2016 added another requirement: the CIDP must include how the county will mainstream the implementation of the NCCAP (Kibugi, 2019).



**Each county must put in place a County Integrated Development Plan (CIDP) for a period of 5 years**

#### 4.1.3.2 County Climate Change Action Plan

In addition to the CIDPs, forty-five counties have developed County Climate Change Action Plans (CCCAP) which include the enactment of County Climate Change Law and establishment of County Climate Change Planning Committees. In addition, wards within counties have established Ward Climate Change Action Plans and Planning Committees.

#### 4.1.3.3 Financing Locally Led Climate Action Program

At the time of developing this report, the implementation of a new program called Financing Locally Led Climate Action Program (FLLoCA) implemented by the Kenyan National Treasury and financed by the World Bank and other development partners was underway. As the name suggests, funding is provided through the National Treasury to county governments to fund climate action projects implemented at the ward level together with communities (World Bank, 2019). The overall goal of the programme is to support Kenya's transition to a low carbon and climate resilient development pathway.

In the design and implementation of FLLOCA programme CSOs have been assigned role to support inclusion and engagement with marginalized groups including indigenous people organizations and organizations of people with disabilities. A CSO engagement framework had been proposed to ensure that there is greater ownership and participation among CSOs. Structures under the framework have now been established and formalized through elections both at the national and county level. The National CSO steering committee, which comprises regional representatives from the county has convened meetings and developed a work plan. The CSOs national convention was held in December 2024. The CJM in Kenya is expected to play a crucial role in the delivery of the FLLOCA programme by holding FLLOCA funds recipient counties accountable. The engagement framework presents opportunities to scale up activities on inclusion of Indigenous Peoples (IPs) and persons with disabilities (PWDs) in the implementation of the Program.



#### 4.1.3.4 Climate justice engagement in the Counties

As stated earlier there are a good number of CSOs working in the counties. They include; members of the two big climate change networks in Kenya namely Kenya Platform for Climate Governance (KPCG) and Kenya Climate Change Working Group (KCCWG). KPCG has established Climate networks in many counties and regions in Kenya where CSO member organizations have presence and are involved in climate action.



**"our main motivation is to meet the failed needs of the communities at the frontline of the climate crisis," explained a respondents.**

Many CSOs supported climate actions in different sectors ranging from healthcare to education, and governance to agriculture and biodiversity. Some of the sectors are highly sensitive to climate change agriculture and biodiversity. Many of the CSOs began to work on climate change in the counties between 2014 and 2021. It is noteworthy that a devolved system of governance was established in Kenya after the 2013 general elections. Others have been involved in climate change for longer, with some beginning their climate change work in 2008 and 2009. Some respondents found it difficult to pinpoint the exact year when they started working on climate change because, their involvement started indirectly, through projects that, while not explicitly focused on climate change .

A common theme that emerged from the various FGDs held across the counties was the motivation behind CSOs working on climate justice. Most respondents cited the well-being of the Kenyan people, particularly the most vulnerable communities already experiencing the impacts of climate change, as their primary reason for engagement. Several respondents explicitly stated that their work is focused on advancing climate justice. One respondent, for instance, highlighted the disconnect between national policy and the lived realities at the county level, which fuels their drive to demand justice.

The study revealed that the CJM engage the county governments through Advocacy, monitoring, service provision and innovation. There is a strong interconnection between the four roles. For example, organizations conduct monitoring in order to advocate for certain topics. For some roles the interconnection is so strong that they are combined. Especially at the county level, there is a strong interconnection between advocating towards the county government and building the capacity of the county government. In the context of climate change policy, the COS do not seem to employ the role of innovation to a large degree. However, the innovation being done is closely connected to the service provision of project implementation. Apart from monitoring, advocating and providing services, the organizations also engage in holding county government accountable.

## Case study 2: Strengthening Climate Action through Stakeholder Engagement in Kisumu County

In 2022 SUSWATCH – Kenya and Friedrich Ebert Stiftung supported a multi-stakeholder participation to develop the Kisumu County Integrated Climate Change Action Plan (KCICCAP) 2022-2027 in partnership with the County Government of Kisumu. The workshop brought together stakeholders from the community-based organizations, the private and public sector to deliberate on the mitigation and Adaptation action Plans for the year 2022-2027. The KCICCAP identifies a high-impact investment areas in renewable energy, energy efficiency, sustainable transport, climate resilience, sustainable forest management and waste management for the year 2022-2027.

The initiative also seeks to enhance the level of CSOs engagement in the monitoring of the action plans over the coming years. The KCICCAP identifies and prioritizes opportunities for high-impact climate action to inform future county climate engagements and investments. According to Director Climate Change Kisumu County, integrating climate change into Kisumu county planning and decision-making is critical to ensuring climate actions that address current and emerging climate risks and challenges.



*Multi-stakeholder participation on the development of the Kisumu County Integrated Climate Change Action Plan (KCICCAP) 2022-2027*

## Monitoring

The monitoring being done by the CJM can be categorized into two main sections. Firstly, monitoring is done as a form of generating data and knowledge on climate change and its impact on the population in the counties. Secondly, organizations monitor the actions of county governments. For the first form of monitoring, organizations generate data on the needs of vulnerable communities, locally-led solutions, and climate change research. It was found that the CJM conduct research on how vulnerable communities are impacted by climate change and what these communities need as a response to climate change. This included conducting of participatory climate risk assessments (PCRA) among others. Further the CJM collect information on good practice on community led climate actions including adaptation. To a lesser extent, the CJM conduct research on climate change and its impacts. This includes data on droughts, floods and other ways that the climate is changing but also on greenhouse gas emissions.

The CJM monitor the performance of various county government actors. The CJM engage communities and collect their opinions on climate change policies and implementation of government projects. This is often done using community score cards that allow communities to evaluate different projects by county government. *One respondent mentioned that they have participatory tools which help communities to document some of the interventions brought by the government.*

In addition to monitoring implementation, the CJM monitor the climate finance flows, both at the county and the national level. Many counties have created laws that establish the County Climate Change Fund (CCCF) that stipulate that at least 1.5% of the annual development budget must be spent on climate change. One respondent noted, the county governments of Kisumu, has committed to allocating approximately 2% of the total annual development budget on climate change. Our focus is now on monitoring how this commitment will be implemented in practice.



**"We did research on how county governments are financing climate action in their own counties, what percentage they are committing to climate change adaptation and mitigation".**



## Case study 3: A Ward Development Funds Projects Implementation Tracking and Accountability Tool in Marsabit County

Mulika Tracking Tool is an accountability tool that tracks wards development funds allocated by the County Government of Marsabit. The tool was developed by the Pastoralists Community Initiative and Development Assistance (PACIDA), a leading humanitarian and sustainable development organization in the northern region; Juhudi Mashinani, a grassroots organisation in Marsabit County and Thinkout Africa Limited, a communications company. The tool analyses budget allocations to Wards by the County Government of Marsabit and as well as actual projects implemented. These development interventions enable communities to cope with the effects of climate change in a holistic manner: livelihoods, health, incomes, among others.

Under the Voices for Just Climate Action funded by Hivos, the three partners are collaborating with the County Government of Marsabit to enable communities in Marsabit County to drive locally-shaped solutions to climate change challenges.

VOTE D3460 - MARSABIT COUNTY					
BUDGET ESTIMATES					
SUMMARY OF DEVELOPMENT PROJECTS - FY 2021/2022					
3461: COUNTY ASSEMBLY					
S/NO	SUB COUNTY	PROJECT	WARD	PROJECT SITE	ESTIMATED COST
1	HQ	Completion of Chambers	HQ	HQ	84,000,000
		Purchase of lands for speakers residence	HQ	HQ	5,000,000
		Equipping ward office	Maikona	Maikona	1,500,000
		Ward office equipment and furnishing	Golbo	Odda	1,500,000
		Construction and equipment of ward Representative Office	Loglogo	Loglogo	6,000,000
		Construction and equipping of ward office	Heilla/Manyatta	Manyatta	6,250,000
		construction of ward office	Illeret	Illeret	6,000,000
TOTAL - COUNTY ASSEMBLY					110,250,000
3462: COUNTY EXECUTIVE SERVICES					
S/NO	SUB COUNTY	PROJECT	WARD	PROJECT SITE	ESTIMATED COST
1	COUNTY WIDE	Drought Mitigation Programme	County wide	County Wide	400,000,000
		Pro-Poor/ Institutional Support programme	County wide	County Wide	150,000,000
TOTAL - COUNTY EXECUTIVE					550,000,000
3463: DEPARTMENT OF FINANCE & ECONOMIC PLANNING					
S/NO	SUB COUNTY	PROJECT	WARD	PROJECT SITE	ESTIMATED COST
		County Audit Services	County wide	County wide	10,300,000
		Development of Financial Regulations Documents including finance Bill	County wide	County wide	3,000,000
		Monitoring and Evaluation	County wide	County wide	3,000,000
		Special Programmes	County wide	County wide	10,000,000
		CIDP End Term Review	County wide	County wide	3,000,000

Figure 9: Mulika tracking tool

Monitoring serves various purposes. The CJM at the county level conduct monitoring to generate data used to strengthen advocacy efforts. The CJM need to understand what issues communities face in regard to climate change in order to advocate for them. Vulnerability assessments are especially used to engage with policy makers. Gender and climate change vulnerability assessments and baseline reports become the basis for policy briefs. Further the CJM use their monitoring activities as the basis for engaging in holding governments accountable. Accountability is a challenging subject and having done good monitoring is a first step in holding the government to account.



## Advocacy

Respondents mentioned advocacy as being a big aspect of their work. There are three main audiences to which the CJM direct their advocacy in Kenya to: communities, county governments and the national government as elaborated below. Organizations change their advocacy strategy depending on who they are interacting with and what their objective is. For example, advocacy towards communities is most often done in the form of awareness raising and capacity building.

### Advocacy through community awareness

Advocacy targeted at the community is required to influence and strengthen political commitment by the government for climate action. It is also needed to influence the prioritization of climate action during county planning and budgeting processes, to secure sustainable financing. Community engagement is critical to ensure that individuals participate in informed decision-making in planning and budgeting for climate action, and accountability. A core principle of climate justice inclusivity active participation of climate impacted communities.

First, the CJM create a knowledge transfer regarding general climate change information and how communities may adapt to climate change. This is one step in enhancing climate change resilience of the community members. One respondent notes that the CJM are in a good position to do this, especially smaller, local grassroots organizations and because they have a strong connection to the communities and are recognized by them. Awareness raising is done through various strategies: workshops in communities, tree planting activities, dialogues with university students, radio talk shows in the local languages, etc. Most CSOs state that they do this in order for communities to understand what climate change actually is and how they are already affected by it. In some cases, communities believe that they are being punished by a curse driven by socio-cultural beliefs. The CJM hope that through this awareness raising, community members understand that they must adapt to climate change and may find alternative ways to do so.

Additionally, the CJM engage communities in order to raise awareness about climate change policies in Kenya and the specific counties that the communities are in. For example, a gender focused CSO engages women, youth and disabled people to explain what climate change is, how it affects the particular group, why the group needs to speak up and who needs to be kept accountable. She explained that as a result of this awareness among women they have been able to push for climate finance investments in water sector to address water scarcity problem which a common problem in the ASAL.

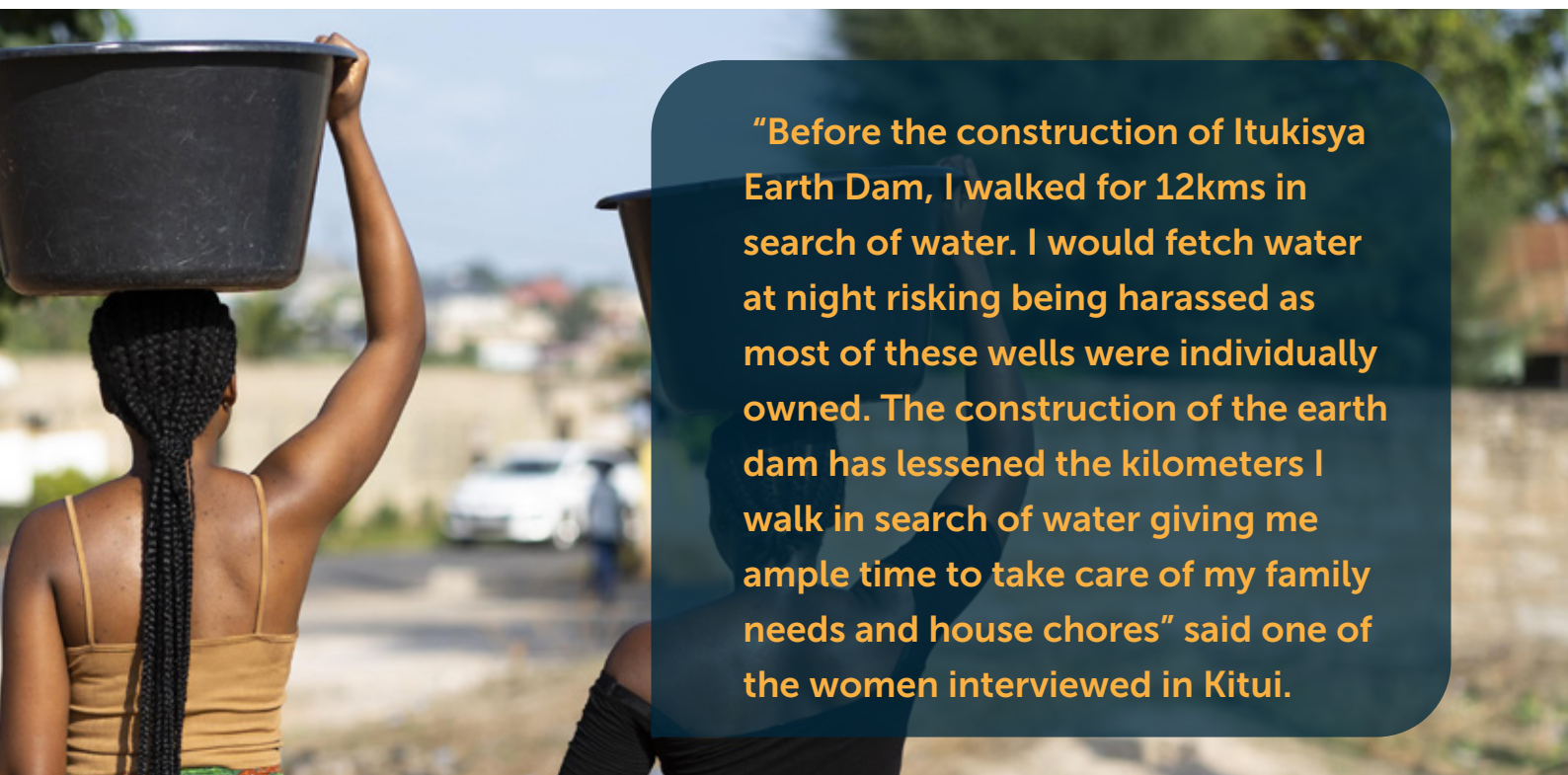


## Case study 4: Climate finance investments in Kitui County

Kitui County, is one of the counties hard hit by the effects of climate change. It is a semi- arid county characterized by high rainfall variability, prolonged droughts, and high temperatures. The Adaptation Consortium through the financial support of the Department for International Development piloted an innovative integrated approach that is building community resilience to climate change. The initial phase of the pilot project entailed extensive community awareness creation involving women, men, youth and PWD. As a result there was a big turnout of women during the participatory climate risk assessment who voiced the need for prioritization of investment in water harvesting. Consequently out of 10 investments each costing between 3 and 6 million all were water related.



Itukisya earth dam



**"Before the construction of Itukisya Earth Dam, I walked for 12kms in search of water. I would fetch water at night risking being harassed as most of these wells were individually owned. The construction of the earth dam has lessened the kilometers I walk in search of water giving me ample time to take care of my family needs and house chores" said one of the women interviewed in Kitui.**



## Engaging County Governments

At the level of county governments, the CJM aim to influence the direction government actors take regarding climate change policy and implementation. At times, the CJM aim to influence the policies being made, especially when county governments are formulating climate laws and policies and creating County Climate Action Plans. Other times, the Climate Justice Movement aim to influence climate change projects being implemented by the government. The CJM employ different strategies depending on the circumstances and what they want to achieve. Several strategies stand out as analyzed below.

First, in many cases, the CJM involves communities in their advocacy work with county governments. The CJM combines awareness raising with engaging communities to advocate directly to county governments. The CJM focuses heavily on including communities in climate change governance dialogues, particularly marginalized groups such as women, youth, and people with disabilities. Respondents stated that they advocate at the community level to educate people about the impacts of climate change, aiming to empower communities to consolidate and voice their concerns. One respondent emphasized the importance of this for the budgeting process, explaining that communities need to understand the significance of participating in county-level budget-making because this is where they have the greatest leverage to influence climate change policy. To some extent, community members also help shape the focus of the CJM. One respondent explained that through ongoing conversations, communities raise issues that require advocacy at the county level. These conversations then inform the CJM's advocacy efforts, which engage officials at the county or national level depending on the issue.



**"We act as a medium for them to escalate to the county and or national government" said a respondent.**

From the interviews, one can clearly see that CSOs, especially those working closely at the county level, aim to involve the communities very strongly in their advocacy towards the county and national governments. One respondent explains that when county governments are not keen on a topic coming from the CJM directly, the organization tries to involve the community to change the advocacy strategy. In this example, the CSO engaged the community in a campaign to get the government to take action regarding the rising waters in the Victoria Lake. The CJM also organize sessions to connect communities with their county government officials which may include the committee in charge of environment and climate change or members of the county assembly. It seems that the CJM draw legitimacy to be involved in climate change policy discussions by including and being strongly connected to the communities.

Second, some CSOs serve as intermediaries by taking the issues raised at the community level and presenting them directly to the relevant county governments. A lot of advocacy focuses on influencing how county government budgets should be allocated. For instance PACIDA is planning to advocate for increased budgetary allocation to agriculture. They explained that while a substantial portion of the budget is allocated towards livestock there is need to diversify to crop production as a climate change adaptation strategy. After monitoring and scrutinizing the planned budgets as described in the section on monitoring, the CJM engage the relevant government actors during budget-making meetings with the intention of making sure that enough finances go to climate change relevant sectors. There is a clear pattern that most advocacy does not concern actual climate change related topics such as agriculture or other more technical topics. Rather, advocacy remains focused on influencing the de-

velopment of policies, especially emphasizing public participation and inclusion. For example, various CJM members advocate for climate change interventions to incorporate a gender lens. These organizations often do not have a climate change specific background.

Third, the CJM build the capacity of county government actors. Indirectly, this is an advocacy strategy. Respondents often use the phrases “advocacy”, “influencing policy”, and “supporting the government” interchangeably and in combination making it difficult to fully distinguish between advocacy and capacity building activities. What can be said is that in both cases the CJM do these activities with the intention of influencing county government actors to take the Climate Justice priorities into consideration. While capacity building happens to a small extent at the national level, most capacity building for government actors is done at the county and ward level.





#### 4.1.4 National level: The overall landscape of the CJM in Kenya, considering national policies, government initiatives, and the role of prominent organizations.

##### Advocacy towards the National Government

At the national level, the CJM influence any policy that is related to climate change. This could be agriculture, energy, water or sometimes even transportation. For instance ACT Alliance Kenya Forum has given policy recommendations for the National Youth Development Policy regarding the inclusion of youth and community voices focused on climate change and conservation issues. It is noteworthy to mention that the Climate Change Act, 2016 has been the basis of a lot of advocacy work by the CJM at the national level. Some of the organizations were already involved at the inception of the Climate Change Act, 2016. This is in respect to operationalization of the climate change act with respect to implementation of key climate change policies emanating from the act. For instances, the operationalization of National Climate Change Council has been has not happened after the CSOs went to court to petition the decision by the to appoint a representative of the CSOs. The petition was filed by a group of Community Based Organisation (CBOs), claiming unfairness and political infiltration into the appointments.

### Court bars President Ruto's National Climate Change Council appointees from assuming office

By Agnes Oloo

AO

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Figure 10: Climate justice activists court petition demonstration

The CJM is often part of government working groups. The government working groups is composed of technical experts on specific sectors drawn from relevant government ministries, departments and agencies. The working groups play diverse sector specific climate functions. For instance, the government working groups on agriculture plays a leading role in formulating government position ahead of the COP UN climate negotiations. Some actors from the CJM have been incorporated in these working groups from where they influence policy decision. As such, one respondent mentions that they were part of the (NCAP) 2 Technical Working Group which gave them an opportunity to influence the National Cooling Action Plan (2023-2027). Even when organizations may not formally be part of the technical working groups, they are engaged in the formulation of the National Climate Change Action Plans (NCCAP). In this regard, one respondent states “We have engaged in ensuring that some of these national policies are developed and implemented and we were actively engaged in the formulation of the third NCCAP (2023-2027)”.

Primarily, the CJM is delivering their advocacy by building and nurturing relationship with government actors. CSOs attend formal meetings organized by the government and at times request meetings with government officials. Other times, CSOs develop and submit policy recommendations. Demonstrations and petitions are mentioned by the respondents, but do not seem to be the main way of advocating. One respondent explains:

**“Sometimes we call for street demonstrations, especially when we feel there is an issue that the government is not giving an ear to. But before we go that direction, we try as much as possible to use boardroom conversations, convincing and influencing. We have been able to achieve a lot with that. But when it doesn’t work and we feel we have some rogue government officers who are not keeping to the spirit of the conversation and the law, then we sometimes go for street demonstrations to protest against some of the decisions. And it works”**



Arguably, the CJM do most of their advocacy by being in direct dialogue with the government because the government is willing to engage. Especially at the national level, there seems to be a lot of interaction between the CJM regarding advocacy. The “power of many” is a strategy mentioned by various respondents as being effective. By using the strategy, the CJM channel their advocacy through associations, alliances, or networks in order to voice their opinions as one. One respondent mentions that this is helpful for two reasons: different voices bring different expertise and therefore the advocacy is well informed. In addition, by being a relatively large group, it is easier to challenge government decisions and draw attention to various issues. One respondent gave an example of the petition by the CJM to the government of Kenya on the need for inclusivity on setting the agenda for the inaugural Africa Climate Summit that was held in Nairobi in 2023.



More than 300 CSOs united under the banner “Make the Africa Climate Summit African”, and submitted a petition to its host, President William Ruto, challenging its credibility and agenda. In the petition, they argued that the event has been “hijacked by Western governments, consultancy companies, Global North think tanks and philanthropy organisations/ foundations.” A particular point of contention was the involvement of McKinsey & Company in the Summit’s conceptualization and design, with concerns that they did not represent African priorities or common positions. The petition and subsequent street demonstration and campaigns forced the government and African Union (AU) to incorporate representatives of CSOs into the planning team and as key note speakers helping to influence the outcome of the summit.

Another respondent mentions that they have been able to ensure that policies and budgets respond to issues of locally-led climate solutions through joint campaigns with other organizations stating that numbers are critical in advocacy. This was particularly so in the ongoing implementation of FLLOCA programme which excluded two urban counties of Mombasa and Nairobi. CSOs focusing on urban resilience have successfully advocated for inclusion of the two counties into the programme is important for the actors to understand and appreciate the interplay of the country’s devolution process and climate change policy at a 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. Across all levels, the CJM use adaptive advocacy strategies—from community sensitization to influencing budgets and policy—while drawing legitimacy from their embeddedness in local struggles. Their ability to connect horizontal and vertical levels of governance, though challenged by structural coordination gaps, remains a vital contribution to Kenya’s climate response landscape





# 5.0

**STRENGTHS, BARRIERS,  
GROWTH RISKS AND THREATS.**



SWOT analysis was conducted to identify strengths, weaknesses, opportunities and threats that face climate justice actors; INGOs and NLNGOs, IPLCs, CBOs and FBOs at the national, regional, county and local levels.

Desk review and interviews were conducted to assess the capacity needs for different government institutions and other relevant stakeholders as well as the existing policy and institutional framework of addressing climate change in Kenya.

The CJM is not fully understood in Kenya in its broad perspective although the role of IPLCs organizations and CBOs were well understood, some respondents did not see them as part of the CJM. There is therefore a need for wider engagement of citizens on what the CJM is, what its mandate is and its accountability to the citizens.

## 5.1 Strengths

### 5.1.1 Reported success for climate justice

The survey respondents from different economic blocs were asked to report on registered success on climate justice in the counties.

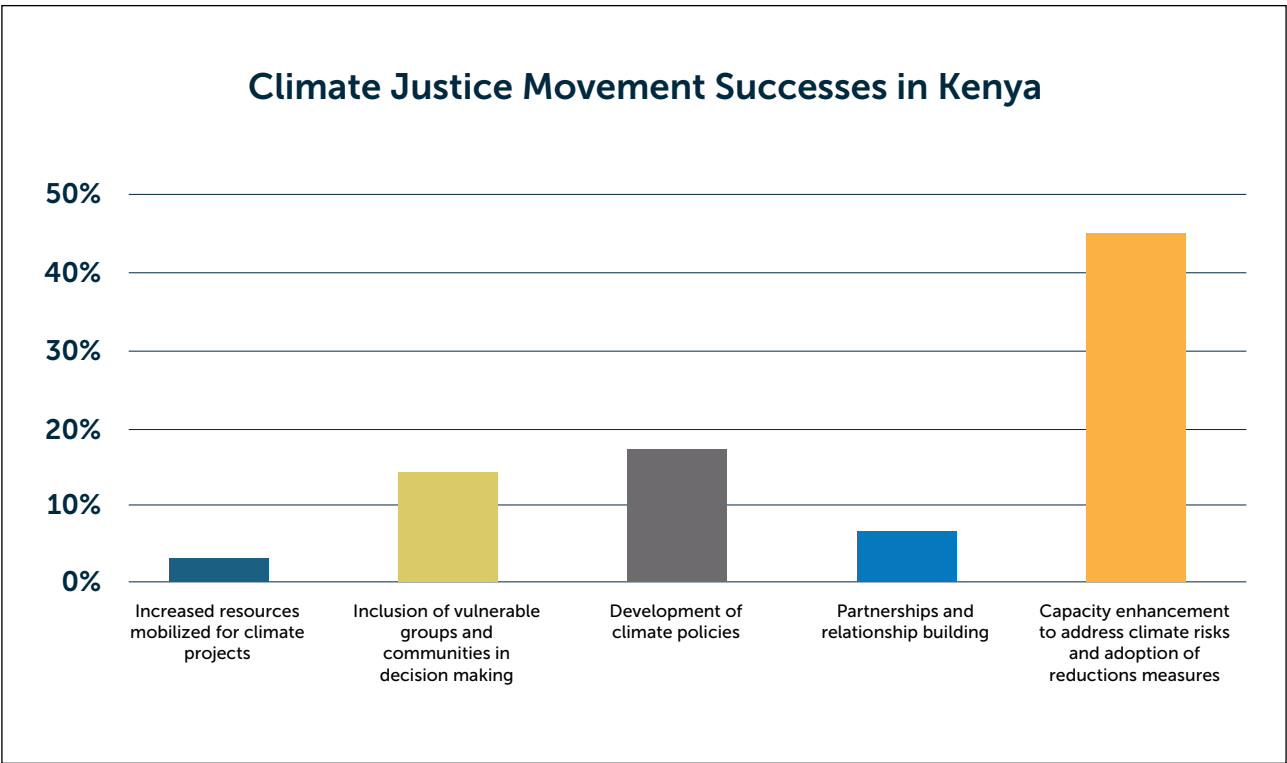


Figure 11: The CJM Successes in Kenya

The analysis of the survey responses corroborated the findings derived from KII, FGDs and desk review discussed earlier. Majority of the respondents (44%) mentioned capacity building to address climate risks as the most significant contribution to climate justice. Development of climate policies and increased community awareness were the other contributions to climate justice reported with 17% and 13% of the respondents respectively. The respondents argued that capacity building, especially at the county and community level was a form of advocacy and a way of influencing policy change towards climate

justice. There is an established CJM in Kenya. Various initiatives have taken off and are pursued by the networks such as KPCG and KCCWG, CLAN among others. Many are still in emergent and a lot is needed to construct a movement that is strong enough to successfully carry out the tasks at hand – protecting the rights of the poor and influencing decisions at high national and county levels.

According to key informants CSOs that the constitute CJM in Kenya are credited for contribution some of the boldest changes in climate change governance in Kenya. Key among these includes:

1. Promulgation of Kenya Constitution 2010. The CJM campaigned for the new progressive constitution that was passed in 2010. The Kenyan constitution forms the basis for all climate change policy in the country. Most notably, article 42 states that “every person has the right to a clean and healthy environment”. This includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures. Further, public participation plays an important role in all climate change policies and is stipulated in article 10 of the constitution which determines the national values and principles of governance including the participation of the people. Furthermore, all international agreements, once ratified by Kenya become part of Kenyan law under the constitution according to article 2.
2. Climate Change Act of 2016. As early as 2009 the CJM started discussions on the need to have a comprehensive climate change policy and legal framework for the country. Through this process members of the parliamentary committee on environment were engaged leading to a private members motion to enact the climate change act. The climate change act 2016 was enacted in 2016 as the first climate change laws to be passed in Africa and it derives its power from the constitution. It has its origin in 2008 from a parliament member’s motion with involvement of the CJM which facilitated the law-making process. The climate change act 2016, provides a primary framework for governing climate change across the country both at the county and national levels.
3. Contribution to development and implementation of both National Climate Change Action Plan (NCCAP) and County Climate Change Action Plans (CCCAPs). From the start of the first iteration of NCCAP in 2013 the CJM have provided technical input to development of the NCCAPs.

Additionally, the CJM have played a significant role in multi stakeholders’ mobilization to achieve inclusivity in the development of the NCCAPs besides facilitating inclusion of community and marginalized group representatives in the process. The first iteration of CCCAPs were completed in 2023 which according to respondents the CJM played a critical role in community mobilization in participatory climate risk assessment (PCRA) which informed the development of the CCCAPs.

4. Development of the country positions for the Conference of Parties (COP) meetings and support in the implementation and reporting of United Nations Framework Convention on Climate Change (UNFCCC) and Paris Agreement obligations including on National Adaptation Plan (NAP) and Nationally Determined Contribution (NDC). According to informants drawn from the government ministries, departments and agencies the CJM have been valuable partners not only in contributing to the development of the country positions but also implementation of the NAP and NDC.
5. Implementation of FLLOCA programme.

## 5.2

### Barriers and challenges

#### 5.2.1 Shrinking civic space for the CJM and Citizens in Kenya

The CJM, specifically those working on environmental justice and with the protection of human rights reported severe challenges including violence, harassment and arrests by the government and powerful private sector actors. Such abuses also continue to extend to other groups such as journalists and activists that play a key role in holding both the county and national governments and other bodies to account. Many respondents drawn from IPLCs reported several cases of being forced from their homes and dispossessed of their ancestral lands through the grossly flawed, illegal and violent actions of the government. The evictions of IPLCs are carried out to create space for infrastructure development such as the Lake Turkana Wind Power project, Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) Corridor project among others. Human rights activists and environment defenders who have raised concerns of lack of adequate consultation prior to their eviction often have faced threats of physical harm and arrests.

According to human rights activists interviewed as key informants, shrinking space for civil society does not only impact and apply to the CJM. Journalists and human rights activists are also target groups for threats. This is important to acknowledge, as these groups have important roles to play in terms of implementation, monitoring and accountability on climate justice. While governments and businesses target media outlets and journalists to avoid being held accountable, to receive criticism or to be scrutinized in public, such actions are intimidating for all actors in civil society and the people within it, often creating a tendency of self-censorship. Frequent verbal attacks on journalists and media are seen as part of a broader censorship strategy against media channels, including the Internet.

#### Case Study: The Lake Turkana Wind Power Project in Kenya

The LTWP project is a public private partnership renewable energy investment initiative between government of Kenya and The Dutch investment company KP&P Africa B.V. In 2008 the Lake (LTWP) was granted a lease for 607 km<sup>2</sup> (150,000 acres) of land. The land leased to LTWP lies approximately 12 kilometres east of Lake Turkana in the Laisamis Constituency of the Loiyangalani Sub-county in Marsabit County.



It is strategically located to take advantage of geographical features that combine to create strong and predictable wind speeds. However, the land is communally used by El Molo, Rendille, Samburu, Turkana and other indigenous and pastoralist communities who have long coexisted in the area and among whom extremely high levels of deprivation persist. These communities, and especially women and girls among them, are often marginalized in access to education, so depend on traditional land and natural resource-dependent means of livelihood.

The land where the LTWPP is located had previously been held in trust for indigenous peoples by Marsabit County Council, an arrangement that failed to uphold these communities' customary rights to the land they use. The local authorities allowed the LTWP consortium to lease an area of 150,000 acres, without a formal stakeholder consultation process or, apparently, any efforts to inform affected communities of their land rights as indigenous peoples. The land concession was home to pastoralists who used the land to seasonally graze livestock and for its water points. There is a long history of pastoralist migrations in the area, which is culturally significant as the location of the Rendille's Galgulame ceremony. A Samburu clan also traces its origins to a water pool in Sarima, a village that was forcibly relocated by the project.

Despite the LTWP being the biggest PPP investment in Kenya and the most significant green power source in Africa, the project has had negative social and economic impacts on the livelihoods of Loiyangalani communities for the following reasons:

- \* The land concession was obtained without acknowledging or respecting communal land ownership or FPIC rights of the indigenous communities in the region, who were not properly consulted
  - \* There was a lack of respect for customary communal land use, local values and cultural and ecological significance ascribed to the land by the local communities
  - \* Forcible relocations failed to consider long-term needs and risks to women's rights
  - \* The project appears to have raised false expectations to gain consent of local communities
- Energy access concerns raised at an early stage were not addressed. An environmental and social impact assessment<sup>18</sup> conducted by the World Bank in 2009 highlighted how the arrival of 2,500 workers at the construction site posed a range of risks to local communities, including by increasing demand for fuel wood resources in an area with an already acute shortage. Despite early suggestions that LTWP would establish a fund to channel profits and revenues from carbon credits to ensure local communities benefit from the project,<sup>19</sup> no provisions were made to ensure affected people in Sarima and elsewhere benefit from the project through affordable energy access and grid connections. Most of the indigenous peoples in the affected areas still use traditional sources of energy such as firewood and charcoal for cooking and other heating appliances, and kerosene for lighting.

<sup>18</sup> [World Bank Document](#)

<sup>19</sup> [the\\_grid\\_march\\_2013.pdf \(ketraco.co.ke\)](#)



**"We are largest county in Kenya contributing 310 MW of power to Kenya's National Grid. But even with that...the villages around the wind powers have not benefited, they are in darkness... It will be better if people around that wind power project are connected to power, and for Marsabit town to be connected to national grid. We are using diesel powered electricity while we have the largest wind power within our border. It is expensive, it's not clean, if that can be sorted, we will be in better position to be proud as county producing clean energy."**

**Janet Ahatho: Director of Environment and Natural Resources, Marsabit County Government, Kenya.**

The LTWP decision making processes have now been recognised as having been flawed, with an illegal Trust Land acquisition and violation of community land rights. However the process of reclaiming community rights to the land in question continues, and has seen disobedience of several court orders. In November 2021 The Kenyan Environment and Land Court in Meru found out that the leasing procedures and documents in which the LTWP park lies were irregular and unlawful. The LTWPP example illustrates some of the pitfalls of implementation of climate action projects on adaptation or mitigation which violates the rights of indigenous and local communities.

### **5.2.2 Limited collaboration/cooperation/partnership between the CJM**

There is a large degree of similarity regarding the challenges encountered by the CJM at national, county and community levels. With the exception of a few, most the CJM lack the necessary in-house capabilities for climate policy analysis or research to engage effectively with the national and county governments. Fragmentation within civil society further weakens collaboration and agreement on key environment and climate policy issues, meaning that the CJM lack a coordinated front to engage effectively through a centralized climate justice coordination system. Despite the fact that the CJM are usually striving towards the same ultimate objectives of purposeful social change to enhance the wellbeing of people, harmonization between these organizations and bodies, remains relatively weak.

Collaboration between the CJM working on climate justice could result in optimizing available resources to achieve scale and impact. However, exacerbated financial competition, dominance of the donor shaped climate justice agenda, and differing ideologies between the CJM hamper opportunities to coordinate inputs on policy influence processes through advocacy. The CJM lack appropriate platforms to self-organise and the capacity to engage with other the CJM. Save for a few counties with loose networks of climate justice, many counties lacked a framework for coordination. The framework for coordination of the CJM work on climate justice at the ward and community level were virtually non-existent.



### **5.2.3 Limited collaboration with county and national government**

While robust collaboration exists in some counties and at national level, in depth discussion arising from the FGDs indicated that this was not the case across all the counties. Even at the national level not all the ministries, departments and state agencies (MDAs) optimally collaborated with the CJM as desired. As one respondent from the CJM reported for some MDAs the collaboration with the CJM was opportunistic (when it served their interests). On the part of the government, limited collaboration with the CJM is driven by lack of political will. Similarly, some Climate Justice Networks may not seek to collaborate due to a lack of capacity and constricting budgetary requirements. Inflexible programmes, poor governance structures and inadequate human resources also contribute to a lack of collaboration and opportunities to engage. There is often mistrust between civil society and government due to a variety of reasons including demand for accountability on climate change programmes, capacity at government level, especially county level.

### **5.2.4 Influence of donors**

While donor funding makes critical activities possible, the funding comes with an agenda that could take preference over the CSO's mandate, and may not be aligned with local needs. Donor driven programmes can be inflexible to changes in context and may not contribute to a culture of sharing information, as the CSO is primarily focused on meeting donor requirements. For example, the FGDs with some of the IPLCs groups revealed that some of the donor funding were not flexible for climate impacted IPLCs to create spaces to develop their own narratives. This could help root community-based solutions to climate change in narratives; developing and implementing awareness campaigns. Additionally, reliance on donor funding is also unpredictable and limited, and drives competition among the CJM members.

### 5.2.5 Limited access to information

The respondents reported challenges in terms of access to information, especially on budgets from the county governments. Most of the CSOs activities or programs are time bound, hence the risk of lack of sustained efforts and continuity of such initiatives once the CJM exit the stage. However, there was a strong consensus among the CJM actors interviewed that the county governments could maximize the presence and goodwill of the CJM to support them on climate actions.

### 5.2.6 Limited funding

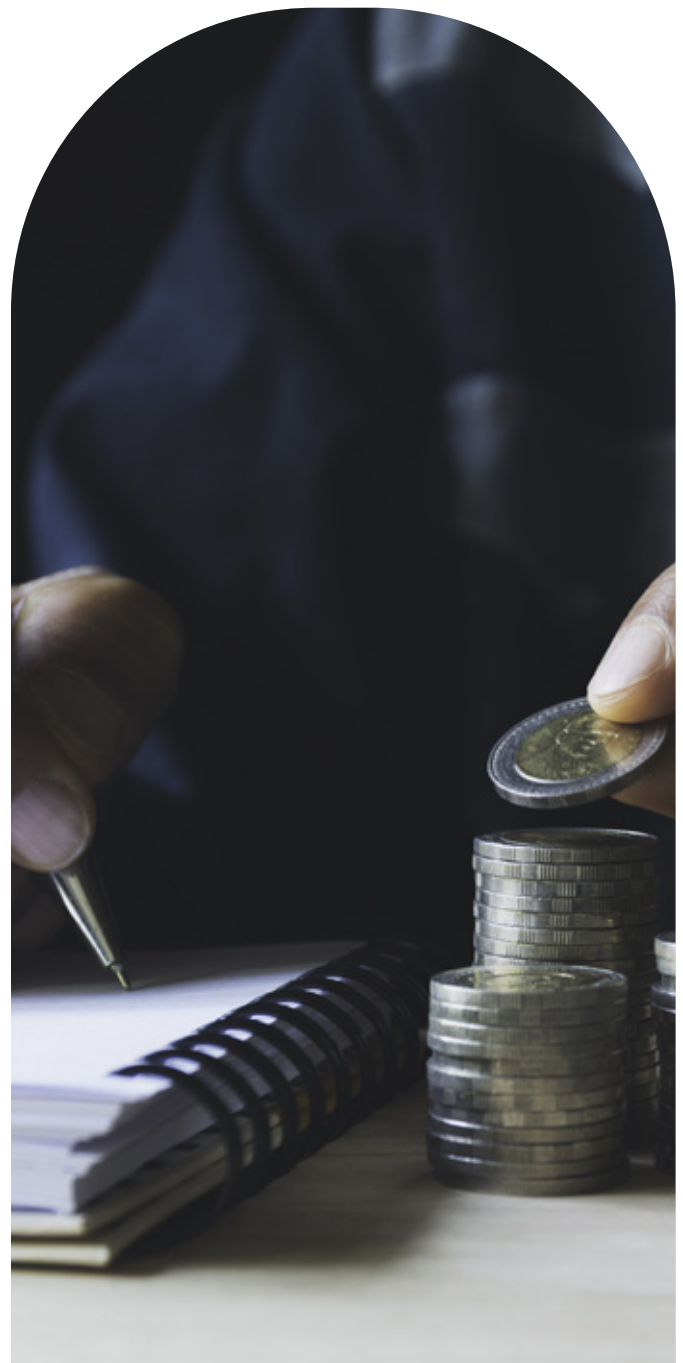
CSOs have funds for projects that are short-term lasting for a couple of months or up to one year. This type of funding is not fit for purpose considering that to influence policy starting with setting the agenda, developing the policy and then accompanying the implementation takes time. A multiple year funding would be appropriate. For instance, the study established that sensitization and getting the buy-in of both county executive and assembly is a slow and complicated process requiring sensitivity to local political processes. Consequently, it took a couple of years to go through the process of the enactment of county climate change laws. Additionally investing in processes that build the capacity of communities and county governments to engage with each other takes time and resources but is critical and delivers more lasting positive change. Institutional strengthening (upstream investments) are necessary to prepare the ground for action on climate change and sustainable development

### 5.2.7 Limited inclusion of IPLCs in climate change decision making process

These institutions are very close to people especially the IPLCs and need to be linked to formal institutions. For instance, among pastoral communities in North Eastern Kenya environmental security is closely linked to traditional governance structures owing to the fragility of the ecosystem, water scarcity and historical conflicts over resources exacerbated by climate change among communities. Any intervention to enhance sustainable environmental management and access to justice must of essence include these structures if they are to be effective.

### 5.2.8 Public participation and lack of awareness

Among the barriers to access to climate and environmental justice is inadequate public participation and access to information. There is also lack of awareness of environmental rights as enshrined in the Kenya Constitution 2010 and provided for under Environmental Management and Coordination Act (EMCA) 2009, Climate Change Act 2016, and other laws both on the part of the citizens and policy implementers. Further compounding the situation are multiple sectoral laws on environmental and climate change and institutional mandates that overlap.





## 5.3. The Growth Potential

The first action that needs to be taken is raising awareness on environmental rights of citizens under the Constitution. The constitution of Kenya was promulgated in 2010. While a lot of work has been done to put in place the institutional frameworks for operationalizing it including the establishment of the environment and land court, there is not much awareness of its provisions for the guaranteed human rights. To fully realize the objectives of the Kenya Constitution 2010, it is important that citizens and other users including policy practitioners be well versed with its provisions and put it into use.

Public interest litigation should be encouraged and promoted to deal with the demand side of access to justice. Public litigation is an effective medium for promoting access to justice since most environmental matters take on public character. It is also indispensable in a situation where the majority of the citizenry are illiterate and, in most cases, unaware of their rights. Moreover, most people live in abject poverty and do not have resources to engage the services of lawyers. The situation in Kenya is changing from one in which challenging the government was not permitted to many cases of public litigation against the government. This has been made possible due the provisions of the Kenya constitution on environment rights. It is therefore important to seize the opportunity for public interest litigation to bridge the gap.

Respondents from Baringo, Kilifi and Turkana gave examples of legal aid clinics approach supported under African Activist for Climate Justice (AACJ) programme on environment issues. In the legal aid clinics citizens are sensitized and trained on environment and land laws including climate change. The objective is to protect human rights and the environment to promote sustainable development.

Recognition and use of traditional governance systems especially among the IPLCs could impact positively on access to justice. Within most of the IPLCs, there are institutions that these communities use to manage their environmental resources and for adjudication of disputes. Some of these traditional governance institutions impact significantly on access to justice. To realise this there should be accompanying institutional capacity strengthening to enable them to interact with and engage county government and national government structures such as the climate change units among others. To ensure that IPLCs institutions foster access to justice, training and capacity building are critical.



## 5.4. Assessments of risks and threats as part of SWOT Analysis

Table 3: Risks and threats towards the CJM in Kenya.

STRENGTHS	WEAKNESSES
Advocacy and Engagement: Many the CJM actively advocate for climate policies, with dedicated resources for lobbying and influencing policy implementation.	Limited Influence: Working with government often results in limited control over decision-making on policy implementation, reducing the CJM's ability to drive change.
Institutional Support: Strong climate change institutions anchored in law, such as the National Climate Change Fund, and bodies like the Climate Change Directorate, provide a supportive framework for advocacy.	Resource Constraints: Climate policy implementation is resource-intensive, and many the CJM lack the necessary funding to support large-scale advocacy efforts.
Recognition and Relationships: the CJM have established credibility in the climate change sector and maintain strong relationships with government agencies, such as the Ministry of Environment and Forestry.	Geographical Gaps: Some the CJM are county or community-based and may lack national and global visibility, limiting their participation in broader discussions.
Multi-level Participation: The CJM engage at various levels, from global arenas (COP, AU) to local communities, ensuring comprehensive participation and advocacy.	Sustainability Issues: High staff turnover and over-reliance on donor funds hinder long-term sustainability and organizational stability.
County-Level Engagement: Well-established platforms at the county and community levels enable active engagement with government on the implementation of the National Climate Change Action Plan (NCCAP).	Weak Documentation and M&E: Some the CJM face challenges with weak monitoring and evaluation systems and inadequate documentation of advocacy efforts.
Visibility and Presence: The CJM have a strong presence at grassroots and county levels, especially in rural areas, ensuring their voices are heard.	Lack of Technical Capacity: Some the CJM lack the necessary technical expertise on NCCAP, NDCs, and climate change policy implementation, limiting their effectiveness.
Alignment with Devolution: The CJM align their work with Kenya's devolution process and structures under the Climate Change Act, 2016, ensuring institutional cohesion.	Weak Policy Focus: Many the CJM do not have dedicated policy departments or focal points for policy implementation, reducing their ability to influence policy at the national level.
Resource Base for Advocacy: Some the CJM possess strong resource bases that enable them to represent climate justice on global, national, and local forums effectively.	Low Technical Assistance: Limited access to technical assistance hampers project implementation, especially in complex areas like NCCAP and CCCAP.
Research Collaboration: Some the CJM collaborate with academic and research institutions to provide data and evidence for NCCAP and CCCAP implementation.	Lack of Media Partnerships: Many the CJM do not have partnerships with media outlets, limiting their ability to communicate policy work effectively.

OPPORTUNITIES	THREATS
Favorable Policy Environment: The existence of national climate change policies and strategies creates a conducive environment for climate action.	Political Barriers: Political interests and bureaucracy can hinder the effective implementation of NCCAP and CCCAP, especially around financing.
National Programs: The rollout of FLOCCA at a national scale provides a structured framework for the CJM to engage in climate justice advocacy and implementation.	Lack of Awareness: There is insufficient awareness about the existence of climate policies and the processes for accessing support, limiting their impact.
Renewable Energy Transition: National policies supporting the transition to renewable energy offer opportunities for the CJM to align advocacy with broader energy goals.	Governance Challenges: Issues like corruption and misuse of funds at both national and county levels undermine climate policy implementation.
Global and Local Calls for Climate Action: Increasing global and national attention to climate change presents opportunities for the CJM to drive advocacy and policy change.	Unstable Funding: Uncertainty in donor funding cycles threatens the long-term sustainability of the CJM's advocacy efforts.
Devolution: Kenya's devolved governance system offers opportunities to integrate climate considerations into county development plans, ensuring local relevance.	Political Instability: Changes in local and national government leadership can disrupt established working relationships, especially in counties.
Collaborative Networks: Platforms like KPCG, KC-CWG, and KEWASNET strengthen the CJM's ability to engage with the government and amplify their voice at national and regional levels.	Limited Resource Allocation: Scarcity of resources for climate change advocacy and action limits the scale and reach of the CJM's efforts.
Expertise in Government: Government agencies, such as the CCD and KMD, offer technical expertise that the CJM can leverage to enhance their advocacy and policy impact.	Economic and Security Risks: Global economic instability and regional insecurity, especially in northern Kenya, pose threats to the CJM's operations and access to affected communities.
Increased Media Support: Growing media coverage of climate change issues, particularly through social media, provides a platform for the CJM to raise awareness and engage the public.	Data Gaps: Incomplete or inaccessible data, particularly around specific climate impacts, limits the CJM's ability to engage in informed policy discussions.
Corporate Social Responsibility: The expanding CSR culture presents opportunities for the CJM to secure resources for advocacy through partnerships with the private sector.	Weak Local Stakeholder Engagement: The absence of county-level climate change stakeholder forums weakens local climate action and policy engagement.





# 6.0

## STAKEHOLDER ENGAGEMENT



The respondents had divergent perceptions of the current stakeholder's mechanism. Government stakeholders acknowledge Kenya's functional climate finance coordination mechanism led by the national treasury and the ministry of environment and forestry climate change directorate. To them, the country's ability to plan for climate action and mobilize climate finance is a testament to the effective coordination mechanism in place.

The country does not have an effective coordination mechanism for civil society. This is linked to the fact that some institutions established under the Climate Change Act 2016 are yet to be operationalised, including the National Climate Change Fund and then national Climate Change Council. The National Climate Change Council is meant to provide overall coordination and administration of climate action.



## 6.1

# Key stakeholders involved in climate justice activities at the local, county, and national levels

Kenya's climate change policy formulation process was largely led by civil society. The ideology pushed by the civil society organisations was that locating climate change coordination at the presidency would endow it with greater convening power. The national climate change council is meant to be chaired by the president. But now, seven years after the enactment of the policy and the law, it is emerging that stakeholders have divergent views on the chairmanship of the national climate change council. While the civil society organisations see the president as the suitable chair of the council, their government counterparts hold the view that the role ought to be filled by an individual who is accountable to a higher authority; for example, a cabinet minister. In addition, they argue that the president cannot chair the council, which consists of a few cabinet ministers, and then present its resolutions to the full cabinet for approval because the cabinet cannot alter what the president has already approved at the council (Peter Wanyande 2009).

Regarding the establishment of the national climate change fund, government stakeholders argue that the fund needs to be established under the Public Finance Management Act, not the Climate Change Act. They further argue that the fund administration role ought to be given to an individual, not the council, for accountability. According to them, the council should only provide overall coordination and oversight but not administer the fund. The civil society organisations, however, view the reasons provided by their government counterparts as just excuses, aimed at delaying the operationalization of the council and the fund for fear of losing some of their powers to the council and of being subjected to the accountability that the council and the fund would bring.

Even as civil society pushes for the operationalization of the climate change institutional framework, they no longer hold the consolidated power and voice that they had during the climate policy formulation process. Power wrangles over the civil society representation on the National Climate Change Council have led to a split in the civil society coalition. This has not only delayed agreement on civil society representation at the council but also threatens to jeopardize the collective action for the CJM and efforts to track and report on climate financing channeled to non-state actors. The tracking mechanisms established under the climate finance policy are only applicable to climate financing channeled through state institutions. Non-state actors need to jointly establish a robust tracking and reporting mechanism to consolidate their reports and submit them to the government.

Furthermore, political contestation is evident in climate change resource allocation. Political leaders exercise their power by making resource allocation decisions out of political expediency rather than based on climate change vulnerabilities. This was evident from the FGDs where the CJM representatives across a number of counties alleged lack of clear criteria for prioritization in the allocation of FLLOCA climate resilient investment funds. Full operationalization of the climate finance coordination infrastructure should therefore not only seek to address the technical components but the political and power relations dynamics as well. Considering the ongoing contestation, it is clear that the operationalization of the climate change coordination infrastructure may face further delays.

## 6.2

# Collaboration and cooperation among different stakeholders

There are different networks and platforms constituting the CJM and other non-state actors involved in climate justice both at the national and sub-national level. The formation of these networks and platforms is driven by many factors including the thematic focus area of interest among others. The multiplicity of networks, platforms and caucuses presents opportunities and challenges in building desired partnership, collaboration, and synergies among various stakeholders from the public, government, and the CJM to tackle the climate crisis in Kenya. Additionally, some the CJM exist and operate independently.

Different measures have been taken to bridge this gap in the past. For instance, in 2020 the Climate Change Directorate commissioned a process to develop a the CJM engagement and coordination framework bringing together KPCG and KCCWG. After a series of consultations, an engagement framework for coordination of the CJM through thematic working groups on adaptation, mitigation, climate finance, capacity building among others.

The engagement framework was linked to CCCD in its capacity as the institution coordinating all climate change matters in the country. It was proposed then to have an Advisory Committee (AC) composed of the ministry responsible for climate change affairs, the ministry responsible for climate financing affairs, and Chief Executive Officers (CEOs) of umbrella bodies or their representatives. The committee was to hold its meetings on a bi-annual basis and have the overall responsibility of guiding the framework's activities. It was co-chaired by civil society and the Permanent Secretary (PS) responsible for climate change affairs. The advisory committee also plays the role of directly advising the thematic working groups on a need basis. Other organs of the CJM engagement and coordination framework were Joint Technical Steering Committee and the Technical/ Thematic Working Group (TWG).





## 6.2.0 The CJM Proposed Engagement Framework Model

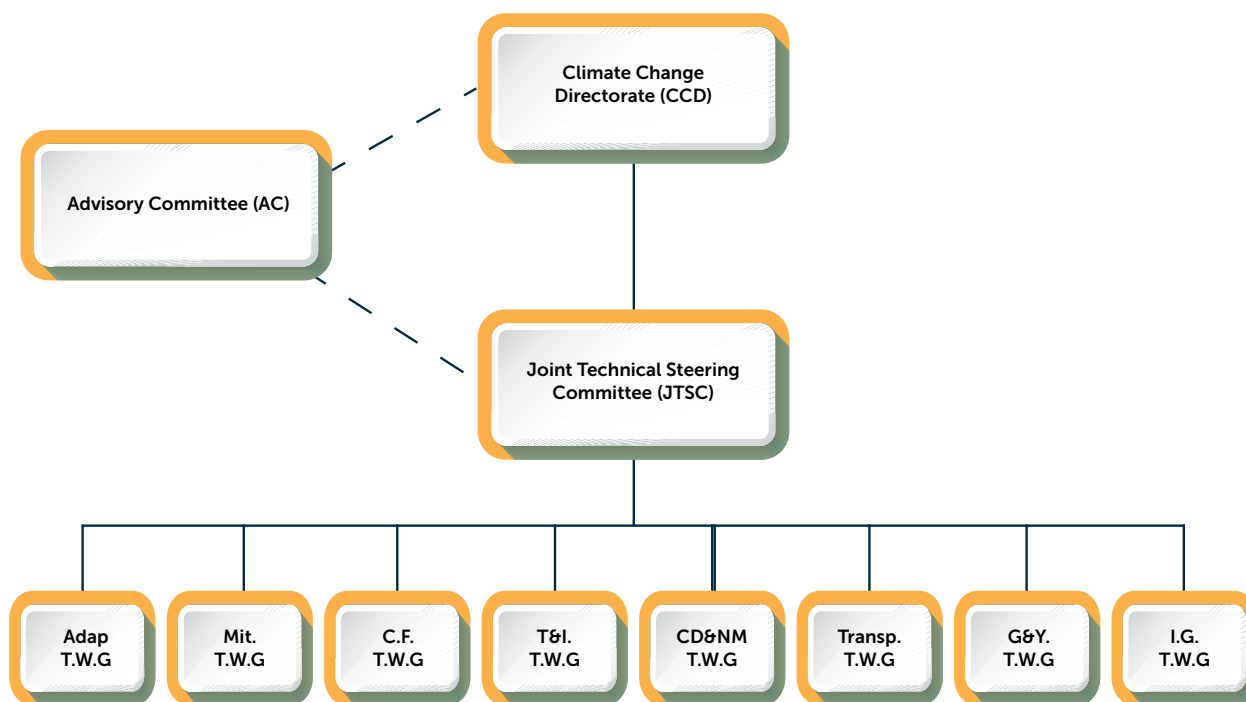
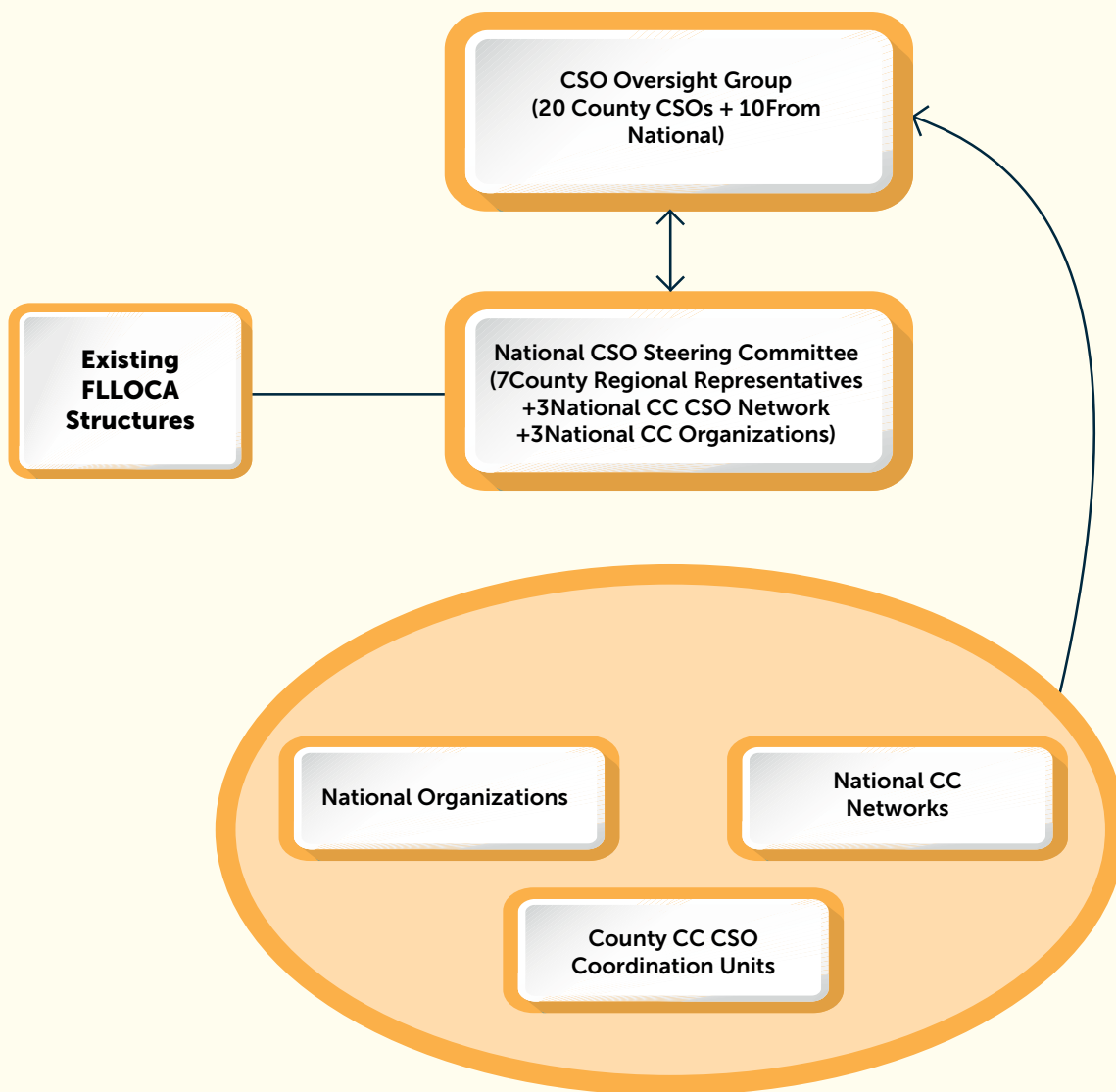


Figure 12: The CJM Proposed Engagement Framework on Climate Governance in Kenya.

The initiative of the CCD working with the two large climate change networks in Kenya KPCG and KCCWG failed to move to the next level of formation after development of coordination framework. This was attributed to mistrust between the head of agencies and perceptions of favoritism by the CCD for one of the networks. This was a case in point of a missed opportunity to establish an all-encompassing engagement and coordination framework for the CJM in Kenya. Not all was lost though, some of the good recommendations of the model were picked up by both KPCG and KCCWG and established their institutional framework along this model with good structures for coordination across the country.

At the time of this research the National Treasury and Economic Planning, in collaboration with the CJM, had developed the CJM Engagement Framework for the FLLoCCA programme. The framework is intended to coordinate the participation and involvement of communities and civil society within the FLLoCA programme. Its objective is to ensure oversight, coordination, and accountability from a community perspective. The framework establishes the County Climate Change CSO Oversight Group, a Regional CSO FLLoCA Committee, and a National CSO FLLoCA Steering Committee. The respective CSO County representative will support communities in the implementation of locally led climate actions, raise awareness, and build community capacity for the second phase of the FLLoCA Climate Change Resilience Investments Grants.



*Figure 13: National Civil Society Forum for Climate Finance Oversight.*

To operationalise the CJM Engagement Framework for the FLLOCA programme, the CJM across 46 counties conducted elections to select their respective County representatives. Further a national convention for all the elected 46 CSO FLLOCA representatives was convened where elections were conducted to elect the representatives to Regional and National CSO FLLOCA Steering Committees. This steering committee will collaborate closely with the FLLOCA inter-agency technical advisory committee to ensure effective coordination of community and CSO engagement in the programme implementation.

During the national convention it was recommended to expand the scope and mandate of the FLLOCA the CJM engagement framework to encompass all climate actions in Kenya. This recommendation was adopted and the elected steering committee was tasked with a responsibility of formulating terms of reference that reflects the expanded mandate. The new CJM engagement framework under FLLOCA programme offers an opportunity to realise a mechanism for the CJM coordination in Kenya which has remained elusive in the past.



# 7.0

## **POLICY, LEGAL AND INSTITUTIONAL FRAMEWORKS**



Kenya was among the first countries to develop comprehensive policy, strategic and institutional frameworks to steer climate change adaptation and mitigation efforts and to mobilize climate finance both domestically and internationally. The following are some of the frameworks Kenya has put in place for climate change.

- \* National Climate Change Response Strategy (2010) is the first national climate change-related policy document, aimed at advancing the integration of climate change adaptation and mitigation into government planning, budgeting and development objectives. It identifies climate funds but lacks recommendations for Kenya to access them and focuses more on financing mitigation efforts like carbon finance, neglecting adaptation strategies (Government of Kenya, 2010).
- \* Climate Change Act (2016) provides the regulatory framework for climate change responses, seeking to mainstream these into development planning, decision-making and implementation across all sectors of the economy at national and county levels. It seeks to foster co-operation in governance between national and county governments and sets out the establishment of the Climate Change Fund (Climate Change Act, 2016).
- \* Kenya's Vision 2030 is the national development blueprint outlining flagship programmes and projects with an aspect of adaptation and mitigation (Republic of Kenya, 2022).
- \* National Climate Change Action Plan (I) (2013-2017) establishes Kenya's baseline emissions projections and developed a low-carbon, climate-resilient development pathway for the country, outlining priority adaptation and mitigation actions ( Republic of Kenya, 2013).
- \* National Climate Change Action Plan II (2018-2022) intended to build on the earlier climate action plan objectives and introduced a series of actions to meet Kenya's Nationally Determined Contribution (NDC), with a particular focus on adaptation (Republic of Kenya, 2018).
- \* National Adaptation Plan (2015-2030) presents a vulnerability analysis and proposes macro-level adaptation actions and sub-actions across sectors with indicators. The plan also elaborates institutional arrangements (Republic of Kenya, 2016).
- \* Green Economy Strategy and Implementation Plan (2016-2030) promotes a globally competitive low-carbon development path by prioritizing economic resilience, resource efficiency and sustainable natural resource management. It focuses on developing sustainable infrastructure and fostering social inclusion (Government of Kenya, 2016).
- \* Draft Green Fiscal Incentives Framework (2022) outlines fiscal and economic mechanisms for a low-carbon, climate-resilient green development pathway in Kenya and additionally outlines how ministries, departments and agencies can mobilize climate finance from private, public, multilateral, bilateral and philanthropic sources (Republic of Kenya, 2022).
- \* In addition, Kenya has in place sector-based plans, policies and strategies such as the Kenya Climate Smart Agriculture Strategy (2017-2026). Further at the time of developing this report all the 47 counties in Kenya had enacted county climate change laws which anchor County Climate Change Fund (CCCCF)
- \* In terms of institutional arrangements, the Climate Change Act establishes the National Climate Change Council as an unincorporated body chaired by the President. The council is tasked with approval and implementation of the National Climate Action Plan. Additionally, the act establishes the Climate Change Directorate which acts as the secretariat of the National Climate Change Council and serves as the government's lead agency for national climate change plans and actions, coordinating operations, providing technical support and facilitating national and international reporting requirements. Climate change units are established in all ministries, departments and agencies to mainstream climate change.
- \* Additionally, the act mandates Kenya's 47 county governments to mainstream the National Climate Change Action plan into planning processes and the development of the County Integrated Development Plans and County Sector Plans. It also requires the appointment of a County Executive Committee Member to coordinate climate initiatives.



Kenya has a well-established framework for climate finance access and mobilisation. The National Policy on Climate Finance (2016) seeks to improve Kenya's ability to access, mobilize, manage, monitor and report on climate finance and sets out how national and county governments will deliver on the climate finance aspects outlined in both the Climate Change Act and international obligations including the NDC (Republic of Kenya, 2016).

The Climate Change Act establishes the Climate Change Fund which is held by the National Treasury and receives funds from various sources, including appropriations from the Consolidated Fund through parliamentary acts, donations, grants, gifts and monies designated to the fund by other legislative acts (Climate Change Act, 2016). The fund is administered by the National Climate Change Council and managed by the Principal Secretary in the Ministry of Environment, Climate Change and Forestry. It will ultimately provide direct financial support to county governments, organisations and communities to implement climate change actions and interventions.

The County Climate Change Fund (CCCF) mechanism aims to allow counties to access and use climate finance and enhance public participation in management and use of this finance. The funds are managed at the discretion of the county government and are established to support operational costs and fund investments at the county and ward level. Launched in 2011 as a pilot programme in five counties, the funds are capitalised from a variety of sources, including county budgets, the National Climate Change Fund, multi-lateral funds and bilateral donors. Under the funds, there are county and ward county climate change planning committees that conduct participatory climate risk assessments to evaluate a community's resilience to current climate hazards and future climate change and engage communities in planning and prioritization of investments (CIF, 2024).

The CCCF mechanism is being scaled up by the Financing Locally-Led Climate Action (FLLoCA) programme, implemented by the national government in collaboration with county governments and with support from the World Bank. With funding of USD 171.40 million, the five-year programme seeks to strengthen local resilience to the impacts of climate change by enabling counties to plan, implement and monitor adaptation actions in partnership with communities.





Through the National Treasury's Climate Finance and Green Economy unit and the FLLoCA programme, Kenya is in the process of developing a Climate Finance Mobilisation Strategy. The strategy will serve as a framework for implementing the National Policy on Climate Finance, aligning with key national and regional climate action plans and strategies such as the updated NDC, National Climate Change Action Plan III and the EAC's Climate Finance Access and Mobilisation Strategy (2022/23-2031/32). Its overarching goal is to expedite access to public international climate finance, stimulate private sector involvement in climate finance, increase domestic investment in climate projects, deploy innovative financing instruments, and foster coordinated and sustainable climate finance flows.

Additionally, the government of Kenya proposes to create a green investment bank to provide diverse funding options and incentives, addressing barriers to large-scale green investments. It will offer financial instruments such as credit guarantees, risk reduction facilities and support for innovative instruments like green bonds (Republic of Kenya, 2022).





# 8.0

## **CAPACITY BUILDING AND EDUCATION**

Despite years of the CJM engagement, Kenya still lacks sufficient capacity to engage meaningfully in climate action. In part, this owes to a number of generic obstacles to capacity development in the country. It is also due to numerous specific climate change features that make planning for capacity development more challenging: the uncertainty of impacts, technology-related uncertainties, the scale and urgency of the challenge, etc. The CJM have made their contribution to capacity building as discussed earlier with respect to engagement with government through service provision. The right capacity in the right place with the right stakeholders at local, county and national levels can speed up action and drive-up ambition to mitigate climate change and build climate resilience. This is true for Kenya and although the resources and plans to address capacity gaps are less developed. As enumerated earlier as part of service provision generally the CJM working on climate justice offer and facilitate diverse capacity strengthening initiatives to communities and government institutions at the both the county and national levels.

Respondents stated that specifically the CJM had partnered with the government under a framework of collaboration in the design and implementation of capacity building programmes in climate change management. The CJM have cooperated and collaborated with the Kenya School of Government (KSG) in the following areas:

- a) Review of curricular and training materials in climate change management;
- b) Incorporate County Climate Change Fund (CCCCF) mechanism into the module on Financing Climate Change Initiative in the KSG climate management curricular;
- c) Develop materials to support the delivery of training on CCCC mechanism,
- d) Develop climate change case studies for use in trainings;
- e) Facilitate peer to peer learning among county governments;
- f) Implement training, research, consultancy and advisory programmes addressing climate change management;
- g) Develop guidelines for mainstreaming climate change in county development plans;
- h) Develop capacity of KSG's faculty, national and county government officers to deliver trainings in climate change management; and
- i) Monitor, evaluate and report on capacity building initiatives in climate change management.





Through this framework of collaboration, Adaptation Consortium, a partnership between government and the CJM and KSG steered the revision of the curriculum for climate change management. The revised curriculum is a crucial tool currently used for training policy makers drawn from the county and national government on mainstreaming climate change into development planning.

One respondent explains that the CJM had extensively engaged the media on climate change reporting. To facilitate this process guidelines on

climate change reporting have been developed and training of journalists on climate change reporting. The CJM have developed and distributed information education and communication (IEC) materials in different forms including in social and mainstream media platforms to enhance awareness on climate change. Additionally, PACJA for a number of years now has been running African Climate Change and Environment Reporting (ACCER) awards to pay homage to African journalists who have exemplarily covered issues around environmental and climate issues.





The research revealed that climate related capacity strengthening could be at three broad categories as shown in the table below.

Table 4: Capacity analysis

	ENABLING ENVIRONMENT	ORGANIZATIONAL LEVEL	INDIVIDUAL LEVEL
<b>Overall capacity objective</b>	<ul style="list-style-type: none"> <li>* Capacity building at systems level refers to the policy, legal, regulatory, economic and social support systems in which individuals and organisations operate. The enabling environment is determined by national and international agreements (e.g., Climate change act (2016), the Paris Agreement), national policies, rule of law, accountability, transparency and information flows)</li> <li>* Develop regulatory frameworks for climate governance</li> <li>* Improve inter-institutional co-ordination e.g., vertical integration between county and national governments</li> <li>* Society/communities needs capacity to hold the government accountable.</li> </ul>	<ul style="list-style-type: none"> <li>* Organizational capacity refers to organisational structures, functions and systems that enable the capacities of individuals to come together to effectively fulfil the mandate of the organisation and to achieve set climate action objectives. This includes both formal organisations such as departments or agencies, private sector entities, non-governmental organisations and civil society organisations.</li> <li>* Develop organizational performance and management capabilities</li> </ul>	<ul style="list-style-type: none"> <li>* Individual competencies (e.g. understanding climate risks and identifying climate resilience priorities, selecting and implementing technical solutions). Education, training and other measures that enhance awareness of risks and response measures contribute to soft (e.g. building collaborative coalitions, trust and legitimacy) and hard (technical, logistical and managerial skills) competencies.</li> <li>* Improve understanding of environment-development links.</li> <li>* Develop technical skills (strategic environmental or environmental impact assessments).</li> <li>* Support long-term commitment</li> </ul>

	ENABLING ENVIRONMENT	ORGANIZATIONAL LEVEL	INDIVIDUAL LEVEL
<b>Examples of specific interventions</b>	<ul style="list-style-type: none"> <li>* Support legislative, policy and regulatory reforms at the national and county levels</li> <li>* Develop guidelines on climate management like the KSG climate change management curriculum</li> <li>* Monitor and review climate management systems.</li> </ul>	<ul style="list-style-type: none"> <li>* Develop internal guidelines on climate risk management.</li> <li>* Conduct institutional monitoring and evaluation.</li> </ul>	<ul style="list-style-type: none"> <li>* Create awareness and provide basic skills development.</li> <li>* Train government officials, parliamentarians and civil society on goal formulation, priority setting, etc.</li> </ul>
<b>Cross-cutting interventions</b>	<ul style="list-style-type: none"> <li>* Raise awareness about the benefits of good practice and the need for measures to strengthen climate resilience.</li> <li>* Create platforms for debate and policy dialogue between key stakeholders (i.e., professional networks or conferences to review and discuss states practice).</li> <li>* Improve co-ordination procedures on, for example, the inclusion of climate in government policies.</li> <li>* Support pilot projects that test proposed capacity development initiatives.</li> <li>* Award schemes that identify and appreciate good practices</li> </ul>		



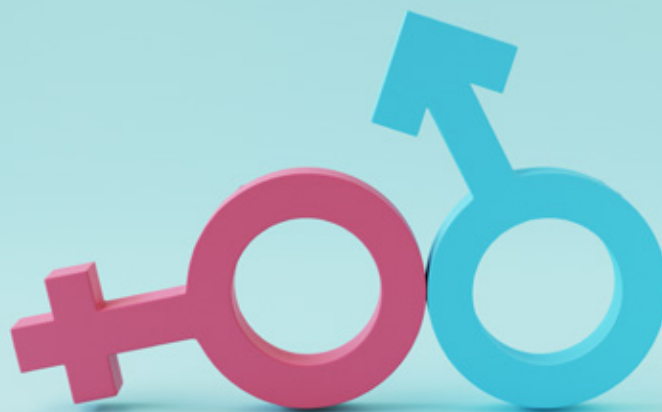




# 9.0

## **CROSS-CUTTING THEMES IN CLIMATE JUSTICE**





## Gender

Kenya has mainstreamed Gender into various policies including: National Climate Change Action Plan (NCCAP) 2023-2027; Gender Policy in Energy Sector; Climate Finance Strategy; Draft Green Climate Fund Strategy; and, Carbon markets regulations. The Climate Change Act, 2016 requires that Climate Change Units be established in all Ministries, Departments and Agencies of government. This enabled the establishment of a Climate Change Unit at the State Department for Gender and Affirmative Action, to mainstream gender into climate change policies and actions. At the time of the research, Kenya had developed NCCAP 2023-2027 that will be implemented in a gender responsive manner. Additionally, the research established that numerous policy briefs on gender and climate change had been developed in a collaborative venture between the government and stakeholders. It is noteworthy to mention Kenya conducted a gender and climate change vulnerability hotspot mapping for decision support in the agriculture, water and energy sectors. The vulnerability mapping recommended scale out of the hotspot mapping to other sectors and the need for innovative and cost-effective methods for nationwide data collection, potentially involving collaboration with other actors or utilizing technology.

At the time of the research Kenya had made a submission to UNFCCC on its Gender Action Plan (GAP) upon consultations between the state and non-state actors including the CJM. The process witnessed underrepresentation of diverse groups especially those from the IPLCs due to cost limitations. Limited participation in the climate change decision making process and reporting by relevant actors due to cost limitation is a common challenge. The respondents enumerated various initiatives to promote the use of social media, web resources and innovative communication tools to effectively communicate to the public, in particular reaching out to women, to raise awareness on gender transformative climate action.

Despite the remarkable progress made, gaps persist. Majority of the policy makers both at national and county level have insufficient knowledge on gender and how to mainstream it into climate policies. Many policy makers interviewed stated that they lacked guiding tools/ frameworks on how to integrate gender into climate change policies. Additionally, there is inadequate understanding of the national climate change policies and how to domesticate the national outputs to the county process. Similarly, there is inadequate understanding of the UNFCCC processes and how to domesticate the UNFCCC outputs to national processes.

From the interviews and desk reviews of climate programmes and projects implementation reports, one could clearly see limited sex disaggregated data in different sectors, to inform the development of gender responsive policies. One respondent explains that there is inadequate resources to undertake strengthening building in mainstreaming gender in climate change policies. All these contributed to inadequate technical gender capacity to inform the policy making processes.

## Social equity

The respondents explained how power and gender inequalities constrain and undermine climate change action. Those who are vulnerable and marginalized, with limited access to resources and assets, are already facing formidable barriers in adapting to climate change. In the FGDs women enumerated reasons why it was practically impossible for many of them to take part in climate change processes like Participatory Climate Risk Assessment even when invited. The cultural social responsibilities assigned to women in rural areas leaves very limited time for engagement in development discourse outside their homes and farms. This challenge adds to the vulnerabilities of those already burdened disproportionately and encourages new types of exclusions. Meeting the challenge requires that we transform our societies into fairer and more just organizations. Unfettering the agency of individuals and collective groups, through policies and actions that promote gender-transformative adaptation, can help achieve this change.

The research revealed the CJM had embedded a gender-transformative lens into their programme delivery strategies to understand the political, economic, social, and cultural practices and norms that shape, but may also distort, people's adaptation efforts.



## Health

Since the Climate Change Act (2016) also stipulates that mitigation and adaptation efforts are operationalized at both national and subnational levels, two Ministries are recognized as key stakeholders to lead in developing climate change and health policy – these are the Ministry of Health and the Ministry of Environment and Forestry (MoH and MEF; AFIDEP & LSHTM 2021).

As the end of the first decade of Kenya's climate change action plans approaches, a recent policy review identified that health outcomes of climate change policy have been largely overlooked (AFIDEP & LSHTM 2021). The current plans identify important but isolated consequences to health, such as vector-borne disease, but are generally missing a systems-wide approach to the range of impacts on vulnerable people from multiple intersecting climate stressors. There is a need to improve the understanding of cross-sectoral policy solutions addressing health impacts of climate change and reciprocal climate co-benefits.

Climate variables, including air temperature, precipitation, extreme weather systems, and particulate pollution, represent environmental exposures that can become hazardous to human health. These exposures do not act in isolation but are interconnected and combine to form and influence weather systems, for example particulate pollutants can also have varying effects on climate through absorptive or reflective capacities (Nolte et al. 2018).

These variables are influenced by physical topographical determinants such as urbanization, forest cover, other sources of land usage and elevation for example, urban heat island effects occur when impervious building and road materials contribute to higher urban temperatures in comparison to surrounding rural landscapes (Chiabai et al. 2018; Simwanda et al. 2019). These determinants affect the development of climate-related hazards.

Heat waves, drought or flooding, storm-damaged infrastructure or geography, or compromised air quality are hazards associated with the physical environment that can present risks to human health. They can have long-lasting impacts, as occurs with persistent air pollution in urban centers, or have abrupt but devastating effects, such as mudslides in densely populated areas.

The impact of a changing climate on health has a variety of manifestations. Active lines of investigation in Kenya have provided baseline climate and health associations, for example on temperature-related morbidity and mortality associated with informal settlements in Nairobi (Egondi et al. 2012; Scott et al. 2017); seasonal patterns of enteric diseases in Kenyan children suggesting waterborne transmission routes (Shah et al 2016); the impact of warming temperatures on malaria vector species habitat and life cycles in coastal regions of Kenya (Le et al. 2019); correlations between child stunting and climate and socio-economic variables in Kenya (Signorelli et al. 2016); and farmer's despair of extreme weather on their livelihoods (Mwaniki & Ngibuini 2020).



## Solutions and opportunities for inclusive - just climate action

- \* The research established that based on the systemic problems identified above, there is a range of approaches that are crucial to taking gender-just climate action, including adopting an intersectional approach; challenging the gender binary; using a gender transformative approach; and shifting from 'gender equality' to 'gender justice'. Adopting an intersectional approach is key because it works to uncover the context-specific power dynamics which shape people's experience of climate change and climate action. In programming, it means understanding the intersecting factors in a given context (be it gender, disability, caste, etc.) and how they shape marginalisation/vulnerability to climate impacts in order to address these as a priority. Crucial to this is collecting disaggregated data to understand and monitor interventions.
- \* One respondent points out the need to transform decision-making processes and spaces to ensure the meaningful participation of those who are most impacted by climate change and climate action in planning, implementation and monitoring of climate actions. This involves shifting governance processes and creating new deliberative policy making spaces that are designed to support inclusive decision making and provide opportunities to renegotiate pervasive gender (and other social) inequities in the context of climate change. This requires new procedures and tools for collaborative planning processes at the local, county and national levels.
- \* A gender expert interviewed called for urgent measures to address the burden of care placed on women. A major element of achieving gender justice is addressing the gendered division of caring responsibilities and valuing care work differently. There is a need for stronger recognition of the value of paid and unpaid care work and informality, as well as investment in the care economy to improve working conditions and create well-paid, high-quality jobs. Importantly, there is a need to challenge norms around gendered caring responsibilities. Additionally, the CJM involved in climate justice were applying gender justice to all climate action.
- \* A respondent from a women led CJM was of the view that a crucial element of recognising women's agency and leadership is listening to, engaging with and supporting women-led organisations, federated groups and collectives. The work of such collectives in maintaining societies and environments often goes unacknowledged. Actively supporting and financing these organisations acknowledges women's ability to understand their own context, set their own priorities and make their own funding decisions. It is also an important part of supporting bottom-up approaches led by communities rather than imposing ideas or priorities in a top-down way.





# **FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**

## a) The CJM Contribution to Climate Justice in Kenya

The climate justice movement involved in climate justice in Kenya have been described as one of the most robust in Africa. The sector has performed relatively well. The CJM are credited for bringing some of the boldest changes in climate change governance in Kenya. Key among these includes: the Climate Change Act of 2016 which provides a primary framework for governing climate change across the country both at the county and national levels. The CJM and member CSOs have different innovative approaches and active participation at various levels cutting across from the global arena to local communities in Kenya among others. Additionally, many opportunities exist which the CJM could utilize to take their work to scale and deepen impact. The existing enabling policy environment in the form of enacted climate change laws, policies and strategies at national and county levels forms a basis of holding the government accountable. Further the Roll out of the implementation of FLOCCA programme with a national scope and established the CJM engagement framework for implementation of the programme presents a coordination platform for coherence and complementarity.

This study established that overall, there is a consensus amongst stakeholders, including government representatives that the CJM in Kenya has made significant contributions to climate change response in Kenya however there is much more needed in strengthening the movement with linkages between grassroots and national civil society organizations.

Accordingly, some of the respective roles of the CJM include policy advocacy, monitoring, service provision and holding the government accountable at different levels ranging from local to county, and regional to national. Through these functions, the CJM and other non-state actors, have contributed to influencing policies through the existing climate justice networks like KPCG and KCCWG among others, in the influence of the formulation of climate laws and policies and development of the Climate Action Plans. Other times, the CJM aim to influence climate change projects being implemented by the government actors like FLLoCA presently under implementation.

There is a clear pattern that most climate justice work does not concern actual climate change related topics such as agriculture and food security, environment, and water among others. Rather, advocacy remains on the level of influencing the setting up of policies, especially with a focus on public participation and inclusion. This needs to change to deepen the conversation to include the implications of climate injustice on people's lives and livelihoods with respect to food security, access to water and support to livelihood options like livestock keeping and small-holder agriculture.



## b) The CJM role in holding governments accountable

There is a general understanding by the CJM that one of the main aims of the CJM is to hold the government accountable on implementation of climate change policies including the domesticated international climate change agreements like the Paris Agreement. Towards this end diverse strategies have been used including raising community awareness on climate change policy implications, monitoring and reporting on implementation of climate change projects at the community using social accountability tools, development of policy briefs on key topical issues, lobbying and capacity building through training of policy makers among others. Larger CJM like well-established INGOs and NNGOs are the ones mostly interfacing with the government because they are highly recognized and well-funded by international donors, normally working within the 'invited' spaces compared to 'invented' spaces.

In contrast, many IPLCs groups and CBOs play a limited role in policy influence and holding the government accountable due to capacity constraints. There is often limited interaction between informal CJM particularly those classified as the IPLCs and governments in climate change decision making processes. This has resulted to less meaningful engagement thereof and as a result there is limited learning and use of local and indigenous knowledge to inform climate change policy. The IPLCs groups and CBOs present a huge potential in advancing the cause for climate justice in Kenya owing to their close proximity to those impacted by climate change, the legitimacy they enjoy among the affected communities, and better understanding of the local contexts. Accordingly, the INGOs and well established NNGOs should consider working with the LNGOs, IPLCS groups and CBOs through a partnership model to leverage on their strengths for greater impact while supporting to bridge the existing capacity gaps.

### **Recommendations:**

- \* Foster partnerships between larger NGOs and IPLCs/CBOs to bridge capacity gaps.
- \* Enhance local involvement in policy decision-making to include indigenous knowledge.

### c) Composition of the CJM and pathways towards their strengthening

Mapping of the CJM established that there are diverse networks/ umbrella groups working on climate justice with different scope of work. Two networks/umbrella groups such as KPCG and KCCWG stood out as having a national scope with the prior having a well-established governance structure at national, regional and county levels. Many other networks/umbrella groups coalesced around a consortium based on projects that were time bound. The networks/umbrella groups had their own calendar of activities with specific objectives some of which were theme focused like forestry or climate governance. A review of their goals, objectives and strategies revealed areas of convergence and potential duplication. To achieve collective action for greater impact in advancing climate justice in Kenya the operationalization of the FLLOCCA led CSOs engagement framework could help to achieve better coordination.

However this framework should not exclude other CSOs grassroots networks, efforts should be made in strengthening umbrella network. A major barrier to access to both environment and climate justice at the community level was lack of awareness of and/ or recognition of traditional governance systems that can foster sustainable environment management. Most of the donor funding is not flexible for climate impacted IPLCs to create spaces to develop their own narratives. This could help root community-based solutions to climate change narratives, developing and implementing awareness campaigns.

#### **Recommendations:**

- \* Strengthen umbrella networks for better coordination.
- \* Ensure grassroots networks and IPLCs are included in all climate justice efforts.

## **d) Implementation of climate change policy and institutional frameworks and the CJM engagement**

Despite the robust climate change policy and institutional framework in place, not all is well. This is linked to the fact that some institutions established under the Climate Change Act (2016) are yet to be operationalized, including the national climate change fund and the national climate change council. The national climate change council is meant to provide overall coordination and administration of climate action. While the CJM see the president as the suitable chair of the council, their government counterparts hold the view that the role ought to be filled by an individual who is accountable to a higher authority. Regarding the establishment of the national climate change fund, government stakeholders argue that the fund needs to be established under the Public Finance Management Act, not the Climate Change Act.

Even as civil society pushes for the operationalization of the climate change institutional framework, they no longer hold the consolidated power and voice that they had during the climate policy formulation process. Power wrangles over the civil society representation on the National Climate Change Council have led to a split in the civil society coalition. This has not only delayed agreement on civil society representation at the council but also threatens to jeopardize the collective action for the CJM and efforts to track and report on climate financing channeled to non-state actors. The tracking mechanisms established under the climate finance policy are only applicable to climate financing channeled through state institutions. Non-state actors need to jointly establish a robust tracking and reporting mechanism to consolidate their reports and submit them to the government. Furthermore, political contestation is evident in climate change resource allocation. Considering the ongoing contestation, it is clear that the operationalization of the climate change coordination infrastructure may face further delays.

There are different networks and platforms of the CJM and other non-state actors involved in climate justice both at the national and sub-national level. The formation of these networks and platforms is driven by many factors including the thematic focus area of interest among others. The multiplicity of networks, platforms and caucuses presents opportunities and challenges in building desired partnership, collaboration, and synergies among various stakeholders from the public, government, and the CJM to tackle the climate crisis in Kenya. Additionally, some CJM exist and operate independently.

### **Recommendations:**

- \* Expedite the operationalization of climate change institutions.
- \* Resolve power struggles over civil society representation on the National Climate Change Council.





### **e) Gaps in Kenya's climate policy environment and opportunities for the CJM**

Kenya's existing climate 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 action programmes. It is crucial that the existing CJM engagement and coordination mechanisms move beyond representative purposes to being equipped with adequate leverage to influence planning and budgeting processes at the county and national levels in a meaningful way. National and County CJM engagement and coordination frameworks, can support technical exchanges for replicating best practices or creating bankable projects. For instance, KPCG- led good practice learning exchange visits between county governments have proven successful in stimulating horizontal learning. As such, national partnerships, associations, and networks between regions and counties could function as important drivers for enabling and up scaling sub-national climate action.

#### **Recommendations:**

- \* Strengthen mechanisms for CJM to influence climate planning and budgeting.
- \* Use established frameworks like learning exchange visits to scale up sub-national climate action.

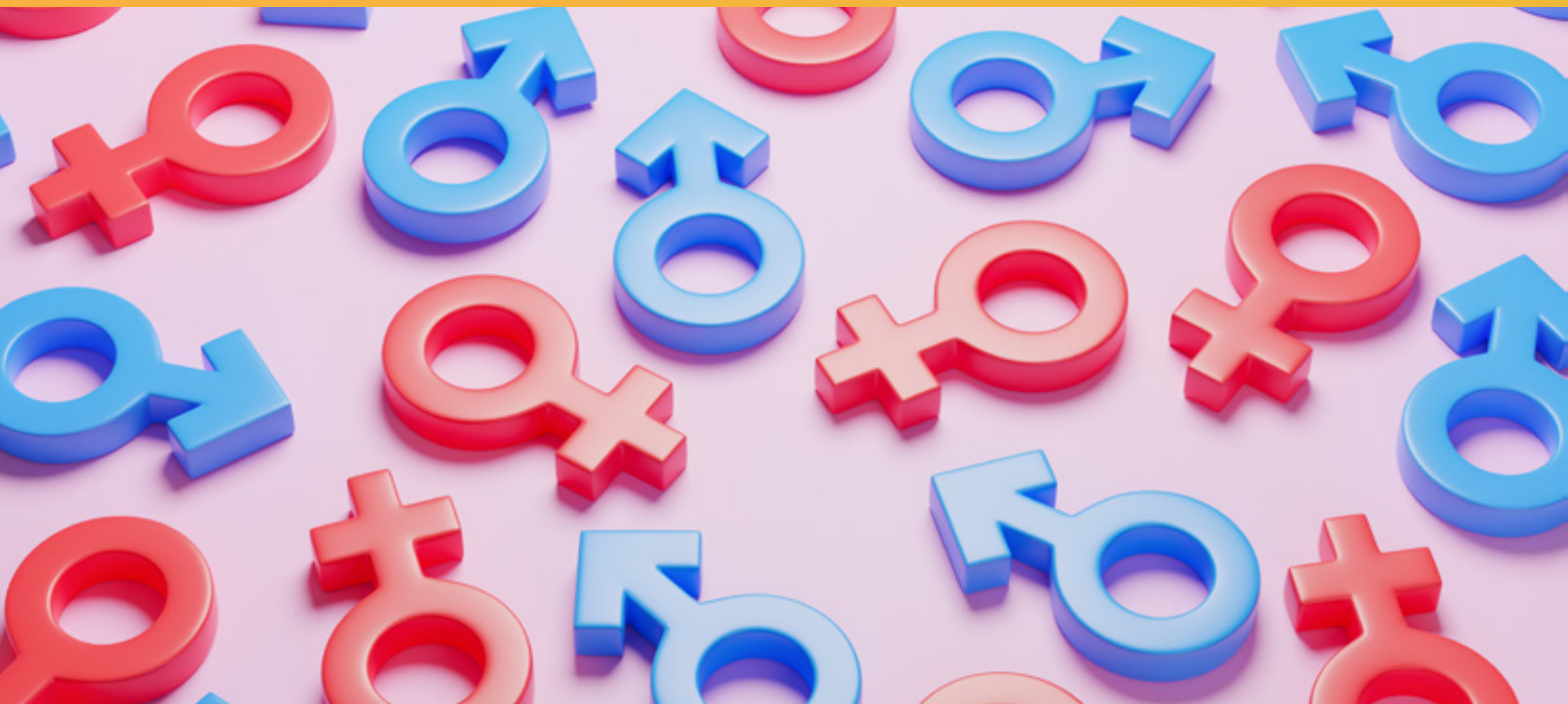


#### **f) Capacity strengthening by the CJM and gaps**

The research revealed that climate related capacity initiatives within the CJM at local, county and national levels are at three broad categories of enabling policy environment, institutional/organizational capacity strengthening, and individual competencies. This is aligned to the CJM engagement in policy advocacy, monitoring, service provision and holding the government accountable. The CJM in Kenya has extensively contributed to capacity strengthening and education to raise awareness on climate change and justice issues at every level. Despite many years of the CJM engagement, Kenya still lacks sufficient capacity to engage meaningfully in climate action. The right capacity in the right place with the right stakeholders at local, county and national levels can speed up climate action. The research revealed three promising strategies that could help bridge the existing capacity gaps for the CJM to meaningfully engage in policy influence sustainably. First is operationalizing the evolving the CJM engagement framework as a space for holding the government accountable on its commitments to climate action at local, county and national levels. Second is scale up partnership between well-endowed INGOs/NGOs and IPLCs and CBOs to leverage on the strength of the latter to deepen impact. Third, is to institutionalize capacity strengthening and education initiatives on climate change within the government curriculum for sustainability.

#### **Recommendations:**

- \* Operationalize the CJM Engagement Framework for better accountability at all levels.
- \* Scale up partnerships between INGOs/NGOs and IPLCs/CBOs.
- \* Institutionalize climate change education within the government curriculum.



### **g) Gender and role of the CJM**

The research established that Kenya has made progress in mainstreaming cross-cutting themes into its policies and sector strategies in line with provisions of the Climate Change Act, 2016. Despite the remarkable progress made, gaps persist. Power and gender inequalities constraints and undermine climate change action. Majority of the policy makers both at national and county level have insufficient knowledge on gender and how to mainstream it into climate policies. To remedy these systemic problems identified, the CJM should deploy a range of approaches that are crucial to taking gender-just climate action, including adopting an intersectional approach; challenging the gender binary; using a gender transformative approach; and shifting from 'gender equality' to 'gender justice'. Adopting an intersectional approach is key because it works to uncover the context-specific power dynamics which shape people's experience of climate change and climate action.

#### **Recommendations:**

- \* Adopt an intersectional, gender-transformative approach to climate action.
- \* Focus on shifting from 'gender equality' to 'gender justice' to address power imbalances.
- \* Build capacity among policymakers to integrate gender into climate policies.





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# Annexures



# Annex 1:

## Kenya CJM Practitioners

- \* ACCESS Coalition
- \* ACT Alliance
- \* Action AID
- \* Ada consortium
- \* Anglican Development Services (ADS)
- \* Artspace254
- \* Asante Foundation
- \* Base Titanium
- \* Blue Earth Convention Movement
- \* CARE Kenya
- \* Centre for Environmental Justice and Development (CEJAD)
- \* Chimbuko Amkeni Self Help Group
- \* Christian AID
- \* Concern Worldwide
- \* Conservation International
- \* DOALF
- \* Dunga Climate Organization
- \* Earthworks Kenya
- \* Ecodada
- \* Extinction Rebellion Kenya
- \* Fair Climate Network
- \* FEMNET
- \* FES Kenya
- \* Fridays for future
- \* Friends of Lake Turkana
- \* Friends of the Earth Kenya (FoE Kenya)
- \* GIZ
- \* Grassroot Transforming Network (GTN)
- \* Green Africa
- \* Green Belt Movement
- \* GreenFaith Africa
- \* Greenpeace Africa (Kenya Chapter)
- \* Haki Nawiri Afrika
- \* ICRAF
- \* ICRISAT
- \* Indigenous Peoples and Local Communities (IPLC) Network
- \* IUCN
- \* Jembe Kazi Group
- \* KCB foundation
- \* Kenya Climate Action Network (KAN)
- \* Kenya Environmental Action Network (KEAN)
- \* Kenya Water Ambassadors
- \* Kenyatta University Environmental Club
- \* KEPISA
- \* Kibos Sugar Kisumu Environmentalists
- \* Kilifi Climate Change Governance Platform
- \* KMFRI
- \* KPCG
- \* Kwale Youth Group
- \* Lake Belt Movement
- \* LEAF
- \* Linda Mazingira Initiative Kenya
- \* Mazingira Institute
- \* Mercy Corps
- \* Mt. Kenya Network Forum
- \* Natural Justice Kenya
- \* NDMA
- \* NEMA
- \* Okoa Mtaa Initiative
- \* One Million Trees
- \* OXFAM
- \* PACIDA
- \* Pamoja Trust
- \* Pan African Climate Justice Alliance
- \* Pastoral Communities Empowerment Programme (PACEP)
- \* Resilience and Sustainable Africa
- \* Rudi Foundation
- \* Safedrive Africa Foundation (SDAF)
- \* Save Lamu
- \* SEAF Kenya
- \* Seed Savers Network Kenya
- \* Slum Dwellers International
- \* SNV
- \* Solidaridad ECA
- \* SSN
- \* Sustainable Environment Restoration Programme (SERP)
- \* Sustainable Environment Watch Kenya
- \* Takataka solutions
- \* The Nature Conservancy (TNC) Kenya
- \* Transparency International Kenya
- \* Turkana Extractive Consortium (TEC)
- \* Voices For Just Climate Action Programme
- \* VSO
- \* Wangari Maathai Foundation
- \* Wasini Women Club
- \* World Vision
- \* WWF Kenya
- \* Youth for Climate Action Kenya (YCAK)
- \* Youth for Nature Kenya
- \* YWCA



