Nationally Determined Contributions (NDCs) Implementation: The Kenyan Scenario

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Key Messages

- Strengthening both National and County governments institutions in Kenya for MRV and transparency-related activities in line with Kenya's national priorities for smooth implementation of NDCs and other climate related strategies.
- Improve MRV of land-based emissions, through enhancing the System for Land-Based Emission Estimation in Kenya (SLEEK) programme.
- Enhancing coordination between national, regional and global transparency-related activities in Kenya
- Prioritize climate change issues in development plans.

1.0 Introduction

Nationally Determined Contribution (NDCs) are the actions and targets that countries have signaled they will undertake to help keep global temperatures from rising more than 2 degrees Celsius. The INDCs are not legally binding commitments, however; they ultimately play a critical part in determining whether the world achieves an ambitious 2015 agreement thus it is put on a path toward a low carbon, climate-resilient future.

Kenya submitted its Intended Nationally Determined Contribution (INDC) in 2015 as part of its obligations as a signatory and party to the United Nations Framework Convention on Climate Change (UNFCCC). Following the unexpected early entry into force of the Paris Agreement (PA) in November 2016, all INDCs became anchored in the PA as five-year NDC iterative cycles. When Kenya submitted its ratification instruments in December 2016, it confirmed its earlier submitted INDC to be its NDC. As such all, the information contained in its now Nationally Determined Contribution (NDC) remain current, which reiterates that adaptation is Kenya's priority response to climate change.

Nationally Determined Contributions (NDCs) are the main instruments put forward by countries to deliver on the promise of the Paris Agreement adopted on 12 December

2015. They constitute an articulation of governments' commitment to tackle climate change, including emissions mitigation pledges and adaptation related targets, that countries consider achievable through various actions and investments that align with development priorities. This provides an important step for delivering action at the transformational scale necessary to limit the global average temperature increase to well below 2°C while pursing efforts to limit the increase to 1.5°C – the central goal of the Paris Agreement. The Paris Agreement seeks to accelerate and intensify the actions and investment needed for a sustainable low carbon future.

Various Countries including Kenya have taken steps towards achieving the objectives of their NDCs. However, there are barriers slowing down the implementation process. This policy brief is to inform the debate on challenges which are likely to happen in implementation of NDCs in the context of Kenya and recommendations in respect to various aspects of NDCs implementation with a view to taking the process to the achievements.

2.0 NDCs Implementation Gaps

Implementation NDCs will begin in 2021. First, while Kenya's policy and planning processes, legal framework and institutional structures, together with a financing mechanism for climate action have been defined and implementation has started, they are not yet fully operational. Second, while Kenya's mitigation objectives in the NDC are specific, measurable and time-bound, the adaptation objectives are broader and are therefore likely to present significant MRV challenges. A lack of awareness and technical skills on MRV among key stakeholders is also a pressing issue. Therefore, current institutional, technical and financial resources and capabilities for MRV need to be further developed to meet the requirements of the enhanced transparency framework of the Paris Agreement (which requires countries to regularly measure and report on their emissions, adaptation efforts and any support received for climate action) and the proposed Kenyan MRV+ system.

3.0 The Enablers

The broad but key enablers are institutional infrastructure, legal and regulatory framework, fund mobilization (finance and budgets) and, capacity building and knowledge management and integrated planning and data management.

3.1 Institutional Infrastructure

Enabling Leadership and Responsibility

Kenya has consistently demonstrated its commitment to tackling climate change both domestically and internationally and has taken steps to comply with international commitments to tackle climate change. Kenya ratified the UNFCCC in 1994 and has been a party to the Kyoto Protocol since 2005. Since then, Kenya has been building up technical and institutional capacities in climate change policy. Kenya has taken steps to comply with its national pledges, including the Paris Agreement which it ratified in 2016 having developed the country's NDC.

In line with the Climate Change Act 2016, the development NCCAP 2018-2022, together with the supporting MTAR and ATAR, which define Kenya's low carbon climate resilient pathway towards the realization of vision 2030.

The NCCAP 2018-2022 and the MTAR are aligned with Kenya's development aspirations as presented in Vision 2030, the Big 4 Agenda 2018 and other national development goals. The NCCAP 2018-2022 requires transformation of core systems necessary for the effective functioning of the economy, such as the energy, transport and food systems. Such transformation often involves messy and conflicted process requiring navigation and engagement by high-level leaders, as well as broader coalitions of support. Inspirational, high-level leadership will play a crucial role in initiating and sustaining the implementation of this ambitious plan. However, the critical role played by individual leaders in driving the plan processes means that long-term implementation is potentially vulnerable to political transitions and shifting priorities of leadership. Strategies to effectively manage political transitions, such as institutionalization of the implementation process, are therefore essential for the long-term viability of delivering the NDC and Vision 2030.

3.2 Supporting Inter-Agency Coordination and Roles

To implement the plan, it is critical for Kenya to create an institutional arrangement that allows for transparent and effective flow of information, knowledge and financial resources. Given the highly multi-sectorial nature of the plan which focuses on the mainstreaming of a crosscutting issue (issue-based), the institutional and resource mobilization set-up to support its implementation must inherently involve multiple structures and mechanisms. Counties will align their Strategic Plans and County Integrated Development Plans (CIDPs) to the Vision 2030 national development blue print, the Medium Term Plan (MTP) III and the NCCAP 2018-2022 through a consultative process. For efficiency and effectiveness, and to ensure legal compliance, this will be built upon the institutional structures and responsibilities defined in the Climate Change act 2016.

3.3 Ensuring Sustainable Stakeholder Engagement

Stakeholders are the people who will be affected by the actions or who can influence them. Stakeholders' either influence the change or are affected by the change and are uniquely positioned to help or hinder implementation of the change. Through a stakeholder analysis process, the CCD will identify and enlist support from stakeholders. This process will help the team begin to discover ways to influence relationships and strategies to ensure that the project has the appropriate involvement and support from the key stakeholders.

3.4 Legal and Regulatory Framework

The Legal and regulatory framework for climate change provides legitimacy, regulates conduct and establishes sanctions that can ensure compliance. Because of the potential impact of climate change on the realization of Vision 2030, and in furtherance of the UNFCCC principles, the government has put in place the necessary policy, regulatory and institutional framework through the Climate Change Act which was passed into law in 2016. This Act will provide most of the required legal framework of implementation of the priority mitigation actions. However, for some actions, a review of the legal frameworks at the sectorial or county levels will be required.

3.5 Financing NDCs Implementation

Adequate and predictable financial resources are a crucial component for achieving Kenya's ambitious mitigation objectives. To implement the actions, significant fund mobilization will be required and must be prioritized in the implementation arrangements. It is estimated that Kenya will need more than USD 15 billion to finance the proposed mitigation measures by 2022. Given the extent of projected climate action in Kenya, it is important to ensure that all sources of finance can be mobilized, including international, domestic, public and private. Up to now most funds dedicated to climate related expenses have come from international funders. To raise the amount needed for Kenya to pursue a low carbon development, current levels of international funding will need to increase significantly and be complemented with national and private sector financing.

Developed nations have set a goal of mobilizing USD 100 billion per year by 2020 to support mitigation and adaptation activities in developing countries. To ensure that Kenya is effectively positioned to access this financing on its climate and development priorities, Kenya has established a national climate change fund that will effectively manage and implement the projects and track climate finance, therefore improve transparency and accountability. A number of counties are also at different stages of establishing their own climate change funds.

Kenya has great potential to attract the financial resources it needs to develop in a low-carbon way but to develop at the implied rate in Vision 2030, Kenya will need to leverage much more funds from both multilateral and other bilateral sources. Vision 2030 already highlights the need for significant resources to move Kenya to a newly industrializing, middle-income country by 2030. If the country is to follow a low carbon pathway to reach its goal, this will on the one hand lead to specific financing needs, either substituting or adding to the already established requirements. At the same time, such a pathway would allow Kenya to attract substantial external funding.

4.0 Recommendations

- Through the multi-stakeholder structures, at both the national and county levels, civil society and the private sector will also play crucial roles not only in the coordination but also in the policy implementation process. It is also understood that all individual citizens in Kenya, through their own awareness and voluntary approach to behavioral change and resource use, are the ultimate implementers of a number of the actions.
- Public awareness and knowledge sharing to be an ongoing and continuous component of the implementation of the NDCs.
- The government should work to address technical capacity and financial resource gaps in the
- Strengthening national institutions in Kenya for MRV and transparency-related activities in line with Kenya's national priorities which includes governance structure to facilitate smooth implementation of NDCs and other climate related strategies.
- Improving MRV of land-based emissions, through enhancing the System for Land-Based Emission Estimation in Kenya (SLEEK) programme. This programme will provide data to drive development in Kenya's agricultural sector, food security and natural resource management.
- Enhancing coordination between national, regional and global transparency-related activities in Kenya
- There is need to prioritize climate change as issues as key to Sustainable development and mainstream it in all development plans even at sectorial levels for effective implementation and achievements.

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