

**NCSA ACTION PLAN FOR THE IMPLEMENTATION OF
MULTILATERAL ENVIRONMENT AGREEMENTS IN
KENYA**

Prepared by NEMA – JANUARY 2006

EXECUTIVE SUMMARY

This Action Plan was developed under the leadership of the National Environment Management Authority (NEMA) with technical support from GEF/UNEP, in the context the National Capacity Self-Assessment process. It was developed through an integrated and participatory process involving stakeholders engaged in the implementation of the Multilateral Environment Agreements (MEAs).

The overall objective of this 5-Year Action Plan is to complement Kenya's efforts to improve its capacity for the implementation of the MEAs and thereby contribute to the national economic growth and poverty eradication; and to contribute to global ecosystem integrity.

At the national Synergy Workshop in March 2005, five capacity intervention areas were reviewed and prioritized taking into account the potential opportunities for synergy, their potential contribution to national economic and environmental strategies and programmes (NEAP and PRSP) and their potential to enhance realization of global environmental benefits. These are:

1. Mainstreaming MEAs into national policies and legal frameworks:
2. Information and public awareness on MEAs:
3. Policy and legal reforms to streamline coordination and MEA implementation:
4. Institutional capacity strengthening for implementation of MEAs:
5. Capacity for Sustainable Land Management at local community level.

These form the main elements for this NCSA Action Plan.

The implementation of this Action Plan will be coordinated by NEMA but will involve all the focal MEA units and key national institutions, including the private sector, civil society and communities. It will be implemented in close collaboration with the on-going Capacity Building Initiative supported by the EC/UNDP.

Funding for the implementation of this action plan will come from the Government of Kenya (through NEMA) with support from development partners. In this respect, it is imperative that this Action Plan is integrated into existing national strategies and environmental programmes in order to receive the priority it deserves in the national planning and budgeting processes. Further, Development partners are invited to identify specific priority areas for support, and specific projects with budgets will be developed. For example a Medium-Sized Project (MSP) proposal is being prepared for GEF.

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Acronyms

ASALs	Arid and Semi-arid Lands
CBOs	Community Based Organisations
COPs	Conference of Parties
DDC	Drylands Development Centre
DDT	Dichlorodiphenyltrichloroethane
DECs	District Environment Committees
DEOs	District Environment Officers
DFID	Department for International Development
DMC	Drought Monitoring Centre
DRSRS	Department of Resource Survey and Remote Sensing
EA	Environmental Audit
EAC	East African Community
EIA	Environmental Impact Assessment
EMCA	Environmental Management and Coordination Act no.8 of 1999
EMC	Environmental Management Committee
ERS	Economic Recovery Strategy
ERSW&EC	Economic Recovery Strategy for Wealth and Employment Creation
EU	European Union
FAO	Food and Agriculture Organization
FD	Forest Department
GEF	Global Environment Facility
GHGs	Green House Gases
GIS	Geographical Information System
GISP	Global Invasive Species Programme
GM	Global Mechanism
GoK	Government of Kenya
HCB	Hexachlorobenzene
IBRD	Institute for Building Research and Development
ICIPE	International Centre for Insect Physiology and Ecology
ICZM	Integrated Coastal Zone Management
IDR	International Development Research Council
IGAD	Inter-Governmental Authority on Development
IMCE	Inter-ministerial Committee on Environment
KARI	Kenya Agricultural Research Institute
KENDELEVU	Kenya Endelevu
KEFRI	Kenya Forestry Research Institute
KEMFRI	Kenya Marine and Fisheries Research Institute
KEMP	Kenya Forestry Master Plan
KEPHIS	Kenya Plant Health Inspectorate Service
KFDP	Kenya Forestry Department Project
KIFCON	Kenya Indigenous Forest Conservation Project
KIPI	Kenya Industrial Property Institute
KIRDI	Kenya Industrial Research and Development Institute
KMD	Kenya Meteorological Department
KMUNEP	Kenya Mission to United Nations Environment Programme
KOEE	Kenya Organisation of Environmental Education
KWS	Kenya Wildlife Service
MEAs	Multilateral Environmental Agreements
MENR	Ministry of Environment and Natural Resources
MOEST	Ministry of Education, Science and Technology
MPND	Ministry of Planning and National Development
MOPs	Meeting of the Parties
MTEF	Medium Term Expenditure Framework

NAP	National Action Programme
NBSAP	National Biodiversity Strategy Programme and Action Plan
NCB	National Coordinating Body
NCCACC	National Climate Change Activities Coordination Committee
NCCD-K	National NGOs Coordinating Committee on Desertification- Kenya
NCSA	National Capacity Needs Self Assessment
NCST	National Council of Science and Technology
NEAP	National Environment Action Plan
NEMA	National Environment Management Authority
NEMCA	National Environmental Management and Coordination Act
NEPAD	New Partnership for African Development
NGOs	Non-Governmental Organisations
NIP	National Implementation Plan
NMK	National Museums of Kenya
POPs	Persistent Organic Pollutants
PRSP	Poverty Reduction Strategy Paper
RAP	Regional Action Programme
SEA	Strategic Environment Assessment
SLM	Sustainable Land Management
SRAP	Sub-Regional Action Programme
UNCBD	United Nations Convention on Biodiversity
UNCCD	United Nations Convention to Combat Desertification
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UoN	University of Nairobi
UPOPs	Unintentionally Produced Persistent Organic Pollutants
WSSD	World Summit on Sustainable Development

1. INTRODUCTION

1. This Action Plan was developed under the leadership of the National Environment Management Authority (NEMA) with technical support from GEF/UNEP, in the context the National Capacity Self-Assessment process. It was developed through an integrated and participatory process involving stakeholders engaged in the implementation of the Multilateral Environment Agreements.

2. The Kenya NCSA process was conducted through a series of brainstorming sessions within thematic working groups and consultations with the wider stakeholder forums involving concerned government ministries and institutions, respective Convention focal points, NGOs and representatives of concerned CBOs. After several meetings and deliberations, the thematic groups drafted reports that were subjected to a wider audience during the Initial National Capacity Self Assessment Workshop held in March 2005, with the objective of enhancing the results of the assessment. The workshops involved participants from diverse disciplines and institutions including NGOs, CBOs, Universities, donors, government departments and state corporations.

3. The National Capacity Needs Self-Assessment process was therefore, entirely country-driven, undertaken by national institutions and experts to the extent feasible and responded to national institutions and their priorities. This ensured that the outcome of the National Capacity Needs Self-Assessment process is a proactive, dynamic action plan that identifies realistic opportunities for capacity building. The Action Plan was validated by stakeholders and approved by NEMA Board in February 2006 in Nairobi, and is expected to receive official approval from Cabinet later this year.

An overview of the NCSA process

4. The primary objective of National Capacity Self-Assessment (NCSA) is to identify country level priorities and needs for capacity building to address global environmental issues, in particular Biological Diversity, Climate Change and Land Degradation, with the aim of catalyzing domestic and/or externally assisted action to meet those needs in a coordinated and planned manner. NCSAs are designed to explore synergies among these thematic areas, as well as linkages with wider concerns of environmental management and sustainable development.

5. The NCSA process is expected to produce the following outcomes:

- Strengthened national capacity to mainstream issues related to the three Conventions into general planning and strategy formulation;
- Coordinated and harmonized activities among the three Conventions in order to ensure effective national measures to protect the global environment;
- Support provided for the transition from this enabling activity to the implementation of identified follow up measures addressing loss in biodiversity, losses in soil fertility and the effects of climate change;

- Enhanced general national awareness and knowledge about the three Conventions and their inter-relationship; and
- Strengthened dialogue, information exchange and cooperation among all relevant stakeholders including governmental, non-governmental, and private sectors.

Capacity Development: The actions needed to enhance the ability of individuals, institutions and systems to make and implement decisions, and to perform functions in an effective, efficient and sustainable manner

6. Kenya embraced the NCSA process as an opportunity to conduct a thorough self-assessment and analysis of national capacity needs, priorities and constraints with respect to its efforts at meeting its national and global environmental management objectives. In addition to Biological Diversity, Climate Change and Land Degradation, Kenya added the Stockholm Convention on Persistent Organic Pollutants among the key issues to be addressed in the NCSA process.

7. The underlying principles of the NCSA are:

- Ensuring national ownership and leadership, and the use of national or regional experts;
- Using existing coordinating structures and mechanisms;
- Paying due attention to provisions and decisions of the three conventions, as they relate to capacity building;
- Ensuring multi-stakeholder participation, consultation and decision making, through appropriate institutional arrangements;
- Building on ongoing / existing work relevant to NCSAs, for instance through GEF supported enabling activities, and national reports to the conventions;
- Adopting a holistic approach to capacity building that addresses capacity needs at the systemic, institutional and individual levels while integrating such capacity building into wider sustainable development efforts, to the extent possible and appropriate, and
- Adopting a long-term approach to capacity building within the context of sustainable development.

An overview on the MEAs

8. Kenya has ratified the following four UN Conventions, also known as Multilateral Environmental Agreements (MEAs). However, the country has yet to conduct a comprehensive examination of its capacity to execute actions under these conventions.

Convention to Combat Desertification

9. The international community has long recognized that desertification is a major economic, social and environmental problem of concern to many countries in all regions of the world. In 1977, the United Nations Conference on Desertification (UNCOD) adopted a Plan of Action to Combat Desertification (PACD). However, the question of how to tackle desertification was still a major concern for UNCED in 1992. The Conference supported a new, integrated approach to the problem, emphasizing action to promote sustainable development at the community level. The United Nations Convention to Combat Desertification and Drought (UNCCD)¹, particularly in Africa, was adopted in Paris on 17 June 1994 and opened for signature there on 14-15 October 1994. It entered into force on 26 December 1996.

10. Kenya ratified the UNCCD in June 1997.

Convention on Biological Diversity (CBD)

11. Another output of the 1992 Earth Summit was the Convention on Biological Diversity (CBD)² which has three main objectives:

- Conservation of biological diversity for its intrinsic value
- Provisions for the sustainable use of biodiversity components
- Provisions for the fair and equitable sharing of the benefits arising from the utilization of genetic resources.

By ratifying the Convention, countries entered into several legal obligations that require that they institute and implement various measures to achieve the three objectives. There are three categories of obligations:

- Those that deal with *national domestication* (involving formulation and/or reform of policies, laws and institutions or establishment of programmes at national level) of the provisions of the Convention. These include such responsibilities as the preparation of national biodiversity strategies and action plans (Article 6 of the Convention), enactment of legislation to regulate access to genetic resources and promote sharing of benefits from the use of those resources (Article 15), creation of incentive measures (Article 11) and several others.

¹ <http://www.unccd.int/>

² <http://www.biodiv.org/default.shtml>

- Obligations on *reporting* to the Conference of Parties (COP) and the Secretariat. Such obligations are created by Article 26 (Reports) that requires that each “Contracting Party “shall, at intervals to be determined by the COP, present to the COP, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.
- Those obligations that require Parties to *participate in the further elaboration and enrichment* of key policy issues and achievement of consensus of matters that are still unresolved. Such provisions include those deposited in Article 23 (Conference of Parties), Article 19(3) (consideration and development of protocol on biosafety) and 18 (international scientific and technical cooperation).

Contracting Parties are under obligation to implement the Convention by, inter alia, developing national strategies for the conservation of biodiversity and sustainable use of its components and integration of them into relevant sectoral and cross-sectoral plans, programs and policies.

Kenya ratified the CBD in 1994.

Framework Convention on Climate Change

12. Another output of the 1992 Earth Summit was the United Nations Framework Convention on Climate Change (FCCC)³. The Convention on Climate Change sets an overall framework for intergovernmental efforts to tackle the challenge posed by climate change. It recognizes that the climate system is a shared resource whose stability can be affected by industrial and other emissions of carbon dioxide and other greenhouse gases.

13. Under the Convention, governments:

- Gather and share information on greenhouse gas emissions, national policies and best practices
- Launch national strategies for addressing greenhouse emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries
- Cooperate in preparing for adaptation to the impacts of climate change

14. When they adopted the Convention, governments knew that its commitments would not be sufficient to seriously tackle climate change. Hence, after two and a half years of intense negotiations, the Kyoto Protocol was adopted at COP 3 in Kyoto, Japan, on 11 December 1997. The Protocol shares the Convention’s objective, principles and institutions, but significantly strengthens the Convention by committing Annex I Parties

³ <http://unfccc.int/2860.php>

to individual, legally-binding targets to limit or reduce their greenhouse gas emissions. Only Parties to the Convention that have also become Parties to the Protocol (i.e by ratifying, accepting, approving, or acceding to it) will be bound by the Protocol's commitments.

Kenya ratified the UNFCCC on 30th August, 1994.

Stockholm Convention (POPs)

15. The Stockholm Convention on Persistent Organic Pollutants⁴ aims to protect human health and the environment by banning the production and use of some of the most toxic chemicals known to humankind. The Convention became international law in May 2004. Persistent organic pollutants (POPs) are chemical substances that persist in the environment, bioaccumulate through the food chain, and pose a risk of causing adverse effects to human health and the environment.

The organochlorine (chlorine-containing) chemicals listed as POPs under the convention are:

- Nine pesticides (aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex, hexachlorobenzene, and toxaphene)
- PCBs (polychlorinated biphenyls)
- Dioxins and furans (polychlorinated dibenzo-p-dioxins or PCDDs, and polychlorinated dibenzofurans or PCDFs).

Kenya became a party on 23rd December 2004.

⁴ <http://www.pops.int/>

2. NATIONAL CHALLENGES AND RESPONSES

An overview of environment in Kenya: issues, threats and challenges

16. The total surface area of Kenya is about 587,000 km² out of which 576,000 km² is land area and 11,000 km² is water. The country has a great variety of physical features, which include the Rift Valley, Mt. Kenya and several lakes. The approximated population of the country is now about 30 million, and is expected to reach 36 million by 2010. About half of the economically active population depends on agriculture which exerts considerable pressure on the natural resources leading to land degradation and poverty. The following is a summary of the key features of the state of the Kenyan environment, whose details are provided elsewhere⁵.

Population dynamics, human settlements and poverty

17. The annual population growth rate has declined from 3.8% in 1979 to 2.7 % in 1999, and indications are that it may be stabilizing at around 3.0%. The high population growth has impacted negatively on the environment through agricultural encroachment, over-exploitation of fragile habitats, and growing pollution. The government has adopted various policies and strategies to integrate population and environmental concerns into development processes.

18. Rapid urbanization coupled with low incomes and inefficient physical planning legislation has resulted in shortage of appropriate housing, inadequate water and sanitation services, deteriorating road and transport systems, as well as shortage of energy. The proportion of total urban population rose from 10% in 1979 to 27% in 1999, mainly concentrated in the cities of Nairobi, Mombasa and Kisumu. The impacts have been falling standards of living, polluted air and water, unsanitary living conditions increasing informal settlements and slums, rising wood fuel demand, and increased soil erosion and land degradation.

19. It is estimated that about 60% of the Kenyan population live below the poverty line. Noting that the poor often engage in livelihood activities that result in environmental degradation, it is therefore easy to understand the current problems besetting long term environmental sustainability.

Land use and biodiversity

20. About 17% of Kenya's total land area is high and medium potential, while the remainder is low potential arid and semi-arid lands. Land use is largely influenced by

⁵ State of Environment Report for Kenya, 2003, NEMA. <http://www.nema.go.ke/SOE03summary.pdf>

climate, socio-economic factors and government policies. Soil erosion and land degradation remain significant environmental problems in Kenya.

21. The country has a wide range of ecosystems that are rich in biodiversity, including agricultural biodiversity. The most important biodiversity resources are wildlife, forests, lakes and marine life.

22. Forests have been continually under threat from excisions, illegal logging, charcoal, cultivation, sub-divisions for settlement, over-grazing, etc. It is expected that the new Forest Act (2005) will go a long way in addressing these issues. The main challenges to wildlife include human-wildlife conflict, encroachment of protected areas, land use changes, poaching, and habitat fragmentation and degradation.

Water, human and environmental health

23. Increasing child and maternal mortality rates are the significant indicators of Kenya's human health. Malaria accounts for over 30% of morbidity, closely followed by HIV/AIDS. Other major health problems include respiratory tract infections, and water-borne diseases. The latter are often caused by, among other things, the presence of heavy metals, pesticides, and other chemicals in the environment. Industrial consumption of energy and raw materials, agricultural production, municipal and commercial activities result in generation of various wastes that degrade water sources and the aquatic environment in general

24. The distribution of rainfall in Kenya is heavily skewed to the disadvantage of ASALs. This limits water supplies and makes it difficult for the country to meet the Millennium Development Goals (MDGs) when half of the population has little access to water and sanitation. Catchment conservation and the socio-economic impacts of droughts and floods are key issues of concern.

25. Ground water is estimated to be 619 million m³ or 14% of available national water resources. About 14,000 boreholes have been drilled countrywide. Cases of water use conflicts between the riparian communities have persisted and often intensified over the last 5 years.

26. Kenya participates in the East African country shared waters association. Other existing water use agreements under review include the Nile Waters Treaty, the Nile Basin Initiative, Lake Victoria Fisheries Organization, East African Community (EAC) Protocols and NEPAD.

Energy, pollution and waste management

27. The environment provides natural resources that are raw materials for the energy industry. These include wood fuels (75%), fossil fuels (18%), hydro and geothermal power (1.4%), and others (0.2%). On the other hand, the environment is the recipient of the residues of thermal energy and solids, liquids and airborne wastes produced by other

energy systems. Activities related to energy production, distribution and consumption are perhaps the largest single category of benign sources of adverse anthropogenic impacts on the Kenyan environment.

28. The government recognizes the need for alternative, renewable energy sources as a means of reducing tremendous pressure on woody biomass through legislative instruments. The Electric Power Act of 1997, for example, facilitates and promotes rural electrification. However, high upfront costs and weak regulatory measures have hampered the development of renewable energy technologies.

29. Industrial processing in agro-industry, chemical and pharmaceutical plants, mining, the metallurgical industry, etc. impacts negatively on the environment as the industrial sector largely depends on old technologies and leaded petroleum. The Mombasa Oil Refinery, for example, is not designed to produce unleaded petroleum and will require an estimated KShs 300 million to modernize. Transportation of both raw and finished products is currently by road because the railway system has failed. Weak monitoring and enforcement of regulations in the transport sector has led to considerable environmental degradation mainly through widespread, poorly managed disposal of industrial wastes. Sustained enforcement of the EMCA (1999) is necessary in order to mitigate these negative environmental impacts.

30. Kenya's urban population has been growing at a rate of 8% per annum in tandem with the increase in urban waste, which has a per capita generation range of 0.29 to 0.66 kg/day. A large proportion of this waste is non-degradable, and includes plastics, scrap metal and other goods. Of this municipal waste, 21% emanates from industrial areas and 61% from residential areas. About 40% of waste generated in urban centers is collected and disposed off in designated disposal sites. The rest, consisting of chemicals (including heavy metals), salts, detergents, and medical waste is either dumped in unsuitable areas or disposed off in rivers and other wetlands. Some of the urban centers do not have designated disposal sites. The decomposition of some of the wastes releases greenhouse gases such as methane and carbon dioxide (CO₂) into the atmosphere, as well as releasing sulphur and nitrogen compounds into the soil. When burnt, paper, plastics, polythene material and liquid hydro-carbons release CO₂ and other pollutants into the atmosphere.

31. Of the 174 local authorities (in 2003), only 32 had some form of sewage collection and disposal infrastructure, which were developed between 1972 and 2002. Lack of enabling policies in the sector has been identified as a gap in implementing waste management activities.

32. Kenya imports large quantities of agrochemicals⁶ averaging about 6,000 metric tonnes at an approximate cost of KShs 2,400 million per annum. Utilization of these chemicals results in emissions, improper dispersal and retention of poisonous substances in the air, water, soil and the human food chain. There is lack of adequate facilities and

⁶ Insecticides, fungicides, herbicides, acaricides, nematicides, fumigants/soil sterilants, rodenticides, hormones, insect repellents & attractants, nitrogenous phosphates, potassic and compound fertilizers, trace elements, foliar feeds and soil improvers.

comprehensive guidelines and regulations for the management and disposal of the resulting wastes.

Tourism, trade industry and mining

33. Wildlife, wilderness, and beach tourism bring over 780,000 tourists to Kenya annually. The focus of tourism is the Indian Ocean coastline and the various national parks and game reserves, where considerable environmental degradation is in progress due to over-crowding and general habitat destruction. The majority of operators in the tourism sector routinely ignore environmental regulations without sanction due to weak institutional coordination, inadequate administrative capacity, and policy failure. However, sections of the industry have recently implemented some remedial measures including minimizing resource use, waste treatment, recycling of waste water, rehabilitation of degraded tourist attractions, and training staff on conservation. These efforts are led by a partnership involving the government, private sector, local communities, and the Kenya Wildlife Service.

34. Kenya's industrial sector is one of the largest in sub-Saharan Africa. Since 1998, manufacturing has accounted for 13% of the gross domestic product. The small & medium enterprises (SMEs) are the fastest growing part of the Kenyan economy. According to the 1999 baseline survey, there were over 1.3 million SMEs in Kenya, employing over 3.7 million people and accounting for over 43% of the country's total export earnings in 2002. While most of them are engaged in the service sector, about a quarter are engaged in manufacturing, which produces an important share of industrial waste. It is estimated that SMEs produce 60% of all industrial waste; being involved in industries that emission intensive such as metal finishing, leather tanning, dry cleaning, printing, dyeing, brewing, food processing, fishing, textile making, chemical works, and mining. The cumulative and collective negative environmental impact of the SMEs may well surpass that of large industries given that these are by law subject to environmental impact assessments and annual environmental audits.

35. Mining may not be a major activity in Kenya, but sand-harvesting, quarrying, and the few high value stone and metal mines have already demonstrated some significant environmental impacts. These include resource depletion, energy consumption, emission of pollutants, waste generation, land degradation, and habitat conversion. The dangers to human life and health associated with mining include the displacement of people, land use changes, dust and noise pollution. Examples include soda ash mining at Magadi, and the imminent titanium mining in Kwale.

Climate and climate change

36. The country's climate is influenced mainly by its position relative to the equator, its nearness to the Indian Ocean and Lake Victoria, and varied topography. The Inter-Tropical Convergence Zone (ITCZ) is also a major synoptic feature which also influences the climate over the country. The influence of the ITCZ is modified by the altitudinal differences, giving rise to varied climatic regimes. Annual rainfall in Kenya follows a

strong bimodal seasonal pattern. Generally, the long rains occur in March to May, while the short rains occur in October to December

37. Indicators of climate change include climatic extremes such as floods and droughts, large diurnal temperature variations and increased greenhouse gas emissions among many others. Extreme climate events are associated with disasters and increases in the incidences of diseases. Incidences of vector and water-borne diseases increase during periods of heavy rains and flooding, while droughts and high temperatures cause famine and malnutrition thereby weakening resistance to diseases. All these can give indicators which provide opportunities for sensitizing government decision-makers, business and industry entrepreneurs, research and civil society organizations and global community to prioritize climate change issues and to guide policy formulation as well as to foster common understanding in initiating actions in mitigating adverse impacts of climate change. Indicators are also useful in determining the capacity required to deal with climate change issues.

Environmental governance, information, and funding

38. Kenyan environmental law consists of legislation, standards, regulation, institutions and administration adopted to control activities on environmental management. These include the framework environmental legislation (EMCA, 1999), and several legislations. EMCA provides the institutional framework for the management of the environment from the national to district levels.

39. Kenya is a signatory to several multilateral environmental agreements (MEAs) that address various sectors of the environmental. Compliance with, and domestication of these agreements will determine the extent to which the country continues to benefit from environmental goods and services.

40. The main sources of environmental data and information include international organizations, United Nations bodies, public institutions, civil society, private concerns, government ministries and departments, national research institutes, research and academic institutions. The major constraints include inadequate capacities for access restrictions, collection, analysis, storage facilities, networking, and funding. There is need for the establishment of fully equipped national and regional environmental information and documentation centers.

41. About 50 community based organizations (CBOs) and non-governmental organizations (NGOs) complement government in capacity building. Their impact, however, is not significant. Insufficient capacity and limited financial resources continue to hamper effective environmental management.

42. In the fiscal year 2000/01, the projected recurrent expenditure for the National Environmental Protection Programme was KShs. 14 million, but the actual allocation was only 25% of the total requirement! During the same fiscal year, the District Environment Support, a core poverty reduction programme, was allocated only 14% of the total requirement of KShs. 70 million and covered only 3 districts. The diminishing funding

levels are also demonstrated by the decline in funding from consolidated multilateral and bilateral sources over the last five fiscal years; which declined from KShs. 34 million in 1995 to 24 million in 2000.

National responses to the implementation of the MEAs

United Nations Convention to Combat Desertification (UNCCD)

43. Since signing the United Nations Convention to Combat Desertification (UNCCD) in 1994 and its ratification in June 1997, Kenya has put in place mechanisms to facilitate implementation of the obligations under the Convention. A National Action Programme (NAP) to combat desertification was prepared, and some effort has been undertaken to mainstream the CCD issues into national development agenda. For example the current National Development Programme, covering the years 2002-2008, clearly articulates issues of desertification and land degradation in relevant sectors. Similarly, there are several programmes and projects relating to sustainable land management, including those in the ASALs.

44.. Despite these efforts, the effective implementation of the UNCCD has been hampered by several factors, including those identified in context of the NCSA process, namely weak institutional capacity, lack of sufficient funding for implementing the programmes and policy/legal constraints. These short-comings raise serious issues that point to the need for the assessment of previous and on-going activities related to capacity building, existing policy, institutional and legislative constraints and the strengthening of the relevant institutions.

Convention on Biological Diversity

45. Kenya ratified the Convention on Biological Diversity in 1994, thus affirming its commitment to conserve and use its biodiversity guided by the provisions of the Convention. Since the Convention entered into force, a wide range of measures and actions required to enhance conservation and sustainable utilization of biodiversity have been identified and implemented. Policies, legislation, institutions and human resources have been put in place to manage the country's wealth of biodiversity. A number of processes have been completed such as the National Biodiversity Strategy and Action Plan (NBSAP) in 1999 and the Biodiversity Data Management (BDM) plan. Biodiversity issues have been reviewed in some detail in Kenya through the National Biodiversity Strategy and Action Plan and National Environment Plan and there is now a need to synergize these issues with desertification, climate change and Persistent Organic Pollutants issues. The National Biodiversity Strategy and Action Plan contains considerable detail on capacity building needs, identifying goals and objectives and analyzing the gaps between current reality and the aspirations expressed in the goals and objectives.

Framework Convention on Climate Change

46. Kenya ratified the United Nations Framework Convention on Climate Change (UNFCCC) on 30th August, 1994. So Kenya has undertaken a number of studies related to Climate Change enabling activities. Kenya launched the First National Communication in October 2002. Technology Needs Assessment has also been undertaken.

Climate Change Issues in Kenya

47. The challenge for Kenya is to develop strategies, which would promote sustainable development, without compromising increased emission of GHGs. The “First National Communication of Kenya” is the main output of the enabling activity project.

Stockholm Convention on Persistent Organic pollutants (POPs)

48. Kenya became a party to the Stockholm Convention on Persistent Organic pollutants (POPs) on 23/12/2004 and is in process of domesticating the convention through assistance from GEF with UNEP as the implementing agency. The programme is promoting enabling activities for the development of the National Implementation Plan (NIP) of the Stockholm Convention on POPs. POPs comprise 12 (‘Dirty Dozen’) chemicals of which 9 are pesticides, one industrial and 2 are by-products. They are also generally categorized as intentionally produced (IPOP) and unintentionally produced POPs (UPOP).

49. Within the framework of its obligations, Kenya has banned most of the POPs pesticides apart from DDT which is restricted for Public Health use only. Kenya has not imported DDT since 1985. However, stockpiles need to be containerized, collected for safe storage and disposal. Kenya has also developed action plans on various pollutants and is in the process of developing the NIP for the convention. Preliminary inventory of POPs Stockpiles and wastes was carried out within the framework of Environmentally Sound Management of POPs stockpiles and wastes. However, capacity to containerize them is lacking. The country is in the process of developing POPs disposal guidelines.

50. Kenya is a party to the Basel Convention on trans-boundary movement of hazardous waste and their disposal and is in process of domesticating this convention. To comprehensively fulfill some of the obligations, Kenya participates in arrangements for regional and sub-regional centres for capacity creation and transfer of technology. Apart from stockpiles some of the neighboring countries may be using DDT which may pose a threat to Kenya’s fragile export market for animal, fish and plants. Therefore, there is need to create capacity in customs control on border entry of chemicals and also capacity for surveillance and monitoring.

3. THE ACTION PLAN

Mission and guiding principles:

51. The mission of this Action Plan is to “enhance Kenya’s capacity to contribute effectively to global environmental management”. The guiding principles for this Action Plan are the same as those for the NCSA process, namely:

- Ensuring national ownership and leadership, and the use of national or regional experts;
- Using existing coordinating structures and mechanisms;
- Paying due attention to provisions and decisions of the three conventions, as they relate to capacity building;
- Ensuring multi-stakeholder participation, consultation and decision making, through appropriate institutional arrangements;
- Building on ongoing / existing work relevant to NCSA, for instance through GEF supported enabling activities, and national reports to the conventions;
- Adopting a holistic approach to capacity building that addresses capacity needs at the systemic, institutional and individual levels while integrating such capacity building into wider sustainable development efforts, to the extent possible and appropriate, and
- Adopting a long-term approach to capacity building within the context of sustainable development.

52. In addition, it is imperative that this Action Plan is integrated into existing national policies, strategies and environmental frameworks and programmes in order to receive the priority it deserves in the national planning and budgeting processes.

Objective of the Action Plan

53. The overall objective of this 5-Year Action Plan is to complement Kenya’s efforts to improve its capacity for the implementation of the MEAs and thereby contribute to the national economic growth and poverty eradication; and to contribute to global ecosystem integrity.

The NCSA Action Plan Programme Areas

54. The approach used to develop the NCSA Action Plan involved analyzing the proposed capacity intervention areas identified by the four thematic assessment reports (see Annex 2). At the national Synergy Workshop in March 2005, these capacity intervention areas were reviewed and prioritized taking into account the potential opportunities for synergy, their potential contribution to national economic and environmental strategies and programmes (NEAP and PRSP) and their potential to enhance realization of global environmental benefits. Five capacity building intervention areas were identified as priority issues and form the main elements for the NCSA Action Plan as follows:

1. Mainstreaming MEAs into national policies and legal frameworks:

55. One of the main barriers to effective implementation of the MEAs is the fact that they are not considered in context of national priorities, particularly in the budgeting process. This is primarily because they are not integrated into the national development policies, strategies and programmes. For example the issue of land degradation is central to national food security strategy, yet the issue is only mentioned as a side issue in the Kenya PRSP. The same happens in the case of CBD and UNFCCC. Integration of the MEAs is thus identified as a key priority area in context of the NCSA, in order to ensure that global environment issues receive priority in national budgetary processes.

Potential for mainstreaming and tapping global resources

Periodic review of national and district development frameworks and the annual budgeting process are participatory and allow integration of emerging issues and priorities. This is conducive for mainstreaming and prioritizing MEAs issues in national planning and budgeting processes in order to enhance resource allocation for their implementation. In addition, the decentralized management of development programs adopted by government enables more financial resources to reach targeted areas and populations, thus enhancing effective use of the available resources. At the global level, designation of land degradation and deforestation as a new GEF focal area has increased the possibility for mobilizing additional resources to address synergistic issues of MEAs.

2. Information and public awareness on MEAs:

56. All the MEAs have an obligation requirement, involving therefore the collecting, analysis and reporting to the respective Secretariats. They all are involved in the assessment and monitoring of the environment to determine the status and rates of change in environmental conditions. Currently, most of this takes place at individual MEA level, giving way to duplication of effort and waste of resources. This calls for joint information gathering and analysis, as well as information sharing/exchange to promote efficiency

and cost effectiveness. At the same time the NCSA recognized the need for greater public awareness on MEAs particularly for policy makers to promote informed decision making.

3. Policy and legal reforms to streamline coordination and MEA implementation:

57. The NCSA process brought to the fore the missing links between different MEAs institutions in policy making and its implementation, although they are addressing common and related issues. Only *ad hoc*, fragmented and disjointed approach has been applied so far by different institutions. Different MEAs are being handled in different ministries or units within a ministry. This approach does not promote coordinated implementation. Neither does it allow for adequately addressing issues in cross-sectoral and multi-sectoral context. The overlapping or conflicting functions and insufficient coordination among different institutions has not helped Kenya in the implementation of MEAs.

58. Similarly, there is no mechanism at the moment to ensure coordinated approach to legal reforms needed to ensure consistency and harmonized implementation of MEAs, including the enforcement of rules and regulations.

4. Institutional capacity strengthening for implementation of MEAs:

59. The most critical constraint affecting implementation of MEAs is the limited managerial and technical capacity of the human resources in the relevant areas of MEAs. The staffing and facilities of existing training institutions are limited and cannot adequately provide the diverse skills required, given the broad nature of environmental issues. Budget constraints experienced by government departments and institutions responsible for environmental management affect their ability to train available manpower. Stringent control of national expenditure continues to restrict recruitment of new manpower in all government sectors, and has more often resulted into further reduction of the available trained manpower.

The number of Public Universities has increased in recent years from one in the 70s to the current five. There are also a number of private Universities and other institutions of higher learning. In addition, the existence of a Commission for Higher Education and the frequent review of training programs and curricula of both schools and tertiary training institutions could be used as a spring board to integrate the required technical and managerial training programs to support implementation of MEAs.

5. Capacity for Sustainable Land Management at local community level.

60. The underlying causes of desertification in Kenya include rapidly increasing human population, lack of consideration for appropriate land uses, lack of land and land use policy, lack of effective implementation of appropriate policies and legislation (e.g. drought policy) and social and socio-economic factors, especially increased poverty. Similarly, the resulting effects/manifestations of desertification include loss of land productivity and increased poverty, deforestation and forest encroachment, loss of biodiversity and environmental sustainability, increased soil erosion and reduced opportunities for employment and generation of incomes. Clearly therefore, capacity for community-based natural resources management is imperative for SLM. It is equally imperative that all stakeholders and especially local communities be increasingly involved in decisions on environment and natural resources management. Failure to do so could lead to adopting unsustainable approaches with obvious risks of environmental degradation, increased desertification and increased poverty.

4. IMPLEMENTATION OF THE ACTION PLAN- (arrangements, time frame and budget)

61. The implementation of this Action Plan will be coordinated by NEMA but will involve all the focal MEA units and key national institutions, including the private sector, civil society and communities. It will be implemented in close collaboration with the on-going Capacity Building Initiative supported by the EC/UNDP.

National Environment Management Authority (NEMA)

The National Environment Secretariat (NES) was in 2003 transformed to the National Environment Management Authority. It is the body under EMCA (1999) responsible for the inter-sectoral co-ordination of all environmental issues. It is largely involved in policy formulation and monitoring of implementation. NEMA is responsible for the implementation and monitoring of all the three Rio Conventions

The Authority discharges this responsibility through the Inter-Ministerial Steering Committee that includes non-governmental and relevant governmental institutions, and is supported in its work by national consultation mechanisms. The Inter Ministerial Steering Committee provides overall technical support through NEMA on matter related to the respective MEAs..

62. As stipulated in the NCSA “Guide for Self-Assessment” (GEF-UNITAR 2001) and “Resource Kit” (GEF-UNDP 2004), the implementation of this Action Plan will be linked to other international and national initiatives. This approach will ensure that sustainability of the NCSA capacity building initiative will continue in the future.

63. Funding for the implementation will primarily come from the Government of Kenya (through NEMA) with support also from development partners, particularly GEF/UNEP. Development partners are invited to identify specific priority areas for support, and specific projects with budgets will be developed. Alternatively, development partners are encouraged to contribute to already proposed projects as co-financing partners (e.g. the proposed MSP project being prepared for GEF).

64. The proposed time frame for the Action Plan is 5-Years, starting 2006. It should however be emphasized that capacity building is a long-term process and the 5 year plan should be seen as a first phase.

5. MONITORING AND EVALUATION

65. In the past, the implementation of development activities has- to a large extent,- failed due to lack or poor flow of vital information to managers and stakeholders. This has contributed to poor implementation, management and in some cases the eventual abandonment of programmes and projects before their full implementation. This is mainly because the implementation processes did not allow for full participation of stakeholders in decision- making and utilization of monitoring information in making management decisions. To avoid recurrence of this and to give stakeholders full control of the development process, a highly consultative and participatory performance based monitoring and evaluation process will be adopted for the NCSA Action Plan.

66. The monitoring and evaluation (M&E) plan will be prepared at the inception of NCSA Action Plan implementation. The general and specific objectives of the action plan and the list of its planned outputs will provide the basis for this M&E plan. It will include provisions for:

- Collecting and reporting data on performance indicators identified for the plan;
- The schedule of planned mid-term reviews, self-evaluations, and end-of-implementation plan evaluations.
- UNEP to be responsible for the mid-term and end-of-plan evaluations through the selection of independent experts to evaluate the action plan.
- A description of how monitoring and evaluation activities will involve participants and stakeholders;
- Resources to be allocated for monitoring and evaluation activities; and
- Monitoring and evaluation results will serve as a guide in achieving action plan objective.

Action plan impact

67. Evaluation of the NCSA Action Plan's success in achieving its outcomes will be monitored continuously through the progress reports, mid-term and final evaluation reports. The full operationalization of the Action Plan (legal system, administrative system, system for monitoring, etc.) will represent the most important tangible output and will be the main target for assessing the plan's success.

68. The Monitoring and Evaluation plan to be developed at the inception of the project (and updated during the execution of the action plan) will include indicators to measure potential (and success) of replication as well as long-term impact indicators. The logframe matrix provides a performance and impact indicators for the action plan implementation along with their corresponding means of verification. This will form the basis on which the M&E system will be built.

6. CONCLUSIONS

69. The priority Action Areas identified in the Action Plan are part and parcel of the already on-going activities within NEMA, the individual MEA focal units and other national actors such as NGOs. The added value for the Action Plan is the focus on synergy, the focus on global environmental benefits and the coordinated approach brought about by the NCSA process.

70. The NCSA process brought to the fore the many opportunities for synergy in the implementation of the MEAs, including in information gathering, analysis and exchange, reporting and joint programming and implementation of specific projects to address common problems and issues. The challenge now is on the government to put in place an enabling environment in terms of institutional and policy reforms to facilitate synergistic implementation of the MEAs. At the center of this effort is institutional capacity building, and Development partners, including GEF can help

71. A lot of effort has gone to the elaboration of this Action Plan through a participatory process, involving all key players such as the UNEP, MEA focal units, NGOs, civil society, private sector and other donors. NEMA has invested a lot of time and effort to see the entire NCSA process successfully concluded. It is most important that the momentum created by the entire process is not lost. In this regard, it is most important that NEMA initiates the process of formal approval of the Action Plan immediately; and that UNEP/GEF supports the proposed MSP project proposal to catalyze other partners.

72. It is expected that funding for the implementation of this action plan will come from the Government of Kenya (through NEMA) with support from development partners. In this respect, it is imperative that this Action Plan is integrated into existing national strategies and environmental programmes in order to receive the priority it deserves in the national planning and budgeting processes.

ANNEX 1: THE NCSA ACTION PLAN

Objectives	Activities	Expected Outputs	Indicators	Target	Lead Actors	Time Frame (years)				
						1	2	3	4	5
1. Capacity for Mainstreaming MEAs into national policies and legal frameworks:	Undertake sensitization for policy makers and Planners	policy makers and Planners sensitized	No. of policy makers and Planners sensitized	1,000 Policy Makers & Planners	NEMA MENR MPND Development partners					
	Develop appropriate training programme	training programme developed	Training manuals, curricula, materials	One training programme and one manual	NEMA Training Institutions					
	Undertake training for targeted groups	Targeted groups trained	No. of people trained	250 people	NEMA Development partners Training Institutions					
	Develop advocacy and lobbying strategies for integration of MEAs into national and sectoral policies, plans and programmes	Advocacy and lobbying strategies and programmes developed	Network and partnerships established	One network on MEAs	NEMA CSOs					
Four partnerships established										
		No of advocacy fora held	Ten fora							

Objectives	Activities	Expected Outputs	Indicators	Target	Lead Actors	Time Frame (years)				
						1	2	3	4	5
2. Information and public awareness on MEAs enhanced	Develop public awareness programmes	Public awareness programmes developed	Awareness programmes and materials (brochures, posters, manuals, etc.)	5 types of brochures, posters produced every year	NEMA, CSOs, lead agencies, private sector,					
	Implement public awareness programmes	Public awareness programmes implemented	No. of workshop, seminars, press releases/ articles, documentaries, etc.	5 % of total population made aware of MEAs	NEMA, CSOs, lead agencies, private sector,					
	Develop/strengthen information exchange systems	Information center developed Information exchange systems strengthened	Quantity and type of information available No. and categories of people accessing the Information /events	1,500 Regulators, developers, students, policy makers	NEMA National MEA focal points Lead Agencies					

Objectives	Activities	Expected Outputs	Indicators	Target	Lead Actors	Time Frame (years)				
						1	2	3	4	5
3. Policy and legal reforms to streamline coordination and MEA implementation:	Formulate policies and strategies	Policies and strategies formulated	No. of policy guidelines adopted by government	Four policy documents	MENR, NEC, NEMA, AG, Lead agencies					
	Develop standards and regulations	Standards and regulations in place	No. of standards and regulations gazetted	Four sets of standards and regulations	MENR, NEC, NEMA, AG, Lead agencies					
4. Institutional capacity strengthening for implementation of MEAs:	Establish clear institutional arrangements and mandates	Clear institutional arrangements and mandates established	Government circular on mandates	One circular	MENR, NEC, NEMA, OP					
	Enhance institutional capacities (human, financial & technical)	Institutional capacities enhanced	Increased budgetary allocations	20% increase in current budgetary allocation for natural resource management	NEMA, MENR, Ministry of Finance, lead agencies Development partners					
			Increased no. of skilled personnel	10% increase skilled personnel	NEMA, Lead agencies, CSOs, private sectors					

Objectives	Activities	Expected Outputs	Indicators	Target	Lead Actors	Time Frame (years)				
						1	2	3	4	5
			Appropriate technologies in place	50% adoption of environmentally business techniques	NEMA, Lead agencies, CSOs, Private sectors					
5. Strengthen capacity for Sustainable Land Management at local community level.	Identify income generating opportunities	Income generating opportunities identified	No. and types of alternative income generating activities	10 alternative income generating opportunities	NEMA, CSOs, Private sectors					
	Pilot viable income generating opportunities	Viable income generating opportunities piloted	No. of pilot projects	50% of the identified alternatives	NEMA, CSOs, Private sectors, lead agencies					
	Promote the adoption of viable opportunities	Viable opportunities adopted	No. of viable opportunities adopted	50% adoption rate	NEMA, CSOs, Private sectors, lead agencies, Development Partners					
			No. of informal business based on environmental resources							
Establish business partnerships between local communities and the private sector	Business partnerships established	No. of business partnership established	50% increase in business partnership	NEMA, CSOs, Private sectors,						

ANNEX 2: Capacity needs identified for specific MEAs in the NCSA process

Thematic Area	Key issues	Capacity needs (gaps)	Priority action areas
<p>1. Convention to Combat Desertification (UNCCD)</p>	<p>1. At the individual level, a careful analysis and evaluation showed that most people are not aware of the Convention. The skills at the workplace are not necessarily relevant to the Convention and hence the need for an awareness and training programme. The Team concluded that there was need for comprehensive participatory training on the UNCCD.</p> <p>2. At institutional level, it was clear that there is no single institution with adequate financial or human capacity to implement the Convention. The demands for the implementation of the Convention are too many and therefore there is need to develop a well coordinated, integrated and multi-sectoral approach. Secondly, mainstreaming of the Convention should be of very high national priority.</p> <p>3. At Systemic level, it was evident that though there are many policies and legislative frameworks on which to build on, the country has not adequately made use of them. Similarly, the level of accountability in terms of UNCCD implementation seems almost vague across institutions.</p>	<p>1 Development of an environmental information system including information exchange</p> <p>2 Formulation of a land and land use policy;</p> <p>3 Development of indicators of changes in land qualities;</p> <p>4 Identification of specific areas for research, science and technology to address desertification (including renewable energy sources)</p> <p>5 Development and implementation of a resource mobilization strategy that includes negotiation skills;</p> <p>6 Partnership building;</p> <p>7 Mapping of vulnerable areas;</p> <p>8 Training in geographical Information System (GIS) and climate change models;</p> <p>9 Training in environmental economics;</p> <p>10 Education and public awareness</p> <p>11 Transfer of appropriate technology</p> <p>12 Promotion of alternative livelihoods, including training in new skills</p> <p>13 Strengthen and support extension services to disseminate relevant technology method and techniques</p> <p>14 Building and strengthen national coordinating bodies</p> <p>15 Sensitisation of NAP Activities among all institutions at all levels</p>	<p>1. Formulation of a land and land use policy</p> <p>2. Identification of specific areas for research, science and technology to address desertification (including renewable energy sources)</p> <p>3. Education and public awareness</p> <p>4. Transfer of appropriate technology</p> <p>5. Strengthen and support extension services to disseminate relevant technology method and techniques</p>

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<p>2. Convention on Biological Diversity (CBD)</p>	<ol style="list-style-type: none"> 1. On-going activities are largely donor driven. 2. Most COP decisions are unimplemented. 3. Most CBD work programmes are unimplemented. 4. There is no programme evaluation or monitoring mechanisms at national level. 5. National Planning documents are largely unimplemented. 6. There are no national strategic plans. 7. There are inadequate institutional and thematic links. 8. Little original data is being generated. 9. There is inadequate feedback from national representatives to COP, SBSTTA, and other meetings. 	<ol style="list-style-type: none"> 1. Capacity is needed to review, update and harmonize documents. 2. There is inadequate Capacity to mainstream biodiversity in the national planning frameworks. 3. There is need for implementation of the national strategy and action plan. 4. There is need for capacity development in negotiation skills. 	<ol style="list-style-type: none"> 1. Improved coordination mechanisms. 2. Strengthened linkages and exchange of information. 3. Human resources development for some technical cross-cutting issues. 4. Review and update of national planning documents
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<p>4. Stockholm Convention on Persistent Organic pollutants (POPs)</p>	<ul style="list-style-type: none"> • At the moment, no clear institutional mechanism to coordinate implementation • Diffused policy and legal frameworks for guiding compliance 	<ul style="list-style-type: none"> • Lack of appropriate disposal facilities • Deficiency in infrastructure for recycling • Limited specialized laboratories, many of which lack essential reference standard • Inadequate trained personnel in analysis of POPs • Inadequate analytical equipment and facilities • Lack of disposal standards • Inadequate capacity for data collection and interpretation • Lack of Pollutant Release and Transfer Registers • Inadequate monitoring capacity • Porosity of our borders 	<ul style="list-style-type: none"> • Partnership and networking • Environmental economics (eco inst., green acc. Valuation, SDI) • Poverty alleviation • Human health • Resource mobilization
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