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**WAJIR COUNTY BILLS, 2025**

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**THE WAJIR COUNTY CLIMATE CHANGE BILL, 2025**

**A Bill for**

**AN ACT of the County Assembly of Wajir to provide a framework for protection of the environment in furtherance of Article 42 and 69 of the Constitution; to establish measures for adaptation and mitigation of the effects of climate change in the county; to mainstream climate change adaptation and mitigation response measures in the county; to provide for the responsibilities of the county government in regulation of carbon trading; to enhance participation of communities in climate change actions; to repeal the Wajir County Climate Change Fund Act, 2016; and for connected purposes**

**ENACTED** by the County Assembly of Wajir, as follows—

**PART I—PRELIMINARY**

**Short title**

1. This Act may be cited as the Wajir County Climate Change Act, 2025.

**Interpretation**

**Cap. 387A**

2. In this Act—

“adaptation” means adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects which moderates harm or exploits beneficial opportunities;

“carbon project” means a program, project, product or intervention designed to remove, reduce, sequester or avoid carbon emissions implemented in the county;

“climate change” means a change in the climate system which is caused by significant changes in the concentration of greenhouse gases as a consequence of human activities and which is in addition to natural climate change that has been observed during a considerable period;

“community” means a consciously distinct and organised group of users of community land who are citizens of Kenya and share any of the following attributes—

- (a) common ancestry;
- (b) similar culture or unique mode of livelihood;
- (c) socio-economic or other similar common interest;

- (d) geographical space;
- (e) ecological space; or
- (f) ethnicity.

“County Executive Committee Member” means the County Executive Committee Member for the time being responsible for matters relating to climate change;

“Designated National Authority” means the entity or organisation granted the responsibility to authorise and approve participation in projects under the Climate Change Act, 2016;

“emissions” in relation to a greenhouse gas, means emissions of that gas into the atmosphere where the emissions are attributable to human activity;

“Fund” means the Climate Change Fund established under section 34;

“mitigation” means efforts that seek to prevent or slow down the increase of atmospheric greenhouse gas concentrations by limiting current or future emissions and enhancing potential sinks for greenhouse gases; and

“project proponent” means an entity legally responsible for carrying out a specific project.

### **Object**

**3.** The object of this Act shall be to —

- (a) establish measures for adaptation and mitigation of the effects of climate change in the county;
- (b) mainstream climate change mitigation response measures and actions in the county;
- (c) coordinate climate change response in the county;
- (d) provide for the responsibilities of the county in regulation of carbon trading;
- (e) enhance participation of communities in climate change response; and
- (f) repeal the Wajir County Climate Change Fund Act, 2016.

### **Application**

**4.** This Act applies to—

- (a) county departments;

- (b) project proponents;
- (c) residents of Wajir; and
- (d) any person or entity implementing climate change programmes in the county.

## **PART II—CLIMATE CHANGE GOVERNANCE FRAMEWORK**

### **Establishment of the Climate Change Directorate**

**5.** (1) Subject to section 59(1)(a) of the County Governments Act, the County Public Service Board shall establish a directorate responsible for climate change matters in the county.

(2) The directorate shall be headed by a Director, who shall be recruited competitively and appointed by the County Public Service Board.

(3) The County Public Service Board shall take the necessary measures to ensure that the directorate is adequately staffed with technical officers with the necessary skills and expertise to effectively discharge the mandate of the Directorate.

### **Functions of the Climate Change Directorate**

**6.** (1) The directorate shall be responsible for designing, implementing and coordinating climate change adaptation and mitigation measures in the county.

(2) Despite the generality of subsection (1), the directorate shall—

- (a) implement national policies, laws, action plans and priorities on climate change;
- (b) develop and implement programmes to mitigate the effects climate change in the county;
- (c) coordinate relevant stakeholders implementing climate change related policies, programmes, projects or in the county;
- (d) mainstream and integrate climate change programmes into county plans, policies, programmes and projects;
- (e) implement climate change measurement, reporting and verification mechanisms;
- (f) promote resilience by enhancing the adaptive capacities of communities to climate change;
- (g) undertake climate change education, public awareness, communication and outreach programs;

- (h) mobilise resources, including financial to support climate change response in the county;
- (i) advise the County Executive Committee Member on matters relating to climate change;
- (j) facilitate research and innovation in climate change adaptation and mitigation measures; and
- (k) provide secretarial support to such committees or administrative as may be established under this Act or regulations.

### **Powers of the Climate Change Directorate**

7. In performance of its functions, the directorate shall have powers to—

- (a) establish such administrative committees or working groups as may be necessary, in consultation with the County Executive Committee Member;
- (b) direct any person or agency to implement such climate change adaptation and mitigation measures as the directorate may determine;
- (c) call for any document and receive reports from county departments, agencies or any other person on climate change matters;
- (d) enter and inspect any land, premises, building, installation or any physical structure to monitor and assess risks to adverse effects of climate change; and
- (e) recommend the issuance or withdrawal of a letter of support to the County Executive Committee Member, in line with this Act.

### **Coordination with the Climate Change Directorate at the National Government**

#### ***Cap. 387A***

8. (1) The directorate shall, in the performance of its functions, consult and collaborate with the national climate change directorate established under the national Climate Change Act, 2016.

(2) The directorate may seek the technical support of the national climate change directorate in—

- (a) alignment of county climate change policies, plans and programmes to the national climate change policies and priorities;

- (b) capacity building and institutional strengthening in climate change response;
- (c) sharing of information on climate change matters;
- (d) any other matter necessary for the effective performance of the county directorate's functions.

### **PART III — COUNTY CLIMATE CHANGE ACTION PLAN**

#### **Obligation to develop climate change action plan**

**9.** (1) The County Executive Committee Member shall, every five years, prepare a Climate Change Action Plan for the county.

(2) The County Executive Committee Member shall, before development of the Action Plan under subsection (1), undertake an assessment of the climate risks and hazards in the county and their impact on the community and prepare a report.

(3) For the avoidance of doubt the County Executive Committee Member shall not develop the Climate Change Action Plan unless the assessment under subsection (2) is undertaken and a report is prepared and approved in accordance with this Act.

#### **Preparation of a climate risk assessment report**

**10.** (1) The assessment report under subsection 9(2) shall be prepared in collaboration with the communities and other stakeholders in the county.

(2) The assessment report shall determine the —

- (a) key climate risks, hazards and vulnerabilities that threaten the way of life and livelihoods of the communities in the county;
- (b) impact of climate risks, hazards and vulnerabilities on the community and major sectors in the county;
- (c) strategies to cope with the identified climate risks, hazards and vulnerabilities;
- (d) adaptation and mitigation actions to address the impacts of climate, risks, hazards and vulnerabilities; and
- (e) any other relevant matter.

(3) The County Executive Committee Member may incorporate traditional, indigenous and scientific knowledge in assessing the climate risks and hazards in the county.

(4) The County Executive Committee Member shall submit the report to the County Executive Committee for approval.

**Preparation of Climate Change Action Plan**

**11.** (1) The County Executive Committee Member shall prepare the Climate Change Action Plan within ninety days of approval of the assessment report under sub section 10(4).

(2) The County Climate Change Action Plan shall be aligned to the National Climate Change Action Plan and other relevant national policies, laws and priorities on climate change.

(3) The Climate Change Action Plan shall analyse the —

- (a) findings of the climate risk assessment report prepared pursuant to section 10;
- (b) policy, legal, and institutional framework on climate change;
- (c) climate trends and extremes in the county;
- (d) observed and projected impacts of climate change, including impact in climate-sensitive sectors;
- (e) maps and data showing climate hazards and vulnerable zones;
- (f) implementation framework for climate change adaptation and mitigation; and
- (g) measurement, reporting and verification systems for climate change response.

**Approval of the County Climate Change Action Plan**

**12.** (1) The County Climate Change Action Plan shall be approved by the County Executive Committee and the County Assembly.

(2) Upon approval, the County Executive Committee Member shall publicise the Climate Change Action Plan in such manner as the County Executive Committee determines.

**Review of the County Climate Change Action Plan**

**13.** The County Executive Committee shall review the County Climate Change Action Plan after every two and a half years to assess progress, identify challenges, and propose adjustments to the county's climate change response actions and measures.

**PART IV— RESPONSIBILITIES OF THE COUNTY  
GOVERNMENT IN CARBON TRADING****Responsibilities of the County Government in carbon trading**

**14.** (1) The County Executive Committee Member shall promote the development and implementation of carbon projects in the county, in line with national legislation.

(2) Despite the generality of subsection (1), the County Executive Committee Member shall—

- (a) receive applications for a letter of support from project proponents seeking to implement carbon projects in the county;
- (b) consider applications for a letter support received from project proponents;
- (c) issue a letter of support to a project proponent who meets the criteria set out under this Act and any other relevant law;
- (d) withdraw a letter of support issued under this Act for non-compliance with this Act or any other relevant law;
- (e) keep a record of carbon projects and related activities in the county;
- (f) monitor compliance with national and international carbon standards and methodologies;
- (g) facilitate the participation of communities in carbon projects and safeguard community rights in carbon projects;
- (h) review community development agreements to ensure transparent and equitable distribution of benefits from carbon projects;
- (i) facilitate registration of carbon projects proposed by residents of the county; and
- (j) build the capacity of the community to design, implement and verify carbon projects in the county.

**Letter of support**

***Cap. 387A***

***Cap. 387***

**15.** (1) A project proponent seeking to undertake a carbon project in the county shall obtain a letter of support from the County Executive Committee Member.

(2) The County Executive Committee Member shall issue a project proponent with a letter of support where—

- (a) the County Executive Committee Member is satisfied that the design of the project complies with such requirements as may be set out under the Climate Change Act or regulations;
- (b) the project proponent has obtained a letter of no objection from the Designated National Authority;

- (c) the project proponent has undertaken a Social and Environmental Impact Assessment of the carbon project, in line with the Environmental Management and Coordination Act;
  - (d) the project proponent has executed a community development agreement, through a consultative process with the community and as outlined under the Climate Change Act;
  - (e) the project proponent meets such other requirements as may be set out under the Climate Change Act, this Act, or any other written law;
  - (f) the project proponent has established mechanisms for resolution of disputes and grievances that may arise during the implementation of the project; and
  - (g) the project proponent pays such fees as may be prescribed.
- (3) An application for a letter of support shall be accompanied by a copy of the—
- (a) project design, developed in accordance with the Climate Change Act and regulations;
  - (b) letter of no objection issued by the Designated National Authority;
  - (c) social and environmental impact assessment report approved by the Designated National Authority;
  - (d) community development agreement duly executed by the project proponent and the community, in accordance with the Climate Change Act and regulations;
  - (e) evidence of consultations on the proposed project, with the community; and
  - (f) any other relevant document imposed by written law.

**Consideration of an application for a letter of support.**

**16.** (1) The County Executive Committee Members shall consider an application for a letter of support, within twenty-one days of the application.

(2) In considering an application under subsection (1), the County Executive Committee Member shall—

- (a) invite the project proponent to make representations on the proposed project; and
- (b) consult the community, on the proposed project.

(3) Where the County Executive Committee Member is satisfied that the project proponent meets the requirements for issuance of a letter of support under this Act and national law, the County Executive Committee Member shall issue the letter of support to the project proponent.

(4) Where the County Executive Committee Member determines that the project proponent does not meet the requirements set out under this Act and national law, the County Executive Committee Member shall reject the request and notify the project proponent of the decision, within seven days.

### **Review**

**17.** A project proponent aggrieved by a decision of the County Executive Committee Member relating to the issuance of a letter of a support may apply for a review of the decision where—

- (a) there is an error on the face of the record; or
- (b) the project proponent has discovered new facts, that were not available at the time of application.

(2) The County Executive Committee Member shall consider an application for review within twenty-one days.

(3) In considering an application for review, the County Executive Committee Member shall undertake consultations with the community.

### **Appeal**

**18.** A person aggrieved by a decision of the County Executive Committee Member in relation to an application for a letter of support may appeal to the Designated National Authority within fourteen days of the decision.

### **Community Development Agreement**

**19.** (1) A carbon project shall be undertaken in accordance with a community development agreement entered into between the project proponent and the community hosting the carbon project.

(2) In developing a community development agreement, the project proponent shall ensure that—

- (a) the communities hosting carbon projects derive direct and equitable social, environmental, and economic benefits;
- (b) sharing of benefits arising from carbon projects is undertaken in a transparent and accountable manner;

- (c) the rights of indigenous people, pastoralists, and marginalised groups are safeguarded; and
- (d) communities participate in climate change adaptation and mitigation initiatives.

## **PART V— CLIMATE CHANGE INFORMATION MANAGEMENT**

### **County Climate Information Service Plan**

**20.** (1) The County Executive Committee Member shall, every five years, prepare a climate information service plan, for the county, in consultation with the Kenya Meteorological Department and other relevant agencies.

- (2) The county climate information service plan shall provide for—
  - (a) climate services in the county;
  - (b) data observation and monitoring framework;
  - (c) framework for communication and dissemination of climate information;
  - (d) monitoring, evaluation, and reporting mechanisms to improve climate information management systems; and
  - (e) any other relevant matter.

### **Greenhouse gas inventory**

**21.** (1) The County Executive Member shall develop and publish a county greenhouse gas inventory in accordance with the Paris Agreement, national legislation, rules and regulations.

(2) The County Executive Committee Member shall submit greenhouse gas inventory reports to the National Climate Change Directorate, once every two years in line with the Climate Change Act, 2016.

- (3) The county greenhouse gas inventory shall include—
  - (a) greenhouse gas inventory for the preceding years;
  - (b) emission trends by economic sectors in the county;
  - (c) monitoring, reporting, and verification system;
  - (d) county government effort in meeting the emission reduction targets in the Nationally Determined Contribution;
  - (e) challenges and recommendations for improved reporting on greenhouse gas emissions for the national inventory, reduction

of sectoral greenhouse gas emissions and coordination with the National Climate Change Directorate; and

- (f) any other incidental matters thereto.

### **County State of the Climate Report**

**22.** (1) The County Executive Committee Member shall, once every year, prepare a report on the state of the climate in the county, and present it to the County Assembly.

(2) The state of the climate report shall detail—

- (a) the observed climate trends, projections, and emerging risks in the county;
- (b) the status of implementation of the county climate change action plan;
- (c) utilisation of the county climate change Fund;
- (d) key achievements and challenges in climate change response; and
- (e) recommendations for policy and planning improvement.

(3) The County State of the Climate Report shall be made available to the public through print, digital, and local communication channels.

## **PART VI— PUBLIC PARTICIPATION IN CLIMATE CHANGE RESPONSE**

### **Community engagement in climate change**

**23.** (1) The County Executive Committee Member responsible for matters related to climate change shall, through the Directorate, design and implement a comprehensive programme for public awareness and sensitisation on climate change adaptation and mitigation.

(2) The programme shall—

- (a) promote public understanding of the causes and impacts of climate change in the county;
- (b) disseminate information on practical community-based climate change adaptation and mitigation measures;
- (c) build capacity among youth, women, pastoralists, and vulnerable groups to participate in climate action;
- (d) integrate climate change awareness into trainings and outreach programmes in the county;

- (e) promote behavioural change and sustainable practices including water conservation, afforestation, and renewable energy adoption; and
- (f) provide for any other matter relevant to climate change adaptation and mitigation, in the county.

(3) The County Executive Committee Member shall ensure that programmes designed and implemented under this section are inclusive, gender-responsive, culturally appropriate, and accessible.

### **Establishment of the Climate Change Consultative Forum**

**24.** (1) The County Executive Committee Member may, where necessary, and for the effective implementation of the provisions of this Act, convene a forum to deliberate on climate change related issues affecting the county.

(2) The forum shall comprise of key climate actors in the county, including representatives from—

- (a) relevant county government departments and agencies;
- (b) relevant national government agencies;
- (c) civil society organisations;
- (d) development partners;
- (e) the private sector;
- (f) other relevant parties

(3) The forum shall—

- (a) serve as a platform for dialogue between the county government, private sector, civil society, communities, and other stakeholders on climate change matters;
- (b) promote information exchange and learning among climate change actors in the county;
- (c) strengthen collaboration and synergy in implementation of climate change programmes in the county;
- (d) facilitate participatory monitoring and evaluation of climate change adaptation and mitigation programmes;
- (e) identify community-based priorities for inclusion in the county climate change agenda; and
- (f) perform any other function necessary for the effective coordination of climate change actions in the county.

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**PART VII— COMPLIANCE AND ENFORCEMENT**

**Measurement Reporting and Verification**

**25.** (1) The County Executive Committee Member shall establish a County Measurement, Reporting and Verification System.

(2) The County Executive Committee Member shall ensure that the System is aligned to the national measurement, reporting and verification system framework established under the Climate Change Act, 2016 and regulations made thereunder.

(3) A person or entity implementing climate change related programmes in the county shall report the status of programmes or projects in the measurement, reporting and verification system established under this Act.

(4) The System shall serve as a tool for evidence-based decision-making, accountability, and performance tracking of all county climate programmes.

**PART VIII-ESTABLISHMENT OF THE CLIMATE CHANGE FUND**

**Establishment of the Climate Change Fund**

**26.** Subject to section 116 of the Public Finance Management Act, the County Executive Committee Member for Finance shall establish a Climate Change Fund for the county.

**Management of the Fund**

**27.** The County Executive Committee Member for Finance shall prescribe regulations for management of the Fund, in line with the Public Finance Management Act.

**PART IX— MISCELLANEOUS PROVISIONS**

**Regulations**

**28.** (1) The County Executive Committee Member may make regulations for the better carrying into effect of the provisions of this Act.

(2) The regulations may provide for—

- (a) the procedure for issuance and form of the letter of support;
- (b) manner of developing community agreements;
- (c) preparation and submission of the county state of the climate report;

- (d) adaptation and mitigation response and actions to be undertaken in the county;
- (e) resolution of disputes on matters related to climate change; and
- (f) any other relevant matter.

**Repeal**

**29.** The Wajir County Climate Change Fund Act, 2016, is repealed.

**Savings**

**30.** (1) Any action or decision made by the Committees established under the Wajir County Climate Change Fund Act, 2016 (repealed Act), before the commencement of this Act, shall be deemed to have been lawfully made under this Act.

(2) Any community project approved before commencement of the Act or implemented within six months of the commencement of the Act, shall be deemed to be lawfully approved under this Act.

**Transition**

**31.** The Committees set up under the Wajir County Climate Change Fund Act, 2016 (repealed Act) shall be considered to be the same Committees established under the Public Finance Management (Wajir County Climate Change Fund) Regulations, 2025.

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**MEMORANDUM OF OBJECTS AND REASONS**

Climate change is a global phenomenon that largely impacts urban life. Rising global temperatures causes sea levels to rise, increases the number of extreme weather events such as floods, droughts and storms, and increases the spread of tropical diseases. All these have costly impacts.

Only with a coordinated approach and action at the global, regional, national and local levels, can success be achieved on management of climate change. It is essential, therefore, that counties become an integral part of the solution in fighting climate change.

The objectives of the Bill therefore are to—

- (a) establish measures for adaptation and mitigation of the effects of climate change in the county;
- (b) mainstream climate change mitigation response measures and actions in the county;
- (c) coordinate climate change response in the county;
- (d) provide for the responsibilities of the county in regulation of carbon trading;
- (e) enhance participation of communities in climate change response; and
- (f) repeal the Wajir County Climate Change Fund Act, 2016.

**PART I** (Clauses 1-4) provides for the preliminary provisions. These include the Title of the Bill, interpretations, objects and interpretation of the Bill.

**PART II** (Clauses 5–8) of the Bill provides for establishment of the Climate Change Directorate, its functions, powers and coordination between the Directorate and National Government.

**PART III** (Clauses 9–13) of the Bill provides for the preparation of the County Climate Change Action Plan, its approval and review process and the preparation of the climate change assessment report.

**PART IV** (Clauses 14–19) of the Bill provides for the responsibilities of the County in carbon trading, the processes and review and appeal process when applying for carbon trading in the County.

**PART V** (Clauses 20-22) of the Bill talks about the Climate Information Service Plan, preparation of the Greenhouse gas inventory and the County State of the Climate Report.

**PART VI** (Clauses 23-24) of the Bill provides for the processes of community engagement and consultative forums in climate change.

**PART VII** (Clauses 26 -27) of the Bill provides for the Climate Change Fund and its management.

**PART IX** (Clauses of the Bill sets out the miscellaneous provisions. These include power to make regulations, repeal of the Wajir County Climate Change Fund Act, savings and transitions clause.

SAHAL MOGOW,  
*Chairperson, Water, Energy, Environment,  
Climate Change and Natural Resources.*