

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY



ELEVENTH PARLIAMENT – FOURTH SESSION – 2016

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON THE RATIFICATION OF THE PARIS CLIMATE CHANGE AGREEMENT

DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

NOVEMBER, 2016

3. 11. 1944

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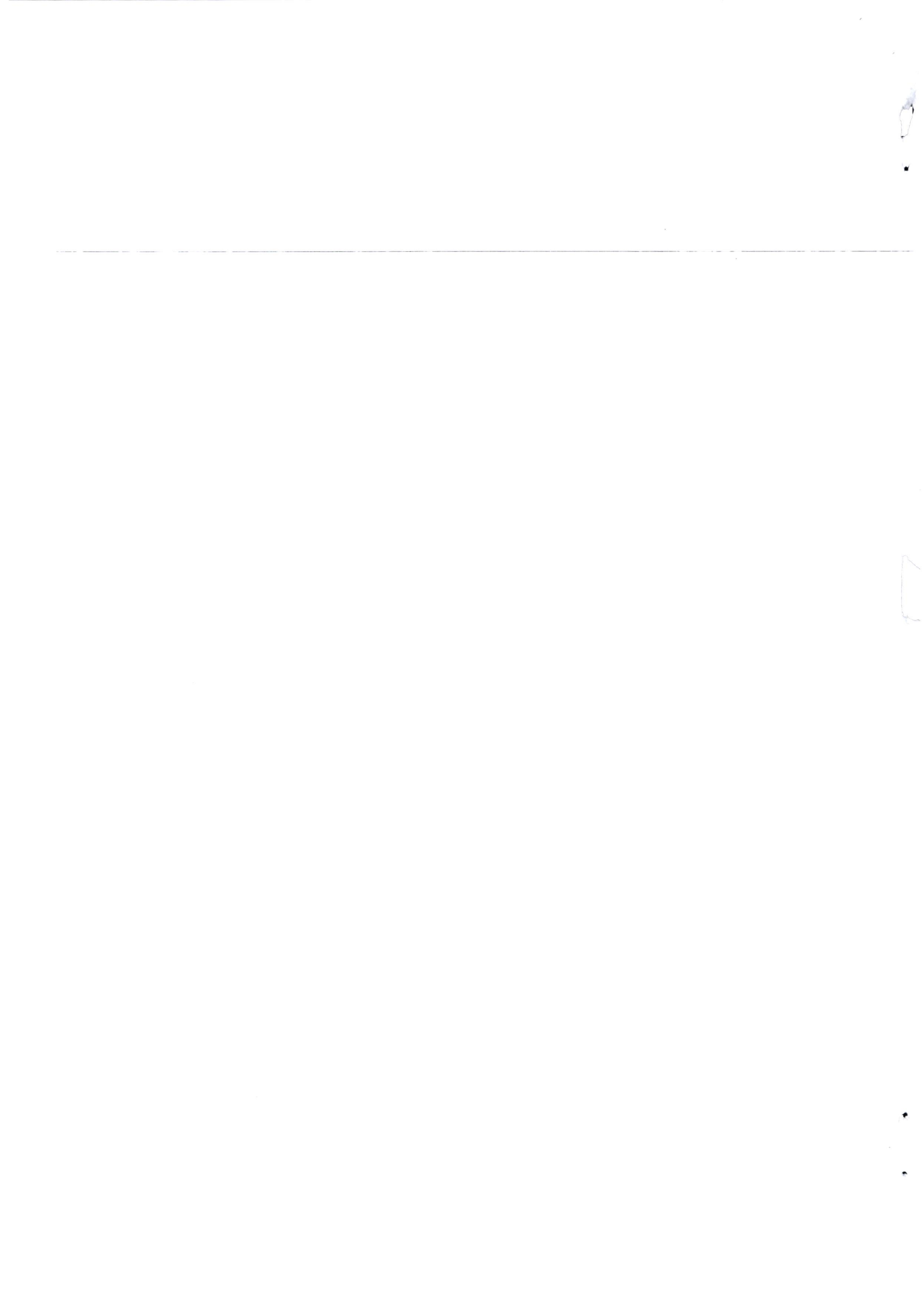
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ACRONYMS

NCCAP	National Climate Change Action Plan
NCCRS	National Climate Change Response Strategy
UNFCCC	United Nations Framework Convention on Climate Change
NDCs	Nationally Determined Contributions



CHAIR'S FOREWORD

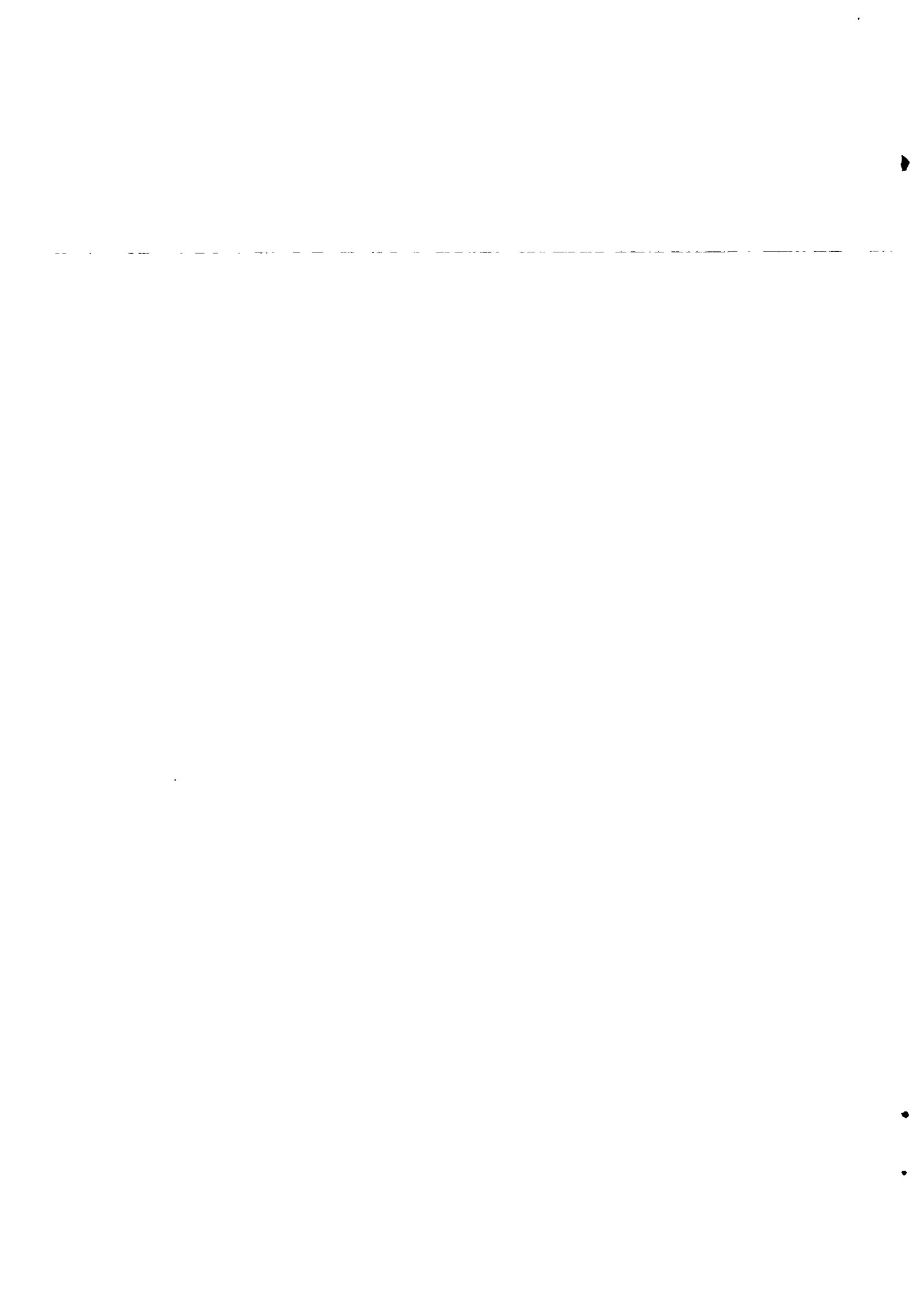
The Memorandum to Parliament on the Ratification of the Paris Climate Change Agreement was committed to the Departmental Committee on Environment and Natural Resources on November 15, 2016, in accordance with section 8 of the Treaty Making and Ratification Act, 2012, for consideration and report to the House. Once ratified, the Agreement shall become part of our Kenyan laws as provided for in Article 2(6) of the Constitution which provides that “*any treaty or convention ratified by Kenya shall form part of the Law of Kenya under this Constitution*”.

The Committee held meetings with the Ministry of Environment and Natural Resources which is the implementing agency of the Agreement. The Committee also received memoranda from various civil society institutions and various individuals representing the academia. All the submissions are incorporated in this report. The Committee recommends that the National Assembly Approves the ratification of the Agreement as it is in Kenya's national interest.

The Committee wishes to thank the Speaker and the Clerk of the National Assembly for the logistical and technical support they accorded the committee during the process.

On behalf of the Committee, it is my pleasant duty to table in the House the Report of the Departmental Committee on Environment and Natural Resources on the ratification of the Paris Climate Change Agreement for consideration and approval by the House pursuant to Section 8(4) of the Treaty Making and Ratification Act, 2012 and Standing Order 199.

Hon. Alexander Kosgey, M.P



EXECUTIVE SUMMARY

The purpose of this report was to consider the ratification of the Paris Climate Change Agreement. In considering the Agreement the Committee held a total of eight sittings, received a comprehensive brief from the Ministry of Environment and Natural Resources which is the implementing agency.

Pursuant to Article 118 (1)(b) of the Constitution on Public participation and section 8(3) of the Treaty Making and Ratification Act of 2012, the Committee placed advertisements in two local dailies, on November 21, 2016, requesting for submissions of memoranda on the subject matter. The Committee received memoranda from two civil society groups and from the University of Nairobi. All the submissions received supported ratification of the Agreement.

The Paris Agreement is a multilateral treaty under the United Nations Framework Convention on Climate Change. The Agreement provides a legal framework for all countries to address climate change. The Agreement was adopted on 12th December 2015 in Paris at the 21st Conference of the Parties (COP21) to the Convention. Kenya became a signatory to the Agreement on 22nd April 2016. Under the Agreement parties are able to determine the level of their contributions to the global response to climate change, according to their own national circumstances

The report concludes that the National Assembly Approves the ratification of the Agreement as it is in Kenya's national interest.

COMMITTEE MANDATE

The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows: climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

OVERSIGHT

In executing its mandate, the Committee oversees the following Government Ministries and Departments namely:-

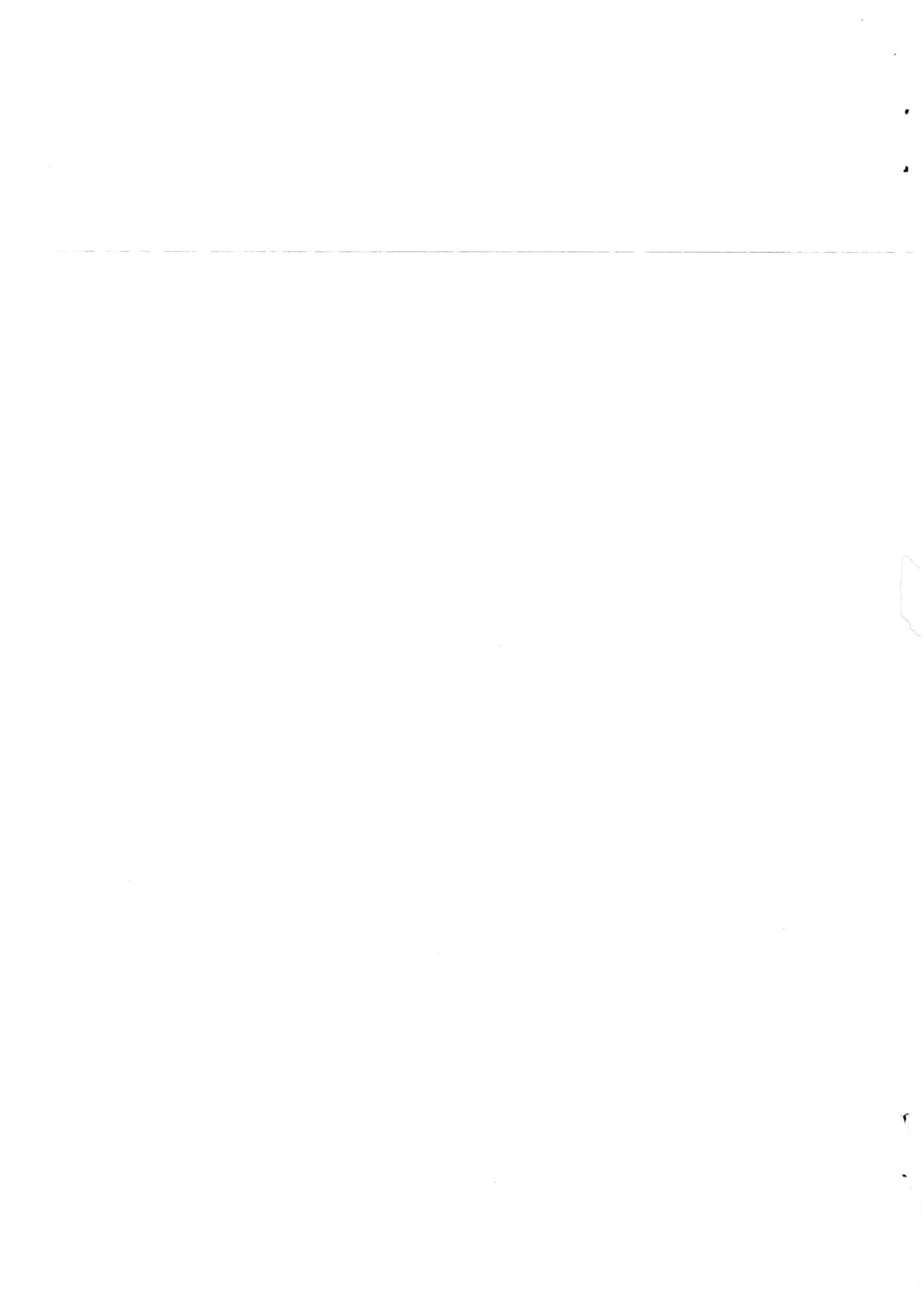
- i. The State department for Water Services;
- ii. The State Department of Environment;
- iii. The State Department for Natural Resources; and
- iv. The Ministry of Mining



MEMBERS OF THE COMMITTEE

The Committee comprises the following Members:

Chairperson	Hon. Amina Abdalla, CBS, M.P
Vice Chairperson	Hon. Alexander. K. Kosgey, M.P.
	Hon. Alice Ng'ang'a, M.P.
	Hon. Samuel Ndiritu, M.P.
	Hon. Opiyo Wandayi, M.P.
	Hon. (Dr.) Ejidius Njogu Barua, M.P.
	Hon. Jude Njomo, M.P.
	Hon. Moitalel Ole Kenta, M.P.
	Hon. Kathuri Murungi, M.P.
	Hon. Sunjeev Birdi, M.P.
	Hon. Jackson K. Rop, M.P.
	Hon. Abdi Noor Ali, M.P.
	Hon. Joyce Emanikor, M.P.
	Hon. Abdulaziz Farah, M.P.
	Hon. Ronald Tonui, M.P.
	Hon. (Dr.) Reginalda Wanyonyi, M.P.
	Hon. Gideon Mwiti, M.P.
	Hon. Hassan Dukicha, M.P.
	Hon. Chachu Ganya, M.P.
	Hon. Richard Makenga, M.P
	Hon. Charles Geni. Mongare, M.P.
	Hon. (Dr.) Wilber K. Ottichilo, M.P.
	Hon. George Ogalo, M.P.
	Hon. (Major) Muluvi Mutua, M.P.
	Hon. Mohamed, Diriye M.P.
	Hon. Peter Kinyua, MP.
	Hon. Shukran Hussein Gure, M.P
	Hon. Joyce Lay, M.P



SECRETARIAT

The Committee is serviced by the following Members of Staff:

Ms. Tracy Chebet Koskei

Clerk Assistant II

Mr. Hassan Arale

Clerk Assistant III

Mr. Ronald Walala

Legal Counsel II

Mr. James Muguna

Research Officer III

COMMITTEE RECOMMENDATION

The Committee recommends that the National Assembly approves the ratification of the Paris Climate Change Agreement as it is in Kenya's national interest.

1.0 INTRODUCTION

The Paris Climate Change Agreement was adopted during the UN Climate Change Conference (COP 21) held in Paris, France in December 2015. Kenya became a signatory to the Agreement on **22nd April 2016**. Under the Agreement parties are able to determine the level of their contributions to the global response to climate change, according to their own national circumstances.

The Agreement provides for a durable, robust and ambitious action on climate change. It is universal, inclusive and is applicable to all Parties; and will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities in the light of different national circumstances.

The aim of the Paris Agreement is to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including:

- a) Holding the increase in the global average temperature to well below 2 °C above pre-industrial levels and to pursue efforts to limit the temperature increase to 1.5 °C above pre-levels, recognizing that this would significantly reduce the risks and impacts of climate change;
- b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and
- c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate resilient development.

The Paris Agreement brings all Parties to a common platform to undertake ambitious actions to combat climate change and adapt to its adverse effects.

1.1 Outline of the Paris Climate Change Agreement

The Paris Agreement is set out in twenty-nine (29) Article that provide the following—**Article 1** provides for the definition of the terms “Convention”, “Conference of the Parties” and “Party” which commonly used within the text of the Agreement.

Article 2 sets out the purpose of the Agreement which is to further enhance the implementation of the United Nations Framework Convention on Climate Change (UNFCCC), adopted in New York on 9th May 1992 by—

- (a) limiting the increase in the global average temperature to below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels,
- (b) increasing the ability to adapt to the adverse impacts of climate change in a manner that does not threaten food production; and

- (c) Making finance flows consistent to encourage low greenhouse gas emissions and climate resilient development.

Article 3 on Nationally Determined Contributions to the implementation of the Agreement requires that the contributions of Parties be viewed in a comprehensive manner rather than a manner which confines the contributions only to mitigation efforts.

Article 4 outlines the mitigation efforts to be undertaken by Parties in order to achieve the global temperature reduction goals set out at Article 2. The Article requires that Parties set their National Defined Contributions and report the progress made towards the achievement of the contributions to the Conference of Parties every five years. Support is to be provided to developing country parties to implement the obligations set out under the Article.

Article 5 requires Parties to take action to conserve and enhance sinks and reservoirs of greenhouse gases, including forests in order to reduce emissions.

Article 6 allows the use of international carbon markets to achieve countries' nationally determined contributions. The Agreement provides for a centralised market mechanism and also allows other approaches to be developed by parties. Any Party using emissions reductions from another Party towards meeting their nationally determined contributions must promote sustainable development, ensure environmental integrity and transparency, and apply robust accounting to avoid double-counting.

Article 7 requires Parties to engage in adaptation planning processes and to implement adaptation actions as appropriate. Further, parties must strive to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change as well as regularly report on adaptation planning processes and adaptation actions.

Article 8 requires Parties to enhance understanding, action and support with respect to loss and damage associated with the adverse effects of climate change, including through the Warsaw International Mechanism for Loss and Damage. The Agreement provides a non-exhaustive, indicative list of areas for cooperation and facilitation, for instance, early warning systems, slow onset events and other events that may involve irreversible and permanent loss and damage, and risk-related actions (Article 8.4). In addition, the adopting decision tasks the Executive.

Article 9 requires developed countries to provide financial resources to assist developing countries' mitigation and adaptation efforts. In addition, developed countries must submit indicative quantitative and qualitative information every two years on support provided and mobilised through public interventions, including projected levels of public finance.

Article 10 covers technology development and transfer as integral in the implementation of the Agreement. Developing countries are to be supported in the implementation of the Article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle, with a view to achieving a balance between support for mitigation and adaptation.



Article 11 requires all Parties engaged in enhancing the capacity of developing country Parties to implement the Agreement have an obligation to regularly communicate their actions or measures on capacity building. This obligation is also in the Agreement's transparency framework where developed countries have an obligation to provide information on capacity building support provided to developing countries.

Article 12 requires all Parties to cooperate in taking measures, as appropriate, to enhance climate change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.

Article 13 engenders transparency on all Parties in continued greenhouse gas inventory reporting, submission of information to enable the tracking of progress made in implementing and achieving nationally determined contributions and continued participation in international review.

Article 14 provides for the periodical stock-take of measures taken to implement the Agreement by the Conference of the Parties. The first global stocktake is slated for 2023 and every five years thereafter unless otherwise decided by the Conference of the Parties.

Article 15 establishes an expert-based Committee as a mechanism to facilitate implementation of and promote compliance with the provisions of the Agreement. It is to operate under the modalities and procedures adopted by the Conference of the Parties.

Article 16 establishes the Conference of the Parties as the governing body of the Agreement. It is mandated to keep the effective implementation of the Agreement under review and take the decisions necessary to promote its effective implementation. For that purpose, it can establish subsidiary bodies and exercise other functions deemed necessary for the implementation of the Agreement.

Article 17 provides for the UNFCCC Secretariat to serve as the Secretariat of the Agreement. The Secretariat's functions include the preparation of meetings and reports, provision of assistance to Parties and coordination of work with other international institutions. Under the Agreement, the Secretariat is also required, among others things, to maintain the public registries for Contributions and adaptation communications, and to receive certain notifications, for instance, on collaborations and on the convening of sessions.

Article 18 empowers the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention to serve with necessary modifications, in a similar capacity, respectively, with regard to the implementation of the Agreement.

Article 19 allows for subsidiary bodies under the UNFCCC other than those outlined under Article 18 to serve the Agreement, should the Conference of the Parties so decide.



Article 20 provides that the Agreement will remain open for signature at the UN Headquarters in New York from 22 April 2016 to 21 April 2017. Signing the Agreement indicates a Party's intention to take further steps towards ratification, acceptance, approval or accession (expressing its consent to be bound by the Agreement) at a later stage. Kenya signed the Agreement on 22nd April 2016.

Article 21 provides for the date of entry into force of the Agreement as the 30th day after the date on which at least fifty-five (55) Parties to the UNFCCC accounting for at least an estimated 55% of total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession. This threshold was reached on **5th October, 2016** and the Agreement came into force on **4th November, 2016**.

Article 22 provides that the procedure for consideration and adoption of amendments under the Convention is to apply with regard to any amendments to the Agreement. Consequently, the text of any proposed amendment to the Agreement will have to be communicated to Parties at least six months before a session of the Conference of the Parties proposed for its adoption. An amendment to the Agreement enters into force for those Parties that have accepted it ninety (90) days after at least three-fourths of all Parties have deposited their instruments of acceptance.

Article 23 provides that the procedure for the adoption and amendment of Annexes under the Convention is to apply to the Agreement with necessary modifications. The Agreement does not currently have an annex, but if the Parties subsequently decide to adopt one (or more), it would form part of the Agreement and have the same legal standing as its Articles (unless explicitly decided otherwise). The adoption of annexes is subject to the same procedural rules as treaty amendments.

Article 24 provides for the mechanism of settlement of disputes. A dispute between Parties are to first be resolved by negotiation or other peaceful means of their own choice. If the dispute is not settled, it is submitted to either the International Court of Justice or an arbitration procedure. If after twelve (12) months the Parties concerned have been unable to settle their dispute, it may be submitted to a conciliation commission by any Party to the dispute.

Article 25 allows for one vote per member state with regard to decision-making, with the only rider being that a regional bloc whose members have reached a common position is entitled to the number of votes equivalent to the states within the bloc.

Article 26 appoints the United Nations Secretary General as the Depositary of the Agreement to receive instruments of ratification, acceptance, approval or accession.

Article 27 precludes a Party from making any reservation to the Agreement. As a result, countries that ratify the Agreement must accept its provisions without reservations.

Article 28 provides a mechanism from withdrawal from the Agreement. A Party may withdraw from the new Agreement at any time three years from the date on which the Agreement has entered into force for that Party. Written notification of withdrawal must be lodged with the Depositary and withdrawal will be effective one year from receipt by



the Depositary of the notification. A withdrawal from the UNFCCC is also considered a withdrawal from the Agreement.

Article 29 outlines that the languages of the Agreement are Arabic, Chinese, English, French, Russian and Spanish, all equally authentic. The general rules of treaty interpretation are to apply in the event of a difference in meaning between texts. If that does not resolve the issue, the meaning, which best reconciles the texts, having regard to the object and purpose of the treaty, will be adopted.

1.2 Constitutional Implications

Climate Change is an integral part of the Constitution and is anchored in the National Climate Change Framework Policy and the Climate Change Act, 2016. The preparation of the Climate Change Act took place during the period that the Paris Agreement was being negotiated, and is therefore in line with the Agreement. Implementation of the Paris Agreement will contribute towards the implementation of the Climate Change Act, 2016, Vision 2030 and the relevant articles of the Constitution.

Further, the climate change mitigation and adaptation actions anchored in the Agreement will strengthen the adaptive capacity of the most vulnerable groups and communities of the society. Women, children, persons with disabilities and marginalized communities, being among the most vulnerable groups will benefit a lot from the implementation of the Agreement.

1.3 Financial Implications

Kenya, like other parties to the United Nations Framework Convention on Climate Change (UNFCCC), has an obligation to prepare and implement Nationally Determined Contributions (NDCs) covering mitigation and adaptation actions every five years. In addition, the country will have enhanced reporting requirements under the Agreement.

The estimated budgets to address the country's climate change response are reflected in the National Climate Change Action Plan (NCCAP) and national adaptation plan (NAP). It is the same actions (in the NCCAP) that the country submitted as its contributions in the nationally determined contribution (INDC). Several of these actions have also been integrated in MTP (2013 - 2017) and sector strategic plans. Further, the NCCAP and its implementation are now anchored in the Climate Change Act, 2016.



By ratifying the Paris Agreement, the country stands to benefit from the support (finance, capacity building, and technology development and transfer) that is anchored in the UNFCCC and specifically under the Paris Agreement.

2.0. SUBMISSIONS ON THE CLIMATE CHANGE AGREEMENT

2.1 submission by the Ministry of Environment and Natural Resources

The Cabinet Secretary for Ministry of Environment and Natural Resources, submitted the following, that:-

Climate change is one of the most serious global challenges that require international attention and action. Kenya, like most developing countries, is vulnerable to the impacts of climate change. This is exacerbated by the country's high dependency on climate sensitive sectors, like agriculture, energy, wildlife, tourism, water and health.

The Ministry has spearheaded various initiatives to address climate change. A National Climate Change Response Strategy (NCCRS) was launched in 2010, followed in 2013, by a National Climate Change Action Plan (NCCAP 2013 - 2017) that charts a low carbon climate resilient development pathway for the country. In addition, a national adaptation plan (NAP) has been finalised. Further, the Climate Change Act (2016) is now operational following the President's assent on 6th May, 2016.

The Cabinet Secretary informed the Committee that H.E. the President in his address during the recently concluded UNFCCC COP 22 in Marrakech, Morocco, assured the global community that Kenya was in the process of ratifying the Paris Agreement.

The Agreement presents opportunities for support, including:

- i. Access to Climate Finance - Kenya stands to benefit from global climate finance opportunities through the mechanisms in the Climate Convention, among others. These include, but not limited to support coming through the Global Environment Facility (GEF), the Adaptation Fund, and the Green Climate Fund (GCF). The Agreement presents enhanced opportunities to support the country's low carbon climate resilient goals. Additionally, the Agreement provides for market mechanisms to spur private sector investments in developing countries, building on the Clean Development Mechanism (CDM).
- ii. Enable Climate Technology development and transfer in mitigation and adaptation actions in line with our low carbon climate resilient strategies through the Climate Technology Centre and Network (CTCN).
- iii. Enhance Capacity Building for the implementation of our nationally determined contribution (NDC) to the UN Framework Convention on Climate Change,

National Adaptation Plan (NAP), National Climate Change Action Plan (NCCAP).

- iv. Implementation of the Paris Agreement will facilitate the implementation of the Climate Change Act (2016) and National Climate Change Framework Policy, Vision 2030 and the relevant articles of the Constitution, since response to climate change is an integral part of the Constitution.
- v. It will further enhance Kenya's image internationally by giving Kenya full status for participation and decision making in activities and meetings pertaining to the Agreement such as in the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, whose first session was held in the just concluded COP 22.
- vi. It will maintain and improve Kenya's leadership and exemplary status in Africa and other developing countries on climate change issues.

The Cabinet Secretary further submitted that Kenya is signatory to United Nations Framework Convention on Climate Change (UNFCCC), ratified in 1994 and its Kyoto Protocol in 2005. In addition, Kenya submitted its intended nationally determined contribution (INDC) to the UNFCCC secretariat in July 2015. She informed the Committee that the Paris Agreement came into force on 4th November 2014. To-date, 114 Parties out of 197 have ratified the Agreement.

2.2 Submission by Wisuvie Community Based Organization (CBO)

Wisuvie Community Based Organization supported the ratification of the Agreement by Kenya, which is a party to the United Nations Framework Convention on Climate Change (UNFCCC). Additionally the CBO submitted that it was encouraged to have intergenerational equity and participation of non-state actors embedded in both the Paris Agreement and the Climate Change Act, 2016.

2.3 Submission by Prof. Shem Wandiga FRSC., D.S.c (hc), University of Nairobi's Institute for Climate Change and Adaptation; College Of Biological And Physical Sciences

While supporting ratification of the Agreement, the academic institution also submitted that it was encouraged to have intergenerational equity and participation of non-state actors embedded in both the Paris Agreement and the Climate Change Act, 2016.



2.4 Submission by the Sustainable Development Watch (SUSWATCH) Kenya

SUSWATCH Kenya submitted that it had been eagerly awaiting for the conclusion of the ratification process. Further, they submitted that Kenya as party to the United Nations Framework Convention on Climate Change (UNFCCC) played a critical role in the generation of the Paris Agreement in 2015. The policy is also in harmony with the spirit and intent of the Climate Change Act, 2016.

In addition, the institution stated that as a member of the team that prepared the background paper in March 2016, to inform the deliberations for Kenya's signing of the Agreement on April 22, 2016, this ratification would be the final step.

2.5 Submission by Mr. Andy C. Matata, PhD Student at the Institute of Climate Change and Adaptation, University of Nairobi

Mr. Matata in his submission questioned about the agreement was likely to be effective in terms of its stated goal of keeping global warming between 1.5 and 2° C. Further he stated that the agreement uses soft laws as opposed to coercive laws. Evidenced by the fact that all members of the conference of Parties (COP) are allowed to formulate their own Intentionally Nationally Determined Contributions (INDCs). According to him the INDCs while appears to work in respective member's interests or favour, can also be a double edged sword in the sense that failure to adhere to the agreement may lead to serious consequences.

Further, he called for the review of the Climate Change Act, 2016 to incorporate an aspect of climate insurance which some of Kenya's development partners have incorporated in their climate change acts. The climate insurance if created would make it more easier to generate fund for climate change adaptation and disburse it quicker to needy students.

Mr. Matata also stated that Kenya being a developing country called for the country to ensure that better science and knowledge including traditional knowledge in incorporated in mega projects such as the envisaged coal mines, oil exploitation etc. as intergenerational equity, which is provided for in the Agreement, demands that actions be taken now to limit future greenhouse gas emission to in order to protect future generations from the burden of such emissions or future costs in mitigating the same.




3.0 OBSERVATIONS

Having subjected the Agreement to Public participation and having deliberated on the same, the Committee observed that:-

1. By ratifying the Agreement, Kenya stands to benefit from access to Climate Finance through global climate finance opportunities through the mechanisms in the Climate Convention, among others;
2. Implementation of the Paris Agreement will facilitate the implementation of the Climate Change Act (2016) and National Climate Change Framework Policy, Vision 2030;
3. Ratifying the agreement will maintain and improve Kenya's leadership and exemplary status in Africa and other developing countries on climate change issues;
4. Kenya is signatory to United Nations Framework Convention on Climate Change (UNFCCC), ratified in 1994 and its Kyoto Protocol in 2005. The country also participated actively in the negotiations for the Agreement and is therefore in order to ratify the Agreement.

4.0 RECOMMENDATIONS

The Committee recommends that the National Assembly approves the ratification of the Paris Climate Change Agreement as it is in Kenya's national interest.

Signed..........Date.. 30th November, 2016

Hon.(Dr.) Wilber K. Ottichilo, M.P

Member

Departmental Committee on Environment and Natural Resources



ANNEX A: ADOPTION LIST

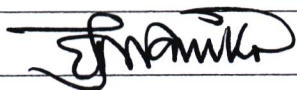
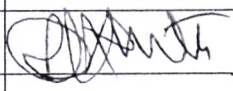

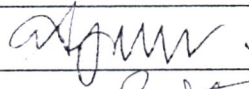
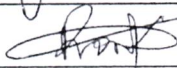
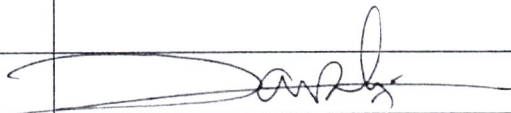
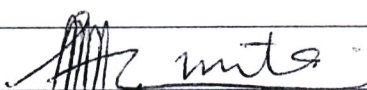
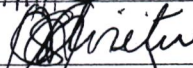
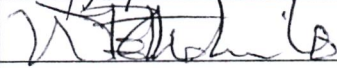

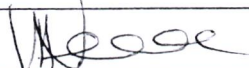


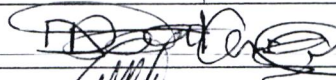
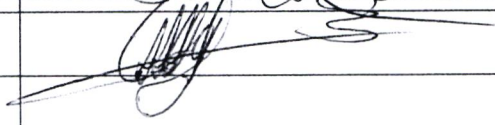

AGENDA: CONSIDERATION AND THE ADOPTION OF THE REPORT ON THE RATIFICATION OF PARIS CLIMATE CHANGE AGREEMENT.

DATE: 30/11/2016

TIME: 2.00 PM

VENUE: CPA ROOM

	NAME	SIGNATURE
1	Hon. Abdalla, Amina, MP, CBS-CHAIRPERSON	
2	Hon. Alexander Kosgey, MP-Vice Chairperson	
3	Hon. Dukicha, Hassan Abdi,MP	
4	Hon. Emanikor, Joyce Akai, MP	
5	Hon. Ganya, Francis Chachu, MP	
6	Hon. Geni, Charles Mongare,MP	
7	Hon. Gure, Shukra Hussein, MP	
8	Hon. Ole Kenta, Richard Moitalel, MP	
9	Hon. Mohamed, Diriye Abdullahi, MP	
10	Hon. Murungi, Kathuri, MP	
11	Hon. Ogallo, George Oner, MP	
12	Hon. Sunjeev Kour Birdi, MP	
13	Hon. Tonui, Ronald Kiprotich, MP	
14	Hon. Dr. Wanyonyi, Reginalda N, MP	
15	Hon. Farah, Abdulaziz Ali, MP	
16	Hon. Dr. Barua, Ejidius Njogu, MP	
17	Hon. Irea, Gideon Mwiti, MP	
18	Hon. Muluvi, Marcus Mutua, MP	
19	Hon. Ndiritu, Samuel Mathenge, MP	
20	Hon. Ottichilo, Wilber Khasilwa, MP	
21	Hon. Rop, Jackson Kipkorir, MP	
22	Hon. Abdinoor, Mohammed Ali, MP	
23	Hon. Ng'ang'a, Alice Wambui, MP	

24	Hon. Peter Kinyua, MP	
25	Hon. Richard Makenga, MP	
26	Hon. Jude Njomo, MP	
27	Hon. Joyce Lay, M.P	
28	Hon. Wandayi James Opiyo, M.P.	

CHEBET KOSKEI
FOR -CLERK OF THE NATIONAL ASSEMBLY

ANNEX B: THE AGREEMENT

PARIS AGREEMENT

The Parties to this Agreement,

Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention",

Pursuant to the Durban Platform for Enhanced Action established by decision 1/CP.17 of the Conference of the Parties to the Convention at its seventeenth session,

In pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common but differentiated responsibilities and respective capabilities, in the light of different national circumstances,

Recognizing the need for an effective and progressive response to the urgent threat of climate change on the basis of the best available scientific knowledge,

Also recognizing the specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, as provided for in the Convention,

Taking full account of the specific needs and special situations of the least developed countries with regard to funding and transfer of technology,

Recognizing that Parties may be affected not only by climate change, but also by the impacts of the measures taken in response to it,

Emphasizing the intrinsic relationship that climate change actions, responses and impacts have with equitable access to sustainable development and eradication of poverty,

Recognizing the fundamental priority of safeguarding food security and ending hunger, and the particular vulnerabilities of food production systems to the adverse impacts of climate change,

Taking into account the imperatives of a just transition of the workforce and the creation of decent work and quality jobs in accordance with nationally defined development priorities,

Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity,

Recognizing the importance of the conservation and enhancement, as appropriate, of sinks and reservoirs of the greenhouse gases referred to in the Convention,

Noting the importance of ensuring the integrity of all ecosystems, including oceans, and the protection of biodiversity, recognized by some cultures as Mother Earth, and noting the importance for some of the concept of "climate justice", when taking action to address climate change,

Affirming the importance of education, training, public awareness, public participation, public access to information and cooperation at all levels on the matters addressed in this Agreement,

Recognizing the importance of the engagements of all levels of government and various actors, in accordance with respective national legislations of Parties, in addressing climate change,

Also recognizing that sustainable lifestyles and sustainable patterns of consumption and production, with developed country Parties taking the lead, play an important role in addressing climate change,

Have agreed as follows:

Article 1

For the purpose of this Agreement, the definitions contained in Article 1 of the Convention shall apply. In addition:

(a) "Convention" means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992;

(b) "Conference of the Parties" means the Conference of the Parties to the Convention;

(c) "Party" means a Party to this Agreement.

Article 2

1. This Agreement, in enhancing the implementation of the Convention, including its objective, aims to strengthen the global response to the threat of climate change, in the context of sustainable development and efforts to eradicate poverty, including by:

(a) Holding the increase in the global average temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change;

(b) Increasing the ability to adapt to the adverse impacts of climate change and foster climate resilience and low greenhouse gas emissions development, in a manner that does not threaten food production; and

(c) Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.

2. This Agreement will be implemented to reflect equity and the principle of common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

Article 3

As nationally determined contributions to the global response to climate change, all Parties are to undertake and communicate ambitious efforts as defined in Articles 4, 7, 9, 10, 11 and 13 with the view to achieving the purpose of this Agreement as set out in Article 2. The efforts of all Parties will represent a progression over time, while recognizing the need to support developing country Parties for the effective implementation of this Agreement.

Article 4

1. In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, and to undertake rapid reductions thereafter in accordance with best available science, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty.
2. Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.
3. Each Party's successive nationally determined contribution will represent a progression beyond the Party's then current nationally determined contribution and reflect its highest possible ambition, reflecting its common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.
4. Developed country Parties should continue taking the lead by undertaking economy-wide absolute emission reduction targets. Developing country Parties should continue enhancing their mitigation efforts, and are encouraged to move over time towards economy-wide emission reduction or limitation targets in the light of different national circumstances.
5. Support shall be provided to developing country Parties for the implementation of this Article, in accordance with Articles 9, 10 and 11 recognizing that enhanced support for developing country Parties will allow for higher ambition in their actions.
6. The least developed countries and small island developing States may prepare and communicate strategies, plans and actions for low greenhouse gas emissions development reflecting their special circumstances.
7. Mitigation co-benefits resulting from Parties' adaptation actions and/or economic diversification plans can contribute to mitigation outcomes under this Article.

8. In communicating their nationally determined contributions, all Parties shall provide the information necessary for clarity, transparency and understanding in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement.
9. Each Party shall communicate a nationally determined contribution every five years in accordance with decision 1/CP.21 and any relevant decisions of the Conference of the Parties serving as the meeting of the Parties to this Agreement and be informed by the outcomes of the global stocktake referred to in Article 14.
10. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall consider common time frames for nationally determined contributions at its first session.
11. A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
12. Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by the secretariat.
13. Parties shall account for their nationally determined contributions. In accounting for anthropogenic emissions and removals corresponding to their nationally determined contributions, Parties shall promote environmental integrity, transparency, accuracy, completeness, comparability and consistency, and ensure the avoidance of double counting, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
14. In the context of their nationally determined contributions, when recognizing and implementing mitigation actions with respect to anthropogenic emissions and removals, Parties should take into account, as appropriate, existing methods and guidance under the Convention, in the light of the provisions of paragraph 13 of this Article.
15. Parties shall take into consideration in the implementation of this Agreement the concerns of Parties with economies most affected by the impacts of response measures, particularly developing country Parties.

16. Parties, including regional economic integration organizations and their member States, that have reached an agreement to act jointly under paragraph 2 of this Article shall notify the secretariat of the terms of that agreement, including the emission level allocated to each Party within the relevant time period, when they communicate their nationally determined contributions. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of that agreement.

17. Each party to such an agreement shall be responsible for its emission level as set out in the agreement referred to in paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.

18. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organization which is itself a Party to this Agreement, each member State of that regional economic integration organization individually, and together with the regional economic integration organization, shall be responsible for its emission level as set out in the agreement communicated under paragraph 16 of this Article in accordance with paragraphs 13 and 14 of this Article and Articles 13 and 15.

19. All Parties should strive to formulate and communicate long-term low greenhouse gas emission development strategies, mindful of Article 2 taking into account their common but differentiated responsibilities and respective capabilities, in the light of different national circumstances.

Article 5

1. Parties should take action to conserve and enhance, as appropriate, sinks and reservoirs of greenhouse gases as referred to in Article 4, paragraph 1 (d), of the Convention, including forests.

2. Parties are encouraged to take action to implement and support, including through results-based payments, the existing framework as set out in related guidance and decisions already agreed under the Convention for: policy approaches and positive incentives for activities relating to reducing emissions from deforestation and forest degradation, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries; and alternative policy approaches, such as joint mitigation and adaptation approaches for the integral and sustainable management of forests, while reaffirming the importance of incentivizing, as appropriate, non-carbon benefits associated with such approaches.

Article 6

1. Parties recognize that some Parties choose to pursue voluntary cooperation in the implementation of their nationally determined contributions to allow for higher ambition in their mitigation and adaptation actions and to promote sustainable development and environmental integrity.
2. Parties shall, where engaging on a voluntary basis in cooperative approaches that involve the use of internationally transferred mitigation outcomes towards nationally determined contributions, promote sustainable development and ensure environmental integrity and transparency, including in governance, and shall apply robust accounting to ensure, inter alia, the avoidance of double counting, consistent with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement.
3. The use of internationally transferred mitigation outcomes to achieve nationally determined contributions under this Agreement shall be voluntary and authorized by participating Parties.
4. A mechanism to contribute to the mitigation of greenhouse gas emissions and support sustainable development is hereby established under the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Agreement for use by Parties on a voluntary basis. It shall be supervised by a body designated by the Conference of the Parties serving as the meeting of the Parties to this Agreement, and shall aim:
 - (a) To promote the mitigation of greenhouse gas emissions while fostering sustainable development;
 - (b) To incentivize and facilitate participation in the mitigation of greenhouse gas emissions by public and private entities authorized by a Party;
 - (c) To contribute to the reduction of emission levels in the host Party, which will benefit from mitigation activities resulting in emission reductions that can also be used by another Party to fulfil its nationally determined contribution; and
 - (d) To deliver an overall mitigation in global emissions.

5. Emission reductions resulting from the mechanism referred to in paragraph 4 of this Article shall not be used to demonstrate achievement of the host Party's nationally determined contribution if used by another Party to demonstrate achievement of its nationally determined contribution.

6. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall ensure that a share of the proceeds from activities under the mechanism referred to in paragraph 4 of this Article is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.

7. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall adopt rules, modalities and procedures for the mechanism referred to in paragraph 4 of this Article at its first session.

8. Parties recognize the importance of integrated, holistic and balanced non-market approaches being available to Parties to assist in the implementation of their nationally determined contributions, in the context of sustainable development and poverty eradication, in a coordinated and effective manner, including through, inter alia, mitigation, adaptation, finance, technology transfer and capacity building, as appropriate. These approaches shall aim to:

(a) Promote mitigation and adaptation ambition;

(b) Enhance public and private sector participation in the implementation of nationally determined contributions; and

(c) Enable opportunities for coordination across instruments and relevant institutional arrangements.

9. A framework for non-market approaches to sustainable development is hereby defined to promote the non-market approaches referred to in paragraph 8 of this Article.

Article 7

1. Parties hereby establish the global goal on adaptation of enhancing adaptive capacity, strengthening resilience and reducing vulnerability to climate change, with a view to contributing to sustainable development and ensuring an adequate adaptation response in the context of the temperature goal referred to in Article 2.
2. Parties recognize that adaptation is a global challenge faced by all with local, subnational, national, regional and international dimensions, and that it is a key component of and makes a contribution to the long-term global response to climate change to protect people, livelihoods and ecosystems, taking into account the urgent and immediate needs of those developing country Parties that are particularly vulnerable to the adverse effects of climate change.
3. The adaptation efforts of developing country Parties shall be recognized, in accordance with the modalities to be adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session.
4. Parties recognize that the current need for adaptation is significant and that greater levels of mitigation can reduce the need for additional adaptation efforts, and that greater adaptation needs can involve greater adaptation costs.
5. Parties acknowledge that adaptation action should follow a country-driven, gender-responsive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional knowledge, knowledge of indigenous peoples and local knowledge systems, with a view to integrating adaptation into relevant socioeconomic and environmental policies and actions, where appropriate.
6. Parties recognize the importance of support for and international cooperation on adaptation efforts and the importance of taking into account the needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change.
7. Parties should strengthen their cooperation on enhancing action on adaptation, taking into account the Cancun Adaptation Framework, including with regard to:

(a) Sharing information, good practices, experiences and lessons learned including, as appropriate, as these relate to science, planning, policies and implementation in relation to adaptation actions;

(b) Strengthening institutional arrangements, including those under the Convention that serve this Agreement, to support the synthesis of relevant information and knowledge, and the provision of technical support and guidance to Parties;

(c) Strengthening scientific knowledge on climate, including research, systematic observation of the climate system and early warning systems, in a manner that informs climate services and supports decision-making;

(d) Assisting developing country Parties in identifying effective adaptation practices, adaptation needs, priorities, support provided and received for adaptation actions and efforts, and challenges and gaps, in a manner consistent with encouraging good practices; and

(e) Improving the effectiveness and durability of adaptation actions.

8. United Nations specialized organizations and agencies are encouraged to support the efforts of Parties to implement the actions referred to in paragraph 7 of this Article, taking into account the provisions of paragraph 5 of this Article.

9. Each Party shall, as appropriate, engage in adaptation planning processes and the implementation of actions, including the development or enhancement of relevant plans, policies and/or contributions, which may include:

(a) The implementation of adaptation actions, undertakings and/or efforts

(b) The process to formulate and implement national adaptation plans;

(c) The assessment of climate change impacts and vulnerability, with a view to formulating nationally determined prioritized actions, taking into account vulnerable people, places and ecosystems;

(d) Monitoring and evaluating and learning from adaptation plans, policies, programmes and actions; and

(e) Building the resilience of socioeconomic and ecological systems, including through economic diversification and sustainable management of natural resources.

10. Each Party should, as appropriate, submit and update periodically an adaptation communication, which may include its priorities, implementation and support needs, plans and actions, without creating any additional burden for developing country Parties.

11. The adaptation communication referred to in paragraph 10 of this Article shall be, as appropriate, submitted and updated periodically, as a component of or in conjunction with other communications or documents, including a national adaptation plan, a nationally determined contribution as referred to in Article 4, paragraph 2, and/or a national communication.

12. The adaptation communications referred to in paragraph 10 of this Article shall be recorded in a public registry maintained by the secretariat.

13. Continuous and enhanced international support shall be provided to developing country Parties for the implementation of paragraphs 7, 9, 10 and 11 of this Article, in accordance with the provisions of Articles 9, 10 and 11.

14. The global stocktake referred to in Article 14 shall, inter alia:

(a) Recognize adaptation efforts of developing country Parties;

(b) Enhance the implementation of adaptation action taking into account the adaptation communication referred to in paragraph 10 of this Article;

(c) Review the adequacy and effectiveness of adaptation and support provided for adaptation; and

(d) Review the overall progress made in achieving the global goal on adaptation referred to in paragraph 1 of this Article.

Article 8

1. Parties recognize the importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events, and the role of sustainable development in reducing the risk of loss and damage.

2. The Warsaw International Mechanism for Loss and Damage associated with Climate Change Impacts shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Agreement and may be enhanced and strengthened, as determined by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

3. Parties should enhance understanding, action and support, including through the Warsaw International Mechanism, as appropriate, on a cooperative and facilitative basis with respect to loss and damage associated with the adverse effects of climate change.

4. Accordingly, areas of cooperation and facilitation to enhance understanding action and support may include:

- (a) Early warning systems;
- (b) Emergency preparedness;
- (c) Slow onset events;
- (d) Events that may involve irreversible and permanent loss and damage;
- (e) Comprehensive risk assessment and management;
- (f) Risk insurance facilities, climate risk pooling and other insurance solutions;
- (g) Non-economic losses; and
- (h) Resilience of communities, livelihoods and ecosystems.

5. The Warsaw International Mechanism shall collaborate with existing bodies and expert groups under the Agreement, as well as relevant organizations and expert bodies outside the Agreement.

Article 9

1. Developed country Parties shall provide financial resources to assist developing country Parties with respect to both mitigation and adaptation in continuation of their existing obligations under the Convention.
2. Other Parties are encouraged to provide or continue to provide such support voluntarily.
3. As part of a global effort, developed country Parties should continue to take the lead in mobilizing climate finance from a wide variety of sources, instruments and channels, noting the significant role of public funds, through a variety of actions, including supporting country-driven strategies, and taking into account the needs and priorities of developing country Parties. Such mobilization of climate finance should represent a progression beyond previous efforts.
4. The provision of scaled-up financial resources should aim to achieve a balance between adaptation and mitigation, taking into account country-driven strategies, and the priorities and needs of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change and have significant capacity constraints, such as the least developed countries and small island developing States, considering the need for public and grant-based resources for adaptation.
5. Developed country Parties shall biennially communicate indicative quantitative and qualitative information related to paragraphs 1 and 3 of this Article, as applicable, including, as available, projected levels of public financial resources to be provided to developing country Parties. Other Parties providing resources are encouraged to communicate biennially such information on a voluntary basis.
6. The global stocktake referred to in Article 14 shall take into account the relevant information provided by developed country Parties and/or Agreement bodies on efforts related to climate finance.

7. Developed country Parties shall provide transparent and consistent information on support for developing country Parties provided and mobilized through public interventions biennially in accordance with the modalities, procedures and guidelines to be adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement, at its first session, as stipulated in Article 13, paragraph 13. Other Parties are encouraged to do so.

8. The Financial Mechanism of the Convention, including its operating entity, shall serve as the financial mechanism of this Agreement.

9. The institutions serving this Agreement, including the operating entities of the Financial Mechanism of the Convention, shall aim to ensure efficient access to financial resources through simplified approval procedures and enhanced readiness for support for developing country Parties, in particular for the least developed countries and small island developing States, in the context of their national climate strategies and plans.

Article 10

1. Parties share a long-term vision on the importance of fully realizing technology development and transfer in order to improve resilience to climate change and to reduce greenhouse gas emissions.

2. Parties, noting the importance of technology for the implementation of mitigation and adaptation actions under this Agreement and recognizing existing technology deployment and dissemination efforts, shall strengthen cooperation on technology development and transfer.

3. The Technology Mechanism established under the Convention shall serve this Agreement.

4. A technology framework is hereby established to provide overarching guidance to the work of the Technology Mechanism in promoting and facilitating enhanced action on technology development and transfer in order to support the implementation of this Agreement, in pursuit of the long-term vision referred to in paragraph 1 of this Article.

5. Accelerating, encouraging and enabling innovation is critical for an effective, long-term global response to climate change and promoting economic growth and sustainable development. Such effort shall be, as appropriate, supported, including by the Technology Mechanism and, through financial means, by the Financial Mechanism of the Convention, for collaborative approaches to research and development, and facilitating access to technology, in particular for early stages of the technology cycle, to developing country Parties.

6. Support, including financial support, shall be provided to developing country Parties for the implementation of this Article, including for strengthening cooperative action on technology development and transfer at different stages of the technology cycle, with a view to achieving a balance between support for mitigation and adaptation. The global stocktake referred to in Article 14 shall take into account available information on efforts related to support on technology development and transfer for developing country Parties.

Article 11

1. Capacity-building under this Agreement should enhance the capacity and ability of developing country Parties, in particular countries with the least capacity, such as the least developed countries, and those that are particularly vulnerable to the adverse effects of climate change, such as small island developing States, to take effective climate change action, including, inter alia, to implement adaptation and mitigation actions, and should facilitate technology development, dissemination and deployment, access to climate finance, relevant aspects of education, training and public awareness, and the transparent, timely and accurate communication of information.

2. Capacity-building should be country-driven, based on and responsive to national needs, and foster country ownership of Parties, in particular, for developing country Parties, including at the national, subnational and local levels. Capacity-building should be guided by lessons learned, including those from capacity-building activities under the Convention, and should be an effective, iterative process that is participatory, cross-cutting and gender-responsive.

3. All Parties should cooperate to enhance the capacity of developing country Parties to implement this Agreement. Developed country Parties should enhance support for capacity-building actions in developing country Parties.

4. All Parties enhancing the capacity of developing country Parties implement this Agreement, including through regional, bilateral and multi approaches, shall regularly communicate on these actions or measures on capacity building. Developing country Parties should regularly communicate progress on implementing capacity-building plans, policies, actions or measures to implement this Agreement.

5. Capacity-building activities shall be enhanced through appropriate institutional arrangements to support the implementation of this Agreement, including the appropriate institutional arrangements established under the Convention that serve this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, consider and adopt a decision on the initial institutional arrangements for capacity-building.

Article 12

Parties shall cooperate in taking measures, as appropriate, to enhance capacity-building through change education, training, public awareness, public participation and public access to information, recognizing the importance of these steps with respect to enhancing actions under this Agreement.

Article 13

1. In order to build mutual trust and confidence and to promote effective implementation, an enhanced transparency framework for action and support with built-in flexibility which takes into account Parties' different capacities and builds upon collective experience is hereby established.

2. The transparency framework shall provide flexibility in the implementation of the provisions of this Article to those developing country Parties that need it in the light of their capacities. The modalities, procedures and guidelines referred to in paragraph 13 of this Article shall reflect such flexibility.

3. The transparency framework shall build on and enhance the transparency arrangements under the Convention, recognizing the special circumstances of least developed countries and small island developing States, and be implemented in a facilitative, non-intrusive, non-punitive manner, respectful of national sovereignty, and avoid placing undue burden on Parties.

4. The transparency arrangements under the Convention, including national communications, biennial reports and biennial update reports, international assessment and review and international consultation and analysis, shall form part of the experience drawn upon for the development of the modalities, procedures and guidelines under paragraph 13 of this Article.

5. The purpose of the framework for transparency of action is to provide a clear understanding of climate change action in the light of the objective of the Convention as set out in its Article 2, including clarity and tracking of progress towards achieving Parties' individual nationally determined contributions under Article 4, and Parties' adaptation actions under Article 7, including good practices, priorities, needs and gaps, to inform the global stocktake under Article 14.

6. The purpose of the framework for transparency of support is to provide clarity on support provided and received by relevant individual Parties in the context of climate change actions under Articles 4, 7, 9, 10 and 11, and, to the extent possible, to provide a full overview of aggregate financial support provided, to inform the global stocktake under Article 14.

7. Each Party shall regularly provide the following information:

(a) A national inventory report of anthropogenic emissions by sources and removals by sinks of greenhouse gases, prepared using good practice methodologies accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Agreement; and

(b) Information necessary to track progress made in implementing and achieving its nationally determined contribution under Article 4.

8. Each Party should also provide information related to climate change impacts and adaptation under Article 7, as appropriate.

9. Developed country Parties shall, and other Parties that provide support should, provide information on financial, technology transfer and capacity-building support provided to developing country Parties under Articles 9, 10 and 11.

10. Developing country Parties should provide information on financial technology transfer and capacity-building support needed and received under Articles 9, 10 and 11.

11. Information submitted by each Party under paragraphs 7 and 9 of this Article shall undergo a technical expert review, in accordance with decision 1/CP.21. For those developing country Parties that need it in the light of their capacities, the review process shall include assistance in identifying capacity-building needs. In addition, each Party shall participate in a facilitative, multilateral consideration of progress with respect to efforts under Article 9, and its respective implementation and achievement of its nationally determined contribution.

12. The technical expert review under this paragraph shall consist of consideration of the Party's support provided, as relevant, and its implementation and achievement of its nationally determined contribution. The review shall also identify areas of improvement for the Party, and include a review of the consistency of the information with the modalities, procedures and guidelines referred to in paragraph 13 of this Article, taking into account the flexibility accorded to the Party under paragraph 2 of this Article. The review shall pay particular attention to the respective national capabilities and circumstances of developing country Parties.

13. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall, at its first session, building on experience from the arrangements related to transparency under the Convention, and elaborating on the provisions of this Article, adopt common modalities, procedures and guidelines, as appropriate, for the transparency of action and support.

14. Support shall be provided to developing countries for the implementation of this Article.

15. Support shall also be provided for the building of transparency-related capacity of developing country Parties on a continuous basis.

Article 14

1. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall periodically take stock of the implementation of this Agreement and assess the collective progress towards achieving the purpose of this Agreement and its long-term goals (referred to as the "global stocktake"). It shall do so in a comprehensive and facilitative manner, considering mitigation, adaptation and the

means of implementation and support, and in the light of equity and the best available science.

2. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall undertake its first global stocktake in 2023 and every five years thereafter unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

3. The outcome of the global stocktake shall inform Parties in updating and enhancing, in a nationally determined manner, their actions and support in accordance with the relevant provisions of this Agreement, as well as in enhancing international cooperation for climate action.

Article 15

1. A mechanism to facilitate implementation of and promote compliance with the provisions of this Agreement is hereby established.

2. The mechanism referred to in paragraph 1 of this Article shall consist of a committee that shall be expert-based and facilitative in nature and function in a manner that is transparent, non-adversarial and non-punitive. The committee shall pay particular attention to the respective national capabilities and circumstances of Parties.

3. The committee shall operate under the modalities and procedures adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement at its first session and report annually to the Conference of the Parties serving as the meeting of the Parties to this Agreement.

Article 16

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Agreement.

2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Agreement. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.

3. When the Conference of the Parties serves as the meeting of the Parties to this Agreement, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and for amongst the Parties to this Agreement.

4. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall keep under regular review the implementation of this Agreement and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Agreement and shall:

(a) Establish such subsidiary bodies as deemed necessary for the implementation of this Agreement; and

(b) Exercise such other functions as may be required for the implementation of this Agreement.

5. The rules of procedure of the Conference of the Parties and the financial procedures applied under the Convention shall be applied *mutatis mutandis* under this Agreement, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of entry into force of this Agreement. Subsequent ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be held in conjunction with ordinary sessions of the Conference of the Parties unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Agreement or at the written request of any Party, provided that within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

8. The United Nations and its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Agreement as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Agreement and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Agreement as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure referred to in paragraph 5 of this Article.

Article 17

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Agreement.

2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention, on the arrangements made for the functioning of the secretariat, shall apply *mutatis mutandis* to this Agreement. The secretariat shall, in addition, exercise the functions assigned to it under this Agreement and by the Conference of the Parties serving as the meeting of the Parties to this Agreement.

Article 18

1. The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve, respectively, as the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement. The provisions of the Convention relating to the functioning of these two bodies shall apply *mutatis mutandis* to this Agreement. Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Agreement shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention.

2. Parties to the Convention that are not Parties to this Agreement may participate as observers in the proceedings of any session of the subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this Agreement, decisions under this Agreement shall be taken only by those that are Parties to this Agreement.

3. When the subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to matters concerning this Agreement, any member of the bureaux of those subsidiary bodies representing a Party to the Convention but, at that time, not a Party to this Agreement, shall be replaced by an additional member to be elected by and from amongst the Parties to this Agreement.

Article 19

1. Subsidiary bodies or other institutional arrangements established by or under the Convention, other than those referred to in this Agreement, shall serve this Agreement upon a decision of the Conference of the Parties serving as the meeting of the Parties to this Agreement. The Conference of the Parties serving as the meeting of the Parties to this Agreement shall specify the functions to be exercised by such subsidiary bodies or arrangements.

2. The Conference of the Parties serving as the meeting of the Parties to this Agreement may provide further guidance to such subsidiary bodies and institutional arrangements.

Article 20

1. This Agreement shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations that are Parties to the Convention. It shall be open for signature at the United Nations Headquarters in New York from 22 April 2016 to 21 April 2017. Thereafter, this Agreement shall be open for accession from the day following the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization that becomes a Party to this Agreement without any of its member States being a Party shall be bound by all the obligations under this Agreement. In the case of regional economic integration organizations with one or more member States that are Parties to this Agreement

the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Agreement. In such cases, the organization and the member States shall not be entitled to exercise rights under this Agreement concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by this Agreement. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 21

1. This Agreement shall enter into force on the thirtieth day after the date on which at least 55 Parties to the Convention accounting in total for at least an estimated 55 per cent of the total global greenhouse gas emissions have deposited their instruments of ratification, acceptance, approval or accession.

2. Solely for the limited purpose of paragraph 1 of this Article, "total global greenhouse gas emissions" means the most up-to-date amount communicated on or before the date of adoption of this Agreement by the Parties to the Convention.

3. For each State or regional economic integration organization that ratifies, accepts or approves this Agreement or accedes thereto after the conditions set out in paragraph 1 of this Article for entry into force have been fulfilled, this Agreement shall enter into force on the thirtieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

4. For the purposes of paragraph 1 of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by its member States.

Article 22

The provisions of Article 15 of the Convention on the adoption of amendments to the Convention shall apply *mutatis mutandis* to this Agreement.

Article 23

1. The provisions of Article 16 of the Convention on the adoption of an amendment of annexes to the Convention shall apply *mutatis mutandis* to this Agreement.

2. Annexes to this Agreement shall form an integral part thereof and, unless otherwise expressly provided for, a reference to this Agreement constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

Article 24

The provisions of Article 14 of the Convention on settlement of disputes shall apply *mutatis mutandis* to this Agreement.

Article 25

1. Each Party shall have one vote, except as provided for in paragraph 2 of this Article.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to this Agreement. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 26

The Secretary-General of the United Nations shall be the Depositary of this Agreement.

Article 27

No reservations may be made to this Agreement.

Article 28

1. At any time after three years from the date on which this Agreement has entered into force for a Party, that Party may withdraw from this Agreement by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from this Agreement.

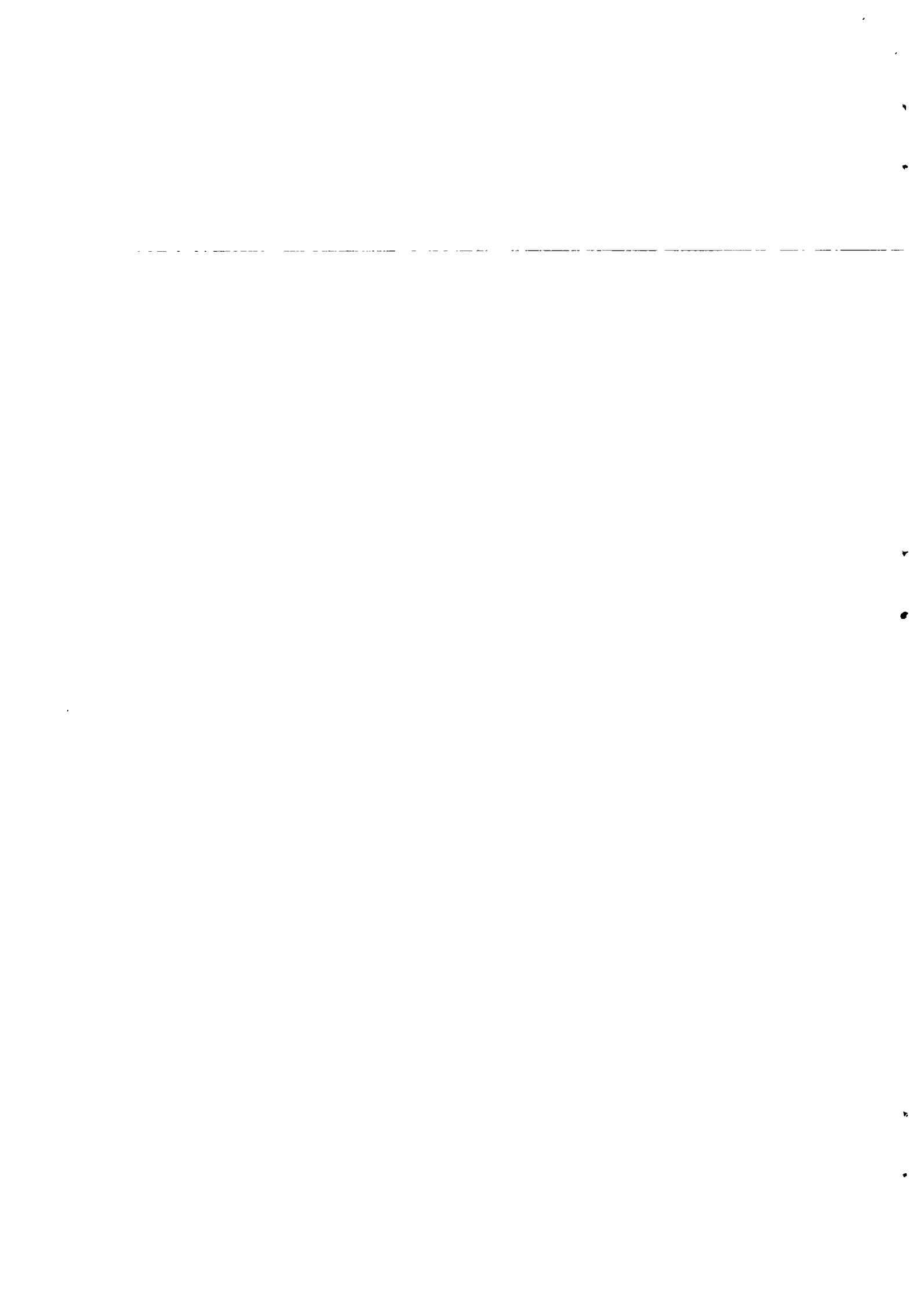
Article 29

The original of this Agreement, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

DONE at Paris this twelfth day of December two thousand and fifteen.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Agreement.

ANNEX C:ADVERT ON REQUEST FOR MEMORANDA



REPUBLIC OF KENYA



NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT - FOURTH SESSION

In matter of consideration by the National Assembly of the Ratification of the
Paris Climate Change Agreement

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that "*Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees*". Further, Section 8 of the Treaty Making and Ratification Act, 2012 provides for the consideration and Ratification of Treaties by Parliament. Subsection (3) states that, "The relevant Parliamentary Committee shall, during its consideration of the Treaty, ensure Public Participation in the ratification process in accordance with laid down parliamentary procedures".

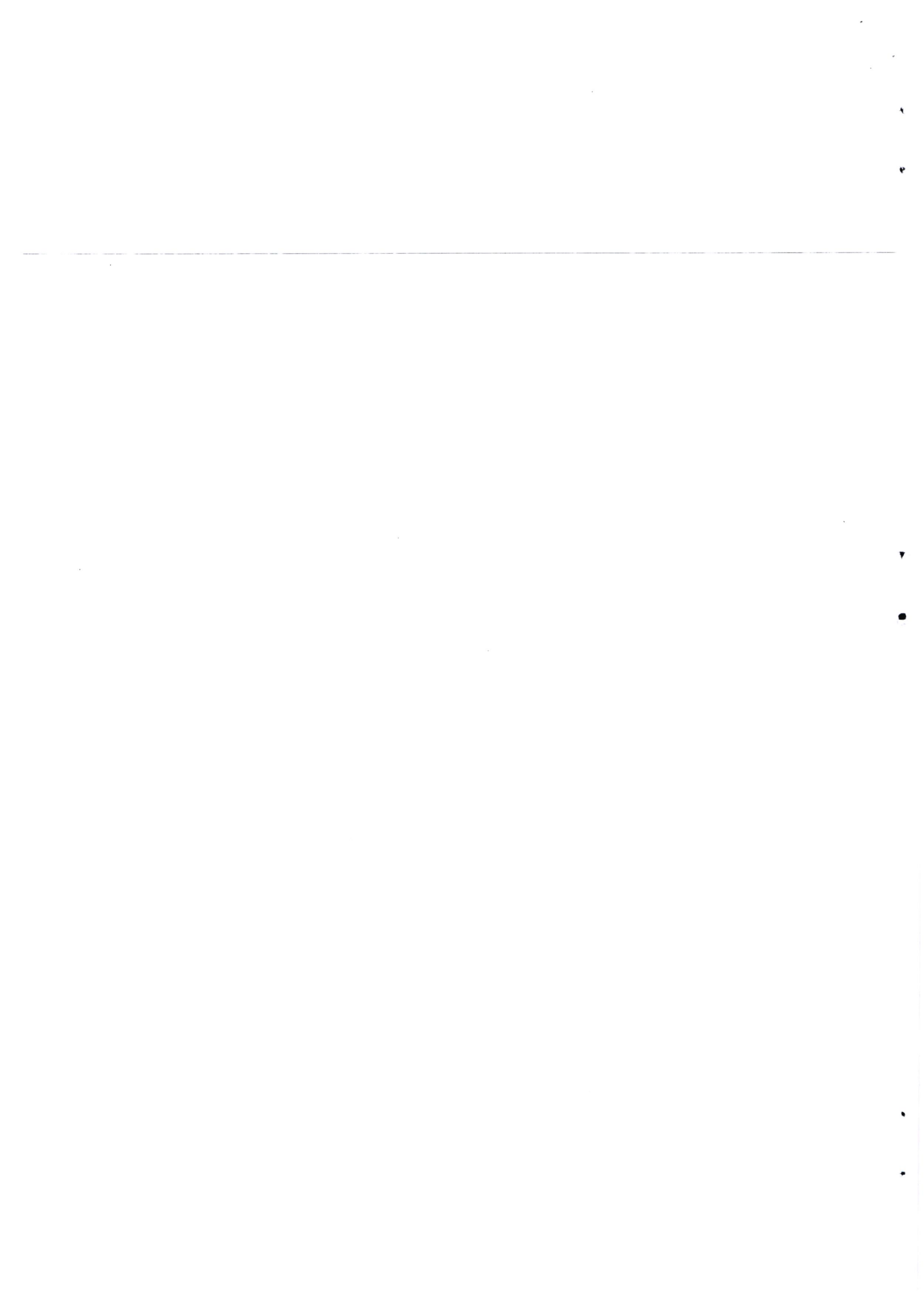
The above mentioned Agreement has been submitted to the National Assembly and is now committed to the **Departmental Committee on Environment and Natural Resources**.

Pursuant to Article 118 (1)(b) of the Constitution and section 8 of the Treaty Making and Ratification Act, 2012, the Committee invites interested members of the public to submit any representations they may have on the said Agreement. The representations may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Building, Nairobi**; or emailed to clerk@parliament.go.ke; to be received on or before **Monday 28th November, 2016 at 5.00 pm**.

A handwritten signature in black ink, appearing to read 'Justin Bundi'.

JUSTIN BUNDI, CBS
CLERK OF THE NATIONAL ASSEMBLY

ANNEX D: MEMORANDA SUBMITTED





Address: P. O BOX 248-90110, Tala, Machakos County, Kenya
Phone: 0733-798-824 or 0729- 663-958
E-mail: wisuvieshg@yahoo.co.uk
Website: www.wisuvieshg.org

Chair
Departmental Committee on Environment and Natural Resources
C/o Clerk of the National Assembly
P.O. Box 41842-00100
Email: clerk@parliament.go.ke
Nairobi.

① D/committee

25 November, 2016

Dear Chair,

RE: Ratification of the Paris Climate Change Agreement.

Wisuvie Community Based Organization welcomes the opportunity to submit representations on the ratification of the Paris Climate Change Agreement. We support ratification of the said agreement by Kenya, a party to the United Nations Framework Convention on Climate Change (UNFCCC).

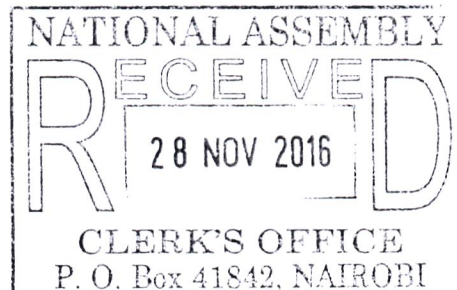
Additionally, we are encouraged to have intergenerational equity and participation of non-state actors embedded in both the Paris Agreement and the Climate Change Act 2016.

We look forward to Kenya's constructive engagement in the climate change arena at the international level.

Sincerely,

Betty Nduku Maweu,
Executive Director, Wisuvie CBO

② CHEBET
pls deal
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29/11







D. Wandiga
25/11/16

UNIVERSITY OF NAIROBI

INSTITUTE FOR CLIMATE CHANGE AND ADAPTATION College of Biological and Physical Sciences (Office of the Director)

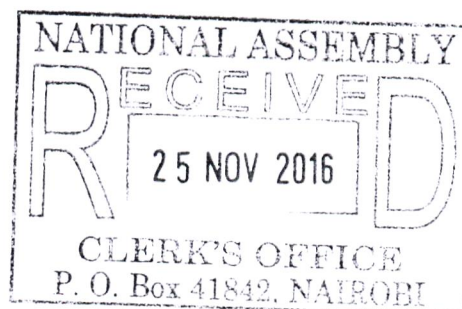
Telephone : +254-20-4446140
Fax : +254-20-4446140
Email : icca@uonbi.ac.ke
Website : <http://icca.uonbi.ac.ke>

PO Box 30197-00100-GPO
Nairobi, Kenya

Telegrams : "Varsity" Nairobi

24th Nov. 2016

Chair
Departmental Committee on Environment and Natural Resources
c/o
Clerk of the National Assembly
P.O. Box 41842-00100
Nairobi



Dear Chair,

RE: Ratification of the Paris Climate Change Agreement

I welcome the opportunity to submit views on the Paris Climate Change Agreement. It is the best humanity has negotiated since 1992. It will help us move forward in increasing resilience to our people.

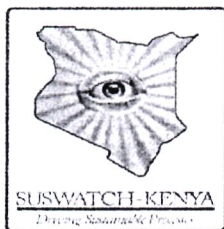
I support Kenya ratifying the Paris Agreement, a Party of the UNFCCC. I am encouraged to have intergenerational equity and participation of non-state actors embedded in the Paris Agreement, as is done in the CC Act 2016.

I look forward to Kenya's constructive engagement in the climate change arena at the international level.

Regards,

Prof. Shem O. Wandiga FRSC., D.Sc.(hc)
Professor of Chemistry and Director (Ag.) ICCA





Tel: +254-733-500-395/+254-721-344-707
P.O. Box 1207-00100, Nairobi Kenya
Email: susywandera@gmail.com; suswatchkenya@gmail.com

Chair

Departmental Committee on Environment and Natural Resources
c/o
Clerk of the National Assembly
P.O. Box 41842-00100
Nairobi

November 23, 2016

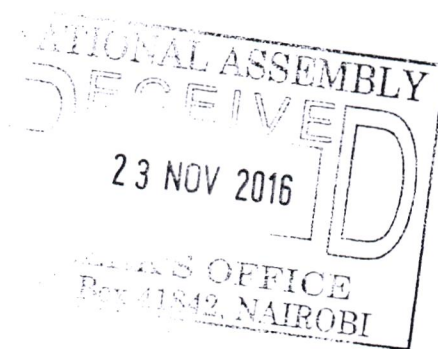
Dear Chair,

Ratification of the Paris Climate Change Agreement

Sustainable Environmental Development Watch (SUSWATCH) Kenya welcomes the opportunity to express its views in the matter of consideration by the National Assembly of Kenya's Ratification of the Paris Agreement.

Suswatch Kenya has been eagerly waiting for the conclusion of the ratification process. Kenya as a Party to the United Nations Framework Convention on Climate Change (UNFCCC) played a critical role in the generation of the Paris Agreement in 2015. This policy instrument is also in harmony with the spirit and intent of the Climate Change Act, 2016.

Further, as a member of the team that prepared the background paper in March 2016, to inform the deliberations for Kenya's signing of the Paris Agreement on April 22, this ratification by National Assembly is the final step needed.



We wholeheartedly support Kenya depositing its instruments of ratification and joining the 113, to date, of the 197 Parties to the UNFCCC who have already done so.

For any clarification please contact Susy Wandera susywandera@gmail.com or 0733-500-395.

Regards,

A handwritten signature in black ink, appearing to read 'Susy Wandera', with a long horizontal flourish extending to the right.

Susy Wandera
Secretary of the Board and Climate Change Focal Point

① D/committee

② CHEBET
pls deal
FA
29/11

MEMORANDUM
Justin Bundi, CBS
Clerk of the National Assembly
National Assembly
Parliament Building
Harambee Avenue
Nairobi

By email: clerk@parliament.go.ke

Dear Sir

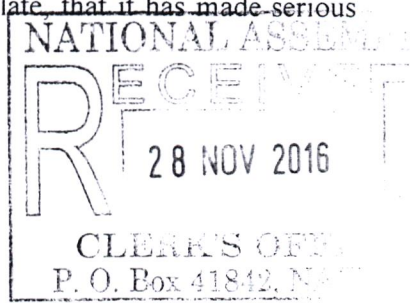
**RE: IN THE MATTER OF THE NATIONAL ASSEMBLY ELEVEN
PARLIAMNET-FOURTH SESSION AND IN THE MATTER OF
CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE
RATIFICATION OF THE PARIS CLIMATE CHANGE AGREEMENT**

I am a PhD student at the Institute of Climate Change and Adaptation at the University of Nairobi;

I HEREBY present and submit my humble MEMORANDUM in respect to the above as follows:

1. INTRODUCTION

The Paris climate agreement concluded in December 2015 contains non-binding (soft) obligations on parties to implement national mitigation pledges (so-called "Intentionally Nationally Determined Contributions"). While conclusion of the agreement has been greeted with considerable euphoria, there are serious questions about whether this form of agreement is likely to be effective in terms of its stated goal of keeping global warming between 1.5 and 2°C. Moreover, the Paris Agreement uses the 'soft law' approach as opposed to 'hard' or coercive law. This is evident by the fact that all members of the Conference of Parties (COP) are allowed to formulate their own Intentionally Nationally Determined Contributions or INDCs). The INDCs, as explained below, while appears to work in respective members' interests or favour, can also be a double edged sword in the sense that even soft law if not fully adhered to can result into serious consequences such as making a party to the agreement being shunned by others or not treated seriously in other international dealings. In fact the danger with soft law is just as that: soft law. It lulls one into inaction or into carelessness only for one to discover later on-and when it is already too late, that it has made serious errors.



2. SOME HIGHLIGHTS OF THE AGREEMENT

Nearly all paragraphs of the Paris Agreement, including the preamble are important. Perhaps of most importance, the Paris Agreement, from the very onset recognises the problems and the needs for the developing economy such as Kenya:

*“In pursuit of the objective of the Convention, and being guided by its principles, including the principle of equity and common **but differentiated responsibilities and respective capabilities, in the light of different national circumstances,***

*.....Also recognizing the specific needs and special circumstances of developing country Parties, **especially those** that are particularly vulnerable to the adverse effects of climate change, as provided for in the Convention (emphasis added).*

From the above, it is quite easy for a casual reader to conclude that all developing countries shall be offered “special circumstances” especially when one misses the all important phrase- “especially those.” This therefore calls for a through scrutiny of the Paris Agreement as provided for under sections 7 and 8 of the Treaty Making and Ratification Act (Act 45 of 2012 of the Laws of Kenya).

Another important point for consideration is that Kenya is home to several indigenous people and immigrants and the Paris Agreement, among others, calls for:

“Acknowledging that climate change is a common concern of humankind, Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity”

Will Kenya, without any fear of contradiction, be able to abide by the above provisions? Some indigenous peoples of Kenya claim our forests and even lakes as their natural homes. Will the rights of these people be recognised? And will these rights be spelt out in the Climate Change Act? Would this therefore call for a need for a re-look at the

Climate Change Act, 2016 with a view of expanding it in line with other friendly countries and Kenya's development partners such as the UK, Ireland, Australia or New Zealand? Will there also be a reevaluation of government policy on the migrant population such as that of the Somali and maybe, later on, the South Sudanese?

3. CLIMATE INSURANCE

The developed countries, which are also Kenya's development partners, mentioned above, have incorporated insurance in their climate change acts. This insurance helps in fighting greenhouse gas emissions and alternatives to green economy. This insurance, if incorporated in our Climate Change Act has a possibility of benefiting from Article 1 (c) of the Paris Agreement which provides for:

“Making finance flows consistent with a pathway towards low greenhouse gas emissions and climate-resilient development.”

An insurance corporation, similar to the defunct Kenya National Assurance Corporation, could be created, but with better and transparent management, to tap into such a fund for the benefit of the citizens of Kenya. Some of the benefits of an insurance company as provided in the acts of the countries mentioned above, are that more funds can be generated on the contributions envisaged by COP21 and more could be internally created through the investments of idle funds, an insurance company would further make it quicker to disburse to the needy citizens; it would also be better managed with less bureaucracy than the treasury as is currently stipulated in section 25 of the Climate Change Act, 2016.

Furthermore, the definition of climate finance as provided for the Climate Change Act, 2016 is also rather vague as it merely states that:

“**Climate finance**” means monies available for or mobilized by government or non-government entities to finance climate change mitigation and adaptation actions and interventions”

Does it mean only the government of Kenya and the Kenyan NGOs have the right to mobilise such funds? Would Kenya turn down funds mobilised by other countries and international NGOs to be used in climate change mitigation and adaptation in Kenya? Do the NGOs include (or the so-called non-government entities) include International Non-Governmental Organisations and other climate change financial bodies? This requires some clarity.

Kenya's Intentionally National Determined Contribution states on paragraph 2.1 that:

Kenya seeks to undertake an ambitious mitigation contribution towards the 2015 Agreement. Kenya therefore seeks to abate its GHG emissions by 30% relative to BAU scenario 143 MtCO₂ and in line with its sustainable development agenda.

This is also subject to international support in the form of finance, investment, technology development and transfer, and capacity building.

It would therefore not be prudent to leave the above only to the government and the domestic non-governmental entities only. All organizations including countries and even natural persons should be allowed to contribute towards climate change insurance. Our sister country, Rwanda, has successfully introduced climate change basket which mobilises the whole population to contribute to the fight against the climate change.

4. DEVELOPMENT

Kenya is regarded as a developing country and therefore has some developmental allowance, as per the Paris Agreement, in meeting its obligations. Kenya's developmental goals, for the time being, are therefore not hampered by the Paris Agreement. However, Article 4 of the Paris Agreement provides that:

"In order to achieve the long-term temperature goal set out in Article 2, Parties aim to reach global peaking of greenhouse gas emissions as soon as possible, recognizing that peaking will take longer for developing country Parties, **and to undertake rapid reductions thereafter in accordance with best available science**, so as to achieve a balance between anthropogenic emissions by sources and removals by sinks of greenhouse gases in the second half of this century, on the basis of equity, and in the context of sustainable development and efforts to eradicate poverty."(Emphasis added).

Would Kenya now take steps to ensure that better science and knowledge including traditional knowledge is incorporated in mega projects such as the envisaged coal mines, oil exploitation, etc, as intergenerational equity, which is provided for in the Paris Agreement, demands that actions should be taken now to limit future greenhouse gas emission in order to protect future generations from the burden of such emissions or future costs in mitigating the same?

5. CLIMATE CHANGE ACT, PARIS AGREEMENT AND INDC

As it appears that certain vital points which could have been included but were omitted from the Climate Change Act, and in light of the coming into force of the Paris Agreement, would this committee revisit both the Climate Change Act and our Intentionally National Determined Contribution with a view of amending them to bring them into the new realities? INDC can be amended or reviewed at any time. Since it is a document of records and therefore available to anyone including the potential financiers, it should always be crafted with care:

“A Party may at any time adjust its existing nationally determined contribution with a view to enhancing its level of ambition, in accordance with guidance adopted by the Conference of the Parties serving as the meeting of the Parties to this Agreement. Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by the secretariat” (Article 4 (11) and (12).

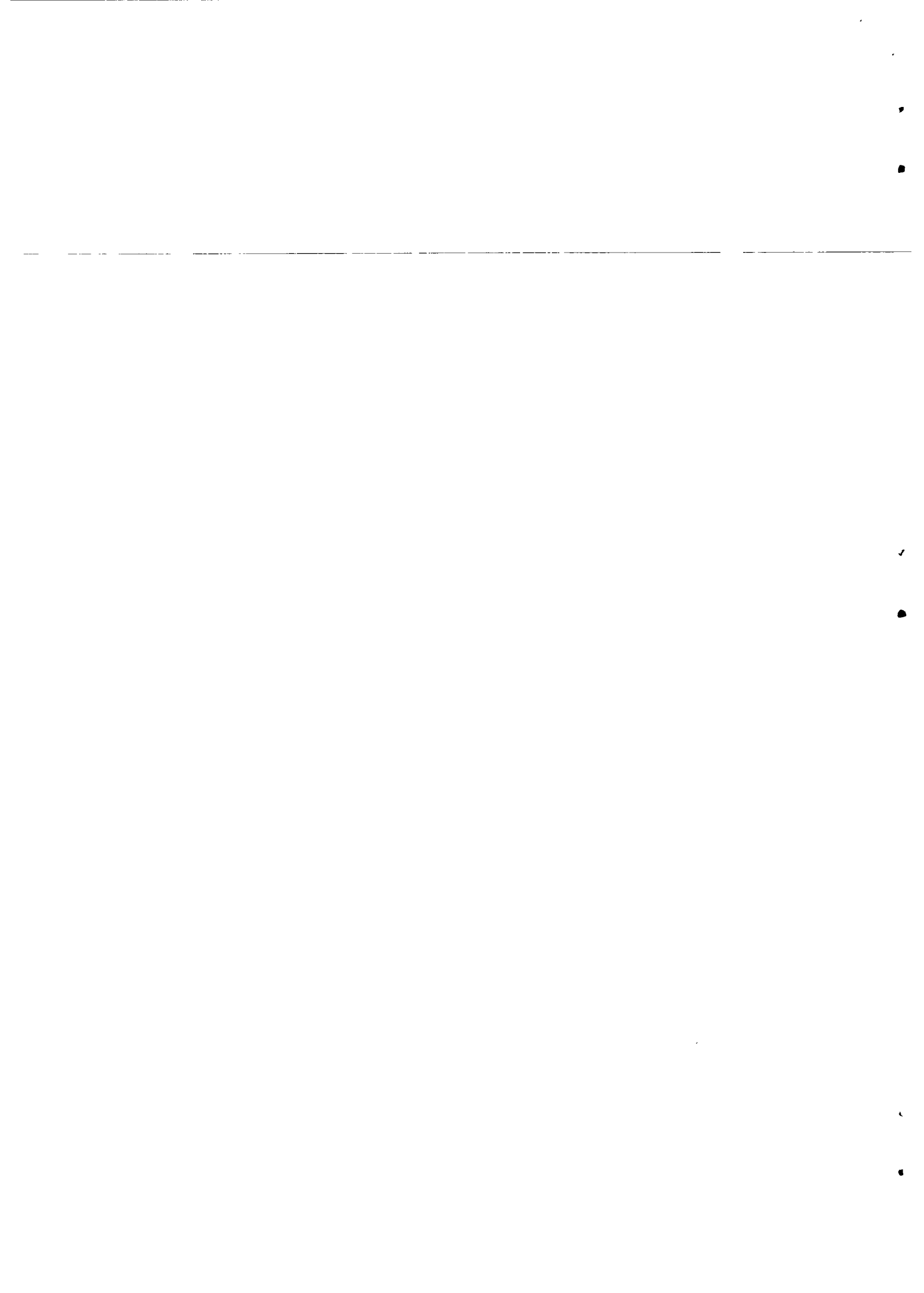
6. CONCLUSION

The Climate Change Act and the INDC appear to have been prepared in a hurry. The Honourable Committee now has another opportunity to visit both the Climate Change Act and INDC to correct the anomalies therein. This will not only be for the benefit of the current generation but for the future generation as well.

I remain,

Yours faithfully

Andy C. Matata



ANNEX E: COMMITTEE MINUTES



AMINUTES OF THE 82ND SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON TUESDAY 29TH NOVEMBER, 2016 AT 10.00 AM THE CPA ROOM, MAIN PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Alexander Kosgey, M.P. – Vice Chairperson
2. Hon. Ganya Francis Chachu, M.P.
3. Hon. Emanikor Joyce, M.P.
4. Hon. Rop Jackson Kipkorir, M.P.
5. Hon. Muluvi Marcus Mutua, M.P.
6. Hon. Mohamed Diriye Abdullahi, M.P.
7. Hon. Dr. Wanyonyi Reginalda N. M.P.
8. Hon. Ole Kenta Richard Moitalel, M.P.
9. Hon. Kathuri Murungi, M.P.
10. Hon. Sunjeev Kaur Birdi, M.P.
11. Hon. Ndiritu Samuel Mathenge, M.P.
12. Hon. Ottichillo K. Wilber, M.P.
13. Hon. Abdinoor Mohammed Ali, M.P.
14. Hon. Richard Makenga, M.P.
15. Hon. Wandayi James Opiyo, M.P.

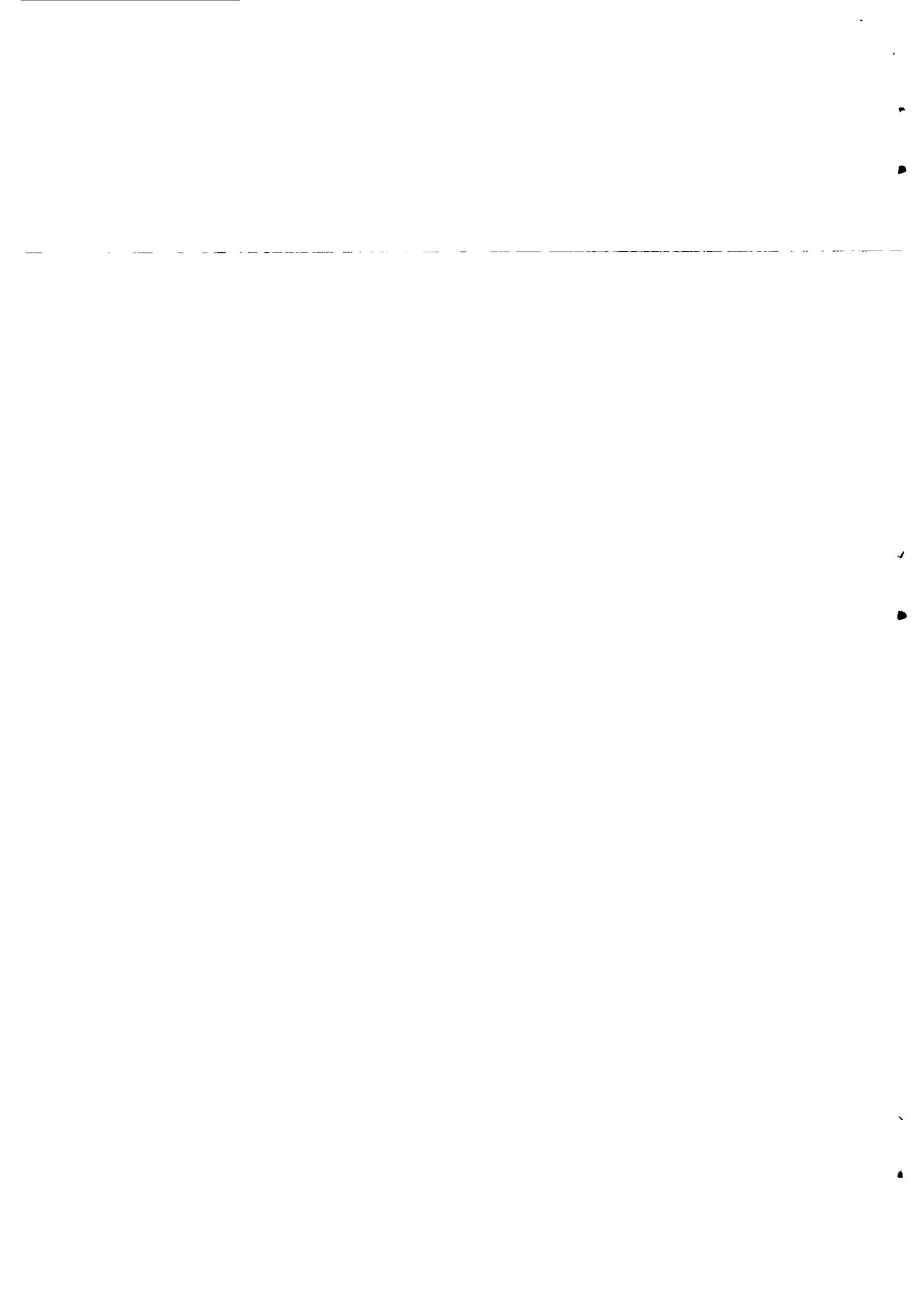
APOLOGIES

1. Hon. Abdalla Amina, CBS, M.P. – Chairperson
2. Hon. Geni Charles Mong'are, M.P.
3. Hon. Tonui Ronald Kiprotich, M.P.
4. Hon. Dukicha Hassan Abdi, M.P.
5. Hon. Irea Gideon Mwitii, M.P.
6. Hon. Joyce Lay, M.P.
7. Hon. Gure Shukran Hussein, M.P.
8. Hon. Peter Kinyua, M.P.
9. Hon. Farah, Abdulaziz Ali, M.P.
10. Hon. Dr. Barua Ejidius Njogu, M.P.
11. Hon. Jude Njomo, M.P.
12. Hon. Ogalo George Oner, M.P.
13. Hon. Ng'ang'a Alice Wambui, M.P.

IN-ATTENDANCE

MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES OFFICIALS:

1. Prof. Judith Wakhungu - Cabinet Secretary Min. of Environment and Natural Resources (MENR)
2. Mr. Stephen King'uyu - MENR
3. Mr. Jeremiah Mwangi - MENR
4. Dr. Charles Mutai - SAD, MENR



SECRETARIAT

- | | |
|----------------------------|------------------------|
| 1. Ms. Tracy Chebet Koskei | - Clerk Assistant II |
| 2. Mr. Hassan A. Arale | - Clerk Assistant III |
| 3. Mr. James Muguna | - Research Officer III |

MIN.NO. DC-ENR/291/2016: PRELIMINARIES

The meeting was called to order at 10.20 am after which prayers were said. The Chair then welcomed the members to the meeting and called for a round of introduction.

MIN.NO. DC-ENR/292/2016: MEETING CABINET SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES REGARDING THE PARIS CLIMATE CHANGE AGREEMENT

Prof. Judi W. Wakhungu, the Cabinet Secretary Ministry of Environment and Natural Resources submitted as follows;

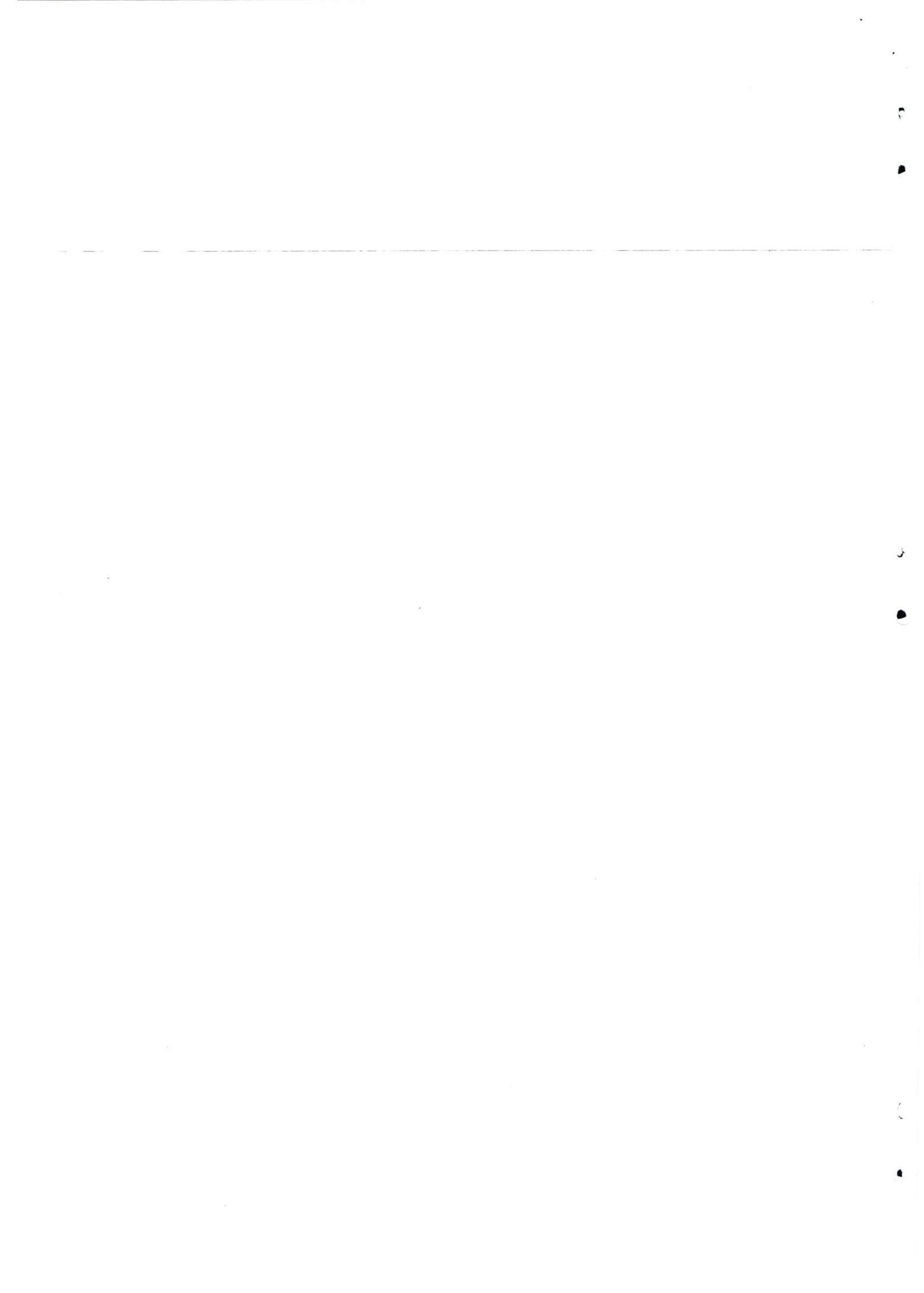
Climate change is one of the most serious global challenges that require international attention and action. Kenya, like most developing countries, is vulnerable to the impacts of climate change. This is exacerbated by the country's high dependency on climate sensitive sectors, like agriculture, energy, wildlife, tourism, water and health.

The Ministry has spearheaded various initiatives to address climate change. A National Climate Change Response Strategy (NCCRS) was launched in 2010, followed in 2013, by a National Climate Change Action Plan (NCCAP 2013 - 2017) that charts a low carbon climate resilient development pathway for the country. In addition, a national adaptation plan (NAP) has been finalised. Further, the Climate Change Act (2016) is now operational following the President's assent on 6th May, 2016.

The Cabinet Secretary informed the Committee that H.E. the President in his address during the recently concluded UNFCCC COP 22 in Marrakech, Morocco, assured the global community that Kenya was in the process of ratifying the Paris Agreement.

The Agreement presents opportunities for support, including:

- i. Access to Climate Finance - Kenya stands to benefit from global climate finance opportunities through the mechanisms in the Climate Convention, among others. These include, but not limited to support coming through the Global Environment Facility (GEF), the Adaptation Fund, and the Green Climate Fund (GCF). The Agreement presents enhanced opportunities to support the country's low carbon climate resilient goals.



Additionally, the Agreement provides for market mechanisms to spur private sector investments in developing countries, building on the Clean Development Mechanism (CDM).

- ii. Enable Climate Technology development and transfer in mitigation and adaptation actions in line with our low carbon climate resilient strategies through the Climate Technology Centre and Network (CTCN).
- iii. Enhance Capacity Building for the implementation of our nationally determined contribution (NDC) to the UN Framework Convention on Climate Change, National Adaptation Plan (NAP), National Climate Change Action Plan (NCCAP).
- iv. Implementation of the Paris Agreement will facilitate the implementation of the Climate Change Act (2016) and National Climate Change Framework Policy, Vision 2030 and the relevant articles of the Constitution, since response to climate change is an integral part of the Constitution.
- v. It will further enhance Kenya's image internationally by giving Kenya full status for participation and decision making in activities and meetings pertaining to the Agreement such as in the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement, whose first session was held in the just concluded COP 22.
- vi. It will maintain and improve Kenya's leadership and exemplary status in Africa and other developing countries on climate change issues.

The Cabinet Secretary further submitted that Kenya is signatory to United Nations Framework Convention on Climate Change (UNFCCC), ratified in 1994 and its Kyoto Protocol in 2005. In addition, Kenya submitted its intended nationally determined contribution (INDC) to the UNFCCC secretariat in July 2015. She informed the Committee that the Paris Agreement came into force on 4th November 2014. To-date, 114 Parties out of 197 have ratified the Agreement

Committee Concerns;

1. Would the America's president elect's stand on climate change affect climate change initiatives globally?
2. There was concern over the difficulty in accessing climate change funds, getting through to the National Environment Management Authority (NEMA) which was the implementing agency for the climate change financing.

Cabinet Secretary Response;

In response the cabinet secretary said that,




1. While there was concern over the America's president elect's stand on climate change, the representatives from America presented in the recently concluded COP 22 Climate Change Conference assured the global community that while there was resistance, they would continue to fight for the support of climate change initiatives. She further assured Members that any contractual agreements on climate change initiatives currently in place would have to be followed through.
2. As regards accessing climate change funds from NEMA, the Cabinet Secretary advised Members to submit proposals to NEMA before the deadline for submission due on the following day, 30th November, 2016.

MIN.NO.DC-ENR/293/2016:

ADJOURNMENT

There being no other business the meeting was adjourned at 11.15 am.

SIGNED.....



(Vice-Chairperson)

DATE.....

30th November, 2016.....

