

COUNTY ASSEMBLY OF GARISSA

COMMITTEE ON ENVIROMENT, ENERGY AND NATURAL RESOURCES

THIRD COUNTY ASSEMBLY

REPORT OF: PUBLIC PARTIPATION ON GARISSA THE

COUNTY CLIMATE CHANGE BILL 2024

CLERK'S CHAMBERS, GARISSA MAY, 2025

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1.0 PREFACE

Hon. Speaker Sir,

On behalf of the Committee on Environment, Energy and Natural Resources and pursuant to Standing Order 222 (6) (f), it is my pleasure and duty to present to the assembly, the committee's report on the climate change bill 2024 to the Assembly for adoption

Hon. Speaker sir,

The legislative authority of a County is vested in, and exercised by its county assembly as provided for in article 185 of the constitution of Kenya, 2010. A County Assembly may make any laws that are necessary or incidental to the effective performance of the function and exercise of the powers of the County Government under the fourth schedule

1.1 Mandate of the Committee

Hon. Speaker Sir, The Departmental Committee on Environment, Energy and Natural Resources is one of the Departmental Committees of the County Assembly of Garissa established under *Standing Order 222(1)* whose mandate, pursuant to the *Standing Order 222 (6)* is to, among others;

- i. Investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operation and estimates of the assigned department;
- ii. Study programs and policy objectives of departments and the effectiveness of theimplementation;
- iii. Study and review all county legislation referred to it;
- iv. Study, assess, and analyze the relative success of departments as measured by the resultsobtained as compared with their stated objectives;

- v. Investigate and inquire into all matters relating to the assigned departments as they may deemnecessary, and as may be referred to them by the County Assembly;
- vi. To vet and report on all appointments where the constitution or any law requires the County Assembly to approve, except those under Standing Order 215 (Committee Appointments); and
- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

In accordance with the Second Schedule of the Standing Orders, the Committee is mandated to Matters related to Environment, Energy and Natural Resources generally focus on environment protection, resource management and sustainable development these includes the following:

- ➤ Promoting renewable and Mineral resources, Pollution, and integrating climate change adaptation and mitigation measures.
- The committee also plays a crucial role in ensuring the sustainable exploitation and conservation of natural resources for the benefit of the people.
- Environmental Protection and Conservation: The Committee is responsible for protecting and conserving the environment, including biodiversity, from pollution and degradation. This often involves implementing policies and regulations related to environmental impact assessments and pollution control.

1.2 INTRODUCTION

Mr. Speaker sir,

Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other aspects of the Earth's climate system. While such changes can occur naturally, current global climate change is primarily driven by human activities, particularly the emission of greenhouse gases (GHGs) such as carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O).

These gases trap heat in the Earth's atmosphere, leading to global warming and associated effects like rising sea levels, extreme weather events, and ecosystem disruptions. The impacts are wide-ranging environmental, economic, health-related, and social.

Kenya has been experiencing the impacts of climate change since the late 20th century. Observations show increased temperatures, shifting rainfall patterns, more frequent droughts and floods, and related disruptions in agriculture, water availability, and health systems.

This makes environment an essential feature of Garissa County's development plans. Environmental imperatives were initially captured through the periodic development planning cycles. Whole sections or chapters of the successive County Annual Development Plans have addressed environment.

Modern environment management and planning in Kenya can be traced to the Rio Earth Summit of 1992, which helped a great deal in raising understanding of the link between environment and development.

Following the Summit, Kenya initiated the National Environmental Action Plan (NEAP, 1994) process which recommended the need for a national policy and law on the environment. With the current constitutional dispensation, there is the development of County Environment Action Plans (CEAP) which contributes to the NEAP.

Hon Speaker sir,

The National Climate Change Response Strategy (2010), National Climate Change Action Plan (2013-2017) and the National Climate Change Act of 2016, the Sessional Paper No. 3 of 2016 on Climate Change Framework Policy which aims to guide the country's response to climate change challenges, national Adaptation Plan (2015-2030), Green Economy Strategy and Implementation Plan (2016-2030).

All the above plans, acts, policies recognize Climate Change as a global and emerging issue which needs to be addressed and have been used as building blocks for preparation of this policy. Additionally, extensive consultations with stakeholders was undertaken including sectoral heads at the County, communities and civil society providing valuable inputs to this policy documents.

The National policy process culminated into the Sessional Paper No. 6 of 1999 entitled "Environment and Development." The legislative process gave forth to the Environment Management and Coordination Act (EMCA) (Act No. 8 of 1999) as Kenya's first framework environmental law.

Both the Policy and Act added to a large number of existing sectoral laws and policies dealing with various facets of the environment, such as water, forests, minerals and many others. This has created a diffuse system of environmental laws and policies, some of which are not in harmony – making them ill-suited to aid the pursuit of sustainable development objectives as set out in the Vision 2030 and Garissa County Vision.

The promulgation of the 2010 Constitution marked an important chapter in Kenya

environmental policy development. Hailed as a green Constitution; it embodies elaborate provisions with considerable implications for sustainable development.

These range from environmental principles and implications of multilateral environmental agreements (MEAs) to the right to clean and healthy environment enshrined in the Bill of Rights. Chapter V is entirely dedicated to land and environment and hosts social and economic rights of an environmental character, such as the right to water, food and shelter.

This bill aims to provide a holistic framework to guide the management of the environment, natural resources and address issues faced by Garissa County due to a changing climatic conditions. It further ensures that the linkage between the environment and poverty reduction is integrated in all County government processes and institutions in order to facilitate and realize sustainable development at all levels in Rationale for the Policy.

Hon Speaker sir,

Garissa County, is located in Kenya's arid and semi-arid lands (ASALs) and is highly vulnerable to climate change impacts, including recurring droughts, land degradation, and water scarcity, all of which threaten pastoralist livelihoods

The County has progressively advanced its climate governance framework through early assessments with development partners under the County Climate Change Fund (CCCF) model, enactment of the Garissa County Climate Change Fund Act, 2018, a legislative review process initiated in 2020, and extensive public participation conducted between 2020 and 2022.

The County is now transitioning to the proposed Climate Change Bill, 2024, which seeks to repeal the 2018 Act and introduce a more robust and updated framework aligned with the national Climate Change Act.

The new bill has a provision on the establishment of a County Climate Change Fund kit, integration of climate change into County Integrated Development Plans (CIDPs), formation of Ward Climate Planning Committees (WCPCs), allocation of at least 2% of the county development budget to climate initiatives, and the promotion of sustainable land use, renewable energy, and climate-resilient livelihoods.

Current efforts are focused on operationalizing new fund structures, mobilizing financial and technical support, and developing inclusive early warning systems and pilot resilience programs.

2.0 COMMITTEE MEMBERSHIP

Hon. Speaker Sir,

The committee on Environment, Energy and natural resources was established pursuant to standing order of the County Assembly.

The committee comprises of the following Members;

 Hon. Mohamed sheikh Abdi Hon. Timira Bishar Abdi 	Chairpers Vice Chair
3. Hon. Noor Sheikh Farah	Member
Hon. Amina Bulo	"
Hon. Mohamed Abdi Farah	"
Hon. Abdirahman M. Ali	
Hon. Adow Omar Said	
Hon. Fatuma Mohamed Shide	"
Hon. Yunis Abdi Ibrahim	"
. Hon . Rukia Abdullahi	
. Hon. Maryan Mohamed Hassan	"
. Hon. Fardowsa Jelle . Hon. Fatuma Mohamed Hakar	، ۲

Committee Secretariats

1. Ali Arte Abdi - Committee clerk

2. Khadija Yusuf - Researcher

3. Abdi Mohamed Hassan - Hansard

3. Hamdi Abdi Bukut - Sergeant At Arms

2.1 <u>COMMITTEE MEETINGS</u>

Mr. Speaker Sir,

The committee held three meetings on 12th August, 13th September and 26th September 2024 to consider the Garissa County Climate change Bill, 2024. In one of the meetings, the committee made a resolution to conduct public participation in the Garissa County Climate change Bill, 2024.on 10^{th and} 11th April, 2025 from 9.00 am in Afweine Baraki ward Lagdera constituency and in Garissa township constituency at Government Guest house respectfully.

The members of the public were notified of the public participation through the Standard newspaper on Friday 4th April 2025.

2.2 ACKNOWLEDGMENT

Mr. Speaker Sir,

The Committee is grateful to the Offices of the Speaker and the Clerk of the County Assembly for the support extended to it in fulfilling its mandate.

Mr. Speaker Sir,

The Committee hereby formally records its appreciation to the Executive of the Department of Environment and Climate Change and the Frontier Local Communities Conservancies Association (FLOCCA) for their substantial financial and logistical support in facilitating the public participation process.

Their contributions enabled the successful planning, mobilization, and execution of public participation activities held in Afweine Baraki Ward, Lagdera Sub County, and at the Government Guest House in Garissa Township Sub County and the sensitization of the committee on the said bill in Masalani town

The Committee further acknowledges the critical role played by both institutions in strengthening stakeholder engagement, promoting participatory governance, and fostering transparency and inclusivity in decision-making processes.

Their unwavering support towards the realization of the objectives of the public participation exercise is highly valued and is hereby duly recognized with appreciation.

Mr. Speaker Sir,

I wish to thank the Members of the committee on Environment, Energy and natural resources for their effort in coming up with this report on the Climate change Bill 2024. I also wish to thank the committee secretariat who worked tirelessly to compile this Report.

Mr. Speaker Sir,

I wish to thank Members of the public who sacrificed their time to attend the public participation exercise held at Afweine baraki ward in Lagdera constituency and respectfully in Garissa Township constituency at Government Guest house on 10th and 11th April 2025 and gave their valuable views on the proposed Climate change bill 2024. Once again, I extend my sincere gratitude and appreciation.

SIGNED.

DATE		
HON. MOHAMED SHEIKH ABDISAL	AT	
COMMITTEE CHAIR ENVIRONMEN	NT, ENERGY & NATURAL R	RESOURCES
2 <u>.3 ADOPTION OF THE REPORT</u>		
We, Members of the Environmental, Energethis Report on the Consideration of Climat to it to affirm our approval and confirm its	te Change Bill 2024 and hereby	affix our signatures
NAME	DESIGNATION	SIGNATURE
1. Hon . Mohamed sheikh Abdi	Chairperson	
2. Hon . Timira Bishar Abdi	Vice Chairperson	

3. I	Hon. Noor Sheikh Farah	Member	
4.]	Hon . Amina Bulo	"	
5. l	Hon. Mohamed Abdi Farah	"	
6. I	Hon . Abdirahman M. Ali	"	
7.]	Hon. Adow Omar Said	"	
8. I	Hon. Fatuma Mohamed Shide	"	
9. I	Hon . Yunis Abdi Ibrahim	"	
10. I	Hon . Rukia Abdullahi	"	
11. 1	Hon. Maryan Mohamed Hassan	"	
12. 1	Hon. Fardowsa Jelle	69	
13. I	Hon. Fatuma Mohamed Hakar	•	

3.0 BACKGROUND AND LEGAL FRAMEWORK

3.1 BACKGROUND

Mr. Speaker Sir,

Following the tabling of the legislative proposal on The Garissa County Climate Change Bill, 2024 in the Assembly on 7th August 2024 pursuant to the Standing Order (121) (1). It was committed to the Environment, Energy and natural resources committee and subsequently public participation was conducted pursuant to Standing Order (121) (3) and Article 196(1) (b) of the Constitution of Kenya, 2010.

The committee on Environment, Energy and Natural Resources invited the general public to give their submissions and views at Afweine Baraki ward Lagdera Sub County on Monday 10th April 2025 and on Tuesday 11th April, 2025. At The Government Guest House the deliberations of the public participation form the basis of this report.

3.2 <u>LEGAL FRAMEWORK</u>

Mr. Speaker Sir,

The following legal provisions have informed the resolutions and recommendations reached by the committee on the proposed legislation on the Climate Change Bill, 2024

3.3 - THE CONSTITUTION OF KENYA

The Constitution of Kenya under Article 185 (1) (2) provides that;

- (1) The legislative authority of a County is vested in, and exercised by its County Assembly.
- (2) A County Assembly may make any laws that are necessary for, or incidental to, the effective performance of the function and exercise of the powers of the government under the fourth schedule.

3.4 KENYA LAW REFORM COMMISSION

Mr. Speaker Sir,

This legislative proposal bill was taken to the Kenya Law Reform which has a mandate, under section 6 of the Kenya Law Reform Act, No 19 of 2013, This is entity which is mandated to review all the laws systematically and develop to comply with the values and principles enshrined in the Constitution and further to check if its consistent, harmonized, just, simple, accessible, modern and cost-effective in application.

3.0 OVERVIEW OF THE CLIMATE CHANGE BILL, 2024

Mr. Speaker Sir,

The bill is an Act of the Garissa County Assembly to provide the residents of Garissa County with sustainable and inclusive responses to climate change through institutionalizing climate action by establishing governance structures, climate finance mechanisms, and participatory

frameworks that promote adaptation, mitigation, and resilience across all sectors of development.

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THIS BILL IS ARRANGED IN THE FOLLOWING MANNER.

Part I: Preliminary (Sections 1–4)

Section 1: Short Title – Cites the Act as the Garissa County Climate Change Act, 2024.

Section 2: Interpretation – Defines key terms used within the Act.

Section 3: Objects and Purposes – Outlines the Act's objectives, including enhancing climate resilience and integrating climate change responses into county development planning.

Section 4: Guiding Values and Principles – Establishes principles such as transparency, inclusivity, and sustainability to guide the implementation of the Act.

Part II: Institutional Framework for Oversight, Planning, Coordination, and Implementation (Sections 5–22)

Sections 5–9: County Climate Change Steering Committee

Establishes the Steering Committee, detailing its composition, functions, meeting procedures, and member allowances.

Sections 10–14: County Climate Change Technical Planning Committee

Establishes the Technical Planning Committee, outlining its functions, conduct, member removal procedures, and allowances.

Sections 15–21: Ward Climate Change Planning Committees
Establishes Ward-level committees, specifying their functions, composition, terms, removal procedures, conduct, and member reimbursements.

Section 22: Directorate of County Climate Chang

Establishes the Directorate responsible for coordinating and monitoring climate change actions within the county.

Part III: Measures and Actions for Responding to Climate Change (Sections 23–29)

Section 23: Establishment of the Fund – Creates the County Climate Change Fund to finance climate-related programs and activities.

Section 24: Sources of Funds – Identifies funding sources, including county budget allocations, national government contributions, and donor funding.

Section 25: County Climate Change Fund Regulations – Mandates the development of regulations for fund administration and management.

Section 26: County Climate Change Action Plan – Requires the formulation of a five-year action plan for climate change response.

Section 27: Contents of the Climate Change Action Plan – Specifies the components of the action plan, including adaptation and mitigation strategies.

Section 28: Approval of the Climate Change Action Plan – Outlines the approval process involving the Steering Committee and County Assembly.

Section 29: Biennial Review of the Climate Change Action Plan – Mandates a review of the action plan every two years to assess progress and make necessary adjustments.

Part IV: Regulation of Carbon Markets (Sections 30–36)

Section 30: Regulation of Carbon Markets – Provides a framework for regulating carbon market activities within the county.

Section 31: Participation in Carbon Markets – Details the criteria and procedures for entities to participate in carbon markets.

Section 32: Environmental and Social Impact Assessment – Requires assessments for carbon market projects to ensure environmental and social safeguards.

Section 33: Community Development Agreement & Benefits Sharing – Mandates agreements to ensure communities benefit from carbon market projects.

Section 34: County Carbon Project Registry – Establishes a registry for all carbon projects within the county.

Section 35: Dispute Resolution – Provides mechanisms for resolving disputes related to carbon market activities.

Section 36: Oversight, Monitoring & Reporting – Outlines procedures for monitoring and reporting on carbon market projects.

Part V: Duties Relating to Climate Change (Sections 37–40)

Section 37: Climate Change Duties of Public Entities – Assigns responsibilities to public entities for integrating climate change considerations into their operations.

Section 38: Climate Change Duties of Private Entities – Mandates private entities to comply with climate change regulations and reporting requirements.

Section 39: Monitoring and Reporting on Compliance – Establishes mechanisms for monitoring compliance with climate change duties.

Section 40: Annual Climate Change Report – Requires the publication of an annual report detailing climate change actions and progress.

Part VI: Public Participation and Access to Information (Sections 41–45)

Section 41: Values and Principles to Apply to Planning and Implementation – Emphasizes the importance of public participation and inclusivity in climate change planning.

Section 42: County Strategy for Climate Change Education and Awareness – Mandates the development of a strategy to educate and raise awareness about climate change.

Section 43: Public Sensitization to Precede Formulation of Climate Change Plans – Requires public sensitization efforts before developing climate change plans.

Section 44: Capacity Building for Effective Public Participation – Calls for initiatives to build public capacity for meaningful participation in climate change matters.

Section 45: Access to Information – Ensures public access to information related to climate change policies and actions.

Part VII: Financial Provisions (Sections 46–49)

Section 46: Funding Operations of Steering and Technical Committees – Details the financial support for the operations of key climate change committees.

Section 47: Annual Estimates for Steering and Technical Committees – Requires the preparation of annual budgets for these committees.

48: Financial Year of Steering and Technical Committees – Aligns the financial year of the committees with the county's fiscal calendar.

Section 49: Accounts and Audit of Steering and Technical Committees – Mandates regular audits to ensure financial accountability.

Part VIII: Miscellaneous Provisions (Sections 50–53)

Section 50: Regulations – Empowers the development of additional regulations to support the Act's implementation.

Section 51: Protection from Personal Liability – Provides legal protection for individuals acting in good faith under the Act.

Section 52: Offences and Penalties – Defines offences and associated penalties for noncompliance with the Act.

Section 53: Repeal of Garissa County Climate Change Fund Act, 2018 – Repeals the previous Act to align with the new legislative framework.

4.1 PUBLIC PARTICIPATION/STAKEHOLDERS INVOLVEMENT

Mr. Speaker,

Public participation in Kenya is considered a crucial pillar of the Kenyan constitution. It promotes democracy by providing the public with the opportunity to take part in the decision-making process in Government.

County Governments are mandated to give effect to public participation through the Fourth Schedule Part 2 (14) which states the County will ensure and coordinate the participation of communities and locations in governance at the local level.

County Governments are also to assist communities to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Article 201(a) also outlines public participation as one of the principles of public finance alongside openness and accountability.

4.2 HOW THE BILL CONCERNS THE COUNTY?

The Garissa County Climate Change Bill, 2024 is a pivotal legislative measure tailored to address the unique climate challenges faced by Garissa County. It establishes a comprehensive framework for climate governance, integrating climate considerations into the County's development agenda.

1. Institutional Framework for Climate Governance

The bill establishes dedicated structures such as the County Climate Change Steering Committee and Ward Climate Change Planning Committees. These bodies are responsible for overseeing climate-related initiatives, ensuring that climate considerations are embedded in county planning and decision-making processes.

2. Financial Commitment to Climate Action

A significant provision of the bill is the allocation of a minimum of 2% of the County's annual development budget to the Garissa County Climate Change Fund. This fund is earmarked for financing climate adaptation and mitigation projects, reflecting the county's commitment to proactive climate action.

3. Focus on Priority Sectors

The Garissa County Climate Change Bill, 2024 aligns with the County Climate Change Action Plan (CCAP) by targeting key sectors vulnerable to climate change namely **food and nutrition security, water, health and sanitation, disaster risk management, and environment, forestry, wildlife, and tourism** with the overarching aim of enhancing the County's resilience and adaptive capacity.

4. Promotion of Locally-Led Adaptation

The bill emphasizes community involvement through participatory climate risk assessments and the establishment of Ward Climate Change Planning Committees. This approach ensures that climate interventions are locally relevant and community-driven.

5. Integration with National and International Frameworks

The bill aligns Garissa County's climate initiatives with national policies and international

commitments, facilitating access to broader climate finance mechanisms and ensuring coherence with global climate action efforts.

The Garissa County Climate Change Bill, 2024, is a comprehensive legislative framework that addresses the County's specific climate challenges through institutional structures, financial commitments, sectoral focus, community engagement, and alignment with broader climate governance frameworks.

5.0 PUBLIC SUBMISSION BY THE RECIDENT OF AFWEINE WARD

SUBMISSIONS BY:

5.1. Mr. Idle Aden Daud

Proposed the inclusion of a clause mandating the establishment of greenhouses in every ward.

- Recommended the introduction of a green belt in Afweine.
- Requested the construction of ward offices in every ward.
- Suggested the deployment of forest guards in every ward and emphasized accountability in their operations.

Recommended the inclusion of an action plan for the planting of indigenous trees such as (Hagar) noting its high value—fetching up to KES 1,800 per kilogram. He emphasized its dual role as a source of income and traditional medicine beneficial to the community.

- •Proposed changes to the ward-level committee representation in the bill, including the removal of representatives from:
 - Public Health
 - Gender
 - Women
 - Persons with Disabilities

SUBMISSIONS BY:

5.2 Mohamed Hilowle – Chairman, Elders Afweine

• Proposed the establishment of ward-level forestry offices in Afweine and across Garissa County.

SUBMISSIONS BY:

5.3 Ali Abdi Rage – Retired Chief

- Proposed that Lagdera be recognized as a host community alongside Balambala Subcounty.
- Recommended inclusion of a Sub-County committee in the bill.
- Proposed the inclusion of tree planting initiatives in each ward.
- Suggested that the Forestry Department provide seedlings and ensure ward-level forestry offices are equipped for efficient distribution.

SUBMISSIONS BY:

5.4 Mohamed Jamaa

• Proposed that the effects of the invasive Mathenge plant be addressed and included in the bill but on this, the public member was informed that the county has a law in place to deal with the menace resulted by this tree.

5.5 SUBMISSIONS BY THE RECIDENT OF GARISSA TOWNSHIP AT GUEST HOUSE HALL

SUBMISSIONS BY:

5.5 Mr. Muhumed Khalif

Mr. Muhumed Khalif raised concerns about persistent deforestation and unsustainable land use within the County. He advocated for the removal of cattle from the Central Business District (CBD), citing health and environmental hazards posed by livestock waste.

He further decried the indiscriminate dumping of solid waste in Garissa Town and surrounding areas, urging the County to designate appropriate dumpsites and enforce a ban

on open-air burning due to the toxic emissions that endanger human health and the environment.

SUBMISSIONS BY:

5.6 Mr. Abdikadir Aden (Environmentalist).

Mr. Aden emphasized the importance of transparency in the selection of climate change committee members and called for a fair and inclusive process. He further proposed a reduction of elders' representation from three to one, with the vacated positions allocated to youths and minority groups. He also proposed that the 2% budget allocation to the environment be ring-fenced in an independent account to ensure accountability and prevent misuse by the executive.

SUBMISSIONS BY:

5.7 Mr. Abdirahman Wadajir's.

Mr. Abdirahman emphasized the Bill's potential in stimulating job creation, particularly for the youth, if implemented effectively with local development priorities in mind.

SUBMISSIONS BY:

5.8 Mr. Omar Member of Supkem.

Mr. Omar raised environmental concerns regarding the indiscriminate dumping of used tires, which are non-biodegradable and contribute to climate change. He emphasized the need for regulated disposal and recycling mechanisms to prevent environmental degradation across Garissa Town and the broader County.

SUBMISSIONS BY:

5.9 Crescent of Hope – Disability and Climate Action Organization.

The organization advocated for robust representation of Persons with Disabilities (PWDs) in all climate governance structures. They proposed the following amendments:

- Clause 5(2): Inclusion of PWDs in all national and county climate governance bodies.
- Clause 17(d): Ensure PWD representation in county steering committees.
- Mainstream disability considerations in all climate planning and interventions.
- Clause 27: Ensure PWD participation in adaptation and mitigation measures.
- Clause 32 & 33: Integrate disaggregated data and disability-sensitive indicators in the Monitoring & Evaluation framework.
- Clauses 23–25: Allocate a dedicated percentage of climate funds to disability-inclusive projects under the Garissa Climate Change Fund. They also called for an intersectional approach to climate justice, recognizing the vulnerabilities of pastoralists, PWDs, women, and marginalized communities.

SUBMISSIONS BY:

6.0Lazarus (Religious Leader).

Lazarus raised concern over the five-year term limit for climate governance structures, arguing that such durations may be politicized by successive administrations.

He recommended that the term be extended beyond five years to safeguard continuity, transparency, and prevent political interference, particularly in the selection of climate committees, which may otherwise be influenced by nepotism.

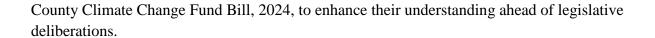
He also proposed that religious representation in Ward Climate Planning Committees be expanded to two slots, with equitable inclusion of both Muslim and Christian leaders to reflect Garissa's religious diversity.

Additionally, he emphasized the need to improve the drainage systems in the county, noting that the lack of proper infrastructure has worsened seasonal flooding, thereby compounding climate-related risks.

<u>6.1 SUBMISSION BY THE COMMITTEE DUIRING SENSATIZATION IN</u> MASALANI TOWN

The Directorate of Climate Change, under the Department of Water, Environment, Climate Change and Natural Resources, organized a three-day sensitization forum specifically for Members of the County Assembly (MCAs) of Garissa County.

The main objective was to sensitize the MCAs on the provisions of the proposed Garissa



The sensitization session noted The Following:

6.2 Representative from the National Government:

County-Level Representation:

It was recommended that the County Climate Change Steering Committee and the Technical Planning Committee should include the County Commissioner or his nominated representative. This would enhance coordination between the national and county governments in the implementation of climate change activities.

Ward-Level Representation:

It was proposed that Ward Climate Change Planning Committees should have members nominated by the Assistant County Commissioner, Furthermore the Assistant County Commissioner should nominate or appoint one Chief from within the Ward to sit on the Ward Committee this ensures strong grassroots engagement in climate governance structures.

Section 17 (7), the notice convening the meeting under sub-section five shall be issued not less than seven days before the date. Therefore, and shall be widely published through public Barraza's, community radio stations and all other forms of media available in the ward.

COMMITTEE AMEDMENT

The committee resolved to align the provisions of this bill with that of the national government to bring about the aspect of conformity and therefore agreed the inclusion of a whole part named as below in the part shown.

6.3 PART IV – REGULATION OF CARBON MARKETS

Regulation of carbon markets

(1) The County Executive Committee Member shall promote and regulate participation

in carbon markets as a mechanism to advance climate-resilient, low-carbon development in Garissa County.

- (2) The County Government shall support the development of—
- (a) carbon reduction credits that reduce emissions from existing sources;
- (b) removal or sequestration credits through afforestation, reforestation, nature-based or technology-based solutions; and
- (c) community-driven carbon initiatives that enhance sustainable livelihoods and local climate resilience.
- (3) All carbon projects within the county shall conform to applicable national and international carbon standards and protocols, including technologies and activities approved under the national whitelist.

Participation in carbon markets

- (1) Participation in carbon markets within the County may occur through—
 - (a) voluntary carbon market transactions with private or public actors; or
 - (b) County-supported carbon projects recognized under nationally approved carbon standards.
 - (2) All carbon projects and trading arrangements shall be aligned with Kenya's Nationally Determined Contributions and recorded in the National Carbon Registry maintained by the Designated National Authority.

Environmental and social impact assessment

- (1) A person shall not implement a carbon project in the county unless an environmental and social impact assessment has been undertaken and approved in accordance with the Environmental Management and Coordination Act, 1999 (No. 8 of 1999).
- (2) Projects involving forest resources shall be subject to Reduced Emissions from Deforestation and Forest Degradation (REDD+) safeguard assessments as may be prescribed by national legislation or guidance.

Community development agreements and benefit-sharing

1. (1) All land-based carbon projects shall be governed by a Community Development Agreement negotiated with affected local communities and stakeholders, including women, youth, and persons with disabilities.

- (2) A Community Development Agreement shall—
 - (a) Identify the stakeholders, including project proponents, impacted communities, and relevant public authorities;
 - (b) provide for an annual social contribution of the previous year's aggregate earnings to the community as follows—
 - (i) at least forty percent for land-based projects; and
 - (ii) at least twenty-five percent for non-land-based projects;
 - (c) Outline benefit-sharing mechanisms and community development priorities;
 - (d) Specify procedures for community engagement and participation; and
 - (e) provide for periodic review at intervals not exceeding five years.
- (3) The County Government and the National Government shall jointly oversee and enforce the implementation of CDAs and ensure community rights and benefits are upheld.
- (4) A copy of every CDA shall be submitted to the County Climate Change Directorate and recorded in the National Carbon Registry.County carbon project register
 - **2.** (1) The County Climate Change Directorate shall establish and maintain a County Carbon Project Register synchronized with the National Carbon Registry.
 - (2) The Register shall contain information on—
 - (i) project title, proponent(s), and location;
 - (ii) type and scope of the carbon project;
 - (iii) estimated and verified emissions reductions;
 - (iv) benefit-sharing arrangements and community development agreement status;
 - (v) carbon credit transfers, cancellations, and corresponding adjustments;

- (vi) authorizations and compliance details as per national and international frameworks.
- (3) The County Carbon Project Register shall be accessible to the public in accordance with national access-to-information laws.

Dispute resolution

- (1) Any dispute arising from a land-based carbon project shall, in the first instance, be addressed through the dispute resolution mechanism provided in the relevant Community Development Agreement and resolved within thirty days.
- (2) Disputes not resolved under subsection (1) or those from non-land-based projects shall be addressed through Alternative Dispute Resolution (ADR).
- (3) If unresolved after thirty days, the dispute shall be referred to the National Environmental Tribunal in accordance with national law.

Oversight, monitoring, and reporting

- **3.** (1) The County Climate Change Directorate shall
- (a) monitor compliance with this Part and with all relevant national policies and laws on carbon markets;
- (b) Prepare an annual report on carbon market participation in the county, including details of benefit-sharing and community development outcomes;
- (c) Submit the report to the County Assembly and share it with the National Climate Change Directorate.

6.4 COMMITTEE FINDINGS

Committee Findings in Masalani Town (Masalani Ward, Ijara Sub-County)

The Committee conducted a sensitization forum in Masalani Town, where Members engaged on key provisions of the Garissa County Climate Change Bill, 2024. Additionally, visited Afweine ward in Lagdera Sub-County and Garissa Government Guest House in Garissa Township Sub-County to seek public inputs as required by the constitution and captured as follows:

✓ Strong support was expressed for the inclusion of Part IV – Regulation of Carbon

Markets, with an emphasis on community benefit-sharing and oversight mechanisms.

- ✓ The Committee proposed that a representative from the National Government, nominated by the County Commissioner, be included in both the Steering and Technical Committees.
- ✓ It was also recommended that the Assistant County Commissioner nominate one chief from the ward to represent community interests.
- ✓ Notice Period for Meetings: The Committee noted that "the notice convening the meeting under sub-section (5) shall be issued not less than seven (7) days before the date thereof, and shall be widely publicized through public barazas, community radio stations, and all other forms of media available in the Ward."

RECOMMENDATION

The committee recommends the approval of this report.

COUNTY GOVERNMENT OF GARISSA



COUNTY ASSEMBLY OF GARISS MINUTES OF ENVIROMENT, ENERGY & NATURAL RESOURCE COMMITT EE MEETING HELD AT THE CHAMBERS ON 12TH AUGUST 2024 AT 10:30AM

Members present

	Hon. Mohamed Sheikh Abdi	Chair
2.	Hon, Mohamed Sheikh Abdi	Member
3.	Hon. Timira Bishar Abdı Hon. Fatuma Shide	Member
4.	Hon.Fatuma Ibrahim Hakar	Member
5.	Hon. Noor Sheikh Farah	Member
6.	Hon.Noor Sheikh Farah	Member
7.	Hon: Yunis Abdi Ibrahim	

AGENDA

- 1. PRELIMINARIES
- 2. APPROVAL OF THE PREVIOUSE MINUTE
- 3. DELIBERATION ON CLIMATE CHANGE BILL 2024
- 4. AOB
- 5. ADJOUPNMENT

MINI 12/08/2024: PRELIMINARIES

The meeting commenced at 10:30Am. With The chair, presiding over the proceedings witch word of prayer from Hon. Timira Bishar. The chair welcomed all members present and expressed gratitude for their attendance.

MIN2 12/08/2024: APPROVAL OF THE PREVIOUS MINUTE

The minutes of the previous meeting were reviewed and approved without any amendmen-

MIN3 12/08/2024: DELIBERATION ON CLIMATE CHANGE BILL

The Chairperson opened the floor for discussion on the climate change bill, emphasizing importance of a comprehensive legal framework to address environmental challenges.

The Committee thoroughly deliberated on the bill and identified a critical gap regarding appointment of board members. It was observed that the bill does not include provisions outlining the process for these appointments, which could lead to potential governance is

Members resolved that the Committee recommends the inclusion of clear criteria and transparent process for the appointment of board members within the Climate Change

Min5 12/08/2024 ADJOURNMENT

There being no other business the meeting	was adjourned at 11:30 Am.
Minutes prepared by Ali Arte Abdi. (Clerk)Date. 13/07/2429	Sign
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Confirmed by (chair). Date... 13/0-7/2024 ... Sign... Sign...

COMMITTEE ATTENDANCE REGISTER		
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Payroll Manager		

COUNTY GOVERNMENT OF GARISSA



COUNTY ASSEMBLY OF GARISS

MINUTES OF ENVIROMENT, ENERGY & NATURAL RESOURCE COMMITTED MEETING HELD AT THE CHAMBERS ON 26TH SEPTEMBER 2024 AT 12:30PM

Members present

1.	Hon. Mohamed Sheikh Abdi	Chair
2.	Hon Timira Bishar Abdi	V/Chair
3.	Han Fatuma Shide	Member
4.	Hon. Mohamed Abdi Farah	Membe
5.	Hon. Fardosa Jelle	Member
6.	Hon. Maryan Mohamed Hassan	Member
7.	Hon: Fatuma Hakar Amina Mohamed Bulo	Member
8	Amina Mohamed Bulo	

AGENDA

- 1. PRELIMINARIES
- 2. APPROVAL OF THE PREVIOUSE MINUTE
- 3. MATTER ARRISSING FROM PREVIOUSE MEEETING
- 4. FURTHER DELIBERATION ON CLIMATE CHANGE
- 5. AOB
- 6. ADJOURNMENT

MINI 06/08/2024: PRELIMINARIES

The meeting commenced at 12:30Pm. With The chair, presiding over the proceedings with word of prayer from Hon. Mohamed Abdi Farah The chair welcomed all members present expressed gratitude for their attendance.

MIN2 06/08/2024: APPROVAL OF THE PREVIOUS MINUTE

The minutes of the previous meeting were reviewed and approved without any amendment

MIN3 06/08/2024: MATTERS ARISING

The following matter arose from the previous meeting:

Fast-Tracking Sub-County Visits on Environmental Degradation by Host Communities:

The Chairperson reminded the committee of the previously discussed initiative to fast-tractor various sub-counties to assess environmental degradation caused by host communities

THAT the Committee shall organize a visit to the refugee-hosting areas of Dagahley and evaluate the environmental degradation.

THAT the Committee will draft a report on findings and recommend interventions to addidentified environmental issues.

Carried Unanimously.

Members agreed that the visits were crucial for gaining firsthand insight into the challe faced by these communities, particularly regarding deforestation, waste management, a degradation. The findings from these visits would inform future policy recommendation community engagement strategies.

Carried Unanimously.

MIN4 26/09/2024 FURTHER DELIBERATION ON CLIMATE CHANGE

The Chairperson introduced the item and highlighted that this was a continuation of discussions on the Climate Change Bill 2024,

The committee noted that while significant progress had been made, certain aspect further clarification and amendment, including:



- The Chairperson, introduced an addition to the bill concerning the implementation of a carbon credit system. This system would allow businesses to trade emissions credits, creating a financial incentive to reduce their carbon output.
- The Chair emphasized that this system should be designed to ensure transparency and accountability.

The Chairperson informed the committee that although the Red Cross had initially offered to assist with public participation efforts for the Climate Change Bill. The Chairperson indicated that the Red Cross cited budgetary constraints as the reason for their withdrawal. He further urged the committee to consider alternative sources of funding and suggested that a formal request for financial support be directed to the institution to cover the costs associated with public participation activities.

The committee agreed that securing this funding would be crucial to ensuring adequate pub engagement and transparency in the legislative process.

MEMBERS RESOLVED:

THAT: The secretariate will prepare and submit a funding request to the institution for supconducting public participation on the Climate Change Bill 2024.

Carried Unanimously.

Min5 06/08/2024 ADJOURNMENT There being no other business the meeting was adjourned at 10:35Am.

Minutes prepared by Ali Arte Abdi. (Clerk).	18/1		1
Ali Arte Abdi. (Clerk).	Date THIOLT.	Sign	!*!!!

Confirmed by (chair). Date. Sign. Sign.

COMMITTEE ATTENDANCE REGISTER AND MINUTES S	URRENDER FO	DM
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the committee met at 12130 pm; hours and adjourned at 11:05 pm being. Further Deliberation on Climete Change	hours, the agend	a
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***************************************	Date	Sign
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Note: (Attached, sitting analysis per Member)		

COUNTY GOVERNMENT OF GARISSA



COUNTY ASSEMBLY OF GARISS MINUTES OF ENVIROMENT, ENERGY & NATURAL RESOURCE COMMITTEE MEETING HELD AT CHAIRPERSON ENVIRONMENT OFFICE ON 2ND MAY 2025 AT 10:00 AM

Members present

1.	Hon. Mohamed Sheikh Abdi	Chair
	Hon. Timira Bishar Abdi	
	Hon. Rukia Abdullahi Ali	
4	Hon, Fatuma Shide	Member
=	Hon Amina Mohamed Bulo	Member
6	Hon Marian Mmohamed	Member
7	Hon. Abdirahman Mohamed	Member

AGENDA

- 1. PRELIMINARIES
- 2. APPROVAL OF THE PREVIOUSE MINUTE
- 3. DLIBERATION ON COMMITTEE PUBLIC PARTISPATION REPORT ON COUNTY CLIMATE CHANGE BILL 2024
- 4. AOB
- ADJOURNMENT

MIN1 02/05/2025: PRELIMINARIES

The meeting commenced at 10:00am. With The chair, presiding over the proceedings with a word of prayer.

The chair welcomed all members present and expressed gratitude for their attendance.

MIN2 02/05/2025: APPROVAL OF THE PREVIOUS MINUTE

The minutes of the previous meeting were reviewed and approved without any amendments.

MIN3 02/05/2025: DLIBERATION ON COMMITTEE PUBLIC PARTISPATION REPORT ON COUNTY CLIMATE CHANGE BILL 2024

The Chairperson welcomed members and introduced the agenda of the dayreview and adoption of the final Committee Report on the Garissa County Climate Change Bill, 2024, focusing on carbon market participation and other amendments arising from public input and expert consultation.

4.1 Clause 31(a) - Removal of National Oversight in Carbon Market Participation

The Committee revisited Clause 31(a) of the draft bill, which previously stated:

"31(a) Bilateral or multilateral agreements approved by the Cabinet Secretary and the Designate National Authority."

After extensive deliberation and reference to feedback from members they agreed to remove Clause 31(a) from the bill.

Reason for Removal:

- The clause was deemed inconsistent with the devolved mandate of county governments on environmental management and local benefit-sharing.
- Retaining approval authority under the national Designated National Authority (DNA would limit county autonomy and delay locally-initiated carbon credit programs.

4.2 Inclusion of New Part IV - Regulation of Participation in Carbon Markets

Members reviewed and adopted the new Part IV of the Garissa County Climate Char Bill, 2024, which had been developed following wide stakeholder consultations. The section outlines:

- Framework for local community involvement in carbon credit initiatives
- Establishment of a County Carbon Market Registry
- Creation of a County Climate Change Steering and Technical Committee



- Inclusion of a national government representative in both structures to enh ance
- Mandatory Free, Prior, and Informed Consent (FPIC) from local communities before any carbon-related project
- Revenue-sharing mechanisms, ensuring at least 40% of proceeds benefit the community at the ward level

4.3 Additional Key Amendments

The Committee also discussed and ratified the following additional amendments:

Ward-Level Implementation:

Mandate for the Assistant County Commissioner to appoint a Ward Climate Change Focal Person (Chief) for coordination of climate actions and data collection.

Technical Support Units:
Establishment of Ward Climate Committees supported by sub-county extension officers and NGOs.

Capacity Building & Awareness:

Inclusion of a provision for the County Government to fund regular sensitization campaigns and training on carbon trading, adaptation strategies, and community climatights.

Reporting and Oversight:

Annual reporting to the County Assembly by the Department of Environment, and mandatory public disclosure of all signed carbon agreements.

RESOLUTION

After thorough deliberations, the Committee resolved:

To adopt the final version of the Garissa County Climate Change Bill, 202 inclusive of all the discussed amendments.

- 2. That the revised Committee Report, capturing the reason for all amendments, be submitted alongside the bill.
- 3. That the bill is now ready for tabling before the County Assembly for Second Reading and debate.

Min4 02/05/2025 ADJOURNMENT

There being no other business the meeting was	s adjourned at	11:05Am.
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Minutes prepared by

Ali Arte Abdi. (clerk)...Date 55. 05 202 Sign.....

Confirmed by (chair). Date 15/25 Sign. Sign.

COMMITTEE ATTENDANCE REGISTER To: The Payroll manager, The committee met at 10. Oren hours and adjourned at 11. of hours, the Agenda being hours and adjourned at 11! of hours, the Agenda

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COUNTY GOVERNMENT OF GARISSA



COUNTY ASSEMBLY OF GARISS MINUTES OF ENVIROMENT, ENERGY & NATURAL RESOURCE COMMITTEE MEETING HELD AT THE OFFICE OF CHAIRPERSON ON ENVIRONMENT OFFICE ON 3RD APRIL 2025 AT 09:00AM

Members present

1.	Hom Mohamed Sheikh	.Chair
2.	Hon. Timira Bishar Abdi	V/Chair
3.	Hon. Fatuma Shide	Member
4.	Hon.Fardowsa Jelle	Member
5.	Hon. Noor Sheikh Farah	Member
6.	Hon: Yunis Abdi Ibrahim	Member
7.	Hon:Amina Bulo	Member

AGENDA

- OPENING REMARKS
- 2. CONFIRMATION OF SUPPLEMENTARY SESSION DURING RECESS
- 3. SENSITIZATION OUTCOMES AND PUBLIC PARTICIPATION SCHEDULE
- 4. REVIEW OF BILL AMENDMENTS AND OMISSIONS
- 5. COMMITTEE OBSERVATIONS ON REPRESENTATION IN STRUCTURE
- 6. DISCUSSION ON CARBON CREDIT SYSTEM
- 7. RESOLUTION AND NEXT STEPS

- 8. ANY OTHER BUSINESS
- DATE OF NEXT MEETING

MIN 1/03/042025: OPENING REMARKS

The Chairperson welcomed members With a word of prayer and explained that the session was a supplementary committee meeting convened during recess to deliberate on urgent matters arisin from the Climate Change Bill 2024, including public participation logistics and proposed amendments. He emphasized the need to finalize preparations ahead of scheduled engagement with the public

MIN2 03/04/2025: CONFIRMATION OF SUPPLEMENTARY SESSION DURING

The Committee unanimously agreed that the supplementary meeting was properly convened Under Standing procedures due to the urgency and importance of the matters at hand.

MIN3 03/04/2025: SENSITIZATION OUTCOMES & PUBLIC PARTICIPATION SCHEDULE

The Committee reviewed outcomes from prior sensitization efforts, noting the importance of broad and timely Members input.

Following deliberation, it was agreed that public participation sessions would take place on and 11th April 2025.

It was further resolved that official gazettement of the sessions be published in the Standard Newspaper on Friday, 4th April 2025.

The Committee also noted that the Executive Department of Environment, Energy and Nat Resources under FLOCCA would be chipping in to offer financial assistance in support of public participation process.

MIN4 03/04/2025: REVIEW OF BILL AMENDMENTS AND ADDITIONS

Members deliberated on key gaps identified in the current draft of the Climate Change Bi Committee noted with concern the absence of national government representation in criticipal committee, including the Technical Committee, Steering Committee, and Wastructures.

It was agreed that these omissions must be corrected through formal amendments prior to consultation

MIN5 03/04/2025: DISCUSSION ON CARBON CREDIT SYSTEM

The Committee proposed inclusion of a Carbon Credit System in the Climate Change Bill. This system would create a regulated market where emissions credits could be traded, thereby encouraging industries to reduce their carbon footprint.

Members emphasized that the system must be transparent, accountable, and aligned with both national priorities and international best practices. It was also agreed that a detailed framework would be developed for presentation during the public participation sessions.

RESOLVED:

- THAT the Committee confirms it held a supplementary meeting during recess on 3rd April 2025 to deliberate on the Climate Change Bill.
- THAT the public participation on the Climate Change Bill shall be conducted on 10th and 11th April 2025.
- THAT the gazette notice for public participation shall be published in the Standard Newspaper on Friday, 4th April 2025.
- THAT the Committee notes the omission of national government representation in the Technical Committee, Steering Committee, and Ward-level structures, and shall incorporate necessary amendments.
- THAT the Executive Department of Environment, Energy and Natural Resource under FLOCCA shall assist in the implementation and provide financial support for the public participation process.
- THAT a Carbon Credit System shall be incorporated into the Bill, with mechanisms for emission trading and strict safeguards for transparency.

Carried Unanimously

MIN7 03/042025: DATE OF NEXT MEETING

It was agreed that the next meeting shall be convened immediately after the conclusion of participation to review submissions and finalize the Committee report.

Min5 12/08/2024 ADJOURNMENT

There being no other business the meeting was adjourned at 09:35 Am Minutes prepared by

Ali Arte Abdi. (Clerk)... Date 02 05 20-25 Sign.

Confirmed by (chair). Date. 07 06 25 Sign. Sign.

COMMITTEE ATTENDANCE REGISTER To: The Payroll manager, METE ABDI meeting of the Select Committee on Grund mentioned members attended the The committee met at. 100 own hours and adjourned at "The Select Committee on Grund members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further conditions and adjourned at "The series of the select Committee on Grund and Members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further deliberation on climate the under mentioned members attended the further deliberation on the further deliberation on the further deliberation of the further deliberation on the further deliberation on the further deliberation on the further deliberation of t being tunher deliberting on eliment then being but and Pluning by Public Party Members present 7. Members absent Committee secretariat

NAME(Clerk to the

CUUNIY GUVERNMENT OF GARISSA

E-mail: clerk@garlssa.assembly.go.ke



County Assembly Offices P.O. Box 57-70100 Garlssa

COUNTY ASSEMBLY OF GARISSA

Article 196 of the Constitution of Kenya 2010 provides that a County Assembly shall facilitate public participation and involvement in the legislative and other businesses of its committees. Garissa County Assembly standing order 144 [4] states that sectoral/select committees to which a bill/document is committed shall facilitate public participation and take into account views and recommendations from the public when making their report to the County Assembly.

PUBLIC PARTICIPATION ON THE PROPOSED CLIMATE CHANGE BILL

Pursuant to the provisions of Article 185 (4) of the Constitution of Kenya 2010, as read together with Part XI of the County Government Act 2012 and the standing orders of Garissa County Assembly, the public is hereby invited to participate in discussions regarding the proposed Climate Change Bill.

In furtherance of this bill, the Committee on Environment, Natural Resources, and Climate Change invites members of the public and stakeholders to present their views during the scheduled public participation forum.

NO	DOCUMENT	DATE	TIME	VENUE
1		10 th april 2025		Afweine, Lagdera Constituency
		11th april 2025	9:00am	Government Guest House, Garissa Township Constituency

Submissions may be made orally during the public hearing or through written memoranda submitted to the office of the Clerk, Garissa County Assembly.

P.O. BOX 57 – 70100 GARISSA Email: clerk@garissaassembly.go.ke

Between 8:00am to 5:00pm on or before 8™ APRIL 2025

M.A. SANTUR CLERK: COUNTY ASSEMBLY OF GARISSA

