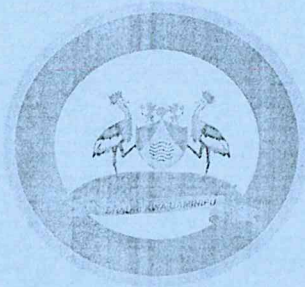


GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)

NCCA/TJ/PL/2023(88)

7TH DECEMBER 2023

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

Pursuant to Standing Order 135, I beg to lay the following Paper on the Table of this Assembly, today Thursday 7th December 2023:

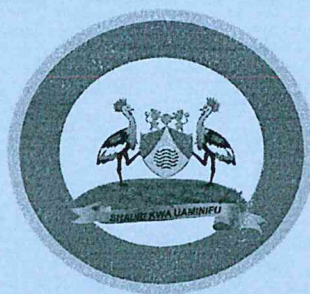
— **THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON CONSIDERATION OF NAIROBI CITY COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2023**

(Chairperson, Sectoral Committee on Environment and Natural Resources)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press

Paper/Report
Laid by the
Chairperson of
Environment on
7/12/2023

GOVERNMENT OF NAIROBI CITY COUNTY



THE NAIROBI CITY COUNTY ASSEMBLY

OFFICE OF THE CLERK

THIRD ASSEMBLY

(SECOND SESSION)

NCCA/TJ/PL/2023(88)

30TH NOVEMBER 2023

PAPER LAID

SUBJECT: REPORT OF COMMITTEE

Pursuant to Standing Order 135, I beg to lay the following Paper on the Table of this Assembly, today Thursday 30th November 2023:

— THE REPORT OF THE SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON CONSIDERATION OF NAIROBI CITY COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2023

(Chairperson, Sectoral Committee on Environment and Natural Resources)

Copies to:
The Speaker
The Clerk
Hansard Editor
Hansard Reporters
The Press



**NAIROBI CITY COUNTY ASSEMBLY
THIRD ASSEMBLY – SECOND SESSION**

**THE REPORT OF THE SECTORAL
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
ON THE CONSIDERATION OF THE NAIROBI CITY COUNTY CLIMATE
CHANGE MANAGEMENT BILL, 2023**

**Clerks Chambers
Nairobi City County Assembly
City Hall Buildings
Nairobi**

NOVEMBER, 2023

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- ii) Memoranda
- iii) Minutes

1.0. PREFACE

1.1. Committee Mandates

Mr. Speaker Sir,

The Sectoral Committee on Environment and Natural Resources is established under Standing Order No. 209. Its mandate pursuant to Standing Order 209(6) is to:-

- a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;*
- b) study the programme and policy objectives of departments and the effectiveness of the implementation;*
- c) study and review all county legislation referred to it;*
- d) study, assess and analyse the relative success of the departments as measured by the results obtained as compared with its stated objectives;*
- e) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;*
- f) vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185(Committee on Appointments); and*
- g) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.*

Mr. Speaker Sir,

In accordance with the Third Schedule of the Standing Orders, the Sectoral Committee is mandated to consider all matters relating to:- ***implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and***

forestry and control of air pollution, noise pollution, other public nuisances and refuse removal, refuse dumps and solid waste disposal.

1.2. Committee Members

The Committee comprises the following Members:-

- 1. Hon. Silas Matara Ongwae, MCA – Chairman**
- 2. Hon. Cyrus Mugo, MCA – Vice- Chairman**
3. Hon. Kennedy Odhiambo, MCA
4. Hon. Paul Kados, MCA
5. Hon. Catherine Apiyo Okoth, MCA
6. Hon. Nyantika Ricardo, MCA
7. Hon. Fatuma Abduwahid Abey, MCA
8. Hon. Nasra Nanda, MCA
9. Hon. Fuad Hussein, MCA
10. Hon. Dan Oria, MCA
11. Hon. Peter Imwatok, MCA
12. Hon. Joel Munuve, MCA
13. Hon. Agnes Wambui, MCA
14. Hon. Susan Makungu, MCA
15. Hon. Allan Maina, MCA
16. Hon. Simon Mugo Maina, MCA
17. Hon. Joseph Ndungu Karanja, MCA
18. Hon. Agnes Njeri, MCA
19. Hon. Jeremiah Themendu, MCA
20. Hon. Joy Muthoni Mwangi, MCA
21. Hon. Farhiya Aden, MCA
22. Hon. Brian Itenya, MCA
23. Hon. Joyce Muthoni Kamau, MCA

Mr. Speaker Sir,

The Committee also exercises its oversight role on all matters related to refuse removal, refuse dumps and solid waste disposal. The Committee is further mandated to make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.3 Consideration of The Nairobi City County Climate Change Management Bill, 2023

Mr. Speaker Sir,

The Nairobi City County Climate Change Management Bill, 2023 was read a First Time on Tuesday 12th September, 2023 and thereafter committed to the Sectoral Committee on Environment and Natural Resources for consideration pursuant to Standing Order 135.

Mr. Speaker Sir,

Pursuant to Article 196(b) of the Constitution of Kenya and Standing Order 135(3) which require public participation in the legislative and other business of the Assembly and its Committees, the Committee placed a notice in the local dailies on Wednesday 20th September calling for any representations and amendments from the public on the Bill.

Further, the Committee also identified key stakeholders to the subject matter of the Bill and invited them to either submit their comments or attend public participation meeting at in Charter Hall, City Hall Buildings where they could give their views on the Bill. Following the notice and the invitations, the Committee received written memoranda from the following stakeholders;

- i) Nairobi City County Attorney;
- ii) Nairobi Budget Champions & Mathare Light of Hope Away From Home;
- iii) C40 Cities; and
- iv) Nature Kenya.

The Committee held four (4) meetings and a retreat to consider the Bill and all representations received. The stakeholders who presented memoranda were agreeable in principle with the Bill although they proposed amendments to various clauses.

Mr. Speaker Sir,

The Committee proposed amendments to the Bill in Clauses 1, 2, 3, 6, 7, 8, 10, 12, 15, 17, 18, 20, 24, 27, 29 and 35. The amendments are aimed at ensuring that all aspects of climate change management in the County are covered, execution of the Bill is easily attained and the concerns of the stakeholders are catered for.

Mr. Speaker Sir;

The Committee thanks the Offices of the Speaker and the Clerk of the County Assembly for the support and services extended to Members of the Committee while considering the Bill. I am grateful to the Members of the Committee whose support and commitment enabled the Committee to accomplish this task. The Committee also extends its appreciations to all stakeholders who submitted their views on the Bill.

On behalf of the Committee, I now have the honor and pleasure to present this report of the Committee on the consideration of the Nairobi City County Climate Change Management Bill, 2023 for adoption.

Thank You.

Signed  15/11/2023

Hon. Silas Matara MCA

Chairperson, Sectoral Committee on Environment and Natural Resources

2.0. EXECUTIVE SUMMARY

2.1. Background

Hon. Speaker

The Nairobi City County Climate Change Management Bill, 2023 was read a First Time on Tuesday 12th September, 2023 and thereafter committed to the Sectoral Committee on Environment and Natural Resources for consideration pursuant to Standing Order 135.

The proposed law seeks to provide for a legal framework for enhanced climate change mitigation strategies and adaptation programmes as well as ensuring that Nairobi City County takes effective and timely action to contribute towards national obligations on climate change through establishment of structures and systems by mainstreaming of climate change in different Sectors, initiating and coordinating the financing of climate change information to the public to create awareness and preparedness, seeking and receiving grants from the National Government and relevant implementing partners, developing and reviewing County climate change policy as well as their regulation and implementing any relevant obligations of the State under international agreements related to climate change.

The proposed law was referred to the Sectoral Committee on Environment and Natural Resources for consideration pursuant to Standing Order 135. The bill was sponsored by Hon. Waithera Chege.

Hon. Speaker,

The Committee was briefed on the bill where part I, preliminaries provides for the short title, interpretation, objects and purpose of the bill and the guiding values and principles. Part II provides for coordination and oversight, Part III provides for measures and actions for responding to climate change, Part IV provides for duties and responsibilities relating to climate change, Part V

provides for public participation and access to information, Part VI provides for County Climate Change Fund, Part VII is for financial provisions and Part VIII sets out the miscellaneous provisions.

2.2. Legislative powers of the County Assembly

Hon. Speaker,

Article 185 of the Kenya's Constitution state 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 functions and exercise of the powers of the county government under the Fourth Schedule; and
- 3) A county assembly, while respecting the principle of the separation of powers, may exercise oversight over the county executive committee and any other county executive organs.

Hon. Speaker,

Further, the County Governments Act, 2012 Section 21 (1) and (2) provides that;-

- 1) A county assembly shall exercise its legislative power through Bills passed by the county assembly and assented to by the governor.
- 2) A Bill may be introduced by any member or committee of the county assembly, but a money Bill may be introduced only in accordance with subsection (4).

3.0 COMMITTEE CONSIDERATION OF THE NAIROBI CITY COUNTY CLIMATE CHANGE MANGEMENT BILL, 2023

While examining the Bill, the Committee noted the following:

- i. The principle objective of the bill seeks to provide a framework for climate change management by establishing structures and systems for climate change adaptation, mitigation and financing of programs and projects in the County.

The Committee observed that the County had no legal framework in relation to frequent climate risks and hazards like urban flooding, heat stress, and extreme weather events that have high impact on urban infrastructure, food, health and water systems. Hence the Committee fully supports the enactment of the proposed law for it seeks to provide a framework for climate change management by establishing structures and systems for climate change adaptation, mitigation and financing of programs and projects in the County.

- ii. **Part I** of the Bill sets out the preliminary matters with regards to the Bill. Clause 1 sets out the short title. Clause 2 sets out the definition of terms used in the Bill, while Clause 3 outlines the object and purposes of the proposed law. Clause 4 provides for the guiding principles which are the national values and principles of governance as set out in Articles 10 and 232 of the Constitution and Article 42 which are the environmental rights and obligations in respect of the environment.

The Committee proposed that the bill be amended as follows in the correct alphabetical order;

“By deleting and replacing the definition of the word “sustainable development” and replacing it with the new definition “sustainable development means development that meets the needs of the present without comprising the ability of future generations to meet their own needs”

The Committee further proposed insertion of new definition in Section 2, “lead agency means any government ministry, department, parastatal or state corporation in which any laws vests functions of control” and “Executive Committee member means the Nairobi City County Executive Member responsible for Climate change”.

C40 Cities proposed that Section 3(f) be redrafted to read “Developing and reviewing County Climate Change Policy and Legislative framework to give effect to the national climate policies, action plan and NDCs”. The Committee agreed with the proposal.

Nature Kenya proposed definition of the term “sustainable development” as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs”. In addition Nature Kenya proposed that Section 3 (a) be amended to read “mainstreaming of climate change best practices in all departments and sectors within the county”, insert (k) to read “promote sustainable biodiversity conservation and address important drivers of biodiversity loss” and insert (l) to read “develop and support adoption of nature based solutions in the county”.

- iii. **Part II** of the Bill provides for coordination and oversight. It establishes the County Climate Change Steering Committee, enumerates its functions and conduct of business affairs of the Committee.

On composition of the Steering Committee, the Committee proposed that THAT Clause 6 be amended as follows; -

- (i) In Sub-clause (1) paragraph (a) by inserting “or in his absence the Deputy Governor” immediately after the word Governor.*
- (ii) In Sub-clause (1) paragraph (b) by deleting it in its entirety and replacing thereof with “A youth nominated by the National Youth Council”*

- (iii) In Sub-clause (1) paragraph (e) by deleting it in its entirety and replacing thereof with “A representative of persons with disabilities nominated by a recognized body of persons with disabilities”
- (iv) In Sub-clause (1) paragraph (h) by deleting all words appearing after the words “civil society organization” and replacing with “most active on matters related to climate change operating within the Nairobi City County.
- (v) In Sub-clause (1) paragraph (f) by deleting the term “his” and replacing thereof with “their”
- (vi) In Sub-clause 4 by inserting “(b)” immediately after the words “under sub-section (1)”.
- (vii) By inserting a new paragraph (d) “(d) meets the requirement of chapter 6 of the Constitution of Kenya”
- (viii) By inserting a new Sub-Clause (5) “ (5) the committee may co-opt to it meetings any technical staff of the national and county government or international agencies or other relevant agencies who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of the committee”

Nairobi Budget Champions & Mathare Light of Hope Away From Home recommended in Section 6(f) that a person qualified for appointment under this section should meet the requirements of chapter 6 of Constitution of Kenya, 2010.

“In” at beginning of clause 7 was found irrelevant hence a proposal for its deletion was agreed to. Similarly, replacing “advice” with “advise” in clause 9 (k) was agreed to.

In Clause 9 (k), C40 Cities proposed definition of “lead agencies” to mean any Government ministry, department, parastatal, state corporation or local authority in which any law vests functions of control or management of any aspect of the environment or natural resources”

C40 Cities, Nature Kenya, Nairobi Budget Champions & Mathare Light of Hope Away From Home proposed that Clause 9 of the Bill be amended as follows; -

- i. In Sub-clause (1) paragraph (e) by deleting the words 'County Planning Committee' appearing immediately after the words "reports from the" and replacing thereof with "established sub-committees"*
- ii. In sub-clause (1) paragraph (f) by deleting the words "County planning committee and the ward climate change planning committees" appearing immediately after the words "steering Committee"*
- iii. By inserting a new paragraph "n" immediately after "m" "(n) form the planning committee and sub- committees for better performance of the functions at the ward level"*
- iv. By inserting a new paragraph "o" "(o) develop a framework and strategy on climate change".*

The Committee agreed to the proposed amendments.

C40 Cities proposed addition of the following text to clause 9(2) "the steering committee's core function shall be to ensure national climate change policy, national climate action plans and NDCs are effectively mainstreamed and reflected in county development planning, decision making and implementation of programmes and projects".

The Committee proposed inclusion of a clause on removal from office of the County Climate Change Steering Committee Members.

- iv. Part III** of the Bill provides for the measures and actions for responding to climate change and provides for the formulation of contents, approval and review of the County Climate Change Action Plan.

The County Attorney proposed inclusion of definition of Executive Committee Member in the interpretation section to state that it's the CECM responsible for matters of Environment and Climate Change. This will

guarantee precision when referring to the specific CECM in question. The Committee concurred with the proposal.

- v. **Part IV** of the Bill highlights the duties and responsibilities relating to climate change apportioned to public and private entities and further delves into the monitoring and reporting on compliance and the annual Climate Change Response Report.

C40 Cities proposed deletion of Clause 16 however the Committee disagreed and held that the said Clause was proper as it provides for imposition of duties relating to climate change on public entities operating within the County.

The Committee agreed with the proposal to alter the words “county Climate Change Director” to read “the Director in charge of Climate Change” in clause 18.

- vi. **Part V** of the Bill contains the provisions relating to public participation and access to information, the values and principles to be applied in planning and implementation, the County strategy for climate education and public awareness, and public sensitization that precedes the formulation of climate change response plans.

In clause 24 (2), Nairobi Budget Champions & Mathare Light of Hope Away From Home proposed deletion of the words “communities to establish” appearing immediately after the word facilitate and replace thereof with “registered”.

The Committee agreed with the proposal to amend clause 25(1) by deleting the words “inappropriate” and replacing thereof with “appropriate”.

- vii. **Part VI** of the Bill provides for the establishment of the County Climate Change Fund, the sources of the funds and County Climate Change Fund Regulations.

The Committee finds this part to be one of the vital parts of the Bill. In Clause 27, the County Attorney proposed inclusion of ‘monies made from the sale of carbon off sets’ as a source of the Climate Change Fund. The Committee in concurring with the County Executive.

- viii. **Part VII** of the Bill contains financial provisions for the funding and the operations, annual estimates, accounts and audit of the Steering Committee

The County Attorney proposed deletion of “Zonal Planning Committee” and replace with “Ward Climate Change Committee” in clause 29 (2). The Committee disagreed to the amendment.

The Committee agreed to amend Clause 29 as follows; -

i. In sub-clause (2) by deleting the words “the planning committee and zonal planning sub-committee” appearing immediately after the words “steering committee”.

ii. In sub-clause (3) by deleting the words “the planning committee and zonal planning sub-committee” appearing immediately after the words “steering committee”.

- ix. **Part VIII** of the Bill sets out the miscellaneous provisions. These include the protection from personal liability, offences and penalties, transitional provisions and regulations.

In this part, the Committee is cognizant of the fact that for a successful implementation of some of the provisions of the proposal law, enactment of regulations is essential. The Committee is in agreement with the areas in which the proposed law provides for development of regulations

The Committee agreed deletion of the words “and the County Planning Committee” appearing immediately after the words “steering Committee”.

4.0. SUMMARY OF THE CONSIDERATION OF THE NAIROBI CITY COUNTY CLIMATE CHANGE MANAGEMENT BILL, 2023

The Committee deliberated on the Bill as follows;

Long Title	- proposed amendments
Clause 1	- proposed amendments
Clause 2	- proposed amendments
Clause 3	- proposed amendments
Clause 4 & 5	- agreed to
Clause 6	- proposed amendments
Clause 7	- proposed amendments
Clause 8	- proposed amendments
Clause 9	- proposed amendments
Clause 10 to 16	- agreed to
Clause 17	- proposed amendments
Clause 18	- proposed amendments
Clause 19 to 21	- agreed to
Clause 22	- proposed amendments
Clause 23	- agreed to
Clause 24	- proposed amendments
Clause 25	- proposed amendments
Clause 26	- agreed to
Clause 27	- proposed amendments
Clause 28	- agreed to
Clause 29	- proposed amendments
Clause 30 to 34	- agreed to
Clause 35	- proposed amendments

New Clause

11 – Removal from office/how a vacancy arises – proposed new clause

5.0 COMMITTEE STAGE AMENDMENTS

NOTICE is given that the Chairperson of the Sectoral Committee on Environment and Natural Resources, Hon. Silas Matara, MCA intends to move the following amendments to the Nairobi City County Climate Change Management Bill, 2023 at the Committee Stage -

LONG TITLE

THAT the Long Title of the Bill be amended as follows;

- (i) By deleting the words **‘to provide’** appearing immediately after the words “county assembly”.

SHORT TITLE

THAT the Short Title of the Bill be amended as follows;

- (i) By deleting the words **‘management’** appearing immediately after the words “climate Change”.

CLAUSE 2

THAT the Clause 2 of the Bill be amended as follows in the correct alphabetical order;

- (i) By deleting and replacing the definition of the word “sustainable development” and replacing it with the new definition **“sustainable development means development that meets the needs of the present without comprising the ability of future generations to meet their own needs”**
- (ii) By inserting the new definition **“lead agency means any government ministry, department, parastatal, state corporation or local authority in which any laws vests functions of control”**

- (iii) By inserting the new definition **“Executive Committee member means the Nairobi City County Executive Member responsible for Climate change”**

CLAUSE 3

THAT Clause 3 of the Bill be amended as follows; -

- (i) By deleting the words appearing immediately after the word **“climate change”** in sub-clause “3 (a)”
- (ii) By inserting the words **‘best practices in all departments and sectors of the county’** immediately after the words climate change.
- (iii) By inserting the words **“to give effect to National Climate Change policy and Legislative framework to give effect to the national climate policies and action plan”**
- (iv) By inserting the new sub-clause (k) immediately after (j) **“ (k) promote sustainable biodiversity conservation and address important drivers of biodiversity loss”**.
- (v) By inserting the new sub-clause (l) immediately after the new sub-clause (k) **“(l) develop and support adoption of nature based solutions in the county”**
- (vi) By inserting the new sub-clause (m) immediately after the new sub-clause (k) (l) inserted above **“(m) adopt intergenerational, special needs and gender mainstreaming approaches across all aspects of the county climate change response”**

CLAUSE 6 (1)

THAT Clause 6 of the Bill be amended as follows; -

- (i) In Sub-clause (1) paragraph (a) by inserting **“or in his absence the Deputy Governor”** immediately after the word Governor.

- (ii) In Sub-clause (1) paragraph (b) by deleting it in its entirety and replacing thereof with **“A youth nominated by the National Youth Council”**
- (iii) In Sub-clause (1) paragraph (e) by deleting it in its entirety and replacing thereof with **“A representative of persons with disabilities nominated by a recognized body of persons with disabilities”**
- (iv) In Sub-clause (1) paragraph (h) by deleting all words appearing after the words **“civil society organisation”** and replacing with **“most active on matters related to climate change operating within the Nairobi City County.”**
- (v) In Sub-clause (1) paragraph (f) by deleting the term **“his”** and replacing thereof with **“their”**
- (vi) In Sub-clause 4 by inserting **“(b)”** immediately after the words **“under sub-section (1)”**.
- (vii) By inserting a new paragraph (d) **“(d) meets the requirement of chapter 6 of the Constitution of Kenya”**
- (viii) By inserting a new Sub-Clause (5) **“(5) the committee may co-opt to it meetings any technical staff of the national and county government or international agencies or other relevant agencies who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of committee”**

CLAUSE 7

THAT Clause 6 of the Bill be amended as follows; -

- (i) By deleting the entire provision and replacing it with **“There is hereby established a secretariat for the county climate change steering committee which shall comprise of the Director and assistant director responsible for Climate change and staff of the directorate of climate change within the county”.**

CLAUSE 8

THAT Clause 8 of the Bill be amended as follows; -

- (i) By deleting the paragraphs **“(i) (j) and (k)”** and substituting therefor with **(b) (e) (g) (h) (i)** to appear immediately after the words **“Section 6”**.

CLAUSE 9

THAT Clause 9 of the Bill be amended as follows; -

- i. In Sub-clause (1) paragraph (e) by deleting the words **‘County Planning Committee’** appearing immediately after the words **“reports from the”** and replacing thereof with **“established sub-committees”**
- ii. In sub-clause (1) paragraph (f) by deleting the words **“County planning committee and the ward climate change planning committees”** appearing immediately after the words **“steering Committee”**
- iii. By inserting a new paragraph “n” immediately after “m” **“(n) form the planning committee and sub- committees for better performance of the functions at the ward level”**
- iv. By inserting a new paragraph “o” **“(o) develop a framework and strategy on climate change”**

CLAUSE 10

THAT Clause 10 of the Bill be amended as follows; -

- i. By deleting the suffix **“-ing”** appearing in the word quartering under paragraph (a).

CLAUSE 13

THAT Clause 13 of the Bill be amended as follows; -

- (i) By inserting a new paragraph (d) immediately after sub-paragraph (v) **“(d) include a comprehensive inventory of climate change adaptation and mitigation safeguards applicable within Nairobi City and developed in a participatory process to guide effective**

management, sustainable developments, investments and decision making.”

CLAUSE 15

THAT Clause 15 of the Bill be amended as follows; -

- i. By deleting the words **“planning committee”** appearing immediately after the words **“climate Change”** and replacing with **“steering Committee”**.
- ii. By deleting the words **“steering committee”** appearing immediately after the words **“report to the”** and replacing with **“the Nairobi City County Assembly”**.

CLAUSE 17

THAT Clause 17 of the Bill be amended as follows; -

- (i) In sub-clause (2) by deleting the word **“porting”** appearing immediately after the words **“nature and procedure for”** and replacing thereof with **“reporting”**.

CLAUSE 18

THAT Clause 18 of the Bill be amended as follows; -

- (i) By altering the words **“county Climate Change Director”** to read **“the Director in charge of Climate Change”**.

CLAUSE 22

THAT Clause 22 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the word **“planning”** and replacing thereof with **“steering”**
- ii. In sub-clause (2) by deleting the words **“zonal planning”** appearing immediately after the words **“organized by”**.

CLAUSE 24

THAT Clause 24 of the Bill be amended as follows; -

- i. In sub-clause (2) by deleting the words **“communities to establish”** appearing immediately after the word facilitate and replace thereof with **“registered”**.

CLAUSE 25

THAT Clause 25 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words **“inappropriate”** and replacing thereof with **“appropriate”**.

CLAUSE 27

THAT Clause 27 of the Bill be amended as follows; -

- ii. By inserting a new paragraph (g) as follows **“(g) funding from carbon offsets and carbon credits”**

CLAUSE 29

THAT Clause 29 of the Bill be amended as follows; -

- i. In sub-clause (2) by deleting the words **“the planning committee and zonal planning sub-committee”** appearing immediately after the words **“steering committee”**.
- ii. In sub-clause (3) by deleting the words **“the planning committee and zonal planning sub-committee”** appearing immediately after the words **“steering committee”**.

CLAUSE 35

THAT Clause 35 of the Bill be amended as follows; -

- i. By deleting the words **“and the County Planning Committee”** appearing immediately after the words **“steering Committee”**.

MINUTES OF THE 059TH SITTING OF NAIROBI CITY COUNTY ASSEMBLY SECTORAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY 15TH NOVEMBER, 2023 AT 11:00 AM, AT COMMITTEE ROOM 11, CHARTER HALL, CITY HALL BUILDING.

PRESENT

1. Hon. Silas Matara Ongwae, MCA – Chairman
2. Hon. Cyrus Mugo, MCA – Vice Chairman
3. Hon. Farhiya A Daud, MCA
4. Hon. Joel Munuve, MCA
5. Hon. Brian Itenya, MCA
6. Hon. Kennedy Oyugi, MCA
7. Hon. Dan Oria, MCA
8. Hon. Joseph Ndungu Karanja, MCA
9. Hon. Agnes Njeri Muthoni, MCA
10. Hon. Jeremiah Themendu, MCA
11. Hon. Simon Mugo Maina, MCA
12. Hon. Joy Muthoni, MCA
13. Hon. Fatuma Abduwahid Abey, MCA
14. Hon. Joyce Muthoni Kamau, MCA
15. Hon. Susan Makungu, MCA
16. Hon. Peter Imwatok, MCA

ABSENT

1. Hon. Nyantika Ricardo, MCA
2. Hon. Nasra Nanda, MCA
3. Hon. Agnes Wambui Njeri, MCA
4. Hon. Catherine Apiyo Okoth, MCA
5. Hon. Fuad Hussein, MCA
6. Hon. Paul Kados, MCA
7. Hon. Allan Maina, MCA

Secretariat

1. Mr. Joseph Njuguna - Senior Clerk Assistant (Committee Clerk)
2. Ms. Hellen Mutie - Senior Clerk Assistant (Committee Clerk)

MIN.225/NCCA/ENR/NOV/2023: - PRELIMINARIES

The meeting was called to order at 11:00 am by the Committee Chairperson and he then conducted the opening prayers. He then took Members through the agenda of the meeting as follows:-

AGENDA

- I. Preliminaries (prayers & adoption of the Agenda)

2. Consideration and Adoption of Committee's report on the Nairobi City County Climate Change Management Bill, 2023
3. Any Other Business
4. Adjournment

The agenda was adopted for discussion as proposed by Hon. Brian Itenya, MCA and seconded by the Hon. Agnes Nieri, MCA

MIN.226/NCCA/ENR/NOV/2023 DELIBERATIONS AND ADOPTION OF COMMITTEE'S REPORT ON THE NAIROBI CITY COUNTY CLIMATE CHANGE AND MANAGEMENT BILL, 2023

The Committee Chairperson welcomed Members and Staff in attendance to the meeting. He then took Members through the content of the Committee's draft report on the Nairobi City County Climate Change and Management Bill, 2023.

The Chairperson reported to Members that in the proposal, amongst others, the honourable member seeks;

- ✓ to enact a legal framework that will provide for mitigation and adaptation at the county level;
- ✓ to protect the environment by providing measures for the prevention of pollution and ecological degradation; and
- ✓ for securing ecologically sustainable development while promoting justifiable economic and social development in Nairobi County.

The Chairperson further reported that the purpose of the Bill is to ensure Nairobi City takes effective and timely action to contribute towards meeting the National Obligations on climate change through facilitating the establishment of structures and systems for climate change adaptation, mitigation and financing of programs and projects in the county by;

- ✓ Mainstreaming of climate change in different sectors
- ✓ Initiating and coordinating financing of climate change adaptation and mitigation projects at the community level
- ✓ Facilitating community-initiated climate change adaptation and mitigation projects
- ✓ Coordinating collection and dissemination of climate change information to the public to create awareness and preparedness
- ✓ Seeking and receiving grants from the national government and relevant implementing partners
- ✓ Developing and reviewing county climate change policy and legislative framework
- ✓ Implementing any relevant obligations of the state under international agreements related to climate change
- ✓ Regulate and manage all activities related to climate change
- ✓ Providing for procedural and administrative matters

- ✓ Requiring lead agencies to undertake their own respective roles in climate change response- both gov't and private
- ✓ In fulfilling this mandate the County shall act in accordance with values and principle in the Constitution.
- ✓ Guiding principles of low carbon; climate change; resilience and sustainable development – once enacted are binding to the county gov't.


The Chairperson then took Members through the proposed amendments to the bill and Members agreed that the proposed amendments were very much in order and necessary so as to enrich the Bill.

The draft report adoption was proposed by Hon. Cyrus Mugo, MCA and seconded by Hon. Brian Itenya, MCA.

MIN.227/NCCA/ENR/SEP/2023 ADJOURNMENT

The meeting was adjourned at 12:21 pm. The next meeting would be held on Tuesday 21st November, 2023 at 11:00 am.

CONFIRMED AS TRUE RECORD OF THE PROCEEDINGS

SIGNATURE  DATE: 27-11-2023
(Chairperson)

17th October, 2023

The Clerk
Nairobi City County Assembly
NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE NAIROBI CITY COUNTY
CLIMATE CHANGE MANAGEMENT BILL, 2023

NOTICE is given that the Chairperson of the Sectorial Committee on Environment and Natural resources intends to move the following amendments to the Nairobi City County Climate Change Management Bill, 2023, at the Committee Stage.

LONG TITLE

THAT the Long Title of the Bill be amended as follows;

- (i) By deleting the words ‘to provide’ appearing immediately after the words “county assembly”.

SHORT TITLE

THAT the Short Title of the Bill be amended as follows;

- (i) By deleting the words ‘management’ appearing immediately after the words “climate Change”.

CLAUSE 2

THAT the Clause 2 of the Bill be amended as follows in the correct alphabetical order;

- (i) By deleting and replacing the definition of the word “sustainable development” and replacing it with the new definition “sustainable development means development that meets the needs of the present without comprising the ability of future generations to meet their own needs”

- (ii) By inserting the new definition “lead agency means any government ministry, department, parastatal, state corporation or local authority in which any laws vests functions of control”
- (iii) By inserting the new definition “Executive Committee member means the Nairobi City County Executive Member responsible for Climate change”

CLAUSE 3

THAT Clause 3 of the Bill be amended as follows; -

- (i) By deleting the words appearing immediately after the word “climate change” in sub-clause “3 (a)”
- (ii) By inserting the words ‘best practices in all departments and sectors of the county’ immediately after the words climate change.
- (iii) By inserting the words “to give effect to National Climate Change policy and Legislative framework to give effect to the national climate policies and action plan”
- (iv) By inserting the new sub-clause (k) immediately after (j) “ (k) promote sustainable biodiversity conservation and address important drivers of biodiversity loss”.
- (v) By inserting the new sub-clause (l) immediately after the new sub-clause (k) “(l) develop and support adoption of nature based solutions in the county”
- (vi) By inserting the new sub-clause (m) immediately after the new sub-clause (k) (l) inserted above “(m) adopt intergenerational, special needs and gender mainstreaming approaches across all aspects of the county climate change response”

CLAUSE 6 (1)

THAT Clause 6 of the Bill be amended as follows; -

- (i) In Sub-clause (1) paragraph (a) by inserting “or in his absence the Deputy Governor” immediately after the word Governor.

- (ii) In Sub-clause (1) paragraph (b) by deleting it in its entirety and replacing thereof with **“A youth nominated by the National Youth Council”**
- (iii) In Sub-clause (1) paragraph (e) by deleting it in its entirety and replacing thereof with **“A representative of persons with disabilities nominated by a recognized body of persons with disabilities”**
- (iv) In Sub-clause (1) paragraph (h) by deleting all words appearing after the words **“civil society organization”** and replacing with **“most active on matters related to climate change operating within the Nairobi City County.”**
- (v) In Sub-clause (1) paragraph (f) by deleting the term **“his”** and replacing thereof with **“their”**
- (vi) In Sub-clause 4 by inserting **“(b)”** immediately after the words **“under sub-section (1)”**.
- (vii) By inserting a new paragraph (d) **“(d) meets the requirement of chapter 6 of the Constitution of Kenya”**
- (viii) By inserting a new Sub-Clause (5) **“(5) the committee may co-opt to it meetings any technical staff of the national and county government or international agencies or other relevant agencies who it considers will contribute to its deliberations, and the attendance and participation of such person shall be recorded in the minutes of committee”**

CLAUSE 7

THAT Clause 6 of the Bill be amended as follows; -

- (i) By deleting the entire provision and replacing it with **“There is hereby established a secretariat for the county climate change steering committee which shall comprise of the Director and assistant director responsible for Climate change and staff of the directorate of climate change within the county”**.

CLAUSE 8

THAT Clause 8 of the Bill be amended as follows; -

- (i) By deleting the paragraphs **“(i) (j) and (k)”** and substituting therefor with (b) (e) (g) (h) (i) to appear immediately after the words **“Section 6”**.

CLAUSE 9

THAT Clause 9 of the Bill be amended as follows; -

- i. In Sub-clause (1) paragraph (e) by deleting the words ‘County Planning Committee’ appearing immediately after the words “reports from the” and replacing thereof with “established sub-committees”
- ii. In sub-clause (1) paragraph (f) by deleting the words “County planning committee and the ward climate change planning committees” appearing immediately after the words “steering Committee”
- iii. By inserting a new paragraph “n” immediately after “m” “(n) form the planning committee and sub- committees for better performance of the functions at the ward level”
- iv. By inserting a new paragraph “o” “(o) develop a framework and strategy on climate change”

CLAUSE 10

THAT Clause 10 of the Bill be amended as follows; -

- i. By deleting the suffix “-ing” appearing in the word quartering under paragraph (a).

CLAUSE 13

THAT Clause 13 of the Bill be amended as follows; -

- (i) By inserting a new paragraph (d) immediately after sub-paragraph (v) “(d) include a comprehensive inventory of climate change adaptation and mitigation safeguards applicable within Nairobi City and developed in a participatory process to guide effective management, sustainable developments, investments and decision making.”

CLAUSE 15

THAT Clause 15 of the Bill be amended as follows; -

- i. By deleting the words “planning committee” appearing immediately after the words “climate Change” and replacing with “steering Committee”.
- ii. By deleting the words “steering committee” appearing immediately after the words “report to the” and replacing with “the Nairobi City County Assembly”.

CLAUSE 17

THAT Clause 17 of the Bill be amended as follows; -

- (i) In sub-clause (2) by deleting the word “porting” appearing immediately after the words “nature and procedure for” and replacing thereof with “reporting”.

CLAUSE 18

THAT Clause 18 of the Bill be amended as follows; -

- (i) By altering the words “county Climate Change Director” to read “the Director in charge of Climate Change”.

CLAUSE 22

THAT Clause 22 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the word “planning” and replacing thereof with “steering”
- ii. In sub-clause (2) by deleting the words “zonal planning” appearing immediately after the words “organized by”.

CLAUSE 24

THAT Clause 24 of the Bill be amended as follows; -

- i. In sub-clause (2) by deleting the words “communities to establish” appearing immediately after the word facilitate and replace thereof with “registered”.

CLAUSE 25

THAT Clause 25 of the Bill be amended as follows; -

- i. In sub-clause (1) by deleting the words “inappropriate” and replacing thereof with “appropriate”.

CLAUSE 27

THAT Clause 27 of the Bill be amended as follows; -

- ii. By inserting a new paragraph (g) as follows “(g) funding from carbon offsets and carbon credits”

CLAUSE 29

THAT Clause 29 of the Bill be amended as follows; -

- i. In sub-clause (2) by deleting the words “the planning committee and zonal planning sub-committee” appearing immediately after the words “steering committee”.
- ii. In sub-clause (3) by deleting the words “the planning committee and zonal planning sub-committee” appearing immediately after the words “steering committee”.

CLAUSE 35

THAT Clause 35 of the Bill be amended as follows; -

- i. By deleting the words “and the County Planning Committee” appearing immediately after the words “steering Committee”.

**MATRIX OF THE COMMENTS AND RESERVATION FROM THE PUBLIC ON THE PROPOSED CLIMATE CHANGE
MANAGEMENT BILL, 2023 AND JUSTIFICATION**

STAKEHOLDER	CLAUSE/SCHEDULE/SECTION	PROPOSED AMMENDMENTS BY STAKEHOLDERS	JUSTIFICATION	LEGAL COMMENT PROPOSED AMENDMENT	FINAL PROPOSEE COMMITTEE AMENDMENT
NAIROBI BUDGET CHAMPIONS & Mathare Light of Hope Away From Home	Section 6 (f)	We recommend use of 'their' in place of "his"	The County Commissioner or his representative – the use his, denoting only male		agreed
	Section 6	Include the Community representing organized national social movements champion Environment and climate change actions.	The Composition does not include Community	Disagreed- The proposal is vague	Replace DG with PWD Replace Agricultur with youth from National youth council
	Section (4)	A person qualified as for appointments	Chapter 6 of the Constitution of Kenya		Agreed

			under this section should have qualification as in chapter 6 of COK	on leadership and Integrity has not been included as a qualification		
	Sect on 7		Delete “in” at beginning the sentence	Use of In is irrelevant	Agreed	Agreed
	Sect on 8		Refer to the correct /intended subsections	This section has referred to subsection (i) (j) (k) whereas (j) (k)	Agreed	Agreed
	Sect on 9 (f)		Delete county planning committee and ward climate change planning committee	The establishment of ward climate change Planning Committees is lacking in the bill	Agreed	Agreed
	Sect on 5		The bill should be clear as to the establishment of the County Climate Change Planning Committees and their roles in the Bill	This Part has only mentioned the County Climate Change Steering Committee but not the County and ward planning Committees used in various section of the bill		Disagreed- Sub committee to be formed by the Steering committee

		<p>We make this recommendation as it lacks also in the National Climate Change legislation</p> <p>We recommend establishment of one county level committee to avoid duplication of roles and a ward level Climate Change committee for implementation; this will be the points of intervention of implanting section 26 (1) on projects identified by the community</p>			
	Section 16 (4) (d)	<p>The reporting should be made to the County Assembly and accessible to the</p>	<p>All reports on the progress of performance and implementation of all assigned climate</p>		Agreed

			general public as envisioned in article 35 of the CoK on right to information	change duties and function should not only be to the steering committee		
	Section 22 (2)	Refer to our comment in Section 5	The Zonal Planning Sub committees have been used, it's not clear what constitutes a zone	Disagreed-Sub committees to be formed by steering committee		
	Section 25 (1)	Correct to Appropriate	The use of "inappropriate"	Agreed		
	Section 24 (2)	We recommend that the steering committee should support and facilitate also Existing CBOs who are already working on climate change issues and environment	The steering committee on Supporting and facilitating CBO's for Mobilization and engagement for Climate Change Management	Amend to re-register CBOs		
	Section 33 (1)	Include Liability for officer who contravene the chapter 6 on the Constitution of Kenya and the rule of law	Protecting officers in the act from personal liability beats the spirit of Chapter 6 of the Constitution and the need to uphold the rule of law	Agreed amend liability		

OFFICE OF THE COUNTY ATTORNEY	Section 1	Replace with “Nairobi City County Climate Change Bill 2023”	In line with Climate Act of 2016	Agreed
	PART II	Include Ward Climate Change Committee as the lowest level of governance for purposes of this Bill.	The formation and appointment of the ward committee members will promote inclusivity and ensure that marginalized groups in the County are adequately represented at the ward level.	Disagreed
	Section 12 (a)	Include the definition of Executive Committee Member in the interpretation section to state that it's the CECM responsible for matters of Environment and Climate Change.	This will guarantee precision when referring to the specific CECM in question.	Agreed

	Section 29 (2)	Delete “Zonal Planning Committee” and replace with “Ward Climate Change Committee”	Remuneration is in line with the Climate Change Act, No. 11 of 2016, which provides for remuneration of members of the Council, which is the oversight authority established under the Act.		Disagreed
	Section 27 (a)	Add “including monies made from the sale of carbon off sets”.	This Align with the amended Climate Change Act, 2023		Agreed
C40 CITIES	Section 3(h)	Ascribes the role of regulating and managing “all activities related to climate change” to the county government	As drafted, this provision is too broad to give the necessary clarity regarding specific roles the county government can and should play in the implementation of the bill. Greater clarity would facilitate swifter implementation of the Act once adopted.		Disagreed- it doesn't add any value
	Section 3(f)	redraft as follows: “Developing and reviewing County	Makes reference to the development and review of county climate		Agreed

		Climate Policy and Legislative framework to give effect to the national climate action plan and NDCs"	change policy and legislative framework, but makes <i>no</i> explicit reference or link made with the national legislative framework, national climate action plan or nationally determined contributions (NDCs).		
	Section 4(1)	Amend to read "...shall act in accordance with the values and principles set out in the Constitution, the Climate Change Act, 2016 and any other relevant written law"	Primacy should be given to those set out in the Climate Change Act, 2016 with the objective of ensuring a cascade of principles from that principal legislation to the county legislation	Disagreed- the Climate Change Act forms part of any other written law	Disagreed
	Section 6	"A representative of socially and economically marginalised community or marginalised community within the meaning of Article 260 of the	The inclusion of a provision allowing for community representation in addition to civil society organization representation.		Disagreed

			Constitution, who has been resident in the county for at least ten years.”			
	Sec on 7		“There is hereby established a secretariat for the County Climate Change Steering Committee, which shall be drawn from the staff of the directorate...”	Typing error	Agreed	Agreed
	Sec on 7		“There is hereby established a secretariat for the county Climate Change Steering Committee, which shall comprise the Director and Assistant Director for Climate Change and no more than two staff drawn from the County Climate Change Directorate.”	Nairobi County has a Director and Assistant Director for Climate Change. The proposed bill makes reference to the County Climate Change Directorate, suggesting there exists a directorate that deals directly with climate change. For the avoidance of duplication of roles and for clarity, the section could be revised to designate the	Need to analyze whether there is a directorate on environment or climate change??	

			Directorate as the secretariat of the steering committee	
Section 8	Cross references section 6(i) (j) and (k). (j) and (k) - do not exist.	Rectify to refer to correct provisions under Section 6	Agreed	Agreed
Section 9(b)	Makes reference to the "County planning Climate Change Planning Committee.	Amend to give clarity regarding the committee being referred to.	Disagreed- committee deleted from the bill	Disagreed
Section 9	Include language prior approval or oversight of the County Assembly under Section 9(1)(b) and (c)	Refers to several approval functions relating to funding proposals and payments without any reference to an oversight mechanism.	Disagreed- Assembly will always approve during budget cycle and oversight during tabling of reports	Disagreed
	Include specific functions related to disaster risk reduction (See corresponding provision under the Climate Change Act, 2016, section 3(2)(d), renewable energy deployment on	Commendably sets out broad areas of the Steering Committees functions. However, there are key priority areas which could be mentioned explicitly for clarity, direction, and		

			municipal/county facilities, etc.	prioritization.		
			<p>Rather than a broad and ambiguous function, it might be helpful for the bill to give greater direction on prioritizing certain elements of the coordination role, especially amongst key climate change institutions within the county such as the County Planning and Ward Climate Change Planning Committees.</p> <p>“Ensure coordination and avoid duplication of effort between the County Climate Change Directorate, County Planning Committee, Ward Climate Change</p>	<p>Stipulates steering committee function to “ensure coordination among institutions implementing climate change programs so as to minimize duplication of effort.”</p> <p>It is not clear if the reference is to government institutions or private institutions. It is unclear whether the steering committee has remit (or legal authority) coordinate with national government institutions and/or with private institutions. One way or another, given the limited country staff resources, it would be helpful for the bill to give further guidance on</p>	Disagreed- Issue on Ward and planning committee is solved	

	Planning Committee and any other county level institution with a designated climate change function as may by law.”	priorities for coordination.	
Section 9(k)	<p>Provide a clear definition for lead agency. The Environmental Management Coordination Act definition might be applicable with some modification as follows:</p> <p>“lead agency” means any Government ministry, department, parastatal, state corporation or local authority in which any law vests functions of control or management of any aspect of the</p>	<p>Stipulates steering committee function to “ensure smooth flow of information across the lead agencies.”</p> <p>It is not clear from this formulation how this function is to be attained, let alone who the lead agencies are</p>	<p>Agreed- agency at clause</p> <p>define lead interpretation</p> <p>Agreed</p>

			environment or natural resources”			
			In so far as the facilitation of information is concerned, it might be helpful for the steering committee to:			
			“Ensure key climate institutions within the constitution have a designated ‘information access officer’ who will facilitate effective public disclosure of climate information and transfer of information between lead agencies.”			
	Section 9(j)	Replace “advice” with “advise”	Typo	Agreed	Agreed	

	Section 9(2)	<p>Propose amendment – the addition of the following text:</p> <p>“The steering committee’s core function shall be to ensure national climate change policy, national climate action plans and NDCs are effectively mainstreamed and reflected in county development planning, decision making and implementation of programmes and projects”</p>	<p>Stipulates that the “steering committee shall in the performance of its functions be responsible for policy on climate change”</p> <p>In addition to being in charge of policy, the steering committee could play and even more vital role in ensuring that climate policy at county level reinforces and benefits from the national climate policy, national action plan and NDCs</p>	Agreed	Agreed
	Section 10	<p>Proposed additional clause (from the Climate Change Act, 2016):</p> <p>(1) If a person is present at a meeting of the steering</p>	<p>Does not contain a conflict of interest provision which should be included in view of the monetary functions of the steering committee</p>	Agreed- in order to avoid conflict of interest at meetings	Agreed

		<p>committee or has a vote on any subject matter that the person or that person's spouse has a direct or indirect interest, that person shall as soon as practicable after commencement of the meeting, declare such interest and shall not, unless the committee otherwise directs, take part in any consideration or discussion of, or vote on any question touching on the matter"</p> <p>(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it was made</p> <p>(3) A person who contravenes</p>		

		subsection (1) commits an offense and is liable to a fine not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding five years or both such fine and imprisonment” (4) No member of the committee or staff of the director of lead agencies shall transact any business or trade with the committee			
	Section 11(2)	The provision should stipulate “the participatory process set out in Schedule X of this Act, which shall also apply to the formulation of the Climate Change	Stipulates that the Climate Change Action Plan should be reviewed and updated every five years through “the same participatory process as the one followed in its formulation	Disagreed- proposal is vague	Disagreed

			Action Plan.”			
			<p>Provision should then be made to establish the participatory process as guiding all county action on climate change, and setting out minimum thresholds to ensure effective public engagement in all processes requiring such engagement under the Act</p>			
	Section 13(1)(a)		<p>Include reference to the climate change needs and response assessment as the basis for identification of needs and circumstances.</p>	<p>Requires the alignment of the County Climate Change Action Plan with the national action plan and “specific needs and circumstances of the county”</p>		
			<p>“Specific needs and circumstances of the county as set out in</p>			

		the county's climate change needs and response assessment"			
Section 13		Include clause requiring completion and updating of the Climate Change Action Plan in good time to feed into the CIDP process.	Makes reference to the integration of climate change in development plans, a key component of which is the CIDP process. To ensure there is room for integration and mainstreaming of the Climate Change Action Plan, a schedule for its preparation should be set out to coincide with the CIDP process	Disagreed- 12 (2) addresses the 5 year plan.	
Section 16		If maintained, the function should be allocated to the Climate Change Directorate or Steering Committee Secretariat and stipulate the nature of obligations rather	Grants the steering committee power to impose "duties relating to climate change on any public entity operating within the County"	Disagreed	Disagreed

			than leaving it broad and open ended and subject to challenge. Regulations may then provide detail once passed.	Alternatively, the provision could be deleted.	These functions should ideally sit with the secretariat or Directorate leaving the steering committee with the function of ensuring formulation and mainstreaming of effective policy.		
				As drafted the provision is very broad and vague and could likely to run into challenges since the nature of these duties are not clearly set out in the bill or any other legislation.			
	Sec on 18	Delete and provide for a mechanism for coordination between the county and NEMA	Vests powers of monitoring and investigation in the steering committee. These roles have already been allocated to NEMA.	Research on duty of nema			

Part V		<p>Include clauses stipulating requirement for meaning public consultation, as for example provided for under the Climate Change Act:</p> <p>“All county climate change entities will ensure that the development of strategies, laws and policies relating to climate change shall be underpinned by adequate public awareness and consultations”</p> <p>“Public consultations shall be undertaken in a manner that ensures the public contribution makes an impact on the</p>	<p>The section makes reference to public participation. However, the provisions relate to public <i>awareness</i> rather than public <i>participation</i> in decision making processes.</p> <p>Some of the provisions around public awareness such as Section 23 are set out in very broad terms. Inclusion of measures that could be taken would be helpful in setting some minimum thresholds from which more detailed regulation can be formulated.</p>	
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			threshold of decision making”			
NATURE KENYA	Clause 2		Amend to adopt the definition of the term “sustainable development” as “means development that meets the needs of the present without compromising the ability of future generations to meet their own needs”	The definition is as used by the United Nations Environment Programme (UNEP). The definition as used in the Bill restricts the meaning to “economic developments and overlooks societal, environmental and cultural aspects.	Agreed	Agreed
	Clause 3		Add the following objects and purposes a) Amend ‘a’ to read “mainstreaming of climate change best practices in all departments and sectors within the county” b) Insert “k”	The world is faced with the double planetary crisis of climate change and biodiversity loss that are intertwined.	Agreed- it enriches the objects of the Bill	Agreed

			promote sustainable biodiversity conservation and address important drivers of biodiversity loss			
			c) Insert (l) develop and support adoption of nature based solutions in the county			
	Clause 6 (g)		Amend to read “a representative of a civil society organization most active on matters related to climate change operating within the Nairobi City County”	Nomination as indicated under clause 6 (g) may not be feasible as most organizations are not established to form umbrella organizations. Secondly, the representation needs to consider most active CSO's within the county and not nationally.	Agreed	Agreed

	Clause 13				
		Amend (1) (d) to read “include a comprehensive inventory of climate change adaptation and mitigation safeguards applicable within Nairobi City County developed in a participatory process to guide effective management, sustainable developments, investments and decision making”	The safeguards should be guided by scientific knowledge about climate change. The Bill needs to recognize incorporation of a comprehensive list of climate change and biodiversity best practices or safeguards relevant to the City County	Agreed	Agreed