 <b>THE NATIONAL ASSEMBLY</b> KAPERS (AID)	
<b>DATE:</b> 11 APR 2023	
DAY: <u>Tuesday</u>	
<b>TABLED BY:</b>	Hon. Owen Baya, MP Deputy Leader of the Majority Party
<b>CLERK-AT THE-TABLE:</b>	Esther Ngunjiri 125 30th March, 2023

**SPECIAL ISSUE**

Kenya Gazette Supplement No. 38

(Legislative Supplement No. 14)

LEGAL NOTICE No. 38

**THE CLIMATE CHANGE ACT, 2016**

(No. 11 of 2016)

**THE CLIMATE CHANGE (PUBLIC PARTICIPATION AND  
ACCESS TO CLIMATE CHANGE INFORMATION)  
REGULATIONS, 2023**

**ARRANGEMENT OF REGULATIONS**

*Regulation*

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- 4—Guiding principles for public consultation.

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SCHEDULE: FORMS

## THE CLIMATE CHANGE ACT, 2016

(No. 11 of 2016)

IN EXERCISE of the powers conferred by section 24(3) of the Climate Change Act, 2016, the National Climate Change Council, on the recommendation of the Cabinet Secretary for Environment, Climate Change and Forestry, makes the following Regulations—

THE CLIMATE CHANGE (PUBLIC PARTICIPATION AND  
ACCESS TO CLIMATE CHANGE INFORMATION)  
REGULATIONS, 2023

## PART I—PRELIMINARY

1. These Regulations may be cited as the Climate Change (Public Participation and Access to Climate Change Information) Regulations, 2023. Short title.
2. In these Regulations unless context otherwise requires— Interpretation.
- “Act” means the Climate Change Act, 2016; No. 11 of 2016.
- “Cabinet Secretary” has the meaning assigned to it under the Act;
- “call for comments” means the notice via which the public and relevant stakeholders shall be publicly invited to review and comment on a proposed action;
- “climate change duties” has the meaning assigned to it under the Act;
- “comments period” means the period commencing on the date when the comments on a proposed action may be received by the responsible authority or ministry and the last date when the comments on a proposed action may be received;
- “Council” means the National Climate Change Council established under section 5 of the Act;
- “Directorate” means the Climate Change Directorate established under section 9 of the Act;
- “explanatory memorandum” means a statement, prepared by a responsible authority that explains the purpose and operation of the proposed action and includes any documents incorporated in the proposed action by reference and indicates how they may be obtained;
- “Ministry” means the ministry for the time being responsible for matters related to climate change;
- “private entity” has the meaning assigned to it under the Act;
- “public consultation” means the process by which a responsible authority engages the public, sector stakeholders and potential affected persons during the process of developing strategies, laws and policies relating to climate change, to get their views on the efficacy of the proposed action;

“public entity” has the meaning assigned to it under the Act; and

“responsible authority” means a public entity, private entity or the ministry that is undertaking a proposed action.

3. (1) These Regulations shall apply to—

Application of these Regulations.

- (a) the Council;
- (b) the Ministry;
- (c) the Directorate;
- (d) public entities at all levels of government with duties under section 15 of the Act;
- (e) private entities with climate change duties under section 16 of the Act;
- (f) any other entity conducting activities under or subject to the Act; and
- (g) the County Governments.

(2) Where a county government has developed its own public consultation regulations, these Regulations shall prevail pursuant to Article 191 of the Constitution in so far as any inconsistency arises in their interpretation or application.

4. (1) When conducting public consultation under these Regulations, a responsible authority shall be guided by the following principles—

Guiding principles for public consultation.

- (a) public consultation shall be undertaken within timelines that allow constructive engagement with persons affected by the proposal;
- (b) public consultation shall be effective and not merely procedural; and
- (c) the contribution of the public shall impact the threshold of decision making on climate change in accordance with sub-regulation (2).

(2) Public consultation shall be considered to impact on the threshold of decision making on climate change where—

- (a) all relevant stakeholders directly affected by proposed action and the public are adequately consulted;
- (b) the responsible authority can demonstrate that sufficient amount of feedback is drawn from the public consultation; and
- (c) there is evidence that the feedback received from the public consultation has been considered in developing the proposed action and in the decision made pursuant to the proposed action.

**PART II—CRITERIA FOR THE CONDUCT OF PUBLIC  
CONSULTATION**

5. (1) A proposed action in relation to the development of strategies laws and policies on climate change shall pursuant to section 24(1) of the Act, be developed through public participation. Scope of proposed action.
- (2) A proposed action by the Ministry shall include that which—
- (a) introduces new climate change law, policy or guidelines; or
  - (b) varies or modifies existing climate change law, policy or guidelines.
6. (1) A responsible authority shall make appropriate public consultations that provide reasonable and effective opportunities for participation. Opportunities for public consultation.
7. The Cabinet Secretary shall, in the review of the National Climate Change Action Plan pursuant to section 13(8) of the Act, conduct public consultation in the manner provided under the Act and these Regulations. National Climate Change Action Plan.
8. A responsible authority shall offer the public at least fourteen days from the date of the notice issued under regulation 10, to consider, consult and respond to a proposed action when conducting public consultation. Timelines for public consultation.
9. (1) A responsible authority shall ensure fair and equal access to the public participation process to all members of the public and stakeholders in the climate change sector. Information relating to the public consultation.
- (2) Where some of the members of the public and stakeholders are not conversant with the official languages of the Republic, or by reason of disability are unable to participate in the process, the responsible authority shall provide—
- (a) an interpreter who can translate the information relating to a proposed action into the local language or sign language, for the affected members or stakeholders; or
  - (b) such reasonable measures as are necessary,
- to ensure that the members of the public and stakeholders are capable of understanding the proposed action for purposes of giving feedback.
- (3) A responsible authority shall develop and maintain an online platform that is accessible and simple enough for the members of the public and stakeholders to access all the necessary information relating to a proposed action.
- (4) In addition to maintaining the online platform under sub regulation (3) the responsible authority shall maintain the information relating to a proposed action in physical form at all the offices of the responsible authority and the County Governments for access by members of the public.

(5) The responsible authority shall, before conducting public participation under these Regulation, prepare a public consultation concept paper relating to a proposed action which shall specify—

- (a) the purpose of the public consultation;
- (b) the target groups;
- (c) the proposed duration of the conduct of the public consultation;
- (d) the proposed means of submitting feedback; and
- (e) the proposed schedule for the conduct of the public consultation.

#### PART III—PROCEDURE FOR THE CONDUCT OF PUBLIC CONSULTATION

10. (1) Before commencing the conduct of public consultation, the responsible authority shall publish a notice calling for comments on a proposed action in the manner set out in paragraph 1 of the Schedule to the Act.

Notice for public consultation.

(2) The responsible authority shall ensure that the call for comments under sub regulation (1) attains the widest reach as possible and may in addition to the methods stipulated under the Act, publicize the notice in one or more of the following ways—

- (a) posting in social media accounts affiliated to the responsible authority and other digital communication channels;
- (b) engaging the community on the information relating to the proposed action;
- (c) engaging in public meetings and fora; and
- (d) utilising any other public consultation mechanisms that have previously been employed in the locality within which public participation is to be conducted.

(3) In addition to the information specified under paragraph 1(2) of the Schedule to the Act, the call for comments issued under this regulation shall be accompanied by—

- (a) a summary of the proposed action;
- (b) a statement of the basis or authority for the proposed action;
- (c) the commencement and closing period for receiving comments on the proposed action, which shall be a minimum of sixty days in between;
- (d) a statement of where the members of the public and stakeholders may freely access the information necessary for proper contextualization of the proposed action; and

- (c) a description of how comments on the proposed action may be submitted as provided in—
- (i) Form 1 set out in the Schedule for comments from an individual member of the public; and
  - (ii) Form 2 set out in the Schedule for comments from a public or private entity.

(4) Where the notice referred to in sub-regulation (3) does not set out a summary of the proposed action, a Responsible Authority shall guarantee that it shall provide the proposed action at least twenty-one days before the conclusion of the comments period.

(5) The notice calling for comments referred to this regulation shall be signed by the authorized official of the responsible authority.

11. (1) Upon conclusion of the comments period, the responsible authority shall hold a public hearing. Public hearing.

(2) The responsible authority shall issue a notice for a public hearing within fourteen days after the comments period.

(3) The responsible authority shall undertake a public hearing within a realistic timeframe from the date of the notice issued under sub-regulation (2).

(4) A public hearing shall be conducted subject to the prevailing health and safety legislation.

(5) A responsible authority shall record the feedback received from the conduct of public hearing in Form 3 set out in the Schedule.

12. (1) Upon conclusion of the public participation exercise the responsible authority shall, in demonstrating that the feedback from the public has been adequately considered under regulation 4 (2) (c), collate the comments received during the conduct of the public consultation. Analysis of comments after public consultation.

(2) After collating the comments under sub-regulation (1), a responsible authority shall—

- (a) without bias, critically analyse the comments from the public consultation; and
- (b) record the decision made on the proposed action, including the reasons for including and excluding any recommendation.

(3) A responsible authority shall, within ninety days after the conclusion of the conduct of public participation, publish a report on the analysis of public consultation in the manner set out in Form 4 set out in the Schedule.

13. (1) A responsible authority shall conduct an analysis of non-consultation, in relation to the demographics from which the notices referred to in these Regulations were issued but the quality and quantity of comments received were insufficient. Analysis of non-consultation.

(2) Upon conclusion of the analysis conducted under sub-regulation (1), the responsible authority shall prepare a report which shall propose possible measures to improve subsequent public participation in the identified demographics.

14. In addition to the reports prepared under regulation 12 or 13, a responsible authority shall prepare an explanatory memorandum upon conclusion of the conduct of public consultation.

Outcome of public consultation.

15. A responsible authority shall make available to the public, a record of the decision made after the public consultation, including the reasons for the decisions made—

Publication of decision made.

- (a) on its official website; and
- (b) in its physical offices.

#### PART IV—INFORMATION RELATING TO CLIMATE CHANGE

16. (1) Pursuant to section 24 (4) of the Act, the Council and the Directorate, shall maintain relevant, current and accurate information on matters relating to climate change.

Maintenance of information on climate change.

(2) The information referred to in sub-regulation (1) shall include—

- (a) all the strategies, laws and policies on climate change in Kenya;
- (b) proposed actions;
- (c) global trends in strategies, laws and policies on climate change; and
- (d) all international instruments on climate change that are ratified by Kenya.

(3) The Council and the Directorate may request the production of any information on matters relating to climate change held by a public or private entity, where the Council or Directorate considers such information necessary for the conduct of public consultation.

(4) A responsible authority shall maintain the information on matters relating to climate change in physical form at its offices and may publish such information on its official website.

(5) A responsible authority may avail information on matters relating to climate change to a member of the public upon request and in a reasonably expeditious, simple and accessible manner.

(6) For purposes of access to climate change information, a responsible authority shall be guided by the provisions of the Access to Information Act, 2016.

No. 31 of 2016.

17. Every Responsible Authority shall prepare and maintain a database of all the relevant stakeholders to be consulted in a standard public consultation and shall be guided by such mapping to ensure that adequate consultations have been made.

Database of stakeholders for public consultation.



## PART V—MISCELLANEOUS PROVISIONS

18. (1) In undertaking public consultation, a responsible authority shall take such measures as are necessary to ensure that the following groups of people are notified of a proposed action—

Marginalized groups.

- (a) women;
- (b) youth;
- (c) persons living with disabilities; and
- (d) marginalised communities.

(2) A responsible Authority shall ensure that the database developed under regulation 17 shall include a mapping of the specialized groups of persons listed in sub-regulation (1).

(3) The Directorate shall maintain records of Indigenous Knowledge Systems of different regions in Kenya and such records shall be made easily accessible to the public.

19. (1) The Directorate shall sensitise the members of the public on—

Public awareness.

- (a) the strategies, laws and policies relating to climate change; and
- (b) the right to participate in decision-making on the strategies, laws and policies relating to climate change.

(2) In every two years, the Directorate shall submit a report to the Cabinet Secretary, on the steps it has taken to comply with sub-regulation (1) and such report shall include the steps the Directorate has taken to improve the quality of public consultation.

20. (1) The Directorate shall submit a bi-annual report to the Cabinet Secretary concerning its functions in relation to public consultation and the information on climate change maintained by the Directorate.

Reporting by Directorate.

(2) The report under sub-regulation (1) shall include an assessment of the state of public consultation in the climate change sector, its challenges and recommendations for improvement.

(3) Every two years after the submission of the report under sub-regulation (2), the Directorate shall develop and publish a public consultation capacity development report, which shall specify—

- (a) the means of public consultation utilized by the Directorate in the preceding two years;
- (b) the challenges faced while conducting public consultation;
- (c) the efforts made by the Directorate to improve the conduct of public consultation;
- (d) the steps taken to improve the internal capacity of the Directorate; and
- (e) comparative studies done with other jurisdictions with a

view to improve the conduct of public consultation in climate change matters.

(4) The Directorate shall ensure that the report and related records are maintained effectively and are accessible by the public in the manner specified under section 24(5) of the Act.

## SCHEDULE

FORM 1 (r. 10(3)(e)(i))

## CALL FOR COMMENTS FROM AN INDIVIDUAL

Full Name/ Jina Kamili .....	Male/Mume Female/Mke	Age/Umri
ID Number/ Nambari ya Kitambulisho .....		
Phone Number/Nambari ya simu: .....		
E-mail address: .....		
Highest Level of Education Attained/ Kiwango chako cha elimu	Are you living with any disability? (Please tick)/ Una ulemavu wowote? (Tafadhali tiki)	
Primary/Shule ya msingi	Yes/Ndio	No/La
Secondary/Shule ya upili	If Yes, please specify/ Kama Ndio, tafadhali taja:	
University or college/chuo kikuu	Eyes/Macho Ears/Masikio Hands/Mikono Legs/Miguu Skin/Ngozi Other (Specify/Taja)	
Post-graduate/uzamili		
Other/Nyingine Specify/taja)		
Religion/Dini:		
Christian/Mkristo Islam/Muislamu Hindu/Mhindi Other/Nyingine (Specify/Taja):		
Place of Residence/Mahali Unapoishi		
County/Kaunti	Constituency/Eneo Bunge	Location/Eneo
Place of Engagement/ Mahali pa Majadiliano		
Date/Tarehe		
How did you hear of this exercise/ Ulipataje habari kuhusu majadiliano haya?		
Radio/ Redio		

Television/ Runinga Newspaper/ Gazeti Government officer/Afisa wa serikali Internet/Mtandao Other/Nyingine (Please specify/Tafadhali taja)		
What are your views on the proposed Regulations?*/ Una maoni yapi kuhusu kanuni hizi zilizopendekezwa? ..... ..... .....		
What are your views on how this process has been conducted? / Je, maoni yako kuhusu majadiliano haya ni yapi? ..... ..... .....		
Any other comments or questions. (Please state) / Je, una maoni ama maswali mengine? (Tafadhali tueleze) ..... .....		
*Change accordingly depending on activity under public consultation Signature: .....		
Feedback Received By: (For Official Use Only)		
<i>Full Name and Signature</i>	<i>Responsible Authority</i>	<i>Date</i>

## FORM 2

(r. 10(3)(e)(ii))

## CALL FOR COMMENTS FROM AN ORGANIZATION

<i>Name of Organization:</i> .....	<i>Place of Business:</i> .....	<i>Date:</i> .....
<b>Nature of Organization:</b>  Public Company <input type="checkbox"/> Private Company <input type="checkbox"/> Partnership <input type="checkbox"/> Society <input type="checkbox"/> Non-Governmental Organization <input type="checkbox"/> Other <input type="checkbox"/> (Please Specify)		
Sector of Operation: (e.g. oil & gas, manufacturing, civil society, law, finance, technology etc. Please be specific.).....		
<b>Official(s)/ Representative(s) present:</b>		
<i>Name</i>	<i>Title/Position of Official</i>	<i>Contact Details (Email Address)</i>
What are your views on the proposed action? ..... ..... ..... (You may write on a separate sheet of paper and attach firmly to this form)		
What are your thoughts on how this public consultation exercise has been conducted? ..... .....		
Do you have other comments or questions? ..... ..... (You may write on a separate sheet of paper and attach firmly to this form)		
*Change accordingly depending on activity under public consultation		
Signature: .....		

Feedback Received By: (For Official Use Only)		
<i>Full Name and Signature</i>	<i>Responsible Authority</i>	<i>Date</i>

## FORM 3 (r. 11(5))

COMMENTS RECEIVED DURING PUBLIC HEARING BY RESPONSIBLE  
AUTHORITIES

FROM:	INDIVIDUAL, PRIVATE ENTITY OR PUBLIC ENTITY
TO:	RESPONSIBLE AUTHORITY
SUBJECT:	PUBLIC CONSULTATION IN RELATION TO THE PROPOSED ACTION
I.	Summary of public consultation feedback ..... ..... (to be accompanied by a copy of the public consultation report)
II.	Identification of the issue requiring the relevant entity's attention ..... .....
III.	Analysis of the potential implications necessitating the relevant entity's attention ..... .....
IV.	Recommendations (proposed action points) ..... .....
V.	Justification for the proposed action points ..... .....
Signed and stamped: .....	

## FORM 4

(r. 12(3))

## REPORT ON ANALYSIS OF PUBLIC CONSULTATION

## I. Introduction

Brief summary of the concept paper.

## II. Evidence of Sufficient Information to the Public and Stakeholders

1. Report on how the general public and relevant stakeholders were informed of the proposed action.
2. Report on how the general public and relevant stakeholders were informed of the process of public consultation, including the timelines given to allow for consultations and comments.
3. Report on whether adequate information was availed to the public and stakeholders to enable them make informed contribution.

## III. Evidence of Adequate Involvement of the Public and Stakeholders

1. Summary of the Public consultation process as it was conducted, including the Comments received through digital channels.
2. Summary of methods used in the process for collecting feedback.
3. Results of the process.
4. Challenges faced in the process.

## IV. Evidence of Adequate Consultations

1. Analysis of the feedback received from the participants.
2. Responses of the responsible authority to Participants.
3. Analysis of feedback received regarding the conduct of the process, including recommendations for improvement.
4. Analysis of Non-Consultation.

## V. Evidence of Collaboration - Impact of the Public Consultation on Decision-Making

1. What feedback has been incorporated into the eventual decision.
2. What feedback has been given to the public regarding the outcome of the process; including the reasons for excluding certain feedback from the eventual decision.
3. What has been the overall impact of the public consultation process on the proposed action's eventual decision.

## VI. Recommendations on Areas for Improvement

1. How have the recommendations for improvement of the process received from the participants been documented or incorporated.



2. How has the responsible authority ensured that the public consultation process forms part of the education and awareness for subsequent processes.
3. How has the feedback received been relevant to other government agencies.
4. How has the said information been cascaded to the said government agencies.

VII. Conclusion

Made on the 30th March, 2023.

WILLIAM SAMOEI RUTO,  
*President and Chairperson of the Council.*





**REPUBLIC OF KENYA**

**MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND  
FORESTRY**

**EXPLANATORY MEMORANDUM ON THE CLIMATE  
CHANGE ACT (PUBLIC PARTICIPATION  
CONSULTATIONS AND ACCESS TO CLIMATE CHANGE  
INFORMATION) REGULATIONS**

**BY**

**HON. SOIPAN TUYA, CBS**

**CABINET SECRETARY FOR ENVIRONMENT, CLIMATE  
CHANGE AND FORESTRY**

**MARCH 2023**

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## **1. STATEMENT ON STAKEHOLDER CONSULTATION**

The Ministry adopted a consultative approach that involved internal reviews of the draft Regulations and a series of discussions with various stakeholders. Stakeholder mapping was done using both vertical analysis (mapping stakeholders under the same umbrella sector or organization) and horizontal analysis (mapping stakeholders across the board – including those not directly engaged in environment matters).

The stakeholders were also mapped in accordance with the level of priority as well as the level of influence. Ultimately, the stakeholders were grouped into the following clusters:

- (i) Ministries, State Corporations and Government Agencies;
- (ii) County Governments;
- (iii) Private Sector and the Kenya Private Sector Alliance;
- (iv) Civil Societies, the Media and Religious Groups;
- (v) Academia; and
- (vi) The General Public.

The Ministry called for submission of comments on the draft regulations through an advertisement in a newspaper on 12<sup>th</sup> January 2021. Also, letters were sent out to the indentified stakeholders including ministries and their agencies for review and comments of the draft regulations

The table below gives details of the stakeholder mapping matrix depending on their interest and influence.

**Table 1: Stakeholder Mapping Matrix**

<p>Low Interest, High influence, The Media (3,5) National Council of Churches of Kenya (3,5), Kenya Conference of Catholic Bishops (3,5), Supreme Council of Kenya Muslims (3,5),</p>	<p>High Interest, High Influence Government (MDAs) Ministry of Environment (5,5), National Climate Change Council (5,5) Climate Change Directorate (5,5), National Treasury (5,5), Ministry of Interior (5,5), Office of the President (5,5), Office of the AG (5,5), Council of Governors (5,5), National Assembly &amp; Senate (5,5), NEMA (5,5), National Environmental Complaints Committee (4,4),</p>
<p>Low Interest, Low Influence</p>	<p>NET (4,4),</p>

High Interest, Low Influence	EACC (4,4),
National Youth Service (4,2)	PSC (4,4),
Marginalized Communities (5,2)	Private Sector (5,5)
Special and vulnerable groups (5,2)	Kenya Private Sector Association (KEPSA) Kenya Association of Manufacturers (KAM) Individual corporations e.g. Chandaria Industries, Bamburi Special Products, Vivo Energy, Kenya Oil, Eveready East Africa, EABL, Unilever, Chloride Exide Kenya etc.  Civil Society Groups & Commissions (5,5) National Gender Equality Commission (5,5) Kenya Legal & Ethical Issues Network Green Belt Movement Kenya Climate Change Working Group AfriCOG KNCHR, KHRC Transparency International etc. Academia (5,4) Universities & Colleges (UoN, JKUAT, TUK, Strathmore, Riara etc.) Institutions involved in Environmental Sciences e.g., Environmental Institute of Kenya, Environmental Compliance Institute, Institute of Law & Environmental Governance etc

Therefore, the Ministry conducted sufficient consultations by engaging all relevant stakeholders including the general public. **(See attached Annex 1)**

## 2. STATEMENT ON ALL CONSULTATIONS THAT WAS DONE

The Public Participation process was conducted between March and September 2021.

There were five (5) virtual engagements held to review the Regulations as outlined in Table 2:

**Table 2: Schedule for Consultations**

	Stakeholder	Date and Time	Nature of Engagement
1	Climate Change Directorate	26th March 2021 10:00am-2:00pm	Internal Review of the Regulations Planning of public consultations
2	Civil Society Groups	29th March 2021 2:30pm-4:30pm	Public Participation on the Draft Regulations. A Deadline of 7th April 2021 was given for submission of written comments.
3	Ministries, State Corporations & Govt. Agencies, and Academia	1st April 2021 10:00am-2:00pm	Public Participation on the Draft Regulations. A Deadline of 7th April 2021 was given for submission of written comments.
4	Public County Govt. Entities	6th April 2021 10:00am-2.00pm	Public Participation on the Draft Regulations. A Deadline of 7th April 2021 was given for submission of written comments.



5	Private Sector, Media and Religious Groups	7th April 2021 10:00am-2.00pm	Public Participation on the Draft Regulations.  A Deadline of 7th April 2021 was given for submission of written comments.
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During the internal review Workshop on 24th – 28th May 2021 it was agreed that an additional engagement with the counties was necessary as the turnout was exceptionally low. These consultations were held as indicated in the Table 3:

**Table 3: Schedule for County Consultations**

	Stakeholder	Date and Time	Nature of Engagement
1	County Assemblies Forum Representatives (MCAs, CECs)	7th June 2021 10:00am- 2:00pm	Further Consultations on the Draft Regulations.  A Deadline of 25th June 2021 was given for submission of written comments.
2	County Environment Professionals (NEMA County Directors, County Directors of Environment, Climate Change Focal Persons)	9th June 2021 10:00am- 2:00pm	Further Consultations on the Draft Regulations.  A Deadline of 25th June 2021 was given for submission of written comments.

The Public Participation process thereafter concluded with a virtual national Validation Workshop held on Wednesday, 15th September 2021. A diverse cross-section of organizations and members of the public including ministries

and agencies, civil society organizations, Private sector youth and the Marginalized were present to validate the Regulations.

Given the public participation challenges faced as a result of the COVID-19 pandemic, the attendees were allowed to give their final written submissions by 30th September 2021, after which the public participation process would be officially concluded. Notably, no comments were received by the Consultants during this period (**see Annex 2**).

### **3. STATEMENT ON HOW THE CONSULTATION WAS CONDUCTED**

Due to the complications of the COVID-19 pandemic which included a lock-down in the early months of 2021, the stakeholder engagements were done virtually via the Ministry's WEBEX platform. However internal review workshop by Climate Change Directorate and the Ministry of Environment and Forestry management team were done physically.

A call for comments was placed on the newspaper, the Ministry website as well as specific letters written to all ministries and agencies.

The Public Participation process thereafter concluded with a national Validation Workshop held on Wednesday, 15th September 2021.

Given the public participation challenges faced as a result of the COVID-19 pandemic, the attendees of the final validation workshop were allowed to give their final written submissions by 30th September 2021, after which the public participation process would be officially concluded. Notably, no comments were received by the Consultants during this period (**see Annex 2**).

### **4. STATEMENT ON RESULTS OF THE CONSULTATIONS**

The Ministry received written submissions that were submitted by the various stakeholders and the general public. Other comments were received during the consultation meeting (**see Annex 3**).

## **5. STATEMENT ON CHANGES MADE TO THE PROPOSED REGULATIONS AS A RESULT OF THE CONSULTATIONS**

The Ministry received various comments for both the general public and stakeholders. These comments were considered by the Ministry with the assistance of the consultant and were incorporated appropriately and therefore there were some changes in the draft regulations. Some of the changes made included:

- Inclusion of a schedule for prescribing the format for publicizing the public participation;
- Call for comments period changed from 30 days to 60 days to conform to Climate Change Act; and
- Other minor changes made to conform to the Climate Change Act are listed in the report on review of comments (**see Annex 3**).

## **6. ANNEXES**

6.1 Annex 1 - Call for comments

6.2 Annex 2 - List of participants

6.3 Annex 3 - Comments received and Responses



## **ANNEX1**

**CALL FOR COMMENTS**



Cover your mouth  
with a  
tissue



Wash hands  
with water  
and soap  
sanitizer



Avoid  
contact  
with who  
is  
sneezing



Don't touch  
eyes, nose  
or mouth with  
unwashed  
hands



Use correctly  
mask (front,  
back &  
sides)



Keep  
objects and  
surfaces  
clean



**PREVENTION**

JANUARY 12, 2021

ADVERTS | 23



## MINISTRY OF LANDS AND PHYSICAL PLANNING

### TENDER NOTICE

1.1 The Ministry of Lands and Physical Planning invites tenders from eligible bidders for the following tenders:

S/N	IFMIS TENDER NO.	TITLE	Amount of bid availability	STATUS
1	040373 - 2020/2021	Consultancy Services for revision of the Physical Planning Handbook	Not applicable	Open tender

1.2 Interested eligible candidates may obtain a complete set of tender documents at the Ministry of Lands and Physical Planning website: [www.ardhi.go.ke](http://www.ardhi.go.ke) and also at the IFMIS portal: [suppliersregistry.go.ke](http://suppliersregistry.go.ke) and search using the unique IFMIS Tender Number provided against the tenders above. Candidates are advised to download, free of charge, and print the attached documents to enable you access all the pages of the tender documents.

1.3 Prices quoted should be not inclusive of all taxes, must be in Kenya shillings and shall remain valid for 90 days from the closing date of the tender.

1.4 Completed tender documents shall be submitted through the IFMIS SUPPLIER PORTAL: [www.suppliersregistry.go.ke](http://www.suppliersregistry.go.ke) as per the requirements contained in the tender so as to be received on or before 18<sup>th</sup> January 2021 at 10:00 am, East African time.

#### NOTE:

- Bidders who may experience challenges in accessing and uploading their tenders in the IFMIS tender portal should contact the IFMIS Department in The National Treasury for assistance.

- MANUAL SUBMISSIONS will not be accepted. All tenders must be submitted online.

1.5 Interested eligible candidates may obtain further information and inspect the tender documents at the Ministry of Lands and Physical Planning, Ardhi House, 1<sup>st</sup> Ngong Avenue, Ngong Road 12<sup>th</sup> floor wing B, room 1213.

1.6 Tenders will be opened immediately thereafter in the presence of the candidates at their representatives who choose to attend at the Ministry of Lands and Physical Planning, Ardhi House 1<sup>st</sup> floor, Wing C, 1<sup>st</sup> Baitaling Road.

Principal Secretary  
Ministry of Lands and Physical Planning



## MINISTRY OF ENVIRONMENT AND FORESTRY

### PUBLIC NOTICE

#### NOTICE ON PROPOSED NEW SUBSIDIARY LEGISLATION

The Climate Change Act under Sections 12, 23, 24 & 26 vests upon the National Climate Change Council & the Cabinet Secretary a duty to prescribe regulations including:

1. Public participation consultations and access to Climate Change Information;
2. Composite subsidiary legislation on duties for public and private entities, Monitoring, Reporting and Verification (MRV), monitoring and enforcement, (penalties, incentives) under the Climate Change Act (2016); and
3. Code of conduct and conduct of doing business for the national climate change council and staff under the Climate Change Act (2016).

This is therefore to inform the public on commencement of the process. The Draft Regulations will be available on the Ministry's website ([www.environment.go.ke](http://www.environment.go.ke)) for comments, inputs and proposals.

Any question and/or comments should be addressed in writing to the Principal Secretary, the Ministry of Environment and Forestry through the Climate Change Directorate via postal address:

The Principal Secretary  
Ministry of Environment and Forestry  
MNF Building, Bagall Road  
P.O. Box 20136-00100 NAIROBI

or via email address [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke) with a copy cc'd to [environment.go.ke](mailto:environment.go.ke) or by hand delivery to the physical address of the Ministry, being 12<sup>th</sup> Floor, MNF Building, Bagall Road, Upperhill.

Submissions should include the following:

- Name;
- Postal Address;
- Institution;
- Subject - specifying the specific regulations for which comments/opinions are being made;
- Phone number (optional)

The comments should be received on or before 8<sup>th</sup> February 2021.



## CALL FOR INVESTORS: SOFTWARE AND CLOUD SERVICE PROVIDERS



Konza Technopolis Development Authority (KoTDA) is a parastatal under the Ministry of ICT, Innovations and Youth Affairs which is mandated with the implementation of Konza Technopolis, a Vision 2030 project.

Towards its vision of being a global technology and innovation hub, KoTDA has completed the implementation of a carrier neutral Tier III Data Center which is currently being operationalized to support government, business enterprises and smart city facilities with cutting edge cloud computing products and services.

The Authority is now inviting partnership proposals from interested qualified local and international software vendors/solutions providers to provide bundled software solutions to complement Konza's National Data Centre services. The uptake of such solutions/services will be based on demand and business models agreed with the Authority.

Interested vendors may obtain Partnership Proposal Document from the KoTDA website [www.konza.go.ke/tenders](http://www.konza.go.ke/tenders) from 12<sup>th</sup> January 2021 to 10<sup>th</sup> February 2021. Vendors who download the proposal document from the website will be required to email their detailed contact information to [konzaict@konza.go.ke](mailto:konzaict@konza.go.ke) for recording, further clarifications, and addenda. In addition, all addenda will also be posted on the website as they become available.

#### SUBMISSION CONTACT INFORMATION:

The Chief Executive Officer

Konza Technopolis Development Authority

7<sup>th</sup> Floor, Konza Complex

P.O. Box 1-90150

KONZA TECHNOPOUS

All submissions to be done in softcopies and should be addressed to [konzaict@konza.go.ke](mailto:konzaict@konza.go.ke) including questions regarding the project or offer submission.

#### SUBMISSION REQUIREMENTS:

This invitation is open until Wednesday 10<sup>th</sup> February 2021; Submission requirements can be obtained by downloading the files at the following web link: <https://www.konza.go.ke/tenders/>

Vendors/Providers with locally developed software solutions are especially encouraged to apply.



MINISTRY OF ENVIRONMENT AND FORESTRY

Office of the Principal Secretary

Telegrams: "NATURE", Nairobi  
Telephone: +254-20-2730808/9  
Email: [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke)  
Website: [www.environment.go.ke](http://www.environment.go.ke)

N.H.I.F. Building  
Raggati Road  
P. O. Box 30126 – 00100  
NAIROBI

Ref: MEF/EMC/6/VOL VII/ (48)

26<sup>th</sup> March, 2021

**The Chief Executive Officer**

Council of Governors  
Delta Corner, 2nd Floor  
Waiyaki Way Westlands  
P.O Box 40401 - 00100  
NAIROBI

**RE: REQUEST FOR ASSISTANCE IN FACILITATING THE PUBLIC PARTICIPATION  
PROCESS FOR THE REVIEW OF THE CLIMATE CHANGE REGULATIONS UNDER THE  
CLIMATE CHANGE ACT**

I write to you in reference to the above subject matter.

The Ministry of Environment and Forestry through the Climate Change Directorate is developing Climate Change regulations to provide clarity, guide the implementers on the application of the law and provide further interpretations to the provisions of the Climate Change Act.

The Climate Change Regulations to be developed include.

- I. Duties for public and Private entities, Monitoring, Reporting and Verification, Monitoring (MRV) and enforcement, (penalties, incentives)
- II. Public participation consultations and access to Climate Change information

The purpose of this letter is to request for support of the finalization of the public participation process by sharing the attached drafted regulations and the feedback forms with all the relevant county officers and 47 counties assemblies. The draft regulations can also be downloaded from on the Ministry website, [www.environment.go.ke](http://www.environment.go.ke).

Comments on the regulations if any should be submitted in the attached forms by the 7<sup>th</sup> of April 2021 and should be addressed in writing to the Principal Secretary, the Ministry of Environment and Forestry through the Climate Change Directorate via postal address:

**The Principal Secretary**  
Ministry of Environment and Forestry  
NHIF Building, Ragati Road  
P.O.BOX 30126-00100  
NAIROBI



MINISTRY OF ENVIRONMENT AND FORESTRY

Office of the Principal Secretary

Telegrams: "NATURE", Nairobi  
Telephone: +254-20-2730808/9  
Email: [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke)  
Website: [www.environment.go.ke](http://www.environment.go.ke)

N.H.I.F. Building  
Raggai Road  
P. O. Box 30126 - 00100  
NAIROBI

Ref: MEF/EMC/6/VOL VII/ (51)

26<sup>th</sup> March, 2021

Phyllis Wakiaga  
CEO-Kenya Association of Manufacturers  
5<sup>th</sup> Floor, Shelter Afrique Building  
P.O Box 3556 - 00100  
NAIROBI

Carole Kariuki  
CEO- Kenya Private Sector Alliance  
5<sup>th</sup> Floor, Shelter Afrique Building  
P.O Box 3556 - 00100  
Mamlaka Rd  
NAIROBI

James Kitavi  
Kenya National Chamber of Commerce and Industry  
Heritan House, Ground Floor  
Woodlands Road  
P.O. Box 47024-00200  
NAIROBI

*Dear All*  
REQUEST FOR ASSISTANCE IN FACILITATING THE PUBLIC PARTICIPATION  
PROCESS FOR THE REVIEW OF THE CLIMATE CHANGE REGULATIONS UNDER  
THE CLIMATE CHANGE ACT

I write to you in reference to the above subject matter.

The Ministry of Environment and Forestry through the Climate Change Directorate is developing Climate Change regulations to provide clarity, guide the implementers on the application of the law and provide further interpretations to the provisions of the Climate Change Act.



Or via email address [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke) with a copy  
[ccd@environment.go.ke](mailto:ccd@environment.go.ke)

For more information, please contact:

I. **Mr Samuel Muchiri**  
Deputy Director Climate Change Information and knowledge Management,  
Tel : +254719439126

II. **Mr. Brian Mounde,**  
Climate Change Officer,  
Tel : +254728841393

This request for submission of comments is in addition to the virtual County Consultation meeting that was held on the 17<sup>th</sup> of March, 2021.

For your necessary action.



DR. CHRIS KIPTOO, CBS  
**PRINCIPAL SECRETARY**

Copy to           ENG. FESTUS NGENO,  
Chairman CECs  
Caucus On Water, Forestry & Mining Committee,  
Council of Governors  
NAIROBI

Encl.



**MINISTRY OF ENVIRONMENT AND FORESTRY**

Office of the Principal Secretary

Telegrams: "NATURE", Nairobi  
Telephone: +254-20-2730808/9  
Email: [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke)  
Website: [www.environment.go.ke](http://www.environment.go.ke)

N.H.F. Building  
Raggari Road  
P. O. Box 30126 - 00100  
NAIROBI

Ref: MEF/EMC/6/VOL VII/ (50)

26<sup>th</sup> March, 2021

**Dr. (Eng.) Karanja Kibicho, CBS**  
Principal Secretary  
Ministry of Interior & Coordination  
of National Government  
Harambee House  
NAIROBI

**Amb. Johnson Weru, CBS**  
Principal Secretary  
State Department for Trade  
Telposta Towers  
NAIROBI

**Mr. Julius M. Muia, PhD, CBS**  
Principal Secretary  
The National Treasury  
Treasury Building  
NAIROBI

**Ms. Susan Mochache, CBS**  
Principal Secretary  
Ministry of Health  
Afya House  
NAIROBI

**Amb. Kamau Macharia, CBS**  
Principal Secretary  
Ministry of Foreign Affairs  
NAIROBI

**Prof. Hamadi Iddi Boga, CBS**  
Principal Secretary  
State Department for Crop  
Development and Agricultural  
Research  
Kilimo House  
NAIROBI

**Mr. Torome Saitoti, CBS**  
Principal Secretary  
State Department for Planning  
NAIROBI

**Dr. Francis O. Owino, CBS**  
Principal Secretary  
State Department for  
Aquaculture, Fisheries and the  
Blue Economy  
Kilimo House  
NAIROBI

**Prof Japheth Micheni Ntiba**  
Principal Secretary  
State Department for  
Industrialization & Enterprise  
Development  
NSSF Building  
NAIROBI

**Mr. Harry K. Kimtai, CBS**  
Principal Secretary  
State Department for Livestock  
Kilimo House  
NAIROBI

**Mr. Solomon Kitungu**  
Principal Secretary  
State Department for Transport  
Ministry of Transport,  
Infrastructure, Housing and Urban  
Development  
Transcom House  
NAIROBI

**Dr. Ibrahim Mohamed, CBS**  
Principal Secretary  
Ministry of Defence  
NAIROBI

**Prof. Arch. Paul M. Mwangi, CBS**  
Principal Secretary  
State Department for  
Infrastructure  
Works House  
NAIROBI

**Ms. Nancy Karigithu, CBS**  
Principal Secretary  
State Department for Shipping  
and Marine  
Transcom House  
NAIROBI

**Maj. Gen. (Rtd) Gordon  
Kihalangwa, CBS**  
Principal Secretary  
State Department for Public  
Works  
Works House  
NAIROBI

**Mr. Joe Okudo, CBS**  
Principal Secretary  
State Department for Sports  
Development  
Kencom House  
NAIROBI

**Ms. Josephtha Mukobe, CBS**  
Principal Secretary  
State Department for Culture  
and Heritage  
Kencom House  
NAIROBI

**Dr. Kevit Desai, CBS**  
Principal Secretary  
State Department for East African  
Community  
Cooperative Bank House  
NAIROBI

**Dr. Margaret W. Mwakima, CBS**  
Principal Secretary  
State Department for Regional  
and Northern Corridor  
Development  
NAIROBI

**Ms. Safina Kwekwe, CBS**  
Principal Secretary  
State Department for Tourism  
NSSF Building  
NAIROBI

**Dr. Chris Kiptoo, CBS**  
Principal Secretary  
State Department for  
Environment and Forestry  
NHIF Building  
NAIROBI

**Eng. Andrew K. Ng'ang'a, CBS**  
Principal Secretary  
State Department for Petroleum  
Works Building  
NAIROBI

**Dr. (Eng.) Joseph K. Njoroge, CBS**  
Principal Secretary  
Ministry of Energy  
Nyayo House,  
NAIROBI

**Mr. Micah Powon, CBS**  
Principal Secretary  
State Department for Arid and  
Semi Arid Lands  
NAIROBI

**Mrs. Esther Koimett, CBS**  
Principal Secretary  
State Department for  
Broadcasting and  
Communication  
NAIROBI

**Mr. Ali Noor Ismail, CBS**  
Principal Secretary  
State Department for  
Cooperatives  
NAIROBI

**Ms. Zeinab A. Hussein, CBS**  
Principal Secretary  
State Department for  
Correctional Services  
NAIROBI

**Mr. Julius Korir, CBS**  
Principal Secretary  
State Department for Devolution  
NAIROBI

**Dr. Jwan Ouma, CBS**  
Principal Secretary  
State Department for Early  
Learning and Basic Education  
NAIROBI

**Prof. Collette Suda, PhD, CBS,  
FKNAS**  
Principal Secretary  
State Department for Gender  
NAIROBI

**Mr. Jerome Ochieng, CBS**  
Principal Secretary  
State Department for Information  
Communication Technology &  
Innovation  
NAIROBI

**Dr. Francis Owino, PhD, CBS**  
Principal Secretary  
State Department for  
Industrialization  
NAIROBI

**Prof. Arch. Paul Maringa, CBS**  
Principal Secretary  
State Department for  
Infrastructure  
NAIROBI

**Eng. Peter K. Tum, CBS**  
Principal Secretary  
State Department for Labour  
NAIROBI

**Dr. Nicholas Muraguri, CBS**  
Principal Secretary  
Ministry of Lands  
NAIROBI

**Mr. Alfred K. Cheruiyot, CBS**  
Principal Secretary  
State Department for Post  
Training and Skills Development  
NAIROBI

**Mr. Nelson Marwa, CBS**  
Principal Secretary  
State Department for Social  
Protection  
NAIROBI

**Mr. Joe Okudo, CBS**  
Principal Secretary  
State Department for Sports  
Development  
NAIROBI

**Mr. Joseph Irungu, CBS**  
Principal Secretary  
State Department for Water,  
Sanitation and Irrigation  
NAIROBI

**Prof. Fred K. Segor, CBS**  
Principal Secretary  
State Department for Wildlife  
NAIROBI

**Mr. Charles Sunkuli, CBS**  
Principal Secretary  
State Department for Youth  
Affairs  
NAIROBI

**Mr. Charles Hinga Mwaura, CBS**  
Principal Secretary  
State Department for Housing  
and Urban Development  
NAIROBI

**Mr. Andrew Kamau, CBS**  
Principal Secretary  
State Department for Petroleum  
NAIROBI

**Mrs. Nancy Karigithu, CBS**  
Principal Secretary  
State Department for Shipping  
and Maritime  
NAIROBI

**Mrs. Mary Kimonye, CBS**  
Principal Secretary  
Ministry of Public Service  
NAIROBI

**Amb. Peter Kaberia, CBS**  
Principal Secretary  
State Department for Mining  
NAIROBI

**Dr. Julius Jwan Ouma**  
Principal Secretary  
State Department for Vocational  
& Technical Training  
NAIROBI

**Mr. Enosh Momanyi Onyango**  
Principal Secretary  
State Department for Physical  
Planning  
NAIROBI

**Amb. Simon Nabukwesi**  
Principal Secretary  
State Department for University  
Education and Research  
NAIROBI

**Mr. Kennedy Ogeto, CBS**  
Solicitor General  
Office of the Attorney General  
Sheria House  
NAIROBI

**REQUEST FOR ASSISTANCE IN FACILITATING THE PUBLIC PARTICIPATION  
PROCESS FOR THE REVIEW OF THE CLIMATE CHANGE REGULATIONS UNDER  
THE CLIMATE CHANGE ACT**

I write to you in reference to the above subject matter.

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The Climate Change Regulations to be developed include.

- I. Duties for public and Private entities, Monitoring, Reporting and Verification, Monitoring (MRV) and enforcement, (penalties, incentives)
- II. Public participation consultations and access to Climate Change information

The purpose of this letter is to request for support of the finalization of the public participation process by sharing the attached drafted regulations and the feedback forms to relevant officers from your institution. The draft regulations can also be downloaded from on the Ministry website, [www.environment.go.ke](http://www.environment.go.ke).

Comments on the regulations if any should be submitted in the attached forms by the 7<sup>th</sup> of April 2021 and should be addressed in writing to the Principal Secretary, the Ministry of Environment and Forestry through the Climate Change Directorate via postal address:

**The Principal Secretary  
Ministry of Environment and Forestry  
NHIF Building, Ragati Road  
P.O.BOX 30126-00100  
NAIROBI**

Or via email address [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke) with a copy [ccd@environment.go.ke](mailto:ccd@environment.go.ke)

For more information, please contact:


I. **Mr Samuel Muchiri**  
Deputy Director Climate Change Information and knowledge  
Management,  
Tel : +254719439126

II. **Mr. Brian Mounde,**  
Climate Change Officer,  
Tel : +254728841393

This request for submission of comments is in addition to the virtual Ministries  
Department Agencies (MDA's) Consultation meeting that was held on  
16<sup>th</sup> March, 2021.

For your necessary action.

Yours

*Sincerely*  


**DR. CHRIS KIPTOO, CBS**  
**PRINCIPAL SECRETARY**

Encl.



MINISTRY OF ENVIRONMENT AND FORESTRY

Office of the Principal Secretary

Telegrams: "NATURE", Nairobi  
Telephone: +254-20-2730808/9  
Email: [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke)  
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Raggati Road  
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NAIROBI

Ref: MEF/EMC/6/VOL VII/ (52)

26<sup>th</sup> March, 2021

**Eng. Silas M. Kinoti**  
Director General  
Kenya Urban Roads Authority  
Barabara Plaza-JKIA, off Airport South  
Road  
NAIROBI

**Prof. Ludeki Chweya, PhD, CBS**  
Director General/CEO  
Kenya School of Government  
Lower Kabete  
NAIROBI

**Mr. James Buyekane**  
Chief Executive Officer  
Huduma Kenya Secretariat  
Lonrho House, 15<sup>th</sup> Floor, Standard  
Street  
NAIROBI

**Dr. Katherine Gelao, EBS**  
Chief Executive Officer  
ICT Authority  
Teleposta towers, 12<sup>th</sup> floor,  
Kenyatta Avenue  
NAIROBI

**Amb. Dr. Samori A. Okwiya, PhD**  
Chief Executive Officer  
NEPAD Secretariat Kenya  
P.O. Box 46270-00100  
NAIROBI

**Mr. Miano Kiondo**  
Ag. Director General/CEO  
LAPSSSET Corridor Development  
Authority  
Chester House, 2<sup>nd</sup> floor, Koinange  
Street  
NAIROBI

**Dr. Eliud Kiplimo Kireger**  
Director General  
Kenya Agricultural & Livestock  
Research  
Organization  
Kaplagat Rd, Loresho  
NAIROBI

**Prof. Charles Ochieng' Ong'ondo**  
Chief Executive Officer/Director  
Kenya Institute of Curriculum  
Development  
Desai Rd, off Murang'a Rd  
NAIROBI

**Mr. Henry Obino**  
Chief Executive Officer  
Export Processing Zones Authority  
ATHI RIVER



**Dr. Norman Kiogora**  
Director  
Kenya Institute of Special Education  
Kasarani, Thika Superhighway Exit B  
Off Kasarani - Mwiki Road  
NAIROBI

**Dr. Evanson N. Kamuri**  
Chief Executive Officer  
Kenyatta National Hospital (KNH)  
P.O Box 20723-00202  
NAIROBI

**Prof. Julius Gordon Tanui, PhD**  
Ag. Director General  
Kenya Water Towers Agency  
NHIF Building, Ragati Road, 15<sup>th</sup> Floor  
NAIROBI

**Mr. Josiah Moriasi Arabu**  
Chief Executive Officer  
Youth Enterprise Development Fund  
4<sup>th</sup> Floor Renaissance Corporate Park,  
Elgon Rd Upper Hill  
NAIROBI

**Mr. Joseph Waweru**  
Ag. Managing Director  
Pyrethrum Processing Company of  
Kenya  
P. O. Box 420-20100  
NAKURU

**Dr. Ruth Laibon-Masha**  
Chief Executive Officer  
National AIDS Control Council  
(NACC)  
Landmark Plaza, 9<sup>th</sup> Floor, Argwings  
Kodhek Rd  
NAIROBI

**Mr. Mohamed Moulid Shurie, HSC**  
Chief Executive Officer  
Water Resources Authority  
NHIF Building, 9<sup>th</sup> Floor, Wing B  
NAIROBI

**Mr. Mamo Boru Mamo**  
Director General  
National Environment Management  
Authority  
Popo Road, South C, off Mombasa  
road  
NAIROBI

**Mr. Andrew Saisi**  
Chief Executive Officer/Managing  
Director  
National Housing Corporation  
NHC House, Aga Khan Walk  
NAIROBI

**Ms. Matilda Sakwa Director**  
General National Youth Service  
P.O. Box 30397-00100  
NAIROBI

**Ms. Josephine Sinyo**  
Ag. Commission Secretary/CEO  
Kenya Law Reform Commission  
Reinsurance Plaza, 3<sup>rd</sup> Floor, Taifa  
Road  
NAIROBI

**Col. (Rtd.) Charles Owino**  
Director/CEO  
National Disaster Operations Centre  
Nyayo House, 3<sup>rd</sup> Floor, North Wing  
NAIROBI

**Dr. Henry Kibet Mutai**  
Director/Chief Executive Officer  
Kenya School of Law  
Langata South Rd  
NAIROBI

**Mr. Peter L. Lengapiani**  
Head of Secretariat  
Uwezo Fund Oversight Board  
Lonrho House, 16<sup>th</sup> Floor, Standard  
Street  
NAIROBI

**Prof. Michael Kiptoo**  
Chief Executive Officer  
Kenya Medical Training College  
Off Ngong Road  
NAIROBI

**Mrs. Bernadette Resian Loloju**  
Chief Executive Officer/Secretary  
ANTI-FGC Board  
Railway Headquarters, Southern  
Wing, Block D  
2th floor, Haile Selassie Avenue  
NAIROBI

**Mr. Josiah K. Musili, NBS**  
Director  
Directorate of National Cohesion and  
Values  
Exelcoms House, Haile Selassie Avenue  
NAIROBI

**CPA Fernandes Barasa, OGW**  
Managing Director/CEO  
Kenya Electricity Transmission Co. LTD  
Kawi Complex, Block B, Popo lane, off  
Red Cross Road, South C  
NAIROBI

**Mr. Julius Wambugu Kamau**  
Chief Conservator of Forests  
Kenya Forest Services  
P. O. Box 30513 -00100  
NAIROBI

**Eng. Jared O. Othieno**  
Managing Director/CEO  
Geothermal Development Company  
Kawi House, South C, Bellevue/Popo  
Lane off Cross Road  
NAIROBI

**Mrs. Rebecca Miano, MBS**  
Managing Director/CEO  
Kenya Electricity Generating Company  
Plc (KenGen)  
KenGen Pension Plaza  
NAIROBI

**Mr. Philip J. Mainga**  
Managing Director  
Kenya Railways Corporation  
Workshops Road, off Haile Selassie  
Avenue  
NAIROBI

**Mr. Titus Lotee**  
Chief Executive Officer  
National Government Affirmative  
Action Fund (NGAAF)  
ABSA Plaza, 16<sup>th</sup> floor  
P. O. Box 48274- 00100  
NAIROBI

**Mr. Henry M. Rithaa**  
Chief Executive Officer  
Micro and Small Enterprise Authority  
Utalii House, Utalii Lane, 10<sup>th</sup> Floor  
NAIROBI

**Mr. James Ndwiga**  
Director  
National Council for Persons with  
Disabilities  
Kabete Orthopedic Compound,  
opposite ABC Place,  
Along Waiyaki Way  
NAIROBI

**Mr. Jack Wafula Emusolo**  
Ag. Chief Executive Officer  
Kenya National Library Service  
Buru-Buru, Mumias Road/Ol Donyo  
Sabuk Rd Junction  
NAIROBI

**Mr. Alex Gitari**  
Ag. Managing Director/CEO  
Kenya Airports Authority  
Off Airport North Road  
NAIROBI

**Dr. Isaac M. Noor**  
Chief Executive Officer  
Kenya Leather Development Council  
CPA Center, 5<sup>th</sup> Floor, Thika Road  
NAIROBI

**Mr. Ismail Shaiye**  
Chief Executive Officer  
Water Sector Trust Fund  
1<sup>st</sup> Floor, CIC Plaza, Mara Road, Upper  
Hill  
NAIROBI

**Mr. Charles Ringera**  
Chief Executive Officer  
Higher Education Loans Board  
(HELB) Anniversary Towers, 19<sup>th</sup>  
Floor  
NAIROBI

**Mr. George M. Kinoti, CBS**  
Director  
Directorate of Criminal Investigations,  
Mazingira Complex, Kiambu Rd,  
Opp. Kenya Forest Service  
Headquarters, Karura  
P. O. Box 30036-00100  
NAIROBI

**Eng. Rashid Salim**  
Ag. Managing Director  
Kenya Ports Authority  
P. O. Box 95009-80104  
MOMBASA

**Eng. Charles Mwirigi**  
Director  
Women Enterprise Fund  
NSSF Building, Block A, Eastern Wing,  
11<sup>th</sup> Flr  
NAIROBI

**Mr. George Njao**  
Director General  
National Transport and Safety  
Authority  
Hill Park Building, Upper Hill  
NAIROBI

*Dear CEOs*

**REQUEST FOR ASSISTANCE IN FACILITATING THE PUBLIC PARTICIPATION  
PROCESS FOR THE REVIEW OF THE CLIMATE CHANGE REGULATIONS UNDER  
THE CLIMATE CHANGE ACT**

I write to you in reference to the above subject matter.

The Ministry of Environment and Forestry through the Climate Change Directorate is developing Climate Change regulations to provide clarity, guide the implementers on the application of the law and provide further interpretations to the provisions of the Climate Change Act.

The Climate Change Regulations to be developed include.

- I. Duties for public and Private entities, Monitoring, Reporting and Verification, Monitoring (MRV) and enforcement, (penalties, incentives)
- II. Public participation consultations and access to Climate Change information

The purpose of this letter is to request for support of the finalization of the public participation process by sharing the attached drafted regulations and the feedback forms to your members. The draft regulations can also be downloaded from on the Ministry website, [www.environment.go.ke](http://www.environment.go.ke).

Comments on the regulations if any should be submitted in the attached forms by the 7<sup>th</sup> of April 2021 and should be addressed in writing to the Principal Secretary, the Ministry of Environment and Forestry through the Climate Change Directorate via postal address:

**The Principal Secretary**  
Ministry of Environment and Forestry  
NHIF Building, Ragati Road  
P.O.BOX 30126-00100  
**NAIROBI**

Or via email address [psoffice@environment.go.ke](mailto:psoffice@environment.go.ke) with a copy [ccd@environment.go.ke](mailto:ccd@environment.go.ke)

For more information, please contact:

- I. **Mr Samuel Muchiri**  
Deputy Director Climate Change Information and knowledge Management,  
Tel : +254719439126
  
- II. **Mr. Brian Mounde,**  
Climate Change Officer,  
Tel : +254728841393

This request for submission of comments is in addition to the virtual adaptation and GHG working groups consultations that was held on the 10<sup>th</sup> and 15<sup>th</sup> of March, 2021.

For your necessary action.

Yours *Sincerely*



DR. CHRIS KIPTOO, CBS  
PRINCIPAL SECRETARY

Encl.



## **ANNEX2**

### **LIST OF PARTICIPANTS**





Attendance list for the Validation Workshop held on 25<sup>th</sup> September 2021

Pac	Name	Institution	Designation	Phone No.	Email
1	Brian Mounde	Ministry of Environment & Forests	Climate Change Officer	0728841393	briannmounde@gmail.com
2	Mwanzia Kyambia	Nyandarua County Government	Director Climate Change	0720404527	mwanziakyambia76@gmail.com
3	John Letai	County Government of Laikipia	Director Climate Change	0722670503	iletai7@gmail.com
4	Ayuma Likhanga	Petroleum Institute of East Africa	Business Analyst	0722221120	analyst@petroleum.co.ke
5	Isaac oindo	YWCA	Programs Officer-Climate Change	0728439293	ioindo@ywcakenya.org
6	Benjamin wakilo	YWCA Kenya	Programs Officer	0721700820	bwakilo@ywcakenya.org
7	Dawn Aloo	Kenya Forest Service	Climate Change Intern	0728424643	dawnchristine1496@gmail.com
8	Winrose Rono		Principal Curriculum Developer	0722698099	
9	Gibson Kiragu		Head Climate Change and Education	0722421755	gibson.kiragu@gmail.com
10	Caroline Ouko		Senior Research Scientist	0714496886	oukoca@gmail.com/c.ouko@icetrad.org
11	Janet Olewe	Water Resources Authority	Asst. Manager, Legal Services	0720567257	janetolewe@gmail.com
12	Rose Akombo	Kenya Forest Service	Principal Conservator of Forests	0727682925	rakombo@gmail.com
13	Dr. Benjamin Kinyili	Kenya Forest Service	Asst. Chief Conservator of Forests	0723393737	bmkinylili@yahoo.com
14	Callistus Makokha	Beta Healthcare International Ltd	EHS Manager -SSA	0722506197	cmakokha@ke.aspenpharma.com
15	Faith Chirchir		Principal State Counsel	0720759625	faithchirchir@gmail.com
16	Elly Onyango		HSE Officer	0725740903	elly@jpskenya.com
17	Pacific Ogola	Ministry of Environment & Forests	Director, Climate Change Directorate		pacie04@yahoo.com
18	James Mello	KenGen Plc	Chief Engineer Climate Change	0722643541	jmetto@kengen.co.ke
19	Moses Wanyingi	Higher Education Loans Board	Senior Officer, External Resources	0721897928	mwanyingi@helb.co.ke
20	Vivianne Mutua	Higher Education Loans Board	Legal	0721774763	vmutua@helb.co.ke
21	Kennedy Malheka	State Department for Public Works	Climate change Focal Officer	0731826136	kenmatheka@gmail.com
22	Eng Laban kiplagat	ministry of agriculture	Director Agriculture land and fisheries	0722366888/07	labankiplagat@yahoo.com
23	Maimuna Kabatesi		Country Engagement Manager		mkabatesi@hivos.org
24	Mwongera Murungi	National Housing Corporation	Environmental Planner	0721638035	mmurungi@nhckenya.go.ke
25	Simon Thuo	Resilience Centre, Nairobi	Consultant	0703116932	simonthuo@gmail.com
26	Fridah Muinde		Head Research, NACC	0722609647	fmuinde@nacc.or.ke
27	Mary Kanini	Interior and Citizen Services	Assistant Secretary	0715189932	myritech@gmail.com
28	Willis Ochieng	Kenya Electricity Generating Corporation	Chief Energy Planner	0722861707	wochieng@kengen.co.ke
29	Janet Tulula	Ministry of Devolution and ASAL	Environmental safeguards specialist	0706462634	janettulula@gmail.com
30	Caroline Muryiri	MOE, State Dept. of Univ. Educ.	Principal Research Officer,	0721313971	cimcaroline060@gmail.com
31	Lee Miano	Anjarwalla & Khanna	Associate	0070332000	lhm@africalegalnetwork.com
32	Titus Mabeya	Higher Education Loans Board	Accountant, Finance Department	0720095813	tmabeya@helb.co.ke

33	Jackson K. Kinyanjui	Climate Change Kenya Organiz	Founder	0721525349	info@climatechangekenya.org / jackson
34	Joseph Chepkurgor	Higher Education Loans Board	Risk Management	07229961761	ichepkurgor@helb.co.ke
35	Sheila Shefo Mbiru	Kenya Forestry Research Institu	Head, Knowledge Managemen	0721527994	sheliambiru@gmail.com
36	Mary Ndungu	State Department of Housing an	Ag. Director, Slum Upgrading	0719530179	
37	Winstone Gicheru	Kenya Civil Aviation Authority			
38	Dr. Mary Morara	MWSS&I	Deputy Director	0720488335	mkmorara@gmail.com
39	Eng. Michael Muchiri	State Department for Transport	SPSE	0733798914	michaelmuchiri360@gmail.com
40	Nathan Yego	State Department for Public Wo	Assistant Engineer	0729749437	yego.nate@gmail.com
41	Elvis Kiarie	MEF	ICTO	0721915340	elvis@environment.go.ke
42	John Mwiseeghe	WRO	Lead CRICL	0722615378	
43	Betsy Bowen	KIRDI	Research Scientist	0741132804	bowenb52@gmail.com
44	Evaline Kuyo	State Department for Trade and	Senior Trade Development Of	0727213019	kuyoeva@gmail.com
45	Mariam Karanja	Clean Cooking Association of K	Programme Manager	0727875766	mkaranja@ccak.or.ke
46	Kal'thoun Kadhi	Huduma Kenya Secretariat	Head Customer Experience	0717266711	kkadhi@hudumakenya.go.ke
47	Kelvin Nderitu	County Government of Nyandar	Climate Change Officer	0797432999	nderitukelvin08@gmail.com
48	Brenda Kamangara	Sanergy/Fresh Life	Policy and Legislation Resear	0790320515	brenda.kamangara@saner.gy
49	Yona Okusi	County Government of Trans-N	Environment Officer	0706634311	yonaokusi11@gmail.com
50	Victor Gathogo	SNV Netherlands Development	Advisor	0725898989	vgathogo@snv.org
51	Psamson Nzioki	Conservation International	Programme Manager	0721268212	pnzioki@conservation.org
52	Augustine Kenduwo	Ministry of Environment & Fores	Deputy Director	0792100263	augustikend1990@gmail.com
53	Lerenten Lelekoitien	MEF/CCD	Deputy Director	0721690963	lerenten12@gmail.com
54	Dale Onyango	Natural Justice	Legal Fellow	0703253357	pascaldaler18@gmail.com
55	E Kimani Mukiri	MEF	ICTO	0722218043	emukiri@environment.go.ke
56	James O. Odhiambo	Sustainable Rural Initiatives (SR	Projects Coordinator	0729848380	jamesogutu5@gmail.com
57	Amb Makena Muchiri	Kenya Mission to UNEP	Permanent Representative	0721728088	amb.makena@gmail.com
58	Moses Mwendu	Kenya Mission to UNEP	Second Secretary	721638080	mmwendu.m@yahoo.com
59	Robert Waquchu Ngai	Kenya Mission to UNEP	Third Secretary	0723592447	ixtrinhob@gmail.com
60	Fritz Noel Achola	Higher Education Loans Board	Manager (Research, Strategy	0720731034	fnachola@helb.co.ke
61	Phanice Mokeira	UNDP	Programme Management Ass	0725881325	phanice.ombati@undp.org
62	Erick Omollo	Konrad-Adenauer-Stiftung e.V.R	Research Officer	0726624824	omolberick88@gmail.com
63	Francis K. Mwangi	Kenya Civil Aviation Authority	Senior Economist/ Focal Poin	0724235395	frwangi@kcaa.or.ke
64	Lillian Shigoli	Ministry of Defence	Legal officer	0723572908	lillianshigoli@gmail.com
65	Frank Msafiri	SusWatch Kenya		0721344707	frankmsafiri46@gmail.com

99	Nelly Kosgey	Uwezo Fund Oversight Board	Corporate Affairs and Commu	0720773497	nellykosgeykulei@gmail.com
100		state department of wildlife			
101	Joshua Were				
102	Lindah Nechesah	Murua & Kanjama Advocates	Lawyer	0727084191	lindahkakai1@gmail.com
103	John mwangi machari	LAPSSSET Corridor Development	S.Environmentalist	0728745894	jmacharia@lappsset.go.ke
104	Gitonga K. Angelo	County Government of Mer	Director of Environment and C	0725851659	angeloklogora@gmail.com
105	Anne Nyalichi Omami	National Environment Managem	Chief Compliance Officer/Clim	0710240709	anomambia2002@yahoo.co.uk
106	Lydia Omare	State Department for Transport	Economist	0719682500	omarelydia99@gmail.com
107	Godfrey Wekesa	CGTN Water, Environment and	Director Environment	0723628996	godfreywekesa2010@gmail.com
108	Monticah njogu	state department for wildlife			
109	Jemmimah Luka	State Department for Transport	Economist	0790247392	jemmysyo@gmail.com
110	Michael Kiplagat	HELB	Officer	0724208940	mkiplagat@helb.co.ke
111	Jane Nyandika	National Environment Managem	Chief Environmental Enforcen	0729024430	janeamwoma@gmail.com
112	Robin Rotich	State Department of Transport	legal	0727243804	rotichrobin@gmail.com
113	Harun Kiogora Mukiiri	Global Compact Network Kenya	Participant Engagement Mana	0725492119	harun.mukiiri@globalcompactkenya.org
114	Christine Githaiga	Huduma Kenya Secretariat	Program Officer Quality Mana	0721867198	gmumbi4@gmail.com
115	Esther Gacanja	State Department for Transport	Principal Economist	0725602822	wairimuessy2008@yahoo.com
116	Veronica Wanyora	Council of Governors		0714119063	veronicawanyora.tnrm@cog.go.ke
117	ODHIAMBO ODAWA	Director-KEREA & THE S.M.A.F	Executive ManagementBoard h.	0706605406	odawaodhiambo@gmail.com
118	Dr. John Mumbo	National Environment Managem	Principal Compliance Officer	0723856480	jomumbo@yahoo.co.uk
119	Linda Wambua	Ministry of Environment and For	Climate Change Intern	0727062563	lindawambua08@gmail.com
120	Dr. Jisper M. Omwen	National Environment Managem	Principal Environmental Researcher		jomwenga75@gmail.com
121	Simon Wokabi	Kafi Green/Quambio	Founder/CEO	0720564878	kafi@kafigreen.com
122	Grace Karanja	County Government of Nakuru	County Director Climate Chan	0718541020	neemah.karanja2009@gmail.com
123					
124					
125					
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129					
130					
131					

Session detail for 'Stakeholder engagement meeting with the Private Sector, Media and Religious Groups' 7th April 2021

Par Name	Email	Registered	Start time	End time	Duration	Network
1 Alvin Kisumba	kisumba56@gmail.com	Yes	10:42 AM	12:27 PM	106 mins	External
2 andrew muma	mumamumalaw@yahoo.com	Yes	10:14 AM	1:10 PM	177 mins	External
3 Bellinda Akello	Bellindaakello@gmail.com	No	10:26 AM	1:10 PM	165 mins	External
4 Brian Mounde	brianmounde@gmail.com	Yes	11:00 AM	1:10 PM	131 mins	External
5 Carolyn Kimutai	Kearolyn80@gmail.com	Yes	10:36 AM	12:01 PM	85 mins	External
6 Daniel Chege	daniel.chege@cityfresh.co.ke	No	10:46 AM	10:46 AM	1 min	External
7 Michael Sayo	michael@mandomaasai.org	No	10:24 AM	12:27 PM	123 mins	External
8 E.Kitmani Mukiri	emukiri@environment.go.ke	No	9:41 AM	10:33 AM	52 mins	External
9 emile	emile.fulcher@stimboda.com	No	10:22 AM	10:43 AM	21 mins	External
10 Francis Romano	romano@knightsandapps.com	No	10:18 AM	12:25 PM	128 mins	External
11 Georgina Wachuka	georgina.wachuka@kam.co.ke	Yes	10:02 AM	12:26 PM	144 mins	External
12 Godwin	godwin.lerngo@bayer.com	Yes	10:08 AM	12:25 PM	138 mins	External
13 James Thonjo	jammoh.soni@gmail.com	Yes	10:01 AM	1:10 PM	190 mins	External
14 Jason Gras   STIMA Mobility Ltd	jason.gras@stimboda.com	No	10:47 AM	11:42 AM	56 mins	External
15 Judy Munge		No	10:34 AM	12:25 PM	111 mins	External
16 Kennedy	bkolwasi@gmail.com	No	10:43 AM	12:27 PM	104 mins	External
17 Kevin Ong'are	kevinongare@gmail.com	Yes	10:21 AM	11:24 AM	63 mins	External
18 Kiko	mutungakko@gmail.com	No	10:37 AM	12:15 PM	98 mins	External
19 Larenten Lelekoiten	larenten12@gmail.com	Yes	10:30 AM	11:27 AM	58 mins	External
20 Lilian-Mutio Climate Change Dir	lilianmutio@gmail.com	Yes	10:37 AM	12:02 PM	85 mins	External
21 Lydiah Wahome	lydiahwahome@gmail.com	Yes	10:27 AM	1:10 PM	164 mins	External
22 mercy Avisia	mercyavisia@gmail.com	Yes	10:36 AM	11:54 AM	78 mins	External
23 Michael Okumu	ochiengokumu@gmail.com	No	11:40 AM	1:10 PM	91 mins	External
24 Muchiri Samuel	muchrif66@yahoo.com	No	10:29 AM	1:10 PM	162 mins	External
25 Muma & Kanjama Advocates	onyawira@mumakanjama.com	No	10:08 AM	1:10 PM	183 mins	External
26 Pacifica Achieng	pacie04@yahoo.co.uk	No	12:33 PM	1:10 PM	38 mins	External
27 Peter Oloo	ceo@socialenterprise.or.ke	No	10:53 AM	11:11 AM	19 mins	External
28 Psamson NzioKI	pnzioKI@conservation.org	Yes	10:10 AM	12:25 PM	136 mins	External
29 Ressa Kombi	ressakombi@gmail.com	Yes	10:56 AM	1:10 PM	135 mins	External
30 saida	saidaatkiya@gmail.com	No	11:33 AM	1:10 PM	98 mins	External
31 SHEILA MORAA	moraashella@gmail.com	Yes	11:11 AM	12:30 PM	79 mins	External
32 Sweeny Ogeto	osweeny@gmail.com	No	11:16 AM	12:26 PM	71 mins	External
33 Yvonne	yvonnemnyokabi@gmail.com	Yes	10:37 AM	1:10 PM	154 mins	External

Session detail for 'Stakeholder engagement meeting with Ministries, State Corporations & Government Agencies, and Academia':  
held on 1st April 2021

Partic Name	Email	Registered	Start time	End time	Duration	Title	Network
1 Alvin Kisumba	kisumba56@gmail.com	Yes	10:08 AM	10:13 AM	5 mins	Intern	External
2 andrew muma	mumamumalaw@yahoo.com	No	10:41 AM	12:36 PM	116 mins		External
3 Benjamin Kibor	bkibor2001@yahoo.com	Yes	10:12 AM	11:30 AM	79 mins	Livestock production	External
4 berly aseyo	baseyo@kpa.co.ke	Yes	10:36 AM	12:38 PM	122 mins	environment officers	External
5 Brian Mounde	brianmounde@gmail.com	Yes	9:57 AM	12:38 PM	161 mins	Climate Change Officer	External
6 Caroline Ouko	c.ouko@cetrad.org	Yes	10:17 AM	12:36 PM	140 mins	Senior Research Scientist	External
7 Carolyne Kimutai	kcarolyn80@gmail.com	Yes	10:26 AM	11:01 AM	35 mins	CCD Intern	External
8 Charles Kanjama	cnkanjama@yahoo.com	No	10:40 AM	12:38 PM	118 mins		External
9 E. Kimani Mukiri	emukiri@environment.go.ke	No	9:46 AM	10:14 AM	28 mins		External
10 Esther Gacanja	wairimuessy2008@yahoo.com	Yes	10:32 AM	12:36 PM	125 mins	Principal Economist	External
11 James Metto	jmetto@kengen.co.ke	Yes	10:02 AM	11:00 AM	59 mins	Chief Engineer Climate Ch	External
12 James Thonjo	jammoh.sonj@gmail.com	Yes	10:04 AM	12:38 PM	154 mins	climate change officer	External
13 Jane Mbogo	jmbogo@kengen.co.ke	Yes	10:13 AM	11:01 AM	48 mins	Environmental Scientist	External
14 Joshua were	jwere@kengen.co.ke	Yes	10:22 AM	11:01 AM	39 mins	Environment and Sustaina	External
15 Kennedy Wafula	simiyuken2000@gmail.com	Yes	10:54 AM	12:36 PM	103 mins	Assistant Director Environ	External
16 Kevin Ong'are	kevinongare@gmail.com	Yes	10:14 AM	11:58 AM	105 mins	Climate Change Director	External
17 Kinguru Wahome	kingurungesh@gmail.com	Yes	10:07 AM	12:38 PM	151 mins	Deputy Director	External
18 kiplaban2017	kiplaban2017@gmail.com	No	11:21 AM	12:11 PM	51 mins		External
19 KIRDI	kelvinnamukhasi@gmail.com	No	10:44 AM	12:38 PM	115 mins		External
20 Larenten Lelekoitien	lerenten12@gmail.com	Yes	10:31 AM	12:37 PM	127 mins	DD	External
21 Lilian Mutio CCO-CCD	lilianmutio@gmail.com	Yes	10:22 AM	12:38 PM	136 mins	Cco	External
22 Lulu Fregoni	tenshilaw07@gmail.com	Yes	10:51 AM	12:37 PM	107 mins	PSC	External
23 Lydiah Wahome	lydiahwahome@gmail.com	Yes	10:17 AM	12:38 PM	141 mins	CCD Intern	External
24 Mary Morara	mkmorara@gmail.com	Yes	10:42 AM	11:27 AM	45 mins	Deputy Director-irrigation	External
25 mercy Avisa	mercyavisa@gmail.com	Yes	10:19 AM	12:38 PM	139 mins	CCO	External
26 Michael Okumu	ochiengokumu@gmail.com	Yes	11:11 AM	12:37 PM	87 mins	DD	External
27 Michelle Liza	mpakute@gmail.com	Yes	10:03 AM	12:38 PM	156 mins	Planning Engineer	External
28 Muchiri Samuel	muchrif66@yahoo.com	No	10:15 AM	12:38 PM	143 mins		External
29 Muma & Kanjama Advoc	info@mumakanjama.com	No	10:13 AM	12:38 PM	145 mins		External
30 Mwangi Kinyanjui	mwangikinyanjui@gmail.com	Yes	10:36 AM	10:59 AM	24 mins	Lecturer	External
31 Peter Maneno	petermaneno2011@gmail.com	Yes	11:10 AM	11:57 AM	47 mins	Engineer	External

ce	phanykeira@gmail.com	No	10:19 AM	12:10 PM	112 mins		External
r Muthoni	njeri.purity@ku.ac.ke	Yes	10:03 AM	12:36 PM	153 mins	Lecturer	External
si Okinyi	rachelokinyi@gmail.com	Yes	10:04 AM	12:38 PM	154 mins	Researcher	External
Kombi	ressakombi@gmail.com	No	10:00 AM	12:38 PM	158 mins		External
Akombobon	rakombobon@gmail.com	Yes	10:10 AM	11:07 AM	58 mins	Conservator of Forests	External
on	sodulo@uonbi.ac.ke	Yes	10:02 AM	10:49 AM	47 mins	Senior Lecturer	External
itica Ndetu	vndetu@yahoo.com	No	11:36 AM	12:16 PM	41 mins		External
er Nyatwanganga	w.nyatwanganga@kenha.co.ke	Yes	9:58 AM	12:36 PM	159 mins	Deputy Director, Environm	External
ed Kagimbi	wilfredkagimbi@gmail.com	Yes	10:08 AM	12:37 PM	149 mins	Technical Advisor	External
ne	yvonnenenyokabi@gmail.com	Yes	9:58 AM	12:38 PM	160 mins	Climate Change Specialist	External

**ANNEX 3**

**COMMENTS RECEIVED AND RESPONSES**





PUBLIC PARTICIPATION CONSULTATIONS & ACCESS TO CLIMATE CHANGE INFORMATION (DRAFT) REGULATIONS, 2021:

SUMMARY OF WRITTEN RESPONSES RECEIVED FROM VARIOUS STAKEHOLDERS CONSULTED IN THE PUBLIC PARTICIPATION PROCESS

Name	Organization	Proposed Amendment	Rationale for the Proposed amendment	Has the proposal been incorporated? d? Yes/No	Justification for including or excluding the proposal and general comments
Edwin Muga	County Government of Kisii, Fisheries Department	Reword Section 24 (2) to read "the annual report shall be an..." instead of "the Annual Report shall an..."	Clerical error	Yes	Clerical error corrected
-	State Department for Planning	Consider adding the word "Consultations" to the sentence in the Abstract to read... 'The Climate Change (Public Participation Consultation and Access to Climate Change Information) Regulations Reword Section 24 (2) to read "the annual report shall be an..." instead of "the Annual Report shall an..."	To ensure consistency with the naming of the Regulation  Clerical error	Yes  Yes	Word "Consultations" added  *recurring comment* Clerical error corrected
-	Environment Institute of Kenya (EIK)	Paragraph 2. Further clarity on who constitutes the council is required	Definition of council as given in the draft is incomplete. Expound on its constitution	No	The definition of the Council under the Regulations refers to that established under the Climate Change Act and as such there is no need to define further under the Regulations.
		Paragraph 4(3)(c). The form of evidence expected should be indicated e.g. Returns on feedback should be made to the council at stated intervals as prove of adherence to the process	Feedback received from the process on monthly basis as could serve as evidence of ongoing process	No	Paragraphs 12-16 provide for how the feedback from the public should be received and processed, including the giving of reasons for inclusion/exclusion of feedback and the reasons thereon. This forms the evidence referred to under Paragraph 4(3)(c)

	Paragraph 7(1). Authority shall provide verifiable opportunities	A statement that opportunities have been created may not be adequate proof	No	No proposal has been made.
	Paragraph 9(4) and 18(2)(b). Copies of such information shall be obtainable freely	Copies should not be charged since this shall discourage access to information	Partially	The paragraph has been redone to remove the explanation of costs. So that it remains the discretion of the Responsible Authority on whether to charge and how to go about it if applicable.
	Paragraph 13(4). Name of region should also be included	To capture the coverage process in the country	No	This is captured in the Forms under Schedule 1. As such, there is no need to include under Paragraph 13(4).
	Paragraph 22(1). The Government through the Ministry of Education can introduce a subject on climate change at a certain level of education	The Ministry of Education is well established in the dissemination of knowledge especially to the younger generation	No	From the discussions with CCD, it was agreed that the Regulation was in order as it stipulates a duty on CCD to ensure capacity development and to report on the progress.
	Paragraph 24(1), (2) and (4). Council shall....	Need to clarify whether Directorate and Council are used interchangeably or one	No	The paragraph is clear that it is the Directorate.
	Reward Section 24 (2) to read "the annual report shall be an..." instead of "the Annual Report shall an..."	Clerical error	Yes	*recurring comment* Clerical error corrected
<b>State Department for Housing and Urban Development</b>	Paragraph 22(2)(b). Needs to be deleted	It can be catered for in Section 23	No	It is important to keep the paragraphs separate as they refer to distinct responsibilities. Paragraph 22 being duty owed by CCD to build capacity in respect of the public and 23 being duty owed by CCD to build capacity in

		Paragraph 24. Annual reporting to Parliament be biannual	For consistency with preparation of capacity development report	Yes		respect of itself. Incorporated.	
	<b>Fisheries Directorate, Kisii County Government</b>	Reword Section 24 (2) to read "the annual report shall be an..." instead of "the Annual Report shall an..."	Clerical error	Yes		*recurring comment* Clerical error corrected	
	<b>Ministry of Petroleum and Mining</b>	Paragraph 2: "Cabinet Secretary" means the Cabinet Secretary of the Ministry for the time being responsible for matters relating to climate change	The definition of the term Cabinet Secretary should be same as the one in the Climate Change Act 2016	Yes		Incorporated for purposes of consistency.	
		Paragraph 3. "Public entity" means a body or person with functions of a public nature; "Private entity" means a body or person with functions of a private nature, and includes bodies registered under the Public Benefits Organizations Act, 2013	It is important to include the interpretation of the terms as per the Climate Change Act	Yes		Incorporated for purposes of clarity.	
		Paragraph 5. A Kenya law, policy or instrument touching on climate change that shall have the effect of altering the conduct of citizens or operation of entities in Kenya must undergo the public participation process under this Act		No		Paragraph 3 is clear that the Regulations apply to Kenyan public and private entities and Kenyans in general. As such there is no need to specify further under paragraph 5.	
		Paragraph 6. Include all levels of government	As put in the Climate Change Act 2016 Section 24(1)			This is covered under Paragraph 5. Paragraph 6 concerns itself only with climate change law and policy changes, the responsible Authority of which is the Ministry.	

	<p>Paragraph 10. "The Responsible Authority shall establish a mechanism to ensure that the Call for Comments and the public attains the widest reach and may in addition to the methods stipulated under the Act, publicize the notice in one or more of the following ways: a) My.GOV publication</p>	<p>Include state owned My.GOV publication</p>	<p>No</p>	<p>It was expected that this forms part of the Daily Newspaper referred to under the Act as the publication is distributed as part of the Dailies.  It was also agreed that it is improper to specify the name of the publication as it may change or be discontinued; thereby requiring the Regulations to be amended to keep up with such developments.</p>
	<p>Paragraph 12. Upon receiving comments pursuant to paragraph 11 of Responsible Authority shall issue 14 - day notice to hold a public hearing for the purpose of finalizing the Comments Period of.</p>	<p>What should be the period between receiving comments and holding a public hearing?</p>	<p>No</p>	<p>There is a danger in specifying a specific timeline within which to have conducted the public consultations; given the dynamic environment most government offices work in. It is prudent to leave the Regulation open and to only provide that the timeline be reasonable.</p>
	<p>Paragraph 12(1) by adding. a) A notice for a public hearing and appropriate method to publicize the Forum be used b) The date and the venue(s) of the Public hearing be communicated</p>		<p>Yes</p>	<p>We have incorporated a Schedule in which the format for publicizing the Public Participation exercise has been given.</p>
	<p>Reward Section 24 (2) to read "the annual report shall be an..." instead of "the Annual Report shall an..."</p>	<p>Clerical error</p>	<p>Yes</p>	<p>*recurring comment* Clerical error corrected</p>

		Paragraph 24 by adding 5) The Directorate shall ensure documentation and publication of IKS of different regions in Kenya and related records are maintained effectively and are easily accessible by the public.	Indigenous Knowledge System (IKS) in adaptation and mitigation of climate change	Yes	We have included under Paragraph 20, a duty on the Directorate to keep and maintain records of Indigenous Knowledge Systems (IKS) of different regions in Kenya and to ensure that such records are made easily accessible to the public, for purposes of promoting quality public participation.
		Paragraph 24(2). Not flowing		No	No proposal has been given.
		Schedule 1. Public Participations Forms, add -Huduma Number -Phone numbers	People are always hesitant to give their ID	Partially	We have added Phone Number and Email Address among the details to be requested from the participant.
	<b>Kenya Forest Service</b>	Paragraph 9(1) and (6). There is need to use the word "THE" instead of "A"		No	The word "a" and "the" have been used according to the context.
		Paragraph 10(1). There is need to define community engagement methods and the minimum threshold(number of participants)	When we mention public meetings and community engagement, do they mean the same or should there be a clarity for each one of them	No	To avoid ambiguity or the possibility of locking out some methods, it is important for us to retain both.

	<p>Paragraph 10. Could it just remain public and then broken down to various fora's instead of treating community engagement differently from public hearings?</p>	<p>If an announcement was made in a church for invitation of comments is that public or community?</p>	<p>The additional methods proposed are simple for purposes of exhausting all possible ways.</p>
	<p>Paragraph 11(3). The use of THE and A applies as noted above. Use the Responsible Authority.</p>		<p>*repeated comment* The word "a" and "the" have been used according to the context.</p>
	<p>Paragraph 12. Gives a background on how to treat comments as they come but does not address where there are no responses from the call.  Paragraph 13. define where publication of the feedback will be done and I propose using the same process as the one used to solicit for the call for comments.</p>	<p>There is also need to ensure participation is all inclusive to avoid situations where only the elite are able to contribute</p>	<p>This is addressed under Paragraph 14.  We have incorporated under Paragraph 16, a requirement on the Responsible Authority to publish the Record of the Decision on its website and to avail the information in hard copies from its offices if need be</p>
	<p>Paragraph 14. Use "THE" instead of "A"</p>		<p>*repeated comment* The word "a" and "the" have been used according to the context.</p>
	<p>Paragraph 18. Need to check if the guiding principles can be merged together with Paragraph 4 since they are related. This could also be checked for Paragraph 19 and 9 respectively</p>	<p>No</p>	<p>The sections on Public Participation and Access to Information are separated. It is important that the guiding principles are also separated for clarity.</p>
	<p>Paragraph 20. The signing and ratification require to be subjected to the public consultation since every step either signing or ratification is a</p>	<p>No</p>	<p>It was agreed that we do away with international instruments.</p>

	decision made.				
	Paragraph 21. Whereas it captures all segments of the community, it is important to be seen as progressive and the current national issues on the debate of the Boy Child requires to be brought here as a special interest group.			No	The classifications under paragraph 20 have been informed by the Constitution and affirmative action practices in general.
	Paragraph 24. It is imperative we look at the paragraph in line with the main law to confirm whether the public participation report is required to be submitted to parliament				There is no specific requirement under the Act. However, for purposes of accountability and adherence to the Regulations, there is need to report on the aspects set out in the Regulations.
	Schedule 1. Instead of it being called a "Form", can it be a "Public Participation Engagement Check List"			No	It was agreed that the word "Checklist" does not impose any obligations on the Responsible Authority and that we should retain the word "Forms".
<b>Kenya Institute Of Special Education</b>	Short Title (1). Access to Climate Change Information Regulations 2021		-Constitution already stipulates right to public information - Title too wordy and needs to be simplified	No	The format of the Title is as provided under the Act.
	Application (3). Replace "Entity" with the word "Citizen"		Simplify for members of the public	No	This is not a correct definition.
	Guiding Principles (4). Needs to be revised			No	No proposal was made to revise the Guiding Principles.
	General Rules for Public Participation. "..... feedback in their local language or		To be specific on the provision available	No	There is a danger in specifying such instances because one has to then

	Kenyan sign language or other accessible formats such as braille, audio or large print, as the case may be	for persons with sensory disabilities		ensure all forms of disability are specifically provided for.
	General Rules for Public Participation. "....easily accessible in physical form "at both its" offices...."	Correcting a grammatical error	Yes	Clerical error corrected
	General Rules for Public Participation. -(5) The Responsible Authority shall apprise itself and its officers, and stakeholders on the Bribery Act and the Anti-Corruption and Economic Crimes Act and abide by the provisions therein. -Indicate years of the Acts indicated in this phrase	-Avoiding redundancy -For ease of referral or reference	Yes	It was agreed that we remove sub-regulation 5.
	General Rules for Public Participation. (6) "....the Responsible Authority" instead of "....a Responsible Authority"	Correcting a grammatical error	Yes	*recurrent comment* Clerical error corrected
	Paragraph 10. (a) Social media and other digital and traditional communication channels;	To expand channels for reach such as radio and television (mainstream media)	No	It was agreed that community engagement methods adequately provides for this. Also, traditional communication methods is ambiguous.
	Paragraph 13. "....Second Schedule, which shall include..." instead of "....Second Schedule, which report shall include..."		No	For clarity, the wording has been retained as is.
	Paragraph 16. This clause should be incorporated as No. 8 under Analysis of Participation process and preparation of Report Paragraph 13	It is misplaced	No	It is prudent to have both provisions, so that the communication of the decision does not become necessarily tied to the report. The record of the decision has to be communicated to the Public, with or without the Public Participation Report



Sector Alliance (KEPSA)	Participation Consultations and Information Access Regulations”	and limits itself to consultations which is limiting in scope. As consultation is one form of public participation	Short Title has been provided.
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	Paragraph 17. “...which shall be required un a public participation exercise” instead of “...information shall be required in a public participation exercise”			No	No error in the Paragraph as stated.
	Miscellaneous Provisions. Part IV should be corrected to read Part V		Clerical error	Yes	Error corrected.
	Paragraph 21. (c) “Persons with disabilities” instead of “Persons living with disabilities”		Preferred reference	Yes	The correct terminology has been adopted.
	Miscellaneous Provision V. (b) “publish a report on the steps it has taken to improve the quality of public participation in the climate change sector”. Delete “Every two years”		Avoiding redundancy	No	The phrase has been retained for clarity.
	Paragraph 24 (2). “...Include an assessment...”		Inclusion of missing words		*recurrent comment* Error corrected
	Schedule 1. Other/nyingine		Offer the Swahili version	Yes	Swahili version added

		leaving out the other forms of public participation.			
		Title to read "Draft Regulations on Public Participation, Consultation and access to climate information Interpretation, "Public Participation means the process by which a Responsible Authority engages private entities, public, interest or affected individuals, organizations' and government entities before making a decision on policy, legislation, service delivery, oversight and development matters" Interpretation, "Responsible Authority means <b>any public entity or state organ</b> mandated to conduct public participation under these regulations" Interpretation to include; "Private Entity has the meaning assigned to it under Section 2 of the Act Interpretation, define structured public participation used in 4(4)		No	ibid
		The Definition provided in the draft restricts itself to policy making while the imperative to consult is broader that that			The focus of Regulations is decision-making in law and policy formulation as well as proposed actions and programmes. Tis has been captured throughout the Regulations particularly under Part II on Criteria for Public Participation Processes.
		The Climate change act defines a public entity and it's important.		Yes	Done
				No	Definition is given under the Act. The Regulations make reference to Section 16 of the Act which defines Private Entities subject to the Act.
		Provide for clearly what constitutes structured public participation		Yes	We have done this under Regulation 4.

		Separate the Duty bearers obligated to undertake public participation and the public who are to be engaged. Limit the scope of public entities to those involved in climate change Include county governments Include a section on duties of private entities and public participation and delete private. (iv) from this section	This section places private entities in the level with duty bearers which also means that private entities conducting their activities should also undertake public participation in their business.	No	Proposal for change not clear.
		Include the objects and purpose of this regulations	It helps to narrow the scope of the regulations and reduce conflict with other existing public participation laws in other sectors such as energy and counties		The
		Refer to the principles in the Act Section 4(2) a-f	Section has long policy statements and not principles. Principles should be short straight forward foundational basis and guidance on approaches	No.	Regulation 4(2) gives provides for what shall be meant by "make an impact on threshold of decision making". This is very critical and has to be in the Regulations.
		Section 4(3), should be lifted to the interpretation to create a section on its own	It appears to be the expected outcome of public participation under the regulations and not principles	No	Regulation 4(3) gives a qualitative and quantitative guideline for public participation. This is critical.
		Section 4(3), needs to be generic and generic and subject to manipulation be standardized with quantifiable measurement	Regulations should be quantifiable or have an element of measurement for them	No	It is hard to give a definite quantification for how much public participation should happen. This can end up making all proposed actions and laws void if they do not have that exact specification. Further,

				various actions or decisions will require a different degree of public participation.
Section 4(4), not a principle	to be enforceable			
Section 5 and 6. Lift the threshold interpretation under guidelines to this section. Review the whole criteria for PP section and provide clear criteria for public participation	Take it to obligations of public entities in climate change public participation The two regulations do not provide any new information, the CoK already places this obligation and there is no alternative that climate change cannot conduct public participation	No		Regulations 5 and 6 are critical as they provide for when public participation has to happen.
Section 8. Quantify adequate time to refer to section where timelines are mentioned	Review this clause to be a regulation. Adequate time is too subjective and not measurable. Biggest challenge in public participation today is short notices and time provided for the public to make input to the laws	Yes		Definite timelines for comments period and public hearing have been given
Section 9. Review section it contains a lot of policy statements and administrative process	Review section to read a regulations and avoid repetition with "principles"	No		Proposal for change not given
Section 10. This section assumes that call for comments is the principal procedure of public participation	This is the only opportunity provided for significantly and is a top down approach negating the very	No		The Regulation does not assume that Call for Comments is principal. It is one of the ways and the other is the public hearing which has been provided for.

	<p>Section 10(3). It indicates that the call for comments period is 30 days, the climate change act provides for 60 days</p>	<p>principle of public participation of bottom up approach</p> <p>There is need for alignment of the number of days and provisions for drafts. In the Act social media is not recognized as a form of participation.</p>	yes	60 days adopted
	<p>Section 12, make this to be Public Forum rather than public hearing.</p> <p>Add the following after the process "in a culturally appropriate and gender and inter-generationally inclusive manner"</p>	<p>Not all comments require public hearing. There's need to be structured to provide for multiple ways to consider comments received from stakeholders.</p>		The Regulations provide for this.
	<p>Section 14(1) should be deleted.</p>	<p>This is subjective and seems to suggest the existence of a marking scheme that then determines that the public opinion can lack quality and that there is a minimum amount of input that should be received from the public and private entities</p>	No	Analysis of non-participation is critical to determine weak areas.
	<p>Section 14(3) add the following; A responsible Authority may use the findings of the report under sub-paragraph (1) to repeat the participation and consultation</p>			

	<p>process in non-participating demographics</p>			
<p>Section 16. Add, "A responsible authority shall communicate its decisions in accordance with section 9 of these regulations"</p>	<p>This is to emphasize that the disclosure process ought to be as vigorous as the consultation process</p>	<p>No</p>	<p>No</p>	<p>This may be confusing as some things may not apply.</p>
<p>Section 17. Delete the Cabinet Secretary</p>	<p>The Cabinet Secretary is a member of the council. Mandating him to undertake this role separately may be wholly unnecessary or could undermine council decisions</p>	<p>No</p>	<p>No</p>	<p>The Act provides for both the Council and the Directorate to undertake this role.</p>
<p>This section should be merged with section 11 on the contents of a call for comments</p>	<p>Both section refer to information that should be availed to the public when calling for comments</p>	<p>No</p>	<p>No</p>	<p>We feel this should remain separate</p>

		Section 22, Add "the Directorate shall."	Error by omission	Yes	Done
		Section 23	The Directorate should enhance capacity in the subject matter of climate change and not public participation		
		Section 23(1)	This is an internal administration process and does not need to be regulated		
<b>LAPSETT CORRIDOR DEVELOPMENT AUTHORITY</b>	Section 4(1) on Guiding Principles for Public Participation include a fourth principle read as; Public Participation shall not be discriminatory on any grounds such as age, race, colour, gender or political affiliation.	Public Participation shall be open to all members of the public, individually or as legally recognized groups.	No	The existing guiding provides for non-discrimination.	

	<p>Include a Section on Benefits of Public Participation "" which include;</p> <ul style="list-style-type: none"> <li>I. Citizen empowerment</li> <li>II. Generation of new, diverse and innovative ideas and actions</li> <li>III. Enhancement of Citizen Government relations</li> <li>IV. Strengthens and deepens good governance, promotes transparency and fosters accountability</li> <li>V. Leads to high acceptability of Government projects and programs thus reducing legal cases and litigations</li> </ul>	No	This is a good point but not ideal for Regulations.
<p>Section 10(2) on call for add (d) to read as; placing advertisements in mainstream media both print and visual</p>		No	This is already provided for under the Act.
<p>Include a paragraph on "Framework for Rights, Duties and Responsibilities of the Public in Public Participation". These are:</p> <ul style="list-style-type: none"> <li>I. <b>Sovereign Power</b> which belongs to the people can be exercised either directly through citizen participation or indirectly through</li> </ul>		No	This would be more suited to a Policy document than Regulations.



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democratically elected leaders.

II. **National Values and Principles of Governance.** Include

Public Participation as underscored in Article 10 of the Constitution

III. **Public Access and Participation in both the National and**

**County Legislature** is guaranteed specifically under Article 118(1) and 196(1) (b) of the Constitution and it directs the National and County Legislature to respectively "Facilitate Public Participation in their work"

IV. **The Principle of Equality** as espoused in

Article 27 guarantees equal participation on decision making process.

V. **Freedom of Expression**

guaranteed in Article 33 of the Constitution. Includes the freedom to seek, receive or impart information or ideas including during the Public Participation



**PUBLIC PARTICIPATION CONSULTATIONS & ACCESS TO CLIMATE CHANGE INFORMATION (DRAFT) REGULATIONS, 2021:**

**SUMMARY OF RESPONSES FROM STAKEHOLDERS CONSULTED IN THE PUBLIC PARTICIPATION PROCESS ENGAGEMENT MEETING WITH MINISTRIES, STATE CORPORATIONS & GOVERNMENT AGENCIES AND ACADEMIA HELD ON 1<sup>ST</sup> APRIL 2021**

Name	Organization	Proposed Amendment	Rationale for the Proposed amendment	Has the proposal been incorporated? Yes/No/Partially/Already Done	Justification for including or excluding the proposal and general comments
Purity Muthoni	Kenyatta University	Suggested we include the need of sufficient information as a prerequisite of public participation	Parliament is not adequate to represent the country on international legal instruments	YES	We have provided but will clarify on the call for comments on how the public can provide feedback
Kennedy Wafuta Assistant Director, Environmental Safeguards	Kenya Urban Roads Authority (KURA)	Suggested we include Kenyan Professionals and Academia in public participation with regards to international instruments		NO	Public participation is done before ratification and the process is provided for under the Treaty Ratification Act 2012. We can add something on public awareness of ratified treaties.
Purity Muthoni	Kenyatta University	Regulation 11, the call could also include the procedure for providing feedback		Yes	Done

King'uru Wahome Deputy Director	Ministry of Environment	Regulation 17(3) should be specific on whether it is the Climate Change Council or the Climate Change Directorate		Yes	Added 'and/or' to comply with Section 9(8) which mandates both CCD and the Council to provide all knowledge and information on all matters of climate change
Walter Nyatwanga Deputy Director, Environment & Social Safeguards	Kenya National highways Authority (KENHA)	Can we have a provision on National Climate Services as opposed to having it in CCD	To achieve a bottom up approach in public participation information has to be available	NO	Needs further interrogation under what circumstances is provided for under the Act
Lulu Fregoni	Office of the Attorney General	Reduce the duties imposed on Council		NO	The provisions in the regulations are an element of accountability to ensure that public participation was effectively done.
Kelvin Namukhasi	Kenya Industrial Research and Development Institute (KIRDI)	Regulation 22 need to include a citizen program on dissemination of information	To sensitize citizens on all matters Climate Change similar to countries such as Canada	Done	Regulation 22 adequately covers this. However, the same can be shared so that we see what can be incorporated

**PUBLIC PARTICIPATION CONSULTATIONS & ACCESS TO CLIMATE CHANGE INFORMATION (DRAFT) REGULATIONS, 2021:**

**SUMMARY OF RESPONSES FROM STAKEHOLDERS CONSULTED IN THE PUBLIC PARTICIPATION PROCESS ENGAGEMENT MEETING WITH PRIVATE SECTOR, MEDIA AND RELIGIOUS GROUPS HELD ON 7<sup>TH</sup> APRIL 2021**

Name	Organization	Proposed Amendment	Rationale for the Proposed amendment	Has the proposal been incorporated? Yes/No	Justification for including or excluding the proposal and general comments
-	CCD	Interpretation of the "Responsible Authority" Authority as expressed in the regulations be replaced with "Responsible Entity"	The word Authority implies a specific body possessing power either under an act or as directed by government such as NEMA as an authority over environmental matter.	No	The word entity only provides for bodies/ organisations. It does not provide for individual persons who are also subject to the Regulations. The word Authority has been retained as it can be used for any person, body, agency or organisation.
	Private Sector	What happens when an entity handpicks persons to conduct the public participation?	There is need to have mechanisms to curb bias outcomes in public participation.	No	The Act has put in place certain minimum requirements such as publication of notices inviting members of the public either in the gazette, newspaper etc.  Guiding principles and the procedure on reporting provided in the Regulations especially in paragraph 13 ensures that there is no bias
		Does the Regulation envision circumstances where feedback is not taken into account by the responsible authority and how does it regulate on the same to avoid bias and selection of feedback that the authority prefers?	To ensure the feedback is not excluded without reasons.	Yes	At regulation 16 the final decision should be communicated to the public including reasons for including or excluding certain recommendations from the public.

<p>Does the regulation cover issues on when persons are turned away from public participation?</p>	<p>Enhance fair and equal participation of persons. Regulations should provide a redress mechanism</p>		
<p>Are the regulations in line with the existing regulatory framework on the national and County level?</p>	<p>To avoid contradictions with existing laws</p>	<p>Yes</p>	<p>Regulation 3 guides on application of the regulations and states that it shall be subject to existing county regulations</p> <p>Various Counties eg Machakos, Bomet and Kilifi have public participation regulations.</p> <p>The national framework is therefore the current regulations as drafted govern public participation on a national level.</p>
<p>Rephrase "Persons living with disability" to "Persons with disability"</p>	<p>As stated and defined in the Constitution the phrase is "Persons with disability"</p> <p>The more sensitive term is "Persons living with disability" as it conveys that one is a person first before the disability</p>	<p>No</p>	<p>Retain the phrase "Persons living with Disability"</p>
<p>Regulation 21 Include indigenous persons as special interest groups</p>	<p>Ensure protection of indigenous communities and ensure their public participation</p>	<p>No</p>	<p>Marginalised groups at article 260 of the Constitution includes indigenous persons.</p>

PUBLIC PARTICIPATION CONSULTATIONS & ACCESS TO CLIMATE CHANGE INFORMATION (DRAFT) REGULATIONS, 2021:

SUMMARY OF RESPONSES FROM STAKEHOLDERS CONSULTED IN THE PUBLIC PARTICIPATION PROCESS ENGAGEMENT MEETING WITH PUBLIC COUNTY GOVERNMENT ENTITIES HELD ON 6<sup>TH</sup> APRIL 2021 AT 12:31 PM

Name	Organization	Proposed Amendment	Rationale for the Proposed amendment	Has the proposal been incorporated? Yes/No/ Partially/Already Done	Justification for including or excluding the proposal and general comments
Pius Butichi	-	Section 22 to include "Responsible authority to ensure wide awareness and sensitization of communities or affected persons"	Communities and affected persons need to be sensitized on the International laws and policies relating to climate change.	Already Done	Section 22 on Education Awareness makes provisions for this.
Edwin Muga	County Government of Kisii, Fisheries Department	24(2) include the word 'be' immediately after shall.	Clerical Error	Yes	Error Corrected
Kennedy Kanoga	Nyeri County	On Access to information, is it necessary to have a regulation on the same	To accommodate Counties regulations on access to information	Done	The reference in Section 10(3) on Access to information is enough as it makes reference to the Access to Information Act which encompasses both National and County Govts
Angelo Kiogora Gitonga	Meru County Government	Remove the prescription fee of 5/=	Regulation is applicable countrywide and each County has their own way of assessing fees	Yes	Price Removed
Dr. Joseph Indo	County Government of Kwale	Can we have a clause for the relevant authority to budget for the implementation		Already done	The requirement to undertake PP in a certain manner includes the requirement for budgeting.

PUBLIC PARTICIPATION CONSULTATIONS & ACCESS TO CLIMATE CHANGE INFORMATION (DRAFT) REGULATIONS, 2021:

SUMMARY OF RESPONSES FROM STAKEHOLDERS CONSULTED IN THE PUBLIC PARTICIPATION PROCESS ENGAGEMENT MEETING WITH PUBLIC COUNTY GOVERNMENT ENTITIES HELD ON 7<sup>TH</sup> JUNE 2021 AT 12:26 PM

Name	Organization	Proposed Amendment	Rationale for the Proposed amendment	Has the proposal been incorporated? Yes/No	Justification for including or excluding the proposal and general comments
Elvis Abuka	County Assembly of Bungoma	Schedule 1 Form PP1. Include optional in brackets after National ID	People are usually reluctant to disclose their personal information. Additionally, not all people have National IDs	Already Done	It shall be left open as a participant who feels uncomfortable about filling their ID can leave it blank
Eliud Sang	Nandi County Assembly	Schedule 1 Form PP1 The word 'Email Address' should also be translated into Kiswahili	To assist those who might not be conversant with the term	Yes	Kiswahili Translation added



PUBLIC PARTICIPATION CONSULTATIONS & ACCESS TO CLIMATE CHANGE INFORMATION (DRAFT) REGULATIONS, 2021:

SUMMARY OF RESPONSES FROM STAKEHOLDERS CONSULTED IN THE PUBLIC PARTICIPATION PROCESS ENGAGEMENT MEETING WITH PUBLIC COUNTY GOVERNMENT ENTITIES HELD ON 9<sup>TH</sup> JUNE 2021 AT 1:23 PM

Name	Organization	Proposed Amendment	Rationale for the Proposed amendment	Has the proposal been incorporated? Yes/No/Partially/Already Done	Justification for including or excluding the proposal and general comments
Eva Okoth	Natural Justice	Regulation 16, be explicit on where publication should be done	To make clear on where the responsible authority is required to publish	Already Done	This has been done. The Responsible Authority should have autonomy to decide specific arrangements
		A regulation on grievance mechanisms in the miscellaneous section	It is not always a guarantee that Public Participation is done as the law requires	Partially	Grievances will be handled as per the Act.
		The comments period should not have an expiry date	Regulation 18, Public Participation should be an ongoing process	Partially	The Regulations provide for collaboration even after conclusion of a process. However, there's need to have finality on these processes.
		Regulation 10 limit the number of notices	Multiple notices may cause confusion	No	The two notices provided are adequate
Muturi Kamau	Kenya Oil & Gas Working Group	Form PP2 and PP3 should incorporate Kiswahili	To accommodate a majority of grass root groups	No	The target audience for Form PP2 is expected to be competent in English.
		Schedule 2 include photos, list of participants and videos		No	Proposal unclear



**PUBLIC PARTICIPATION CONSULTATIONS & ACCESS TO CLIMATE CHANGE INFORMATION (DRAFT) REGULATIONS, 2021:**

**SUMMARY OF RESPONSES FROM THE NATIONAL VALIDATION WORKSHOP HELD ON 15<sup>TH</sup> SEPTEMBER 2021**

Name	Organization	Proposed Amendment	Rationale for the Proposed amendment	Has the proposal been incorporated? Yes/No/Already done	Justification for including or excluding the proposal and general comments
John Mwaisehe	WRO	Schedule PP1 and PP2 replace the word "regulations"	The scope of Public Participation is not limited to regulations	Yes	We will include an asterisk symbol. It will enable the responsible authority to prepare the form in a manner that aligns with the proposed activity to be undertaken
Brenda Kamangara	Sanergy/Fresh Life	Include a provision that would specifically protect the vulnerable communities	To protect the vulnerable communities	Already Done	Regulation 9(5) already has a provision for this. The concept paper sets out the purpose and forms a guide on the type of Public Participation expected.
Nathan Yego	State Department for Public Works	The Schedule should include ethnicity	This will help identify the communities engaged	No	Ethnicity is not one of the factors used to rate the Public Participation process. What is more important is the locality not ethnicity.
Judy Oduma	County Assemblies Forum	Schedule PP1 leave the disability section blank for person to specifically fill  Regulation 9(4) Clarify which specific local government	The section is a bit confusing	No	Leaving the section blank will lead to even more confusion. It is better to put the choices.  Local government offices refers to all such offices including the chief

Johnstone Kinyanjui	<b>Climate Change Kenya</b>	Form PP1 Include women by giving provisions for them to fill their marital status etc	To ensure that women are adequately represented	No	Marital status is not critical for public participation.
Caroline Ouko	-	The Regulation should be geared toward more than just the consultation process		Already done	The objective of the regulation is for it to be a mechanism for consultation
		We need synergy with other Public Participation documents		Already done	The Regulations are in line with the Constitution and the Climate Change Act and other acts.
Benjamin Kinyili	<b>Kenya Forestry Service</b>	Regulation 12. How have we put a mechanism to deter groups which have hidden interests		Done	The responsible authority's documents, reports and every single comment will be reviewed. Meaning all the processes will be taken into account
		Important to address the current issues of the boy child in the regulations		No	We shall stay guided by the Constitution on special interest groups to avoid ambiguity.
John Mwaishehe	<b>WRO</b>	Consult which regulation supersedes the other between the County regulations or this regulations.			Regulation 3 provides that the Regulations shall complement existing county public participation regulations and not compete with them. In the event of an inconsistency, the county regulations will take precedence.
Mwachia	<b>KLRC</b>	Provide clear timelines for the		Already done	The overall consensus is to limit the timelines between the stages of

		Public Participation process			Public Participation but leave room for adjustment as not all Public Participation processes are similar.
Sheila Shefo	Kenya Forestry Research Institute (KEFRI)	Schedule 1 on the disability part to be reworded.	Use more etiquette language	Yes	Wording changed to "are you living with any disability?"
Kelvin Nderitu	County Government of Nyandarua	Regulation 14. Can the responsible authority provide guidelines on how to improve Public Participation		Already done	This is provided for under Regulations 22 and 23
Dr. Omwabia	NEMA	Clarity to as the responsible authority		Partially	Progressively, CCD will prepare a database of responsible authorities
		NEMA's function needs to be clearly defined within the regulation		Partially	These Regulations apply to all entities undertaking public participation under the Climate Change Act. A specific function for NEMA on climate change public participation is not anticipated unless NEMA is undertaking a process of its own.
		The regulations should have a guideline on what Public Participation entails especially on the information to be disclosed to the public	Not all information is for public consumption	Done	The Regulations are guided by the Access to Information Act, No.31 of 2016

