

**REPUBLIC OF KENYA**



**MINISTRY OF ENVIRONMENT AND MINERAL RESOURCES**

**REQUEST FOR TECHNICAL AND FINANCIAL PROPOSALS**

**NATIONAL CLIMATE CHANGE RESPONSE STRATEGY – ACTION PLAN**

**SUBCOMPONENT 2:  
IN RESPECT OF THE PROVISION OF CONSULTANCY SERVICES  
FOR DEVELOPMENT OF AN ENABLING POLICY AND REGULATORY FRAMEWORK**

**February 2011**

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## TERMS OF REFERENCE

### 1 Background

Climate change impacts threaten to adversely affect economic growth in Kenya, and endanger Kenya becoming a prosperous country with a high quality of life for all its citizens. The cumulative impacts of climate change over the next two or three decades have the potential to reverse much of the progress made towards the attainment of the Millennium Development Goals (MDGs) and Vision 2030.

Climate change poses a serious challenge to Kenya's social and economic development. This change will lead to major challenges in the economy, human life and on the environment. Kenya is most vulnerable to climate change since the key drivers of the economy (agriculture, livestock, tourism, forestry, and fisheries) are climate-sensitive. Coupled with the country's low adaptive capacity to climate change, the country experiences a high level of vulnerability.

In order to enhance investment that aims to reduce vulnerability and build resilience of the society, and in line with the provisions of the United Nations Framework Convention on Climate Change (UNFCCC) and its implementing instrument – the Kyoto Protocol, the Government of Kenya launched the National Climate Change Response Strategy (NCCRS).

The Government of Kenya with support from the Common Market for Eastern and Southern Africa (COMESA), Climate and Development Knowledge Network (CDKN), The UK Department for International Development (DFID), The French Development Agency (AFD) and other development partners is desirous of putting in place mechanisms to enhance the implementation of the NCCRS. In this regard, GoK intends to develop a comprehensive Climate Change Action Plan.

The Action Plan has eight subcomponents which are not only distinct but are also closely linked and interrelated. The subcomponents are:

- (i) **Subcomponent 1: Long-term National Low Carbon Development Pathway.** This is designed to facilitate reflection and/or mainstreaming of climate change aspects in the country's Vision 2030 and its Medium Term Plans (MTP). It also seeks to identify key elements of the country's low-carbon and climate resilient growth.
- (ii) **Subcomponent 2: Enabling Policy and Regulatory Framework.** This aims to review international, regional and national policy and legislative instruments relating to climate change with a view of developing a policy and /or legislative framework that promotes coherence, coordination and cooperative governance of climate change issues at the national and county levels.
- (iii) **Subcomponent 3: National Adaptation Plan.** Recognizing that adaptation is a priority, this sub-component aims to identify priority immediate, medium and long-term adaptation actions in order to develop a National Adaptation Plan.
- (iv) **Subcomponent 4: Nationally Appropriate Mitigations Actions (NAMAs).** On the understanding that NAMAs are to be undertaken in the context of sustainable development, this sub-component is designed to identify and prioritize NAMAs that need to be internationally supported and enabled through technology development and transfer, financing and capacity building. In addition, the protection of forests is essential for reducing emissions from deforestation, this sub component

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will also address reduced emissions from deforestation and forest degradation – plus (REDD+) readiness activities as well as opportunities presented by compliance and voluntary markets.

- (v) **Subcomponent 5: Research and Development and Technology Transfer.** It is widely recognized that technology development and transfer is essential to support adaptation and mitigation efforts. This subcomponent focuses on facilitating technology needs assessment with a view of developing a National Technology Plan that incorporates setting-up of technology innovation centres.
- (vi) **Subcomponent 6: National Performance and Benefit Measurement.** The target is to develop national climate change monitoring, reporting and verification guidelines and performance indicators.
- (vii) **Subcomponent 7: Knowledge Management and Capacity Development.** Information on climate is critical in informing the design of appropriate adaptation and mitigation actions, support planning and choice of strategies including assessment of risk and early warning systems. Capacity development of institutions involved in the planning and management of responses in vulnerable sectors is one of the most pressing climate change need in the country. This subcomponent will address issues relating to institutional and technical capacity strengths and needs of the various actors ranging from government, private sector, civil society and communities. It also encompasses education, training, public awareness and networking.
- (viii) **Subcomponent 8: Finance.** This subcomponent aims to position the country to access finances from the various sources by developing an innovative financial mechanism that includes a climate fund, investment strategy/framework and carbon trading platform. Also, identify tools and incentives that would enhance private sector investments in opportunities associated with climate change.

Each of these subcomponents will be undertaken as separate consultancies within the broad framework of developing a Coherent Comprehensive National Climate Change Action Plan **coordinated by the Ministry of Environment and Mineral Resources working in collaboration with the relevant line ministries.** In this regard, the Ministry of Environment and Mineral Resources which is mandated to coordinate overall climate change issues will be the lead agency supported by an Inter-ministerial Task Force comprising of Office of the Prime Minister, Ministry of Finance, Ministry of National Planning and Vision 2030, Ministry of Northern Kenya and ASALs, Ministry of Agriculture and Vision 2030 Delivery Secretariat. At the technical level, there will be 9 thematic working groups based on MTEF to provide the technical support to the process. Therefore, these terms of reference are in respect of **Subcomponent 2: Enabling National Policy and Regulatory Framework.**

## 2 Objectives of the Assignment

The main objective of the consultancy is to develop enabling regulatory framework to support climate change actions. The resultant outcome shall constitute the following:

- (i) Policy framework for climate change actions in Kenya.
- (ii) Appropriate regulatory framework to enhance implementation.

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### 3. Scope of Work

The consultancy will follow a two-stage approach: Stage 1 will involve reviews and the development of enabling regulatory framework. Stage 2 will have a specific focus on the formulation of the Climate Change Policy and Regulatory Framework with recommendations as to how it will deliver at the county levels.

#### ***Stage 1: Tasks to be performed under Stage 1***

The tasks to be performed under stage 1 include:

- (i) Review of existing umbrella and sectoral policies, legislation and strategies in Kenya, or elsewhere, highlighting strengths and weaknesses relative to the climate change context in Kenya and identify gaps.
- (ii) Review of the current institutional and technical capacity to enhance coordination and implementation of climate change actions, identifying strengths and any areas for improvement. Make recommendations to inform the policy and regulatory framework.

#### **Stage 2: Tasks to be performed under Stage 2**

The actual formulation of enabling policy and regulatory framework based on outcomes of Stage 1. It is expected to include the following elements:

- (i) A National Climate Change Policy.
- (ii) A Regulatory Framework to enhance coordination and implementation of climate change actions.

### 4 Expected Output

The expected output of this consultancy is to develop a National Climate Change Policy and Regulatory Framework. In particular, the consultancy shall deliver on the following:

- (i) Analysis of various policies, legislation and strategies with recommendations on the focus of enabling policy and regulatory framework.
- (ii) A Report on existing institutional and technical capacities with associated capacity development plan and recommendations on the most appropriate model to enhance coordination and implementation.
- (iii) A National Climate Change Policy.
- (iv) A Regulatory Framework to ensure implementation of climate change actions.

### 5 Procurement and evaluation

The procurement process will be managed by the Climate & Development Knowledge Network (CDKN). Please refer to the Call for Expressions of Interest for details of the procurement and evaluation process. With respect to this specific subcomponent, the following criteria are likely to be important:

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- Evidence of suitably-qualified and experienced team members – with relevant policy expertise, preferably appropriate to the Kenyan context.
  - Ability to commence and deliver the work in a timely manner.
  - Ability to work closely with the Ministry of Environment and Mineral Resources team and other stakeholders to access information and produce outputs that meet the national need.
  - Extent to which project is designed in a way that develops local institutional capacity in Kenya.
  - Proficiency in English. Knowledge of Kiswahili would be an advantage.
  - Value for money of the proposal.