



THE CLERK,  
BARINGO COUNTY ASSEMBLY.

21/01/2022

Dear Sir,

**RE: MEMORANDUM ON THE BARINGO COUNTY CLIMATE CHANGE BILL 2021  
PRESENTED TO THE BARINGO COUNTY ASSEMBLY BY BARINGO COUNTY  
CIVIL SOCIETY ORGANISATIONS FORUM ON 21<sup>ST</sup> JANUARY 2022**

BACSOF is a network of civil society organizations operating in Baringo with a shared vision of promoting effective county governance and participatory development. BACSOF exists to provide a coordinated framework for civil society organizations to undertake activities, projects and programs that further and enhance effective and participatory county governance and development. Among the interventions of the forum include; Civic Education, capacity building of various stakeholders in governance and development process, mobilizing citizens to participate in key county governance process, initiating social accountability initiatives such as community social audits, community scorecard, participatory budget analysis and Public Expenditure Tracking

Pursuant to the call for submissions dated **12<sup>th</sup> January 2022**, and in fulfilment of our mandate BACSOF hereby presents our submission for your consideration in your review and enactment of the Baringo County Climate Change Bill 2021. This memo has been prepared through a joint analysis and consultation forum for BACSOF members (see annex 1 for the list of attendees).

BACSOFF commends the County Government of Baringo, both the county executive and the county assembly, for developing the bill in response to Climate Change and in fulfilment of its national and global commitments. Indeed considering the adverse effects of climate change currently being experienced by the residents of Baringo County, this bill is long overdue.

BACSOFF believes that Climate Change should not be treated as an isolated environmental issues but a development issue and thus it should be mainstreamed in all governance and development activities. This is the pathway to sustainable development, as in the national value and principle of governance.

The table below details our observations and recommendation under each section of the bill:

Section	Observation and recommendation
Section 3: Objects and purposes	<ul style="list-style-type: none"> <li>• BACSOFF proposes inclusion of the following 2 objectives in the section on objects and purpose of the bill:</li> </ul> <p>‘To tap into the sustainable <b>indigenous knowledge practices</b> in developing and implementing climate change adaptation and mitigation interventions.’</p> <p>‘To promote adoption of agro-ecology in climate change adaptation and mitigation’</p> <p>‘To embrace localization in response to climate change with those impacted by climate change taking leadership in decision-making, and providing feedback.’</p>
Section 4: Guiding values and principles	<ul style="list-style-type: none"> <li>• To promote Human Rights Based Approach in all climate change interventions in Baringo County, the guiding principles should include, <b>‘Sensitive to age, gender and cultural considerations’</b></li> </ul>
<b>Section 6:</b> Composition of Steering Committee	<ul style="list-style-type: none"> <li>• Given many other functions and his busy schedule, having Governor as chairperson of the steering committee may limit the activeness of the committee. Therefore the committee should be chaired by the <b>‘the governor or his nominee’</b></li> <li>• For complementarity and coordination with national government interventions, the Steering Committee should include county level representatives of national government especially the <b>Ministry of Interior and Coordination of National Government</b> and the <b>Ministry of Environment and Forestry.</b></li> <li>• The bill should specify the maximum number of members of the steering committee.</li> <li>• The term ‘special interest groups’ should be unbundled to guarantee inclusivity i.e. A representative of <b>Women, Youth, PWDs and ethnic minorities.</b></li> </ul>

	<ul style="list-style-type: none"> <li>• The Steering Committee should include a representative of <b>the Civil Society Organizations</b> as nominated by their umbrella body. These organizations may not fall in the category of special interest groups or funding institutions yet they play a very important role in policy formulation, implementation and oversight.</li> <li>• The steering committee should include a representative of the <i>private sector</i></li> <li>• Given that gender inclusivity is a guiding principle for this bill, there should be a clause to provide for adherence to the <b>2/3 gender rule</b> in the steering committee. These could be nomination of more members or allow for nomination of next female official for some positions or any other. The question the County Assembly should ask is, <i>‘Suppose all the positions mentioned have individual from the same gender?’</i></li> <li>• The steering committee should have a role of ensuring climate change is mainstreamed in all County Plans and Budgets including the Sector Plans, Spatial Plans, County Integrated Development Plan, Annual Development Plan, Sector Plan, Program Based Budgets. This is a more sustainable approach to climate change mitigation.</li> </ul>
<p><b>Section 9:</b> Composition of Planning Committee</p>	<ul style="list-style-type: none"> <li>• Planning committee to include technical officers from national government e.g. KFS</li> <li>• Lands representative should be included in the committee because environment is in land</li> <li>• The bill loosely mentions the ‘Director in charge of Climate Change’. BACSOFF is of the view that there is need for establishment of <b>Climate Change Unit/directorate</b></li> <li>• One of the functions of the Planning Committee should be <i>‘To analyze county policies, development plans and budgets and advise the steering committee on mainstreaming of climate in all departmental programmes and activities’.</i></li> <li>• The Steering should include a representative of <b>the Civil Society Organizations</b> as nominated by their umbrella body as strategy to tap into the knowledge and expertise inherent among CSOs.</li> <li>• Given that gender inclusivity is a guiding principle for this bill, there should be a clause to provide for adherence to the <b>2/3 gender rule</b> in the steering committee.</li> <li>• Periodically and with the help of external, the planning committee should conduct an audit of the impact of county policy and development processes on climate change.</li> <li>• Public Participation and Civic Education cut across the provisions of this bill and therefore inclusion of <b>the Director</b></li> </ul>

	<p><b>for Civic Education and Public Participation</b> is important.</p>
<p><b>Section 12:</b> Composition of Ward Planning Committee</p>	<ul style="list-style-type: none"> <li>• The term ‘elder’ may have a very strong connotation for the ‘aged’ and therefore there is a risk of living out ‘middle-aged’ resource persons in establishment of the Ward Planning Committees. This should be changed to read <b>‘One Community leader’ and ‘One female Community Leader’</b></li> <li>• In adherence to use of PWDs’ sensitive/ appropriate language the Bill should use the term, <b>‘Persons with Disability’</b> and not ‘Person Living with Disability’</li> </ul>
<p><b>Section 13:</b> Appointment of Ward Climate Change Planning Committee members.</p>	<ul style="list-style-type: none"> <li>• The Bill should prescribe a term limit for the members of the Ward Climate Change Planning Committee.</li> </ul>
<p><b>Section 14:</b> Functions of Ward Planning Committee</p>	<ul style="list-style-type: none"> <li>• In the spirit of mainstreaming, one function of the ‘Ward Climate Change Planning Committee should be, <b>‘Identifying climate change adaptation and mitigation budget priorities and presenting them in the ward level planning and budget forums for consideration’.</b></li> <li>• ‘Developing, evaluating, reviewing and implementing Ward level Climate Change action plan’</li> </ul>
<p><b>Section 15:</b> Qualifications for appointment to Ward Planning Committees</p>	<ul style="list-style-type: none"> <li>• The requirement of Form 4 level of education may not be inhibitive, especially if the County is to tap into indigenous knowledge. Therefore BACSOE suggests that it be expunged.</li> </ul>
<p><b>Section 16:</b> Meetings of Ward Planning Committee</p>	<ul style="list-style-type: none"> <li>• Previously, community development committees have collapsed due to unmet expectations. Therefore this bill should clarify the kind of support to be provided to the Ward Climate Change Planning Committee. At minimum logistics involved in convening their meetings or attending meetings in the capacity of the committees should be catered for.</li> <li>• At establishment, members of the Ward Climate Change Planning Committee should be inducted on their roles and responsibilities</li> </ul>
<p><b>Section 18:</b> Application of the Fund</p>	<ul style="list-style-type: none"> <li>• In subsection 2, the County Assembly should insert the term ‘expended’ to read as follows: ‘The moneys in the Fund shall be disbursed and <b>expended</b> according to criteria set out in the Regulations.’</li> <li>• This will improve on the rule of law and accountability</li> </ul>
<p><b>Section 19:</b> Source of funds</p>	<ul style="list-style-type: none"> <li>• Allocation of 2% of the entire annual budget may be low given the situation in Baringo County.</li> <li>• The funds regulations should stipulate clear criteria for identification and prioritization of the projects for funding. The <b>principle of equity</b> should be upheld.</li> </ul>

<b>Section 20:</b>	<ul style="list-style-type: none"> <li>• In line with the principle of openness, accountability and public participation provided for in the Constitution of Kenya 2010, article 201 (a), the County Assembly should insert a clause on <b><i>‘Preparation and publishing of financial and non-financial reports’</i></b> as part of the administration of the fund.</li> </ul>
<b>Section 23</b>	<ul style="list-style-type: none"> <li>• The County Climate Change Action Plan should be mainstreamed in the County Integrated Development Plan and should be reviewed annually alongside formulation of the Annual Development Plans.</li> </ul>
<b>Section 36</b>	<ul style="list-style-type: none"> <li>• The bill should give timelines for formulation of the requisite regulations once it’s enacted to mitigate delays in its implementation.</li> </ul>

### Cross-cutting Recommendations

1. Given the impact of climate change in Baringo so far, the County Government and her stakeholders should put more focus on adaptation as compared to mitigation. Therefore mapping of the most vulnerable communities and prioritization of their needs is urgent.
2. The County Government should adopt ‘solution-based’ capacity building i.e. more of ***community conversations*** as opposed to general sensitization. Most communities are already experiencing the effects of climate change and thus time and resources should be invested in finding community-led solutions.
3. There is need for a gender lenses when it comes to all capacity building initiatives proposed in the bill and the subsequent regulations and plans.
4. The County Government should develop a framework for partnership with learning institutions i.e. Vocational Training Centre, Technical institutes, Primary Schools and Secondary Schools, in implementation of this bill
5. Newly established funds have tendency of being misappropriated due to weak accountability structures. Therefore as the County Assembly reviews this bill and the subsequent regulations, mechanisms for promoting transparency and accountability should come out clearly.
6. The section on duties of public& private entities places an obligation on government to proactively share accurate and adequate information related to implementation of this bill and in a timely manner.
7. The section on climate Change secretariat to be clear on the secretariat roles. As a way of ensuring climate change issues are also addressed in other department it is important to have climate change focal persons (champions) in every department.
8. Levels of education may lock out vulnerable and marginalized groups from being represented. An exclusion clause can be added for areas with low literacy levels.
9. Baringo County should prioritize, engender, and scale up social protection programs to cushion those impacted by climate change.

## Conclusion:

Submission of this memorandum to you is in good faith and in the best interest of the people of Baringo County. We hope that you will find our inputs informative as you deliberate enactment of the bill. We are available to provide more information or clarification of the issues in our submission, if need be. We would be glad to have a siting with the relevant committee in the County Assembly to elaborate on the submission.

BACSOF remains committed to supporting the County Assembly in delivering her mandate towards participatory, accountable and responsive County Governance. Climate justice is a key priority for the residents of Baringo County.

## ANNEX 1: LIST OF BACSOF MEMBERS IN THE ANALYSIS AND CONSULTATION MEETING HELD ON 20<sup>TH</sup> JANUARY 2022 VIA ZOOM

	ORGANIZATION	CONTACT PERSON	CONTACT S	EMAIL
1.	Bare Care Centre	Philip Tomno	0721860972	<a href="mailto:philtomno@yahoo.co.uk">philtomno@yahoo.co.uk</a>
2.	Africa Worldlife Protection	Stanely Chelego	0724014406	<a href="mailto:stansteel@gmail.com">stansteel@gmail.com</a>
3.	Langas Community Based Organisation	Philip Sigilai	0721443527	<a href="mailto:philip.sigilai@yahoo.com">philip.sigilai@yahoo.com</a>
4.	ActionAid Kenya	Lucy Ntongai	0712961636	<a href="mailto:Lucy.Ntongai@actionaid.org">Lucy.Ntongai@actionaid.org</a>
5.	Barecare Centre	Amos Chemuna	0704202359	<a href="mailto:chemuna@gmail.com">chemuna@gmail.com</a>
6.	GEWEC	Lucy Mitei	0720297370	<a href="mailto:Lmitei17@gmail.com">Lmitei17@gmail.com</a>
7.	CEDGG	Godfrey Kipsoi	0725509757	<a href="mailto:godfreykipsoi@gmail.com">godfreykipsoi@gmail.com</a>
8.	Barecare Centre	Isaac Chelal	0727458360	<a href="mailto:cheisack@yahoo.com">cheisack@yahoo.com</a>
9.	CEDGG	Evans Kibet	0711221294	<a href="mailto:kibetboss@gmail.com">kibetboss@gmail.com</a>
10.	CEDGG	Carolyn Boswony	0706132405	<a href="mailto:carolynecrop2007@gmail.com">carolynecrop2007@gmail.com</a>
11.	CEDGG	Masese Kemunche	0724594932	<a href="mailto:masesepaul@gmail.com">masesepaul@gmail.com</a>
12.	Haki Nawiri Afrika	Leonida Odongo	0722933591	<a href="mailto:leonida.odongo@gmail.com">leonida.odongo@gmail.com</a>
13.	Endorois Women Indigenous Network	Karen Kiptoo	0708652967	<a href="mailto:kiptookaren@gmail.com">kiptookaren@gmail.com</a>
14.	Billy Koech	PACSET Foundation	0727430111	<a href="mailto:billykoech@gmail.com">billykoech@gmail.com</a>
15.	Rongai Leakwara	Budget Champion	0712698218	<a href="mailto:rongaileakwara@gmail.com">rongaileakwara@gmail.com</a>
16.	GEWEC	Lilia Kangogo	0717480954	<a href="mailto:kangogolillian@yahoo.com">kangogolillian@yahoo.com</a>
17.	NACSOF	Julius Mbui	0721542509	<a href="mailto:mbuijulius@gmail.com">mbuijulius@gmail.com</a>
18.	ADS-Central Rift	Peter Muthengi	0711129773	<a href="mailto:Peterd872@gmail.com">Peterd872@gmail.com</a>
19.	Christian Impact Mission	Jimmy Gor	0724284404	<a href="mailto:jimgor@christianimpactmission.org">jimgor@christianimpactmission.org</a>
20.	Indigenous Women and Girls Initiative	Monica Yator	0722597332	<a href="mailto:myator51@gmail.com">myator51@gmail.com</a>
21.	Mwafrika Institute	Josphat Mosbey	0725510410	<a href="mailto:josmusbey@gmail.com">josmusbey@gmail.com</a>