AAK | PROMOTING EXCELLENCE IN THE BUILT ENVIRONMENT

Architects
Engineers
Town Planners
Interior Designers
Quantity Surveyors
Landscape Architects
Construction Project Managers
Environmental Design Consultants

AAK/RA/SDECC/Y25/F01 15th July 2025

Dr. Deborah M. Barasa,
Cabinet Secretary
State Department for Environment and Climate Change
SHA Building, Ragati Road
P.O. Box 30126-00100
Nairobi, Kenya
Email: psoffice@environment.go.ke

Dear Madam,

RE: THE ARCHITECTURAL ASSOCIATION OF KENYA'S COMMENTS ON THE ON DRAFT CLIMATE CHANGE REGULATIONS, 2025

Please receive warm greetings from the Architectural Association of Kenya (AAK).

Established in 1967, AAK is the premier association for Built Environment professionals encompassing Architects, Engineers, Town Planners, Quantity Surveyors, Landscape Architects, Construction Project Managers, Environmental Design Consultants and Interior Designers. As an umbrella Association, AAK brings together professionals in central government, local authorities, the private sector and academia and acts as a link between professionals and stakeholders in the wider construction industry, including policy makers, manufacturers, real estate developers, and financial institutions, amongst others.

We commend the State Department for Environment and Climate Change for initiating the Draft Climate Change Regulations, 2025. However, we are deeply concerned by the lack of explicit provisions and strategic considerations for the construction and building sector, despite its significant contribution to national carbon emissions.

Recent data projects that CO_2 emissions from buildings will reach 48.02 metric tonnes by 2030 and escalate to 304.98 metric tonnes by 2050. These figures underscore the urgent need for targeted regulatory interventions in the built environment sector. Without deliberate integration of construction-related emissions into Kenya's climate framework, the country risks missing its Nationally Determined Contributions (NDCs) and Climate Change Act targets.

We therefore submit our memorandum with the following key recommendations:

1. Explicit recognition of the building and construction sector as a major emissions source requiring tailored mitigation strategies.
2. Inclusion of built environment-specific definitions, standards, and incentives within the regulatory framework.
3. Mandatory involvement of certified professionals in project due diligence, emissions accounting, and carbon market participation.
4. Strengthened public participation and benefit-sharing mechanisms for communities affected by construction-related climate impacts.
5. Improved clarity, interoperability, and accessibility of the carbon registry system to support built environment stakeholders.

We believe that integrating these recommendations will unlock the sector's potential to deliver verifiable emissions reductions, climate-resilient infrastructure, and equitable development outcomes.

We remain available for further engagement and clarification on any of the proposals submitted.

Signed,

GEORGE A. NDEGE
PRESIDENT, ARCHITECTURAL ASSOCIATION OF KENYA.
Cc: carbontradingregulations@environment.go.ke

nonmarketapproachesregulations@environment.go.ke

carbonregistry@environment.go.ke

SUMMARY OF AAK COMMENTS ON DRAFT CLIMATE CHANGE REGULATIONS PUBLISHED BY THE MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY

No.	Item	Regulation Provision	Proposals and Justification
1. Draft Climate Change (Carbon Trading) Regulations, 2025			
1.1	**Regulation 2: Interpretation**	Defines "Carbon credits" as a unit measuring GHG emission prevention, reduction, sequestration, or avoidance.	**Proposal:** Explicitly include a definition or clear reference to "built environment carbon credits" to specify that reductions achieved through sustainable building practices, such as energy efficiency and low-carbon materials, are eligible for carbon credit generation. This aligns with the recognition of "non-land-based carbon projects" which include green building technologies and energy-efficient appliances. **Justification:** Clear definitions will provide certainty for architectural and engineering professionals, encouraging the design and implementation of projects in the built environment that can be formally recognized and monetized through carbon credits.
1.2	**Regulation 7: Carbon budget for trading**	States that the Cabinet Secretary, when advising the Council on the carbon budget for trading, shall consider emission reductions achieved through approved carbon projects.	**Proposal:** Ensure that the consideration of emission reductions explicitly includes those derived from green building technologies, energy-efficient building operations, and the use of low-carbon construction materials within the built environment. **Justification:** This ensures that the efforts and innovations within the built environment sector are quantitatively recognized and integrated into the national carbon budget for trading, providing a strong incentive for further investment in sustainable construction and development practices.
1.3	**Regulation 8(1)(d): Bilateral or**	Prioritizes mitigation activities or projects undertaken in "hard-to-	**Proposal:** Explicitly include manufacturing of low-carbon building materials (e.g., green cement, steel

	multilateral trading agreements	abate sectors" that would not otherwise be achieved without international cooperation.	substitutes) and energy-intensive building operations within the scope of "hard-to-abate sectors" where relevant. **Justification:** Recognizing these aspects of the built environment as "hard-to-abate" will attract international cooperation and finance, facilitating the adoption of innovative, low-carbon solutions in critical areas of the construction industry.
1.4	**Regulation 13: Fiscal and non-fiscal incentives**	The Cabinet Secretary shall provide fiscal incentives and may provide non-fiscal incentives (e.g., continuous review and simplification of registration, official certifications, catalyzing partnerships).	**Proposal: Tailor incentives** to specifically promote and reward green building projects and practices. This could include tax breaks for certified green buildings, accelerated depreciation for energy-efficient equipment, or grants for retrofitting existing buildings for energy efficiency. Develop specific certification and recognition programs for built environment projects that achieve significant carbon reductions and actively facilitate partnerships between local green building project developers and international carbon market participants. **Justification:** The Act encourages low-carbon technologies and energy-efficient building practices. Targeted incentives will directly motivate investment in sustainable building, enhance the financial viability of green projects, and integrate the sector into global carbon trading opportunities, aligning with national climate goals
	2. Draft Climate Change (Non-Market Approaches) Regulations, 2025		
2.1	**Regulation 3(e) & (g): Objective**	Aims to enhance participation of various stakeholders in NDC	**Proposal:** a) Ensure active engagement of professional bodies like AAK and their members (architects,

	of the Regulations	implementation and facilitate non-market approaches through finance, technology transfer, and capacity building.	engineers, planners) in the design, implementation, and coordination of non-market approaches, particularly those related to urban development, infrastructure, and building efficiency. b) Develop specific programs for technology transfer and capacity building in sustainable building practices, focusing on areas like energy-efficient design, green materials, and climate-resilient infrastructure solutions. **Justification:** Leveraging the expertise of built environment professionals is vital for effective implementation of NDCs. Non-market approaches offer a crucial avenue to mobilize resources (finance, technology, capacity building) for enhancing climate resilience and low-carbon development within urban and rural built environment. The Act emphasizes mainstreaming climate change responses into development planning and providing incentives for private sector contribution.
2.2	**Regulation 4: Human rights and environmental integrity**	Requires consideration of human rights, environmental compliance (SEA, EIA, audits), public participation, and free, prior, and informed consent (FPIC) for non-market approaches.	**Proposal:** a) For urban development and infrastructure projects under non-market approaches, ensure robust mechanisms for inclusive public participation and stakeholder engagement, particularly from affected communities, aligning with Article 10 of the Constitution b) Emphasize the importance of integrating Strategic Environmental Assessments (SEAs) and Environmental Impact Assessments (EIAs) for large-scale urban and infrastructure development projects that constitute non-market approaches.

			Justification: This ensures that climate interventions in the built environment are socially equitable and environmentally sound, preventing unintended negative consequences and fostering community ownership, consistent with the Act's principles of participation and human rights.
2.3	**Schedule – Priority Non-Market Approaches Interventions**	Lists "Urban resilience and sustainable cities", "Climate resilient infrastructure", and "Energy efficiency in buildings and industries" as priority interventions.	**Proposal:** a) Provide detailed guidelines and specific criteria for projects under "Urban resilience and sustainable cities" and "Climate resilient infrastructure" that emphasize green building standards (e.g., Kenya Green Building Society (KGBS) rating system, EDGE, LEED) and nature-based solutions within the built environment b) Prioritize and incentivize non-market approaches that focus on retrofitting existing buildings for energy efficiency and promoting the adoption of sustainable, locally sourced building materials. **Justification:** The explicit inclusion of built environment interventions is a strong point of alignment. Providing specific guidance will enable built environment professionals to design and implement projects that directly contribute to these national priorities, moving beyond general statements to concrete, measurable actions and ensuring high-quality, impactful projects
3. Draft Climate Change (Carbon Registry) Regulations, 2025			
3.1	Regulation 9: Sector Registrars	Appoints Sector Registrars for specific sectors including Energy, Transport, Industrial Processes and Product Use, and Waste.	**Proposal:** a) Broaden and redefine the specified sectors to be more granular and directly relevant to the built environment, for example, including "Housing," "Infrastructure," "Urban Development," or "Building Materials" as distinct sectors or sub-sectors

		The Climate Change Act mentions only the National Carbon Registry, and counties *may* establish their own.	b) Clarify the relationship and data flow between the National Carbon Registry, Sector Registries, and any potential County-level registries. We recommend the establishment of a single-window interface for project developers to submit information, coordinating all internal functions (registration, approval, updates, reporting) to avoid duplication and bureaucracy. **Justification:** Current sector definitions, while aligning with UNFCCC, are too broad for granular monitoring and specialized interventions at the local level. Redefining sectors will enable more specific tracking of built environment contributions to carbon reduction. A single-window interface is essential for streamlining processes, reducing administrative burden, and enhancing user experience for project proponents, including those in the built environment
3.2	Regulation 10: National Carbon Registry	Outlines the operation and content of the National Carbon Registry, including recording project design, approvals, authorizations, and tracking carbon units	**Proposal:** Explicitly require and define the role of independent third-party validation and verification for all carbon projects registered, including those in the built environment. The regulations should specify accreditation requirements for such verifiers and clearly link verification outcomes to the issuance and tracking of carbon credits **Justification:** While the regulations emphasize data accuracy and transparency, the lack of explicit provision for third-party validation and verification is a critical gap. Robust, independent verification is fundamental for ensuring the integrity, credibility, and investor confidence in carbon credits generated from built environment projects, aligning with international best practices and Article 6 of the Paris Agreement

3.3	Regulation 12: Know Your Customer (KYC) Access Requirements	Requires verification of applicant identities, beneficial owners, and includes "Project Due Diligence" to ensure legitimacy of carbon projects.	**Proposal:** Incorporate a requirement for qualified environmental professionals, particularly those with expertise in built environment sustainability (e.g., architects, engineers, environmental consultants), to be involved in the design, assessment, and due diligence of carbon projects in the built environment. **Justification:** This addresses the concern that qualified professionals are often sidelined. Ensuring their mandatory involvement during project due diligence will enhance the technical quality, accuracy, and overall integrity of built environment carbon projects, mitigating risks and ensuring compliance with established standards and methodologies
3.4	Regulation 16 & First Schedule: Public Access to Information	States that an exhaustive inventory of publicly available information will be maintained, and outlines a process for requesting additional information.	**Proposal**: Mandate the registry to actively summarize and publish key information in an easily digestible format for the public, including: a) Projects by type (e.g., green buildings, energy efficiency retrofits, low-carbon infrastructure), b) Registration and verification status, c) Issuance volume of carbon credits for various project types, d) Direct benefits accrued to local communities from built environment projects. **Justification**: While the intention to make information publicly available is appreciated, complex legal and technical language can be a barrier for ordinary citizens. Simplified summaries will enhance public understanding, engagement, and ownership of carbon market initiatives, including how the built environment contributes to climate action and community benefits

3.5	Regulation 17: Interoperability with the International Registry	States the registry shall be designed to integrate with the international registry and adhere to interoperability standards	**Proposal:** Provide clear protocols and detailed criteria for linkage and integration with the UNFCCC International Registry (for Article 6.2 systems and reporting to CARP), as well as specific, recognized voluntary carbon market standards (e.g., Verra, Gold Standard, Plan Vivo, Climate Community Biodiversity - CCB Standard). **Justification:** Lack of clarity on international integration poses challenges for project developers. Explicit protocols will ensure seamless exchange of carbon credits from built environment projects with global markets, enhancing liquidity and attracting international investment, thereby maximizing the impact of Kenya's carbon market participation.
3.6	Regulation 21: Dispute Resolution	Refers to Section 23H of the Act for dispute resolution.	**Proposal:** Establish a clear, accessible grievance mechanism and appeals process within the Ministry of Environment, Climate Change and Forestry, or under the Designated National Authority, for actors dissatisfied with registry decisions (e.g., credit issuance, account suspension). This should precede referral to the National Environmental Tribunal. **Justification:** Ensuring clear legal remedies and an efficient appeals process for registry-related disputes will enhance trust, accountability, and fairness for project proponents in the built environment, addressing a current gap in the regulations
3.7	General Comment: Public Awareness & Community Benefits	(Applies across all regulations, particularly Carbon Trading and Registry)	**Proposal:** a) Develop comprehensive civic education and public awareness campaigns specifically tailored for local communities, farmers, and ordinary citizens, explaining carbon markets, non-market approaches, and the benefits/opportunities for the built environment sector in simplified language.

			b) Mandate clear mechanisms for direct benefit sharing with local communities from carbon credit projects, especially those with built environment components (e.g., climate-resilient housing, energy infrastructure). This could be tied to the 40% aggregate earnings for land-based projects and 25% for non-land-based projects under the Act's Section 23E. **Justification**: Effective implementation and equitable benefit distribution hinge on widespread understanding and participation. Ensuring communities comprehend and directly benefit from climate initiatives, particularly those improving local infrastructure and livelihoods, will foster ownership and prevent political interference, aligning with the Act's emphasis on public participation and intergenerational equity