THE DRAFT CLIMATE CHANGE (NON-MARKET APPROACHES) REGULATIONS, 2025

THE CLIMATE CHANGE ACT (Cap. 387A)

IN EXERCISE of the powers conferred by section 36(1) and (2) (bd) of the Climate Change Act, the Cabinet Secretary for Environment, Climate Change and Forestry makes the following Regulations—

THE DRAFT CLIMATE CHANGE (NON-MARKET APPROACHES) REGULATIONS, 2025

Section	Provision	Note
	PART I—PRELIMINARY	
1.	These Regulations may be cited as the Climate Change (Non-Market Approaches Regulations, 2025.	Citation
2.	**"Act"** means the Climate Change Act, Cap 387A. **"Directorate"** means the Climate Change Directorate established under section 9 of the Act. "**Nationally Determined Contribution"** means actions that parties to the Paris Agreement plan to undertake to address climate change. **"National web-based platform"** means an online system established under these regulations, serving as a centralized digital platform for the submission, approval, and public recording of non-market approaches. **"Non-market approaches"** means approaches that aim at promoting mitigation and adaptation ambition, enhancing public and private sector participation in the implementation of nationally determined contributions; and enabling opportunities for coordination across instruments and relevant institutional arrangements. **"Project Proponent"** means an entity legally responsible for carrying out a specific project.	Interpretation

3.	The objective of these Regulations is to – a) Promote Kenya's participation in the framework for non-market approaches as set out under Article 6.8 of the Paris Agreement, by aligning national processes with this provision. b) Foster, in line with article 6.8 of the Paris Agreement, voluntary cooperation between Parties in support of sustainable development and climate goals, including through institutional coordination, stakeholder engagement, and monitoring and reporting mechanisms to assess such alignment. c) Enhance linkages and create synergies between, among others, mitigation and adaptation, for identified non-market approaches. d) Facilitate the implementation and coordination of non-market approaches. e) Enhance the participation of the public and private sector, civil society organizations, and local communities in the implementation of nationally determined contributions. f) Support national and international cooperation in implementation of non-market approaches to support sustainable development, in line with national commitments under the Paris Agreement. g) Facilitate non-market approaches that support implementation of the nationally determined contribution including through finance, technology transfer and capacity building as appropriate. h) Facilitate research and innovation to enhance implementation of non-market approaches in the context of sustainable development and poverty eradication.	Objective of the Regulations
	PART II – CONSIDERATION DURING DESIGN OF NON-MARKET APPROACHES	
4.	(1) The programmes, projects or activities for facilitating non-market approaches shall be implemented in a manner that respects, promotes, and upholds human rights and fundamental freedoms guaranteed by the Constitution. (2) In the design and implementation of non-market approaches – (a) Consideration shall be given to gender equality, the rights of marginalized communities, children, youth,	Human rights and environmental integrity

	persons with disabilities, or people in vulnerable situations. (b) There shall be compliance with environmental requirements, including, where required undertaking strategic environmental assessments, environmental impact assessments, and audits under the applicable law in Kenya. (c) Public participation shall be undertaken as required by the Act and the regulations made thereunder. (d) Free, prior, and informed consent has been obtained from the community, where non-market approaches are proposed on community land.	
PART III – SUBMISSION, REVIEW AND RECORDING OF NON-MARKET APPROACHES		
5.	(1) The Directorate shall establish and maintain a national web-based platform for non-market approaches. (2) The purpose of the platform shall be to facilitate recording, exchanging and provision of information to the public and project proponents on identified opportunities for cooperation in non-market approaches. (3) The national web-based platform shall be open to the public and provide adequate information about recorded non-market approaches including the objectives, budget, location of implementation, beneficiaries, nature and type of support and cooperation requested, and contact information of the proponents. (4) The national web-based platform will provide a mechanism for submission of non-market approaches by any interested project proponent in Kenya. (5) The Directorate may constitute ad-hoc committees, comprising no more than seven members, coopting expertise drawn from the national, and, county governments, and may include civil society organizations, research institutions, or private sector to review non-market approaches submissions. (6) The submitted non-market approaches shall be reviewed in accordance with regulation (6) below, and those that meet the criteria shall be published on the national web-based platform.	National web-based platform for non-market approaches

	(7) The Directorate shall provide feedback in writing whether submissions have been approved, within ninety days (90 from the date of first submission. (8) Where the submission fails to meet the criteria in regulation (6) below, the Directorate shall community the decisions within ninety (90) days and provide written reasons explaining the decision. (9) Any project proponent who receives written reasons under clause (7) above may resubmit the non-market approaches for further reconsideration by the Directorate within ninety days.	
6.	(1) The Directorate, in reviewing the submitted non-market approaches under regulation 5 above, shall take into account the following criteria - a) Alignment with national priorities. b) Prioritization of cooperation that excludes market mechanisms and avoids any overlaps. c) Contribution towards sustainable development including livelihoods, gender equality, empowerment, or poverty eradication. d) Demonstration that the relevant legal threshold has been fulfilled, for public participation and decision making, during design of the non-market approach, if proposed to be undertaken on public or community land. e) Have integrated mechanisms for transparency and accountability. (1) The Cabinet Secretary may periodically review the criteria in clause (1) and publish updates through a legal notice in the Gazette.	Criteria for reviewing non-market approaches
7.	(1) The Directorate, when reviewing the submitted non-market approaches under regulation (6) above, shall also assess and determine whether a non-market approach is suitable for international recording in line with the characteristics of article 6.8 of the Paris Agreement, including but not limited to – (a) Promoting mitigation and adaptation ambition by demonstrating potential to exceed Kenya's nationally determined contribution, integrating both mitigation and adaptation goals, including through scalable interventions. (b) Enhancing public sector, private sector and civil society participation in nationally determined contribution implementation through inclusive engagement of the public	Recording on the UNFCCC Web portal

	and vulnerable groups including in the design or implementation of the approaches. (c) Mobilization of international finance, technology or expertise for the non-market approaches. (d) enabling coordination across various instruments and institutional arrangements by aligning relevant national and county-level laws and policies and facilitating synergies with international mechanisms, and embedding clear institutional frameworks for oversight, learning and coordination. (2) Notwithstanding the provisions in sub-regulation (1) above, all non-market approaches that have been approved by the Directorate under regulation six (6) above will be published in the national web-based platform.	
PART IV – REPORTING ON NON-MARKET APPROACHES		
8.	(1) For purposes of the annual report to Parliament under section 8(2)(e) of the Act, the Cabinet Secretary shall include information maintained on the national web-based platform. (2) Each proponent shall prepare and submit to the Directorate annual progress reports on the implementation of non-market approaches. (2) The report submitted under sub-regulation (2) above may include any challenges encountered, or lessons learnt by a proponent in their use of the national web-based platform. (3) The Directorate will develop and periodically review a template to be used for purposes of reporting under clause (2) above.	Reporting on non-market mechanisms
PART V – GUIDANCE ON PRIORITY NON-MARKET APPROACHES INTERVENTIONS		
9.	(1) Any project proponent who intends to prepare submissions of non-market approaches under these regulations shall be guided by the non-exhaustive priority list of non-market interventions set out in the Schedule to these regulations. (2) The mainstreaming and implementation of non-market approaches in Kenya, including those in the priority list in the Schedule to these regulations, shall be undertaken through	Priority non-market approaches interventions

	the National Climate Change Action Plan prepared under the Act. (3) The Cabinet Secretary may, from time to time, modify the priority list of non-market approaches interventions in the Schedule through a legal notice in the Gazette. (4) The priority non-market approaches interventions maybe informed by non-market mechanisms approach focus areas agreed by Parties to the Paris Agreement, and public policy priorities, including those set out in Action Plan; nationally determined contributions, policies or strategies approved for implementation by the government.	
SCHEDULE – PRIORITY NON-MARKET APPROACHES INTERVENTIONS		
	(a) Adaptation, resilience and sustainability; development 1) Climate smart agriculture. 2) Water resources management. 3) Irrigation. 4) Ecosystem and landscape restoration and conservation. 5) Conservation of public, private and community forests. 6) Sustainable commercial forestry. 7) Promotion of agroforestry. 8) Early warning systems. 9) Disaster risk reduction. 10) Protection of marine ecosystems. 11) Promotion of eco-tourism 12) Sustainable nature-based income and livelihood diversification. 13) Urban resilience and sustainable cities. 14) Climate risk insurance. 15) Social protection systems. 16) Climate resilient infrastructure. 17) Public awareness and education campaigns. 18) Sustainable fisheries and aquaculture management. 19) Climate resilient health systems. 20) Technology and innovation for climate resilience. 21) Policy advocacy for resilient climate governance. **(b) Mitigation measures to address climate change and contribute to sustainable development** 1. Reducing deforestation and forest degradation. 2. Afforestation and Reforestation. 3. Energy efficiency in buildings and industries. 4. Electric mobility. 5. Non-motorized transportation.	Priority List of Non-Market Approaches Interventions

	6. Sustainable waste management and circular economy, and resource efficiency. 7. Sustainable land management and agricultural practices. 8. Low-carbon irrigation practices. **(c) Development of clean energy sources –** 1) Public-private partnerships for renewable energy projects. 2) Scaling up development of renewable energy sources. 3) Sustainable biomass and biogas energy utilization. 4) Energy storage solutions to complement intermittent renewable energy sources like solar and wind. 5) Energy efficiency and conservation innovation. 6) Decentralized renewable energy mini grids. 7) Clean energy research, development and dissemination. 8) Clean cooking solutions.	