



United Nations
Framework Convention on
Climate Change



The Republic of Kenya

Climate Change Position Paper

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1.0 Background Data

1.1 National Circumstances

Kenya's energy mix is comprised of 3 sources -- biomass, petroleum, and electricity. Biomass accounts for 69% of Kenya's energy mix; however, this is not a hard number. Many among the population rely on wood and other biofuels in their households, but detailed, accurate reports are difficult to conduct. Petroleum accounts for 22% of the energy mix. All of this petroleum is imported, despite the fact that oil has been found in Kenyan soil. The remaining 9% of Kenya's energy mix comes in the form of electricity. The electricity itself is powered nearly entirely using renewable forms of energy. According to African Law and Business, "Electricity in Kenya is generated from geothermal (47% of consumption), hydropower (39%), thermal (13%) and wind (0.4%)." As these numbers show, Kenya has been making a large push towards renewables in the electricity sector. Other sectors are still largely from non-renewable sources, due to the nature of Kenya's society and the distribution of its people.

According to the CIA World Factbook, about $\frac{3}{4}$ of Kenya's workforce is employed in the agricultural sector. However, agriculture only accounts for 35.6% of their gross domestic product. 47.3% of their GDP comes from services, and the remaining 17.2% comes from industry. Their main industrial goods are small consumer goods -- plastic, furniture, batteries, textiles, etc. ("The World Factbook: KENYA").

The main source of Kenya's GHG emissions is agriculture, which accounts for 62.8% of our total emissions (37.8 megatons of CO₂). The second largest source of emissions is energy (ie. fuel combustion and transportation) accounting for 31.2% (18.7 megatons of CO₂). The other 6% of Kenya's emissions come from industrial processes and waste. This is 3.7 megatons of CO₂. These emissions sources add up to 60.2 megatons of CO₂ emitted annually by Kenya. At the time of these emissions measurements, Kenya had a population of approximately 43.7 million, so

emissions per capita is 1.38 tons of CO₂ per year (USAID Report April 2017).

Kenya's population of 47,615,739 is very high compared to other African countries; the entire continent of Africa has only a population of 1.216 billion. Our GDP per capita is \$3,400. Kenya has many natural resources including oil, coal, natural gas, water, solar energy, geothermal energy, and wind ("The World Factbook: KENYA"). Therefore, in terms of source vulnerabilities, Kenya is very well off. With the presence of many renewable resources (high geothermal energy, water for hydraulic energy, sunlight for solar energy, and even a substantial amount of wind for wind power), they experience very low source vulnerability. In terms of impact vulnerability, however, Kenya experiences a greater risk. Climate change and rising temperatures will inevitably have a negative effect on wildlife, especially species of fish and other water-dwelling animals (Kurby). Unfortunately, the vast majority of Kenyans, who primarily rely on agriculture, forestry, and fisheries, will be greatly affected by climate change as rising temperatures kill off animals and plants that are essential to Kenya's environment and economy (Martin). For this reason, the climate change issue is of much importance to Kenya's posterity.

1.2 National Action

Kenya's Nationally Determined Contribution pledged in the Paris Agreement is both ambitious and innovative. Submitting our INDC well ahead of time showed that we are fully committed to combatting climate change. According to an announcement made by the UN Climate Change Newsroom, "Kenya Submits its Climate Action Plan Ahead of 2015 Paris Agreement", although Kenya's contribution to the rise in climate change is only "a mere 0.1% of the total global emission," as a country we still believe we can lead the way to the hopeful 1.5 degrees Celsius goal stated in the Paris Agreement. In our Nationally Determined Contribution, Kenya seeks to "abate its GHG emissions by 30% by 2030 relative to the BAU scenario of 143 MtCO₂eq; and in line with its sustainable development agenda." Programs to reduce emissions began in 2015 or earlier. We also intend to continue afforestation programs towards achieving "tree cover of at least 10% of the land area of Kenya" ("Kenya's Intended Nationally Determined Contribution "

2). In order to reach these goals, Kenya will need substantial support in the areas of finance, technology, and capacity building from other countries.

Despite the fact that Kenya is already working towards other sustainable development goals, such as ending extreme poverty and fighting inequality and injustice (Ministry of Environment & Natural Resources), we still urge our people to meet climate change with action. As stated in *Kenya's Intended Nationally Determined Contribution*, we plan to ensure “enhanced resilience to climate change towards the attainment of Vision 2030 by mainstreaming climate change adaptation into the Medium Term Plans (MTPs) and implementing adaptation actions.” To aid this process, Kenya will break itself up into sectors that differ in vulnerability to climate change. To put things into perspective, we will need an estimated “USD 40 billion” to fund “...mitigation and adaptation actions across sectors up to 2030” (“Kenya’s Intended Nationally Determined Contribution” 7). In conclusion, Kenya believes that further analysis is needed to correctly calculate actual investment costs and support actionable policy.

1.3 Public Opinion and Government Attitude

The majority of Kenyans are well aware of the dangers of climate change. According to the Pew Research Center’s Spring 2016 Global Attitudes Survey, 71% of Kenyans classify global climate change as a “major threat” to Kenya. A further 16% believe global climate change is a minor threat. Among the 18 nations surveyed in this report, Kenya is ranked 5th for global climate change awareness. However, while nations from each major geographical region were surveyed in the report, a sample size of 18 nations can hardly represent the unique circumstances of all 193 UN-recognized countries.

General information about climate change can be better communicated to Kenyans through radio, television, and the internet. Climate change should also be fully integrated into Kenya’s education system at all levels, from primary school to university. At the university level, climate

change should be specifically integrated into technical professions.

The 2015 World Bank Group (WBG) Country Opinion Survey for Kenya reported survey data from 558 stakeholders of the WBG in Kenya. The respondents were drawn from various groups including the office of the President/Prime Minister, office of a Parliamentarian, consultants, local governments, NGOs, the media, faith-based groups, academia, and the judiciary branch. According to this survey, 36.6% of respondents consider climate change “a very serious problem,” and an additional 43.1% consider climate change “a somewhat serious problem” (Kenya, World Bank Group Country Survey 2015). While these numbers show promising awareness and interest in climate change response, when the respondents were asked to identify the top three most important development priorities in Kenya from a list of 30 options, only 1.6% of respondents listed climate change (Kenya, World Bank Group Country Survey 2015). The most popular answers were job creation and economic growth. These results show that while many government officials and community leaders in Kenya believe climate change is a threat, the national circumstances require the prioritization of more pressing challenges. While these priorities must be addressed, Kenya remains fully committed to the Paris Agreement and sees the document as a path to greater international cooperation with regard to the United Nations’ 18 Global Goals. Furthermore, Kenya believes that reducing GHG emissions must go hand-in-hand with ending extreme poverty, as well as fighting injustice and inequality.

Kenya believes historical responsibility and respective capability should be the main factors in determining each nation’s contribution (“Kenya’s Intended Nationally Determined Contribution” 6). Kenya’s historical contribution is low and national priority on economic development limits capability, but immediate response to climate change is still of the utmost importance to the Kenyan government.

2.0 Negotiating Position

2.1 Climate Finance

Sourcing the funding necessary to facilitate the transition of Kenya's economy, energies, and vital infrastructure to systems resilient of climate change is one of the nation's top priorities. Implementation of Kenya's National Action Plan (NAP) from 2015-2030 will require an estimated US\$ 38,255,496,051. To date, the majority of funding for climate change resiliency initiatives has come from two public sources: The Kenyan Government and international development partners. These sources have and will continue working in conjunction to implement Kenya's Climate Change readiness programs. Kenya's Adaptation Fund and the National Drought and Disaster Contingency Fund are two public bodies through which existing climate adaptation programs are financed. Also, particularly since the creation of the Green Climate Fund under the UNFCCC, Kenya has begun implementing climate readiness programs in earnest and will continue such efforts, provided that international funding continues unabated ("Kenya National Adaptation Plan" 43). As a developing nation, Kenya does not expect to contribute to the Green Climate Fund.

However, Kenya's National Climate Change Action Plan (NCCAP) believes that this system by which adaptation programs are financed through disparate sources is a great source of inefficiency. To improve efficiency, we intend to establish the Kenya Climate Fund under the purview of the National Treasury. The fund would increase the impact of climate adaptation and readiness programs by serving as a central pool for all sources of financing: international and domestic, public and private ("Kenya National Adaptation Plan" 43).

Kenya is already an ideal location for private sector financing of low carbon technologies because of "its high GDP and energy demand growth, its excellent renewable energy resources

and high energy efficiency potential, its fairly favourable regulatory environment, and its relatively well-developed financial sector” (“National Climate Change Action Plan.” 88). However, Kenya still has much room to grow with regard to private financing. In the coming years, Kenya plans to rapidly advance the involvement of the private sector in low carbon climate resilient investments. The NCCAP has identified a few key improvements that would greatly improve private investment in Kenya’s climate adaptation systems: reforming Kenya’s renewable energy feed-in tariff, power purchase agreement, and renewable energy permits and licenses allocation system. Beyond private investment in low carbon technologies, Kenya has identified a number of sectors where public and private efforts should jointly finance climate adaptation programs:

1. Human Resource Development, Labor, and Employment,
2. Education and training,
3. Trade and Manufacturing,
4. Business Process Outsourcing,
5. Financial services

(“Kenya’s Intended Nationally Determined Contribution” 5).

While public and private financing must be jointly utilized, Kenya is fully committed to upholding its responsibilities by publicly financing domestic climate adaptation initiatives. However, for Kenya to effectively adapt to change, all other nations must fulfill their personal responsibilities to both domestic and international public financing.

Kenya’s historical contribution to global greenhouse gas emissions is extremely low compared to most other nations. Kenya’s emissions only account for 0.1% of the global total. Developing nations such as Kenya should not be responsible for the international costs of climate change adaptation. Rather, developed nations should take responsibility for their historic contributions to GHG emissions. Developed nations not only bear the burden of responsibility but have access to resources that developing nations lack (“Kenya’s Intended Nationally Determined Contribution” 6).

Furthermore, the international financial responsibility of nations is clearly defined by the Text of the Convention:

“The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects” (“United Nations Framework Convention on Climate Change” 8).

Article Four of the Convention obliges developed nations to assist developing nations such as Kenya. Kenya finds this obligation and its limitations to be perfectly in accordance with the principle of “common but differentiated responsibilities and respective capabilities” (“Kenya’s Intended Nationally Determined Contribution” 6).

Developed nations are primarily responsible for global GHG emissions, they have the financial resources to assist developing nations, and they are compelled by the UNFCCC to provide such financial assistance. It is obvious that developed nations are perfectly poised to take leadership roles in the fight against climate change. Kenya and other globally-minded developing nations will lead where we can, but we are inevitably constrained by financial assets.

Therefore, the UNFCCC should explicitly define minimum international financial contributions to ensure that funding for developing nations will continue unabated. Certainty of a minimum level of financial assistance is of the utmost concern to the Kenyan Government. Explicitly defined minimum international financial contributions will ensure that developed nations are held to their common but differentiated responsibilities and respective capabilities. Clear minimum financial contributions will also ensure sure that promises made become promises kept.

However, if the Kenyan Government can not be sure that we will receive above a minimum level of financial assistance, we can not effectively allocate resources towards climate change

adaptation and readiness programs. Conversely, if developing nations such as Kenya have access to a certain flow of financial assistance, we can plan with a greater focus on long-term goals.

2.2 Loss and Damage

Consideration of loss and damage greatly impacts Kenya's potential courses of action. In order for any movement to occur towards improving climate change adaptability in developing countries, there must first exist an international mechanism for loss and damage. This mechanism will help developing countries bear the costs of lives, livelihood, and shelter that climate change claims every year and ensure the contributions of nations that are able to provide aid. Although Kenya contributes very little to global emissions, we face disproportionately high costs of climate change, such as the "...[C]onsiderable losses across the country's different sectors over the years. The main climate hazards include droughts and floods which cause economic losses estimated at 3% of the country's Gross Domestic Product (GDP)" (Kenya, Africa, Ministry of Environment and Natural Resources). In the case of extreme weather events, Kenya's infrastructure is prone to failure, which further heightens the economic burden of climate change. Kenya believes that fairness, with regard to national contributions, should be based upon "historical responsibility and respective capability to address climate change" ("Kenya's Intended Nationally Determined Contribution" 6). This means that countries who have emitted more in the past and are able to pay for their actions should give the largest contributions to developing nations (Kenya, Africa, Ministry of Environment and Natural Resources).

Regarding the international mechanism for loss and damage, Kenya believes that financial reparations should be made to countries that have suffered significant amounts of loss and damage due to climate change, but are only responsible for minute fractions of global emissions. Financial reparations are particularly justifiable in Kenya's case because we are only responsible for 0.1% of global emissions. Furthermore, countries such as Kenya that are barely responsible for global GHG emissions usually lack the domestic resources required to repair damages caused

by climate change. Kenya's goal to lead global climate change is "subject to limitations; with poverty alleviation and sustainable economic development being the key national objectives," which is why we require financial support (Kenya, Africa, Ministry of Environment and Natural Resources). This specific mechanism will ensure developed countries' participation in the mitigation efforts that don't directly affect them. If not for the obligatory financial support that the mechanism calls for, developing countries would not be able to participate in the race to slow global climate change.

2.3 Mitigation

Mitigation targets should be established for all countries as differentiated national contributions. According to Kenya's Second National Communication (SNC) to the United Nations Framework Convention on Climate Change, "Climate change is the most serious global challenge of our time" (Republic of Kenya, National Environment Management Authority). Climate change is a global issue that threatens to negatively affect nearly all facets of modern life. The people and government of Kenya wish to advertise their "conviction that all countries must do their part to achieve steep reductions in greenhouse gas emissions and thereby" minimize negative effects of climate change (Republic of Kenya, National Environment Management Authority).

Kenya believes that determining national contributions should be centered around "historical responsibility and respective capability to address climate change" (Kenya, Africa, Ministry of Environment and Natural Resources). Contributions from Annex I nations should be substantially greater than the obligations of developing nations, but all nations should be responsible for appropriate contributions based on their previous emissions and current opportunities or limitations. These obligations for developing nations may be dependent upon international aid, but the government of each nation must determine national intended contributions. Annex I nations should lead, but Kenya insists climate change response will remain a national priority.

Ensuring that future development and economic growth of developing nations involves sustainable practices is crucial to properly managing climate change. Since climate change negatively impacts nearly every sector of Kenya's economy, an integrated approach that combines mitigation and adaptation into economic policy will likely be beneficial to development. Required mitigation targets for all nations will be crucial to long term development and economic growth. Although "poverty alleviation and sustainable economic development" are top national priorities, the Government of Kenya recognizes that prioritizing climate change response, with help from international and non-governmental organizations, is vital to development in Kenya and to resolving this global crisis ("Kenya's Intended Nationally Determined Contribution" 6).

Pertaining to the legal status of mitigation commitments, we believe that they should be enforced by international law. If countries are left to their own devices and are only held accountable by the honor code, they will lack motivation to carry out the promises they've made.

Psychologically, when groups of individuals collaborate to solve an issue, each individual is further motivated to work towards a solution. The same way running partners encourage each other to keep running by holding one another accountable, we will most quickly and effectively reduce emissions by attacking climate change as a body of all nations, where the collective holds each country accountable for their individual contribution. Binding legal commitment is also the most helpful approach to mitigation because countries better recognize the gravity of a situation when it is internationally recognized as a primary issue. For this reason, Kenya argues that mitigation enforced by international law is the most promising option as we face the future and continue the fight for lower emissions.

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