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REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

REPORT ON THE
CONSIDERATION OF THE PRIVILEGES AND IMMUNITIES (THE GLOBAL CENTRE
FOR ADAPTATION) ORDER, 2025

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 30 SEP 2025	DAY: TUESDAY
TABLED BY:	Hon. VINCENT MUSYOKA, MP (CHAIRPERSON)
CLERK AT THE TABLE:	INZOV MWALE

NATIONAL ASSEMBLY
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NAIROBI.

SEPTEMBER, 2025

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LIST OF ABBREVIATIONS AND ACRONYMS

AAAP	-	Africa Adaptation Acceleration Program
AFDB	-	African Development Bank
GCA	-	Global Centre for Adaptation

LIST OF ANNEXURES

1. Report adoption Schedule
2. Minutes
3. Copy of the Newspaper Advertisement on Public Participation
4. Letter inviting stakeholders for meetings with the Committee
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CHAIRPERSON'S FOREWORD

The Cabinet Secretary for Foreign and Diaspora Affairs, in exercise of the powers conferred by section 11 of the Privileges and Immunities Act, Cap 179, published the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 *vide Legal Notice Number 82 of 2025*.

The Order was published on 2nd May, 2025 and submitted to the Clerk of the National Assembly on 30th May, 2025 and tabled on 4th June 2025 by the Leader of the Deputy Majority Whip and subsequently referred to the Departmental Committee on Environment, Forestry and Mining for consideration.

The Privileges and Immunities (Global Centre for Adaptation) Order, 2025 indicates that the Government of Kenya has entered into an agreement for cooperation with the Global Centre for Adaptation (GCA), an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions.

Pursuant to section 11 of the Privileges and Immunities Act, Cap 179, the **Privileges and Immunities (Global Centre for Adaptation) Order, 2025** seeks to grant GCA the privileges and Immunities under Part I of the Fourth Schedule to the Act which include immunity from suit and legal process; inviolability of premises occupied as offices and official archives; exemption from rates and taxes on importation of goods; exemption from taxes on the goods or services imported or purchased locally by the organization for its official use in Kenya or for exportation, or on the importation of any publications of the organization directly by it, subject to conditions imposed in customs and excise; and exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and any publications of the organization directly imported or exported by it.

Additionally, the Order seeks to grant the GCA director, officials and staff the privileges and immunities specified under Part III of the Fourth Schedule to the Act, which include immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties, exemption from direct taxes upon emoluments received as an officer or servant of the organization; immunity from national service obligations; immunity from immigration restrictions and alien registration in respect of officers and servants and their spouses and dependent relatives; like privileges in respect of exchange control facilities as are accorded to officials of equivalent status forming part of diplomatic mission; like facilities for the officers and servants and their spouses and dependent relatives for repatriation in time of international crises as are afforded to diplomatic missions; and exemption from tax or duty on the importation of furniture, personal property and household effects of an officer or servant first arriving to take up his post in Kenya.

The Committee upon receipt of the Order, scrutinised the Order in accordance with the Constitution of Kenya, the Privileges and Immunities Act, Cap 179, the Interpretation and General Provisions Act, Cap 2 and the Statutory Instruments Act, Cap 2A which regulate the making, scrutiny and publication of the Order and made various observations which informed the decision to approve the submitted instrument.

Following the placement of advertisements in the print media on **Wednesday, 9th July, 2025**, seeking public and stakeholder views on the Order pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee did not receive any memorandum.

Pursuant to section 16 of the Statutory Instruments Act, Cap 2A, which obligates the Committee to confer with the regulation making authority, the Committee held a consultative meeting with the Ministry of Foreign and Diaspora Affairs, the Ministry of Environment, Forestry and Climate Change and the Office of the Attorney General on Friday, 8th August 2025 to deliberate on the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 and consider the underlying policy rationale.

Having examined the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 against the Constitution of Kenya, the Privileges and Immunities Act, Cap 179, the Interpretation and General Provisions Act, Cap 2 and the Statutory Instruments Act, Cap 2A, the Committee is satisfied that the Order complies with the Constitution and the relevant enabling legislation. Further, the Committee confirms that the Order was submitted to the National Assembly within the statutory timelines, was accompanied by an explanatory memorandum and was subjected to adequate public participation. Accordingly, *the Committee recommends that the House APPROVES the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 (Legal Notice No. 82 of 2025)*

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. Finally, I wish to express my appreciation to the Honorable Members of the Committee and Secretariat who made useful contributions towards the consideration and production of this report.

On behalf of the Departmental Committee on Environment, Forestry and Mining and pursuant to provisions of Standing Order 127 (4), it is my pleasure and honour to present to this House the Report of the Committee on its consideration of the Privileges and Immunities (Global Centre for Adaptation) Order, 2025.

HON. VINCENT MUSYOKA MUSAU, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND
MINING

PART ONE

1.0 PREFACE

1.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Environment, Forestry and Mining is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216**, whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. *To study and review all the legislation referred to it;*
 - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
 - viii. ***To examine treaties, agreements and conventions;***
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

1.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider matters related to Climate change, environment management and conservation, forestry, mining and natural resources, pollution and waste management.
3. In executing its mandate, the Committee oversees the Ministry of Environment, Climate Change and Forestry and the State Department for Mining.

1.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Environment, Forestry and Mining was constituted by the House on 27th October 2022 and on 5th March 2025 and comprises the following Members:

Chairperson

Hon. Vincent Musyoka Musau, MP
Mwala Constituency
UDA Party

Vice-Chairperson

Hon. Charles Kamuren, MP
Baringo South Constituency
UDA Party

Members

Hon. Mbalu Jessica Nduku Kiko, CBS, MP
Kibwezi East Constituency
WDP Party

Hon. Mohamed Ali Mohamed, MP
Nyali Constituency
UDA Party

Hon. Mwanyanje Gertrude Mbeyu, MP
Kilifi County
ODM Party

Hon. Masito Fatuma Hamisi, MP
Kwale County
ODM Party

Hon. Hiribae Said Buya, MP
Galole Constituency
ODM Party

Hon. Titus Lotee, MP
Kachaliba Constituency
KUP Party

Hon. Salim Feisal Bader, MP
Msambweni Constituency
UDA Party

Hon. Mohamed Tubi Bidu, MP
Isiolo South Constituency
Jubilee Party

Hon. Emathe Joseph Namuar, MP
Turkana Central Constituency
UDA Party

Hon. Yakub Adow Kuno, MP
Bura Constituency
UPIA Party

Hon. Joseph Wainaina Iraya, MP
Nominated
UDA Party

Hon. Kemei Beatrice Chepngeno, MP
Kericho County
UDA Party

Hon. Charity Kathambi Chepkwony, MP
Njoro Constituency
UDA Party

1.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following staff:

Ms. Hellen Ekadeli
Senior Clerk Assistant/Head of Secretariat

Ms. Mercy Wanyonyi
Senior Legal Counsel

Mr. Hamdi Hassan Mohamed
Clerk Assistant III

Dr. Joseph Kuria
Research Officer III

Ms. Nancy Chamunga
Fiscal Analyst II

Mr. Stephen Otieno
Senior Sergeant-At-Arms

Mr. Kevin Obilo
Media Relations Officer III

Mr. Eric Ogola
Public Communications Officer III

PART TWO

2.0 CONSIDERATION OF THE PRIVILEGES AND IMMUNITIES (THE GLOBAL CENTRE FOR ADAPTATION) ORDER, 2025

2.1 BRIEF OVERVIEW

6. The Privileges and Immunities (Global Centre for Adaptation) Order, 2025 indicates that the Government of Kenya has entered into an agreement for cooperation with the Global Centre for Adaptation (GCA), an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions.
7. Pursuant to section 11 of the Privileges and Immunities Act, Cap 179, the **Privileges and Immunities (Global Centre for Adaptation) Order, 2025** seeks to—
 - (a) Grant GCA the privileges and Immunities under Part I of the Fourth Schedule to the Act which include—
 - (i) Immunity from suit and legal process;
 - (ii) Inviolability of premises occupied as offices and official archives;
 - (iii) Exemption from rates and taxes on importation of goods;
 - (iv) Exemption from taxes on the goods or services imported or purchased locally by the organization for its official use in Kenya or for exportation, or on the importation of any publications of the organization directly by it, subject to conditions imposed in customs and excise; and
 - (v) Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and any publications of the organization directly imported or exported by it; and
 - (b) Grant the GCA director, officials and staff the privileges and immunities specified under Part III of the Fourth Schedule to the Act, which include—
 - (i) Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties, exemption from direct taxes upon emoluments received as an officer or servant of the organization;
 - (ii) Immunity from national service obligations;
 - (iii) Immunity from immigration restrictions and alien registration in respect of officers and servants and their spouses and dependent relatives;
 - (iv) Like privileges in respect of exchange control facilities as are accorded to officials of equivalent status forming part of diplomatic mission;
 - (v) Like facilities for the officers and servants and their spouses and dependent relatives for repatriation in time of international crises as are afforded to diplomatic missions; and
 - (vi) Exemption from tax or duty on the importation of furniture, personal property and household effects of an officer or servant first arriving to take up his post in Kenya.

2.2 THE GLOBAL CENTRE FOR ADAPTATION (GCA)

8. The GCA is an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions which is registered in the **Netherlands**.
9. The GCA—
 - (a) Is a development partner that operates through regional offices and partner institutions to facilitate knowledge sharing and learning and enable implementation of adaptation solutions, provide a coherent global perspective on adaptation and mobilize resources for adaptation;
 - (b) Works to promote global cooperation and collaboration on adaptation, bringing together governments, international organizations, the private sector, civil society and other stakeholders toward common adaptation goals; and
 - (c) Aims to catalyze action on adaptation by providing tools, support and resources to those who are most vulnerable to the impacts of climate change.
10. The GCA has been working in collaboration with the Government of Kenya, local and international partners in Kenya since 2021.

2.3 THE EXPLANATORY MEMORANDUM ON THE HOST COUNTRY AGREEMENT (HCA) BETWEEN THE GOVERNMENT OF KENYA AND THE GLOBAL CENTRE FOR ADAPTATION (GCA)

11. The Agreement is entered into pursuant to Kenya's international commitments on climate action, including the Paris Agreement and national climate adaptation policies.
12. The Agreement—
 - (a) establishes a Regional Office of the GCA in Nairobi to enhance Kenya's role in climate adaptation and resilience building efforts across Africa;
 - (b) recognizes GCA as an international organization with legal personality i.e it can enter into contracts, acquire property and institute legal proceedings;
 - (c) GCA's property will be immune from legal processes except where immunity is expressly waived. Similarly, officials of GCA will be granted tax exemptions, work permits and other privileges similar to those of other international organizations;
 - (d) Official GCA activities will be exempt from taxes. Additionally, goods and services imported for official use will be exempt from custom duty and VAT;
 - (e) GCA will recruit both international and local personnel. Kenyan citizens will be given priority and recruited across all levels where applicable;
 - (f) Any disputes arising from the implementation of the Agreement will be resolved through consultations and if necessary through Kenyan courts; and
 - (g) The Agreement takes effect provisionally upon signature and definitively upon gazettelement and will remain in force for ten (10) years, renewable by mutual agreement of the Parties.

2.3.1 Benefits for Kenya

13. The Host Country Agreement with GCA is a strategic initiative aligned with Kenya's climate change agenda. It provides an opportunity for Kenya to benefit from global expertise and resources in climate adaptation while reinforcing Nairobi's status as a hub for international organizations.
14. Additionally, it will—
 - (a) Enhance Kenya's international profile as a leader in climate adaptation;
 - (b) Strengthen cooperation with global stakeholders in climate resilience;
 - (c) Create job opportunities and capacity building opportunities for Kenyan professionals;

- (d) Increase investment in climate adaptation projects in Kenya and Africa; and
- (e) Facilitate knowledge-sharing and learning, guide and enable the implementation of adaptation solutions, provide a coherent global perspective on adaptation and mobilize for resources

2.3.2 Financial Implications

15. The Agreement does not impose any direct financial obligations on the Government of Kenya beyond facilitating the operations of the Regional Office.

2.3.3 Public Consultations

16. The Agreement incorporated the views of the key stakeholders such as the National Treasury and Economic Planning, Office of the Attorney General, Directorate of Immigration, Kenya Revenue Authority and the Ministry of Environment, Climate Change and Forestry.

2.3.4 Monitoring and Review.

17. The Ministry of Foreign and Diaspora Affairs will monitor the activities of GCA together with the relevant Ministry.

PART FOUR

4.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

18. Following the call for memoranda from the public through placement of adverts in the print media on **6th December 2024** and vide letters **REF: NA/DDC/ EF&M/2025/41, REF: NA/DDC/ EF&M/2025/42** dated **30th July 2025, REF: NA/DDC/ EF&M/2025/46**, dated **29th July 2025**, inviting stakeholders for a meeting, the Committee received submissions from the following stakeholders:

- i) The Office of the Attorney General;
- ii) Ministry of Environment, Forestry and Climate Change; and
- iii) The State Department for Foreign Affairs

4.1 SUBMISSIONS BY THE STATE DEPARTMENT FOR FOREIGN AFFAIRS

19. In a meeting with the Committee held on **Friday, 8th August 2025, Dr. Korir Sing'Oei**, the Principal Secretary, State Department for Foreign Affairs made the following submissions:

Background

20. The Global Centre on Adaptation (GCA) is an international organization registered and headquartered in the Netherlands. It is established with the aim of accelerating adaptation action and supporting climate adaptation solutions.

21. The GCA is a development partner which operates through regional offices and partner institutions to facilitate knowledge-sharing and learning, guide and enable the implementation of adaptation solutions, provide a coherent global perspective on adaptation, and mobilize resources for adaptation.

22. The GCA works to promote global cooperation and collaboration on adaptation, bringing together governments, international organizations, the private sector, civil society, and other stakeholders to work towards common climate adaptation goals. It aims to catalyze action on adaptation by providing tools, support, and resources to those who are most vulnerable to the impacts of climate change.

GCA's activities in Kenya

23. GCA is supporting the Government of Kenya to provide an investment roadmap for climate resilient infrastructure, in partnership with the University of Nairobi. Through a risk and resilience assessment, this project aims to produce an investment roadmap that will guide the development of climate resilient infrastructure systems in Kenya. The roadmap will influence the national commitment of investing \$20.3 billion to enhance climate proofing of infrastructure by 2030 under the National Adaptation Plan.

24. The GCA is working with the African Development Bank (AfDB), under the African Adaptation Acceleration Program (AAAP), and **Kenya National Highways Authority (KeNHA)** to mainstream climate adaptation investing US\$ 223 million to upgrade critical sections of the **Kenya to South-Sudan road corridor**. This will boost the movement of goods, persons (service provision) and improves overall security.

25. The GCA is working with the World Bank Group (WBG) **to strengthen the public sector capacity of Kenyan counties and municipal boards to implement climate resilient urban services and planning under the US\$350m Kenya Urban Support Program – II (KUSP2).**

26. In collaboration with the African Development Bank (AfDB) and the Alliance of Biodiversity International and the International Center for Tropical Agriculture (CIAT) GCA, works to mainstream climate adaptation solutions and resilience measures to climate-proof investments under the AfDB's Program to **Build Resilience for Food and Nutritional Security in the Horn of Africa (BREFONS)**. This US\$226 million investment program contributes to improving food and nutrition security and increasing resilience in the Horn of Africa. By strengthening the resilience and adaptive capacity of pastoral and agropastoral communities and production systems to climate change, the program also contributes to improving peace and security in the region. The countries covered by the program are Djibouti, Ethiopia, Kenya, South Sudan, Sudan, Eritrea.
27. The **African Youth Adaptation Solutions Challenge (YouthADAPT)** is an annual competition and awards program that supports youth-led enterprises with innovative climate adaptation and resilience solutions. Each winner of the Challenge receives a **\$100,000 grant and mentorship, enabling them to expand their solutions**. The winners also gain business support through a 12-month accelerator program.
28. Among the over forty winners of the AAAP's African Youth Adaptation Solutions Challenge (YouthADAPT Challenge), eight of them are from Kenya, some of the programs include:
- (i) **Agritech Analytics** developed a crop and soil management tool that leverages data from AI powered satellite analytics driven by ML algorithms and data from solar-powered IoT sensor to tackle water deficit, unpredictable weather events, plant and soil diseases.
 - (ii) **Kisumeo Organics** empowers smallholder farmers to create sustainable and climate-resilient aquatic food systems by leveraging artificial intelligence to produce crawfish fries all year round.
 - (iii) **Farmer Lifeline Technologies** helps farmers to get ahead of pests and pathogens with a proprietary disease detection device. The enterprise also reduces greenhouse gas emissions from synthetic fertilizers and farm chemicals by creating more environmentally friendly versions.
29. The intended Nairobi Regional Office will oversee the Africa Adaptation Acceleration Program (AAP). The AAP focuses on transformational pillars applicable to the region including Kenya where investments in adaptation and resilience building can yield high economic dividends for African nations and can accelerate the achievement of the Sustainable Development Goals.
30. These pillars include:
- (i) Food security;
 - (ii) Infrastructure and Nature-based Solutions;
 - (iii) Youth Entrepreneurship and Adaptation Jobs;
 - (iv) Adaptation Finance Research for Impact; and
 - (v) Agenda Setting and Advocacy.
 - (vi) To actualize the Regional Office, the GCA has requested to conclude a Host Country Agreement with the Government of Kenya, which agreement will provide an enabling, requisite and appropriate legal and institutional framework to enhance the co-operation and ensure more efficient and effective operations by GCA, within the Republic of Kenya.

Benefits of Hosting the Global Center on Adaptation in Kenya

31. He noted that since 2021 GCA, has committed over EUR 3 million to programs for food security, infrastructure and nature-based solutions, and adaptation jobs in Kenya.
32. These investments will directly influence almost \$800 million in downstream investments, with significantly higher impact on the implementation of the GoK National Adaptation Plan, which has allocated \$20bn for resilient infrastructure.
33. GCA's strategy draws from Kenyan solutions and expertise, including through the domestic private sector and institutions of excellence, including the University of Nairobi.
34. Kenya plays host to numerous strong implementing partners many of whom collaborate with GCA to execute projects on its behalf. The opening a regional office in Kenya will undoubtedly present opportunities for deeper partnership and collaboration.

Additional benefits on the opening of GCA's Regional Office

35. Increase the number of jobs for local Kenyans across all levels, spur development and humanitarian projects and increase foreign exchange earnings for the country. Further it will safeguard employment opportunities for the current and future workforce that will be based in Kenya.
36. Support the Government's focus and strategies around the reduction of the Country's vulnerabilities to climate change and harness the economic growth opportunities that result from effective climate adaptation.
37. Increase investment in the country which will spur economic growth through investments in adaptation and resilience building.
38. The establishment of the regional office in Nairobi will be an important step in enabling GCA to deepen our programs and impact in Kenya and the Eastern Africa region.
39. Continue to elevate Nairobi as a hub for multi-cultural diplomacy and also increase foreign currency cash flows which is necessary in boosting the local economy.
40. Nairobi has been chosen for the Regional Office because of its relative peace, geographical location, besides being a key financial, transportation, business and economic hub, thus providing excellent regional base to support its programs.

Financial Implications

41. The Government of Kenya will not incur any immediate financial implications by hosting the Global Center on Adaptation in Kenya. However, as the Global Center on Adaptation has been published in the Gazette under the Privileges and Immunities Act, the Government will incur loss of revenue through tax exemptions granted. This will however be recouped through the investments GCA will carry out in Kenya.

Legal Implications

42. There are no legal implications requiring change or creation of new law, on the grant of the Host Country Agreement to the Global Center on Adaptation.

4.2 SUBMISSIONS BY THE MINISTRY OF ENVIRONMENT, CLIMATE CHANGE, AND FORESTRY

43. In a meeting with the Committee held on **Friday, 8th August 2025**, the **Cabinet Secretary, Dr. Beborah Barasa**, highlighted the following:

- i) The building that's being build by GCA will host both the GCA Offices and will serve as the Headquarters of the Ministry of Environment, Climate Change and Forestry. The building will be christened Mazingira House.
- ii) Africa remains the most vulnerable continent to the adverse impacts of climate change, yet it currently receives only 3% of global climate finance directed towards adaptation. The presence of the Global Centre for Adaptation in Nairobi, widely regarded as the environmental capital of the world, is therefore of strategic importance. It positions Kenya not only as a leader in environmental governance but also as a continental hub for adaptation finance and resilience-building efforts.
- iii) That the Ministry welcomes and supports the hosting of the GCA headquarters in Kenya.

4.4 SUBMISSION BY THE OFFICE OF THE ATTORNEY GENERAL

44. In a meeting with the Committee held on **Friday, 8th August 2025**, **Ms. Olivia Simiyu**, representative of the Solicitor General, submitted that the Office had reviewed the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 and approved the attendant Cabinet Memorandum on the same. She further noted that the Order complies with the provisions of the Privileges and Immunities Act, Cap 179 and that the Host Country Agreement was approved by the Cabinet vide Cabinet Dispatch No. 13 of 2024 and that the Order was published as Legal Notice No. 82 of 2025.

PART FIVE

5.0 COMMITTEE OBSERVATIONS

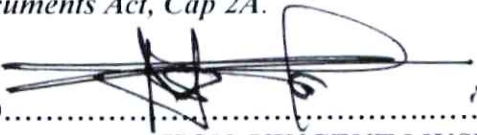
45. Upon scrutinizing the Privileges and Immunities (Global Centre for Adaptation) Order, 2025, the Committee made the following observations:

- (i) The Host Country Agreement (HCA) between the Government of Kenya and the Global Centre for Adaptation (GCA) does not require ratification by Parliament in accordance with Article 2(6) of the Constitution which integrates international agreements into law.
- (ii) The Privileges and Immunities (Global Centre for Adaptation) Order, 2025, Legal Notice No. 82 of 2025 is a statutory instrument and has the force of law within the meaning of section 2 of the Statutory Instruments Act, Cap 2A to the extent that it is an Order made pursuant to the powers conferred to the Cabinet Secretary under section 9 of the Privileges and Immunities Act, Cap 179.
- (iii) The Order was submitted to the Clerk of the National Assembly within the statutory timelines set out under section 11(1) of the Statutory Instruments Act, Cap. 2A. The Order was published in the *Gazette* as Legal Notice No. 82 of 2025 on 2nd May, 2025 and tabled on the 4th of June, 2025.
- (iv) In compliance with section 5A of the Statutory Instruments Act, Cap 2A, the Order was accompanied by an explanatory memorandum.
- (v) The Ministry of Foreign and Diaspora Affairs considered the views of the key stakeholders on the Host Country Agreement (HCA) between the Government of Kenya and the Global Centre for Adaptation (GCA) such as the National Treasury and Economic Planning, Office of the Attorney General, the Directorate of Immigration, Kenya Revenue Authority and the Ministry of Environment, Climate Change and Forestry.

PART SIX


6.0 COMMITTEE RECOMMENDATION

46. Having examined the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 in accordance with the Constitution of Kenya, the Interpretation and General Provisions Act, Cap 2, *the Privileges and Immunities Act, Cap 179, and the Statutory Instruments Act, Cap 2A, the Committee recommends that the House APPROVES the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 (Legal Notice No. 82 of 2025) in its entirety pursuant to section 11 of the Privileges and Immunities Act, Cap 179 and section 11(4) of the Statutory Instruments Act, Cap 2A.*

SIGNED.......... DATE..... 25 | 09 | 2025

HON. VINCENT MUSYOKA MUSAU, CBS, M.P.
CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 30 SEP 2025	DAY: TUESDAY
TABLED BY:	HON. VINCENT MUSYOKA (CHAIRPERSON)
CLERK-AT-THE-TABLE:	IMZOFU MWALE

ANNEXURES

Annexure 1: Adoption Schedule



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

ADOPTION OF THE REPORT ON THE PRIVILEGES AND IMMUNITIES (GLOBAL CENTRE FOR ADAPTATION) ORDER 2025

We, the undersigned Honorable Members of the Departmental Committee on Environment, Forestry and Mining on Thursday 25th September, 2025 do hereby affix our signatures to the Report on consideration of the privileges and Immunities (The Global Centre for Adaptation) Order 2025 to affirm our approval and confirm its accuracy, validity and authenticity.

NO.	NAME	SIGNATURE
1.	The Hon. Vincent Musyoka Musau, CBS- Chairperson	
2.	The Hon. Charles Kamuren, MP - Vice- Chairperson	
3.	The Hon. Mohamed Ali Mohamed, CBS, MP	
4.	The Hon. Mbalu Jessica Nduku Kiko, CBS, MP.	
5.	The Hon. Mwanyanje Gertrude Mbeyu, MP.	
6.	The Hon. Hiribae Said Buya, MP.	
7.	The Hon. Charity Kathambi Chepkwony, MP	
8.	The Hon. Salim Feisal Bader, MP.	
9.	The Hon. Emathe Joseph Namuer, MP.	
10.	The Hon. Joseph Wainaina Iraya, OGW, MP.	
11.	The Hon. Kemei Beatrice Chepngeno, MP.	
12.	The Hon. Masito Fatuma Hamisi, MP.	
13.	The Hon. Mohamed Tubi Bidu, MP.	
14.	CPA Hon. Yakub Adow Kuno, MP.	
15.	The Hon. Titus Lotee, MP.	

Annexure 2: Minutes



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT – FOURTH SESSION, 2025
DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 42nd SITTING OF THE DEPARTMENTAL COMMITTEE
ON ENVIRONMENT, FORESTRY, AND MINING HELD IN COMMITTEE ROOM
No. 22, 5th FLOOR, BUNGE TOWER, PARLIAMENT BUILDING ON THURSDAY,
25TH SEPTEMBER 2025, AT 11.40 AM.

PRESENT

1. **The Hon. (Eng.) Vincent Musyoka Musau, CBS, MP.** -Chairperson
2. The Hon. Charles Kamuren, MP. -Vice-Chairperson
3. The Hon. Charity Kathambi Chepkwony, MP
4. The Hon. Mwanyanje Gertrude Mbeyu, MP
5. The Hon. Hiribae Said Buya, MP
6. The Hon. Dr. Joseph Wainaina Iraya, **OGW**, MP
7. The Hon. Yakub Adow Kuno, MP
8. The Hon. Kemei, Beatrice Chepngeno, MP
9. The Hon. Titus Lotee, MP

APOLOGY

1. The Hon. Mbalu, Jessica Nduku Kiko, **CBS**, MP
2. The Hon. Mohamed Ali Mohamed, **CBS**, MP
3. The Hon. Salim Feisal Bader, MP
4. The Hon. Masito Fatuma Hamisi, MP
5. The Hon. Mohamed Tubi Bidu, MP
6. The Hon. Emathe Joseph Namuar, MP

IN ATTENDANCE: NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-----------------------|---|-------------------------|
| 1. Ms. Hellen Ekadeli | - | Senior Clerk Assistant |
| 2. Mr. Hamdi Mohamed | - | Clerk Assistant III |
| 3. Ms. Mercy Wanyonyi | - | Senior Legal Counsel |
| 4. Ms. Nancy Chamunga | - | Fiscal Analyst II |
| 5. Dr. Joseph Kuria | - | Research Officer III |
| 6. Ms. Rehema Koech | - | Audio Officer III |
| 7. Mr. Obilo Ojiambo | - | Media Relations Officer |

AGENDA:

1. Prayers/ Preliminaries/Introductions
 - i. Adoption of the Agenda
 - ii. Remarks by the Chairperson
2. Confirmation of Minutes/Matters Arising
3. **Consideration and Adoption of the following Reports;**
 - i. **The Privileges and Immunities (the Global Centre for Adaptation) Order, 2025**
 - ii. **The Sessional Paper No.5 of 2024 on the National Green fiscal Incentives Policy Framework**
4. Any other Business

5. Adjournment/Date of the next meeting

MIN/NO.NA/DC/EF&M/185/2025: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at a quarter to noon followed by a prayer. The agenda of the meeting was adopted as listed above, having been proposed and seconded by the Hon. the Hon. Wainaina Iraya, OGW, MP and the Hon. Said Buya Hiribae, MP respectively

MIN/NO.NA/DC/EF&M/186/2025: CONFIRMATION OF THE PREVIOUS MINUTES

Confirmation of the minutes of the previous sitting was deferred to the next sitting.

MIN/NO.NA/DC/EF&M/187/2025: CONSIDERATION OF THE REPORT ON THE PRIVILEGES AND IMMUNITIES (THE GLOBAL CENTRE FOR ADAPTATION) ORDER, 2025

Upon scrutinizing the Privileges and Immunities (Global Centre for Adaptation) Order, 2025, the Committee made the following observations:

- (i) The Host Country Agreement (HCA) between the Government of Kenya and the Global Centre for Adaptation (GCA) does not require ratification by Parliament in accordance with Article 2(6) of the Constitution which integrates international agreements into law.
- (ii) The Privileges and Immunities (Global Centre for Adaptation) Order, 2025, Legal Notice No. 82 of 2025 is a statutory instrument and has the force of law within the meaning of section 2 of the Statutory Instruments Act, Cap 2A to the extent that it is an Order made pursuant to the powers conferred to the Cabinet Secretary under section 9 of the Privileges and Immunities Act, Cap 179.
- (iii) The Order was submitted to the Clerk of the National Assembly within the statutory timelines set out under section 11(1) of the Statutory Instruments Act, Cap. 2A. The Order was published in the *Gazette* as Legal Notice No. 82 of 2025 on 2nd May, 2025 and tabled on the 4th of June, 2025.
- (iv) In compliance with section 5A of the Statutory Instruments Act, Cap 2A, the Order was accompanied by an explanatory memorandum.
- (v) The Ministry of Foreign and Diaspora Affairs considered the views of the key stakeholders on the Host Country Agreement (HCA) between the Government of Kenya and the Global Centre for Adaptation (GCA) such as the National Treasury and Economic Planning, Office of the Attorney General, the Directorate of Immigration, Kenya Revenue Authority and the Ministry of Environment, Climate Change and Forestry.

MIN/NO.NA/DC/EF&M/188/2025: ADOPTION OF THE REPORT ON THE PRIVILEGES AND IMMUNITIES (THE GLOBAL CENTRE FOR ADAPTATION) ORDER, 2025

Having examined the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 in accordance with the Constitution of Kenya, the Interpretation and General Provisions Act, Cap 2, the Privileges and Immunities Act, Cap 179, and the Statutory Instruments Act, Cap 2A, the Committee Adopted its Report unanimously as proposed and seconded by the Hon. Joseph Wainaina Iraya, OGW, MP and The Hon. Said Buya Hiribae, MP and recommends that the House APPROVES the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 (Legal Notice No. 82 of 2025) in its entirety pursuant to section 11 of the

Privileges and Immunities Act, Cap 179 and section 11(4) of the Statutory Instruments Act, Cap 2A.

MIN/NO.NA/DC/EF&M/189/2025 **CONSIDERATION OF THE SESSIONAL PAPER No. 5 OF 2024 ON GREEN FISCAL INCENTIVES POLICY FRAMEWORK**

Upon studying and considering the Sessional Paper No. 5 of 2024 on the National Green Fiscal Incentives Policy Framework, the Committee made the following observations:

- i) The goal of this policy is to identify and prioritize the implementation of a coherent suite of green fiscal actions that will enable Kenya to exploit the opportunities for accelerating the transition to a low-emissions development pathway while enhancing climate resilience and ensuring environmental sustainability.
- ii) The framework identifies sector-specific fiscal measures covering areas such as disaster risk management, agriculture, renewable energy, transport, waste management, and forestry, thereby ensuring a comprehensive approach to climate action.
- iii) The policy proposes a balanced mix of incentives to encourage investment in green, low-carbon, and climate-resilient initiatives, while introducing disincentives aimed at phasing out environmentally harmful and unsustainable practices.
- iv) The policy will encourage private sector participation in climate-relevant financing mechanisms, including green bonds, Payment for Ecosystem Services (PES), and Ecological Fiscal Transfers (EFTs) that will enhance resilience to climate change and other shocks; and
- v) The policy is essential for Kenya to manage transition risks, where failure to align with global low-emissions trends may lead to international marginalization, impacting trade and capital flows.
- vi) The establishment of a Kenya Green Investment Bank will de-risk green investments, making them more attractive to the private sector through blended finance, guarantees, and concessional funding.

MIN/NO.NA/DC/EF&M/190/2025: **ADOPTION OF THE REPORT ON THE SESSIONAL PAPER No. 5 OF 2024 ON GREEN FISCAL INCENTIVES POLICY FRAMEWORK**

The Committee considered and unanimously adopted its Report having proposed and seconded by the Hon. Charity Kathambi, MP and The Hon. Joseph Wainaina Iraya, MP respectively with the following recommendations-

- i) **The House adopts this Report on Sessional Paper No. 5 of 2024 on the National Green Fiscal Incentives Policy Framework;**
- ii) **Following the adoption of this Policy, all proposed legislation and regulations to be guided by the provisions of the National Green Fiscal Incentives Policy Framework.**

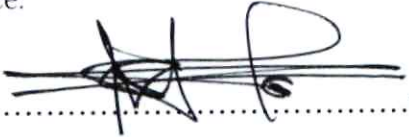
MIN/NO.NA/DC/EF&M/191/2025: **ANY OTHER BUSINESS**

The Committee canvassed the following:

- 1) To conduct field visits in the following areas following a Statements referred to the Committee pursuant to Standing Orders 44 (2C)
 - i. Forests in Magadi area, Kajiado County to assess the level of forest destruction
 - ii. Turkana South Constituency to establish the adverse effect of illegal mining

MIN/NO.NA/DC/EF&M/192/2025: ADJOURNMENT AND DATE OF THE
NEXT SITTING

There being no other business, the meeting was adjourned at 12.45pm. The next meeting will be held on notice.

Signed..........Date.....25/09/2025.....

HON. ENG. VINCENT MUSAU MUSYOKA, CBS, M.P.
(CHAIRPERSON)

Annexure 3: NEWSPAPER ADVERT



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT - FOURTH SESSION (2025)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLES 2(5) & (6) AND 118 (1)(b) OF THE CONSTITUTION AND SECTION 8 OF THE TREATY MAKING AND RATIFICATION ACT, CAP. 4D
AND
IN THE MATTER OF SECTION 11 OF THE PRIVILEGES AND IMMUNITIES ACT, CAP.179
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE PRIVILEGES AND IMMUNITIES (GLOBAL CENTRE FOR ADAPTATION) ORDER, 2025

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees;

AND WHEREAS, the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 was tabled in the National Assembly on 4th June, committed to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House;

IT IS NOTIFIED that—

- 1] The Privileges and Immunities (Global Centre for Adaptation) Order, 2025 indicates that the Government of Kenya has entered into an Agreement for cooperation with the Global Centre for Adaptation (GCA), an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions;
- 2] Pursuant to section 11 of the Privileges and Immunities Act, Cap.179, the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 seeks to—
 - [a] grant GCA the privileges and immunities under Part I of the Fourth Schedule to the Act, which include—
 - (i) immunity from suit and legal process;
 - (ii) inviolability of premises occupied as offices and official archives;
 - (iii) exemption from rates and taxes, other than taxes on importation of goods;
 - (iv) exemption from taxes on the goods or services imported or purchased locally by the organization for its official use in Kenya or for exportation, or on the importation of any publications of the organization directly by it, subject to conditions imposed in customs and excise laws; and
 - (v) exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and any publications of the organization directly imported or exported by it; and
 - [b] grant the GCA director, officials and staff the privileges and immunities specified under Part III of the Fourth schedule to the Act, which include—
 - (i) immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties; exemption from direct taxes upon the emoluments received as an officer or servant of the organization;
 - (ii) immunity from national service obligations;
 - (iii) immunity from immigration restrictions and alien registration in respect of officers and servants and their spouses and dependent relatives;
 - (iv) like privileges in respect of exchange control facilities as are accorded to officials of equivalent status forming part of diplomatic mission;
 - (v) like facilities for the officers and servants and their spouses and dependent relatives for repatriation in time of international crises as are afforded to diplomatic missions; and
 - (vi) exemption from tax or duty on the importation of furniture, personal property and household effects of an officer or servant first arriving to take up his post in Kenya.

NOW THEREFORE, in compliance with Articles 2(5) & (6) and 118(1)(b) of the Constitution as well as Section 8 of the Treaty Making and Ratification Act, 2012, Cap. 4D, the Clerk of the National Assembly hereby invites members of the public and stakeholders to submit memoranda on the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 to the Departmental Committee on Environment, Forestry and Mining.

The memoranda should be addressed to the Clerk of the National Assembly, P.O. Box 41842-0100, Nairobi, hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi, or emailed to cna@parliament.go.ke to be received on or before Wednesday, 23rd July 2025 at 5.00 p.m.

The full text of the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 and the accompanying Explanatory Memorandum may be accessed at www.parliament.go.ke/the-national-assembly/house-business/paper-laid.

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

Wednesday, 9th July 2025

HOST COUNTRY AGREEMENT

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF KENYA

AND

THE GLOBAL CENTER ON ADAPTATION

ON

**THE ESTABLISHMENT OF THE GCA REGIONAL
OFFICE IN NAIROBI, KENYA**

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PREAMBLE

WHEREAS the Global Center on Adaptation (hereinafter referred to as ("GCA") is an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions;

WHEREAS the Global Center on Adaptation is registered and headquartered in the Netherlands;

WHEREAS GCA is a development partner who operates through regional offices and partner institutions to facilitate knowledge-sharing and learning, guide and enable the implementation of adaptation solutions, provide a coherent global perspective on adaptation, and mobilize resources for adaptation;

WHEREAS GCA works to promote global cooperation and collaboration on adaptation, bringing together governments, international organizations, the private sector, civil society, and other stakeholders to work towards common climate adaptation goals;

WHEREAS GCA aims to catalyze action on adaptation by providing tools, support, and resources to those who are most vulnerable to the impacts of climate change;

WHEREAS Global Center on Adaptation has been working in collaboration with the Government of Kenya, Local and international partners in the Republic of Kenya since the year 2021;

WHEREAS the Global Center on Adaptation registered in the Netherlands and is desirous of establishing a Regional Office in Nairobi to strengthen and enhance its activities in the Republic of Kenya and also to serve the African Region;

WHEREAS the Government of the Republic of Kenya has accepted GCA to establish a Regional Office in Nairobi, Kenya;

WHEREAS there is a need to provide an enabling, requisite, and appropriate legal and institutional framework in order to enhance the cooperation and ensure more efficient and effective operations by the Global Center on Adaptation, within the Republic of Kenya;

AND WHEREAS the Government of the Republic of Kenya (hereinafter referred to as "the Government" and the Global Center on Adaptation (hereinafter referred to as "the GCA"), singularly referred to as "the Party" and jointly as "the Parties", desirous to enter into a Host Country Agreement to define the status, privileges, and immunities of the GCA Regional Office, and its Officials in the Republic of Kenya;

NOW, THEREFORE, the Government of the Republic of Kenya and GCA hereby agree as follows:

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ARTICLE 1 DEFINITIONS

For the purposes of this Agreement:

- a) **“Agreement”** means this Host Country Agreement between the Government of Kenya and the Global Center on Adaptation for the establishment of the Regional Office of GCA in the Republic of Kenya.
- b) **“Appropriate Authorities”** means such governmental, national, county, municipal, local or other authority in the Republic of Kenya as may be appropriate in the context and in accordance with the laws applicable in the Republic of Kenya.
- c) The **“Archives of GCA”** means all records, correspondence, papers, documents, manuscripts, photographs, films, recordings, computer programs, videotapes, discs, and data, including in electronic form, or held in any other media, belonging to or held by GCA where related to GCA activities and all information therein contained.
- d) **“Dependents”** means spouse and children of the Officials of GCA under the age of eighteen years (18) or school-going children up to the age of 21 years who are primarily dependent on such Officials for financial support.
- e) **“Government”** means the Government of the Republic of Kenya.
- f) **“Internationally Recruited Staff”** means professional staff recruited from any nationality and designated as such by an authorized officer of the GCA.
- g) **“Laws of the Republic of Kenya”** include the Constitution, Legislative Acts, By-laws, Regulations, Decrees, and Orders issued by or under the authority of the Government of Kenya or its appropriate authorities.
- h) The **“Regional Office”** means the GCA Regional Office for Africa in Nairobi, Kenya.
- i) **“Official Activities”** means all functions undertaken by or under the authority of the GCA in pursuance of its objectives and functions as set out in its constitutive documents.
- j) **“Officials of The Global Center on Adaptation”** means the Regional Director and all members of the Staff of the GCA except those who are locally recruited in Kenya and assigned to hourly rates.
- k) **“Property”** means all property belonging to or held or administered by the GCA in furtherance of its official functions;

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- l) **“Premises”** means the buildings, or part thereof, including installations, facilities, and any ancillary land made available to, maintained, occupied, or used by the GCA Regional Office in connection with its official function and purposes;
- m) **“Regional Director”** means the head of the GCA Regional Office in Nairobi, covering the Africa region, internationally recruited from any nationality, or any other person duly designated to act in that capacity by the Chief Executive Officer of the GCA.
- a) **“Spouse”** means husband or wife as recognized by the Laws of Kenya.
- n) **“Staff”** means all Officials and locally recruited members of staff of the GCA appointed under a contract of employment.
- o) **“Vehicles”** means motor vehicles used exclusively for Official Activities.

ARTICLE 2 ESTABLISHMENT

1. The Government agrees to the establishment of a Regional Office of the Global Center on Adaptation in the Republic of Kenya for purposes of carrying out its Official Activities in the Republic of Kenya and elsewhere in the Africa region.
2. The Regional Office shall be headed by the Regional Director under the direct supervision of the GCA Chief Executive Officer.
3. The Regional Director or any other designated person as appointed by the GCA Chief Executive Officer, shall be the official representative of GCA.

ARTICLE 3 LEGAL STATUS

The Government recognizes that the GCA is an international organization with legal personality and full capacity to perform its functions and achieve its objectives. In particular, the GCA has the capacity to:

- a) contract; and or enter into agreements with states, individuals, or other entities;
- b) acquire, hold and dispose of movable and immovable property solely for the purposes of performing its official functions; and
- c) institute and defend legal proceedings.

ARTICLE 4 OBJECTIVES OF GCA IN KENYA

1. GCA shall be free to carry out, in the territory of Kenya, such activities as may be necessary for the achievement of its missions in conformity with the laws of Kenya.

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2. The GCA Africa Regional Office will oversee the Africa Adaptation Acceleration Program (AAAP). The AAAP focuses on transformational pillars applicable to the region including Kenya where investments in adaptation and resilience building can yield high economic dividends for African nations and can accelerate the achievement of the Sustainable Development Goals. These pillars include:
 - a. Food security;
 - b. Infrastructure and Nature-based Solutions;
 - c. Youth Entrepreneurship and Adaptation Jobs;
 - d. Adaptation Finance Research for Impact; and
 - e. Agenda Setting and Advocacy.

ARTICLE 5
PRIVILEGES, IMMUNITIES, AND EXEMPTIONS OF THE GCA

1. The Property of the GCA, wherever located shall be immune from legal process, requisition, confiscation, expropriation, or any other form of interference, except in so far as in any particular case, the GCA shall have expressly waived its immunity.
2. The GCA shall enjoy freedom of communication in written, electronic or verbal form, including displaying its Logo on its premises, assets, and publications, and unrestricted access to the Internet and worldwide web and other emerging media.
3. Subject to the Laws of the Republic of Kenya:
 - a) The GCA, its property, other assets, and income, shall be exempt from taxation within the Republic of Kenya. Such exemption shall not however extend to levies and user charges for public utility services or for business and investment income for profit.
 - b) Goods and services imported or purchased locally by the GCA for official use or purpose shall be exempt from customs duties and Value Added Tax (VAT) within the Republic of Kenya, provided that the goods and services are imported prior to the clearance through customs. Such exemptions shall be in compliance with the applicable tax laws in the Republic of Kenya.
 - c) In the event of any such exempted items being sold in the Republic of Kenya to a person or organization that is not similarly privileged, duties and taxes shall be payable thereon.
 - d) Upon fulfilling the applicable legal requirements, the GCA may freely:

- i. Purchase or receive any funds, securities and currencies through authorized channels and hold and dispose of them;
- ii. Operate accounts in any currency; and
- iii. Transfer its funds, and securities to or from the Republic of Kenya to or from any other country, or within the Republic of Kenya and convert any currency held by it into any other currency.

ARTICLE 6

EXEMPTIONS AND PRIVILEGES OF OFFICIALS OF THE GCA

The Officials of the GCA shall, subject to the law for the time being in force in the Republic of Kenya and any existing government regulations:

1. Be exempt from income tax and social security contributions in respect of income and/or emoluments paid to them by the GCA.
2. Be exempt from payment of Customs Duty in respect of new or used household and personal effects, including one motor vehicle imported or purchased prior to clearance through customs by entitled personnel within ninety (90) days of their arrival in Kenya, or such longer period not exceeding three hundred and sixty (360) days from the date of arrival as may be approved by the Commissioner of Customs Services. Replacement of such motor vehicle may be done free of Customs Duty upon expiry of four (4) years. **PROVIDED THAT** exemption from customs duty shall be granted in respect of a motor vehicle which the Ministry responsible for Foreign Affairs is satisfied as having been imported as a replacement for one originally imported under the above provision and which has been written off due to fire, theft or accident. Customs Duty shall be payable at the appropriate rate if the motor vehicle which has been written off is disposed of locally.
3. Be exempt from national service obligations;
4. Have, upon fulfilling the legal requirements and while employed by the GCA and upon termination of their employment, the right to transfer funds out of the Republic of Kenya in any foreign currency provided the Official can show good cause for the lawful possession of such funds;
5. Enjoy the same protection and repatriation facilities with respect to themselves and Dependents as are accorded to other privileged international organizations of similar status in times of national or international crisis;
6. Be immune from legal process with respect to words spoken or written and acts done in their official capacity; such immunity will continue notwithstanding that the person concerned may have ceased to be an official of GCA;

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7. Enjoy freedom of movement within the Republic of Kenya while undertaking official engagements except in security and restricted zones;

PROVIDED THAT, sub-articles (1), (2), (3), (4) shall not apply to Kenyan citizens and permanent residents who are locally recruited.

ARTICLE 7 PREMISES OF THE REGIONAL OFFICE

1. The Government shall ensure that the Premises of the Regional Office are accessible to the GCA, Staff and affiliated persons, as well as to other authorized persons, at all times and without hindrance.
2. The Government shall upon request take all appropriate measures to protect the Premises of the Regional Office against any intrusion, damage, or disturbance.
3. The Premises of the Regional Office shall be inviolable and subject to the exclusive control and authority of the GCA. No official or agent of the Government or any other authority may enter them without the express consent of the GCA, except in case of fire or other emergency requiring immediate protective action.
4. GCA shall not allow the Premises of the Regional Office to be used as a refuge for persons who are avoiding arrest or service of legal process under the laws of the Republic of Kenya or who are required by the Government for extradition to another country.
5. GCA shall have the right to display its flag and emblem on the Premises of the Regional Office.
6. The land, office, buildings, and other property of GCA forming part of its facilities shall be inviolable and shall be under the sole control and authority of the Chief Executive Officer or his designated representative.

ARTICLE 8 FUNDS

1. The GCA may hold funds in any currency and operate accounts in any currency. The GCA may freely transfer its funds within or outside Kenya.
2. The GCA may subject to the applicable laws receive and disburse funds for its Official Activities.

ARTICLE 9 COMMUNICATIONS AND PUBLICATIONS

1. The Government shall in line with applicable laws ensure that the GCA enjoys for its Official Activities treatment not less favorable than that accorded by the

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Government to any other similarly privileged international organizations in Kenya in respect of its official Communications and publications.

2. The Archives of the GCA shall be inviolable wherever located.
3. All official correspondence and other official communications of the GCA shall be inviolable.
4. The GCA shall have the right in accordance with the applicable laws to use codes and to dispatch and receive correspondence and other communications by courier or in sealed bags.

ARTICLE 10
EMPLOYMENT CONDITIONS AND SOCIAL SECURITY

1. GCA shall have the authority to establish employment policies and terms and conditions of employment for GCA Staff; such policies shall provide that GCA shall not discriminate on the basis of nationality, gender, or origin or any consideration other than qualification, merit, and experience. Such policies shall, however apply internally with GCA and shall, not contravene the existing employment laws of the Republic of Kenya.
2. GCA shall have the authority to establish overseas pension and medical programs for all staff, in so far as such programs provide general benefits that are at least equal to the minimum legal requirements of the Republic of Kenya.
3. The contributions made by GCA to pension and medical programs on behalf of nationally recruited staff members will be exempt from income tax.
4. The GCA shall ensure its Officials who are Kenyan nationals or permanent residents, who are not covered in the GCA Social Security Scheme, are covered under the Kenyan Social Security Scheme or any other approved pension scheme.

ARTICLE 11
WORK AND ENTRY PERMITS, RESIDENCY, AND TRANSIT

1. The Government shall facilitate the entry into, sojourn, transit, and departure from Kenya, and shall provide all necessary facilities to assist in their expeditious clearance for the entry into and exit from the Republic of Kenya of:
 - i. all GCA Officials, as well as their Spouses and Dependents,
 - ii. any other persons officially invited by the GCA, in connection with its Official Activities in the Republic of Kenya.
2. The GCA shall communicate to the Government the names and capacities of the officials and persons referred to in Clause 1 above.

3. Officials of GCA together with their Dependents are exempted from the requirement of obtaining work permits or passes.
4. The Government shall issue the relevant permit, pass or authorization for consultants, and any other persons performing official duty with the GCA.
5. Such authorization, pass and permits required under this article will be issued upon application by the GCA, which shall provide the names and particulars of the individuals concerned, in accordance with the Laws of Kenya.
6. The Government shall grant the GCA Chief Executive Officer in addition to the privileges and immunities and exemptions extended to GCA Officials, a special protocol for travel, reception and facilities similar to those accorded to heads of similarly privileged international organizations.

ARTICLE 12
WAIVER OF PRIVILEGES AND IMMUNITIES

1. Without prejudice to the privileges accorded by this Agreement, it is the duty of the GCA and all persons enjoying such privileges to respect the laws and regulations of the Republic of Kenya. They also have a duty to not interfere in the internal affairs of the Republic of Kenya.
 2. The privileges and immunities accorded under this Agreement are granted in the interests of the GCA and not for the benefit of the person involved.
 3. The GCA shall have the duty to waive the privileges and immunities of any person when requested to do so by the Government in cases where privileges and immunities would impede the course of justice and can be waived without prejudice to the interests of the GCA.
 4. The Government reserves the right, upon notification to the Regional Director, to suspend the privileges of the GCA or any Official, in any case where privileges are abused or impede the cause of justice.
 5. GCA, its Property, assets and other facilities in the Republic of Kenya, wherever located and by whomsoever held, shall enjoy immunity from every form of legal process except insofar as, in any particular instance, it has waived its immunity.
 6. No privilege or immunity shall extend to claims arising out of road traffic offences and accidents, commercial transactions, civil and criminal actions or omissions and employment disputes involving Kenyan nationals.
 7. No privilege or immunity shall extend to matters where court orders have been issued.
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ARTICLE 13
UNDERTAKINGS OF THE GCA

The GCA hereby undertakes to:

1. Annually submit its activities, the names, addresses, dates of employment of all its Staff and their rank to the Ministry responsible for Foreign Affairs. The first submission shall be done within three (3) months of signing this Agreement and thereafter annually, but not later than 31st day of December every year.
2. Where the recruitment of local personnel is being undertaken, the GCA shall ensure that Kenyans possessing the requisite skills and competence are duly considered at all levels;
3. Ensure, to the extent possible, that subject to the GCA's rules governing remuneration, no internationally recruited professional staff who is designated as such by the Regional Director of the GCA shall be disadvantaged solely on account of being a Kenyan citizen;
4. Take all reasonable steps to ensure that its Staff, advisors, consultants, independent contractors or any other like person engaged by the GCA in the Republic of Kenya, respects the laws governing the Republic of Kenya in the course of their stay in the country, and do not engage in activities that are incompatible with the aims and objectives of the GCA;
5. Cooperate at all times with the Government to facilitate the proper administration of justice, adherence to the laws of the Republic of Kenya, and the provisions of this Agreement, and shall refrain from abusing the privileges and facilities accorded to the GCA and its personnel under this Agreement.

ARTICLE 14
INTERPRETATION

This Agreement shall be interpreted in the light of its primary purpose to enable the GCA to discharge its responsibilities and to fulfill its obligations fully and efficiently in the territory of the Republic of Kenya.

ARTICLE 15
AMENDMENTS

1. This Agreement may be amended by the mutual consent of the Parties provided that one of them presents a written proposal for amendment to the other. Amendment(s) may be made through the exchange of notes or signing of an amendment agreement.
2. Any amendment(s) made to this Agreement in accordance with the foregoing Sub Article shall form an integral part of this Agreement.

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ARTICLE 16
SETTLEMENT OF DISPUTE

1. Any dispute concerning the interpretation or application of this Agreement shall be settled amicably through consultations between the Parties through official channels.
2. Any dispute or legal claim against the GCA in the Republic of Kenya other than by the Kenyan Government shall first be referred to the Ministry of Foreign Affairs for negotiation and settlement, failing which the matter shall be determined by the Kenyan courts.
3. Claims of local nationals and entities emanating from employment disputes, local contractual and commercial transactions, road traffic offenses, and accidents, shall be determined by the Kenyan courts if no amicable settlement is reached by the Parties within a period of six (6) months. **PROVIDED** that Clause 2 and 3 shall not apply to international contracts and commercial transactions not being governed by the laws and jurisdiction of Kenya.

ARTICLE 17
TERMINATION

1. This Agreement may be terminated by:
 - a) Mutual consent of the Parties; or
 - b) By either Party by giving the other a twelve (12) months prior written notice of its intention to terminate it; or
 - c) Closure or/and relocation of the GCA from the territory of the Republic of Kenya;
2. In the event that this Agreement is terminated or the GCA ceases to operate in the Republic of Kenya, the disposition of its rights, obligations, and physical assets accrued up to that time, other than land, shall be determined by the GCA in consultation with the Government.
3. Upon termination of this Agreement the obligations assumed by the Parties shall continue to the extent necessary to ensure their orderly conclusion and the disposal of the GCA's Properties.

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**ARTICLE 18
ENTRY INTO FORCE AND DURATION**

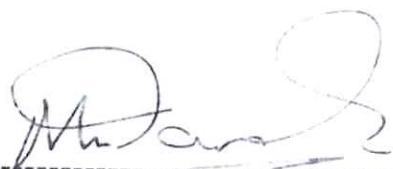
1. This Agreement shall enter into force provisionally upon its signature and definitively upon gazettelement in accordance with the Laws of the Republic of Kenya.
2. This Agreement shall remain in force for a period of ten (10) years and will be renewed for a similar period, and on such terms as may be mutually agreed.
3. Consultations between the Parties on the renewal of this Agreement shall be completed no less than twelve (12) months before expiry of the Agreement.

IN WITNESS WHEREOF the undersigned, duly authorized representatives for this purpose have signed this Agreement, in two original copies in the English language, both copies being equally authentic.

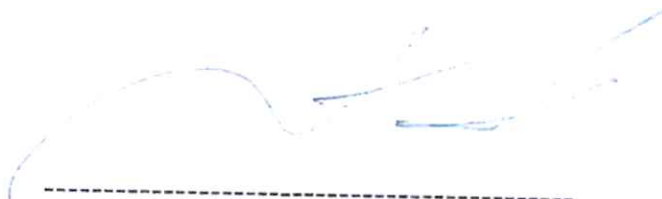
DONE in **NAIROBI** this 10th day of FEBRUARY 2025

**FOR THE GOVERNMENT OF THE
REPUBLIC OF KENYA**

**FOR AND ON BEHALF OF THE
GLOBAL CENTER ON
ADAPTATION**



**H.E. DR. MUSALIA MUDAVADI, E.G.H
PRIME CABINET SECRETARY AND
CABINET SECRETARY FOR FOREIGN
AND DIASPORA AFFAIRS**



**PROF DR. PATRICK VERKOOIJEN
CHIEF EXECUTIVE OFFICER
GLOBAL CENTER ON ADAPTATION**

**Annexure 5: The Privileges and
Immunities (the Global Centre for
Adaptation) Order, 2025**



REPUBLIC OF KENYA

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY

STATE DEPARTMENT FOR ENVIRONMENT AND CLIMATE
CHANGE

PRESENTATION ON SESSIONAL PAPER NO. 5 OF 2024 ON THE
NATIONAL GREEN FISCAL INCENTIVES POLICY FRAMEWORK AND
THE PRIVILEGES AND IMMUNITIES ON GLOBAL CENTRE FOR
ADAPTATION ORDER, 2025 TO THE DEPARTMENTAL COMMITTEE
ON ENVIRONMENT, FORESTRY AND MINING

7th August, 2025

Hon. Chair, thank you for giving me this opportunity to appear before you to submit on **Sessional Paper No. 5 of 2024, the National Green Fiscal Incentives Policy Framework**. Secondly, **Hon. Chair**, I'll also be making submissions on the **Privileges and immunities on Global Centre on Adaption (GCA) on the Establishment of a Regional Office in Nairobi, Kenya**.

A. The Sessional Paper No.5 of 2024 on the Draft National Green Fiscal Incentives Policy Framework

1. **Hon. Chair**, the development of the Draft National Green Fiscal Incentives Policy Framework, 2022, was led by an Inter-Agency Taskforce under the leadership of The National Treasury and Economic Planning.
2. I wish to underscore the importance of this framework as a critical policy tool to support Kenya's climate agenda, including the implementation of the Nationally Determined Contribution (NDC).
3. **Hon. Chair**, the framework proposes a balanced mix of incentives to encourage investment in green, low-carbon, and climate-resilient initiatives, as well as disincentives aimed at phasing out environmentally harmful and unsustainable practices.
4. It is worth noting that similar green fiscal approaches have been successfully implemented in developed countries and economies in transition.

Printis 4

5. **Hon. Chair**, given the far-reaching implications of this policy, it is our hope that The National Treasury, as the custodian of fiscal policy, has undertaken a comprehensive financial assessment of the proposed measures. This will ensure that the incentives and disincentives are not only aligned with national development priorities but are also fiscally sustainable and effective in delivering the desired environmental and climate outcomes.

I humbly submit.

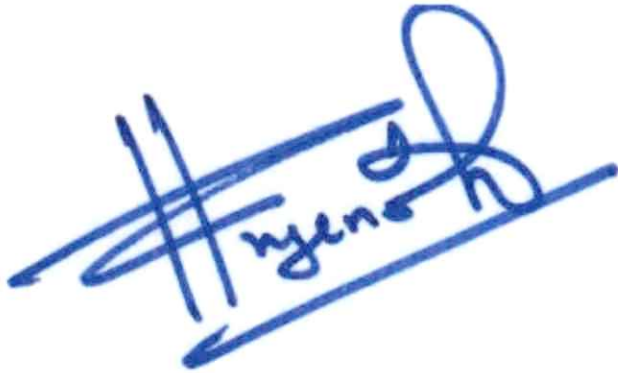
Thank you.

B. The Privileges and Immunities on Global Centre on Adaption (GCA) on the Establishment of a Regional Office in Nairobi, Kenya.

1. **Hon. Chair**, the Ministry of Foreign and Diaspora Affairs, in collaboration with the Office of the Attorney General, will provide guidance on the Host Country Agreement for the Global Center on Adaptation (GCA).
2. **Hon. Chair**, regarding the technical aspects, I wish to inform the Committee that the building that's being build by GCA will host both the GCA Offices and will serve as the Headquarters of the Ministry of Environment, Climate Change and Forestry. The building will be christened *Mazingira* House.
3. **Hon. Chair**, Africa remains the most vulnerable continent to the adverse impacts of climate change, yet it currently receives only **3% of global climate finance** directed towards adaptation. The presence of the Global Centre for Adaptation in Nairobi, widely regarded as the environmental capital of the world, is therefore of strategic importance. It positions Kenya not only as a leader in environmental governance but also as a continental hub for adaptation finance and resilience-building efforts.
4. **Hon. Chair**, as a State Department and by extension the Ministry, we welcome and support the hosting of the GCA headquarters in Nairobi.

I humbly submit.

Thank You.

A handwritten signature in blue ink, appearing to read 'Festus Ng'eno', is written over a horizontal line. The signature is stylized and slanted.

Dr. Eng. Festus Ng'eno, MIEK, CBS
Principal Secretary
State Department for Environment & Climate Change

Date: 07th August, 2025



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY-GENERAL
&
DEPARTMENT OF JUSTICE

Our Ref. AG/LDD/230/2/3
Your Ref. NA/DDC/EF&M/2025/42

8th August, 2025

Mr. Samuel Njoroge MBS
Clerk of the National Assembly
Clerk's Chambers
Parliament Buildings
P.O. Box 41842-00100
NAIROBI

RE: INQUIRY INTO THE ALLEGED DUMPING OF TOXIC AND NUCLEAR WASTE IN THE NORTH-EASTERN PART OF KENYA

This has reference to your letter dated the 30th July, 2025, under Ref. NA/DDC/EF&M/2025/42, inviting the Attorney-General to a meeting with the Departmental Committee on Environment, Forestry and Mining to be held on the 9th August 2025, regarding--

- (a) The public inquiry into alleged dumping of toxic and nuclear waste in the north eastern part of Kenya;
- (b) The Sessional Paper No. 5 of 2024 on the Green Fiscal Incentives Framework Policy; and
- (c) The Privileges and Immunities (Global Centre for Adaptation) Order, 2025.

We have noted the contents of your letter and make our submissions as hereunder:

A: Public Inquiry Into Alleged Dumping Of Toxic And Nuclear Waste In The North Eastern Part Of Kenya

Background

1. The Committee is conducting a public inquiry into alleged dumping of toxic and nuclear waste in the north eastern part of Kenya. The Office of the Attorney-General and Department of Justice was identified as a stakeholder and invited to a meeting of the Committee scheduled for the 8th August, 2025.
2. The terms of reference for the hearing are as follows:
 - (a) the role of the Ministry for Environment, Climate Change and Forestry in regulation, processing, and protection and prevention against dumping of any hazardous and toxic waste in Kenya;
 - (b) the national and international regulatory frameworks put in place to ensure that all hazardous wastes including nuclear waste in the country are securely disposed of without causing harm to humans, animals and the environment;

SHERIA HOUSE, HARAMBEE AVENUE
P.O. Box 40112-00100, NAIROBI, KENYA TEL: +254 20 2227461/2251335-07119445535/0732529995
E-MAIL: info@atg.go.ke, w.office@kenya.go.ke WEBSITE: www.attorney-general.go.ke

DEPARTMENT OF JUSTICE
CO-OPERATIVE BANK HOUSE, HAILLE SELASSIE AVENUE P.O. Box 56057-CG200, Nairobi-Kenya TEL: Nairobi: 2224029/ 2240337
E-MAIL: legal@justice.go.ke WEBSITE: www.justice.go.ke



- (c) measures in place to ensure that the affected residents are fully compensated; and
- (d) legal and regulatory gaps and necessary legislative intervention to ensure that hazardous waste, specifically nuclear waste, is disposed of in a secure and environmentally sound manner.

OUR SUBMISSIONS

The role of the Ministry for Environment, Climate Change and Forestry in regulation processing, and protection and prevention against dumping of any hazardous and toxic waste in Kenya

3. Section 2 of the Environmental Management and Co-ordination Act (EMCA) Cap 387 designates the Cabinet Secretary responsible for the environment as the ministry responsible for matters relating to environmental protection. The Ministry co-ordinates the implementation of national laws to safeguard Kenya from the dangers of hazardous and toxic waste, as well as reporting under treaties relating to the handling of hazardous waste.

The Ministry is responsible for the development of national policies, laws, and strategies on Environmental Protection, including specific policies relating to hazardous waste management. The mandate of the Ministry extends to the creation of awareness among the public and industry on proper hazardous waste handling, risks of exposure, and responsible requirements.

4. Section 7 of the Environmental Management and Co-ordination Act establishes the National Environmental Management Authority (NEMA) which is the Agency responsible for the general supervision and co-ordination of all environmental matters. Executive Order No. 1 of 2025 places NEMA under the administration of the Ministry.

NEMA undertakes surveillance of illegal dumping by partnering with County Governments and undertakes border control and monitoring by working with customs authorities to prevent illegal transboundary movement of hazardous wastes.

Further, NEMA issues licenses for handling, transportation, treatment, and disposal of hazardous waste. NEMA also vets all applications for waste handling to ensure compliance with environmental safety requirements. It further undertakes regular environmental audits on facilities handling hazardous waste.

National and International Regulatory Frameworks for ensuring that hazardous wastes including nuclear waste in the country are securely disposed of without causing harm to humans, animals and the environment

The national and international regulatory framework consists of the Constitution of Kenya and the following laws, regulations and international conventions and treaties:

- (a) The Environmental Management Co-ordination Act (Cap. 387);
- (b) The Environmental Management and Co-ordination (Waste Management) Regulations, 2024 (Legal Notice No. 178 of 2024);
- (c) The Environmental Management and Co-ordination (Management of Toxic and other Hazardous Chemicals and Materials) Regulations, 2024 (Legal Notice No. 88 of 2024);
- (d) The Sustainable Waste Management Act (Cap. 387C);
- (e) The Occupational Safety and Health Act (Cap. 236A);
- (f) The Nuclear Regulatory Act (Cap 243);

- (g) The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal;
- (h) The Stockholm Convention on Persistent Organic Pollutants;
- (i) The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management;
- (j) The Bamako Convention.

5. The Constitution of Kenya

The Constitution of Kenya provides a framework for the protection of the environment, emphasizing sustainable development and the rights of citizens to a clean and healthy environment.

Part 2 of Chapter 5 of the Constitution recognizes the right to a clean and healthy environment as a fundamental right and mandates the State and all persons to protect and conserve the environment and ensure sustainable development. It further mandates any person who infringes of the right to a clean environment to restore the said environment or compensate victims.

Article 42 provides that every person has the right to a clean and healthy environment; Article 69 obligates the State to ensure the sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits and eliminate processes and activities that are likely to endanger the environment; and Article 70 states that if a person alleges that a right to a clean and healthy environment recognised and protected under Article 42 has been, is being or is likely to be, denied, violated, infringed or threatened, the person may apply to a court for redress in addition to any other legal remedies that are available in respect to the same matter.

Under Article 71(2) the Court may make any order or give any directions it considers appropriate to—

- (a) prevent, stop or discontinue any act or omission that is harmful to the environment;
 - (b) compel any public officer to take measures to prevent or discontinue any act or omission that is harmful to the environment; or
 - (c) provide compensation for any victim of a violation of the right to a clean and healthy environment.
6. Further Article 72 of the Constitution mandates Parliament to enact legislation to give effect to the provisions of Part 2 of Chapter 5 which relates to the environment and natural resources.
7. Kenya has also enacted the following laws to regulate dumping of hazardous waste:

(a) The Environmental Management and Co-ordination Act

The main objective of the Act is to provide for the establishment of an appropriate legal and institutional framework for the management of the environment. Section 3 of the Act reiterates the constitutional right to a clean and healthy environment.

The Act aims to harmonize various environmental initiatives and ensure sustainable use of natural resources. Section 3(5) of the Act provides for the "*Polluter-Pays Principle*" in which the cost of cleaning up any element of the environment that has been damaged by pollution, the cost of the beneficial uses of the environment that have been lost as a result of the

pollution, and any other costs associated with or incidental to the pollution shall be paid by the polluter; and ***“Precautionary Principle”*** where the lack of scientific certainty shall not be used to postpone measures to prevent environmental degradation where there are threats of damage to the environment, amongst others.

The Act also establishes the National Environmental Management Authority (NEMA) a regulatory body responsible for issuing Environmental Impact Assessment (EIA) licences of projects that could generate hazardous waste before any such activity commences. NEMA issues licenses for handling, transportation, treatment, and disposal of hazardous waste. NEMA also vets all applications for waste handling to ensure compliance with environmental safety requirements. It further undertakes regular environmental audits on facilities handling hazardous waste.

The Act establishes the National Environment Complaints Committee under section 31 of the Act to perform the functions stipulated under section 32 of the Act which include investigating any allegations or complaints against any person or against the Authority in relation to the condition of the environment in Kenya; and undertaking public interest litigation on behalf of the citizens in environmental matters.

Section 72 of the Act prohibits the discharge or application of any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutants into the aquatic environment in contravention of water pollution control standards.

Section 87 of the Act prohibits the discharge or disposal of any wastes, whether generated within or outside Kenya, in such manner as to cause pollution to the environment or ill health to any person.

Section 93 of the Act prohibits the discharge any hazardous substance, chemical, oil or mixture containing oil into any waters or any other segments of the environment contrary to the provisions of this Act or any regulations thereunder.

(b) The Environmental Management and Co-ordination (Waste Management) Regulations, 2024 (Legal Notice No. 178 of 2024).

The Regulations provide a framework for the handling, storage, transportation, segregation and destruction of waste in Kenya. Some of the key aspects include the restriction of waste disposal in a public place under regulation 4, the segregation of waste under regulation 5, responsibility of waste transporters under regulation 9 such as obtaining a license to transport waste and to ensure that the waste is transported in a manner that minimizes leakage and contamination. The Authority may cancel the license of a transporter that fails to comply with regulation 9.

Part IV of the Regulations deal with waste disposal plants and sites and requires the licensing of such sites. Regulation 15 requires a person that engages in activities that generate hazardous waste to have a valid environmental impact assessment licence issued by Authority in accordance with the Act.

Part V of the Regulations relate to hazardous waste and contains provisions on the handling, storage and transportation of hazardous waste under regulation 16. The regulation requires a generator of hazardous waste to ensure that every container or package for storing such waste is labelled in legible characters, written in English and Kiswahili.

Regulation 18 prohibits the export of hazardous wastes out of Kenya without a valid export permit issued by the Authority and a valid prior informed consent document issued by the designated competent authority of the receiving country. Regulation 19 prohibits the transit of hazardous waste destined for another country through the territory of Kenya without a valid permit issued by the Authority and a valid prior informed consent form and regulation 20 requires a generator of hazardous waste to submit to the Authority a deposit bond assessment report and the environmental Impact Assessment Report prior to the commencement of the operations to cover the risks likely to be caused by the waste.

The Regulations also mandate the Authority to maintain a national waste information system for recording, collecting, management and analysis of data and information.

(c) The Environmental Management and Coordination (Toxic and Hazardous Chemicals and Materials Management) Regulations, 2024 (Legal Notice No. 88 of 2024).

The objective of these Regulations is to provide a framework for the management of chemicals to ensure protection of human health and environment from adverse effects of toxic and hazardous industrial chemicals and materials and to domesticate the Stockholm, the Rotterdam and the Minamata Conventions and other relevant provisions of international treaties, agreements and conventions on management of chemicals.

The Regulations apply to the manufacture, export, import, transport, distribution, storage, handling and **disposal** of toxic and hazardous industrial chemicals and materials as classified in the First Schedule to the Regulations. The Regulations provide for the classification and registration of hazardous and toxic materials under regulations 5 and 6, licensing of persons who manufacture, import or export such material under regulation 20, distribution, storage, transportation and handling of such material, and disposal of chemical and material waste under regulations 30, 31, 32 and 39 respectively.

(d) The Sustainable Waste Management Act

The primary object of the Act is to establish the legal and institutional framework for the sustainable management of waste; ensure the realisation of the constitutional provision on the right to a clean and healthy environment and promotes circularity in waste management.

The Act establishes a Waste Management Council in section 6 which shall inter alia coordinate sustainable waste management, ensure the implementation of the national sustainable waste management strategy and promote inter county waste management partnerships in consultation with county governments among others.

The Act also specifies the functions of the Authority and the county governments in relation to waste management under sections 8 and 9.

(e) The Nuclear Regulatory Act

The primary object of the Act is to provide a framework for the regulation of safe, secure and peaceful utilization of atomic energy and nuclear technology; the production and use of radiation sources and the management of radioactive waste.

Section 5 of the Act establishes the Kenya Nuclear Regulatory Authority with the main function of ensuring the safe, secure and peaceful use of nuclear science and technology and to provide for the protection of persons, property and the environment against the harmful effects of ionizing radiation through the establishment of a system of regulatory control.

Section 73 of the Act sets out the scope and management of radioactive waste. Under section 74 of the Act, every authorised person is responsible for ensuring the safety and security of radioactive waste and spent fuel in a radioactive waste or spent fuel management inside or outside a facility throughout its life. Further, any person authorised to handle radio-active waste must submit a waste management plan to the Kenya Nuclear Regulatory Authority.

Measures in place to ensure that the affected residents are fully compensated

8. Under Article 70(2)(c) of the Constitution, individuals may seek redress or compensation for environmental harm infringing on their right to a clean and healthy environment. The Court has to make an order for compensation for any victim who alleges violation of their right to a clean and healthy environment.

The Environmental Management and Co-ordination Act permits compensation for any environmental harm caused by hazardous waste. Sections 72(2)(b) and 93(3)(b) create a polluter pay principle which requires an individual who discharges or applies any poison, toxic, noxious or obstructing matter, radioactive waste or other pollutant or permits any person to dump or discharge such matter into the aquatic environment in contravention of water pollution control standards to pay the victims reparation, cost of restoration, restitution or compensation.

Further, under section 116, any person who has a legal interest in a land subject to environmental easement is entitled to compensation. An application has to be made to Court to determine the compensation.

9. Kenya has also ratified the following international conventions relating to toxic and hazardous materials:

- (a) **The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**

The Basel Convention controls the international trade in hazardous wastes and certain other wastes. It establishes a "notice and consent" regime under which the prior informed consent (PIC) of the importing countries is sought and granted for the export of hazardous and certain other waste to those countries.

Article 11 of the Convention, requires prior informed consent (PIC) from the importing country before hazardous waste can be exported and further establishes procedures for notification and consent to ensure that hazardous waste is only moved with the agreement of all involved parties.

Article 6 of the Convention outlines the conditions under which transboundary movements of hazardous waste can occur, focusing on environmentally sound management.

The provisions of the Convention revolve around the following principal aims:

- (a) the reduction of hazardous waste generation and the promotion of environmentally sound management of hazardous wastes, wherever the place of disposal;
- (b) the restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management; and
- (c) a regulatory system applying to cases where transboundary movements are permissible.

(b) Stockholm Convention on Persistent Organic Pollutants

The Stockholm Convention addresses long-lived hazardous substances (e.g. dioxins and the group of chemicals known as polychlorinated biphenyls or PCBs) which are considered hazardous waste.

The objectives of the Convention are to eliminate or restrict the production and use of persistent organic pollutants (POPs); reduce the release of POPs into the environment; promote the development of alternatives to harmful chemicals; enhance public awareness and education on POPs; support countries in implementing the convention through technical and financial assistance; and foster international co-operation and information exchange on POPs management.

The provisions of the Convention revolve around the following principal aims:

- (i) the reduction of hazardous waste generation and the promotion of environmentally sound management of hazardous wastes, wherever the place of disposal;
- (ii) the restriction of transboundary movements of hazardous wastes except where it is perceived to be in accordance with the principles of environmentally sound management; and
- (iii) a regulatory system applying to cases where transboundary movements are permissible.

(c) The Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management

The Convention is the first international treaty that focuses on nuclear waste safety. It requires member countries to ensure safe handling, storage and disposal of spent nuclear fuel and radioactive waste.

The objective of the Convention is to ensure effective defence against hazards relating to spent nuclear fuel and radioactive waste to protect individuals, society and the environment from harmful effects of ionizing radiation while meeting the needs and aspirations of future generations.

(d) Bamako Convention Against Illegal Dumping of Hazardous Wastes

The Bamako Convention aims to regulate and minimise the transboundary movement and disposal of hazardous wastes within Africa.

Article 4 of the Convention prohibits the import to Africa, ocean and inland water dumping, or incineration of hazardous wastes; establishes the precautionary principle; and provides for the sound management of hazardous wastes within the continent.

10. Kenya also collaborates with the **International Atomic Energy Agency (IAEA)** which publishes safety standards and technical guides for radioactive waste

management and provides peer review and advisory missions to member states. The core principles under which IAEA operates are:

- (a) polluter pays principle which dictates that those who generate waste are responsible for the costs associated with the waste's proper management, including cleanup and any associated environment damage;
- (b) sustainable waste management principle which aims to manage waste in a way that minimizes environmental impacts, conserves resources and promotes public health and well-being.
- (c) precautionary principle which dictates that even in the absence of complete scientific certainty, preventative measures should be taken to avoid potential harm to the environment and human health from waste; and
- (d) transparency and public participation in waste management.

Legal and regulatory gaps and necessary legislative intervention to ensure that hazardous waste, specifically, nuclear waste is disposed of in a secure and environmentally sound manner.

11. Legal and regulatory gaps are identified by the implementing agencies during implementation. So, far, there has been no reports from the Ministry on challenges in the implementation of laws relating to disposal of hazardous waste.

The Ministry may advise on whether a fund dedicated to compensating individuals or communities affected by nuclear or toxic waste including nuclear waste needs to be created under the liability and compensation regime. Under the Environmental Management and Co-ordination (Waste Management) Regulations, 2024, mandatory insurance only applies to exporters of hazardous waste. It's unclear whether mandatory insurance is required for importers, generators and handlers of hazardous wastes. Further, liability and compensation regime for damage caused by nuclear waste is unclear.

In our considered view, the institutions responsible for implementing and enforcing the regulatory framework should provide an assessment as to the effectiveness of the current regulatory framework and if such assessment reveals any gaps, this Office will facilitate the formal drafting of any legislative proposals or statutory instruments, including amendments to the existing legislative framework, on the instructions of the Ministry of Environment, which is responsible for the policies relating to the subject at hand.

B: Submissions on the Sessional Paper No. 5 of 2024 on the Green Fiscal Incentives Framework Policy

Our Office has reviewed the Policy and note that it does not raise significant constitutional or statutory issues. The aim of the Policy is to identify and prioritize the implementation of green fiscal actions that will allow Kenya to exploit the opportunities of accelerating the transition to low emission development while enhancing climate resilience and ensuring environmental sustainability.

The National Treasury and Economic Planning shall be responsible for the implementation of the Policy.

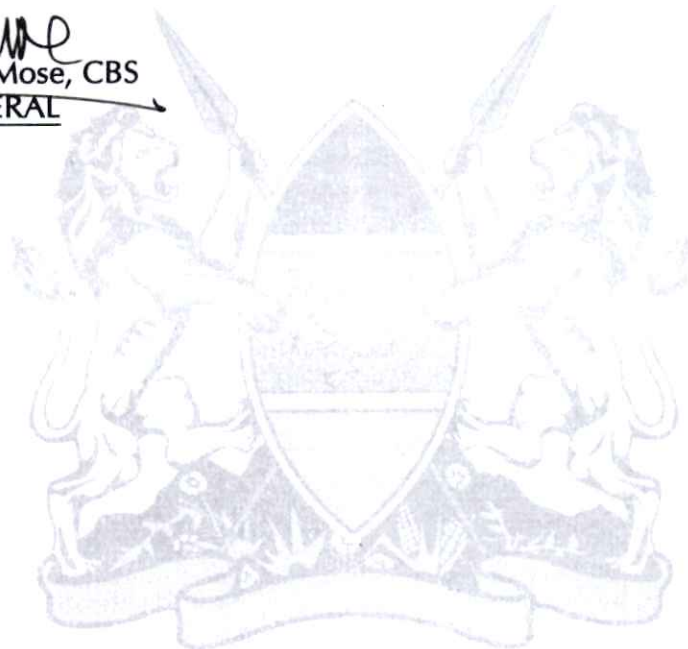
C: Submissions on the Privileges and Immunities (Global Centre for Adaptation) Order, 2025.

Our Office reviewed the Privileges and Immunities (Global Centre for Adaptation) Order, 2025 and approved the attendant Cabinet Memorandum and wish to note that the Order complies with the provisions of the Privileges and Immunities Act (Cap. 179).

We note that the Host Country Agreement was approved by Cabinet vide Cabinet Dispatch Number 13 OF 2024 and the Order was published as Legal Notice Number 82 of 2025.

We thank you and assure you of our continued support.


Hon. Shadrack J. Mose, CBS
SOLICITOR-GENERAL



Annexure 5: SUBMISSIONS

SCRUTINY OF THE PRIVILEGES AND IMMUNITIES (THE GLOBAL CENTRE FOR ADAPTATION) ORDER, 2025

Brief Overview

1. The Privileges and Immunities (Global Centre for Adaptation) Order, 2025 indicates that the Government of Kenya has entered into an agreement for cooperation with the Global Centre for Adaptation (GCA), an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions.
2. Pursuant to section 11 of the Privileges and Immunities Act, Cap 179, the **Privileges and Immunities (Global Centre for Adaptation) Order, 2025** seeks to—
 - (a) Grant GCA the privileges and Immunities under Part I of the Fourth Schedule to the Act which include—
 - (i) Immunity from suit and legal process;
 - (ii) Inviolability of premises occupied as offices and official archives;
 - (iii) Exemption from rates and taxes on importation of goods;
 - (iv) Exemption from taxes on the goods or services imported or purchased locally by the organization for its official use in Kenya or for exportation, or on the importation of any publications of the organization directly by it, subject to conditions imposed in customs and excise; and
 - (v) Exemption from prohibitions and restrictions on importation or exportation in the case of goods directly imported or exported by the organization for its official use and any publications of the organization directly imported or exported by it; and
 - (b) Grant the GCA director, officials and staff the privileges and immunities specified under Part III of the Fourth Schedule to the Act, which include—
 - (i) Immunity from suit and legal process in respect of things done or omitted to be done in the course of the performance of official duties, exemption from direct taxes upon emoluments received as an officer or servant of the organization;
 - (ii) Immunity from national service obligations;
 - (iii) Immunity from immigration restrictions and alien registration in respect of officers and servants and their spouses and dependent relatives;
 - (iv) Like privileges in respect of exchange control facilities as are accorded to officials of equivalent status forming part of diplomatic mission;

- (v) Like facilities for the officers and servants and their spouses and dependent relatives for repatriation in time of international crises as are afforded to diplomatic missions; and
- (vi) Exemption from tax or duty on the importation of furniture, personal property and household effects of an officer or servant first arriving to take up his post in Kenya.

The Global Centre for Adaptation (GCA)

3. The GCA is an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions which is registered in the **Netherlands**.
4. The GCA—
 - (a) Is a development partner that operates through regional offices and partner institutions to facilitate knowledge sharing and learning and enable implementation of adaptation solutions, provide a coherent global perspective on adaptation and mobilize resources for adaptation;
 - (b) Works to promote global cooperation and collaboration on adaptation, bringing together governments, international organizations, the private sector, civil society and other stakeholders toward common adaptation goals; and
 - (c) Aims to catalyze action on adaptation by providing tools, support and resources to those who are most vulnerable to the impacts of climate change.
5. The GCA has been working in collaboration with the Government of Kenya, local and international partners in Kenya since 2021.

The Explanatory Memorandum on the Host Country Agreement (HCA) between the Government of Kenya and the Global Centre for Adaptation (GCA)

6. The Agreement is entered into pursuant to Kenya's international commitments on climate action, including the Paris Agreement and national climate adaptation policies.
7. The Agreement—
 - (a) establishes a Regional Office of the GCA in Nairobi to enhance Kenya's role in climate adaptation and resilience building efforts across Africa;
 - (b) recognizes GCA as an international organization with legal personality i.e it can enter into contracts, acquire property and institute legal proceedings;

- (c) GCA's property will be immune from legal processes except where immunity is expressly waived. Similarly, officials of GCA will be granted tax exemptions, work permits and other privileges similar to those of other international organizations;
- (d) Official GCA activities will be exempt from taxes. Additionally, goods and services imported for official use will be exempt from custom duty and VAT;
- (e) GCA will recruit both international and local personnel. Kenyan citizens will be given priority and recruited across all levels where applicable;
- (f) Any disputes arising from the implementation of the Agreement will be resolved through consultations and if necessary through Kenyan courts; and
- (g) The Agreement takes effect provisionally upon signature and definitively upon gazette and will remain in force for ten (10) years, renewable by mutual agreement of the Parties.

Benefits to Kenya

8. The Host Country Agreement with GCA is a strategic initiative aligned with Kenya's climate change agenda. It provides an opportunity for Kenya to benefit from global expertise and resources in climate adaptation while reinforcing Nairobi's status as a hub for international organizations.
9. Additionally, it will—
 - (a) Enhance Kenya's international profile as a leader in climate adaptation;
 - (b) Strengthen cooperation with global stakeholders in climate resilience;
 - (c) Create job opportunities and capacity building opportunities for Kenyan professionals;
 - (d) Increase investment in climate adaptation projects in Kenya and Africa; and
 - (e) Facilitate knowledge-sharing and learning, guide and enable the implementation of adaptation solutions, provide a coherent global perspective on adaptation and mobilize for resources

Financial Implications

10. The Agreement does not impose any direct financial obligations on the Government of Kenya beyond facilitating the operations of the Regional Office.

Public Consultations

11. The Agreement incorporated the views of the key stakeholders such as the National Treasury and Economic Planning, Office of the Attorney General, Directorate of Immigration, Kenya Revenue Authority and the Ministry of Environment, Climate Change and Forestry.

Monitoring and Review

12. The Ministry of Foreign and Diaspora Affairs will monitor the activities of GCA together with the relevant Ministry.

Observations

- 1) The Agreement does not require ratification by Parliament in accordance with Article 2(6) of the Constitution which integrates international agreements into law.
- 2) Legal Notice No. 82 of 2025 is a statutory instrument and has the force of law within the meaning of section 2 of the Statutory Instruments Act, Cap 2A to the extent that it is an Order made pursuant to the powers conferred to the Cabinet Secretary under section 9 of the Privileges and Immunities Act, Cap 179;
- 3) The Order was published in the Gazette as Legal Notice No. 82 of 2025 on 2nd May, 2025 and tabled on the 4th of June, 2025
- 4) The Order was accompanied by an explanatory memorandum as required under section 7 of the Statutory Instruments Act, Cap 2A

Conclusion

The Committee is expected to consider the **Privileges and Immunities (Global Centre for Adaptation) Order, 2025**, confer with the Cabinet Secretary for Foreign and Diaspora Affairs, and the relevant stakeholders, and approve the statutory instrument or recommend that the House annuls the Order.

Mercy Wanyonyi, Senior Legal Counsel

24/07/25

Submissions to the Departmental Committee on Environment, Forestry and Mining in Consideration of the *Privileges and Immunities (The Global Center for Adaptation) Order, 2025*.

Submitted by the Principal Secretary
State Department for Foreign Affairs
Ministry of Foreign and Diaspora

August 2025

1. Name of the Statutory Instrument

The Host Country Agreement Between the Government of the Republic of Kenya and the Global Center of Adaptation, on Establishment of the GCA Regional Office in Nairobi was signed on 10th February 2025. The key provisions of the Agreement are:

a. Establishment of the Regional Office

The Government of Kenya grants permission for GCA to set up its Regional Office in Nairobi. The Office will facilitate adaptation programs and research to address environment and climate challenges in Kenya and Africa.

b. Legal Status of GCA

GCA is recognized as an international organization with legal personality. It can enter into contracts, acquire property, and institute legal proceedings.

c. Privileges and Immunities

GCA's property and assets will be immune from legal processes except where immunity is expressly waived. Similarly, Officials of GCA will be granted tax exemptions, work permits, and other privileges similar to those of other international organizations.

d. Tax Exemptions and Fiscal Arrangements

The Agreement provides tax exemptions on official GCA activities. Goods and services imported for official use will be exempt from customs duties and VAT.

e. Employment Conditions

GCA will recruit both international and local personnel. Kenyan citizens will be given priority and recruited across all levels where applicable.

f. Dispute Resolution

Any disputes arising from the implementation of the Agreement will be resolved through consultations and, if necessary, through Kenyan courts.

g. Entry into Force and Duration

The Agreement takes effect provisionally upon signature and definitively upon gazettelement and will remain in force for ten (10) years, renewable by mutual agreement of the Parties.

2. Background

- i. The Global Center on Adaptation (GCA) is an international organization registered and headquartered in the Netherlands. It was established in 2018, with the aim of accelerating adaptation action and supporting climate adaptation solutions.
- ii. GCA is a development partner which operates through regional offices and partner institutions to facilitate knowledge-sharing and learning, guide and enable the implementation of adaptation solutions, provide a coherent global perspective on adaptation, and mobilize resources for adaptation.
- iii. It works to promote global cooperation and collaboration on adaptation, bringing together governments, international organizations, the private sector, civil society, and other stakeholders to work towards common climate adaptation goals.
- iv. It aims to catalyze action on adaptation by providing tools, support, and resources to those who are most vulnerable to the impacts of climate change.
- v. The global headquarters is hosted by the Netherlands with regional offices in Africa, South Asia and Asia Pacific, and a knowledge and research hub in Groningen, the Netherlands. The GCA regional Offices in Asia are based in China and Dhaka and in Africa, Ivory Coast and Kenya.

3. GCA's activities in Kenya

GCA has been working in collaboration with the Government of Kenya, Local and international partners in the Republic of Kenya since the year 2021.

- i. GCA is supporting the Government of Kenya by providing an investment roadmap for climate resilient infrastructure, in partnership with the University of Nairobi. Through a risk and resilience assessment, this project aims to produce an investment roadmap that will guide the development of climate resilient infrastructure systems in Kenya. The roadmap will influence the national commitment of investing \$20.3 billion to enhance climate proofing of infrastructure by 2030 under the National Adaptation Plan.
- b. GCA is working with the African Development Bank (AfDB), under the African Adaptation Acceleration Program (AAP), and Kenya National Highways Authority (KeNHA) to mainstream climate adaptation investing US\$ 223 million to upgrade critical sections of the Kenya to South-Sudan road corridor. This will

boost the movement of goods, persons (service provision) and improves overall security.

- c. GCA is working with the World Bank Group (WBG) to strengthen the public sector capacity of Kenyan counties and municipal boards to implement climate resilient urban services and planning under the US\$350m Kenya Urban Support Program – II (KUSP2).
- d. In collaboration with the African Development Bank (AfDB) and the Alliance of Biodiversity International and the International Center for Tropical Agriculture (CIAT) GCA, works to mainstream climate adaptation solutions and resilience measures to climate-proof investments under the AfDB's Program to Build Resilience for Food and Nutritional Security in the Horn of Africa (BREFONS). This US\$226 million investment program contributes to improving food and nutrition security and increasing resilience in the Horn of Africa. By strengthening the resilience and adaptive capacity of pastoral and agropastoral communities and production systems to climate change, the program also contributes to improving peace and security in the region. The countries covered by the program are Djibouti, Ethiopia, Kenya, South Sudan, Sudan, Eritrea.
- e. The African Youth Adaptation Solutions Challenge (YouthADAPT) is an annual competition and awards program that supports youth-led enterprises with innovative climate adaptation and resilience solutions. Each winner of the Challenge receives a \$100,000 grant and mentorship, enabling them to expand their solutions. The winners also gain business support through a 12-month accelerator program.
 - i. Among the over forty winners of the AAAP's African Youth Adaptation Solutions Challenge (YouthADAPT Challenge), eight of them are from Kenya, some of the programs include:
 - Agritech Analytics developed a crop and soil management tool that leverages data from AI powered satellite analytics driven by ML algorithms and data from solar-powered IoT sensor to tackle water deficit, unpredictable weather events, plant and soil diseases.
 - Kisumeo Organics empowers smallholder farmers to create sustainable and climate-resilient aquatic food systems by leveraging artificial intelligence to produce crawfish fries all year round.

- Farmer Lifeline Technologies helps farmers to get ahead of pests and pathogens with a proprietary disease detection device. The enterprise also reduces greenhouse gas emissions from synthetic fertilizers and farm chemicals by creating more environmentally friendly versions.
- All GCA activities fits in and support the Government of Kenya Nationally Determined Contribution obligations under the Paris Agreement, enabling GOK to fulfill its obligations under both UNFCCC and Paris Agreement.
- Hosting the GCA fits into the State Department's environment diplomacy focus area under the Sessional Paper No. 1 of 2025 on the Foreign Policy of the Republic of Kenya, enabling Kenya to fulfil its diplomatic aspirations.

The intended Nairobi Regional Office will oversee the Africa Adaptation Acceleration Program (AAP). The AAP focuses on transformational pillars applicable to the region including Kenya where investments in adaptation and resilience building can yield high economic dividends for African nations and can accelerate the achievement of the Sustainable Development Goals.

These pillars include:

- a. Food security;
- b. Infrastructure and Nature-based Solutions;
- c. Youth Entrepreneurship and Adaptation Jobs;
- d. Adaptation Finance Research for Impact; and
- e. Agenda Setting and Advocacy.
- f. To actualize the Regional Office, the GCA requested to conclude a Host Country Agreement with the Government of Kenya, the agreement would provide an enabling, requisite and appropriate legal and institutional framework to enhance the co-operation and ensure more efficient and effective operations by GCA, within the Republic of Kenya.

4. Benefits of Hosting the Global Center on Adaptation in Kenya

- i. Since 2021 GCA, has committed over EUR 3 million to programs for food security, infrastructure and nature-based solutions, and adaptation jobs in Kenya.

- ii. These investments will directly influence almost \$800 million in downstream investments, with significantly higher impact on the implementation of the GoK National Adaptation Plan, which has allocated \$20bn for resilient infrastructure.
- iii. GCA's strategy draws from Kenyan solutions and expertise, including through the domestic private sector and institutions of excellence, including the University of Nairobi.
- iv. Kenya plays host to numerous strong implementing partners many of whom collaborate with GCA to execute projects on its behalf. The opening of a regional office in Kenya will undoubtedly present opportunities for deeper partnership and collaboration.

Additional benefits, the opening of GCA's Regional Office will:

- a) Increase the number of jobs for local Kenyans across all levels, spur development and humanitarian projects and increase foreign exchange earnings for the country. Further it will safeguard employment opportunities for the current and future workforce that will be based in Kenya.
- b) Support the Government's focus and strategies around the reduction of the Country's vulnerabilities to climate change and harness the economic growth opportunities that result from effective climate adaptation.
- c) Increase investment in the country which will spur economic growth through investments in adaptation and resilience building.
- d) The establishment of the regional office in Nairobi will be an important step in enabling GCA to deepen our programs and impact in Kenya and the Eastern Africa region.
- e) Continue to elevate Nairobi as a hub for multi-cultural diplomacy and also increase foreign currency cash flows which is necessary in boosting the local economy.
- f) Nairobi has been chosen for the Regional Office because of its relative peace, geographical location, besides being a key financial, transportation, business and economic hub, thus providing excellent regional base to support its programs. Construction of regional offices that will serve as its regional headquarters have begun; a reflection of GCA long term commitment to operations in Kenya.

g) Attached is a detailed country portfolio on the projects undertaken in Kenya.

5. Financial Implications

The Government of Kenya will not incur any immediate financial implications by hosting the Global Center on Adaptation in Kenya. However, as the Global Center on Adaptation has been published in the Gazette under the Privileges and Immunities Act, the Government will incur loss of revenue through tax exemptions granted. This will however be recouped through the investments GCA will carry out in Kenya.

6. Legal Implications

There are no legal implications requiring change or creation of new law, on the grant of the Host Country Agreement to the Global Center on Adaptation.

Request to the Committee

The Ministry humbly requests the Committee to consider and approve, the Grant of the Privileges and Immunities, under the Privileges and Immunities (The Global Center for Adaptation) Order, 2025, as published in Kenya Gazette Supplement No. 61, LN No. 82 of 2025.

Respectfully submitted.



THE REPUBLIC OF KENYA

LAWS OF KENYA

PRIVILEGES AND IMMUNITIES ACT

CHAPTER 179

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CHAPTER 179

PRIVILEGES AND IMMUNITIES ACT

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Privileges and Immunities

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CHAPTER 179

PRIVILEGES AND IMMUNITIES ACT

[Date of assent: 3rd April, 1970.]

[Date of commencement: 6th April, 1970.]

An Act of Parliament to amend and consolidate the law on diplomatic and consular relations by giving effect to certain international conventions and otherwise; to consolidate the law relating to the immunities, privileges and capacities of international organizations of which Kenya is a member and of certain other bodies; and for matters incidental to and connected with the foregoing

[Act No. 3 of 1970, L.N. 22/1984, Act No. 16 of 2008.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the Privileges and Immunities Act.

2. Interpretation

(1) In this Act, unless the context otherwise requires—

“**Commonwealth country**” means any country to which, for the time being, section 95 of the Constitution applies;

“**consular officer**” means a person, including the head of a consular post, entrusted in that capacity with the exercise of consular functions and any person in the service of the Government of a Commonwealth country performing any such functions;

“**consular post**” means any consulate-general, consulate, vice-consulate or consular agency;

“**diplomatic agent**” has the meaning assigned to it in Article 1 in the First Schedule;

“**the Minister**” means the Minister for the time being responsible for foreign affairs.

(2) In the Articles set out in the First and Second Schedules—

“**agent of the receiving State**” or “**authorities of the receiving State**” shall be construed as including a police officer and any person exercising a power of entry to any premises under any written law;

“**grave crime**” shall be construed as meaning any offence punishable on a first conviction with imprisonment for a term that may extend to five years or with a more severe sentence;

“**Ministry for Foreign Affairs or such other ministry as may be agreed**” shall be construed as meaning the Ministry of the Minister;

“**national of the receiving State**” shall be construed as meaning a citizen of Kenya.

[L.N. 22/1984, Sch.]

PART II – DIPLOMATIC RELATIONS

3. Replacement of existing law

The following provisions of this Part shall, with respect to the matters dealt with therein, have effect in substitution for any previous written law or rule of law.

4. Application of Convention

(1) Subject to section 15, the Articles set out in the First Schedule to this Act (being Articles of the Vienna Convention on Diplomatic Relations signed in 1961) shall have the force of law in Kenya and shall for that purpose be construed in accordance with the following provisions of this section.

(2) For the purposes of Article 32 a waiver by the head of the mission of a State or a person for the time being performing his functions shall be deemed to be a waiver by that State.

(3) Articles 35, 36 and 40 shall be construed as granting any immunity or privilege which they require to be granted.

(4) The references in Articles 37 and 38 to the extent to which immunities and privileges are admitted by the receiving state and to additional immunities and privileges that may be granted by the receiving state shall be construed as referring respectively to the extent to which any immunities or privileges are specified by the Minister by order and to any additional immunities and privileges that may be so specified.

(5) In its application to the immunity granted by paragraphs (2), (3) and (4) of Article 37 of the First Schedule the expression "permanently resident" in Article 38 of that Schedule shall be deemed to extend to an individual other than one who is resident in Kenya solely for the purpose of performing the duties of his office for a mission.

PART III – CONSULAR RELATIONS

5. Application of Convention

(1) Subject to sections 6(2) and 15, the Articles set out in the Second Schedule (being Articles or parts of Articles of the Vienna Convention on Consular Relations signed in 1963) shall have the force of law in Kenya and shall for the purpose be construed in accordance with the following provisions of this section.

(2) The reference in paragraph 2 of Article 17 to any immunities and privileges accorded by customary international law or by international agreements shall be construed as a reference to immunities and privileges conferred under Part IV of this Act.

(3) The references in Article 44 to matters connected with the exercise of the functions of members of a consular post shall be construed as matters connected with the exercise of consular functions by consular officers or consular employees.

(4) For the purposes of Article 45 and that Article as applied by Article 58, a waiver shall be deemed to have been expressed by a state if it has been expressed by the head, or a person for the time being performing the functions of head, of the diplomatic mission of that State or, if there is no such mission, of the consular post concerned.

(5) Articles 50, 51, 52, 54, 62 and 67 shall be construed as granting an immunity or privilege which they require to be granted.

(6) The reference in Article 57 to the immunities and privileges provided in Chapter II shall be construed as referring to those provided in Section II of that Chapter.

(7) The reference in Article 70 to the rules of international law concerning diplomatic relations shall be construed as a reference to the provisions of Part II of, and Schedule I to, this Act.

(8) The reference in Article 71 to additional immunities and privileges that may be granted by the receiving state or to immunities and privileges so far as these are granted by the receiving state shall be construed as referring to such immunities and privileges as may be specified by the Minister by order.

(9) In its application to the immunity granted by Article 49 of the Second Schedule the expression "permanently resident" in Article 71 of that Schedule shall be deemed to extend to an individual other than one who is resident in Kenya solely for the purpose of performing the duties of his office for a consular post.

6. Agreements

(1) Where an agreement made, whether before or after the commencement of this Act, between Kenya and another State provides for according to consular posts and persons connected with them immunities and privileges not accorded to them by the other provisions of this Act, the Minister may, by order, exercise, with respect to the consular posts of that state and persons connected with them, the powers specified in the Third Schedule to so far as may be necessary to give effect to that agreement.

(2) Where an agreement made, whether before or after the commencement of this Act, between Kenya and another state provides for according to consular posts and persons connected with them some but not all of the immunities and privileges accorded to them by the other provisions of this Act, the Minister may, by order, provide for excluding, with respect to consular posts of that state and persons connected with them, any of the immunities and privileges which are not provided for by that agreement.

7. Commonwealth representatives

(1) The Minister may, by order, confer—

- (a) on persons in the service of the government of a Commonwealth country holding such offices or class of offices as may be specified in the order, being offices or classes of offices which appear to the Minister to involve the performance of duties substantially corresponding to those which, in the case of a foreign sovereign power, would be performed by a consular officer;

Privileges and Immunities

- (b) on a person for the time being recognized by the Government of Kenya as the chief representative of any state or province of a Commonwealth country (in this section referred to as a state representative);
- (c) on members of the staff of any such person as is mentioned in paragraph (a) or (b),

immunities or privileges which are conferred by or may be conferred under this Part, and any such order may provide for extending, in relation to premises, official archives, communications, documents and personal property of persons on whom immunities and privileges are or may be conferred under this section, and in relation to any fees and charges levied by them, the provisions of Articles 31, 32, 33, 35, 39 and 51 in the Second Schedule.

(2) An order under subsection (1) may exclude from immunities and privileges conferred by it persons who are permanently resident in Kenya, or who are citizens of Kenya or any class of such persons.

(3) Notwithstanding anything in this section—

- (a) a person for the time being recognized by the Government of Kenya as the chief representative in Kenya of a Commonwealth country may waive an immunity conferred under this section on a person in the service of the Government of the country which he represents;
- (b) a state representative may waive any immunity conferred under this section on himself or on a member of his staff.

8. Power of consular officer in relation to property of deceased persons

(1) Where a person who is a national of a foreign State is named as executor in the will of a deceased person disposing of property in Kenya, or is otherwise a person to whom a grant or representation to the estate in Kenya of a deceased person may be made, then if the Court is satisfied, on the application of a consular officer of the said state, that the national is not resident in Kenya, and if no application for a grant of representation is made by a person duly authorized by power of attorney to act for the national in that behalf, the court shall make to that officer any such grant of representation to the estate of the deceased as would be made to him if he were so authorized:

Provided that the Court may, if it thinks fit, postpone the making of such grant during such period as the court considers appropriate having regard to all the circumstances of the case.

(2) Where any person who is a national of a foreign State—

- (a) is entitled to payment or delivery of any money or property in respect of an interest in the estate of a deceased person, or vesting in possession on the death of any person, or is entitled to payment of any money becoming due on the death of any person; or
- (b) is a person to whom any money or property comprised in the estate of a deceased person may be paid or delivered in pursuance of any written law, whether passed or made before or after the commencement of this Act, authorizing the payment or delivery of such money or property without representation to the estate of the deceased being granted, then, if the said national is not resident in Kenya, a consular officer of that State shall have the like right and

Privileges and Immunities

power to receive and give a valid discharge for any such money or property in Kenya as if he were duly authorized by power of attorney to act for such national in that behalf:

Provided that no person shall be authorized or required by this subsection to pay or deliver money or property to a consular officer if it is within his knowledge that another person in Kenya has been expressly authorized to receive that money or property on behalf of the said national.

(3) A grant of administration made by virtue of this section may be made to the consular officer concerned by his official title and to his successors in office, and when a grant is so made the office of administrator, and all the estate, rights, duties and liabilities of the administrator (including liabilities under the administration bond), shall be vested in and imposed on the person for the time being holding the office, and no fresh grant shall be required by reason only of the death or vacation of office of the person to whom the grant was made, or in whom it is vested:

Provided that nothing in this subsection shall affect any limitation contained in the grant or any power of the court to revoke the grant.

(4) No sureties shall be required to an administration bond given by a consular officer upon the grant to him of administration by virtue of this section.

(5) Notwithstanding any other provision of this Part conferring immunity or privilege in respect of the official acts and documents of consular officers, a consular officer shall not be entitled to immunity or privilege in respect of any act done by virtue of powers conferred on him by or under this section or in respect of any document for the time being in his possession in relation thereto.

PART IV – INTERNATIONAL ORGANISATIONS, ETC.**9. Privileges, etc., of certain international organizations and persons connected therewith**

(1) This section shall apply to an organization which the Minister may, by order, declare to be an organization of which Kenya, or the Government, and one or more foreign sovereign powers, or the government or governments thereof, are members.

(2) The Minister may, by order—

- (a) provide that an organization to which this section applies (hereinafter referred to as the organization) shall, to such extent as may be specified in the order, have the immunities and privileges set out in Part I of the Fourth Schedule to this Act, and shall also have the legal capacities of a body corporate;
- (b) confer upon—
 - (i) any persons who are representatives (whether of governments or not) on any organ of the organization or are members of any committee of the organization or of an organ thereof;
 - (ii) such number of officers of the organization as may be specified in the order, being the holders of such high offices in the organization as may be so specified; and

- (iii) such persons employed on missions on behalf of the organization as may be so specified, to such extent as may be specified in the order, the immunities and privileges set out in Part II of the said Fourth Schedule;
- (c) confer upon such other classes of officers and servants of the organization as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Fourth Schedule,

and Part IV of the said Fourth Schedule shall have effect for the purpose of extending to the staffs of such representatives and members as are mentioned in subparagraph (i) of paragraph (b) of this subsection, and to the families of officers of the organization, any immunities and privileges conferred on the representatives, members or officers under that paragraph, except in so far as the operation of Part IV is excluded by the order conferring the immunities and privileges.

(3) An order under subsection (2) of this section shall be so framed as to secure that there are not conferred upon any person immunities or privileges greater in extent than those which, at the time of the making of the order, are required to be conferred on that person in order to give effect to any international agreement in that behalf and that no immunity or privilege is conferred upon any person as the representative of the Government of Kenya or as a member of the staff of such representative.

(4) Where immunities and privileges are conferred upon persons by an order under subsection (2) of this section, the Minister, by notice in the *Gazette*—

- (a) shall specify the persons entitled to immunities and privileges conferred under paragraph (b) of that subsection; and
- (b) may specify the persons entitled to immunities and privileges conferred under paragraph (c) of that subsection.

9A. The International Criminal Court

The judges, officials and staff of the International Criminal Court, and any counsel, experts, witnesses and other persons required to be present at the seat of that Court, shall have the privileges and immunities set out in article 48 of the Rome Statute and the agreement on privileges and immunities contemplated in that article.

[Act No. 16 of 2008, s. 174.]

10. Representatives at international conferences

Where a conference is held in Kenya and is attended by the representatives of the Government of Kenya and of the government or governments of one or more other States, and it appears to the Minister that doubts may arise as to the extent to which the representatives of such other States and members of their official staffs are entitled to diplomatic immunities and privileges, he may, by notice in the *Gazette*, specify the persons and the Articles set out in the First Schedule to this Act which shall apply to them, and, for the purposes of those Articles, every representative of a State who is for the time being specified in such a notice shall be deemed to be a head of the mission and such of his official staff as are for the time being included in the notice shall be deemed to be members of the diplomatic staff.

11. Technical assistance, etc., agencies

(1) Where the Government of Kenya has, whether before or after the commencement of this Act, entered into any agreement with an external agency under which, in return for assistance or co-operation in works executed in, or services rendered to, Kenya by that agency, the Government has agreed that such agency or persons in its service should enjoy immunities or privileges, the Minister may, by order—

- (a) declare that such agency is one to which this section applies;
- (b) provide that, to such extent as may be specified in the order, such agency shall have the immunities and privileges set out in Part I of the Fourth Schedule to this Act;
- (c) confer upon such classes of officers and servants of such agency as may be specified in the order, to such extent as may be so specified, the immunities and privileges set out in Part III of the Fourth Schedule,

and for the purposes of any such order references in the said Fourth Schedule to the organization shall be construed as references to the external agency named in the order.

(2) An order under subsection (1) of this section shall be so framed as to secure that there not conferred on any person any immunities or privileges greater in extent than those which are required to be conferred on that person by the agreement concerned and that no immunity or privilege is conferred on any person who is a citizen of, or permanently resident in, Kenya.

(3) Where immunities and privileges are conferred upon any person by an order under subsection (1) of this section, the Minister shall, by notice in the *Gazette*, specify the persons who are for the time being entitled to those immunities and privileges.

- (4) For the purposes of this section, “**external agency**” means—
- (a) the government of a foreign State;
 - (b) a recognized agency of such a government;
 - (c) an internationally recognized foundation or other body.

12. Modifications in respect of the United Nations Organization

In its application to the United Nations Organization, established by Charter at San Francisco on 25th June, 1945, this Part shall have effect subject to the following modifications—

- (a) a reference to the governing body or a committee of the organization shall be construed as referring to the General Assembly or any council or other organ of the United Nations Organization; and
- (b) the powers conferred upon the Minister by subsection (2) of section 9 of this Act shall include power to confer on the judges and registrars of the International Court set up under the Charter, and on suitors to that Court and their agents, counsel and advocates, such immunities, privileges and facilities as may be required to give effect to any resolution of, or convention approved by, the General Assembly.

13. Reciprocal treatment

Notwithstanding the foregoing provisions of this Part, the Minister may decline to accord immunities and privileges to, or may withdraw immunities and privileges from, nationals or representatives of any State on the ground that the State is failing to accord corresponding immunities and privileges to citizens or representatives of Kenya.

PART V – GENERAL**14. Oaths and notarial acts**

A diplomatic agent or consular officer of any State may, if authorized to do so under the Laws of that State, administer oaths, take affidavits and do notarial acts—

- (a) required by a person for use in that State or under the Laws thereof; or
- (b) otherwise required by a national of that State but not for use in Kenya except under the Laws of some other country.

15. Restriction of immunities, privileges or powers

If it appears to the Minister that the immunities, privileges or powers accorded to a diplomatic mission or consular post of Kenya in the territory of any State, or to persons connected with that mission or post, are less than those accorded by this Act to the diplomatic mission or consular post of that State, or to the persons connected therewith, the Minister may, by order, withdraw such of the immunities, privileges or powers accorded by this Act from the diplomatic mission or consular post of that State, or from such persons connected therewith, as appears to the Minister to be proper.

16. Evidence

If in any proceedings any question arises whether or not a person is entitled to the benefit of an immunity or privilege, or to exercise any power, under this Act, a certificate given by the Minister stating any fact relating to that question shall be conclusive evidence of that fact, and any such certificate purporting to be signed by the Minister shall be presumed to have been signed by him until the contrary is proved.

17. Making of orders

Any order made under this Act shall, unless a draft thereof has been laid before Parliament and approved by resolution before the making thereof, be laid before Parliament without unreasonable delay, and, if a resolution is passed by Parliament within twenty days on which Parliament next sits after such order is laid before it that the order be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder, or to the making of a new order.

18. Repeal and savings

(1) The Diplomatic Privileges Act, 1708, of the United Kingdom is hereby repealed in its application to Kenya.

(2) The following Acts are hereby repealed—

- (a) the Administration of Estates by Consular Officers Act (Cap. 164);
- (b) the Diplomatic Privileges Extension Act (Cap. 179);
- (c) the Immunities and Privileges (Commonwealth Countries and Republic of Ireland) Act (Cap. 180);
- (d) the Consular Conventions Act (Cap. 181).

(3) Nothing in this Act shall affect any order made, or list or notice published, under any law repealed by this Act, but any such order, list or notice shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made or published under this Act, have effect as if so made or published.

FIRST SCHEDULE

ARTICLES OF VIENNA CONVENTION ON DIPLOMATIC RELATIONS HAVING THE FORCE OF LAW IN KENYA

[Sections 4 and 10.]

ARTICLE 1

For the purpose of the present Convention, the following expressions shall have the meanings hereunder assigned to them—

- (a) the “**head of the mission**” is the person charged by the sending State with the duty of acting in that capacity;
- (b) the “**members of the mission**” are the head of the mission and the members of the staff of the mission;
- (c) the “**members of the staff of the mission**” are the members of the diplomatic staff, of the administrative and technical staff and of the service staff of the mission;
- (d) the “**members of the diplomatic staff**” are the members of the staff of the mission having diplomatic rank;
- (e) a “**diplomatic agent**” is the head of the mission or a member of the diplomatic staff of the mission;
- (f) the “**members of the administrative and technical staff**” are the members of the staff of the mission employed in the administrative and technical service of the mission;
- (g) the “**members of the service staff**” are the members of the staff of the mission in the domestic service of the mission;
- (h) a “**private servant**” is a person who is in the domestic service of a member of the mission and who is not an employee of the sending State;
- (i) the “**premises of the mission**” are the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used for the purposes of the mission including the residence of the head of the mission.



THE REPUBLIC OF KENYA

LAWS OF KENYA

**THE PRIVILEGES AND IMMUNITIES (THE
GLOBAL CENTRE FOR ADAPTION) ORDER, 2025**

NO. 82 OF 2025

Revised and published by the National Council for Law Reporting
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Kenya

Privileges and Immunities Act

The Privileges and Immunities (The Global Centre for Adaption) Order, 2025

Legal Notice 82 of 2025

Legislation as at 2 May 2025

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The Privileges and Immunities (The Global Centre for Adaption) Order, 2025 (Legal Notice 82 of 2025)
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PRIVILEGES AND IMMUNITIES ACT

THE PRIVILEGES AND IMMUNITIES (THE GLOBAL CENTRE FOR ADAPTION) ORDER, 2025 LEGAL NOTICE 82 OF 2025

Commenced on 2 May 2025

1. This Order may be cited as the Privileges and Immunities (The Global Centre for Adaptation) Order, 2025.
2. The Global Centre for Adaptation, in this Order referred to as "the Organisation", being an international organization established with the aim of accelerating adaptation action and supporting climate adaptation solutions; and with which the Government of Kenya has entered into an agreement for cooperation, is hereby declared to be an organisation to which section 11 of the Act shall apply.
3. The Organisation shall have the legal capacity of a body corporate to—
 - (a) enter into contracts;
 - (b) institute and defend legal proceedings; and
 - (c) acquire, hold or dispose of movable and immovable property in accordance with the laws of the Republic of Kenya.
4. The Organisation shall have the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5 and 6 of Part I of the Fourth Schedule to the Act.
5. The director, officials and staff of the Organisation shall, while residing in Kenya and performing duties in the service of the Organisation, have the privileges and immunities specified in paragraphs 1, 2, 3, 4, 5, 6 and 7 of Part III of the Fourth Schedule to the Act.
6. Paragraph 5 shall not apply to a citizen of Kenya or to any person who is ordinarily resident in Kenya except solely for the purpose of being an employee of, and working exclusively for the Organisation.



AAAP COUNTRY PORTFOLIO – KENYA

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About GCA and the AAAP

The **Global Center on Adaptation**, founded in September 2018 and headquartered in Rotterdam, Netherlands, collaborates globally to advance climate adaptation interventions through policy, research, and finance. The **Global Center on Adaptation (GCA)** plays a unique and strategic **“upstream”** role in the global climate adaptation ecosystem. Its upstream work focuses on enabling and shaping the **design, planning, and integration of climate adaptation** into large-scale development investments **before** they are implemented, ensuring that adaptation is not an afterthought, but a core part of development finance and programming from the start.

Launched in **January 2021** as a strategic partnership between the **Global Center on Adaptation** and the **African Development Bank (AfDB)**, the **Africa Adaptation Acceleration Program (AAAP)** aims to mobilize **US \$25 billion by 2025** to scale climate adaptation across Africa through four interlinked pillars:

1. Food Security
2. Infrastructure & Nature-Based Solutions
3. Youth Entrepreneurship & Adaptation Jobs
4. Adaptation Finance

To date, AAAP has influenced over **US \$10–15 billion** in climate-resilient investments reaching nearly **60 million people** across some **40 African countries**, with nearly **1 million adaptation jobs supported**. It has earned recognition as “Best Investable NDC Adaptation Investment Initiative” at the UNGA79 awards in late 2024.

The Global Center on Adaptation is in the process of moving its Head Quarters to Kenya, this will result in significant changes in its staffing structures and potential for increased recruitment in Kenya.

2025 Program Highlight

- GCA has in 2025 committed over EUR 2.7 million to programs for food security, infrastructure and nature-based solutions, climate finance mobilization and adaptation jobs in Kenya.

- These investments will directly influence over \$1 billion in downstream investments, with significantly higher impact on the implementation of the GoK National Adaptation Plan, which has allocated \$20bn for resilient infrastructure.
- Kenya is also a beneficiary of three multi-country projects: a food security project in the Horn of Africa, a water resilience project in the same region, and a climate finance project for commercial banks. These three projects represent an additional downstream investment of over \$680 million across the involved countries.
- GCA's strategy draws from Kenyan solutions and expertise, including through the domestic private sector and institutions of excellence, such as the University of Nairobi
- 8 of the 40+ winners of the AAAP's African Youth Adaptation Solutions Challenge (YouthADAPT Challenge) announced are from Kenya, some of which include:
 - AGRITECH ANALYTICS developed a crop and soil management tool that leverages data from AI-powered satellite analytics driven by ML algorithms and data from solar-powered IoT sensor to tackle water deficit, unpredictable weather events, plant and soil diseases.
 - KISUMEO ORGANICS empowers smallholder farmers to create sustainable and climate-resilient aquatic food systems by leveraging artificial intelligence to produce crawfish fries all year round.
 - FARMER LIFELINE TECHNOLOGIES helps farmers to get ahead of pests and pathogens with a proprietary disease detection device. The enterprise also reduces greenhouse gas emissions from synthetic fertilizers and farm chemicals by creating more environmentally friendly versions.

Overview

Project Category	Number of Projects	Total Investment (USD)	Total Investment (USD)
Infrastructure and Nature-Based Solutions	3	1,389,428	222,679,040
AfDB Kenya-South Sudan Link road (Leseru-Kitale, Morpus-Lokichar) upgrading		189,428	222,679,040
KENYA National Infra Risk and Resilience Assessment		1,100,000	-
Kenya PPP Masterclass		100,000	-
Food security	1	557,500	226,397,600
Program to Build Resilience for Food and Nutrition Security in the Horn of Africa (BREFONS) (multi-country project)		557,500	226,397,600
Locally-Led Adaptation	2	477,346	187,434,882
Kenya National Urban Water and Sanitation Program		250,000	187,434,882
Nairobi Rivers Basin Rehabilitation and Restoration Project: Sewerage Improvement Project Phase II		227,346	-
Urban & Water	4	1,137,277	1,191,000,000
Second Kenya Urban Support Program		445,114	486,000,000
WB Kenya Water, Sanitation and Hygiene (K-WASH) Program		254,685	250,000,000
Homa Bay city climate stress test		112,478	-
Horn of Africa Groundwater Project		325,000	455,000,000
Climate Finance	2	337,342	-
Workshop for Enhancing Direct Access to Climate Funds for Locally Led Adaptation		108,873	-
Enhancing Direct Access in Senegal (CSE, FONGIP, FONSI, LBA) and Equity Bank Kenya (multi-country project)		228,469	

Project briefs



- AfDB Kenya-South Sudan Link Road
- Kenya National Infrastructure Risk and Resilience Assessment
- Program to Build Resilience for Food and Nutrition Security in the Horn of Africa (BREFONS)
- Second Kenya Urban Support Program
- WB Kenya Water, Sanitation and Hygiene (K-WASH) Program
- Kenyan YouthADAPT winners





Kenya – South Sudan Corridor Road Upgrading Project

The Global Center on Adaptation (GCA) is working with the African Development Bank (AfDB), under the African Adaptation Acceleration Program (AAP), and with Kenya National Highways Authority (KeNHA) to mainstream climate adaptation and resilience into a US\$ 223 million investment to upgrade critical sections of the Kenya to South-Sudan road corridor.

The corridor interconnects Kenya and South Sudan across the Rift Valley, Kenya's most populated province known as a food basket for the country with maize and other crops production. The investment project supported by GCA is focused on the Lesseru–Kitale (55km) and Morpus–Lokichar (138km) sections of this corridor. Through greater connectivity, the project aims to promote uninterrupted trade and communication between Kenya and South Sudan, boost export-oriented agricultural development, and contribute to the economic and social empowerment of the local population.

In Q4 2023, GCA delivered a detailed prioritization of green and grey adaptation options with a focus on operations and maintenance interventions. GCA highlighted a set of prioritized solutions with potential value addition ranging from USD 1.3 to USD 8.7 for every dollar invested. These adaptation solutions includes design options to increase assets and operations resilience to climate hazards, as the analysis quantified assets 'vulnerability without adaptation options ranging up to USD 72 million/year in damages in 2050 under the high-emissions global warming scenario (RCP 8.5). These costs include repair costs because of direct damages to the assets, and indirect economic costs caused by traffic disruptions and downtime of the assets (trade, including food trade interruptions and potential losses of trade products).

The final results were discussed during Climate risks dialogues held in Nairobi in August with multiple project stakeholders including the AfDB, Kenya Highway Authority (KeNHA), Kenya Meteorological Department, Kenya Forest Service, and the Universities of Nairobi, Eldoret, and Oxford. GCA technical analysis on the project was delivered in August 2023, GCA is now following up with KenHA to support the integration of selected adaptation and resilience technical options for the assets design and maintenance. KenHA is at the forefront of developing its adaptation and resilience strategy and using the results, in line with KeNHA strategy on climate adaptation, within their technical standards for design and assets management guidelines at the national scale. KeNHA has also taken the lead on cross-sectorial coordination, developing collaboration with Kenya Forest Service (KFS) to strengthen forestry initiatives in relation to the road network resilience (mitigating soil erosion, risks of floodings and landslides). GCA analysis on the road corridor provided quantitative



Investment Value
Influenced by GCA
\$222.9 million



Beneficiaries
3.5 million citizens
from bordering
inhabitants



Implementation
Period
2024-2027

Key Partners



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financial analysis supporting this transversal collaboration, with maximal adaptation and resilience benefits for road network and livelihoods.

GCA's support for the AfDB and KeNHA will reinforce the resilience of 193 km of resilient road, contribute to create 7,200 direct jobs (including 30% women) creating opportunities for 500 additional traders (60% being women), utilizing improved market facilities, and eventually reinforce the development of 1 Kenya – South Sudan Trade Facilitation Strategic program.

GCA's Added Value

GCA's interventions include:

- Assessing key climate hazards such as extreme heat, flooding and landslides; and quantifying associated risks to planned transport assets, which amount to be approximately \$71.5 million/year in 2050 for the mean RCP8.5 scenario
- Identifying and appraising relevant adaptation and resilience options with potential value addition ranging from 1.3 USD to 8.7 USD per USD spent on these solutions.
- Building capacity through the University of Nairobi to mainstream resilience for transport infrastructure planning, design, and operations. The first of which will be delivered in February 2024.

Expected Outcomes

GCA's support for the AfDB and KeNHA will reinforce the project's outcomes:

- 193 km of resilient, refurbished road
- 500 additional traders (60% women) utilizing improved market facilities
- 7,200 direct jobs created (30% women)
- 1 Kenya – South Sudan Trade Facilitation Strategic program developed





Kenya National Infrastructure Risk and Resilience Assessment

Project Overview: GCA is supporting the Government of Kenya in partnership with the University of Nairobi (UoN) to provide an investment roadmap for climate-resilient infrastructure in Kenya across transport, energy, water, and ICT sectors, aligning with Kenya's NAP, which allocated \$20.3 billion for climate resilient infrastructure. Through the partnership, GCA ensures that technical capacities are embedded within National Institutions across Kenya.

The Adaptation Need: Kenya's infrastructure systems are increasingly exposed to climate hazards, threatening the economic productivity and development. The project's National climate stress test revealed that the transport sector alone could suffer up to USD 3.8 billion in direct damages from flooding and landslides by 2050 in a high-impact scenario. The energy sectors faces risks from floods, droughts, and landslides, with projected damages of USD 680 million, and with 55% of hydropower capacity threatened. In the ICT sector climate risks could indirectly affect over 4.3 million users, 1,088 schools, and 60 government institutions. The water sector, particularly in semi-arid counties such as Kitui, Kajiado, Machakos, and Narok, is increasingly vulnerable to drought and flooding events, placing water security at risk.

GCA Added Value: GCA supported UoN to develop a National Roadmap for Climate Resilient Infrastructure and provide a strategic pathway for safeguarding Kenya's infrastructure from climate risks. Through an evidence-based approach and extensive multi-sectoral consultations, it maps vulnerabilities and quantifies climate risks across Kenya's transport, energy, water, and ICT sectors to prioritize adaptation measures, investment opportunities, and policy actions for building a resilient infrastructure system. It presents 36 project concepts in the built, natural, or enabling environments, prioritized to enhance resilience, optimize resource allocation, and safeguard critical infrastructure systems. As part, the UoN is also selecting and fostering disruptive technology for climate-resilient infrastructure components and embedding capacity building with the institutionalization of the Masterclass on Climate Resilient Infrastructure PPPs.

Mainstreaming and Resilience: The Roadmap integrates resilience into national infrastructure planning by identifying priority adaptation measures, strengthening national ownership on climate adaptation action and facilitating mobilisation of finance for climate-resilient infrastructure. Capacity building has been central to the approach. Through the applied work led by UoN, the institution has been equipped with tools and methodologies for high-resolution spatial analysis, risk assessment, and adaptation planning. This 'learning by doing' model ensures local ownership and enhances institutional sustainability. Participatory stakeholder consultations formed the backbone of the prioritization process, engaging over 50 individuals from 21 institutions to validate findings and align with broader national objectives. The roadmap also



Beneficiaries
55 million citizens
from Kenya



Implementation
Period
2022-2025

Key Partners



UNIVERSITY OF NAIROBI



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incorporates a gender-responsive lens, with analysis on how climate hazards differentially affect access, mobility, and infrastructure usage across genders, informing the selection of adaptation options that improve inclusivity in infrastructure service delivery.

GCA's Added Value

GCA's interventions include:

- National scale climate stress test for infrastructure in transport, energy, water, and ICT sectors, disaggregated by gender.
- Prioritized investment pipeline of infrastructure adaptation options, pathways of financing
- institutionalization of Masterclass on Climate Resilient Infrastructure PPPs
- Accelerate youth-led emerging technology solutions for climate-resilient infrastructure

Expected Outcomes

GCA's contribution will:

- Mainstream resilience and develop roadmap with a pipeline infrastructure investments in Kenya.
- Mobilize climate adaptation investment.
- Embed capacity for high resolution, spatial data analysis within local institutions by implementing through a 'learning by doing' concept led by the University and government counterparts.



The Global Center on Adaptation (GCA) works with the African Development Bank (AfDB) and the Alliance of Biodiversity International and the International Center for Tropical Agriculture (CIAT). We mainstream climate adaptation solutions and resilience measures in order to climate-proof investments under the AfDB's Program to Build Resilience for Food and Nutritional Security in the Horn of Africa (BREFONS).

This US\$226 million investment program contributes to improving food and nutrition security and increasing resilience in the Horn of Africa. By strengthening the resilience and adaptive capacity of pastoral and agropastoral communities and production systems to climate change, the program also contributes to improving peace and security in the region. The countries covered by the program are Djibouti, Ethiopia, Kenya, South Sudan, Sudan, Eritrea.

GCA is providing both upstream technical assistance and support in the implementation phase of the program. GCA's support will provide Kenya and Djibouti with toolkits and the capacity to leverage the most promising digital technologies and approaches for climate adaptation to build the resilience of smallholder farmers. These toolkits will serve as a roadmap for the implementation of digital technologies for the agricultural sector in the two countries and, in turn, influence the wider AfDB investment.



Investment Value Influenced by GCA
US\$226million



Beneficiaries
3 million people in the Horn of Africa



Implementation Period
2022-2026

Partner



AFRICAN DEVELOPMENT BANK GROUP

GCA's Added Value

GCA is providing upstream technical assistance and support for project implementation by:

- Identifying key agriculture adaptation constraints that can be addressed by digital technologies and developing solutions.
- Assessing the conditions and opportunities for digital applications for drought index insurance
- Identifying opportunities for digital agricultural adaptation solutions through the preparing of climate risk and digital agriculture profiles
- Supporting stakeholders to identify and implement opportunities through a digital agricultural adaptation toolkit

Expected Outcomes

Through this investment project, the following outcomes are expected:

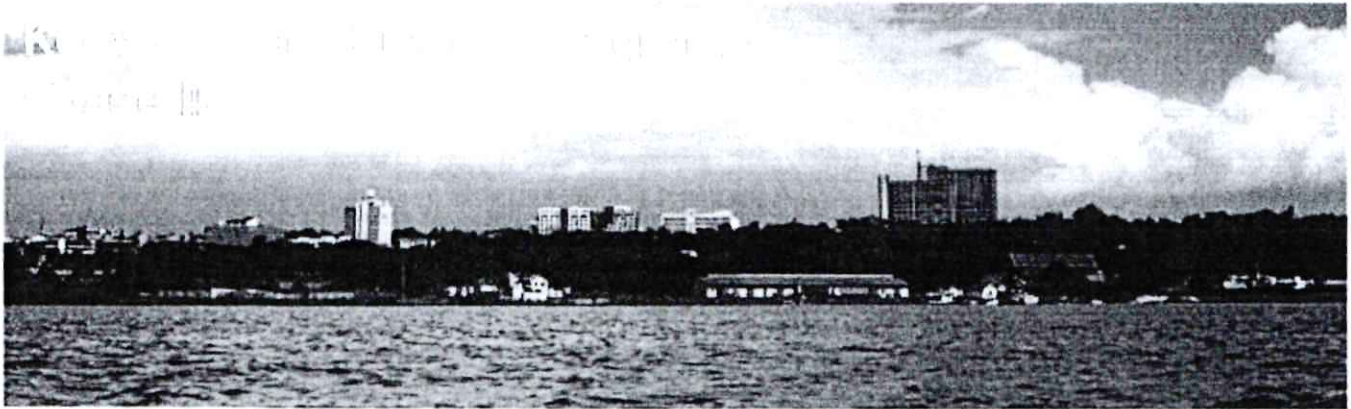
- 30% increase in agricultural (crops and livestock) productivity
- 30% increase in annual income per capita
- 1.3 million farmers and pastoralists using climate services with a gender focus
- 30% increase in uptake of climate risk financing and insurance solutions
- 55,000 jobs created for youth and women
- 750,000 farmers and pastoralists benefiting from extension services using digital advisory services
- 10 climate products and services for agriculture and livestock developed



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- Building the capacity of policymakers to ensure uptake of digital solutions using the toolkit
- Engaging with AfDB and beneficiary countries to support the feasibility study and technical design of Digital Climate Information and Advisory Services (DCAS) in three countries.
- 170 000 hectares cultivated using digital climate-enabled solutions
- 15 million livestock benefiting from Digital Climate Advisory Services





Project Overview: Through the Africa Adaptation Acceleration Program (AAP), the Global Center on Adaptation (GCA) is collaborating with the World Bank (WB) to support the Second Phase of the Kenya Urban Support Program (KUSP2). KUSP2 aims to strengthen the capacities of urban institutions to: (i) improve the delivery and resilience of urban infrastructure and services; (ii) enhance the private sector engagement in urban planning; and (iii) support the transition of refugee camps into integrated host community and refugee settlements. As a "Program-for-Results" financing instrument, KUSP2 uses performance-based grants to incentivize sub-national governments to implement resilient, inclusive urban investments and service delivery.

The Adaptation Need: Kenya is rapidly urbanizing, with 31% of the population living in urban areas (2019), a number that is projected to reach 50% by 2050. While urbanization supports economic growth and improved living standards, it also increases the exposure of people, assets and livelihoods to climate hazards, especially to flooding and droughts. Enhancing climate resilience of urban areas in Kenya will depend on strengthening the capacity of urban institutions to develop and implement climate resilient urban planning and infrastructure.

GCA's Added Value: GCA's upstream strategic support delivers system-level impacts that extend beyond KUSP2. The suite of tools and training programs are strengthening long-term institutional capacities that embed climate resilience in urban investments across Kenya's 79 municipalities. To date, GCA: (i) **institutionalized a transformative national training**, through the Urban Climate Resilience Masterclass (UCRMC). The UCRMC will be incorporated in the curriculum of Kenya School of Government (KSG), to equip government officials with tools to integrate climate risk into urban infrastructure and service delivery; (ii) **established a national trainer pool** by preparing 30 public officials and technical experts through a training-of-trainers to facilitate KSG's roll out of the UCRMC to county and municipal officials nationwide. GCA monitored and provided feedback for two pilot deliveries of the masterclass to ensure quality; and (iii) **promoted scale-up of nature-based solutions (NbS)** through the NbS Compendium for Urban Resilience in Kenya, launched in June 2025. The Compendium offers municipalities design-ready guidance, targeted recommendations, and tools for integrating scalable NbS into urban planning. **Ongoing support to KUSP2 for risk-informed urban planning** is supporting municipalities develop their urban climate risk profiles, laying the foundation for climate resilient urban development.

Mainstreaming Adaptation & Resilience: By partnering with the Kenya School of Government (KSG) as the host training institution to roll out the Urban Climate Resilience Masterclass and other complementary trainings, GCA ensures institutional ownership of training for public officials nationwide. These trainings shape how climate risk and NbS considerations are integrated into KUSP2 municipal investments. Meanwhile, the NbS Compendium's grounding in Kenyan



Investment Value Influenced by GCA

US\$486 million



Beneficiaries

3.5 million people



Implementation Period

2023-2028

Key Partners



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MINISTRY OF PLANNING, PUBLIC WORKS, HOUSING AND URBAN DEVELOPMENT
State Department for Housing and Urban Development



The Council of Governors
47 Governments, 1 Nation



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local context enhances its relevance and uptake. Together, these efforts help mainstream climate adaptation into Kenya's future investments, beyond KUSP2.

GCA's Added Value

GCA is enabling climate-resilient urban planning and development through:

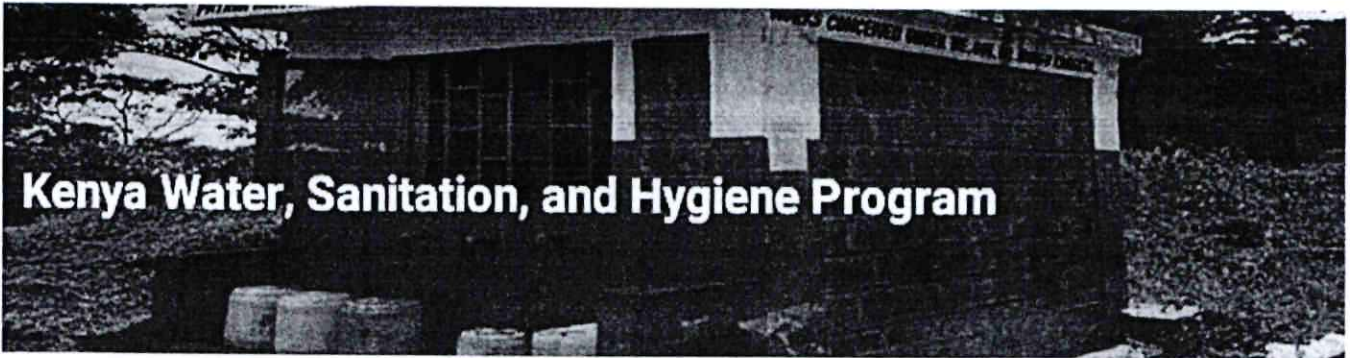
- **Urban Climate Resilience Masterclass**, co-designed with project partners, the International Institute for Environment and Development (IIED), and Nuvoni Research Center. Structured across six modules and highly appreciated by national and local stakeholders, this training will be embedded in the curriculum of Kenya School of Government (KSG) to equip government officials with hands-on tools to integrate climate risk into infrastructure and service delivery on a continuous basis. GCA delivered training-of-trainers, to 30 trainers in October 2024, and monitored two pilot trainings in February 2025.
- **Nature-based Solutions Compendium**, launched in June 2025. Drawing from a comprehensive inventory of urban NbS across Kenya and GFDRR's NbS Opportunity Scan across six cities, the Compendium showcases practical, home-grown interventions with high replicability potential. It offers municipalities design-ready guidance, targeted recommendations, and tools for integrating scalable NbS into urban planning, while fostering knowledge sharing and mainstreaming across local governance systems. To complement the NbS Compendium as well as the Urban Climate Resilience Masterclass, 20 people from the national trainer pool also received a 1-day training-of-trainers in February 2025. The training equipping them with the knowledge and skills on integrating NbS into urban planning and infrastructure projects.
- **Climate Risk-informed Master Plans** that guide the integration of climate data within investment planning

Expected Outcomes

GCA will strengthen adaptation outcomes via:

- Structuring and developing sub-national urban planning systems
- Improving access to inclusive, climate-resilient urban infrastructure and services in 45 counties, six cities, and 62 municipalities across Kenya, reaching an expected 3,500,000 people
- Supporting climate adaptation measures in urban settlements, such as the implementation of climate-smart urban drainage systems, facilitating urban agriculture, and other Nature-based Solutions





Kenya Water, Sanitation, and Hygiene Program

Project Overview: The Global Center on Adaptation (GCA), through the Africa Adaptation Acceleration Program (AAP), is providing technical assistance (TA) to the World Bank Group (WBG), which is supervising the Government of Kenya's implementation of the Kenya Water, Sanitation, and Hygiene Program (K-WASH). K-WASH aims to increase sustainable access to climate-resilient water and sanitation services, eliminate open defecation, and improve the financial performance of Water Service Providers (WSPs) in 19 counties, including refugee-hosting counties. GCA's support focuses on strengthening climate resilience in county water sector planning, investment prioritization, and capacity building. K-WASH is a US\$458m hybrid operation combining a US\$250m Program-for-Results (PforR) WBG Investment Project Financing that includes \$50m under the window for host communities and refugees. The program includes counterpart funding of US\$200m from the Government of Kenya, and US\$8 million is to be leveraged from commercial financing by participating WSPs.

The Adaptation Need: Although 91% of Kenya's urban population has access to improved water, only 63% of the rural population does—and just 19% have access to piped water supply. Rural counties face rising climate risks—floods disrupt wastewater treatment, pose contamination risks for water sources and damage water and sanitation infrastructure, while prolonged droughts exacerbate water scarcity. Counties often lack the tools, access to relevant climate data, and technical capacity to assess climate risks and integrate adaptation into planning and infrastructure design. Strengthening county-level planning systems and the financial performance of WSPs is essential to ensure K-WASH investments are sustainable, inclusive, and climate resilient.

GCA's Added Value: GCA is supporting county governments to embed climate risk assessments and adaptation planning into County-wide Water and Sanitation Strategies and Investment Plans (CWSSIPs). GCA is conducting capacity-building workshops to ensure that county officials gain technical expertise in identifying and addressing climate hazards in future. GCA is directly supporting Tana River and Murang'a counties to develop detailed Climate Risk and Vulnerability Assessments (CRVAs) under a 2050 high emission scenario (SSP5-8.5), guiding six additional counties to do the same, and ensuring that all CWSSIPs are climate risk-informed. GCA is also developing a catalogue of locally appropriate nature-based solutions (NbS) and hybrid options, such as wetland buffers and recharge trenches, to be integrated into county planning frameworks.

Mainstreaming Adaptation and Resilience: GCA's support aligns with the PforR's Disbursement-Linked Indicators (DLIs), including approval of climate-informed CWSSIPs grouped by Result Areas. This approach provides counties with a financial incentive to integrate climate risk-based siting, design, and prioritization of water and sanitation investments into their CWSSIPs, embedding climate resilience in implementation. To build long-term capacity, GCA is delivering a Climate-Resilient Water Services (CRWS) Masterclass for



Investment Value Influenced by GCA
US\$ 250 million



Beneficiaries
4 million people (including 320,000 refugees, 2 million women)
(400,000 host community members)



Implementation Period
2024- 2030

Key Partners



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public officials. The program uses a training-of-trainers model to build skills in climate risk analysis, investment planning under uncertainty, and NbS design. Peer-to-peer exchanges between counties and relevant water and sanitation institutions will help embed climate adaptation into sector planning, regulation, and service delivery nationwide.

GCA's Added Value

GCA's support includes:

- **Masterclass on climate-resilient water and sanitation services (CRWS):** GCA is developing a five-module CRWS Masterclass to provide practical guidance on designing, operating, and maintaining climate-resilient water and sanitation services. It covers climate risk identification, integration of adaptation and Nature-based Solutions (NbS) into planning, and strategies for accessing climate finance.
- **Climate risk-informed County Water and Sanitation Strategies and Investment Plans:** GCA reviewed national guidance for CWSSIP development, supported CRVAs in Murang'a and Tana River counties, and provided technical input to six additional counties conducting their own assessments.
- **Use of climate data for improved planning of water and sanitation services:** GCA is helping counties apply existing climate data to improve planning in vulnerable areas, including compiling an inventory of global and national data sources with guidance on accessibility and use.

Expected Outcomes

Outcomes influenced by GCA's support:

- **Increased sustainable access to improved water and sanitation services for households in climate-vulnerable rural areas in selected counties (including refugee hosting counties):** GCA's support to CRVAs and CWSSIPs helps counties prioritize investments in underserved and high-risk areas, including refugee-hosting counties. The CRWS Masterclass equips stakeholders with tools to integrate resilience into service design, supporting the project's goal of reaching 4 million people with sustainable and inclusive WASH services. Improved operational and financial performance of water services providers in participating counties: GCA activities will strengthen the operational sustainability of water service providers by equipping them with tools, data, and strategies to manage climate risks. The guidance provided in the development of Countywide Water and Sanitation Strategies ensures that climate considerations are embedded into planning and operational frameworks.
- **Improved sanitation facilities constructed or rehabilitated** which better incorporate climate risks and resilience into their design.



Key Institutional Partners in Kenya

University of Nairobi (UoN)

- In July 2022, GCA and UoN signed a formal partnership to expand adaptation research, training, and innovation under AAAP, with a focus on scaling climate adaptation in Kenya and East Africa.
- Collaborative activities include the **Climate Adaptation Changemakers School**, knowledge exchange sessions, and the establishment of a formal infrastructure adaptation roadmap in partnership with Kenya’s government and international finance institutions.

2. Kenyan National Government

- AAAP’s implementation in Kenya is supported by high-level endorsement and collaboration with relevant ministries, particularly:
 - **Ministry of Environment, Climate Change and Forestry**
 - **Ministry of Youth Affairs, Sports & the Creative Economy**, jointly delivering the **Youth Adaptation Academies** and training **Kenya’s Green Army** with UoN and GCA.

3. County & Local Government (e.g., Homa Bay County)

- During the **4th AAAP Partnership Forum (September 2024, Nairobi)**, **Homa Bay County** represented by Governor Gladys Atieno Wanga—was showcased as a host for community-level adaptation planning. With GCA’s support, the county is implementing locally led initiatives under the AAAP’s **Locally Led Adaptation** approach, such as People’s Adaptation Plans focused on water and sanitation needs in vulnerable communities

4. International Finance and Development Partners Supporting Kenyan AAAP Activities

- The AAAP in Kenya is supported through investments from the **African Development Bank (AfDB)** and GCA’s **Upstream Financing Facility**, with additional backing from donors including **Denmark, Germany, France, the Netherlands, Norway, the UK, and Bill & Melinda Gates Foundation**.
- Notably, more than €3 million was committed by GCA to climate adaptation initiatives implemented by the AfDB, UoN and local institutions in Kenya, supporting food security, infrastructure, Nature-Based Solutions, and adaptation job creation projects.

GCA Partnerships in Kenya to date

Partner Organization	Funding (EUR)
University of Nairobi	1,326,000
Wangari Maathai Foundation	20,000
International Livestock Research Institute	500,000
The Kenya Climate Innovation Center (KCIC)	1,824,000
Akiba Mashinani Trust	575,800
Miramar International Foundation	100,000
CIAT International Center for Tropical Agriculture	814,414
International Livestock Research Institute	190,212
Wangari Maathai Foundation	19,268
	5,369,694

Kenyan YouthADAPT Winners:

2021 Cohort

Two Kenyan winners from the 2021 cohort have inspiring success stories to share on how the YouthADAPT Challenge has helped them scale up their businesses.

- **IRRI-HUB KE LIMITED**

The company supplies and installs climate-smart irrigation technologies that promote water security and mitigate the effects of drought, extreme heat, and changing rainfall patterns on crops. The \$100,000 grant funding from the YouthADAPT Challenge has been used to invest in R&D with the aim of automating irrigation systems and creating a pay-as-you-go system for farmers. The business and technical support from the Challenge has helped Irri-Hub to redefine its business model, streamline and align company policies to the company's mission, adjust pricing systems, and improve marketing strategies. Since participating in the Challenge, the company has tripled its staff size and created up to 3,000 indirect jobs. The company has also reported a 124% increase in revenue and ten-fold increase in profits.

- **KIMPLANTER SEEDLINGS & NURSERIES LIMITED**

Kimplanter supplies farmers with drought-resistant seedlings in the Ruiru sub-county of Kenya. The YouthADAPT Challenge has helped the company improve its marketing outreach and business management. The grant funding has also supported research to develop new varieties of seedlings that are both drought-resistant and high in nutrition, increasing the company's product range from 15 to 25 products.

2022 Cohort

Of the 20 winners of the AAAP's YouthADAPT Challenge announced at COP27 in Sharm El Sheikh, three enterprises were Kenyan-owned. Namely:

- **AGRITECH ANALYTICS** developed a crop and soil management tool that leverages data from AI-powered satellite analytics driven by ML algorithms and data from solar-powered IoT sensors to tackle water deficit, unpredictable weather events, plant and soil diseases.
- **KISUMEO ORGANICS** empowers smallholder farmers to create sustainable and climate-resilient aquatic food systems by leveraging artificial intelligence to produce crawfish fries all year round.
- **FARMER LIFELINE TECHNOLOGIES** helps farmers get ahead of pests and pathogens with a proprietary disease detection device. The enterprise also reduces greenhouse gas emissions from synthetic fertilizers and farm chemicals by creating more environmentally friendly versions.

2023 Cohort

At COP28 in the UAE, three out of the eight women-led enterprises awarded were Kenyan. The 2023 YouthADAPT Challenge focused on female-led enterprises pioneering Fourth Industrial Revolution technologies. An overview of the solutions include:

- **MAJIK WATER TECHNOLOGIES** pioneers atmospheric water harvesting, providing vital water resources to drought-stricken farming communities in Kenya.
- **ONION DOCTOR LIMITED** uses the Internet of Things and Machine Learning, to monitor onion crops, optimising sustainability and profitability for Kenyan farmers.
- **ARINIFU TECHNOLOGIES** – Smart Brooder & Kuku Smart innovation utilizes Internet of Things technology, offering poultry solutions and operational insights, benefitting Kenya's farming community.

2025 Cohort

The 2025 cohort selection and country level engagement is ongoing and is expected to be completed at the end of the year.

GCA Staffing and Planning

GCA is in the process of relocating its Africa Adaptation Acceleration Program (AAP) team to Nairobi by October 2025. As part of this transition, the table below outlines additional positions expected to be opened, which will also be accessible to Kenyan nationals.

Contract type	Total headcount	Global	Africa	Bangladesh	Kenyan Nationals	Positons expected to be opened (including Kenyan Nationals)
Consultant	18	2	13	3	2	10
Fellow	3	-	3	-	3	
Intern	13	3	10	0	4	8
Seconded	1	1	-	-	-	
Staff	92	18	61	13	4	15
	127	25	87	16	13	33

