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Climate Change Act

The Climate Change Act (Non-Market Approaches) Regulations, 2026 Legal Notice 8 of 2026

Legislation as at 12 February 2026

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CLIMATE CHANGE ACT

THE CLIMATE CHANGE ACT (NON-MARKET APPROACHES) REGULATIONS, 2026 LEGAL NOTICE 8 OF 2026

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1. Citation

These Regulations may be cited as the Climate Change (Non-Market Approaches) Regulations, 2026.

2. Interpretation

In these Regulations, unless the context otherwise requires—

“Nationally Determined Contribution” means actions that parties to the Paris Agreement plan to undertake to address climate change; and

“Platform” means the online Non-Market Approaches Platform established under regulation 6.

3. Object of the Regulations

The object of these Regulations is to—

- (a) promote Kenya’s participation in the framework for non-market approaches as set out in Article 6.8 of the Paris Agreement by—
 - (i) aligning national processes with international requirements; and
 - (ii) fostering voluntary co-operation between Parties in support of sustainable development and climate goals;
- (b) enhance linkages and create synergies among stakeholders for identified opportunities for co-operation in non-market approaches;
- (c) provide a framework for the implementation and co-ordination of non-market approaches that support the implementation of Nationally Determined Contributions; and
- (d) enhance the participation of the public sector, private sector, civil society organisations and local communities in the implementation of Nationally Determined Contributions.

4. Scope of application

These Regulations shall apply to each person engaged in non-market approaches.

5. Design and implementation

A programme, project or activity to facilitate non-market approaches shall be designed and implemented in a manner that—

- (a) respects, promotes, and upholds human rights and fundamental freedoms;
- (b) takes into consideration gender equity, and the rights of marginalized communities, children, youth and persons with disabilities;

- (c) ensures compliance with environmental requirements including strategic environmental assessments, environmental impact assessments and environmental audits required under the Environmental Management and Co-ordination Act (Cap. 387);
- (d) facilitates public participation; and
- (e) ensures free, prior and informed consent is obtained from communities where non-market approaches involve community land.

6. National Non-Market Approaches Platform

- (1) The Directorate shall establish and maintain a national Non-Market Approaches Platform for non-market approaches.
- (2) The Platform shall—
 - (a) provide a mechanism for submission of non-market approaches by an interested project proponent;
 - (b) facilitate the recording and exchange of information on identified opportunities for co-operation in non-market approaches;
 - (c) keep and maintain information on the non-market approaches recorded under paragraph (b) including the objectives, budget, location of implementation, beneficiaries, nature and type of support and co-operation requested, and contact information of the project proponents; and
 - (d) be open to the public.

7. Priority non-market approaches interventions

- (1) A project proponent who intends to submit a proposal for a non-market approaches project to the Directorate shall be guided by the list of priority non-market interventions set out in the First Schedule.
- (2) The implementation of non-market approaches projects and the priority non-market interventions set out in the First Schedule shall be undertaken through the National Climate Change Action Plan prepared under section 13 of the Act.

8. Submission of non-market approaches

- (1) A project proponent who submits a proposal for a non-market approaches project shall do so in the Form set out in the Second Schedule.
- (2) The Directorate shall consider the submission under subregulation (1) and, where necessary, constitute an *ad hoc* committee to consider the proposal.
- (3) An *ad hoc* committee constituted under subregulation (2) shall comprise of—
 - (a) three representatives from the Directorate;
 - (b) a representative of the relevant county government where the project is proposed to be undertaken;
 - (c) a representative of a civil society organization operating in the county where the project is to be implemented; and
 - (d) a representative of a relevant research institution.
- (4) The *ad hoc* committee shall, within thirty days of receipt of the proposal submitted under subregulation (1), consider and submit its recommendation to the Directorate.

- (5) The Directorate shall, within ninety days of receipt of a submission under subregulation (1), inform the project proponent, in writing, of the outcome of its submission in the manner set out in the Second Schedule.
- (6) Where the Directorate rejects a proposed non-market approach, the Directorate shall inform the project proponent, in writing, of the decision.
- (7) A project proponent who is aggrieved by the decision of the Directorate under subregulation (6), may apply to the Directorate for a review of the decision within ninety days from the date of receipt of the decision.
- (8) The Directorate shall publish the approved non-market approaches projects on the Platform.

9. Criteria for reviewing non-market approaches

- (1) The Directorate shall ensure that a non-market approaches project submitted under regulation 8(1) —
 - (a) aligns with the national priorities;
 - (b) prioritises co-operation that excludes market mechanisms and avoids overlaps;
 - (c) contributes towards sustainable development including improving livelihoods, empowerment and poverty eradication;
 - (d) has been subjected to public participation in line with the Constitution, the Act and any other relevant written law during the design of the non-market approaches proposal, if the project proposed to be undertaken on public or community land; and
 - (e) integrates mechanisms for transparency and accountability.
- (2) The Directorate shall, in addition to the criteria under subregulation (1), assess and determine the suitability of a proposed non-market approaches project for international reporting in line with Article 6.8 of the Paris Agreement.
- (3) A proposed non-market approaches project shall be suitable for international recording under Article 6.8 of the Paris Agreement if the project—
 - (a) promotes mitigation and adaptation measures by demonstrating potential to exceed Kenya's Nationally Determined Contributions including through scalable interventions;
 - (b) enhances the participation of the public sector, private sector and civil society in the implementation of Nationally Determined Contribution through the inclusive engagement of the public and vulnerable groups in the design and implementation of the proposed project;
 - (c) has a mechanism for mobilising international finance, technology or expertise for the proposed project; and
 - (d) enables co-ordination across various instruments and institutions by—
 - (i) aligning with the relevant written laws and Government policies;
 - (ii) facilitating synergies with international mechanisms; and
 - (iii) embedding clear institutional frameworks for oversight, information sharing and coordination.
- (4) The Directorate shall publish on the Platform the non-market approaches projects that have been approved for international recording and notify the project proponents in the manner specified in the Second Schedule.

10. Reporting on non-market mechanisms

- (1) The Cabinet Secretary shall include information maintained on the Platform in the annual report submitted to Parliament pursuant to section 8(2)(e) of the Act.
- (2) Each project proponent shall prepare and submit to the Directorate an annual progress report on the implementation of the project proponent's non-market approaches in the Form set out in the Third Schedule.
- (3) The report submitted under subregulation (2) may include the challenges encountered during the implementation of the project and any proposed solutions for the implementation of the project.

11. Dispute resolution

Any dispute arising under these Regulations shall be resolved in the manner provided under section 23H of the Act.

FIRST SCHEDULE (r. 7(1))

PRIORITY NON-MARKET APPROACHES INTERVENTIONS

PART I - Adaptation, resilience and sustainable development

1. Climate smart agriculture.
2. Water resources management.
3. Irrigation.
4. Ecosystem and landscape restoration and conservation.
5. Conservation of public, private and community forests.
6. Sustainable commercial forestry.
7. Promotion of agroforestry.
8. Early warning systems.
9. Disaster risk reduction.
10. Protection of marine ecosystems.
11. Promotion of eco-tourism.
12. Sustainable nature-based income and livelihood diversification.
13. Urban resilience and sustainable cities.
14. Climate risk insurance.
15. Social protection systems.
16. Climate resilient infrastructure.
17. Public awareness and education campaigns.
18. Sustainable fisheries and aquaculture management.
19. Climate resilient health systems.
20. Technology and innovation for climate resilience.
21. Policy advocacy for resilient climate governance.

PART II - Mitigation measures

1. Reducing deforestation and forest degradation.
2. Afforestation and Reforestation.
3. Energy efficiency in buildings and industries.
4. Electric mobility.
5. Non-motorized transportation.
6. Sustainable waste management and circular economy, and resource efficiency.
7. Sustainable land management and agricultural practices.
8. Low-carbon irrigation practices.

PART III— Development of clean energy sources

1. Public-private partnerships for renewable energy projects.
2. Scaling up development of renewable energy sources.
3. Sustainable biomass and biogas energy utilization.
4. Energy storage solutions to complement intermittent renewable energy sources like solar and wind.
5. Energy efficiency and conservation innovation.
6. Decentralized renewable energy mini grids.
7. Clean energy research, development and dissemination.
8. Clean cooking solutions.

SECOND SCHEDULE (r. 8(1))**SUBMISSION FORM FOR PROPOSED NON-MARKET APPROACHES PROJECT****PART A - GENERAL INFORMATION**

1. Project Title:
2. Project Proponent (Organization/Entity Name):
3. Legal Status of Proponent: National Government County Government CSO/NGO Private Sector Research/
Academic Institution Other (specify)

Contact Person: Name | Designation | Tel | Email
4. Postal and Physical Address:
5. Relevant County(ies) of Operation:

PART B - PROJECT DESCRIPTION

6. Summary of Proposed Non-Market Approach: (Describe the overall concept, objectives and intended activities – max 500 words.)
7. Project Duration: Start Date End Date
8. Thematic Focus Area: Mitigation Adaptation Capacity Building Technology Transfer Finance Other (specify)

9. Alignment with National Priorities and NDCs: (Explain how the project supports Kenya’s NDC, national climate policies and sectoral plans.)
10. Expected Outcomes and Co-Benefits: (State anticipated environmental, social and economic benefits including livelihoods, gender equity, empowerment and poverty eradication.)
11. Stakeholders and Partnerships: (List participating national and county agencies, communities, civil society, research institutions and private actors.)

PART C – FUNDING AND RESOURCE MOBILIZATION

12. Estimated Total Budget (KES/USD):
13. Sources of Funding and Support: (Identify secured and potential sources of funding, including international finance institutions, bilateral partners, private sector contributions, and any in-kind support.)
14. Mechanisms for Mobilizing International Finance, Technology or Expertise: (Explain how the project will attract or leverage resources consistent with Article 6.8 of the Paris Agreement.)

PART D – GOVERNANCE AND ACCOUNTABILITY

15. Legal and Institutional Basis: (Indicate relevant laws, policies and institutional frameworks governing the project.)
16. Public Participation: (Confirm public participation undertaken in accordance with the Constitution, the Act and other laws – attach evidence where the project occurs on public or community land.)
17. Transparency and Accountability Mechanisms: (Outline reporting, audit, and information-sharing arrangements to ensure public access to project information.)
18. Coordination and Synergies: (Describe how the project coordinates across institutions and instruments to avoid overlaps and facilitate synergy with international mechanisms.)

PART E – ENVIRONMENTAL AND SOCIAL SAFEGUARDS

19. Environmental Safeguards: (Identify potential environmental impacts and mitigation measures.)
20. Social Inclusion and Gender Equality: (Describe approaches for inclusive engagement of vulnerable groups and benefit-sharing mechanisms.)
21. Monitoring, Reporting and Verification (MRV): (Provide methods and indicators for tracking results, including alignment with national MRV systems.)

PART F – DECLARATION BY PROJECT PROPONENT

I/We declare that the information provided herein is true and accurate and that the project will be implemented in compliance with the Climate Change Act and the Climate Change (Non-Market Approaches) Regulations, 2025.

Name: _____

Designation: _____

Signature: _____

Date: _____

PART G – FOR OFFICIAL USE ONLY

22. Directorate Reference No.:
23. Date Received:

24. Action Taken: Forwarded to Ad-Hoc Committee Returned for Additional Information Rejected (attach reasons)
25. *Ad-Hoc* Committee Comments / Recommendation:
26. Recommend Approval Recommend Rejection Further Review Required
27. Directorate Decision: Approved Not Approved Deferred
28. Date of Decision:
29. Reasons for Decision (if not approved):
30. Signature of Director:

PART H - DIRECTORATE DECISION ON INTERNATIONAL RECORDING

Assessment Summary:

Project promotes mitigation and/or adaptation measures with potential to exceed Kenya's NDCs.

Project enhances participation of public sector, private sector and civil society, including vulnerable groups.

Mechanism established for mobilizing international finance, technology, or expertise.

Project enables coordination and alignment with relevant laws, policies and international mechanisms.

Overall Determination:

Suitable for international recording under Article 6.8 of the Paris Agreement

Not suitable for international recording at this stage (reasons attached) Remarks / Conditions (if any):

Date of Determination: _____

Name & Signature of Director: _____

Date Published on the Platform (if applicable):

Guiding note on the use of the Form:

This Form shall guide submission of proposed non-market approaches projects for consideration under Regulation 7 and assessment in accordance with Regulation 8. The information provided will enable the Directorate and its *Ad-Hoc* Committee to evaluate alignment with national priorities, sustainable development objectives, transparency and accountability mechanisms, and the project's suitability for international recording under Article 6.8 of the Paris Agreement.

As necessary, excerpts of the Form in the Second Schedule maybe extracted for purposes of communications in accordance with these Regulations.

THIRD SCHEDULE (r. 10(2))

ANNUAL PROGRESS REPORT TEMPLATE

PART A - GENERAL INFORMATION

1. Project Title:
2. Project Reference No. (as issued by the Directorate):
3. Project Proponent (Organization/Entity Name):
4. Reporting Period: From ____ To ____
5. Physical Location / County of Implementation:

- Contact Person: Name | Designation | Telephone | Email

PART B – PROJECT SUMMARY

- Brief Description of the Non-Market Approach: (Concise overview of the project’s objective, scope, and main activities.)
- Thematic Focus: Mitigation Adaptation Capacity Building Technology Transfer Finance Other (specify)
- Alignment with National Priorities and NDCs: (Explain how implementation contributes to Kenya’s NDC targets and national climate priorities.)

PART C – ANNUAL PROGRESS AND ACHIEVEMENTS

- Planned Activities and Outputs for the Year: (List the key activities planned for the reporting period.)
- Progress Achieved: (Provide quantitative and qualitative results achieved against planned outputs. Use tables or annex if necessary.)
- Contribution to Sustainable Development: (Describe benefits related to livelihoods, gender equality, empowerment, and poverty reduction.)
- Public Participation and Stakeholder Engagement: (Summarise how stakeholders were involved in planning and implementation during the reporting period.)
- Transparency and Accountability Measures: (Outline monitoring, audit, or disclosure actions taken to enhance integrity of implementation.)

PART D – FINANCIAL AND RESOURCE MOBILIZATION STATUS

- Approved Budget (KES/USD):
- Funds Disbursed to Date:
- Funds Utilized during the Reporting Period:
- Sources of Finance and Support: (Indicate domestic and international financing sources, technical assistance or in-kind contributions.)
- Mechanisms for Mobilizing International Finance, Technology or Expertise:
(Describe progress made towards accessing or leveraging international support consistent with Article 6.8 of the Paris Agreement.)

PART E – ENVIRONMENTAL AND SOCIAL PERFORMANCE

- Environmental Safeguards Implemented:
- Social and Gender Outcomes:
- Monitoring, Reporting and Verification (MRV): (Provide data on indicators tracked and how results were verified within national MRV systems.)

PART F – CHALLENGES AND LESSONS LEARNED

- Key Implementation Challenges:
- Proposed Solutions and Corrective Actions:
- Lessons Learned and Best Practices:

PART G - SUMMARY OF OUTCOMES AGAINST REGULATION 9 CRITERIA

- Progress on Enhancing Mitigation and Adaptation Ambition beyond NDC:

- 27. Extent of Multi-Stakeholder Participation (Public, Private, Civil Society):
- 28. Advancement in Mobilizing International Finance / Technology / Expertise:
- 29. Coordination and Synergies with National and International Instruments:

PART H - DECLARATION BY PROJECT PROPONENT

I/We declare that the information provided herein is true and accurate and that implementation of the non-market approach complies with the Climate Change Act and the Climate Change (Non-Market Approaches Mechanisms) Regulations, 2025.

Name: _____

Designation: _____

Signature: _____

Date: _____

PART I – FOR OFFICIAL USE BY THE DIRECTORATE

Date Received:

Reference No.:

Compliance Review Outcome: Compliant Incomplete Additional Information Required Remarks:

Name and Signature of Reviewing Officer:

Date:

Guiding note on the use of the Form:

This Form shall be used by project proponents to report annual progress on approved non-market approaches under Regulation 10. It captures key information on implementation, results, challenges and resource mobilization to support the Directorate’s monitoring role and the Cabinet Secretary’s report to Parliament pursuant to section 8(2)(e) of the Climate Change Act (Cap. 387A).