



Policy Analysis Report

Down2Earth Project

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CITATION AND ACKNOWLEDGMENTS

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1. Executive Summary

Ethiopia, Kenya and Somalia continue to be faced with climate change impacts especially drought and floods that have increased in both frequency and intensity over the past few years. IPCC projections show that this trend will continue as global warming persists. Impacts from such changes include worsening water and food insecurity in a region that is mostly arid and semi-arid. In cognizance of these challenges the countries in the region have put in place policies on climate adaptation, water and food security at both national and subnational level. This report presents findings from an analysis of over 60 such policies in all three countries at national and regional level using a policy triangle approach to consider the context, processes, content and actors involved in developing the policies.

The analysis reveals that climate change policies have mostly been influenced by international processes at the UNFCCC. Water policies have been shaped by national and regional circumstances where water remains scarce and inaccessible to a significant percentage of the population. Food security policies on the other hand have mostly been informed by continent wide strategies such as Comprehensive African Agricultural Development Programme (CAADP) as well as national priorities in ensuring food sufficiency. As a result most policies rank highly in terms of linkages with other policies and processes averaging 3.3 for Kenya, 2.8 for Somalia and 2.8 for Ethiopia.

For the NDCs analysis, assessment of 10 Eastern Africa NDCs shows that linkages at 3.6, implementation plans and inclusion at 3 are the highest rated signaling greater effort to link with both national, regional and international policies. These policies have an average score of 2.8. South Sudan's NDC has the highest score of 3.3, followed by Rwanda and Burundi with 3.1 while Djibouti has the lowest score at 2.1.

The collective performance of all 3 countries in each sector varies. Water policies average 2.6 for the three countries. Kenya's water policies rate highly at an average score of 3.4, with the Water Act of 2016 rated 3.5. This was the highest scoring policy in the entire analysis. This is followed by Somalia with an average sector-wide score of 3.1, and Ethiopia with an average score of 2.1.

For food security policies, Kenya had the highest-scoring policies, with an average score of 3.3, followed by Ethiopia at 2.9, and Somalia 2.7. Kenyan food security policies scored highest on inclusion and rights, with all of the country's sectoral policies scoring a 4 in these categories. With a score of 3.4, Ethiopia's Agriculture Sector Policy and Investment Framework is the highest scoring policy in the food security sector. The Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 followed closely with a score of 3.3.

Lastly, the climate change adaptation sector explored the National Adaptation Plan (NAP) or National Adaptation Programme of Action (NAPA) of each country. With a score of 3, Kenya's NAP was the best-performing of the policies analyzed. This was followed by Ethiopia's NAP with a score of 2.5, and Somalia's NAPA with a score of 2.3. In the climate change adaptation sector, all three policies performed especially poorly with regards to policy enforcement, scoring an average of 1.3. This was followed by budgetary allocation and information management systems, both of which had an average score of 2 across all the countries.

As can be seen from the sector-level analysis, Kenyan policies tended to perform comparatively well overall, followed by Ethiopian policies. Somali policies tended to perform comparatively poorly on average. However, there is significant variation in the quality and scoring of policies within each country. These variations can be better understood through the lens of the sector and/or the elements of the policies being analyzed.

Rights and inclusion are a strength in most policies with a score of 2.9 and 3.3 respectively across policies where rights to a clean and healthy environment, right to water and the right to food as well as the recognition of vulnerable groups and how they can be included and actively participate in planning, decision making and implementation of policies.

Enforcement and budgetary allocation with a rating of 2.2 and 2.4 respectively are two of the key elements that repeatedly score poorly across most policies including those with well set out plans. East African countries will need to devise ways in which to enforce set policies to assure implementation and enhance accountability. For budgetary allocation it is important that countries ensure that resources are earmarked for policy implementation in whose absence they may only remain on paper. While international finance is often outlined in policy, international climate finance remains unpredictable, not additional, and inadequate thus efforts have to be made to avail this finance for climate adaptation especially by developed countries that bear the highest responsibility for global warming.

This said the real test is in the implementation of the set policies in these countries. The next phase of this research will focus on the efficacy of the policies in place where the focus will be on the progress in implementation of the measures outlined in the policies and the impact/result of such implementation.

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2. Introduction

The Down2Earth Project

Climate change continues to impact the Eastern Africa region to a very large extent. The Down2Earth project¹ seeks to translate climate information for effective adaptation to climate change. Under this project, Climate Analytics, has conducted policy analysis looking at different policies relating to food security and water in Ethiopia, Kenya and Somalia. A schematic of the overall project and its outputs is shown below.

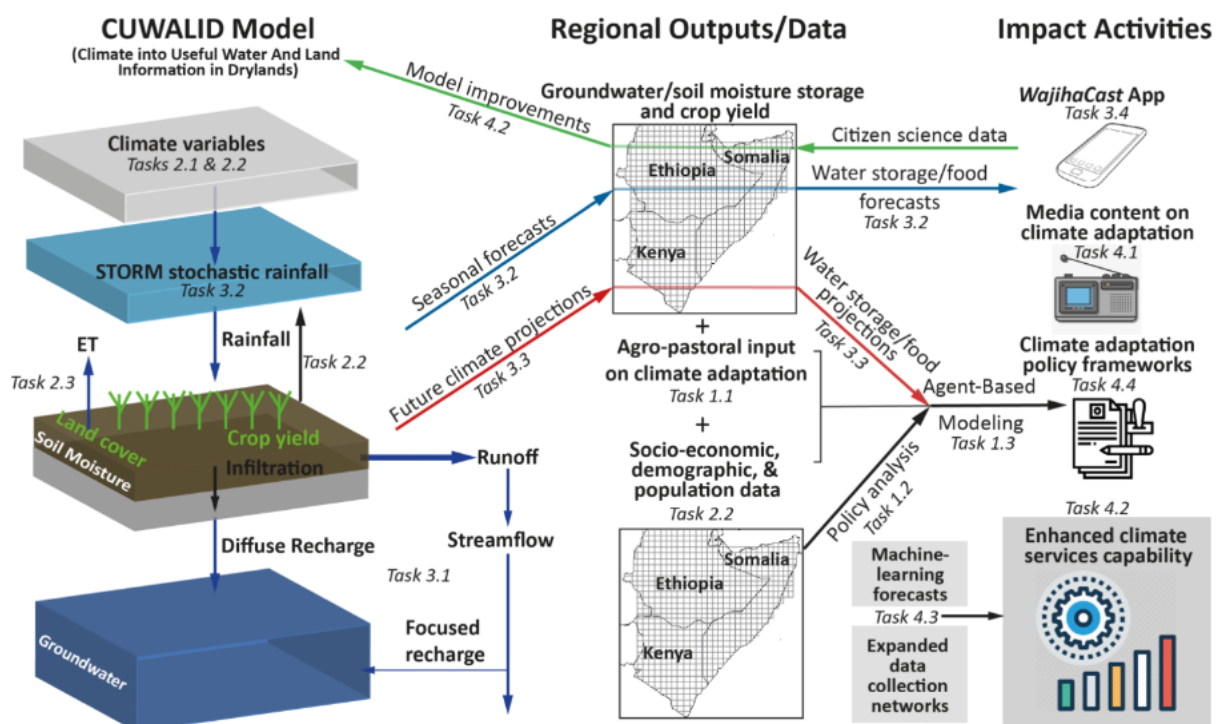


Figure 1: Schematic of the Down2Earth Project

The policy analysis work is in fulfilment of *Task 1.2 on Identifying existing water management and food security policies and their efficacy in the Horn of African Drylands (HAD)*. The policy analysis specifically targeted overall climate adaptation policies and those relating to water and food security in Ethiopia, Kenya and Somalia. The aim was to understand existing policies, assess local-level climate adaptation governance and its linkage with government policies and assess the efficacy of policies. This will be instrumental in co-developing robust climate adaptation policy frameworks to support adaptation and foster resilience in a changing climate.

Regional Context: Ethiopia, Kenya and Somalia

The Eastern Africa region is among those that are highly vulnerable to climate change impacts². This is occasioned by its geographical location and physical features including the fact that much of its land is arid and semi-arid in addition to its high vulnerability and low-coping capacity. The three countries of focus (Ethiopia, Kenya and Somalia) frequently experience droughts and floods, sea-level rise, cyclones, incidences of pests, heat stress among other climate extremes. According to the latest IPCC report, such extremes will continue, increasing in both frequency and intensity as a result of climate change². This has the result of exacerbating loss of life and livelihoods, biodiversity loss and increasing the vulnerability of already vulnerable and poor populations especially women².

Map of Ethiopia, Kenya and Somalia



Figure 2: Map of Ethiopia, Kenya and Somalia

Table 1: Key Statistics for Ethiopia, Kenya and Somalia

	Population (millions)	Area (km ²)	% of Arid and Semi-arid Land (ASAL)	Climate change impacts	% of Pop without access to safe drinking water	Food Insecure Pop. (2022)
Ethiopia	112 ³	1,104,300	55%	Drought, floods	58%	18m
Kenya	47.5 ⁴	582,646	85%	Drought, floods, sea-level rise	40%	4.1m
Somalia	15.8 ^a	637,655	87%	Drought, floods, sea-level rise	47% ^{5b}	7.1m

The AR6 WG2 report Africa chapter² states that there has been a rise in temperatures in East Africa of between ‘0.7°C–1°C from 1973 to 2013’ and this is projected to go higher as climate change impacts increase. Indeed available data shows an increase in mean temperatures as depicted in the figures below.

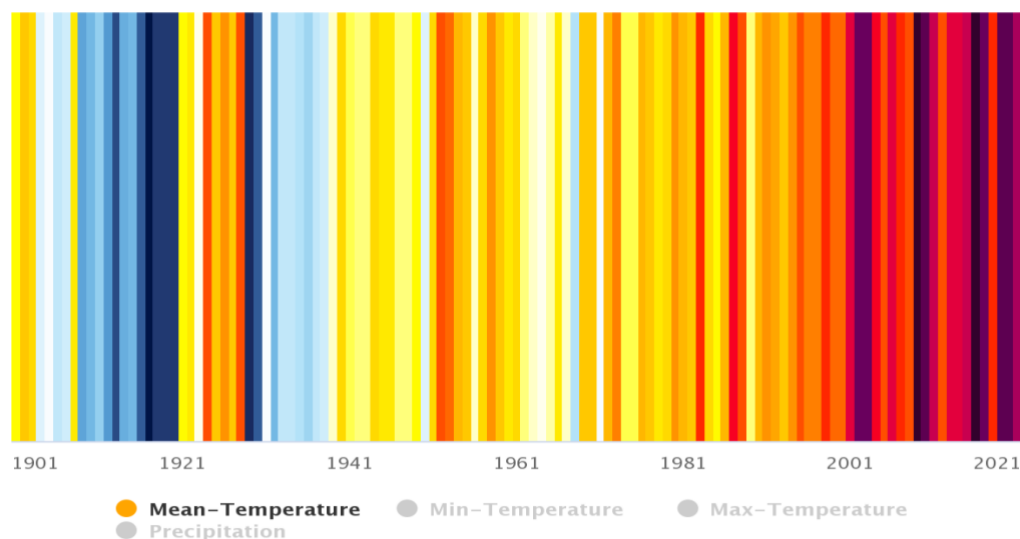


Figure 3: Observed Annual Mean-Temperature, 1901-2021 (Kenya)⁶

^a Somalia has not conducted an official census since the early 1990's.

^bThe Somali Health and Demographic Survey, 2018-2019 conducted by the Directorate of National Statistics found this to be at 45.7%. In urban areas those without access are 28.6% as compared to rural areas where 75.8% of the population do not have access. For sanitation those without access to sanitation services were 57.4% nationally representing a 6.9% improvement since 2000 (the report does not provide rural/urban statistics for this).

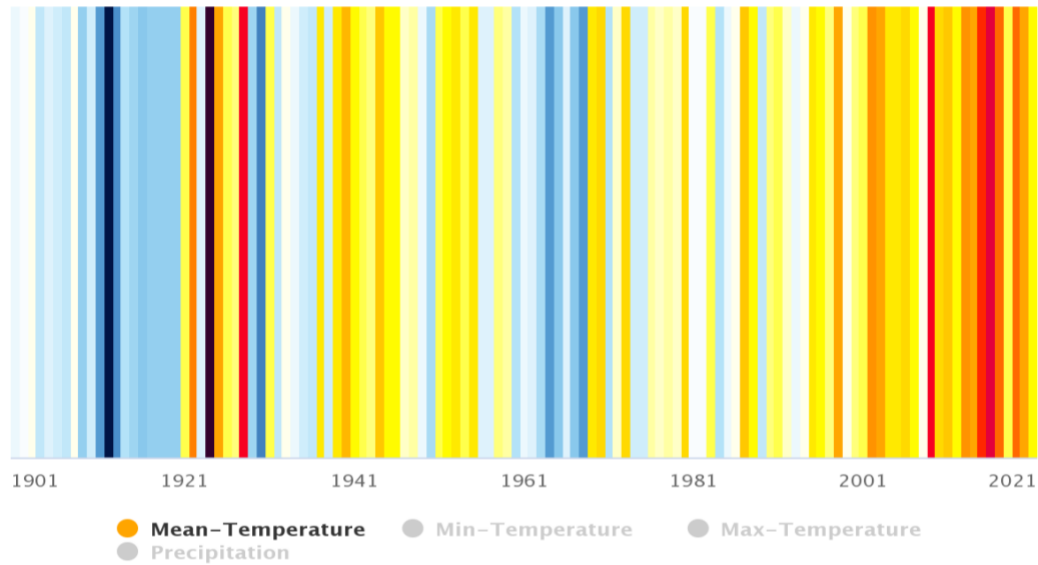


Figure 4: Observed Annual Mean-Temperature, 1901-2021 (Somalia)⁷

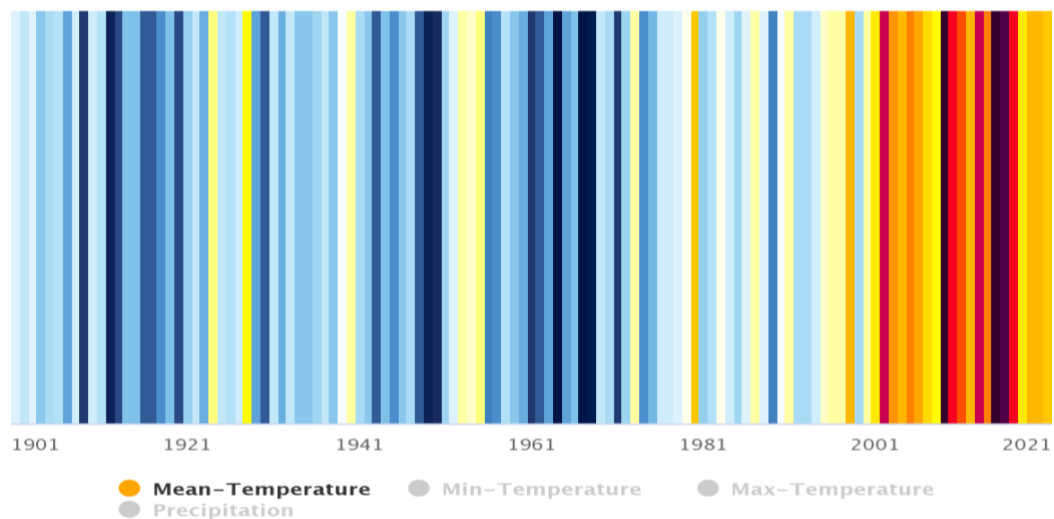


Figure 5: Observed Annual Mean-Temperature, 1901-2021 (Ethiopia)⁸

According to the Climate Action Tracker, global mean temperatures are set to surpass 1.5°C by 2035, 2°C by 2055, and in excess of 3°C by 2100⁹. This will have additional impacts on these countries already impacted by a warming climate.

Food and Water Security

East Africa's Arid and Semi-Arid Lands (ASALs) are host to millions of pastoralists who rely primarily on livestock for their survival and livelihood. Pastoralists in the region are among the most vulnerable to climate. Subsistence crop farming in the region (for crops including maize, wheat, and others) is also predominantly reliant on rainfall which has become erratic and unpredictable resulting in crop failure and reduced yields. Future projections show reduced productivity in these crops in the region under various scenarios in a changing climate¹⁰ since they are sensitive to temperature changes. Maize for instance is particularly

sensitive to climate change, which is significant given that the crop accounts for 33.3% and 19.5% daily calories per capita in Kenya and Ethiopia respectively.

IGAD's Food Crises report¹¹ shows that Ethiopia had 16.76m people in food crisis between May- June 2021 and it was forecasted that 18m people will be in food crisis in 2022. Kenya is also currently experiencing a food crisis with 2.37m Kenyans having faced food insecurity between November 2021 and January 2022, and 4.1m forecast to have been in a food crisis between March-June 2022. Somalia had 3.47m people facing food crisis in October – December 2021 and 7.1m forecasted to be in crisis in June – September 2022. Of these 2.13m would be in food emergency state and 213,000 in a state of catastrophe (IPC^c Phase 5). With the region currently faced with a fifth failed rain season that is compounding an already ongoing drought¹² this situation is set to make things worse for the region.

All three East African countries are considered water scarce with Kenya having the highest access to safe water at about 60%, followed by Somalia at 53%⁵ and Ethiopia at about 42%¹³. Ongoing water scarcity is as a result of incessant drought in the region which are set to increase in intensity and frequency as a result of climate change¹³. Water is an essential element that supports populations in the region and is inextricably linked to food security as well as energy. With climate projections showing an increase in temperatures in the region due to global warming the water scarcity situation is set to grow even worse. Of the three countries, Ethiopia boasts of higher amounts of inland water as a percentage of its land mass. The three countries share the 805,100km² Juba-Shabelle river basin.

Over the years the three countries have set in place various initiatives including approaches on integrated water management, poverty eradication, water supply and sanitation initiatives, conservation of water towers, and several others, in a bid to better manage available water resources. These will be discussed in detail in the following sections of this report.

This report is an analysis of access to water, food security and climate adaptation policies in the three countries to be able to understand their strengths and gaps as well as efficacy of the policies in place. This understanding will help shape the development of a robust policy framework that might be applied for enhanced climate adaptation to ensure food and water security in a changing climate.

^cIntegrated Food Security Phase Classification (IPC) is an innovative classification system with 5 levels: (1) Minimal/None, (2) Stressed, (3) Crisis, (4) Emergency, and (5) Catastrophe/Famine

3. Methodology

a. Background

Climate change adaptation is vital for developing countries that already face severe climate change impacts¹⁴ that are also set to increase with additional global warming. The Intergovernmental Panel on Climate Change (IPCC, 2007) defines climate change adaptation as:

Adaptation to climate change takes place through adjustments to reduce vulnerability or enhance resilience in response to observed or expected changes in climate and associated extreme weather events. Adaptation occurs in physical, ecological and human systems. It involves changes in social and environmental processes, perceptions of climate risk, practices and functions to reduce potential damages or to realize new opportunities. (p. 720).

In line with this, countries have developed various policies, laws and regulations to adapt to climate change at different levels. Most of those related to climate change have followed the national priorities¹⁵⁻¹⁷, regional priorities and international policymaking¹⁸. To be able to understand the policies and analyze them to infer insights on existing gaps, strengths, and opportunities for enhancement (among other findings), it was necessary to first conduct a literature review of some of the policy analysis approaches that have been applied as part of a process to identify a suitable approach.

There are various approaches that have been used to analyze policies. To undertake this work, a number of approaches were considered starting with the Policy Triangle¹⁹ which considers context, content, process and actors in the policy process; the vertical and horizontal interplay²⁰ that focusses on various intersections at the vertical and horizontal level and how these influence policies and policymaking; and, the policy analysis framework²¹ that looks at goals and objectives as part of a value system, internal factors as well as external influences that interact to generate certain outcomes. These are shown in the figures below.

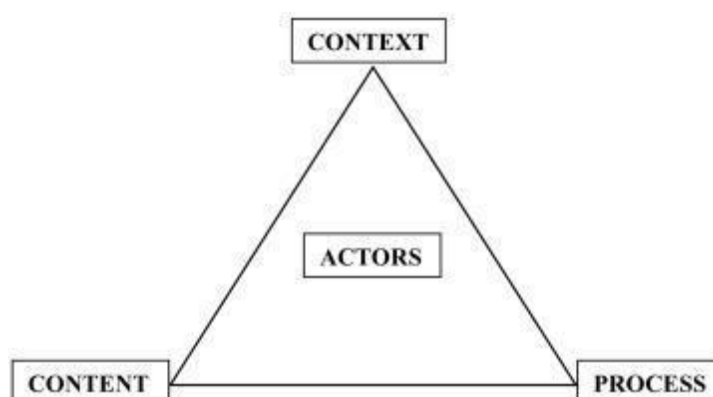


Figure 6: Policy Triangle (Walt and Gilson, 1994)

	Functional interdependencies	Politics of institutional design and management
Vertical (cuts across levels i.e. local, regional, national)		
Horizontal (cross-sectoral linkages)		

Figure 7: Vertical and Horizontal Interplay (Young, 2002)

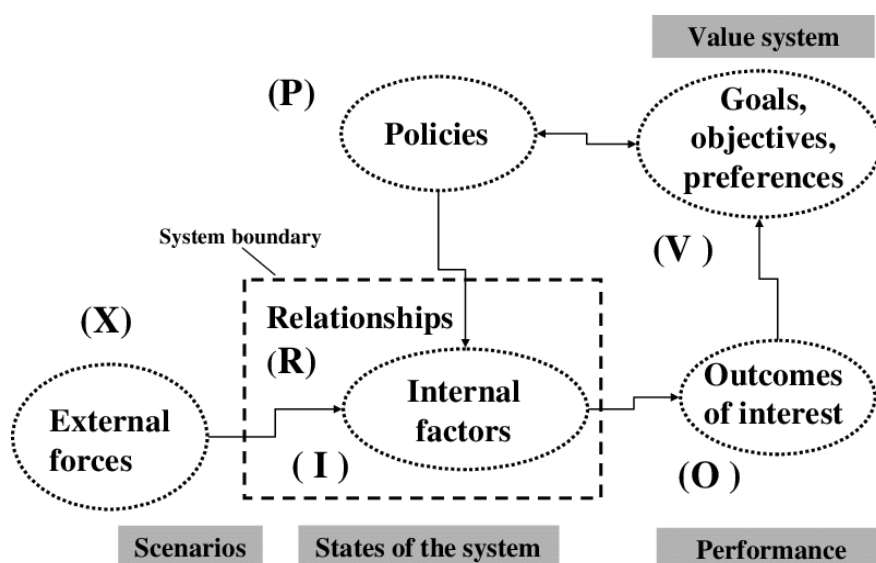


Figure 8: Policy Analysis Framework (Walker, 2000)

b. Policy Triangle

The Policy Triangle¹⁹ is an approach that considers actors, content, context and process and how these interact as already described above. This approach was selected because of its applicability and usefulness to the current research. Additionally, the horizontal and vertical interplay⁷ in policy analysis was also integrated to capture linkages as well as measures and goals set out in the policies in recognition of the vitality of these in the implementation and achievement of desired policy outcomes.

c. Framework of analysis (criteria)

In a bid to streamline and make for effective analysis a detailed framework of key elements of focus was developed. Within the area of content, the aspects are explored under this analysis as follows:

Rights: According to the Human Rights Council “climate change-related impacts have a range of implications, both direct and indirect, for the effective enjoyment of human rights” thus climate change policies have to integrate human rights incorporating the right-holders -often

the marginalized and most vulnerable-and duty bearers²². An OHCHR²³ submission to the UNFCCC COP 21 listed rights most impacted by climate change including the right to food, water and sanitation, development, life, rights of future generations and of those most impacted by climate change among others, noting that these have to be protected in climate policy at all levels. The IOM²⁴, Berchin²⁵ and others consider rights in climate change in terms of migration and displacement where environmental/climate refugees. (2016)²⁶ notes that inclusion of rights in policies creates an *accountability* element for policymakers.

Accessibility: Access is understood differently in literature. Some studies take it to include basic needs, basic rights and decisionmaking²⁷. In this analysis we take access to mean availability of information and opportunities to increase knowledge and know-how (including technological) as well as capacities and be able to take part in or utilize adaptation initiatives.

Inclusion: Inclusion is often taken to mean the participation by women, youth and children, persons with disability (PWDs), indigenous groups, the elderly and other vulnerable and marginalized groups. A bulk of the literature on inclusion in climate policy focuses on women and gender equality, with less literature on youth, PWDs, indigenous groups and others but all of these note the importance of including these groups to understand and plan for differentiated impacts, risks and vulnerabilities and ensure equity and just responses to climate change^{14,28}. A 2022 status report on disability inclusion in climate policy²⁹ showed that just 35 out of 192 parties to the Paris Agreement mentioned PWDs in their NDCs^d. The Adaptation Gap Report emphasizes the need for inclusion, noting that it enhances ownership¹⁴ and thus communities at local level and other stakeholders have to be included from the outset.

Enforcement: Enforcement is a key ingredient in ensuring policies work, the IPCC AR4³⁰ notes that ‘instruments must be monitored and enforced to be effective’. The Paris Agreement¹⁸ includes a facilitative compliance framework for states to be able to comply with the obligations set out in the agreement as well as those states have set out for themselves in their NDCs. Without provisions on enforcement or a compliance framework it may be difficult to implement policies.

Budgetary allocation: Resource allocation is key in implementation of set policies. Literature shows that inadequate finances are to blame for the non-implementation of policies^{27,31–33}. International climate regimes such as the UNFCCC, the Paris Agreement⁵ as well as NDCs have emphasized the need for predictable, adequate finance for addressing climate change and various national policies, development blueprints and plans have estimated the costs required to adapt to climate change underlining the importance of budgets and allocation of resources for the successful realization of policy goals and objectives.

^d Of the Eastern African countries that are part of the D2E Project, Ethiopia included PWDs in its initial NDC but not in the updated one; Kenya has PWDs subsumed in ‘other vulnerable groups’; while Somalia does not include PWDs. All NDCs reference women.

Implementation Plans: For policies to be successful, implementation plans to operationalize their objectives are imperative. Implementation plans have to include timelines as well as those responsible for delivery, indicators and expected outputs and outcomes^{14,34–37}.

Information Management System: Systems to manage and monitor information are vital in management, monitoring and evaluation.

Linkages to other policies: The IPCC AR4³⁰ states that ‘a combination of policy instruments may work better in practice than reliance on a single instrument’. This, as a result of the interconnectedness of climate change issues.

Other components are explored as well as summarized below in recognition that content is also a product of actors, processes and context. Walt and Gilson (1994)¹⁹ note that ‘focus on policy content diverts attention from understanding the processes which explain why desired policy outcomes fail to emerge’ making a case for understanding the varied contexts, processes as well as actors involved in policymaking.

Table 2: Components of the Policy Triangle

Area	What to look out for
<p>Content (What is included in the policy?)</p>	<ul style="list-style-type: none"> ▪ Rights, goals for adaptation especially for women, pastoralists, indigenous people, persons with disability, youth and other marginalized groups ▪ Accessibility for all ▪ Inclusion ▪ Enforcement mechanisms to ensure implementation ▪ Budgetary allocation to assure implementation – e.g. funds for capacity building etc ▪ Implementation plans ▪ Information management system ▪ Links to other policies – to integrate the horizontal and vertical interplay
<p>Context (Political, economic, social contexts in which policy is developed)</p>	<ul style="list-style-type: none"> ▪ Power relations between government and people ▪ Public and private sector interests ▪ Cultural considerations ▪ Public information ▪ Constitutional reforms ▪ International processes (SDGs, UNFCCC) ▪ Regional processes (EAC, AU Agenda 2063) ▪ Links to other policies (potential for cross-referencing etc)

<p>Process (How was the policy developed?)</p>	<ul style="list-style-type: none"> ▪ Inclusivity (or exclusivity) of the processes ▪ The individuals and/or groups that participated in the policy development process ▪ The extent and nature of public consultations conducted ▪ The types of evidence used to inform the development process (IPCC report, review of best practices etc)
<p>Actors (Who are the actors: groups/individuals involved?)</p>	<ul style="list-style-type: none"> ▪ The levels at which actors were involved (local, regional, and/or international) ▪ Involvement of: <ul style="list-style-type: none"> ○ Women/gender advocates ○ Persons with disability ○ Youth advocates? ○ Indigenous groups? ○ Pastoralists/farmers ○ Community elders/ religious leaders

The table below outlines the areas for rating. Allocated ratings are completed separately for each policy and an explanation of why the rating has been allocated has to be indicated. The ranking system is based on how concretely (or not) a policy addresses the given issue.

Table 3: Areas of rating for policy analysis

	High (Score 4)	Medium (Score 3)	Poor (Score 2)	Weak (Score 1)
Rights (clean and healthy environment, water, food security) for women, pastoralists, indigenous people, persons with disability and other marginalized groups that align with climate adaptation	Policy explicitly acknowledges that all citizens have a right to a (clean and healthy environment, water, food security) thus adaptation to the impacts of climate change, has a clear goal and specifically mentions those who are most vulnerable.	Policy explicitly acknowledges that all citizens have a right to a (clean and healthy environment, water, food security) thus adaptation to the impacts of climate change but does not have clear/explicit goal but mentions those who are most vulnerable	Policy explicitly (or even implicitly) acknowledges that all citizens have a right to a (clean and healthy environment, water, food security) thus adaptation to the impacts of climate change but does not have clear/explicit goal and does not mention those who are most vulnerable	No mention of rights, no clear goals nor mention of the most vulnerable
Accessibility for all	Policy fully addresses accessibility for all groups of the population to information and means for adaptation to the impacts of climate change (includes FPIC e.g. in cases of co-benefits from mitigation action)	Policy mentions accessibility for all especially those that will be most impacted but with no clear focus on what this entails	Policy addresses accessibility but fails to highlight those most impacted and how	Policy does not specifically mention any of these
Inclusion	Policy addresses capacity building, training, technology transfer, empowerment, public participation, local knowledge and scientific research (ACE, tech transfer) to ensure that the most	Partially addressed with mention of the most vulnerable but with little/no reference to training, capacity building, tech transfer etc.	Only addressed implicitly; no training, capacity building, tech transfer etc. for most vulnerable and general population	Policy does not mention any needs for inclusive climate adaptation

	vulnerable are included in adaptation to climate change			
Implementation plans	<p>Policy has clear plan of action including specific actions to be taken and responsible parties with respect to those that are most vulnerable to climate change</p> <ul style="list-style-type: none"> ● Set out in or in tandem with the policy documents ● Actors and targets are clearly indicated ● Monitoring plan is clearly set out ● Intervals for monitoring are specified 	Policy mentions a clear plan of action with different components but does not specify the detail of who does what, how and when to monitor and budget guidelines	Policy sets out an action plan but without any specific mention of actors, monitoring, budget, etc.	Policy does not set out any plan of action or monitoring plan
Enforcement mechanisms to ensure equality	<p>Clear enforcement mechanism is described with the specific enforcement agency named;</p> <p>Clear penalties for non-compliance (e.g. through an Act related to the policy);</p> <p>Not taking proactive steps to implement the policy is seen</p>	Describes the enforcement mechanism and contains penalties but no mechanism for enforcement is specified in the policy; there is no mention of penalties for not implementing the policy proactively.	Minimal description of an enforcement mechanism with minimal penalties and only a focus on obstruction of the policy implementation rather than lack of proactive implementation.	No mention of enforcement and penalties

	as non-compliance in addition to obstructing the implementation			
Budgetary allocation to assure implementation	<p>Budget guidelines for climate adaptation are clearly specified in terms of</p> <ul style="list-style-type: none"> • What has to be budgeted for • Where budget should be allocated from • Funding is mandated and must be made available 	<p>Budget guidelines for climate adaptation are specified in terms of</p> <ul style="list-style-type: none"> • What has to be budgeted • Where budget should be allocated from • But Funding is conditional (on budget availability) 	Budget guidelines are not specified specifically for climate adaptation and funding is conditional on budget availability	No clear budgetary guidelines and no mandated budget for climate adaptation
Information management system	The policy specifies clearly what information should be collected, by whom, at what intervals and what indicators will be used to monitor progress of climate adaptation	The policy specifies the need for data and a plan for what information should be collected concerning climate adaptation but with minimal detail on who should collect it, when and what indicators should be used for monitoring	No clear Information Management System (IMS) for climate adaptation but some recognition that data collection is important for monitoring	There is no IMS specified, nor the importance of data recognized for climate adaptation
Links to other policies – to integrate the horizontal and vertical interplay	The policy clearly identifies what linkages exist and how it builds on those with specific mention of actions to ensure the linkages are strengthened/integration is achieved to contribute to climate adaptation	The policy clearly identifies what linkages exist but with no mention of specific actions to ensure the linkages are strengthened/integration is achieved to contribute to climate adaptation	The policy identifies what linkages exist but there is no mention of actions to ensure the linkages are strengthened/integration is achieved to contribute to climate adaptation	There is no mention of the policy linkages or how it builds on those for robust climate adaptation

The entire process can be summarized as shown in the figure below:

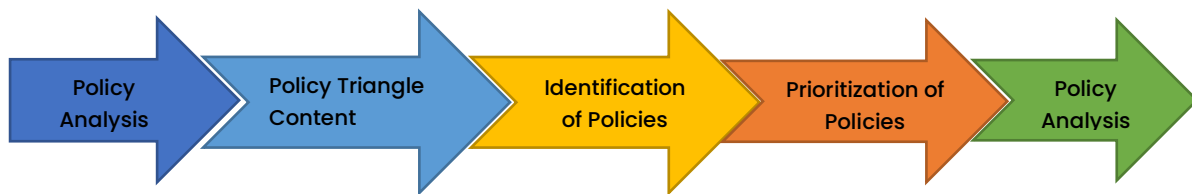


Figure 9: Policy analysis process

d. Policy selection

Lesnikowski et al., (2019)³⁸ in making a case for a policy mixes approach, argue that governments normally develop several policy instruments to address issues such as climate change and that it is difficult to find options encapsulated in a single policy due to the crosscutting nature of issues such as climate change. Similar views are reflected in other literature^{14,30} with emphasis on the fact that adaptation is a cross/multi-sectoral issue requiring multi-sectoral and multi-stakeholder approaches.

Broader responsive policies development, argues the National Academies Press in their 2011 book (“Advancing the Science of Climate Change,” 2011)³⁹ is possible with an iterative process that considers monitoring, evaluation and learning (MEL), emerging co-benefits/disbenefits and the ways in which they interact with each other. This thinking alongside other considerations informed our choice of policies.

Identification of the relevant policies for analysis was done consultatively with partners within the consortium as well as government officials and other actors who contributed to an initial list of identified policies. Over 100 relevant policies on adaptation, water and food security were identified and listed. These were categorized as national, regional and local and codified or uncoded and visualized via an online platform called Conceptboard. Regional policies from the specific areas under focus are those for Oromia, Somaliland and Isiolo. Once the selection was finalized, priority policies for analysis numbering 40 were identified in consultation with the Down2Earth project partners and other stakeholders. This prioritization was done considering how relevant the policies were to project objectives and the needs of various consortium partners in implementing their own tasks under the Down2Earth project.

Broad Categories

- Water - irrigation, water harvesting, resource management
- Food Security - agriculture, irrigation, nutrition
- Climate Change - adaptation

Levels

- Regional
- National
- Sub-national

Codified and non-codified policies

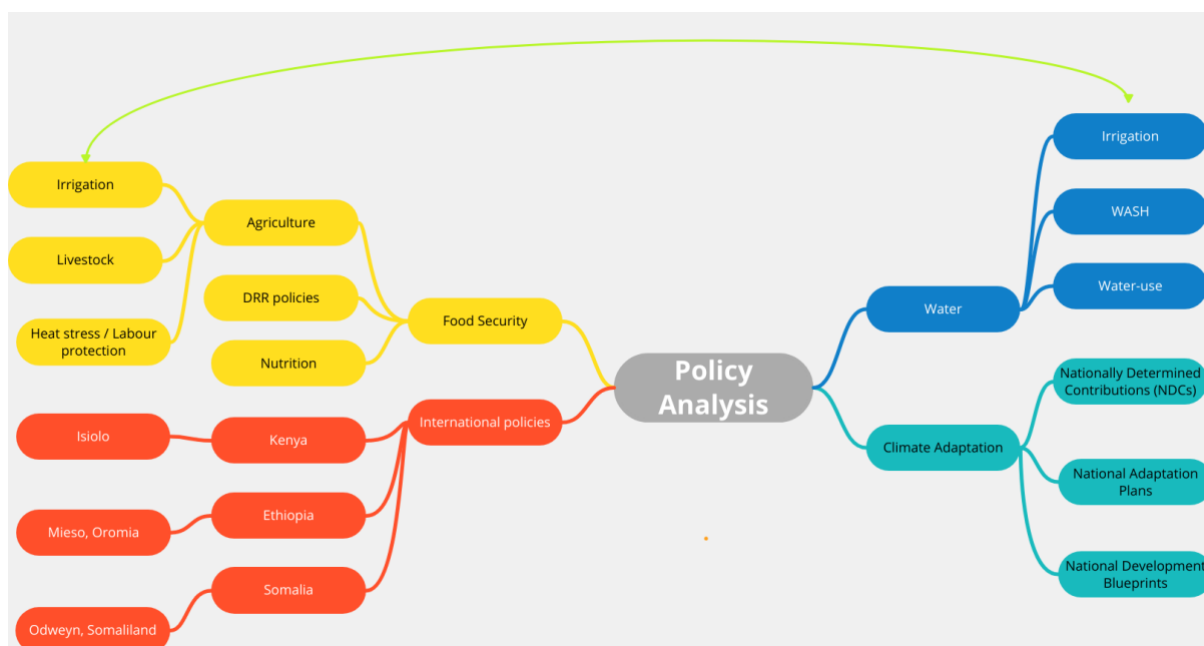


Figure 10: Conceptboard visualization and organization of information for policy analysis

4. Results

The comprehensive policy analysis conducted based on the above research and planning led to several noteworthy insights on the current state of relevant policies in Kenya, Ethiopia, and Somalia.

The outcomes of the analysis are summarized below and disaggregated based on the most noteworthy findings. First, the results are presented at a country-level to provide insights into the state of key policies in each country and their respective national contexts. This is followed by a sector-specific analysis that summarizes findings on policies across all three countries according to specific themes.

a. Country level analysis (including stakeholder input)

i. Kenya

Kenya has made significant efforts in terms of developing its climate change, food security, and water related policies to address climate change. Some of these policies include the Climate Change Act of 2016, which is one of the very first pieces of climate change legislation to come from the region. This act seeks to guide Kenya's priorities for addressing climate change focusing on both climate adaptation and climate mitigation. The history of environmental policymaking in Kenya is long, dating back to the period after independence with the Sessional paper No. 10 that addressed the control and use of resources noting that such resources were to be used for the benefit of all⁴⁰. Significant environmental policy was not developed until the 1999 Environmental Management and Co-Ordination Act (EMCA), which set out the management of environmental and environmental resources in Kenya. In

subsequent years, policies focusing on the various sectors have been developed to address current challenges guided by the development blueprint, Vision 2030⁴¹ as well as the National Constitution and other international regimes on climate, water, food security and related areas.

1. National

Context, Actors and Process

At national level Kenya has the 2016 Water Act⁵, the National Water Harvesting and Storage Regulations, a Water Masterplan⁴² and a draft water strategy. On food security, Kenya has the Agricultural Sector Development Strategy (2010-2020)⁴³ to address issues of agricultural development for food security in Kenya. This has been succeeded by the Agricultural Sector Transformation and Growth 2020)⁴⁴ whose main innovation is the establishment of the Agricultural Transformation Office as the implementation and enforcement entity for the strategy. There is also a National Food and Nutrition Security Policy and its implementation framework.

When it comes to climate adaptation, as mentioned earlier, Kenya has a Climate Change Act of 2016⁴⁵. There is also a National Climate Change Action Plan⁴⁶, a Climate Change Policy and a Nationally Determined Contribution updated in 2020¹⁶, a National Policy for Disaster Management as well as the National Adaptation Plan and its Adaptation Technical Analysis Report⁴⁷. Kenya has also embarked on developing a National Framework for Climate Services and has held several stakeholder meetings to advance this. This is pursued as part of its commitment to the global framework for climate services.

An analysis of the various policies that Kenya has put in place shows that the country's climate adaptation the policies are relatively updated and aligned with existing international laws and policies. The climate policies were developed in compliance with, and as a response to the international climate regime, including the UNFCCC and the Paris Agreement.

The climate adaptation policies were developed as part of Kenya's bid to comply with the international climate policy discussions that have been ongoing since the establishment of the UNFCCC and its various outcomes, including the 2015 Paris Agreement that set out a requirement for countries to develop their Nationally Determined Contribution (NDC). Water sector policies and laws are a result of water sector reforms initiated to streamline the sector and ensure access to water and sanitation for all citizens by 2030. Agriculture sector policies on the other hand are informed by the national priority of addressing food security concerns in the country in a bid to ensure food security by 2030, as is articulated in Kenya's Vision 2030. Policies developed after the implementation of the 2010 Constitution have tended to follow

⁵ This repealed the 2001 Water Act. It sought to align the water sector to the 2010 constitution as well as Vision 2030 and was preceded by water sector reforms to the water sector and ensure access to water and sanitation by all Kenyans by 2030.

consultative processes with the engagement of a wide spectrum of actors including community members, civil society, and private sector in a bid to meet the requirements laid out in the constitution.

Content

Out of a maximum score of 4, the 2016 Water Act is the highest scoring at 3.5 followed by the Water Strategy and the Draft Irrigation Policy and the National Food and Nutrition Security Policy Implementation Framework (2017-2022) each scoring 3.4. The National Disaster Management Policy is the lowest scoring at 2.5. All policies analysed have a combined score of 3.2 which is the highest country average for national policies. The scores and areas of rating are shown in the figure below and discussed in detail thereafter.

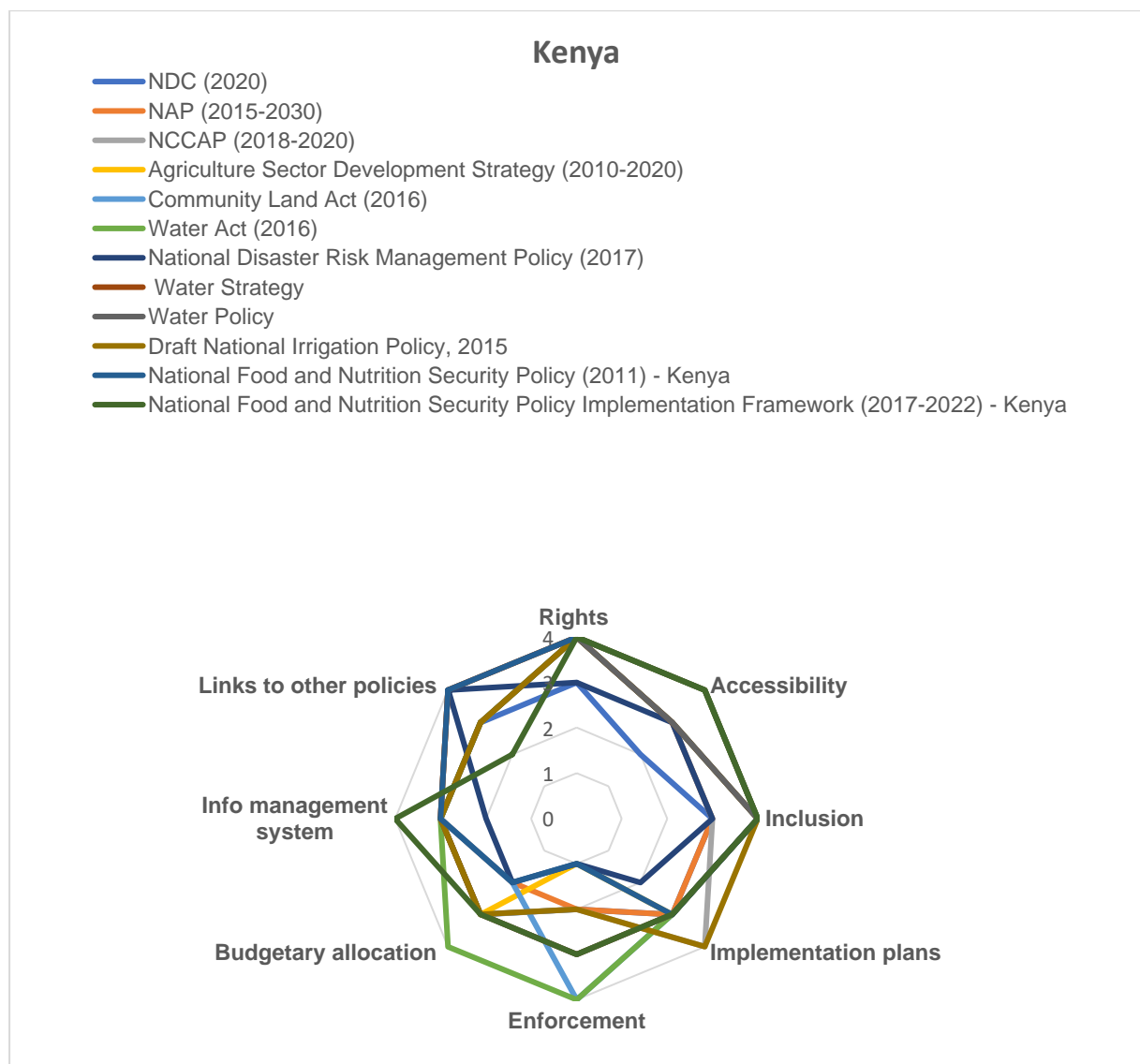


Figure 11: Rating for Kenya Policies

Rights

Kenya's 2010 constitution stipulates that every citizen has a right to a clean and healthy environment. Consequently, policies developed after 2010 all seem to have adopted this approach stating clearly that 'citizens have a right to a clean and healthy environment', a right to water in the water services policies to meet their basic needs, and access to food as a basic need.

This is the highest ranked area with a combined score of 3.8 which is the highest for all policies analysed in this research. The Nationally Determined Contribution (NDC) and National Disaster Risk Management (DRM) policy each have a score of 3, while the rest have a score of 4. Rights are especially when thinking about the populations that are more vulnerable to climate change and will therefore need to be protected under the law and be facilitated to adapt to the changing climate when it comes to being able to access water as well as food.

Furthermore, Kenya's NDC specifically talks about the gendered impacts of climate change for women, youth, coastal communities, and inhabitants of arid and semi-arid areas as being specifically impacted by climate change. It also highlights the issue of climate refugees and mentions food security for its citizens as part of its mandate in terms of safeguarding the basic rights of its citizens. Similarly, the National Adaptation Plan (NAP) of 2015-2030 and the National Climate Change Action Plan (NCCAP) contain these provisions. The NAP and the Irrigation Policy, both with a score of 4 in the rights component, quote the Constitution and Vision 2030 with regards to the provision for the right of all citizens to a 'clean and healthy environment'. The NCCAP has provisions on gender equality and, notably, also talks about traditional practices that may deny women equal rights.

On food security, the Agricultural Sector Development Strategy (ASDS) for 2010-2020 also provided for ensuring food and nutritional security for all Kenyans, and the strategy itself aimed at 'generating high income as well as employment especially in rural areas'. The ASDS also recognizes that agriculture is the backbone of Kenya's economy, meaning that the livelihoods of most of the population are drawn from farming activities. Thus, investing in achieving the ASDS also had the goal of ensuring food security and poverty reduction in the longer term. An assessment on the performance of this strategy in the literature points to challenges in its implementation that resulted in it not meeting some of the objectives set out.

The Community Land Act also mentions issues of rights, referencing the Constitution, human rights, and Sustainable Development Goals (SDGs). Community members, according to this Act, have a right to the use and management of their community land and should be able to participate in decision making. It also mentions the need to take the grazing rights of pastoralists into consideration when it comes to community land. Additionally, there are provisions around non-discrimination to ensure that all members within the community have

the right to access and use land, including women and children, youth, persons with disability, and other marginalized groups.

The Water Act also recognizes the 'right to a clean and healthy environment' and specifically highlights the right of Kenyans to 'access clean and safe water in adequate quantities and within reasonable standards are stipulated in article 43 of the Kenyan Constitution. Article 7 of the Water Act talks about rights to water resources noting that these 'are only as prescribed in the Act'. Water rights here are defined as 'the right to have access to water through a water permit'.

The National Disaster Risk Management (DRM) Policy of 2017 is also guided by the bill of rights in the Constitution and reiterates the same provisions of having access to 'a clean and healthy environment'. It also provides for non-discrimination during disaster response.

A common thread that can be seen across all these policies in Kenya is the fact that the rights to water, the rights to food and the rights to a clean and healthy environment are all included in the policies.

Access

Access, with a combined score of 3.3, is covered in different ways in the different policies. For instance, with the NDC of 2020, which has a score of 2, there is reference to enhanced climate information uptake, but further details are not provided despite the NDC including provisions for capacity building, awareness, and other measures that might contribute to this enhanced uptake of climate information. The NAP, which scores 3, provides for citizens' role in planning, implementation, and monitoring. One of the actions is enhancing the adaptive capacities of multiple groups, especially women and children, but there is no detailed plan of action outlined in the NAP. The NCCAP, with a score of 3, details improved access to water, food security, and enhanced resilience as some of the measures targeting vulnerable categories of the population. There is specific mention of using technology, including mobile technology, for dissemination of early warning to enable groups to make informed decisions and cope better with the impacts of climate change. However, further details on such measures are not provided. The ASDS had several relevant key objectives, including identifying priorities for climate adaptation and mitigation, developing a comprehensive national education and awareness creation program, and establishing specific cross-sectoral adaptation measures for vulnerable groups, communities, and regions. There was also provision for periodic reviews of prevailing climate change threats, conducting risk assessments at national and local levels, and developing national capacity building frameworks to address climate change. This was relatively comprehensive, and is the reason for the ASDS's high score of 4 when it comes to issues of access. The draft Irrigation Policy, National Food and Nutrition Security Policy (2011) and the National Food and Nutrition Security Policy Implementation Framework (2017-2022)

also score 4 owing to their provisions for access including availing of technology for the vulnerable, trainings, and other measures to ensure food sufficiency.

The Community Land Act states that land is vested in the community and can consequently be registered as communal or reserved land for specific purposes set out by the community, which has access to this land for their own use and benefit. It also spells out benefit sharing⁶ and how this will be handled on community land, including provisions for an Environmental Impact Assessment (EIA) study, compensation, royalties, as well as being able to mitigate against any negative impacts that might occur. There is also a provision for public education and awareness to ensure that communities are informed about their rights and community land. One challenge, however, is that, aside from the measures articulated on benefit sharing, there is little focus on enhancing resilience of communities to a changing climate through measures such as enhancing access to technology and provision. This is especially the case for pastoralists.

The Water Act in Article 9 talks about citizens' rights to access water and specifically mentions the poor living in urban areas and those who are living in rural areas. It also addresses benefits for the poor from financing in various projects that will ensure access to water resources. There is also a provision that the public should be able to access information about issued permits, and that broader information generated under this Act should be publicly available and provided upon request.

For the National DRM policy, which has a score of 3, initiatives are outlined in terms of collaboration with communities under various areas, including resilience building, early warning systems to provide information for people to be able to respond to identified risks, capacity building, and technical training to build community members' skills to enable them to adapt to climate change or to respond to any disasters that might occur. The DRM also emphasizes local management of disasters through what is labeled as a 'people centered multi hazard approach'.

Inclusivity

When it comes to inclusion, the policies (which have an average score of 3.7 for this component) generally mention categories of people that are vulnerable to climate change impacts and articulate related measures. For example, the NDC (which has a score of 3 for inclusivity) specifically references local communities, women, youth, and other vulnerable groups that will be targeted for adaptation technology uptake which integrates both scientific as well as indigenous knowledge to be able to implement the NDC. It also outlines involvement by various actors including civil society, county governments, academia, research, and the private sector. The NAP, which also has a score of 3 for this component, talks about integrating climate change into the education curriculum through the Kenya

⁶ These includes benefits from natural and mineral resources or such other utilization of community land.

Institute of Curriculum Development. Media is also expected to play a key role in information dissemination to the public. Vulnerable groups such as women, children, persons with disability, and the elderly will be specifically targeted. The draft Irrigation Policy, with the highest score of 4, specifically addresses capacity-building, technology transfer, public participation, and other measures for enhanced inclusion. The most vulnerable and relevant groups to irrigation development have been identified, and the interventions demonstrate how they will be included in and benefit from technology transfer, capacity building, and other initiatives.

The NCCAP, which also has a score of 3, specifically talks about supporting youth in innovations as well as local level adaptation action and education on risks and hazards. This is specifically targeted at young people and mentions capacity building for access to climate finance as one of the key areas of focus. The ASDS, with a score of 4, focuses on the strengthening of extension services to further links between research services, local communities and grassroot farmer organizations to further empower stakeholders in the sector and provide them with information to facilitate food security. This includes (among other measures) supporting them with appropriate technologies, training, and having demonstration centers for practitioners to increase their skills and adapt to climate change.

With a score of 4, the Community Land Act states that community land can be held as communal, family or clan, reserve, or another category under the Act or in another law. For this provision it is up to the community to decide how it wants to register the particular land, and which actors are subsequently included and affected. Customary rights and cultural use of land is recognized under the Act. The Community Land Act specifically states that any disposal or alienation of community land has to be agreed to by at least two-thirds of the registered community land members, which is critical for ensuring that a majority of the community members are included in decision making on their land.

Under the Water Act, committees and boards that are established must consider a two-third gender rule as outlined in the Constitution, which facilitates a greater inclusion of women are in the committees and boards. Water Resource User Associations (WRUAs) are created under the Act. WRUAs are essentially user associations at sub-basin level that consist of community members residing there and using the water resources for one use or another. They are charged with the responsibility of developing their own plans and managing water resources and access to these. They are also eligible to receive funding, training, and other capacity building support in their planned activities to ensure they have access to water resources.

The National DRM Policy considers gender mainstreaming, community empowerment, and public-private and community partnerships as guiding principles. The policy is also cognizant of nondiscrimination noting that, 'while providing compensation and relief to the victims of

disaster there shall be no discrimination on the basis of tribe, community disability, gender, religion or political party affiliation”.

Implementation Plans

For implementation plans, all of Kenya's national level policies score quite well, with an average score of 3.1. The National DRM Policy of 2017 proved to be an exception, with a score of 2. The policy talks about its operationalization through legislation guidelines, regulations, rules, and executive orders but fails to articulate a detailed plan in the document itself, despite noting that this will be developed at a future date. The plan is still not available, but there is an ongoing process to finalize the Disaster Management Bill which is currently before Parliament⁷. The finalization of the Bill is hoped to facilitate the articulation of a comprehensive implementation plan for the DRM Policy.

The NDC, which has a score of 3, has prioritized adaptation programs covering all the sectors, and these include specific measures to be undertaken in each sector. The NCCAP, with a score of 4, provides a detailed implementation plan which includes specific actions, outcomes, indicators, and the responsible organizations. There is also a timeline and budget for implementation up to 2023. Monitoring on the delivery of the policy's interventions is to be conducted through the National Forest Monitoring System (NFMS) and the Forest Reference Level (FRL), as well as national performance-based monitoring framework. The NAP further refined the areas that were prioritized in the NCCAP as well as the Adaptation Technical Assessment Report (ATAR). These refinements were based on urgency and compatibility with the action plan and the medium-term plan (MTP) of Kenya's Vision 2030 and low regret scenarios⁸. For these, short-term and long-term goals, budgets, and those responsible are outlined. 17 indicators for monitoring and tracking adaptation measures are articulated in the NCCAP. Additionally, counties are expected to develop their own respective context-specific action plans in line with the listed actions, while ensuring that any potential additional areas of action do not lead to maladaptation.

The ASDS also has a detailed implementation plan, including specific targets such as achieving an average growth rate of 7% in five years (2010-2015) in the sector, and the increasing productivity and commercialization competitiveness of agricultural commodities and enterprises by developing and managing key factors of production. It has a score of 3.

The Community Land Act establishes Community Land Management committees with the mandate of overseeing the land and related issues, including coordination, conflict resolution, and setting rules and regulations for use in land management (which must ultimately be

⁷ The Disaster Bill has been pending since the early 2010's and has undergone various changes to cater and align to the different agencies charged with disaster response in Kenya ranging from the NDMA, NDMU and NDOC to the various Ministries and Counties.

⁸ Low-regret scenario's here refer to scenarios that will cost the country less both in terms of finance as well as impact on the population

ratified by the community). The Act also provides for a procedure on how community land is recognized and adjudicated.

The Water Act establishes several bodies which have a clear mandate and functions related to the Act. However, timelines are not clearly indicated, except for a few elements. For instance, there is the requirement for a water strategy to be developed every five years with explicit details on the protection and the management of water resources.

Enforcement

With an average score of 2.3 across all the policies analyzed, enforcement is the weakest across Kenya's national policies (with the exception of the Community Land Act and the Water Act, which both scored a 4). For the Community Land Act, there are entities that are directly in charge of various aspects. These include the community land registrar, who registers community land, and a community land committee responsible for coordination and management of community land. The Act outlines a dispute resolution mechanism, including through traditional systems and structures, community by-laws contained or developed by the community land committee, and courts of law. There is also a provision for mediation and arbitration, which can be pursued as a way of dispute resolution. The Act considers unlawful occupation of community land an offense that attracts conviction for up to three years in prison or payment of a fine up to 500,000 Kenya shillings. The provision of fines and other punitive measures serves as a deterrent for non-compliance. However, there are also procedures that actively encourage and incentivize compliance.

The NCCAP and NAP specifically reference the National Environment Management Authority (NEMA) as being responsible for their enforcement, but do not provide any further details about it. The Climate Change Directorate is also charged with the responsibility of coordination and ensuring implementation of these policies.

The NDC, which has a score of 2, does not clearly articulate measures for enforcement. It simply states that measures would be undertaken to enhance implementation. This is also the case for the ASDS and the National DRM Policy, which both have a score of 1, and do not contain any noteworthy information on enforcement or compliance.

Budget

Budgets are not very well articulated in any of the Kenyan policies, which have an average score of 2.8. The Water Act ranks highly at 4 because it seeks to establish a Water Sector Trust Fund in article 113. The Fund will provide funding to counties in marginalized areas for development of water resources. The Water Sector Trust Fund shall receive resources from

government budgetary allocations, the equalization fund, county governments, donations, grants, and other means.

Even though the DRM Policy seeks to establish a disaster risk management fund, it is not clear where the funds will be sourced from. The Policy simply noted that this will be from government and other sources. In the absence of a legal framework, such a fund may be difficult to set up and operationalize. The current iteration of the Disaster Bill includes a Fund, which may ultimately be established via an Act of Parliament. The Community Land Act does not include a budget, but states that the fees and taxes for land registration are to be borne by those registering. It is thus unclear where the various committees— especially at community level, such as the community land committees— will draw funds for their operations from. In practice, such committees rely on member/community contributions to run their affairs as garnered from stakeholder visits in Nairobi and Isiolo.

The NDC states that the government will provide 10% of the funding for adaptation costs and 21% for mitigation, which translates to an overall commitment of 13% of USD 62 billion deemed necessary by 2030. There is no specificity on where the funds will be allocated from, but Kenya has a Climate Finance Policy that may guide and facilitate this allocation. Furthermore, climate budget codes designed to track allocations to climate change activities and sectors are expected to mainstream climate in all initiatives and plans. The NAP and the NCCAP outline adaptation actions, and the ATAR provides further analysis in relation to these, but no further details are provided on the funding sources for these adaptation interventions. The ASDS states that implementation will be funded through the medium-term expenditure framework with financial allocation from the National Treasury. However, the policy also states that each ministry will have to work out details of its activities and develop a financing plan that can be acted on.

Information Management System

Information Management Systems, which have an average score of 3, consistently reference the National Integrated Monitoring and Evaluation System (NIMES) and the County Integrated Monitoring and Evaluation System (CIMES), which will be used for tracking progress. The NAP and NCCAP refer to the National Forest Monitoring System and the monitoring, reporting and verification system (MRV) as part of the information management system that will be used for monitoring purposes. The ASDS refers to an agricultural sector results framework that would be used for monitoring.

The Community Land Act provides for an inventory system with the register of community land, including cadastral maps, names of the community land registered members, the uses of land, and any other information that may be relevant. However, it is not clear how this will be managed within a system.

The Water Act establishes a national monitoring and information system overseen by the Water Resources Authority (Article 11). This system is meant to be accessible to the public. In article 70, the Water Services Regulatory Board (WASREB) is also charged with the role of establishing an information system and will maintain a national database and georeferenced information system on water services. In practice, a central system accessible to the public is not yet in place, but the two agencies maintain internal databases and inventories and provide information on request with most information also published on their respective websites. Engagement with WASREB revealed significant progress in fulfilling their mandate including the presence of a database and reports as well as rules and regulations set in place to achieve its mandate.

Link to other policies

When it comes to linkages with other policies, the Kenyan policies analyzed score an average of 3.3 due to the wide range of linkages to, among others, the UNFCCC and its decisions, the Paris Agreement, the National Inventory Report, Vision 2030, Kenya's 2010 Constitution, other sectoral policies, SDGs, AU 2063, and CAADP.

2. Regional

Context, Actors and Process

On regional policies in Kenya, the focus is on Isiolo County which is the site of the Down2Earth project in Kenya. These policies were developed as a result of devolution where counties are expected to develop their own policies and laws as a way of cascading relevant national and international law and policy to local level. In this way policies at county level are expected to capture their specific contexts, circumstances, capabilities, diversities, priorities and other intervening factors present at county level.

Under the constitution, policies at county level are supposed to be participatory involving community members, private sector, women, youth, persons with disability, indigenous groups, religious organizations among others. As a result, policies at this level have mostly tended to follow these and generally included these categories of people during consultative processes to develop their various policies and in committees. In terms of process, typically policies at county level are discussed at community Baraza's and other local level meetings where different stakeholders are able to contribute to the discussions on these policies. The CIDP and the Isiolo Climate Change Fund Act particularly followed this process with the involvement of different actors from local level. In fact the Climate Change Fund Act itself

creates Ward Climate Change Planning Committees at the ward level to be able to deliberate on and formulate activities for implementation under the Act.

When it comes to reflection of local contexts, the Isiolo County Customary Natural Resource Management Bill, 2016 was specifically developed to anchor traditional community resource management within the law. This is in recognition of the very vital and important role that communal structures play in the management of resources especially in arid and semi-arid areas characterized by expansive grasslands inhabited by humans, their livestock and wildlife.

Content

The Isiolo County Community Conservancies Bill, 2021 is the highest scoring at 3.1 followed by the Climate Change Fund Act (2018), Isiolo County Wildlife Management and Conservation Bill (2021) and the CIDP all with a score of 3. The lowest scorer is the Isiolo County Customary Natural Resource Management Bill (2016) at 2.5. The combined score for all county policies is 2.9. The scores and areas of rating are shown in the figure below and discussed in detail thereafter.

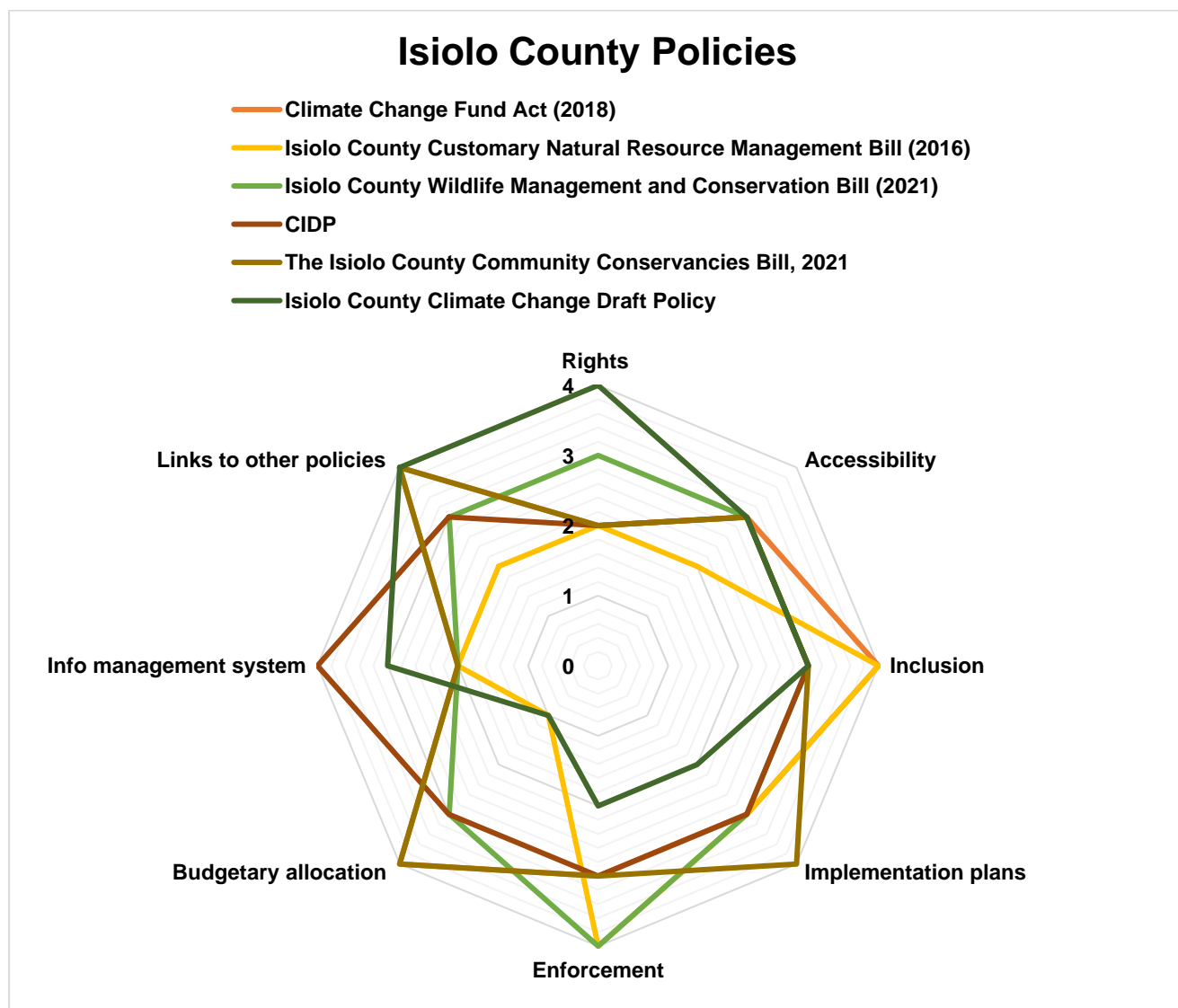


Figure 12: Rating for Isiolo County Policies

Rights

The various policies have not explicitly captured rights which has the least score of 2.5. The Climate Change Fund Act (2) for instance mentions vulnerable groups as the ones that would benefit from some of the projects for implementation at county level and these projects must incorporate gender, but there is no explicit mention of rights as captured in the constitution.

The County Wildlife Management and Conservation Bill (3) talks about conservation and management of wildlife for the benefit of 'present and future generations', suggesting intra and inter-generational rights. The draft Climate Change policy has the highest score of 4 since it reiterates the rights for all to a clean and healthy environment.

The CIDP (3) on its part makes linkages with the Africa Union Agenda 2063, SDG 13 as well as mentioning the constitution and the rights of the minority and marginalized communities. It also highlights the fact that it is one of the counties that is vulnerable to climate change impacts but it does not mention the right to a clean and healthy environment. The community conservation bill of 2021 only implicitly acknowledges the issue of rights and does not focus too much on this while on the other hand the draft climate change policy explicitly talks about rights linking this to article 42 of the constitution on the right to a clean and healthy environment. It also highlights resource rights and the rights to community land.

Access

On access with a score of 2.8, the various policies provide for access to training and awareness in the county so as to ensure that people within the county can be able to access and benefit from the provisions of the policies and laws. The Climate Change Fund Act provides for training as well as research and providing information that will enable better planning at all levels as does the draft climate change policy both with a score of 3.

The Customary Natural Resource Management Bill which scores 2 has an objective of ensuring access for all to natural resources within the county but is silent on issues of free, prior and informed consent. The County Wildlife Management And Conservation Bill, 2021 with a score of 3 on its part has a provision on awareness and especially towards conservation and contains using indigenous knowledge as part of its management regime for natural resources. Additionally, it provides for a mechanism for benefit sharing with communities living in wildlife areas. For the Isiolo County Conservancies Bill there are provisions for establishment of community conservancies where representatives of different categories of people will be involved to make decisions on how they will be able to access and benefit from the resources in the conservancies. In terms of early warning this is provided for in the draft climate change policy which talks about provision of early warning information to communities so that they can be able to prepare and respond to any changes ahead of time or in time. There are also provisions for monitoring to ensure that information can be accessed and made available to the communities especially those who are vulnerable for early action.

Inclusivity

When it comes to inclusivity which has the highest score of 3.3, the policies seem to pay attention to this, specifically mentioning women, youth and persons with disability,

indigenous peoples and local communities inhabiting this area as well as other vulnerable groups. The Climate Change Fund Act with a score of 4 has a specific provision to have Ward planning committees composed of these different categories of people as part of the composition. They are engaged in outreach at the ward level as well as leading the formulation and development of proposals for projects on climate change adaptation for that particular ward. In practice, the Ward Planning Committees in Isiolo have all been set up and some have already developed and submitted their plans for implementation.

For the climate change policy there is recognition of traditional practices used in management for example the Dedha system amongst the Borana where community elders decide and agree on use of resources especially in migration patterns at different times during the various seasons across the year. However, there is no specific role assigned to these traditional systems within the climate change policy. The final version of the policy incorporated the other traditional systems as well including those of the Samburu, Somali, Turkana and Meru that inhabit the area recognizing the traditional system as part of the co-managers of natural resources that are found within the county and their significant authority and influence on community matters.

Implementation Plans

When it comes to actions, roles and responsibilities, the policies and Acts all with the exception of the draft climate change policy which scores 2 have some form of implementation plan outlining different roles and responsibilities of various actors to ensure that there is implementation of the specific policy. The combined score for this area is 3. The county customary natural resource management bill, for example, talks about the role and responsibility of community elders specifically the Aaba Erega for example who manages the allocation of water resources within the Borana community. It is however not clear how monitoring and evaluation for these will be done and who will be responsible for M&E. For the Climate Change Fund Act a framework is set out for the county where the climate finance framework has to be developed every three years. The county planning committee has the responsibility of developing a monitoring and evaluation framework and providing monitoring and evaluation information during implementation of the funded projects. The specific plans of the projects are developed by the Ward planning committees established at Ward level and presented to the county for funding each financial year. The CIDP with a score of 3 is perhaps the most advanced in terms of setting a monitoring and evaluation plan with indicators and targets set per sector. This further includes projects in each sector such as agriculture, water and climate change with a timeline of five years. The Isiolo County Community Conservancies Bill with the highest score of 4 has a detailed implementation plan which has highlighted roles and responsibilities for different actors including the functions and roles of the established fund, the boards and committees.

Enforcement

When it comes to implementation the combined score is 3.2. For the Climate Change Fund Act scoring 3, a county planning committee is responsible for implementation. For the Customary Natural Resource Management Bill that scores 4 it has set out penalties on activities that have a negative impact on the sustainability of resources. In this bill, the council of elders is charged with determining fines or penalties for offenders so in this case it is seen as a quasi-judicial entity. It is however not clear how the council will be established considering the metropolitan nature of the county that hosts about five communities each with their council of elders.

For the County Wildlife Management and Conservancies Bill, the Isiolo Wildlife Service⁹ is charged with enforcement and this includes anti-poaching and so on. Fines as well as imprisonment are also outlined and there is also a procedure for inquiry which is well defined (Part 4 of the Schedule). Additionally, all developments within the wildlife areas will be subjected to environmental impact assessments. For the CIDP, various targets and indicators in each sector as outlined in the monitoring and evaluation plan are connected to the performance contracts for the various officers responsible for enforcement. The Community Conservancies Bill (3) on its parts has regulations in terms of management of the various boards and even conditions for removal of members from the board. Procedures for conflict of interest among others are also outlined. The draft climate change policy has no provisions for enforcement and compliance although it mentions linkages to the county integrated monitoring and evaluation system (CIMES).

Budget

When it comes to budgeting, the county allocates 2% of its annual county budget to climate change activities in the Climate Change Fund Act (4). A breakdown is further provided as follows: 3% for administration, 27% for awareness, research and 'county-wide' projects, while 70% is allocated for ward planning committee projects. In interviews with stakeholders during a visit to the county, progress on implementation of these faces some challenges especially as a result of COVID-19. As a result, the Ward planning committee's proposals have not been funded by the county as yet. Plans have however been forwarded for funding and have received support in terms of development and finalization of their project proposals and overall training on climate change planning by the county government through its Ministry of Environment and Water, NDMA and other partners.

For the Wildlife Management And Conservation Bill a Wildlife Conservation and Management Fund is established with funds drawn from the county budget as well as other sources. The CIDP on its part also has a budget for each of the activities that are outlined and sources of

⁹ It is not clear how the service will operate vis-à-vis the Kenya Wildlife Service which has a national mandate and provided for under national law.

funding are defined as the county budget as well as different partners for climate adaptation related activities (annex 1.2 pg. 93).

The County Community Conservancies Bill with a score of 4 also has provisions for a budget including remunerations for its officials with the budgetary allocations from the county. It also establishes a Community Conservancies Fund to provide support to community conservancies, facilitate development of infrastructure to community conservancies as well as other functions. There are also various requirements for reporting as well as keeping records. Unfortunately, the Customary Natural Resource Management Bill has no provision for a budget, which is especially challenging given the responsibilities outlined especially for the council of elders and other traditional community structures where this is not clear when it is not clear whether the expectation is for the council of elders to continue operating as a non-codified entity but within a codified system. Budgetary allocation has a score of 2.7.

Information Management System

When it comes to the information management system the policies score 2.5 which is the least score, the CIDP with a score of 4 is specifically linked to the county information monitoring and evaluation system (CIMES). Clear targets as well as indicators that are linked to performance contracting are outlined. The Climate Change Fund Act (2) has the climate finance framework as part of its monitoring and evaluation but there are no further details in terms of a central information management system. Under the climate change policy with a score of 3 information is to be linked to NIMES at national level.

Key Messages

Rights – there is need to reiterate this especially at county level where vulnerable communities continue being impacted

Budgets – the Isiolo Customary Natural Resource Management Bill does not include the source of funds for the measures and systems to be set up

IMS – there is need for provision of IMS for data collection, storage and processing important for tracking progress and reporting

For the County Community Conservancies Bill, records are to be kept especially in terms of accounting and financial records but there is no clear stipulation in terms of an information management system. This is the same case with the County Wildlife Management and Conservancies Bill and the Customary Natural Resource Management Bill that do not include this provision.

Link to other policies

Linkages to other policies are outlined and this has the highest score of 3.3 similar to inclusion. They link to some national as well as international policies for example for the case of the Climate Change Fund Act which are linked to the Climate Change Act and climate change policy at national level and the UNFCCC at international level. They also link to the Kenya

constitution, the County Government Act, Vision 2030 among other relevant laws and policies.

Stakeholder Engagement

As part of the stakeholder engagement, a team from the D2E project visited the Isiolo WRUA located just outside Isiolo town. WRUA's are enshrined in the water act and play a key role in the management of water resources at local level. The team also got sub-catchment management plans (SCAMPS) from various WRUA's from the WRA. Below we look at the Kuro Bisam Owo Sub catchment WRUA SCAMP. The SCAMP provisions are discussed below.

Kuro Bisam Owo Sub Catchment Management Plan, Isiolo

As a follow up on implementation, visits to the WRA yielded copies of the Sub-Catchment Management Plans developed by WRUA's. The Kuro Bisam Owo SCMP was analyzed. The plan includes various activities such as rehabilitation and catchment protection, school programs for education and awareness in catchment protection, establishment of tree nurseries at Bisam Marara, Bisam Biliqo and Dima Adho centres and the protection of Kuro springs.

For Kuro Bisam, timeframes are not provided for all activities stated even though there are indications in the detailed budget in the appendix. Some items e.g. planting indigenous trees along catchment are not elaborated (budget of 21m is stated) in appendix B this is quantified (600,000 trees at 25KShs.each). Further visits and follow-up will be pursued to determine progress made by the WRUA in achieving some of the set objectives during subsequent visits to the WRUA.

ii. Ethiopia

1. National

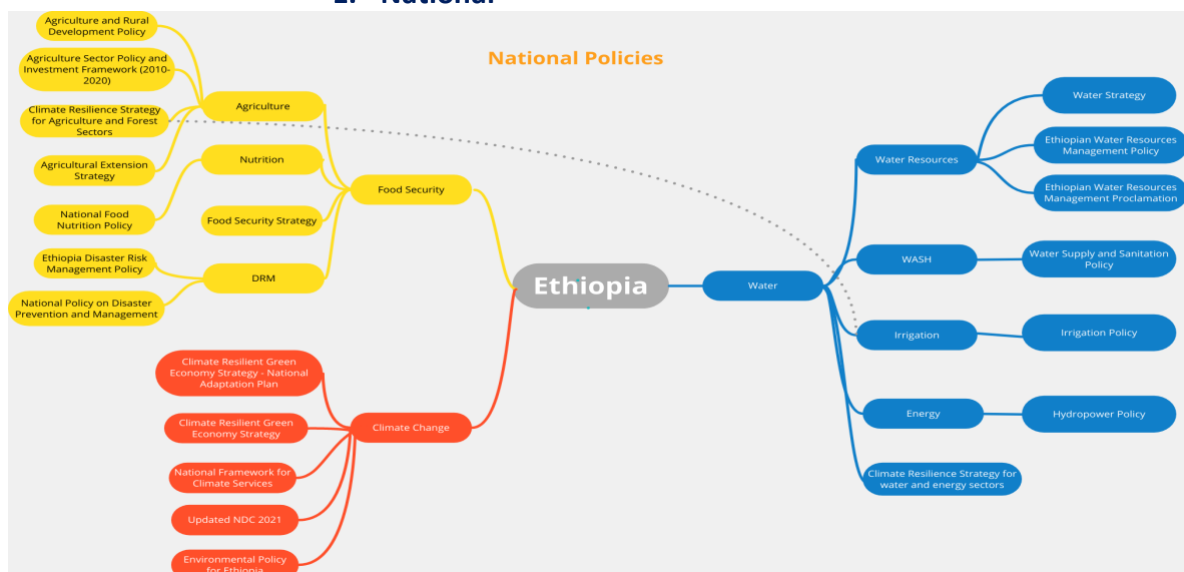


Figure 13: Ethiopia's climate adaptation, food and water security policies

Context, Actors and Process

The context for the development of various policies in Ethiopia is shaped by various factors internally as well as externally. For climate change policies for example, these have also been mostly shaped by the international climate change discussions at the UNFCCC where countries are expected to develop national adaptation plans, NDCs etc thus Ethiopia has developed policies to be able to comply with this similar to the other two countries Kenya and Somalia.

Ethiopia has also developed policies to align with its Climate Resilient Green Economy Strategy (CRGE) of 2011⁴⁸ that seeks to transform the country to middle income status while achieving sustainable development. For the agricultural sector, the Policy and Investment Framework was developed to align with the CAADP compact as well as Ethiopia's five-year Growth and Transformation Plan⁴⁹. The Ethiopian National Policy and Strategy on Disaster Risk Management, 2013⁵⁰ on its part seeks to amend the 1993 policy on National Disaster Prevention and Management it sets out to provide for a more coordinated and decentralized system of addressing disasters in Ethiopia. Ethiopia has also set up its National Framework for Climate Services⁵¹ as envisioned and agreed under the WMO's global framework. This was done via stakeholder engagement processes and is aimed at inclusion of various stakeholders.

In terms of processes, most of the policies involved a number of stakeholders led by government ministries and agencies as well as development partner organizations. For most of these policies information around the participation of communities, civil society, women youth and other groups is not provided.

Content

The Agriculture Sector Policy and Investment Framework is the highest scoring policy with 3.4 while the Irrigation policy is the lowest scoring at 1.4. The policies have a combined score of 2.4. The scores and areas of rating are shown in the figure below and discussed in detail thereafter.



Figure 14: Rating for Ethiopia policies

Rights

Rights have a combined score of 2.1. Ethiopia's NDC¹⁵, National Adaptation Plan, Irrigation Policy and Hydropower Policy do not mention rights. The CRGE⁴⁸ and the CRGE water and energy and the CRGE agriculture and forestry detail local user rights especially as it relates to forestry. The Water Strategy, 2001⁵² on its part talks about Ethiopian citizens having 'access to sufficient water of acceptable quality to satisfy basic human needs' similar to the Ethiopia Water Resources Management Policy with a score of 4 which includes protection of rights of all citizens and the policy and reiterates this provision. The Water Supply And Sanitation Policy with a score of 3 outlines that 'water for basic human and livestock needs is a priority'. The Agricultural Sector Policy and Investment Framework (2) on its part mentions the protection

of women rights as included in the National Action Plan on Gender but the document does not include other rights. And finally, even though the Ethiopian National Policy and Strategy on Disaster Risk Management does not explicitly mention rights its objectives are centered around saving lives and livelihoods of those impacted by disasters thus this implicitly captures issues of rights.

Access

On access which has a combined score of 2.8, the NDC with a score of 2 only implicitly talks about providing information and enabling access for those that are vulnerable and does not explicitly provide for this. The NDC also talks about consideration for the vulnerable and ensuring equitable benefits for all when it comes to adaptation measures. There is also the mention of community-based forest management within the NDC as a strategy which can potentially increase the participation, access and knowledge for community members.

The National Adaptation Plan with a score of 2 mentions a communication strategy to reach out to vulnerable groups, educate and inform the groups and disseminate information including in local languages. The CRGE on its part is not clear about access issues. The Water Strategy links morbidity and mortality to water provision and details provision of microfinance and access to other financial resources for increased water supply and sanitation. It also provides for capacity building including training for users to better manage water resources as well as contribute to increased productivity. This includes training for Water Resource Users Associations to be able to better manage their water resources and deploy technology such as water harvesting, irrigation among others. The CRGE strategy on water and energy with a score of 2 notes that access to water and energy is linked to improved lives and 'reduced mortality of up to 1.2 million people'. As a result, resources will be availed for technical training to increase the capacity of users to better utilize water resources especially in the face of climate change. The Water Supply and Sanitation Policy with a score of 3 is specifically interesting in its provision as it sets out a social tariff to enable poor communities to access water. The irrigation policy on its part aims at household level training and development of irrigation projects for enhanced food security. This will specifically target farmers and women in a participatory approach to ensure enhanced access. The Agriculture Sector Policy and Investment Framework on its part intends to support farmers through training, research and availing of information to ensure increased access to technologies and knowledge for enhanced productivity as well as commercialization. The National Policy and Strategy on Disaster Risk Management on its part identified the various vulnerabilities of women, children, the elderly, persons with disabilities and those living with HIV/AIDs and proposed strategies to ensure access of these vulnerable groups to information that will reduce their vulnerability especially early warning systems that are people centered, risk awareness trainings and investment in local response capabilities with a longtime aim of minimizing disaster impacts.

Inclusivity

On inclusivity, the Policy and Strategy on Disaster Risk Management which scores 2 highlighted a participatory framework/approach with government agencies and other concerned actors but it did not clearly lay out how vulnerable categories of people will participate in the design and implementation of the policy even though it perceives DRM as a ‘decentralized and community centered’ endeavor. The Policy and Investment Framework of the agricultural sector mentions that farmers were engaged in the process of development but it is not clear how these particular groups will be involved in the implementation apart from being recipients of some of the measures that have been outlined. For the Hydropower policy, local industries will be involved in supply of materials for hydro projects within their communities while for the Irrigation Policy there will be enhanced participation of farmers, cooperatives as well as other stakeholders when it comes to planning, implementation and operation of irrigation projects. The policy also seeks to foster coexistence of indigenous people and irrigation projects and has a score of 3.

The Water Supply and Sanitation Policy with a score of 2 in this area prioritizes basic water supply for human and livestock needs so here the needs of both humans and livestock are recognized even though it is not clear how community members or the vulnerable will be involved in this particular process. For the Ethiopia Water Resources Management Policy it recognizes that water is a common resource shared by all Ethiopians and adopts ‘a rural-centered decentralized management participatory approach as well as integrated framework’. It specifically identifies women participation in water resource management as being vital. In terms of water allocation, it identifies basic human, livestock and environmental needs for water as being of high priority. The policy was set to create forums for discussions with various stakeholders including community members and also support community led initiatives on water.

The CRGE and CRGE on water and energy addresses universal access to energy and water for all categories of the population but there is no clarity on how women and other groups that are disadvantaged will be included in planning and decision-making processes. The Water Strategy includes aspects involving customary organizations, religious groups, NGOs and civil societies in their role in water management as well as supply with the aim of ensuring equity as well as fairness. This particular policy highlights the important role of women and their inclusion. This is in addition to incorporating customary practices on livestock watering in its implementation strategy (pg. 21). The policy also establishes a process for the participation of all stakeholders for efficient management of water supply and sanitation systems.

For the NDC as well as the National Adaptation Plan (NAP), there is reference to trainings and capacity building as well as technology transfer with a gender responsive approach but further details are not provided. The Food Security Strategy has the highest score of 4 as it clearly

lays out the inclusion of vulnerable groups including women and the poor. Policies have a combined score of 2.8 in this area.

Implementation Plans

On implementation plans, the NDC which score 3 sets out 45 adaptation interventions that were arrived at through a 12-step process. An MRV system is also mentioned which is key to monitoring and evaluation. For the CRGE, implementation is through the GTP, the CRGE agriculture and forestry and the CRGE water and energy as well as other sectoral plans and strategies as a result of this CRGE. The Water Strategy sets out measures to be implemented in the short term to the long term but indicators and those responsible are not indicated.

For the Agriculture Sector Policy and Investment Framework which score 4, the Ministry of Agriculture and rural development is charged with implementation together with other agencies at regional and Woreda level and an M&E system based on a detailed result framework is included in Annex 1. This includes specific outcomes, milestones and indicators of progress and it is also time bound indicating the percentage annual increase or improvements towards achieving its objectives. The National Policy and Strategy on Disaster Risk Management has a disaster risk management council charged with overseeing implementation which is pegged on the formulation of laws, policies and directives subsequent to the policy. Agencies responsible for ensuring this happens are clearly outlined within the policy and disaster risk management coordination structures are set to be created at Woreda level so as to coordinate and oversee implementation of the policy. It further states that policy and strategy focal points at government institutions will be responsible for coordination at federal, regional and woreda levels.

The Water Resources Management Policy, water and sanitation policy, the irrigation policy and the hydropower policy do not include specific implementation plans.

Implementation plans have a combined score of 2.3.

Enforcement

Enforcement has a combined score of 1.9. The Disaster Risk Management Policy and Strategy's enforcement is pegged on the formulation of laws and directives. These are not yet in place but the policy states that DRM coordination structures will be subsequently formed to lead and coordinate compliance strategies, the enforcement measures are not outlined as yet. The policy scores 2.

In the Agriculture Sector Policy and Investment Framework, those responsible for ensuring implementations are clearly outlined and external evaluation is provided for where an expert review panel evaluates the work of the PIF twice within a 10-year period. However, the specific enforcement, compliance and non-compliance frameworks are not included in this policy. For the hydropower policy, establishment of codes on hydropower projects is mentioned as part of ensuring compliance with environmental guidelines but no further

details are provided. The irrigation policy, the Water Supply and Sanitation Policy and the CRGE water and energy do not include any enforcement procedures.

The Ethiopia Water Resources Management Policy intends to set up a framework to support water user associations and community participation as well as come up with a legal framework with penalties for violation against set rules. These regulations and guidelines were not accessed. For the 2001 Water Strategy there was planned development of guidelines, standards and policies as well as a legislative framework for effective enforcement but it is not clear whether this was developed or not but the CRGE energy and water which is linked to this policy does not have enforcement procedures. The CRGE water and energy only mentions enforcement in terms of fuel efficiency standards and includes a budget for these. In the National Adaptation Plan the EFCCC is charged with coordination and follow up with other agencies to ensure enforcement but further details are not provided for this. Similarly, the NDC does not make much reference to enforcement focusing instead on actions or measures to strengthen implementation.

Budget

Budgetary allocation has the lowest combined score at 1.9. The NDC provides a budget outlining conditional and unconditional funding unconditional funding. This is indicated at 58 billion Usd to be provided by the government of Ethiopia to finance climate action covering both adaptation and mitigation. The costs for adaptation are estimated at 13 billion Usd. For conditional funding, this is indicated at 235 billion Usd until 2030. There is however no clarity on the source of this unconditional funding from within government and the itemized budget with specific interventions and their targets is not indicated. The policy scores 2. For the National Adaptation Plan 6 billion Usd per year until 2034 is budgeted for. This will be sourced for internally and also externally mobilized. The action plan includes detailed budgets. The CRGE on the other hand, has a budget of 150 billion U.S. dollars by 2030 from external and internal sources but similar to the NDC and NAP this is not mandated in terms of government sources.

The CRGE water and energy with a score of 3 requires 895 million by 2030 and provides a budget for the two sectors but a more detailed one is expected after further analysis is concluded. It indicates that four specific projects have been selected for fast tracking in terms of financing through the CRGE facility where the funds will come from government, investors as well as from international climate finance. The Water Strategy, Water Resource Management Policy, the Water Supply and Sanitation Policy, the Irrigation Policy and the Hydropower Policy do not include budgets. This is despite the fact that a 2000 proclamation set up the Water Development Fund and another proclamation in 2002 established a National Disaster Prevention and Preparedness Fund Establishment.

Information Management System

The Hydropower Policy, Irrigation Policy and the Water Supply and Sanitation Policy do not include an information management system thus all of them score 1. The NDC indicates an aspiration for strengthening the MRV and monitoring and evaluation systems and integration of all of these with sector targets and indicators. The NAP anticipates the creation of a climate impact database and knowledge management system but does not provide further details around this. For the CRGE, the EPA has the role of overseeing the technical elements and is responsible for the MRV systems as well as ensuring that information on progress is made available to citizens. The Water strategy provides for an information management system which is publicly accessible and will contain information that can be analyzed and used for better management of water resources.

The CRGE water and energy includes having data systems for decision support as well as consolidating available data for use in decision making. It includes the use of existing databases including those on groundwater such as the national groundwater information system, hydrological observation networks on river floods, rainfall and temperature data etc and thus proposes a user focused data development plan at a cost of 1,000,000 Usd.

The Ethiopian Water Resources Management Policy on its part seeks to develop the Ethiopian water resources information system by establishing the Ethiopian water resource Information Center for the collection of data, processing, analysis as well as dissemination. This policy has a high score of 4. For the Agriculture Sector Policy and Investment Framework, it also scores 4 since it establishes a system for collecting and monitoring information and aggregation of this information for monitoring and evaluation which is said to be a continuous process and indicators and targets are clearly outlined in the result framework. For the Ethiopian National Policy and strategy on Disaster Risk Management it mentions an information management system that includes collection of gender disaggregated data and collaboration with different actors as well as setting up of a database to inform action but no further details about these information management systems are outlined.

This area has a combined score of 2.5.

Link to other policies

There are different policies outlined linked to the Growth and Transformation Plan, the CRGE, the UNFCCC, the CAADP, the National Agricultural Development and Industrialization strategy, the National Economic Development Strategy, Ethiopia 2030 and other policies and plans. This area has a combined score of 2.8 mostly because the Water strategy and the hydropower policy are weak on linkages.

2. Regional

Context, Actors and Process

Regional policies in the state of Oromia are developed to address challenges faced by the specific state, to align with national and international policies, and in fulfillment of the state's mandate in coming up with rules, regulations, policies and bylaws. Most of the regional policies are in the form of regulations and proclamations. The Urban Local Government Proclamation of the Oromia National Regional State⁵³ was developed to streamline operations and organizations of urban local governments for good government governance and democracy to enable them develop and improve the living standards of residents. It is not clear what process was undertaken to develop this proclamation nor the actors involved apart from the Oromia state.

Proclamation No. 180/2013⁵⁴ on establishment of the Irrigation Development Authority of Oromia national regional state was necessary for the expansion of irrigation development for food security 'without being dependent on erratic and uneven rainfall distribution'. This alludes to changing weather patterns and climate change.

The Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007⁵⁵ is set out to implement existing proclamations on the rights, obligations and security of rural land.

Content

The Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 ranks high with a score of 3.3 followed by the Proclamation No. 180/2013 on establishment of the Irrigation Development Authority of Oromia with 2.4. The Urban Local Government Proclamation of the Oromia National Regional State has the lowest score at 2. All the policies combined average 2.5. The areas of rating and scores are shown in the figure and discussed in detail below.

Oromia State Policies

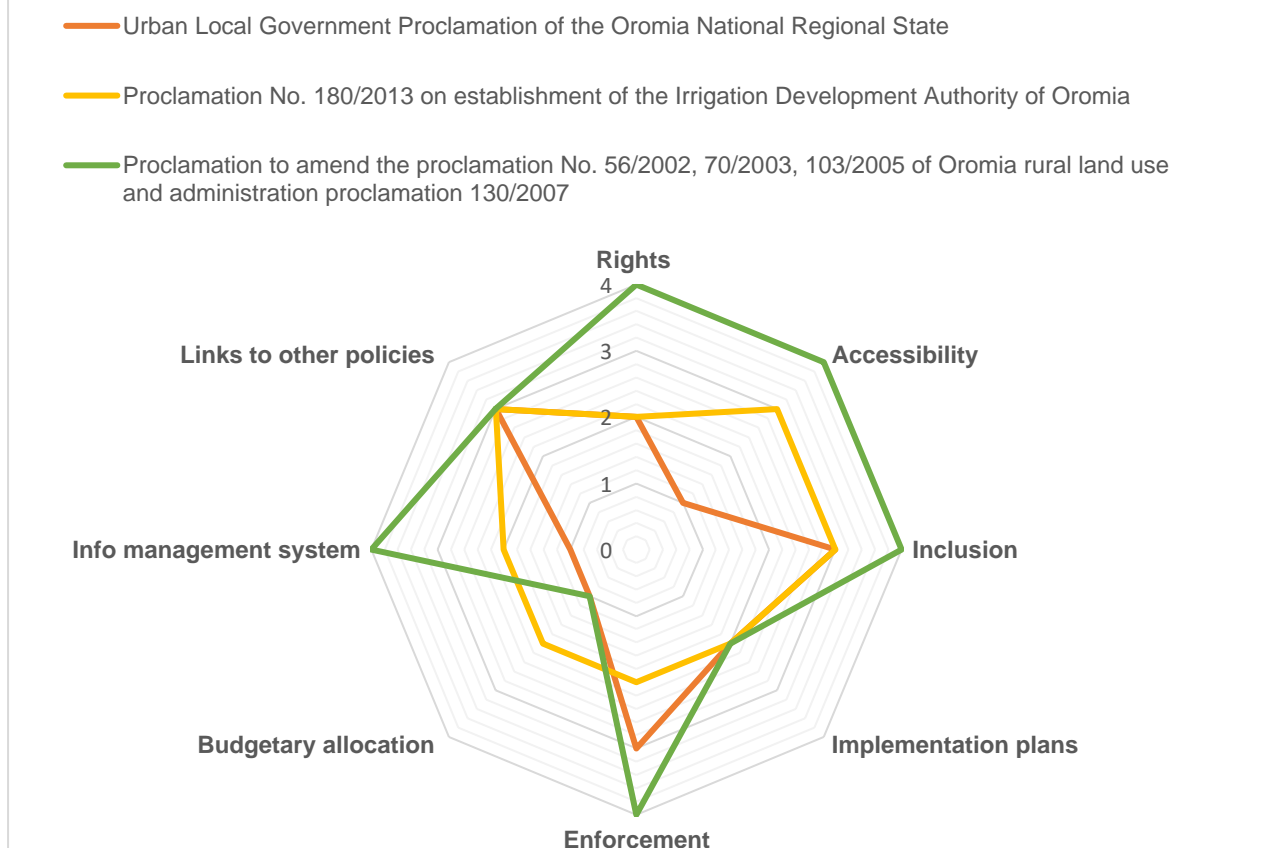


Figure 15: Rating for Oromia State Policies

Rights

One of the objectives of the proclamation is to promote a safe and clean urban environment suitable for development, work and residence. It also states that urban local governments shall provide environmental services. The proclamation also states the fact that the residents have the final say in all activities including the recall of representatives. It however fails to explicitly mention rights thus scores 2.

The Irrigation Development Authority Proclamation states that its objective is to ‘support by irrigation development to hasten socio-economic growth of the farmers and pastoralists community of the region, to alleviate shortage of food crops and for the people of the region to attain food self-sufficiency in sustainable manner’. There is however no direct reference to rights thus this policy also rates 2.

The Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 in its preamble stating that agriculture is the main source of livelihood reiterates that its utilization should not ‘compromise the development endeavors of the coming generation’. This underscores intergenerational equity issues. The Proclamation provides for the right to acquire rural land

for residents. It also states that women have equal rights with men ‘to possess use and administer rural land’. Pastoralists also have a right to rural land through donations, inheritance and from the government. Similarly, government, private investors and other organizations also have a right to acquire rural land. Land use rights are thus clearly set out in the proclamation making it have a score of 4.

Access

This is not provided for in the Urban Local Government Proclamation thus a low rating of 1. The Irrigation Development Authority Proclamation rating is 3 since it provides that the Irrigation authority will support and strengthen micro-irrigation undertaken by the community. It is also charged with providing Technical Support and training of users and support maintenance where users do not have this capacity. The authority shall also provide extension services and provide advisory services for farmers.

The Proclamation to amend the Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 provides that residents practicing agriculture and aged over 18 have a right to get rural land at no cost. It also outlines how other groups of people can access land for their activities. This is why the policy has a high score of 4.

Inclusivity

This is the highest scoring area with an average of 3.3 in terms of the content of the policies. The Urban Local Government Proclamation States that ‘residents, organizations and private sector shall discuss, debate and express their views on the city's annual work program budget project ideas performance as well as financial and audit reports’. The proclamation also provides for the participation of the elderly and traditional leaders to achieve development. The Irrigation Development Authority Proclamation provides for the engagement of users in irrigation projects within their communities including in terms of technical training to be able to develop and maintain as well as invest in micro irrigation projects. It also provides for water user associations which are organized by the authority in charge with the responsibility of developing their own bylaws etc for the management of irrigation resources. The authorities were also charged with the responsibility of ensuring the participation of women and youth in irrigation development.

The Proclamation to amend the Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 provides for inclusion of women, farmers, pastoralists, youth, private investors, NGOs and others in accessing and using rural land.

Implementation Plans

The Urban Local Government Proclamation lists functions of various agencies that are created at city level; this includes the mayor, the speaker, the mayor's committee, the city manager and other executive bodies as well as the city courts. All these have a specific role and function within the proclamation. There is however no specific implementation plan or timelines indicated so the proclamation is rated 2.

The Irrigation Authority shall be in charge of developing plans and projects on irrigation development and will also support water resource users to develop their plans and bylaws around irrigation development. An implementation plan is not provided.

An implementation plan is not set out by the Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 but various timelines are set within which certain land use rights are performed for example sale of fixed asset products. The proclamation came into force in July 2007.

Enforcement

In terms of enforcement, the performance is rather good with an average of 3 for all the policies. The Urban Local Government Proclamation provides for procedures for appointment to the various functions that are set out as well as dismissal from these functions due to non-performance among other factors. A City Court is provided for and shall be established by the urban local government in collaboration with neighboring cities and will have jurisdiction on cases involving implementation of urban planning laws, housing, environmental sanitation among other services. The Irrigation Authority is charged with implementation of irrigation development related laws but further enforcement procedures are not stated.

The Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 sets out an enforcement procedure including penalties for those who violate provisions and states that they will be tried under applicable laws. The proclamation obliged persons to cooperate with relevant authorities for the implementation of the proclamation. The Oromia Agricultural Rural and Development Bureau is responsible for execution of the proclamation while the Oromia Regional Council is responsible for setting regulations to implement the proclamation. This Proclamations thus has a rating of 4.

Budget

This is the least scoring area of rating with an average of 1.3 where the Urban Local Government Proclamation (1) does not include a budget. Activities will be funded by the

government. The Irrigation authority is funded by the government as well as various levies paid for various services and financial assistance. This proclamation score 2. The Proclamation to amend the Proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 does not provide a budget for its implementation thus a score of 1. It is assumed that this would be funded by the Oromia state. This as reiterated above is a major challenge for implementation.

Information Management System

The Urban Local Government Proclamation does not include an IMS. Even though the irrigation authority proclamation does not include an information management system, one of the rules of the authority is to collect information for monitoring and evaluation. It is however not clear how the information will be managed.

The Proclamation to amend the proclamation No. 56/2002, 70/2003, 103/2005 of Oromia rural land use and administration proclamation 130/2007 provides for a land information management system where all rural land related data is collected, analyzed and availed for users. With this the proclamation ranks highly (4).

Link to other policies

The proclamations are linked to state laws and regional laws. This is stated in the text of the proclamations thus this area has a score of 3.

iii. Somalia

1. National

Context, Actors and Process

Somalia, like the other countries, has developed its policies on climate adaptation, food security as well as water scarcity to address challenges in a changing climate. Somalia developed its first nationally determined contribution in 2015 and developed and submitted an updated version in 2021. The NDC was prepared in line with the UNFCCC and its Lima call for action in the Paris agreement. It is also best on Somalia's Compact New Deal as well as 25 policies which relate to climate change issues in Somalia. national and regional stakeholders including government agencies, development partners and other actors were involved in the development process.

The National Adaptation Plan of Action was developed in 2013⁵⁶ and is one of the policies developed after the Somalia federal government came into place following a prolonged period of instability. The NAPA is a result of a consultative process that involved Somaliland and Puntland states. Those involved in the process include government institutions and

authorities, traditional and religious leaders, pastoralist and agro-pastoralists, youth, women, NGOs, academia and private sector. The plan incorporates modeling data on climate change and variability from ICPAC.

The Somalia National Food Fortification Strategic Plan of 2019 – 2024⁵⁷, was developed to respond to the growing issues of malnutrition and food insecurity in Somalia; it aims at ending malnutrition by 2030. This strategy was preceded by the Somalia National Micronutrient Deficiency Control Strategy of 2014 - 2016. It was developed by the government in liaison with development partners and the Scaling Up Nutrition (SUN) movement¹⁰. The strategy states that various documents were reviewed as part of the process of developing it. These include policies such as the Somali Nutrition Strategy of 2011-2013, Federal Government of Somalia Health Sector Strategic Plan of 2018 to 2021, Federal Government of Somalia NDP of 2017 -2019 as well as sustainable development goals among others. Similar to the other policies a number of actors were involved during the development of the strategy including ministry officials and government agencies, the SUN movement and the office of the Prime Minister.

The National Water Resource Strategy of 2021-2025 was developed as a result of a gap identified in the 2020 to 2024 national development plan. As a result, this strategy will support development objectives that are set out in the national development plan. This policy was also developed through a stakeholder engagement process that consisted of the Ministry of Energy and Water Resources, government ministries, international partners, private sector, civil society, UNDP and UNICEF.

Content

Somalia's National Water Resource Strategy 2021-2025⁵⁸ is the highest scoring policy at 3.1 followed by the Somalia National Food Fortification Strategic Plan (2019-2024) at 3, the updated NDC at 2.9 and the NAPA with the lowest score of 2.3. The policies have a combined score of 2.8. The areas of rating and scores are shown in the figure and discussed in detail below.

¹⁰ The Scaling Up Nutrition (SUN) Movement which aims at ending all forms of malnutrition brings together 65 countries and 4 Indian States. It was launched by the UN Sec-Gen in 2010.

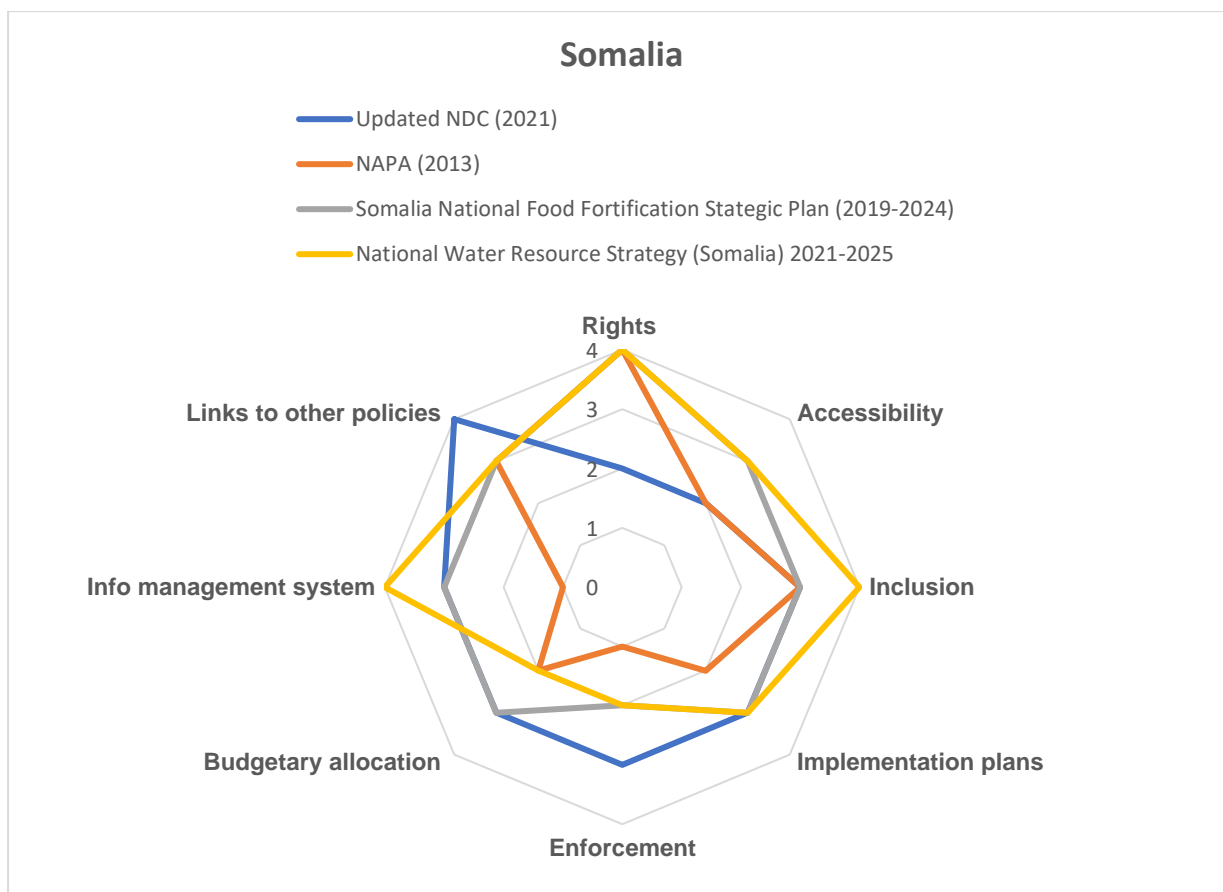


Figure 16: Rating for Somalia Policies

Rights

Rights are the highest scoring at 3.5. The National Water Resource Strategy scores quite highly at 4 because it includes the guiding principle #8 which states that ‘access to clean potable water is a fundamental human right’. This is also reiterated in guiding principle #12 which highlights a clean and healthy environment. It also refers to article 25 of the Somalia constitution which states that ‘every citizen has the right to an environment that is not harmful to their health and well-being and to be protected from pollution and harmful materials and that every person has the right to have a share of the natural resources of the country whilst being protected from excessive and damaging exploitation of these natural resources’. Within this strategy these rights are elaborated on as concerns vulnerable groups and measures to be able to secure these rights are included.

The Somalia National Food Fortification Strategic Plan with a score of 4 states that malnutrition infringes on ‘basic children’s right to survival and development’. The plan goes ahead to set out strategies for addressing malnutrition for children especially those under 5.

The National Adaptation Plan of Action which also scores 4 reiterates the constitutional provision on rights and outlines measures to advance these rights. In a departure from the rest of the documents the NDC with a score of 2 has no mention of rights as contained in the

Somalia constitution; rather, it mentions women, refugees and IDPs as those that need particular focus through mainstreaming of the specific needs and climate interventions.

Access

Access has a combined score of 2.5. The National Water Resource Strategy (3) advocates for engagement by all sections towards its implementation including engagement on capacity building and awareness initiatives as well as provision of services and initiatives which benefit communities. As an example, the promotion of irrigation is included as a measure to ensure food security.

On access, the Somalia National Food Fortification Strategic Plan (3) Outlines measures such as consumer education and capacity building including support to farmers to adopt appropriate technologies and working with them as well as communities towards food fortification. It is however unclear on exactly how this will be done.

The National Adaptation Plan of Action (2) Is unclear about ensuring access even though it mentions information dissemination and education at all levels including those who are vulnerable to climate change.

Somalia's NDC (2) makes reference to increased access to weather information for the agriculture sector as well as the consideration of indigenous and local knowledge. It is however not clear how this will be integrated in the implementation of the NDC.

Inclusivity

The national water resource strategy scores 3 since it outlines the needs of women and girls. Women, youth and other groups that are vulnerable to climate change are included as a guiding principle. Capacity building for women and gender mainstreaming for equity is outlined as an activity in flagship project 3 which is included in the National Water Resource Strategy Roadmap.

The Somalia National Food Fortification Strategic Plan which scores 3 Includes children as well as other vulnerable populations that are those in need of some of the proposed interventions including providing of supplements to all community members. There is however little clarity on the role of these vulnerable populations in the implementation of the strategy.

The National Adaptation Plan of Action scoring 3 identifies rural populations and pastoralists as those most vulnerable to climate change impacts. Women and youth outlined as particularly vulnerable. Internally displaced persons are also included among those who are vulnerable. The impacts to these various populations are included within the NAPA and with these measures such as trainings, sharing of information etc but further details are not

provided. The NDC which score 3 specifically mentions pastoral and farming communities as a primary target with specific focus on women and youth in these communities. It outlines engagement with these vulnerable groups as a way of implementing the various interventions and meeting the climate targets that have been set out. It also mentions inclusivity and transparency as guiding principles of the NDC.

Implementation Plans

A detailed National Water Resource Strategy Roadmap was developed as part of the strategy. It provides for implementation of this strategy via a fast approach starting with 13 flagship products the timelines for actions under the flagship projects are outlined in the relevant ministry and agencies responsible are all claimed. This road map also includes a strategic results framework which outlines principles, strategic objectives and actions to be implemented. This policy scores 3.

The Somalia National Food Fortification Strategic Plan that is rated 3 provides an implementation plan with an annual budget and specific actions. Monitoring framework is also included providing details on the roles and responsibilities as well as the indicators which are time bound.

The National Adaptation Plan of Action which scores 2 includes a number of approaches for implementation including development of capacity, demonstrations and dissemination which are part of M&E. The ministry for natural resources is mandated with leading implementation but a detailed plan is not provided. However next steps are outlined mainly for the development of proposals as well as fund raising. Three project profiles are included; these are meant to be developed into full proposals with detailed implementation and monitoring plans. The updated NDC which scores 3 sets a timeline of up to 2030 and has outlined eight areas for intervention under adaptation. The combined score for implementation plans is 2.8.

Enforcement

Enforcement is the lowest scoring area at 2. The National Water Resource Strategy which scores 2 does not include enforcement mechanisms and procedures but states that this will be developed as part of implementing all the strategy. A compliance, monitoring and enforcement strategy is also set to be developed.

In the Somalia National Food Fortification Strategic Plan a monitoring and enforcement framework allots responsibility for monitoring and review to specific agencies within government including the Ministry of Agriculture. Indicators outlined are useful for enforcement but no clear procedures are set out for this. This policy is rated 2.

The National Adaptation Plan of Action does not include an enforcement mechanism. The NDC states that the directorate of environment and climate change under the office of the Prime Minister is charged with implementation and coordination. No specific measures for compliance or non-compliance are set out.

Budget

Budgetary allocation has a score of 2.5. The national water resource strategy (2) mentions that it will depend on international support for financing as well as money from domestic government sources. This will be mobilized after the development of our funding and resource mobilization strategy. Specific resources are not delineated for the implementation of this strategy and its road map.

The Somalia National Food Fortification Strategic Plan which scores 3 includes a detailed budget for each of the listed actions but there is no clarity on exactly where the funding will come from. It is mentioned that financial support from partners and other non-state actors to implement the strategy is expected.

An indicative budget is provided in the National Adaptation Plan of Action for the three project profiles that are included. These profiles are said to be developed into full proposals with detailed budgets thus this is not included in the plan. The initial NDC had a number of projects with detailed budgets but funding for this was expected from international sources. they updated NDC it does not outline specific projects but gives an indication of the amount of funds required for its implementation. This is rated 3.

Information Management System

The combined score for these policies is 2.8. Sub strategy 13 of the National Water Resource Strategy is about information management setting out what information will be collected, analyzed and disseminated. There will be collaboration across agencies to collect data for better information management. The system developed will be open, transparent and easily shareable. A national hydromet service center will be established for access and utilization of information. In improving systems Somalia will seek to transfer some of the services held by FAO- SWALIM in terms of information and data. This policy will also implement regional data and information sharing protocols and has the highest score of 4.

The Somalia National Food Fortification Strategic Plan (3) provides for the collection and processing of information through a monitoring framework which has outlined indicators. There is however no particular system that is referenced, and it is not clear where this will be domiciled.

The National Adaptation Plan of Action scores 1 since it does not provide for an information management system, but the NDC which is related to this plan includes a monitoring review and verification system to capture and track progress thus scores 3.

Link to other policies

Somalia's policies are linked to various International regional and national policies thus have a score of 3.3 in this area. These include the Paris agreement, the National Development Plan of 2020 to 2024, the constitution of Somalia 2012, Somalia Compact and New Deal, SDGs among other policies.

2. Regional

Context, Actors and Process

In recent years, Somaliland has developed a number of laws in nearly every sector including climate adaptation, food security and water security. A number of the laws and policies have been developed to align with the Somaliland vision 2030 which envisions, '*a stable, democratic and prosperous country where people enjoy a high quality of life*'. Vision 2030 was developed through a consultative process including citizens as well as government agencies. This was done through stakeholder meetings in Hargeisa where a SWOT analysis was conducted and working groups established to synthesize views from various stakeholders including development partners, public organizations, NGOs and civil society, private sector and citizens among others.

The Somaliland National Disaster Risk Management Policy of 2019 was developed to address disasters that continue to affect Somaliland. To prepare the policy, the National Disaster Preparedness and Food Reserve Authority held workshops with various stakeholders including UN agencies, government ministries and civil society.

The National Food Reserve Initiative Management Policy also involved various actors in its development. These include NGO's, government representatives UN agencies among others engaged at two consultation workshops.

The Somaliland Food and Water Security Strategy Was developed to operationalize the Somaliland vision 2030 that includes provisions on food and water security. Consultative processes were convened by government agencies to develop the policy. Actors involved include the Office of the President, IFAD, FAO, UNDP, WFP, IGAD, Sama Development Institute, and the Ministry of Planning and Development.

Content

The Somaliland Food and Water Security Strategy 2030 is the highest scoring at 3, followed by the DRM policy with 2.6. The lowest scoring policy is the Rangeland Management Policy with a score of 2.1.

The policies have a combined score of 2.5. The areas of rating and scores are shown in the figure and discussed in detail below.

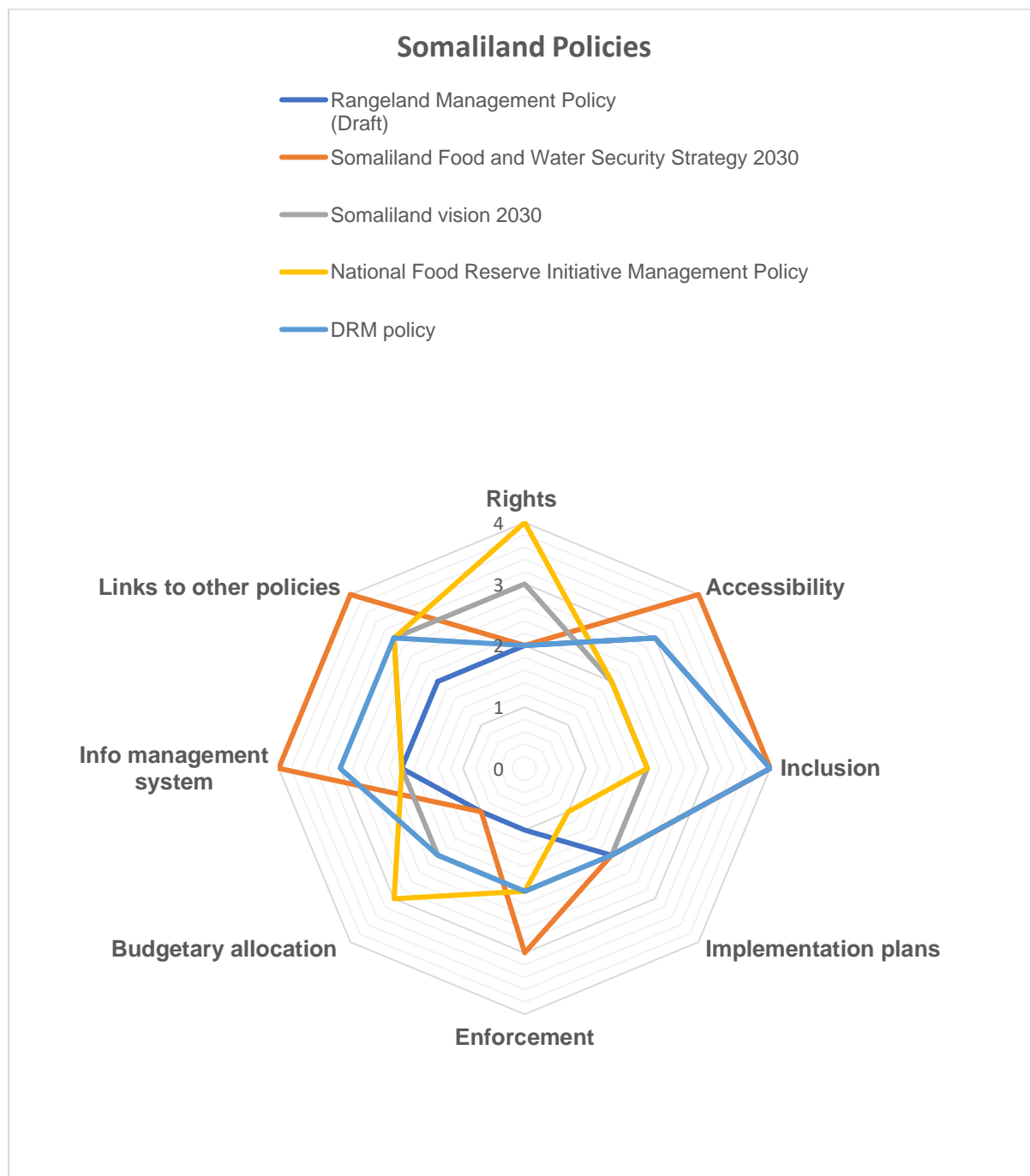


Figure 17: Rating for Somaliland Policies

Rights

Rights have a combined score of 2.6. Somaliland vision 2030 with a score of 3 includes equity, good governance and citizen participation as part of its guiding principles. The protection of citizen rights is included under the good governance principle noting that there should be no discrimination based on gender, age, clan, political affiliation or beliefs. The right to basic education is also outlined. The National Food Reserve Initiative Management Policy which has a high score of 4 is guided by the international human rights law recognizing the 1948 declaration 'on the right to an adequate standard of living', including adequate food, and the 'fundamental right to be free from hunger'. It also reiterates national human rights, stating that the Somaliland government exists and recognizes universal human rights. The policy states that other laws relating to the right to access to water, land, health work, and living in dignity are also contained in other policies enacted by the Somaliland parliament. The DRM policy with a rating of 2 mentions that it is guided by human rights including the right to development but further details are not provided.

The Somaliland Food and Water Security Strategy, 2030 with a rating of 2 mentions that it responds to 'the urgent need of the Somaliland people for a more food and water secure environment that is healthy for life and work'. The right to food and water is therefore implicitly stated here. The draft Rangeland Management Policy which scores 2 does not mention rights explicitly but identifies several groups, actors, and areas as relevant to rangelands and their management.

Access

Somaliland's vision 2030 includes education and public awareness as an enabler for the implementation of this vision however further details on this are not provided. This policy is rated 2.

The National Food Reserve Initiative Management Policy rated 2 does not explicitly address issues of access. It however mentions provision of food assistance to 150,000 households which is a significant contribution to ensuring access to food by the most vulnerable. The DRM policy notes that actions will be aimed at resilience and capacity strengthening for households and communities to limit impacts of disasters. The DRM policy also mentions accessibility and non-discrimination in participating in Disaster Risk Reduction. It also includes guidelines on information access.

The Somaliland Food and Water Security Strategy rated 4 includes expanded training as well as access to implements for farmers as a way of ensuring food and water security for enhanced productivity. There's also access to financial services technology adoption support in sustainable practices. Additionally, linkages to markets and market information for crop farmers and pastoralists is outlined. The Rangeland Management Policy rated 3 has provisions

for access noting that 85% of Somaliland is rangeland. Accessibility for most (if not all) is covered through interventions for pastoralists, villages, associations, farmers, and wildlife. All policies have a combined rating of 2.8 in this area.

Inclusivity

This area has a score of 3.2 which is the highest score for the policies in an area. The National Food Reserve Initiative Management Policy with a rating of 2 mentions women and children as among those most impacted by poverty and susceptible to hazards including climate induced disasters. It is however not clear how this category will participate in the implementation of the policy or decision making apart from us recipients of food assistance.

Vision 2030 rated 2 includes gender equality as well as women's empowerment and mentions that women and youth will be particularly targeted but further details are not included. The DRM policy mentions empowerment of women and persons with disability for leadership in disaster risk management thus rates highly at 4. The policy mentions the promotion of gender equality, the vulnerability of women and children to disaster impacts and the need for all of society engagement to address disasters. Other details are included in actions listed under priority areas. Under the policy pastoralists in communities led by local leaders will be responsible for identifying causes of their vulnerability and implementation of programs to reduce risks.

The Somaliland Food and Water Security Strategy which scores 4 includes 'community-based, bottom-up in participatory approach where the food and water insecure should be assisted and made agents of their own development'. It is noted in this strategy that the entire Somaliland population is food insecure especially the elderly, women, persons with disability, street children, refugees and IDPs. Measures for engaging these categories are outlined in the strategy. The Rangeland Management Policy also scores 4. It lists capacity-building, training, public participation, local knowledge, and scientific research as interventions. Pastoralists, villages, etc are covered by the interventions, and are the primary actors identified in the Policy.

Implementation Plans

The National Food Reserve Initiative Management Policy rated 1 will be reviewed every three years as part of evaluation.

An implementation plan for vision 2030 is not included but it is stated that the ministry for national planning and development will come up with a plan, mobilize resources, set up a monitoring and evaluation framework in report on progress and achievements. The vision will be reviewed every two years at a stakeholders meeting. This document is rated 2.

Measures, roles and responsibilities are set out in the DRM policy which is rated 2. NADFOR, District Disaster Management Committees, government and government departments, development partners and private sector have various designated roles. A detailed implementation plan is not provided. The Rangeland Management Policy scores 2 since it is not clear on its plan but sets out 14 different policy statements/interventions.

The Somaliland Food and Water Security Strategy rated 2 establishes a food and water security office for its implementation. This office will develop programs and projects to actualize the strategy. It will also set performance indicators, design an information and communication system, monitoring and evaluation etc. Timelines for implementation are not included. Implementations plans score 1.8 which is the lowest score in an area of rating for Somaliland policies.

Enforcement

Enforcement has a combined score of 2. The National Food Reserve Initiative Management Policy with a score of 2 states that the National Disaster Preparedness and Food Reserve Authority (NADFOR) has the responsibility of managing disaster related risks and he's also charged with food safety control. The NADFOR is also responsible for the implementation of the DRM policy. Furthermore, the DRM policy lays out roles and responsibilities for various actors including the District Disaster Management Committees, pastoralists at local level, government departments and others.

The Somaliland National Planning Commission is responsible for the realization of vision 2030. Further details on enforcement are not provided. The Rangeland Management Policy does not mention enforcement. A Food and Water Security Strategy Office will be established to implement the Somaliland Food and Water Security Strategy which scores 3. This office will be led by the national food and water security committee that comprises different government agencies.

Budget

Similar to implementation plans budgetary allocation has the lowest score of 1.8. The National Food Reserve Initiative Management Policy has the highest score of 3, stating that it will be funded through the government with costs estimated at 7,000,000 U.S. dollars annually. This is meant to provide food for '150,000 households for three consecutive months. A contingency fund of 3.5 million U.S. dollars is also mentioned. Somaliland will also seek international finance as well as local donations especially in times of emergencies/disasters.

Vision 2030 does not include a budget. This is to be developed by the ministry of National Planning and Development. The Rangeland management policy does not have a budget. The DRM policy with a score of 2 notes that it will be funded through budgetary allocation to the

NADFOR, Ministry funds, contributions and fund-raising committees. It also proposes a national contingency fund. The amounts required are not indicated.

A budget is not provided thus it is not clear where resources for the implementation of the Somaliland Food and Water Security Strategy will come from.

Information Management System

The National Food Reserve Initiative Management Policy scores 2. It mentions the provision of information on the food situation as well as the dissemination of disaster risk management information but there is no clarity on a particular information management system that will be utilized. Vision 2030 with a score 2 mentions that there will be indicators for measuring progress and the ministry will be in charge of reporting on achievements and targets but a specific information management system is not provided for. The DRM policy information management system including monitoring and evaluation will be implemented by the NADFOR. This policy has a rating of 3. The Rangeland management policy, with a score of 2, refers to the importance of collecting data and conducting research to inform appropriate Rangeland Management actions in various zones, ecosystems, communities, and districts but no further details are indicated.

The Somaliland Food and Water Security Strategy with the highest score of 4, establishes the food and water security information system to provide 'evidence-based intervention'. This system will analyze data and disseminate information, support food and nutrition surveillance, conduct vulnerability assessments among other roles. It will also share information. The policy also sets out the creation of a register for food insecure households. Finally a monitoring and evaluation system linked to other information systems on disaster management health poverty among others is envisaged.

Link to other policies

The policies are linked to a number of Somaliland policies including the Somaliland Vision 2030, national disaster policies, the constitution as well as international laws and policies including those relating to disaster, human rights and SDGs. This area has a rating of 3.

b. Sectoral analysis (cross-country)

In this section we look at the different sectors that we have analyzed across the various countries to see what are some of the similarities as well as the differences.

i. Water management

1. Which policies fall under this topic

Table 4: Water Policies

Country	Policy
Ethiopia	Water Strategy (2001)
Ethiopia	CRGE Strategy Water and Energy (2015)
Ethiopia	Ethiopian Water Resources Management Policy (n.d)
Ethiopia	Water Supply and Sanitation Policy (n.d)
Ethiopia	Irrigation Policy (n.d)
Ethiopia	Hydropower Policy (n.d)
Kenya	Water Act (2016)
Kenya	Water Strategy
Kenya	Water Policy
Somalia	National Water Resource Strategy (Somalia) 2021-2025

2. cross-country analysis

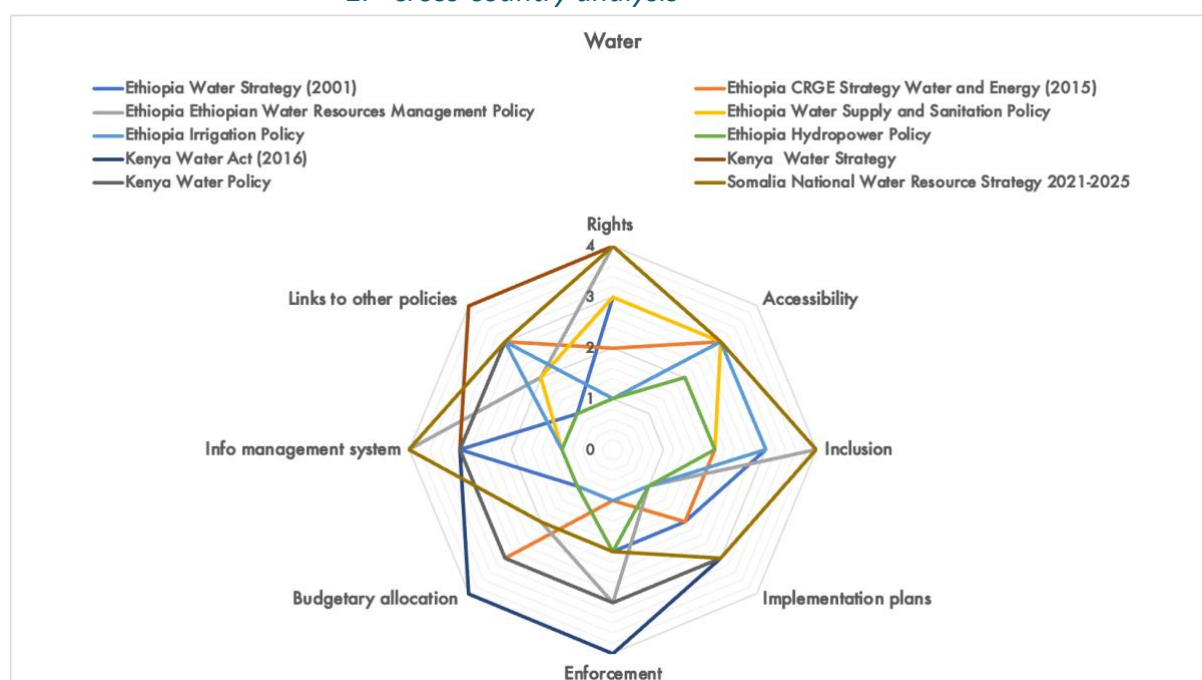


Figure 18: Rating for Water Policies for Ethiopia, Kenya and Somalia

All three countries have water policies at national level and local level. Ethiopia's water policies appear to be less streamlined averaging 2 with various sets of policies initially developed for the water sector but not yet updated to align especially with the CRGE. For instance, the irrigation policy, the water and sanitation policy do not have budgets, enforcement procedures or implementation plans and there is no clarity on whether the water resources management policy is a successor to these policies and how the CRGE water and energy fits in. Ethiopia's Hydropower has the lowest score at 1.4 followed by the Irrigation policy at 1.6 as a result of these gaps. In addition to this Ethiopia has a proclamation establishing a water fund but such details are not contained in the policies analyzed. The

country will need to address this gap and align its water policies to be able to further guarantee water security to its citizens.

For water policies in Kenya averaging 3.4, the sector seems to have been streamlined to an extent following the water sector reforms undertaken to improve coherence and coordination. Kenya's water Act that lays down a comprehensive framework for water sector reforms. Kenya especially has linked all its policies to the constitution and to each other to ensure a well-coordinated and streamlined sector in accordance with the ongoing water sector reforms with the Water policy scoring 4 and the strategy and Act scoring 3. For Kenya's water policies these includes the development of water sector regulations. Research into this revealed that regulations on water services, water harvesting and storage and water resources were developed and approved in 2021⁴⁸ via a consultative process and these are currently in use. Various body corporates established under the Water Act have also developed their individual plans for implementation of their mandates.

Somalia's National Water Resource Strategy (Somalia) 2021-2025 with an overall score of 3.1 is weak on enforcement (2) and budgetary allocation (2). This may be as a result of prevailing circumstances where funding has mostly been drawn from external support for the implementation of set activities. It is however strong in the other areas including rights and an implementation plan which also includes a comprehensive roadmap¹¹. The Strategy is also one of the most inclusive policies where it has included the vulnerable groups such as women and set out specific measures for their inclusion which are further laid out in the Roadmap.

Enforcement averaging 1.3 also remains weak for Ethiopia policies. For instance, under the CRGE, water regulations and guidelines are set to be developed but specific timelines for this have not been provided. The Irrigation policy in the section on technical issues outlines the development of guidelines, manuals and procedures to ensure sustainable irrigated systems. Further details on implementation plans and timelines as well as responsible entities is not provided. Rights also remain a gap in Ethiopia's policies, an aspect that would be important to address so as to promote access to water services by all.

Across the water policies in the region implementation plans (2), budgetary allocation (2.1) and enforcement (2.2) are weak. Infact, in some of the policies such as Irrigation policy and water supply and sanitation policy of Ethiopia, these provisions do not exist at all.

Inclusion is a strength for most policies explaining why it is the highest scorer on average at 3.2. Ethiopia's Water Resources Management Policy scores 4 on inclusion as do Kenya's policies and Somalia's National Water Resource Strategy. This is significant since it points towards increased participatory approaches in the water sector especially through the creation of the water resource user associations contained in all the top scoring policies and

¹¹ The roadmap was analyzed but not separately included here since it is considered as part of the strategy

their intent to ensure the vulnerable access water and that they are also engaged in various processes and decision-making on water resources.

ii. Food security

1. Which policies fall under this topic

Table 5: Food Security Policies

Country	Policy
Kenya	Draft National Irrigation Policy, 2015
Kenya	National Food and Nutrition Security Policy (2011)
Kenya	National Food and Nutrition Security Policy Implementation Framework (2017-2022)
Somalia	Somaliland Republic: National Rangeland Management Policy (Draft)
Kenya	Agriculture Sector Development Strategy (2010-2020)
Ethiopia	Agriculture Sector Policy and Investment Framework
Ethiopia	Republic of Ethiopia Food Security Strategy (2002)
Somalia	Somaliland Food and Water Security Strategy 2030
Somalia	Somalia National Food Fortification Strategic Plan (2019-2024)
Kenya	Community Land Act (2016)

2. cross-country analysis

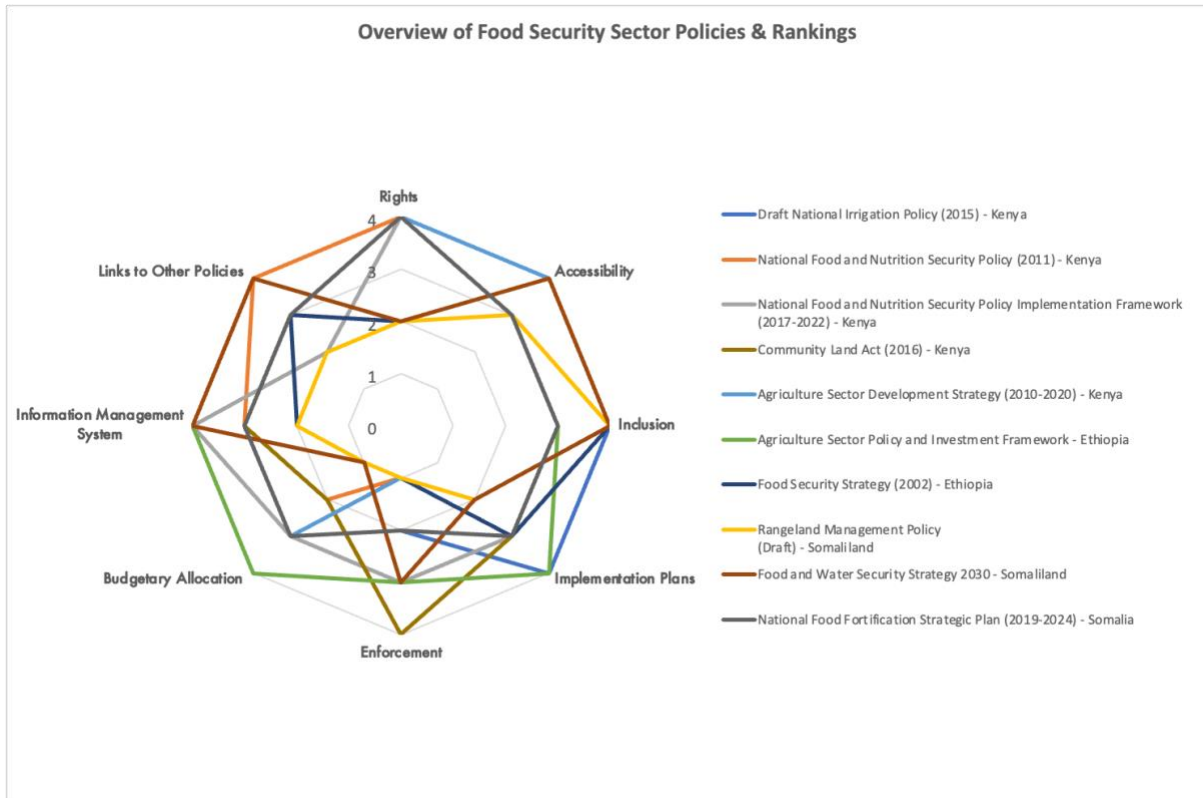


Figure 19: Rating for Food Security Policies

The results offer several noteworthy insights into the current landscape of food security policies in the Horn of Africa drylands. These include direct observations, as well as insights from more detailed explorations of the results for each category analyzed.

From direct observations, the weakest food security policy out of those analyzed is the “Rangeland Management Policy (Draft) – Somaliland”, which had an average score of 2.13 out of 4. This is closely followed by the “Food Security Strategy (2002) – Ethiopia”, which had an average score of 2.38 out of 4. Both policies performed particularly poorly in categories related to enforcement and budgetary allocations, receiving the lowest possible score (1 out of 4) in each category.

Conversely, the strongest policies out of those analyzed each scored a 3.38 out of 4. These are the “Draft Irrigation Policy (2015) – Kenya”; the “National Food and Nutrition Security Policy Implementation Framework (2017-2022) – Kenya”; and the “Agriculture Sector Policy and Investment Framework – Ethiopia”. These policies performed particularly well in a range of categories, including those related to accessibility, implementation planning, budgetary allocations, and information management systems. The policies scored a 3 or 4 in the majority of categories analyzed.

A more detailed exploration of each individual analysis category also provides valuable insights into the overall strengths and weaknesses of policies related to food security. On average, the policies analyzed collectively performed best with regards to inclusion. The

policies have an average score of 3.8 out of 4 in this category, with eight (8) out of ten (10) policies receiving the highest possible score. Two policies had a medium score of 3 out of 4 in this category. This indicates that, for the most part, the policies analyzed tend to mention the most vulnerable populations and/or ensure that they are accounted for in the policy interventions through mechanisms including (but not limited to) capacity building, training, technology transfer, empowerment, public participation, local knowledge, and scientific research.

In a similar vein, the policies analyzed also collectively performed well with regards to accessibility. The policies have an average score of 3.5 out of 4 in this category, with five (5) out of ten (10) policies receiving the highest possible score. The remaining six (6) policies all scored a 3 out of 4. The performance of the policies in this category demonstrates that some of the policies fully address accessibility for all population groups to information and means for adaptation to food insecurity (and, where relevant, broader climate change impacts). However, most of the policies only mention accessibility for all without any clear details on, or articulation of what this might entail.

The policies had a collective average score of 3.2 in the category pertaining to rights. In this category, however, the policies were almost evenly divided between those with high scores and those with poor scores. Six (6) out of the ten (10) policies analyzed received the highest possible score in this category. The remaining five (5) policies received a poor score of 2. This disparity indicates that slightly over half of the policies analyzed explicitly acknowledge that all citizens have a right to food security, and, by extension, a right to adaptation to the impacts of climate change. These policies also articulate clear goals and specifically mention those who are most vulnerable to food insecurity. The remaining policies, on the other hand, explicitly or implicitly acknowledge the right of citizens to food security, but do not articulate clear or explicit goals. They also do not mention or identify the most vulnerable population groups.

With regards to linkages to other policies, the food security policies analyzed had a collective average score of 3.1. Three (3) out of the ten (10) policies analyzed received the highest possible score in this category. Five (5) of the policies scored a medium 3 out of 4, and the remaining two (2) scored a poor 2 out of 4. The highest-scoring policies clearly identify the linkages that exist with other policies, and how they build on these linkages. The policies mention specific actions to ensure the sustained strengthening and integration of linkages. The policies that scored a 3 out of 4 clearly identify the existing linkages, but do not mention specific actions to ensure the strengthening and/or integration of linkages. Lastly, the policies that scored a 2 out of 4 identify some linkages that exist but did not mention any actions in any manner to facilitate the strengthening or integration of linkages.

With an average score of 3.1, the policies also collectively showed a medium performance with regards to information management systems (IMS). Three (3) out of the ten (10) policies analyzed received the highest possible score in this category. Six (6) policies scored a 3 out of 4, while two (2) policies (the “Food Security Strategy (2002) – Ethiopia” and the “Rangeland Management Policy (Draft) – Somaliland”) received a poor score of 2 out of 4.

This relatively mixed performance indicates that most of the policies analyzed articulate the need for data, as well as a plan for what information should be collected concerning food security. However, most of the policies do not provide sufficiently robust details on the actors responsible for collecting data, the timelines for collection, and possible indicators to be used to monitor the progress of food security interventions. Only the policies scoring a 4 out of 4 articulated a clear IMS that specifies the type of information to be collected, by whom, at what intervals, and which indicators may be used. The policies that scored a 2 out of 4 have some recognition of the importance of data collection for monitoring of policy progress, but do not articulate any clear IMS for food security.

The policies analyzed have a collective average score of 3 out of 4 in the implementation planning category. Only two (2) policies (the “Draft National Irrigation Policy (2015) – Kenya” and the “Agriculture Sector Policy and Investment Framework – Ethiopia”) out of ten (10) received a score of 4 out of 4. Seven (7) policies have a medium score of 3 out of 4, and the remaining two (2) policies (the “Food and Water Security Strategy 2030 – Somaliland” and the “Rangeland Management Policy (Draft) – Somaliland”) have a low score of 2 out of 4. The highest scoring policies have a clearly identified plan of action, targets and responsible actors, and a monitoring plan and timeframe for tracking implementation progress. In contrast, most of the policies analyzed (which scored a 3 out of 4) mention a clear plan of action with different components but do not specify responsible actors, processes, or monitoring guidelines. Projects that scored a 2 out of 4 also do not articulate responsible actors, processes, or monitoring guidelines, and only mention a general action plan.

On average, the policies analyzed perform poorest in the categories related to budgetary allocations and enforcement mechanisms. The policies have a collective average score of 2.3 out of 4 in the budgetary allocations category. Out of ten (10) policies, only one (1) policy (the “Agriculture Sector Policy and Investment Framework – Ethiopia”) received the highest possible score in this category. Four (4) policies received a medium score of 3 out of 4, and three (3) policies received a low score of 2 out of 4. The remaining three (3) policies received the lowest possible score of 1 out of 4. For a policy to receive a 4 out of 4, it should clearly specify budget guidelines in terms of what has been budgeted for, and how the budget will be financed. The funding for the policy should be explicitly mandated and made available. Projects that received a 3 out of 4 met all these requirements, but the funding for the policy was conditional to budget availability rather than being mandated. Projects that received a 2 out of 4 only vaguely or briefly mentioned budgetary guidelines, and did not mandate funding

for the policy. Lastly, policies that received a 1 out of 4 did not provide any budgetary guidelines or mandated budget at all for food security interventions.

With a collective average score of 2.1, the policies analyzed perform the weakest in the enforcement mechanisms category. Only one (1) policy (the “Community Land Act (2016) – Kenya”) out of the ten (10) analyzed scored a 4 out of 4. Three (3) policies have a medium score of 3 out of 4, and another three (3) policies have a low score of 2 out of 4. The remaining four (4) policies have received the lowest possible score of 1 out of 4. To receive a 4 out of 4, the policy has to clearly describe an enforcement mechanism, identify a specific enforcement agency, and articulate clear penalties for non-compliance or non-proactive implementation of the policy. Policies scoring a 2 or 3 only have minimal descriptions (if at all) of a concrete enforcement mechanism, and have little-to-no mention of penalties for non-compliance or non-proactive implementation of the policy. The four (4) policies that scored a 1 out of 4 failed to mention any enforcement mechanisms or penalties whatsoever.

A brief country comparison also provides interesting insights into the overall strengths of food security policy infrastructure in the HAD region. Kenyan policies tend to score the highest, with the average score for individual policies ranging between 3.25 to 3.38. The scores of Ethiopian policies tend to be more widely distributed, with average scores as low as 2.37 and as high as 3.38. Somali policies tend to score the lowest, with average scores for individual policies ranging from 2.38 to 3.0.

A qualitative analysis of the food security sector policies provides further takeaways. Several of the food security policies in Kenya and Ethiopia are outdated. The Agriculture Sector Development Strategy of Kenya, for example, expired in 2020, while the Food Security Strategy of Ethiopia was developed in 2002. Conversely, Somalia policies seem more timely, with two of the strategic plans lasting until 2024 and 2030.

iii. Climate change adaptation: NAP/NAPA

1. Which policies fall under this topic

Table 6: National Adaptation Plans/Plans of Action

Country	Policy
Ethiopia	NAP (2019)
Kenya	NAP (2015-2030)
Somalia	NAPA (2013)

2. Cross-country analysis

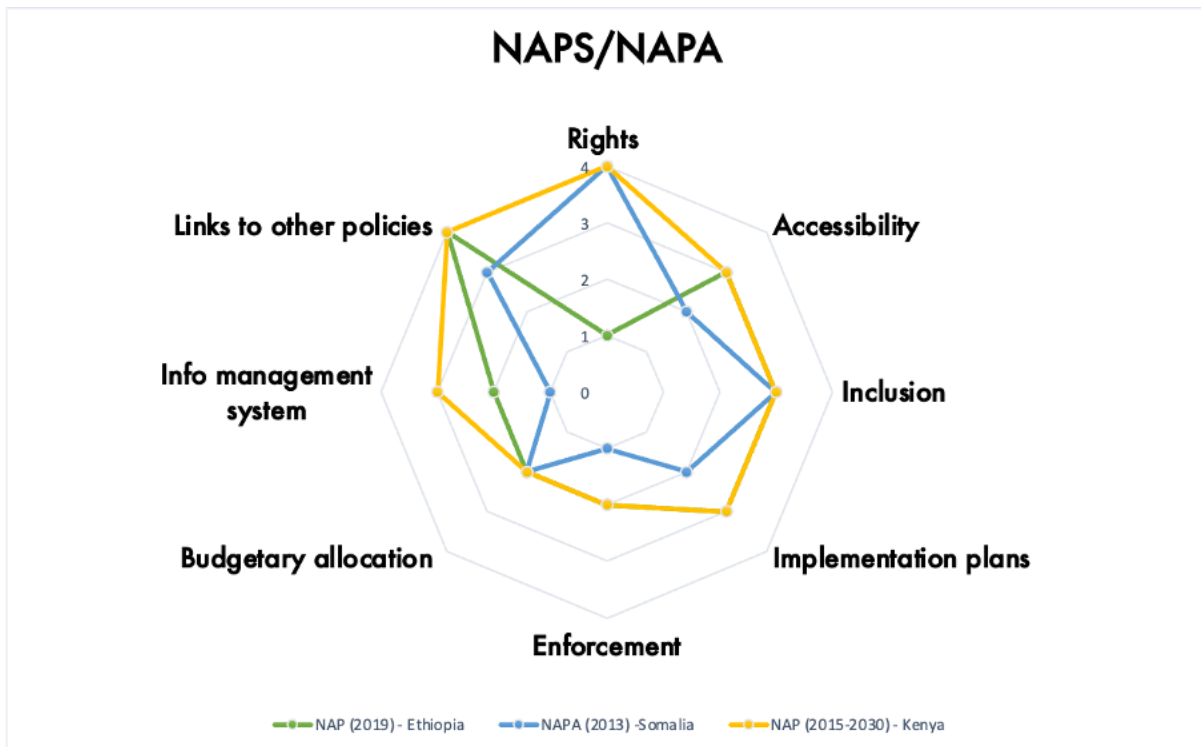


Figure 20: Rating for NAPs/NAPA

National Adaptation Plans are envisaged as part of the climate change documentation for countries under the UNFCCC to elaborate on country specific plans and actions to cope with climate change impacts.

NAPs/NAPA averaging a score of 2 are on the same level when it comes to budgetary allocation. There is no specificity provided in terms of exactly where the funding for the implementation of these policies will be drawn from. This is a major gap that might compromise the successful implementation of the policies. Enforcement is also a collective lacuna with the lowest score of 1.7 for the three policies and this would have ramifications on the efficacy of the policies in the long run. This is followed by budgetary allocation and information management systems both areas with a score of 2.

Kenya and Somalia’s NAP/NAPA both with a score of 4 put emphasis on the issue of rights outlining the importance of rights to a clean and healthy environment for all their citizens. Links to other policies with the highest score of 3.7 is well articulated in policy but it remains to be seen how this is implemented in practice. Granted, climate adaptation policies have made efforts in mainstreaming climate change across sectors and using a mix of policies to be able to enhance implementation^{6,49}. Inclusion is also a shared strength with a score of 3 with all the policies outlining the participation and inclusion of vulnerable groups in their activities. Implementation plans and accessibility have a score of 2.7, thus attention will also need to focus on strengthening this especially to ensure proper monitoring and evaluation supported by evidence. When it comes to individual NAPs/NAPA scores, Kenya’s NAP is the highest at 3, followed by Ethiopia’s NAP at 2.5 and Somalia’s NAPA at 2.3.

iv. NDC analysis (including additional countries)

1. Which policies fall under this topic

In this section, analysis of the NDCs of Burundi, Djibouti, Ethiopia, Kenya, Rwanda, Somalia, South Sudan, Sudan, Tanzania and Uganda were undertaken. This broader approach to include other East African country NDCs was informed by a request from partners to provide this analysis.

2. cross-country analysis

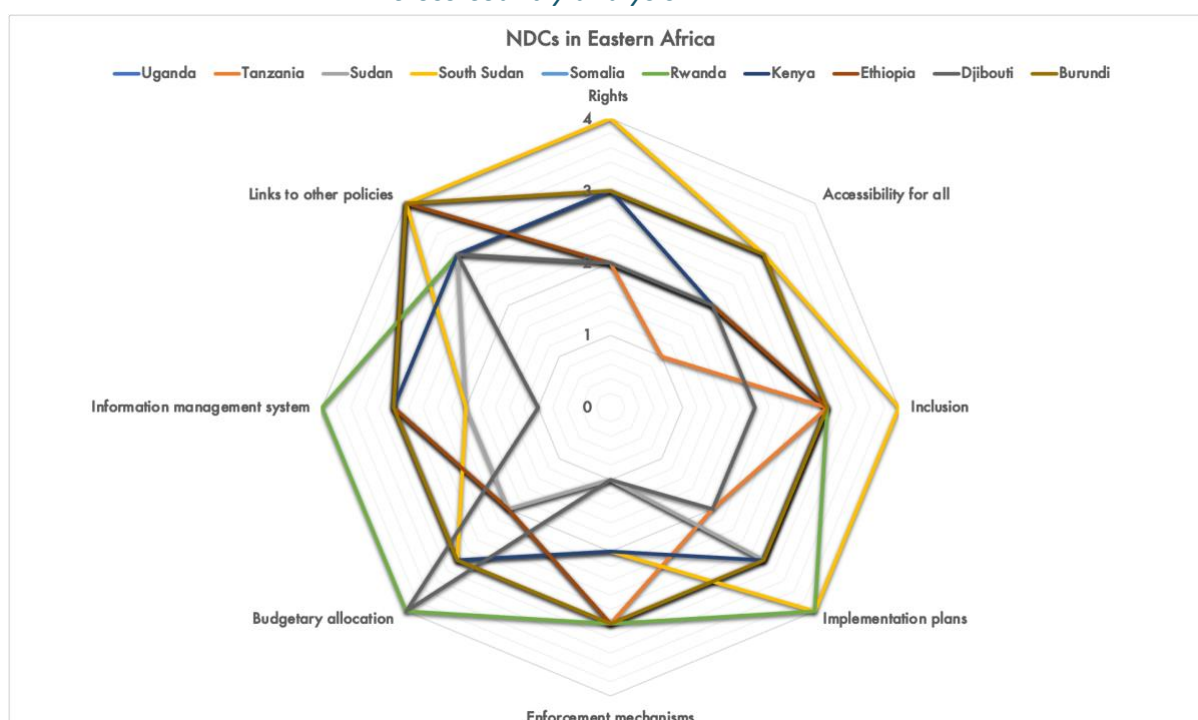


Figure 21: Rating for Eastern Africa Nationally Determined Contributions (NDCs)

As previously stated, inclusion of rights in policies to ensure that citizens are protected under the law and policies, especially those on the right to a clean and healthy environment, water and food security is important for the most vulnerable. South Sudan's NDC scores highly (4) on rights because it highlights human rights and gender equality including information on how the NDC will ensure that vulnerable groups adapt to climate change. Infact, South Sudan's updated NDC is the highest scorer overall at 3.3 which is remarkable for the most recent entrant to the UNFCCC. Except for the enforcement mechanism and the information management system with a low score of 2, the rest of the areas accessed rank highly at 3 or 4.

On the other hand, Ethiopia, Somalia, Djibouti, Rwanda and Tanzania score poorly on rights at 2 for all of them since they do not explicitly provide for this. The Eastern Africa NDCs have gaps in enforcement where they score poorly averaging 2.2 which is the lowest score for areas

accessed. They do not clearly show how they will enforce their NDC. Uganda, Sudan and Djibouti's NDCs specifically have a low score of 1. Most NDCs are not clear on their compliance and enforcement.

In terms of resource allocation, budgeting scores 2.8 in this area for the NDCs accessed since they have included budgeted amounts and where funds will be sourced from. The Eastern Africa countries, excluding Tanzania, have included unconditional targets in their NDCs. This means that domestic funding will be mobilized to implement the NDCs. Despite this remarkable progress, international climate finance for adaptation remains scanty, estimated by the GCA to be just about 30% of climate finance channeled to Africa⁵⁰. International finance thus remains inadequate, not additional to ODA and unpredictable (Roberts et al, 2021).

Rwanda's NDC has the highest score at 4 since it has outlined their integrated system for data and information management, reporting and progress tracking. Other countries also have outlined their systems including Kenya, Uganda, Tanzania, Somalia, Ethiopia and Burundi. The other NDCs also mention the Measuring, Reporting and Verification framework (MRV) prescribed under the international climate regime.

All updated NDCs have clear linkages to national and international policies with a score of 3.6 as highlighted above. Ethiopia's NDC is linked to the Climate Resilient Green Economy (CRGE) and its 10-year Pathway to Prosperity plan. South Sudan's updated NDC is especially detailed with specific linkages to policies for each mitigation and adaptation action included.

5. Conclusion

a. Key take aways

i. Criteria

Enforcement and budgeting remain a major challenge in the implementation of policies across the three countries with 2.2 and 2.4. They score 2.1 and 2.3 respectively for the food security policies; 2.2 and 2.1 respectively for the water policies; 1.7 and 2 respectively for the NAPs/NAPA; and, 2.2 and 2.8 respectively for NDCs. NDCs are the highest scoring when it comes to budgetary allocation. In Kenya, respondents from the WRA confirmed that enforcement remains a main challenge due to inadequate resources as well as socio-economic factors that mean that some consumers do not have smart water meters installed. Monitoring stations near river banks and lakes have been washed away due to flooding along rivers and at the Rift valley lakes that are experiencing lake-level rise e.g. Lake Baringo and Lake Nakuru. Lack of adequate personnel for the manual stations for reading and maintaining stations due to insufficient funds is also an issue as well as vandalism of some measuring equipment. The WRA is steering a move to trimetric stations to address the challenge of manual stations. This has an impact on enforcement as adequate data and information for decision making is not available. Funds for groundwater monitoring had been allocated and the WRA will embark on expanding monitoring of water levels especially in ASALs. WRA noted that Boreholes in ASALs were mostly for domestic use and animals and not necessarily targeting irrigation since crop farming is not a main activity. They noted that usage had not increased but there was increased abstraction along the Ewaso Ng'iro in Isiolo and Laikipia county. On implementation and progress monitoring the ministry's strategies are reviewed every year to 'gauge performance targets from the Cabinet Secretary to the various departments'.

Rights and inclusivity are a strength across policies with most policies scoring high. They score 3.2 and 3.8 respectively for the food security policies; 3 and 3.2 respectively for the water policies; 3 and 3 respectively for the NAPs/NAPA; and, 2.6 and 3 respectively for NDCs. Across many policies these are the highest scoring.

ii. Country

All countries are reliant on external funding for their policies especially for the NDCs. The Adaptation Gap Report notes that generally developing country policies have tended to rely on external funding that is not always forthcoming¹. In fact, adaptation funding still only makes up a small percentage of international climate finance but all three countries and to a very large extent Somalia rely on external financing for the implementation of their policies.

This noted, it is imperative to state here that domestic financing specifically for climate change action and the attendant mainstreaming of climate change across sectors for national government funding means that both Ethiopia and Kenya are now funding their initiative with

little international finance. In its updated NDC, Kenya notes that progress made in implementing its initial NDC was mostly from domestic financing, an indictment of the international climate finance mechanism. Even at county level, financing remains a challenge with Isiolo stakeholders reporting that the plans finalized by the Ward Planning committees had yet to be fully implemented since other priorities key of which is the COVID-19 pandemic have meant that resources for adaptation are re-allocated. WRUA's have faced similar challenges with the Water Sector Trust Fund having minimal resources to support WRUA's.

iii. Sector

Water policies are among the most inclusive in terms of measures stipulated encompassing the setting up of the water resource user associations for the management and use of water resources at local level. This model which is operational in Ethiopia and Kenya will go a long way in entrenching participatory water resource management in the region yielding benefits for community resilience as citizens gain knowledge and skills in managing their water resources in a changing climate. Indeed, the WRA asserted that Water Resource User Associations (WRUA's) are central in water resources management. WRA added that the further empowerment of the WRUA's ensures enhanced enforcement since they will be able to conduct monitoring and enforcement. In Isiolo, a visit to the Isiolo WRUA confirmed that the Isiolo WRUA enforced water allocation regulations ensuring that water was equally distributed between upstream and downstream users and that below certain levels rationing was introduced. Similarly, the role of the Ward Planning Committees (WPCs) in leading climate adaptation in Isiolo county was emphasized.

Food security policies still appear to be top-down in approach for instance while provision of food and cash transfer to those affected by food insecurity are good short-term measure a lot of effort needs to be put in place to ensure that communities are able to withstand future climate shocks through early warning and response, insurance schemes, micro-finance and credit provision, targeted livestock off-take programs etc. which are outlined as measures in some of the policies. Stakeholder consultations revealed that cultural beliefs especially on the importance of cattle in Isiolo had made it difficult for offtake programs as pastoralists are unwilling to sell their livestock.

b. Recommendations

i. Criteria

While our criteria is illuminating in highlighting gaps and strengths. The criteria, largely qualitative but with quantitative elements rates policy as written, not as implemented. Initial follow-up consultations with stakeholders revealed implementation challenges with policies. For instance Kenya's Water Act which is among the highest scoring policies faces challenges in implementation where for instance vulnerable community members already impacted by drought and other climate change effects who are part of a water resource user association

but unable to access funds from the Water Trust Fund which has limited resources. Such issues are not apparent when applying our criteria without subsequent follow-up. This is planned for the next phase.

In practice, good/perfect policies may not always be easy to implement thus further work on efficacy to determine the extent of implementation would be beneficial in establishing their success. Innovation to adapt to local circumstances and contexts during implementation will also be key in validating/invalidating the findings in the criteria used here.

Contexts, actors and processes highlighted in our criteria are important elements in understanding the intent behind policies. In some cases information on this was not available and background information was not accessed. Ultimately, these intentions influence implementation of policies but it is difficult to access to what extent in our assessment. Political economy approaches on policy implementation and other public policy implementation approaches may be better suited for such assessments.

ii. Country

Rights and inclusivity rate highly across most policies. It is imperative that countries and citizens alike ensure that such policies and mechanisms in place are fully utilized especially by the most vulnerable to be able to adapt to climate change. Ethiopia needs to consider further incorporation of rights in its policies to ensure the protection of its most vulnerable citizens.

Ethiopia, Kenya and Somalia have to set in place robust enforcement mechanisms for their policies to ensure efficacy. This should include facilitative compliance with clear processes and procedures that are inclusive.

All three countries need to urgently advocate for and demand for increased international climate finance to support implementation of their policies given their insignificant contribution to global warming contrasted against high susceptibility and vulnerability to climate change impacts.

iii. Sector

For the water, food and climate policies, if implemented, they will enhance adaptation to climate change by increasing water access and strengthening the resilience of the vulnerable populations to climate change. There is need for monitoring and evaluation with clear progress markers and the actualization of the information management systems proposed to ensure that this happens. This will enable early warning, informed planning etc. thus active citizen participation to ensure progress in this is imperative.

Water and food security are inextricably linked. Infact some of the policies such as those in Somalia combine the two sectors which is instructive. This means that addressing issues in one sector contributes to the other sectors. It is noteworthy that linkages remain a strength of most policies but this needs to move beyond the policy text to implementation.

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