Regional reports on the status of the implementation of laws relating to community land and climate change

Experiences from Kisumu, Samburu and Kwale

Co-funded by the European Union

Kituo Cha Sheria
Legal Advice Centre
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Food and Agriculture Organization of the United Nations

1. Description

1. Name of Service Provider: KITUO CHA SHERIA T/A LEGAL ADVICE CENTRE
2. Title of the Project: Enhancing Food Security Through Justice Interventions on Land and Climate Change in Kisumu, Vihiga, Kwale and Samburu Counties and supporting land governance structures at national and regional levels.
3. LoA reference number: FAOKE/2024/039
4. Start date and end date of the reporting period: 26/11/2024 to 15/12/2025
5. Target country(ies) or region(s): Kisumu, Kwale , Samburu
6. Final beneficiaries &/or target groups[3] (if different) (including numbers of women and men):

Through county-level data collection, community consultations, validation forums, advocacy engagements, and subsequent dissemination of the county reports and memorandum, the project directly engaged approximately 60 individuals across Samburu, Kwale, Kisumu and Nairobi, an estimated 45% were women.

Indirectly, the activities are estimated to have reached between 600–900 community members (women and men) through: Community representatives and leaders who participated in consultations and fed back to their communities, civil society and LSNSA member organizations sharing findings within their constituencies and public dissemination of the reports and memorandum as advocacy tools at county and national level.

Overall, the combined direct and indirect reach is estimated at 750–1,050 people, with significant representation of women, youth, pastoralist and coastal communities affected by land governance and climate change impacts.

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List of Abbreviations and Acronyms

AJS	Alternative Justice Systems
ASAL	Arid and Semi-Arid Lands
BMU	Beach Management Unit
CCAP	County Climate Change Action Plan
CCA	Climate Change Act
CCU	Climate Change Unit
CCCF	County Climate Change Fund
CCCU	County Climate Change Unit
CBO	Community-Based Organisation
CIDP	County Integrated Development Plan
CIMES	County Integrated Monitoring and Evaluation System
CLMC	Community Land Management Committee
CLA	Community Land Act
DRR	Disaster Risk Reduction
FGD	Focus Group Discussion
FLLoCA	Financing Locally Led Climate Action (Programme)
GIS	Geographic Information System
KCIDP	Kisumu County Integrated Development Plan
KCICCAP	Kisumu County Integrated Climate Change Action
KII	Key Informant Interview
MCA	Members of County Assembly
MRV	Measurement, Reporting and Verification
NCCAP	National Climate Change Action Plan / National Climate Change Action Plans
NDC	Nationally Determined Contribution
NLC	National Land Commission
PFM	Public Finance Management
PCRA	Participatory Climate Risk Assessment
PWD	Persons with Disabilities
UNFCCC	United Nations Framework Convention on Climate Change
WCCC	Ward Climate Change Committee

Executive Summary

The year 2026 will mark ten years since the Community Land Act (CLA), 2016 and just over ten years since the Climate Change Act (CCA), 2023 came into force and underwent an ammendment. These two laws give effect to the Constitution of Kenya 2010 by recognizing community land as a distinct category of property and by setting a devolved system for climate governance. Land is Kenya's main factor of production and supports most livelihoods. Climate change is also reshaping agriculture, water, health and public finance. CCA is central to how Kenya meets its duties under the UNFCCC and the Paris Agreement, implements its Nationally Determined Contribution (NDC) and rolls out the National Climate Change Action Plans (NCCAPs) through counties. There are, however, clear gaps between the laws on paper and how they work in practice for communities that depend on land, natural resources and stable weather for food and income.

This assessment looks at the implementation of both Acts in Samburu, Kwale and Kisumu counties. It uses field data, key informant interviews, focus group discussions, county documents, national reports and community experiences. The three counties represent different ecological and tenure realities. Samburu has made the most progress on the CLA among the three, with registered community land and Community Land Management Committees (CLMCs) in place. This has supported better grazing management, drought resilience and more predictable access to key water and pasture areas, although distance, mobile pastoralism, boundary disputes, elite capture and new pressures to privatise rangeland remain serious concerns. In Kwale, historical land injustices, unregistered community claims, overlapping ranches and settlement schemes and heavy use of allotment letters mean that CLA implementation is slow and uneven. CLMCs are weak or absent in many places, leaving communities exposed to dispossession, fragmented commons and opaque land deals linked to tourism, mining and infrastructure. Kisumu has no land yet registered under the CLA, but faces intense pressure on riparian commons, wetlands and shared clan lands from urban growth and environmental degradation, and the CLA remains important for securing these areas.

On the Climate Change Act, all three counties have taken steps to domesticate the national framework. Samburu and Kwale have county climate change laws, policies and action plans that highlight water, rangelands, forests and coastal ecosystems. Kisumu has a county climate policy, a climate change Act and an integrated climate change action plan that focus on floods, energy, waste and urban resilience. Ward Climate Change Committees (WCCCs), county climate units and climate funds exist in law and in some form on the ground. The counties also take part in national efforts such as the Financing Locally Led Climate Action (FLLoCA) programme. In practice, many of these structures are under-resourced, unevenly rolled out and poorly understood by communities. Climate finance from county budgets, FLLoCA and other partners is hard to track at ward level. Some climate projects go ahead without proper checks on how they affect community land, grazing routes, wetlands or informal settlements. Monitoring, reporting and grievance systems are weak and do not yet provide a clear picture of who benefits and what has changed.

Across the three counties, common patterns emerge. Tenure insecurity, slow and uneven CLA implementation, increased privatisation and conversion of communal spaces and low representation of women, youth and minority clans in land and climate institutions weaken the protection offered by Article 63 and the Climate Change Act. On the climate side, limited staff, poor coordination, unclear ward mandates and low public awareness reduce the impact of county laws and plans. Land and climate governance strongly affect food and nutrition security. Pastoralists lose grazing corridors, coastal and squatter communities face evictions and land grabs, fisherfolk and floodplain farmers are squeezed out of riparian areas and informal settlements are hit hardest by floods and heat. Where secure tenure and climate action have moved together, communities report better managed rangelands, less conflict and more stable food systems. Where they have not, climate shocks deepen existing inequalities.

Ten years into the Community Land Act and more than a decade into devolved climate governance, Kenya has made real progress but also faces major unfinished work. Samburu, Kwale and Kisumu show that county laws, plans and some institutions are in place, and that communities see the potential of both Acts. They also show that stronger cooperation between national and county bodies, predictable and transparent funding for land and climate functions, closer links between CLA and climate implementation, better data and reporting, wider use of alternative and community-based dispute resolution, and ongoing civic education and community leadership are needed. Securing community land and building inclusive climate governance are essential for food security, social stability and climate resilience in the years ahead.

1. Introduction

Land is at the heart of Kenya's social, economic, legal, psychological and cultural life. Communities across the country have relied on communal land for farming, grazing, fishing, settlement and spiritual well-being. Secure land rights are central to poverty reduction, food security, social stability and climate resilience. Where land is insecure, communities face heightened risks of displacement, conflict and collapsing livelihoods trends that are increasingly visible in both rural and urban Kenya. At the same time, climate change is intensifying floods, droughts and ecosystem degradation, placing even greater pressure on land, water and local food systems.

Kenya's land and climate governance frameworks have been reshaped over the last two decades. Historically, customary and communal lands were treated as trust land held by the State or local authorities. This allowed land used by communities for generations to be alienated for private farming, settlement schemes, ranches, wildlife reserves, mining and infrastructure with little or no community consent or benefit. The National Land Policy (2009) currently under review acknowledged customary tenure and the need to secure communal lands, paving the way for the Constitution, which classified land into public, private and community land and recognised community land as property owned by communities identified by ethnicity, culture or shared interest.

The Community Land Act (CLA) 2016, is the implementing statute for Article 63 of the Constitution. It sets out the legal architecture for recognizing and protecting customary rights, registering and titling community land, establishing democratic community governance through assemblies and Community Land Management Committees (CLMCs), regulating land use and natural resource management, providing for benefit-sharing from investments and setting out dispute-resolution mechanisms. Communities are now legally recognized as direct holders of their ancestral lands, offering pastoralists, coastal and rural communities a clear legal pathway to secure their commons. The CLA was designed to solve three intertwined problems; putting customary tenure on an equal legal footing with freehold and leasehold and protecting communities from arbitrary or illegal acquisition, creating accountable, participatory community institutions to govern land use and transactions and embedding sustainable resource management and grazing planning as part of tenure security, recognizing that secure communal tenure underpins stable food systems.

Kenya has built a comprehensive climate governance framework. Kenya is party to the United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Paris Agreement and has committed in its Nationally Determined Contribution (NDC) to reduce greenhouse gas emissions and strengthen adaptation across key sectors. The Constitution guarantees the right to a clean and healthy environment and obliges both national and county governments to ensure sustainable management of natural resources. The Climate Change Act, 2023 created the National Climate Change Council, mandated regular National Climate Change Action Plans (NCCAPs) and required climate change to be integrated into national and county planning and budgeting. The Act has since been amended, including through the Climate Change (Amendment) Act, 2023, to clarify the governance of carbon markets, strengthen institutional mandates and align Kenyan law more closely with evolving international climate finance and carbon trading regimes.

Counties are now required to pass climate change laws and policies, set up climate change units and multi-level committees, develop County Climate Change Action Plans (CCAPs) and integrate climate priorities into County Integrated Development Plans and sector plans. Instruments such as County Climate Change Funds (CCCFs) and the Financing Locally Led Climate Action (FLLoCA) programme channel performance-based grants to counties that establish functioning ward and county climate structures and prepare bankable climate actions. In land governance, counties work alongside national institutions to support adjudication, registration and management of community land and to ensure that land and climate policies reinforce, rather than undermine, each other.

Almost a decade after the CLA came into force and several years into implementation of the Climate Change Act, progress is real but uneven. Communities in some regions are registering land, forming CLMCs and participating in climate planning and locally led adaptation projects. However, implementation remains slow in many places due to limited funding, technical capacity gaps, mobility of pastoral populations, boundary conflicts, elite capture risks, fragmented climate and land institutions and incomplete and shifting regulatory frameworks especially around climate finance and carbon markets. Land and climate projects can strengthen tenure security and resilience but if poorly designed, they can also accelerate subdivision, exclusion and enclosure of commons, undermining pastoral systems, local food production and the adaptive capacity of vulnerable groups.

The purpose of this report is to assess how the Community Land Act and the Climate Change Act are being implemented in Samburu, Kwale and Kisumu Counties. These three counties represent contrasting ecological and social contexts. The report examines how far communities have progressed in registering community land, establishing functional, inclusive governance structures and how climate laws and policies have been domesticated through county Acts, CCAPs and funds; and to what extent climate and land interventions are supporting or undermining food security, water access and climate resilience.

The analysis of implementation of Community Land is organised around a set of interlinked themes: recognition and registration of community land; community governance structures and by-laws; land use and natural resource management; tenure security and protection of rights (including women, youth and marginalised groups); benefit-sharing and dealings with investors; dispute resolution and the interface between customary/AJS mechanisms and statutory processes; and climate governance structures, financing, programmes and monitoring. To assess how the Climate Change Act is being implemented in each county, this report looks at first, how the national law has been brought down to county level, who is in charge of climate work and how they work together, is climate change built into county planning and budgeting, rather than stand-alone project and how climate work is financed in practice. Another focus is on concrete climate actions being implemented and this goes hand in hand with looking at how progress is tracked and reported. It checks whether women, youth, persons with disabilities, pastoralists, fishers, smallholder farmers and residents of informal settlements are represented in climate committees and consultations and whether projects respect and strengthen land and resource rights and protect key areas like grazing lands, wetlands, forests and fisheries that households rely on for food and income. Given the rapid growth of carbon projects and private investments, the assessment also considers how carbon markets and private actors are handled at county level and looks at learning and capacity building of the various actors.

Ultimately, this report aims to provide concrete insights that can strengthen community land governance, improve county- and national-level implementation of both Acts and guide community and actors in aligning land and climate interventions with the lived realities of communities. It recognizes that strong laws are necessary but not sufficient effective implementation depends on trusted and well-resourced institutions, inclusive participation, and transparent decision-making and clear linkages between land rights, climate action and everyday livelihoods.

2. Methodology

This assessment was participatory in nature and adopted a mixed-method and qualitative approach with structured document review and thematic analysis. The methodology thematic areas and applies data from national institutions, county actors, communities, civil society and documentary evidence. The objective is to describe the status of implementation of the Community Land Act and the Climate Change Act in practice and to understand how communities and county institutions experience these laws on the ground.

2.1 Study areas and scope

The assessment focuses on three counties; Samburu, Kwale and Kisumu that reflect Kenya's ecological, livelihood and tenure diversity. The report draws from Key Informant Interviews (KIIs) conducted, Focus Group Discussions (FGDs) were held with community members and local stakeholders in the three counties. For the CLA, FGDs explored community-level experiences of recognition and registration of community land, functioning of community assemblies and Community Land Management Committees (CLMCs), land use practices (grazing, farming, conservation, water access), emerging conflicts, dispute resolution pathways and use of Alternative Justice Systems (AJS), and perceived effects of the Act on livelihoods, food security and climate resilience. For the CCA, FGDs and KIIs explored awareness of climate laws and county climate structures, community participation in climate planning, experiences with climate projects (e.g. water, rangeland, agriculture, and flood control), access to climate funds, and perceptions of fairness, inclusion and impact on food security and resilience. A structured desk review was undertaken to provide legal, policy and empirical context and to corroborate field findings.

2.2 Thematic framework

For the CLA, the report structures its analysis around the following themes: Recognition and Registration of community land, community governance structures, land use and natural resource management, tenure security and protection of community rights land transactions, conversion and protection from dispossession, benefit sharing and equity in investments, the extent and quality of county support in adjudication, planning, budgeting, extension and record-keeping, how land disputes are handled through customary, administrative and court-linked mechanisms and how these align with the CLA, the links between land security, grazing systems, climate impacts and food systems.

For the CCA, the assessment uses a parallel set of themes: Existence and quality of county climate laws, policies and climate action plans aligned to the Climate Change Act and NCCAP, functionality of climate units/directorates, county and ward climate committees, and their coordination with other sectors and national agencies, integration of climate change into CIDPs, sector plans, county spatial plans and annual budgets, including climate budget tagging or minimum allocations, establishment and use of County Climate Change Funds, access to FLLoCA and other climate finance, and transparency in allocation and spending, implementation of priority climate actions – the nature, scale and geographic coverage of adaptation and mitigation projects and their alignment with county and national priorities. Monitoring and reporting and data systems, public participation, equity and social inclusion, integration with land, rights and food systems, carbon markets, private sector engagement and safeguards learning, capacity building and scaling of communities and actors.

Each data source was coded and analysed against these themes. This allowed for systematic comparison across counties and actors, identification of converging and diverging perspectives, and formulation of evidence-based recommendations for strengthening the implementation of both the Community Land Act and the Climate Change Act over the coming decade.

3. County context analysis and findings

3.1 Samburu County

Samburu County as represented on the map of Kenya.

Samburu County is an arid and semi-arid lands (ASAL) county in north-central Kenya, covering roughly 21,022 km². The county is home primarily to the Samburu people, a Nilotic, semi-nomadic pastoralist community. The 2019 census puts Samburu's population at 310,327. The county is divided into 3 sub-counties and 15 wards. The key land features in Samburu County is dominated by community land which is further divided into registered community land and unregistered community land held in trust by the County Government. Livelihoods are heavily dependent on livestock and movement as pastoralism is the backbone of the local economy, with small pockets of crop production and irrigation. Livestock and land are central to the Samburu people's identity, social organisation and cultural life meaning that any change in land tenure or land use has direct implications for food security, social cohesion and climate resilience.

Samburu is dominated by community land with more than 43 former group ranches have been registered, now recognized as community land under the Community Land Act and 25 communal land registered. Large tracts of unregistered community land are still held in trust by the County Government. Samburu faces intense pressures on its land from recurrent droughts and rangeland degradation, expansion of community conservancies and tourism, infrastructure projects and continued pressures to individualize and subdivide communal rangelands.

Before the 2010 Constitution, most rural lands in Samburu were recognized legally as trust land or group ranches under the Trust Land Act and the Land (Group Representatives) Act. Trust lands were held by administrative councils in trust for local communities but in practice exposed communities to land alienation and weak accountability. Group ranches were introduced as a compromise between communal tenure and formal registration, aimed at securing pastoral grazing areas while promoting a sort of modern range management. Over time, weaknesses in group ranch governance through elite capture, weak accountability of group representatives and pressure to subdivide and privatize led to inequity and tenure insecurity. In Samburu and neighboring counties, the expansion of community conservancies and tourism ventures also brought new external actors and interests into communal lands, changing how land is governed and used.

Samburu faces pressure on land and natural resources. Recurrent droughts and rangeland degradation, expansion of community conservancies and tourism, infrastructure development and continued pressure to individualize and subdivide communal rangelands. Climate risk profiles for the county highlight unreliable and erratic rainfall, recurring and prolonged droughts, flash floods and rising temperatures as key threats to livelihoods and food security. Samburu has put in place a full set of county-level climate laws and plans. The Samburu County Climate Change Act, 2022 (County Act No. 6 of 2022) establishes county climate governance structures and a County Climate Change Fund to finance adaptation and mitigation actions. The Act is implemented through the Samburu County Climate Change Action Plan (CCAP) 2023–2027, which is anchored in the Act and the CIDP 2023–2027 and based on a Participatory Climate Risk Assessment (PCRA) conducted across all 15 wards. The county also participates in the Financing Locally Led Climate Action (FLLoCA) programme, which channels performance-based climate finance to counties that establish ward and county climate structures and prepare climate-resilient investments.

3.1.1 Samburu County analysis and findings on implementation of Community Land Act.

Building on the county context set out above, below is detailed analysis of how the Community Land Act is being implemented in Samburu County across the key themes:

i. Recognition and Registration of Community Land

Samburu is among the counties that have moved furthest in formalizing community land, but implementation is still incomplete. The county has over 25 registered community land and 43 registered group ranches now treated as community land under the CLA highlighting both progress and a significant backlog. Registration is advancing in Samburu North and East, but slow procedures, boundary disputes and limited technical teams keep the process behind the original timelines set by law.

ii. Community Governance Structures

Community governance structures required by the CLA through establishment of CLMCs and community assemblies exist. CLMCs are playing visible roles in convening meetings, working with adjudication officers and mediating in boundary disputes. However, the committees struggle to meet the two-thirds quorum required for community assemblies and that CLMCs often lack the resources and skills to mobilize members and keep proper records. Community Land Management Committees are often dominated by powerful older men, with women, youth and poorer households under-represented. Elders and conservancy boards still make many key decisions, so CLMCs sometimes only rubber-stamp what has already been agreed. Many CLMC members lack training on the law and contracts, which weakens records and can expose communities to unfair land deals.

iii. Land Use and Natural Resource Management

Land use in Samburu remains predominantly pastoral, with mobility across large communal rangelands still critical for managing drought and disease. Over three-quarters of the county is low-potential rangeland, while only about 7% is suitable for crop production. The County Climate Change Action Plan (CCAP) 2023–2027 explicitly calls for land-use planning and zoning at community and group ranch level and improved soil and rangeland management. With ongoing community registration, CLMCs and county government has started to support planned grazing, restoration and protection of dry-season grazing reserves but majority of the areas still lack formal land-use plans or written by-laws that guide sustainable resource use.

iv. Tenure Security and Protection of Community Rights

The CLA has significantly improved tenure security where communities have transitioned and obtained community titles. In registered areas, there is reduced encroachment, clearer external boundaries and fewer violent conflicts over grazing which supports more stable livelihoods. However, large areas of unregistered community land still held in trust by the County Government remain vulnerable to competing claims and potential alienation. There has been exclusion of some community members from registers and unresolved historical injustices all undermine the sense of security for parts of the community. Women's rights remain particularly fragile and while widows sometimes secure stronger use rights, many married women and young women still rely on customary relationships rather than their names appearing in community registers or on title documents.

v. Land Transactions, Conversion and Protection from Dispossession

There is ongoing pressure from investors, conservancies, tourism operators and infrastructure projects around community land transactions. There are disputes over private land claims "inside" community land, elite capture of leadership, and lack of transparency in CLMC elections as recurring in the transition process. Communities have expressed concern that some historical allocations and informal deals may not be revisited during registration, leaving pockets of community land effectively converted without full community consent. This points to a gap between the CLA's strong consent provisions and practice on the ground.

vi. Benefit Sharing and Equity in Investments

Samburu hosts several community conservancies and tourism projects that operate on community land and are often held up as models of community-based conservation. These conservancies generate jobs, scholarships, infrastructure and conservation finance but these benefits are often uneven, with poorer households, women and non-elite lineages receiving less. While conservancy benefits are appreciated, there also deep concerns about limited say in agreements, lack of accessible financial information and weak feedback between conservancy boards, CLMCs and community assemblies. The CLA's provisions on benefit-sharing and community oversight are not yet fully internalized in these investment arrangements.

vii. County Government Roles and Capacity

The Samburu CIDP 2018–2022 and 2023–2027 both identify land registration, tenure security and community land governance as priorities, including finishing group ranch demarcation, supporting CLA implementation and preparing land-use plans. County officials often engage in community sensitization and in supporting adjudication teams. However, funding and staffing gaps, dependence on national technical officers, and the absence of a fully operational county-level community land registry with weak coordination between NLC, the Ministry of Lands and county governments.

vi. Dispute Resolution and Alternative Justice Systems (AJS)

Disputes over boundaries, membership, grazing routes and investor deals are still common, especially in transition. The conflicts arising during registration, often tied to subdivision vs. transition debates, exclusion of some members and leadership disputes. Communities rely heavily on customary elders' councils, peace committees and increasingly, court-linked Altrenative Dispute Resolution to resolve land-related conflicts. This means they often don't use CLA-created structures like the Community Land Management Committee (CLMC) and community assembly, don't check decisions against the official community register, and rarely follow CLA rules on quorum, notice, record-keeping and non-discrimination. Because these forums are usually dominated by older men, there is also a real risk that outcomes reflect patriarchal norms excluding women, youth, minority clans and persons with disabilities, or undermining their rights in inheritance, access or allocation decisions even though the CLA requires equal treatment for all community members. Aligning these mechanisms with the CLA would therefore mean grounding them in written community by-laws, involving CLMCs and assemblies, ensuring participation of women and youth, and documenting decisions so they are both legally defensible and consistent with constitutional and human rights standards.

ix. Climate Change, Pastoral Mobility and Food Security

Samburu's climate-risk profile shows a county highly exposed to drought, rangeland degradation and water scarcity, with pastoralism contributing the majority of household income. Where community land has been registered and grazing plans agreed, households feel better able to manage dry-season reserves, reduce conflict and protect key water points directly supporting local food security. However, in areas where registration is pending or where fencing and individualization are expanding, pastoral mobility is constrained, increasing vulnerability for poorer herders and women who depend on shared resources.

3.1.2 Samburu County analysis and findings on implementation of Climate Change Act

i. Legal and policy domestication

Samburu has fully domesticated the national Climate Change Act through the Samburu County Climate Change Act, 2022, which establishes climate governance structures and a County Climate Change Fund to finance adaptation and mitigation. The Samburu County Climate Change Policy (2022) sets policy directions on resilience, women's participation and livelihood diversification. The Samburu County Climate Change Action Plan (CCAP) 2023–2027, which sets out sector-specific climate actions in agriculture, livestock, water and sanitation, environment and energy, health, disaster risk reduction and tourism.These documents directly reference the national Climate Change Act, the National Climate Change Action Plan (NCCAP) and Kenya's NDC, and explicitly require the county to mainstream climate change into all sectors.

ii. Institutions and coordination

The Climate Change Act and CCAP place climate work in the Department of Water, Environment, Climate Change, Natural Resources and Energy. A Climate Change Unit (CCU) coordinates county-level climate work. The Samburu County Climate Change Act establishes a County Climate Change Steering/Planning Committee at county level and Ward Climate Change

Planning Committees (WCCPCs) at ward level, which are responsible for participatory climate risk assessments and ward-level project identification. Coordination is improving but remains stretched by the limited capacity of communities, thin technical staff in the climate unit and heavy reliance on external projects to drive coordination and planning processes.

iii. Mainstreaming into planning and budgeting

The CCAP 2023–2027 is linked to the CIDP 2023–2027, which recognises climate change as a major risk to the county's ASAL economy and calls for climate-resilient water, livestock and agricultural investments. There is the Samburu County Climate Change Act 2022, which requires the county to prepare a climate change action plan and integrate climate change into sector functions. Climate change is now mainstreamed into agriculture i.e drought-tolerant crops, fodder production, water harvesting, water and sanitation, environment and energy i.e tree growing, rangeland rehabilitation and health. Through FLLoCA, Samburu is also expected to allocate part of its development budget to climate-resilient investments, although detailed budget shares are not easily visible in public sources. Climate is now clearly in the CIDP and CCAP, but the there is uncertainty about exactly how much money counties are spending from their general budgets on climate initiatives and whether they can rely on non-grant funding sources such as national government allocations in the long term, beyond the FLLoCA program.

iv. Climate finance and resource mobilisation

The Samburu County Climate Change Act, 2022 formally creates a County Climate Change Fund and sets out possible sources: county budget allocations, national transfers, FLLoCA, development partners and other sources. Samburu is a beneficiary of the FLLoCA programme, which channels national and development partner to counties that meet institutional and planning benchmarks. FLLoCA-supported climate initiatives as are community-driven actions in Samburu. However, there is no detailed annual figures on how much money has been deposited into the county climate fund and properly used while environment and climate dockets remain underfunded, with heavy reliance on short-term project funds. Samburu has the legal tools and programmes (Fund + FLLoCA) but long-term, locally financed climate budgets are still weak and not very transparent.

v. Implementation of climate actions on the ground

The CCAP and Participatory Climate Risk Assessment (PCRA) describe a number of climate actions already underway or prioritized such us construction and rehabilitation of water pans and boreholes, small dams and water harvesting to cushion livestock and households during droughts, reseeding, controlled grazing, and support to community conservancies to improve vegetation cover and reduce land degradation, promotion of drought-tolerant crops, kitchen gardens, agroforestry and alternative livelihoods in some settlements and disaster risk reduction. These efforts have improved resilience and food security in some communities, particularly where water infrastructure and grazing planning have been implemented well. But coverage is still limited compared to the size of the county and the scale of climate risk. Good initiatives exist but they do not yet reach all wards or address all vulnerable groups.

vi. Monitoring, reporting and data systems

The CCAP 2023–2027 includes an implementation matrix, institutional responsibilities and an outline of measurement, reporting and verification (MRV). It also notes the use of: Participatory Climate Risk Assessment (PCRA) to map vulnera bilities and prioritise actions across the 15 wards with linkages to national systems such as the County Integrated Monitoring and Evaluation System (CIMES) and national climate M&E.

However, detailed regular public reports on climate project performance, outcome indicators (e.g. changes in water access, livestock condition, and food security) and learning are still limited and often embedded in project reports rather than a single county climate dashboard. Samburu has a basic MRV framework on paper and has done PCRA but ongoing data consolidation and public reporting remain weak.

vii. Public participation, equity and inclusion

The PCRA and CCAP emphasize that the planning process was highly participatory, involving ward-level community meetings with elders, women, youth, persons with disabilities and local organisations (CBOs, FBOs). The Samburu County Climate Change Policy specifically calls for reducing the vulnerability of women and enhancing their participation in climate action. Ward Climate Change Planning Committees are supposed to reflect this diversity. But structural issues such as gender inequality, age hierarchies and literacy gaps still limit how much influence women, youth and poorer households actually have in decisions over project selection and resource allocation

viii. Links to land, rights and food systems

In Samburu, land, pastoral movement and climate are linked. Most of the county is community land under pastoral use, that climate change threatens rangelands and water sources and that adaptation must strengthen sustainable grazing, water and rangeland management.

Expansion of community conservancies, tourism and potential carbon projects brings new rules and actors into community land, fast changing landscape that undermine pastoral and food systems, depending on governance and benefit-sharing. Communities with registered community land integrate grazing plans, conservancy rules and climate actions within their own by-laws when properly supported to do so. The link between climate action and land/tenure is recognized on paper but practical integration with CLA processes and community land governance is still emerging.

ix. Carbon markets, private sector and safeguards

Kenya is expanding regulation of carbon markets through the 2023 Climate Change Act amendments and so is Samburu County Government There are several community conservancies are part of rangeland carbon projects, which generate revenue from improved grazing and land restoration. Communities have raised concerns about transparency, contract terms and benefit sharing in some carbon and conservancy and there is not yet a fully standardised county-level safeguard framework that links the Climate Change Act, Community Land Act and carbon regulation. Carbon projects are present and growing, but governance, safeguards and clear benefit-sharing rules still lag behind.

x. Learning and capacity building

County officers, WCCPC members and community representatives were trained on climate risk and Samburu participates in county learning platforms under FLLoCA and the Council of Governors. Whereas community members are far from understanding these issues. There need to be strengthened institutional and community capacities and systematic lesson-sharing.

3.2 Kisumu County

Kisumu County as represented on the map of Kenya.

Kisumu County lies along the shores of Lake Victoria covering about 2,085.9 km². According to the 2019 Census, Kisumu has a population of 1,155,574 people. The county is administratively divided into eight sub-counties (Kisumu Central, Kisumu East, Kisumu West, Nyando, Nyakach, Muhoroni, Seme and part of Kisumu City). Agriculture and fishing in Lake Victoria remain central to livelihoods alongside trade, services and manufacturing.

The Kisumu County Integrated Development Plan (KCIDP) III 2023–2027 highlights major pressures on land citing rapid urbanisation, informal settlements, subdivision of former customary held land, encroachment on wetlands and riparian areas and competing demands from housing, industry and infrastructure. Land tenure in Kisumu is dominated by private and public land, but customary centred land still exists in practice such as clan land, communal grazing fields, wetlands, shrines, cemeteries and shared fish landing sites. Customary land once managed by clans has increasingly been subdivided into private plots as the city expands, with resulting disputes, land grabs and encroachment on areas formerly used as community grazing or for cultural purposes. Despite this, no parcel in Kisumu has yet been registered as community land under the CLA. The county prioritise spatial planning, property registration, housing and blue economy investments but do not yet mainstream the CLA as a land governance tool.

Kisumu is highly exposed to climate risks already visible through unreliable rainfall, frequent floods in the Nyando and Nyakach lowlands, prolonged dry spells, new pests and diseases and more intense storms. Floods regularly displace households in the Kano plains, damage roads and bridges, and contaminate water supplies, droughts reduce crop yields and water availability. Water pollution and runoff contribute to water hyacinth and poor water quality in Lake Victoria, which in turn affects fisheries and public health. Poverty and food insecurity the KCICCAP reports a food poverty index of about 61%, meaning that climate shocks quickly translate into hunger for many households.

Kisumu has domesticated the national Climate Change Act. It has a County Climate Change Policy (2019), a Kisumu County Climate Change Act first enacted in 2020 and KCICCAP 2022–2027, form the backbone of its climate governance framework. The climate policy and Act commit the county to mainstream climate change in all sectors and to allocate 2% of the county's annual budget to climate change projects through a dedicated climate fund. KCICCAP 2022–2027 lays out 25 mitigation and 20 adaptation actions across energy, transport, agriculture, water, waste and urban planning.

3.2.1 Kisumu County analysis and findings on implementation of Community Land Act

Building on the county context set out above, below is detailed analysis of how the Community Land Act is being implemented in Kisumu County across the key themes:

i. Recognition and Registration of Community Land

Although many areas function as "community land" in practice (clan-held land, communal wetlands, beaches, shrines, grazing areas), no community in Kisumu has completed formal registration under the CLA. The county government holds any unregistered community land "in trust" as required by law, but it has not compiled a clear inventory of such lands or initiated adjudication and mapping for registration. Community and communal-centered lands remain invisible in the formal system and are often treated as either public land or fragmented private plots.

ii. Community Governance Structures

Because there is no registered community land, there are no Community Land Management Committees (CLMCs) or community assemblies established under the CLA in Kisumu. Instead, land and resource governance in many areas is handled through informal structures such as clan elders, beach management units (BMUs), water user associations, Ward Climate Change Committee and farmer groups. While these institutions have social legitimacy, they do not operate under CLA for accountability, gender inclusion and written by-laws and they are not linked to any formal community land register.

iii. Land Use and Natural Resource Management

Kisumu's land is under intense pressure from urban expansion, population growth and commercial agriculture. Most of customary and communal lands on the urban fringe have been subdivided and sold and that wetlands and public spaces have been illegally encroached upon for housing and commercial use. Rural production systems e.g. rice and sugarcane depend heavily on floodplains, river corridors and lake ecosystems, yet there are no CLA-based community land use plans for these shared resources. There is emphasize on spatial planning and a future GIS center, but this has not yet translated into participatory community land-use plans anchored in the CLA.

iv. Tenure security and protection of community rights

Tenure security is highly uneven. Some households hold freehold titles, while many low-income residents occupy informal or contested parcels especially in urban settlements like Nyalenda and Manyatta where long-standing clan-based claims intersect with rapid urban growth. Women, widows and youth often face discrimination in inheritance and access to family land and land tenure challenges have been publicly cited as a major obstacle to housing and development in Kisumu. Without CLA registration, communities who depend on communal wetlands, fish breeding grounds and sacred sites have no specific legal protection against conversion or compulsory acquisition beyond general land and environmental law.

v. Land transactions, conversion and protection from dispossession

The subdivision and sale of customary land into small private plots is common, driven by rising land values around the city and along key roads. Illegal subdivision of community and wetland areas, grabbing of public land and disputes between clans, individuals and institutions over ownership. Is rampant. These transactions rarely follow CLA procedures requiring approval by a community assembly and documentation of community consent. As a result, once land is sold or converted, communities lose shared grazing areas, cultural grounds and riparian buffers that support food systems and resilience.

vi. Benefit sharing and equity in land-based investments

Kisumu has rolled out plans for lakefront development, blue economy investments, housing and industrial infrastructure. However, there are no documented benefit-sharing arrangementswith communities who use these lands. Where investments occur on or near community-used lands, negotiations are typically between investors, county government and individual landowners, not organized communities recognized under the CLA. This creates a risk that benefits from land-based investments bypass the poorest, including women, youth and informal workers.

vii. County Government Roles and Capacity

Kisumu's CIDP and annual development plans show strong emphasis on spatial planning, land records, housing and GIS, but they do not explicitly priorities CLA implementation, community inventories or CLMC capacity-building. The Department of Lands has focused more on urban planning and property registration than on identifying and securing community land. There is no stand-alone county policy or budget line for CLA implementation and awareness of the Act among communities, county officers, MCAs and ward administrators appears to be dismal.

viii. Dispute resolution and Alternative Justice Systems (AJS)

Land-related disputes in Kisumu are common and range from clan boundary disputes, inheritance conflicts, eviction cases and contestation over wetlands and public land. Communities often resort to a mix of elders' councils, chiefs' barazas, informal mediators and formal courts. While this plural system can be fast and culturally legitimate, it is not yet systematically aligned to CLA procedures and there is no clear protocol for how AJS outcomes intersect with formal registration or protection of community rights.

ix. Climate change and food security

Kisumu is highly climate-vulnerable, facing frequent floods, soil erosion and changing rainfall patterns that affect food production. Poor households depend on access to floodplains, communal grazing areas and wetlands for crops, livestock and fishing exactly the kinds of commons that could be secured as community land under the CLA.

3.2.2 Kisumu County analysis and findings on implementation of Climate Change Act

i. Legal and policy domestication

Kisumu has laws and policy for climate change. These instruments clearly connect Kisumu's actions to the national Climate Change Act, NCCAP and NDC. The domestication of the law is strong and up-to-date.

ii. Institutions and coordination

Kisumu has a Directorate of Climate Change within the Department of Water, Environment, Climate Change and Natural Resources, established around 2015 to coordinate climate action. The Climate Change Act provides for County Climate Change Council / Directorate to guide policy and oversee the climate fund. Ward Climate Change Planning Committees (WCCPCs), which identify and prioritise ward-level climate actions and feed them into the county plan and budget. Kisumu also participates in FLLoCA, with ward committees and the Climate Change Directorate working together on climate-resilient investments and grievance redress. Ward Climate Change Committees, Ward Administrators and Project Management Committees have overlapping roles, so it's unclear who leads climate work.

This causes power struggles over who calls meetings, chooses projects and supervises implementation. Communities see many committees and get confused about who to talk to or hold accountable. However, technical staff should be increased to reduce the workloads and dependence on partner funded projects to keep coordination active. Institutional architecture is well defined and active but capacity and resourcing of the climate directorate and ward committees remain thin.

iii. Mainstreaming into planning and budgeting

Climate change is treated as a cross-cutting theme in county planning and anchored in CIDP III (2023–2027) with integrating climate and food systems in the Kisumu County Food System Strategy 2023–2027. The policy and Act commit 2% of the county budget to climate actions, to be programmed through ward climate planning committees and the Directorate. While Kisumu has a good policy framework, actual climate budget tagging and consistent 2% allocations are not yet fully embedded in PFM systems, and climate spending is still partly project-driven. Climate is clearly in the CIDP and sector plans; budget mainstreaming is advancing but still uneven and partly dependent on external finance.

iv. Climate finance and resource mobilisation

Kisumu has a County Climate Change Fund as a special purpose account in the county treasury, with a 2% budget commitment and additional inflows from national and development partners. Further, it's an active FLLoCA county, with documented FLLoCA grievance mechanisms and ward-level climate investments but there needs stronger capacity to structure and track green investments. Public documents do not yet show clear, disaggregated annual figures on climate fund inflows and expenditures and underfunding of the environment/climate docket relative to needs. Thus actual financing levels, predictability and transparency still fall short of the ambition.

v. Implementation of climate actions on the ground

There are visible efforts of ongoing mitigation and adaptation measures but actions are still shy off compared to the scale of climate risk and poverty and some sectors like rural agriculture and informal settlements remain under-served.

vi. Monitoring, reporting and data systems

KCICCAP includes a Monitoring, Reporting and Verification (MRV) section, with indicators and roles for tracking progress, Kisumu has also undertaken a Climate Change Risk and Vulnerability

Assessment which details climate hazards, hotspots and sector impacts. Yet, regular, public climate progress reports and unified data dashboards are still limited and much evidence stays in project or consultancy reports rather than in a single county climate M&E system. The framework for MRV exists and some solid assessments have been done but ongoing data consolidation and public reporting are still weak.

vii. Public participation, equity and inclusion

Stakeholders including women's groups, youth, PWDs, marginalized communities and organizations were consulted in development of KCICCAP. The Climate Change Policy and Act commit to participatory approaches and explicitly mention vulnerable and marginalised groups. The FLLoCA grievance redress framework for Kisumu County sets out multi-tier grievance mechanisms starting at project level, then ward climate committees, the county climate unit, the CECM/governor and finally national/independent bodies. Women, youth and informal settlement residents are not always equally represented or heard in ward committees. Technical language and limited feedback loops sometimes make participation not fully empowering. Participation structures are well designed and used, but deep inequalities still shape who has real influence and who benefits most.

viii. Integration with land, rights and food systems

Although Kisumu has no registered community land under the CLA, many critical areas—wetlands, riparian gardens, communal grazing parcels and landing beaches—function as commons. Flood control structures, dykes, river clean-ups and wetland management projects inevitably affect land access, tenure security and use rights for low-income farmers, fishers and informal settlers. Current climate plans acknowledge the need to protect rivers and wetlands but do not yet consistently use the language and tools of the Community Land Act or broader land-tenure safeguards and there is a risk that poorly regulated flood works, sand harvesting or urban expansion can displace or marginalise poorer users.

ix. Carbon markets, private sector and safeguards

Kisumu's climate plans prioritise energy, transport and waste mitigation measures and encourage private sector participation in renewables and energy efficiency. So far, there is limited public information on large-scale carbon offset projects in Kisumu compared with some ASAL counties but the national Climate Change Act amendments on carbon markets still apply. Carbon and private investments are emerging but still small-scale and this presents a window of opportunity to put safeguards and benefit-sharing rules in place early, before large projects arrive.

x. Learning and capacity building

There have been ongoing capacity-building efforts: training ward climate committees, community awareness session and technical support from partners but there has been inadequate financial resources, lack of field vehicles and limited exchange/peer learning opportunities as ongoing constraints and much learning remains project-based rather than institutionalized. Kisumu is proactive and well-networked in climate learning but needs sustained investment in community and staff capacity and learning.

3.3 Kwale County

Kwale County as represented on the map of Kenya.

Kwale County lies in Kenya's southern Coast region, with a population of about 866,820 people and a mix of inland hinterland and Indian Ocean coastline south of Mombasa. Kwale depends on smallholder farming, livestock, coastal fisheries, tourism, mining and informal trade. The county has ecosystems such as Shimba Hills National Reserve, coastal forests, river basins and mangroves.

Land in Kwale is marked by historical land injustices and complex tenure. Large ranches, settlement schemes, trust lands and unregistered community land overlap with long-standing customary claims. Many communities occupy land for generations but lacking formal documentation, making them vulnerable to evictions, fraudulent sales and exclusion from development benefits. Group ranches and have been at the centre of disputes, resettlement processes and contested allocation.

The Community Land Act (CLA) 2016 was expected to provide a pathway to secure these communal interests through registration and community governance. Yet group ranch transitions from group ranches to registered community land has been dismal since the Act came into force. This means that much of Kwale's community land remains legally unsecured, still held as former trust land or in disputed arrangements and communities lack fully functional Community Land Management Committees (CLMCs) in many areas.

Kwale is highly climate-vulnerable. Its coastal and inland zones are exposed to sea-level rise, coastal erosion, saltwater intrusion, ocean warming, flash floods, land degradation, prolonged dry spells and rising temperatures, which threaten water, crops, fisheries, health and infrastructure. Kwale developed a Kwale County Climate Change Policy (2021), the Kwale County Climate Change Act (No. 4 of 2022) and the Kwale County Climate Change Action Plan (CCCAP) 2023–2027, which align with Kenya's national

Climate Change Act and NCCAP. Kwale CIDP 2023–2027 puts climate change as a development priority, it was developed to mainstream climate action across all sectors and to create county and ward-level climate institutions, including a County Climate Change Planning Committee, Ward Climate Change Committees (WCCCs) and a County Climate Change Fund. However, actual implementation of both the Community Land Act and the Climate Change Act remains slow.

3.3.1 Kwale County analysis and findings on implementation of Community Land Act

Building on the county context set out above, below is detailed analysis of how the Community Land Act is being implemented in Kwale County across the key themes:

i. Recognition and Registration of Community Land

Kwale remains with unresolved historical land injustices and unregistered communal claims. Many areas like Golini and Lunga Lunga are effectively community lands but registration under the Community Land Act has been slow and poorly understood by communities. Most group ranches in Kwale have not successfully transitioned to registered community land. Communities often do not know the steps, costs or implications of registration and local elites sometimes use this information gap to manipulate processes or stall them.

ii. Community Governance Structures

Under the CLA, communities should establish Community Land Management Committees (CLMCs) and use community assemblies and by-laws to govern their land. In Kwale, these structures remain weak or non-existent in many locations. Decisions over land are still largely made through chiefs, elders, village committees and informal groups, without clear linkage to the governance model envisioned in the CLA. Women, youth and minority clans are rarely represented in any consistent way. This leaves communities without an accountable body to lead registration, negotiate with investors or manage communal resources.

iii. Land Use and Natural Resource Management

Land use is shaped by customary practice and seasonal farming systems. Many smallholders farm lease land based on oral agreements approved by elders and land is often marked by homesteads, burial sites and long-term occupation rather than formal documents. These arrangements are increasingly fragile such that oral leases for sugarcane, horticulture or annual crops regularly become crises when lessees later claim ownership or fail to provide the agreed token of appreciation after harvest. Degraded forests, riverbanks and expanding cultivation and charcoal production erode the natural base that communities depend on.

iv. Tenure Security and Protection of Community Rights

Tenure insecurity in Kwale is severe with majority of the households relying on allotment letters, receipts or verbal assurances that hold weak legal weight and are easily manipulated. Overlaps between settlement schemes, company ranches and unregistered community land create uncertainty about who actually owns what. Women, youth and people with disabilities are especially vulnerable due to patriarchal norms and limited awareness of their statutory rights. Without registered community titles or strong local institutions, communities remain exposed which in turn discourages long-term investment in soil conservation, tree planting or climate-resilient farming.

v. Land Transactions, Conversion and Dispossession

Land transactions in Kwale are often informal and poorly documented. Allotment letters continue to circulate despite their limitations and are frequently used in transactions. Some community land has been sold or leased without genuine collective consent, sometimes by individuals or small groups acting outside their authority. Overlapping interests between community land, ranches and settlement schemes have led to disputes, delays in subdivision or resettlement and allegations of fraud.

vi. Benefit Sharing and Equity in Investments

Kwale hosts tourism, mining and infrastructure projects. In many cases, there is no clear, enforceable benefit-sharing framework at community level because community land is not formally registered and CLMCs are not functioning. Negotiations are often driven by national or county authorities and company representatives, with communities on the margins. Benefits tend to flow to elites or external actors, while women, landless households and youth receive little, despite bearing the brunt of environmental and social impacts.

vii. County Government Roles and Capacity

Kwale County acknowledges land and climate as central development issues in its CIDP, but technical capacity to implement the Community Land Act is limited. County lands and legal offices are under staffed relative to the scale of disputes and registration needs. There is no sustained county sensitisation on CLA procedures. Issues of administrative malpractice and contested decisions further erode community trust in county institutions and can discourage communities from engaging with formal processes.

viii. Dispute Resolution and Alternative Justice Systems

Land disputes in Kwale are widespread and sometimes violent arising from misunderstood oral leases, double allocations, overlapping claims and historical grievances. Communities rely mainly on chiefs, elders and informal mediators to resolve conflicts. While these mechanisms are accessible and culturally embedded, they in a few cases produce written records sometimes not well aligned with CLA requirements for documentation, community registers and formal recognition of decisions. Allegations of corruption or bias among some local administrators further undermine confidence and can push parties into prolonged litigation and division.

ix. Climate, Community Land and Food Security

Although climate and community land are addressed through separate laws, they intersect directly in Kwale. Insecure community land rights undermine households' willingness and ability to invest in climate-smart agriculture, soil conservation, water harvesting and restoration of forests and wetlands. Many farmers still follow traditional seasonal calendars but rainfall has become more erratic and extreme events more frequent, which disrupts planting and harvests and increases food insecurity intensifying competition for land and water, exacerbating tensions and undermining resilience.

3.3.2 Kwale County analysis and findings on implementation of Climate Change Act

i. Legal and policy domestication

Kwale has legal and policy framework for climate action, the Kwale County Climate Change Policy, the Kwale County Climate Change Act 2022 and the Kwale County Climate Change Action Plan (CCCAP) 2023–2027. These instruments domesticate the national Climate Change Act and NCCAP, mandate county and ward-level planning structures and commit the county to integrating climate considerations into CIDP and sector plans. Kwale is therefore aligned with best practice among Kenyan counties.

ii. Governance Structures and Coordination

The Climate Change Act provides for a County Climate Change Unit/Directorate, a County Climate Change Planning Committee and Ward Climate Change Committees (WCCCs). These structures exist in law and are being rolled out in practice but many remain partially established, under-resourced or unclear about their roles. Some WCCCs are nominal or inactive, others lack basic tools such as terms of reference, training or operational budgets.

iii. Mainstreaming Climate into Planning and Budgeting

Climate change is recognised as a cross-cutting theme in the CIDP's environment, agriculture and water programmes. However, the actual level of climate budget tagging and consistent allocation to climate projects is less visible in public documents, and implementation of the County Climate Change Fund provisions is still evolving, making it hard for communities to see how much is really being invested in climate resilience.

iv. Climate finance

Kwale is part of the Financing Locally Led Climate Action (FLLoCA) programme a key source of finance for water, agriculture and ecosystem projects. However, communities often do not clearly understand how FLLoCA works, who manages funds or how ward priorities are translated into funded projects. This weakens accountability and risks capture of benefits by better-connected actors.

v. Implementation of climate actions on the ground

Some projects are underway especially FLLoCA-financed water and agriculture initiatives—but overall implementation remains uneven and slower than the scale of climate risk demands. Weak ward-level structures, limited technical capacity and fragmented coordination mean that many vulnerable communities see few tangible climate projects, or are only partially involved in choosing them.

vi. Monitoring, Reporting and Accountability

This is envisaged by the CCCAP but there is no regular, easily accessible county-level climate report summarizing how much money has been spent or what outcomes were achieved. FLLoCA has formal reporting requirements and a grievance structure but awareness at community level is low, and information often stays within government offices or project files.

vii. Public participation, Rights and Community Awareness

Kwale's climate laws and FLLoCA require public participation and ward-based planning but community awareness of climate laws, institutions and finance is still limited. Many residents do not know what WCCCs are, how to engage them, or that they have a right to help prioritise climate projects. Civic education on FLLoCA grievance and participation pathways happen but coverage is still small compared to the need. This leaves communities dependent on county or partners instead of confidently claiming their role in climate governance.

viii. Integration with Land tenure

CCCAP recognises the need to protect forests, riverbanks, wetlands and coastal ecosystems but systematic integration with Community Land Act implementation, community land registration and CLMCs is still weak. Large climate forward infrastructure can intersect with contested land and resettlement, raising questions about fair compensation and livelihood restoration for affected communities.

ix. Dispute Resolution and Grievance Mechanisms

Climate-related disputes in Kwale often arise from misunderstandings around project selection, perceptions of exclusion from FLLoCA benefits or conflicts between climate projects and existing land uses. Even with existing redress means, awareness of these mechanisms is low and many complaints still go through chiefs or elders, without being captured in formal systems. This gap reduces learning and accountability and can erode trust in climate programmes.

x. Climate Change and Food Security

Kwale's food security is directly threatened by climate variability and shocks. Changes in rainfall patterns, more frequent droughts and floods, and coastal hazards make it harder for households to rely on traditional planting seasons and local fisheries. Without stronger links between climate finance, secure land and community-driven planning, climate change risks reinforcing existing land and livelihood inequalities in Kwale rather than reducing them.

4. Recommendations

4.1 Samburu County

The following recommendations aim to strengthen the implementation of the Community Land Act:

1. Bring the registration system closer and continuous funding support from National and county governments. Establish a functional community land registry office in Maralal, with a resident community land registrar, adequate staff and a budget for outreach, fieldwork and digitisation.
2. Go beyond group ranches and registered community land and provide full inventory of all community lands. By using participatory mapping with elders, women, youth, herders this has assisted to develop a county inventory of ex-group ranches, unmapped trust land and key shared resources. Prioritise and support community involvement in their land processes.
3. Resolve conflicts early and prevent elite capture. Before registration, facilitate structured dialogue on membership criteria, whether the community wants full community tenure or limited subdivision, how to handle existing leases, conservancies and investor agreements. Involve neutral facilitators and reflect agreements in written by-laws in local languages and distributed to each community members. CLMC elections can be more transparent, with quotas for women and youth, and clear rules on term limits, reporting and recall.
4. Plan and register community land in a way that keeps pastoral movement possible, by mapping and protecting migration routes and shared grazing areas, copying good zoning practices and making sure titles, fences and rules don’t close off the very mobility that keeps pastoralists and their animals alive.
5. Train elders, CLMC members, peace committees and chiefs on CLA principles, equality and non-discrimination documentation and record-keeping. Requiring that any settlement of a community land dispute using alternative dispute resolution is recorded in a prescribed form, signed by parties and CLMC representatives and filed with the community register.

The following recommendations aim to strengthen the implementation of the Climate Change Act:

1. Samburu should fully implement the annual climate change response report using it to show funds entered in the Climate Change Fund, wards and with completed or ongoing projects and results were achieved.
2. Before any project is financed an assessment on impacts to grazing routes, dry-season reserves and water points should be produced.
3. The Climate Change Unit, Lands Department, Ward Climate Planning Committee, CLMC and conservancy representatives should jointly review a ward resource map and agree on the placement and type of climate investments.
4. Samburu should adopt clear standards on gender and youth representation and offer basic CLA/CCA training on monitoring, reporting and verification and scale use of minutes and registers by communities.
5. The county should guidelines requiring open community assemblies, plain-language benefit-sharing agreements and registration of all conservancy and carbon contracts with both the Climate Change Unit and the Lands Department, to ensure climate finance does not weaken community land rights or food security.

4.2 Kisumu County

The following recommendations aim to strengthen the implementation of the Community Land Act:

1. Create a county inventory of potential community lands and pilot registration; The County Government, working with communities and civil society, should undertake participatory mapping of all potential community lands, including wetlands used by communities, communal grazing areas and other shared spaces.

2. Integrate the Community Land Act into Kisumu's CIDP whereby there are explicit objectives on community land. Kisumu County Climate Change Action Plan (KCICCAP) and Food Systems Strategy should recognise wetlands, riparian zones and other commons as potential community land and provide for their protection as critical assets for flood control, urban food production and climate resilience.

3. Support communities to establish CLMCs and adopt clear by-laws. The community and county should support communities to convene community assemblies, identify and confirm membership and elect inclusive Community Land Management Committees (CLMCs) with meaningful representation of women, youth and persons with disabilities. These communities should then be assisted to develop simple, written by-laws on land use, access, benefit sharing and conflict resolution, aligned with the Community Land Act and human rights principles.

4. *T*he communities and county should prioritise registration and protection of wetlands, riparian gardens, communal grazing areas and fish breeding grounds that provide food and income for low-income households. Set up of community-agreed rules on which parts of these areas may be cultivated, where settlement and permanent structures are prohibited and how floods, waste disposal and pollution will be managed to keep these commons productive and safe.

5. *I*n collaboration with the Judiciary and County AJS structures, communities can adopt practical guideline for handling disputes involving community land. This should ensure that elders, chiefs and mediators can recognise when a dispute relates to community land or community-used commons, record their settlements in writing and share them with any relevant CLMC or county office and apply safeguards so that women, tenants, informal settlers and other vulnerable groups are not overridden by powerful families, investors or local elites.

The following recommendations aim to strengthen the implementation of the Climate Change Act:

1. Demonstrate compliance with the 2% climate allocation by publish a financial report of the 2% allocation to the Climate Change Fund, the actual amount transferred and climate spending by ward and sector, and this to reviewed by the County Assembly and Auditor-General.

2. *C*larify ward-level climate governance in one binding guideline on duties of ward administrators coordinating ward business and PMCs oversee implementation, with joint sign-off on ward climate project lists to reduce conflict.

3. *T*arget high-risk communities and commit a defined share of climate funds each year goes to these areas, reporting annually on households reached.

4. *D*evolve and consolidate climate information to an accessible medium using its climate directorate/green hub to bring together KCICCAP data, FLLoCA reports and sector studies written in clear English and Kiswahili for communities, leaders and partners.

5. Kisumu county should invest in continuous community sensitization and capacity-building on climate change laws, adaptation planning and local fund management. Communities should be trained not just as beneficiaries but as active managers of climate resilience, taking responsibility for project maintenance, monitoring and sustainability.

4.3 Kwale County

The following recommendations aim to strengthen the implementation of the Community Land Act:

1. A county-wide community land awareness is needed to explain what community land is, how registration works and why it matters for security, food and climate resilience.
2. Together with NLC and the Ministry of Lands, the county should develop and publish a step-by-step plan showing which community lands will be supported to register first, the timelines and the support communities can expect in mapping, meetings and documentation.
3. Communities are to be supported in forming CLMCs that are inclusive with minimum of persons with disabilities, women and youth and support them to written by-laws on land use, decision-making, conflict resolution and benefit sharing.
4. *P*rovision of legal and technical help for mapping and documentation to help communities map their land, record members, document customary boundaries and uses and prepare the documents required for registration under the CLA.
5. Train chiefs, elders and paralegals to align local dispute resolution with the CLA; Chiefs, elders, religious leaders and community paralegals should be trained on the Community Land Act so that their mediations are written down, respect women's and youth rights and can be recognized by formal institutions where needed.

The following recommendations aim to strengthen the implementation of the Climate Change Act:

1. Fully operationalise the County Climate Change Unit and WCCCs ensuring the Climate Change Unit has dedicated staff and budget, and that every Ward Climate Change Committee is formally established, oriented on its mandate, and supported to meet regularly and keep basic records.
2. Make climate finance visible whereby the county should produce a simple climate finance summary showing use and disbursement of funds, its allocation and which projects were funded in each ward and share it in wards.
3. The county and partners should roll out sustained community sensitisation on the Climate Change Act, county climate laws, FLLoCA rules and participation rights at village and ward level. with trainings and demonstrations on water harvesting, climate-smart farming, soil conservation, drought-tolerant crops and alternative livelihoods, targeted at the most climate-vulnerable villages and groups.
4. Ward Climate Committees should publicly document risk level, number of households reached, impact on women and vulnerable groups, protection of key resources when evaluating project.
5. Communities should be supported to form or strengthen local committees that take responsibility climate adaptation and mitigation.

5. Conclusion

This assessment set out to examine how the Community Land Act, 2016 and the Climate Change Act, 2023 are being implemented in Samburu, Kisumu and Kwale Counties, and what this means for land governance, climate resilience and food security. The findings show that Kenya has built legal and policy framework: community land is constitutionally recognized and climate change is anchored in national and county law with clear mandates for planning, finance and participation. In the three counties studied, these frameworks have been domesticated through county legislation, policies and action plans and in some cases translated into concrete registration processes, climate institutions and locally led projects. At the same time, implementation remains asymmetrical and incomplete and the benefits of these reforms are not yet reaching many of the communities most exposed to tenure insecurity and climate risk.

Community land in Samburu illustrates what is possible when national and county institutions, communities and partners work together over time. Yet even here gaps in coverage unresolved historical claims and inter county boundary disputes, limited inclusion of women and youth and pressure to individualise land show that registration alone does not guarantee equitable and sustainable outcomes. In Kwale, historical injustices, overlapping ranches and settlement schemes, pervasive use of weak documents such as allotment letters and slow and poorly understood registration processes mean that much community land remains legally insecure. The absence or weakness of CLMCs leaves communities exposed to dispossession, fragmented commons and opaque land deals. In Kisumu, where no land has yet been formally registered under the CLA despite the existence of clan lands, wetlands, grazing areas and sacred sites, community lands remain largely invisible in formal systems, vulnerable to urban expansion and environmental degradation and disconnected from emerging land and climate plans.

Climate governance in all three counties is evident with adoption of the Climate Change Act. Samburu and Kwale have adopted county climate change Acts and action plans and participate in the Financing Locally Led Climate Action (FLLoCA) programme, while Kisumu has a county climate policy, Act and integrated action plan that link its climate work to national strategies. County and ward climate structures exist in law in all three counties and there are practical efforts to build water infrastructure, support climate-smart agriculture, rehabilitate lands and protect key ecosystems. However, climate institutions are often under-staffed and under-resourced, with unclear or overlapping roles at ward level. Climate finance from county budgets, FLLoCA and other partners is not always clearly tagged or reported, making it difficult to see whether commitments and action-plan priorities are being met. Community awareness of climate laws, rights and funds is low and participation often remains consultative rather than empowering. Monitoring, reporting and grievance mechanisms exist on but are not yet consistently used to generate transparent, accessible information on who benefits and what has changed over time.

A central lesson from this assessment is that land and climate governance are deeply interconnected. The security or insecurity of community land directly shapes how households manage grazing, water, forests, wetlands and fisheries, and thus how they cope with floods, droughts and other climate shocks. Where the CLA and climate laws reinforce one another like in parts of Samburu where registered community lands, grazing plans and climate investments work together communities are better placed to protect dry-season reserves, manage conflicts and sustain pastoral food systems.

Where community land remains unregistered or poorly governed, climate projects risk entrenching or worsening inequality by reinforcing existing power imbalances, enabling enclosure of communal spaces or failing to protect the most vulnerable users of land and resources. The growing interest in conservancies, tourism and carbon markets makes it even more important to align community land rights, climate regulation and safeguards so that investments support, rather than displace, community livelihoods and adaptive capacity.

The assessment also highlights institutional and capacity gaps that cut across land and climate sectors. Counties carry significant responsibilities supporting community land adjudication and registration, establishing climate units and committees, integrating land and climate into CIDPs and sector plans, managing climate funds and engaging communities but often do so with limited technical staff, modest budgets and fragmented coordination. Data and information systems remain weak there are few consolidated county reports on community land registration status or on climate finance and results and little routine use of evidence to adjust programmes. Community-level institutions CLMCs, Ward Climate Change Committees, elders' councils, paralegal, chiefs, ward and village administrators are critical intermediaries and they need clearer mandates, more inclusive representation and sustained support to play their roles effectively.

At the community level, participation and inclusion are both a strength and a weakness. Communities across the three counties are deeply engaged with land and climate issues in their daily lives and bring rich knowledge of local ecosystems, risk patterns and customary norms. Yet formal processes often reach them late, in technical language or through complex committees that are hard to navigate. Women, youth, persons with disabilities and minority clans remain under-represented in many formal and informal decision-making spaces. Existing alternative dispute resolution (ADR) and traditional mechanisms resolve many conflicts quickly and at low cost, but are not systematically aligned with the CLA or climate safeguards, and can reflect patriarchal biases unless deliberately opened to broader participation. For both Acts, moving from "consultation" to meaningful, ongoing community leadership in planning, implementation and oversight is essential if reforms are to be sustained and credible.

Looking ahead, the next decade offers a critical window to consolidate gains and close implementation gaps. For the Community Land Act, this means completing and deepening registration in counties like Samburu, accelerating and supporting registration and creation of CLMCs in counties such as Kwale, and recognising and securing community lands in urbanising and peri-urban contexts like Kisumu before they are irreversibly fragmented. It will require more predictable funding for adjudication, mapping and registration; clearer division of labour and coordination among national and county actors; systematic monitoring of progress and outcomes; and stronger safeguards against elite capture and forced conversion of community land. For the Climate Change Act, the priority is to move from well-crafted laws and plans to transparent, accountable and inclusive implementation. Counties need to operationalise climate funds, build strong climate units and ward committees, integrate climate across all relevant sectors and budgets, and invest in simple but robust systems for tracking climate finance, actions and results.

Finally, this assessment underscores that law is only one part of the solution. Strong legal frameworks are necessary but not sufficient; effective implementation depends on institutions that communities trust, on public servants and leaders who are accountable, and on citizens who are informed and able to organise. As Kenya moves into the second decade of the Community Land Act and deepens its climate commitments under the UNFCCC and Paris Agreement, the experiences of Samburu, Kwale and Kisumu suggest that investing in community capacities, strengthening inclusive local institutions and knitting together land and climate policies in practice will be central to realising the constitutional promise of secure community land rights and a clean and healthy environment for present and future generations.

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