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1. Introduction

Conventional environmental policies are largely characterized by 'top-down' approaches. 'Top-down' approaches regard to higher authorities defining and deciding how things should work at the community level. 'Top-down' approaches are based on the assumption that national and the elite groups are able to design policies that will be implemented at the local level. Such approaches have given limited democratic space for the people who are affected at the local level. Most policies that have followed this approach to some extent have failed in a number of regions both in the 'north'[1] and 'south' during the late 1960 and throughout 1970s (Kamruzzaman, 2012). In the aftermath, democratic freedom of local communities to participate in the policy processes, a growth of social movements where the local communities and concerned parties come up with other means to rise against certain policies that affect them or may be of interest to them (Holmes and Scoones, 2000; Kamruzzaman, 2012). Such processes not only produce surprises and uncertainty but involve complex engagement of elements within a system (Ratter, 2013)

Gaventa and Robinson (1999), (cited in Holmes and Scoones, 2000) argue that there are four ways through which local communities especially the 'non-elite' citizens are able to shape policy outcomes. The first is through 'resistance'. Scott who studied how peasant and oppressed persons resist the dominating group argues that the oppressed do not speak their mind before the dominant group but rather find a way of advancing their discourse of concern among themselves through gossips which provides a platform for information sharing which may build up to social resistance (Scott, 1990a; Scott, 1990b). The second way is through community based action groups, social unions, social movements and Non-Governmental

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[1] For the purpose of this paper 'north' refers to developed countries whereas 'south' refers to countries in developing or those in transition.

Organizations (NGOs). These movements are important in creating public awareness of the issue at hand, mobilization of group resources and more important media awareness (Dalton *et al.,* 2003). The third route is via formal representation through democratically elected representatives. These representatives become agents of the electorates and are entrusted to represent their interests. The final course is by way of an expanded democratic space where the greater 'public' is invited in consultation and decision making processes (Holmes and Scoones, 2000). This is an approach that has gained popularity in the last three decades.

Under the UNFCCC convention, countries have been urged to fast track their national and local climate change policies especially those in the south that are extremely vulnerable to climate change impacts. Each of these southern states has been put to task in coming up with a national climate change policy in order to benefit from adaptation funds that have been proposed under Conference of parties (COP) of 2012 in Doha, Qatar. Kenya is one of the first few countries in the global south that have been able to come up with a national policy under the Kenya Climate Bill of 2014. This bill is a product of tough engagement among stakeholders between the year 2008 and 2014 including rejection of the bill when it was subjected to the parliamentary process for the first time in the year 2010.

Despite having the climate bill that waits presidential signing into to law, the bill has come a long way. Considering that Kenya has seen a tremendous change in democratic space in the last 20 years, a shift from a single party and autocratic regime to a multiparty regime and now a move from National system to Federal system of a governance, the current awaiting climate bill presents an interesting case on how challenges of choices on inclusion, heterogeneous actors with different interests, wit, tact, power and control in play in as democratic space shift.

This paper presents a study on how policy space and outcomes are shaped by Deliberative Inclusionary Processes using Kenya's Climate Change policy making process between 2008-

2014 which culminated by the drafting of Climate Change Bill of 2014. Using the DIP lenses the study analyses key discourses on, *who* were the key actors and institutions, *what* politics and interests are attached to narrative, actors and institutions, *what* is the role of power and control over the outcome, which challenges were encountered and highlights of strategies employed to overcome those challenges. Secondary materials including minutes of meetings, stakeholders' web pages, policy documents and stakeholders' interviews undertaken between November 2014 and January 2015 are also used in the analysis.

1.1 Kenya Climate change status analysis

 The IPCC recognises climate change as one of the greatest threats facing humanity in the 21st century (IPCC, 2007). It threatens social economic advancement of many nations and states especially countries and territories in the global south. In Kenya, climate change threatens key social economic sectors that contributes to a large share of its GDP. These sectors include: Agriculture; Tourism; Livestock farming; Fishing and Energy sectors according to the (GOK, 2010; Maina, 2012; Njoroge, 2015). Despite limited studies on climate change risks and vulnerability in Kenya, few studies have attempted to examine climate change impacts in different sectors and regions. In a literature review by Awuor *et al.* (2008) describes Mombasa as vulnerable too heat stress, disease outbreaks and loss of biodiversity both marine and terrestrial. The authors further notes that Mombasa ia a LLCZ with unplanned settlement that have encroached drainage systems hence making it vulnerable to flooding during extreme rainy seasons. A further GIS based analysis reveals that sea level rise and storm surges exposes more than 210,000 people and more than Usd 500 million in assets are vulnerable (Kabede *et al.*, 2010). Further media analysis on climate change can be found in Atieno and Njoroge (2015). Below is a summary of climate change impacts and risks as per sector and groups.

Table 1 – Here

2. What is a policy process?

In order to understand policy process it is important to understand the characteristics of policy making process. According to Scoones *et al.,* (2006) a policy process is a political process and not a technically rational process. It is also complex and chaotic process which involves learning form mistakes made in the process. Moreover, it is not discrete and technical but rather an amalgamation of values and facts. These values are normally attached to different interested parties who influence the policy outcome. Furthermore, a policy process involves discretion and negotiation hence policy outcomes can be seen as a product of technical experts and policy makers. In the process some ideologies may be preferred over others depending on the power over control of the policy process. Finally it is believed that scientists largely define the policy issues whereas policy makers decide on priority areas based on interest and resources it can be concluded that a policy process is constructed by both technical experts and policy makers (Scoones *et al.,* 2006).

There are two distinct policy making processes: - conventional and deliberative policy making process. The conventional policy making process is highly associated with pre-civil movements of the 1970s and 1980s which gave birth to typical policy making processes which are discussed here below.

2.1 Conventional policy making process

Conventionally policy making process have been thought to take a linear clear process with a number of stages of rational decisions that lead to a policy (Maina *et al.,* 2013). These steps are captured in the table below (See table 1). The process starts by understanding the issue or

Policy problem at hand. This is followed by exploration of possible options for resolving the problem. The policy options are weighed based on cost, efficiency etc. And the most favorable response is implemented. Next is evaluation of policy which may be an ongoing process.

This conventional approach has been criticized for separation of facts which is largely thought to be guided by rational scientific basis, objective knowledge and value, as a separate issue that can be handled by political processes as noted in a review on of IDS[3] research on the environment (Leach, Scoones, and Stirling, 2010).

Going by the view presented above by Leach *et al.* (2010), it is evident that the elite are believed to be able to come up with policy solutions that will work given best technical minds and resources. Whilst such an approach has seen an up rise in grass root resistance especially when the solutions proposed go against the local interests, there has been a shift towards wider inclusion of parties that are ought to be affected by the policy outcome. It is in this line of thought that new approaches such as the Deliberative Inclusionary Processes are considered.

Figure 1 - Here

2.2 Contemporary policy making process

So, what are DIPs? In order to understand DIPs, it is important to answer these questions around DIPs. What is the objective of DIPs? Who defines the discourse? Who is included or excluded? Who defines the problem? Who defines the rules of engagement? Who convenes and supports the deliberations? In doing so attempts are made to illustrate, (See fig. 2), the DIPs in relation with Top-down approaches and Bottom-Up approaches. We hereby argue that DIPs aim at appreciating the value of interests among different stakeholders hence while

interests remain heterogeneous, resource of the elite and the value knowledge of local communities must not be neglected. However a critical question to the deliberation process is who defines the problem and the policy objectives? In climate change policy process, it is evident that the global discourse has been largely driven by the IPCC reports addressing mainly global climate change issues however the political processes in order to mitigate or adapt to climate change happens on national and municipality level. Therefore the definition of the policy problem is highly likely to be shaped by different narratives and interests among stakeholders. The discourse is likely to be shaped by the extent of negotiation and conviction. The problem of who convenes the negotiation would depend on modalities of the process and more important trust and transparency among different stakeholder.

The figure below demonstrates the DIPs policy process where the process represents an imbalance of opinions feeding into policy actions. Assuming the policy process has attracted relevant stakeholders to be included, the process is nonlinear, dynamic and complex in the sense of complexity theory. Colloquially one can say, rather chaotic. The policy space will be highly influenced by power and relations, politics and interests, actors' institutions and networks. In the process, more awareness will prevail among actors. But as well, interaction of agents on the micro level (local) can emerge in surprises and frustrations on the macro level (national) of a society (Ratter, 2013). Shift of interests will be experienced depending on the ability of actors to convince each other. Learning is produced and strategies for unlocking policy hurdles are developed, again shaped largely by interests.

Figure 2 - Here

Leach *et al.*, (2010) describe policy process as political, incremental, complex and messy with competing agendas. This is so because different actors have different ways

of understanding and framing policy problems. Furthermore, the process may see changes in constitution and structure of engagement while more interest parties are included or excluded from the process.

2.3 Participation in policy context

The late 1970s is noted to be the period where 'participation' found its way in development agenda as noted by (Cohen and Uphoff, 1980). However, despite its popularity the term 'participation' remains an elusive one and has attracted different meanings categorically (Cornwall, 2008). Arnstein, (1969) provide an illustrative ladder of participation with three levels which literally demonstrates participation variation in term of 'good' and 'bad' participation (see figure 3.). The good participation is seen to be the one with citizenry empowerment in decision making. It is at this level that the highest level of 'citizen control', 'delegation of power' and 'partnership' ought to have been enhanced. At the lowest level of the ladder of participation is 'Non Participation' (See figure 3).

Figure 3 - Here

1 (Manipulation) and **2 (Therapy)** main aim is to educate the participants about proposed plans or policies and the request to participate is viewed as a public relations activity.

3 (Informing) is an important step to citizenry participation because it helps to bring participants up to date with what is happening. However, more often than not communication remains one sided channel with no feedback from participants.

4 (Consultation) on the other hand is an important aspect of planning and or policy formulation especially in measuring participants attitudes. However more often than not

decisions may have been made.

5 (Placation) occurs when some participants are handpicked into committees to legitimize the process. Participants who support power holder's ideologies are more favoured to join the committees.

6 (Partnership) is a situation where plans and policy making process remains a shared responsibility. Partners are seen as equally important in the process.

7 (Delegated) power is where the citizen elect their representatives into committees. In the process accountability is assured.

8 (Citizen control) is where citizen have control of the whole process including policy making, planning and management of projects in their communities.

2.4 Concepts of Deliberative Inclusionary Processes

In an extensive review of literature, it emerges that policy outcomes can be summarized by three distinct yet inter-related elements namely: discourses and narratives, actors and institutions as well as politics and interests (Holmes and Scoones, 2000). For **Actors, Institutions and Networks**, it is argued that maintaining a discourse or narrative is a key for shared vision. Leach *et al.*, (2010) argue that networks and actors with a shared vision and interests usually build a system of codes of conduct and behaviour which is important in maintaining common discourse and narratives as shared within the network. Furthermore, these relations produced by networks determine the policy output, (Adam and Kriesi 2007; Erridge and Greer, 2000; Bressers, and O'Toole, 1998); Marsh 1998; Knoke *et al.* 1996) which can be 'pluralist policy' due to amalgamation of different interests (Knowledge, Technology and Society Team, 2006).

As negotiations and bargaining play part in the policy process often than not the narratives may face gradual change as ideas from different actor are discussed leading to

submission to popular narratives of certain actors or a reinforcement of existing ones. It is also noted that actors do occur at different scales and levels of policy process (Maina *et al.,* 2013). Furthermore, while it is acknowledged that different institutions have different levels of resources, power and control which are also attached to certain interest and narratives their role shapes policy outcomes.

 Policy narratives are stories about a policy problem in a special **political discourse**. Its occurrence and effects create new demands of policy response. Some DIPs set up can be considered a form of a 'Joint force for policy making. In DIPs context narratives are sourced from a wide range of actors who have different levels of understanding, experiences and associate differently to the policy problems. Including those experiencing the problem at the grassroots and technocrats detached from policy problem.

 Moreover, in the policy process some narratives get more attention and authority than others whereas politicians override on the attractiveness of simplicity and popularity of the phenomenon. For example, in the 2007 Australian election campaign, ecological modernization and climate justice are considered to have propelled the politicians to power (Curran, 2011). The tendency for advancement of a narrative will largely therefore depend on whose interest it suits; ease of communication through catchy phrases; insertion to a given institutional structure, bureaucratic system, actor network groups and 'normalization' :- where narratives become way of life of the people (Knowledge, Technology and Society Team, 2006).

 Referring to **Politics and interests,** policies are politically affiliated and contested (Maina *et al.,* 2013). Following the Knowledge, Technology and Society Team (2006), there are four ways in which politics manifests. The political context is molded by the political regime in power. The political interest of the regime will eventually influence

the outcome of a policy process which will also depend on certain institutional structures in place that may influence the democratic space. In summary the following are observed:

a) Policy process is influenced by a range of interest groups who have heterogeneous interest, ideologies, power and authority over certain processes that affect the policy outcome.

b) Policy is set out as objective, neutral and value free and more often than not legal and scientific terms are attached to them to emphasise rationality.

c) Personal political agenda play part in bureaucracy rather than neutral execution of policies.

Because of this complex interaction of politics, heterogeneous actors and interests, power over control, ideologies and values the policy outcome will reflect all these factors in play. In reference to **policy space and outcome**, it is the policy space which defines the level of democracy in the policy making process. It allows for inclusion or exclusion, for free expression or suppression of ideologies among actors. It is the 'fair play in cast' which may take different shapes. The level of such democratic conditions will vary from case to case depending largely on the political condition, history and experience of the society involved. Moreover, the shape of policy space has a direct influence on the policy outcome.

Understanding the interactions among actors, institutions and networks demands for an analysis of the politics and interests and a disclosure of discourse and policy narratives which can help to understand the policy space much better, see fig. 4, (Knowledge, Technology and Society Team, 2006).

Figure 4 – Here

3. Methodology

This research was conducted between October 2014 and mid January 2015 involving two phases of research methods. The first phase was a review of existing literature and material to explore the policy context of climate change and more important dynamics of sectoral representation based on conceptual lenses for analyzing policy processes. . The literature reviewed include minutes of meetings, written communication materials, published reports, websites and blogs. Key actors were mapped and identified considering the climate change policy making period of 2009-2014. Discourses and narratives were explored which made a basis for follow up in the second phase. A further review of media coverage was undertaken in order to get statements of key political figures involved who could not be interviewed. The second phase involved a field study undertaken between mid November 2014 and January 2015. Having identified key actors a group of 13 actors informing this research stratified random sampling method was used to get the subjects. A total of 49 interviewees and key informants were interviewed. The representation mix included: Government departments, local and international NGOs, tourism sector representatives, Kenya private sector association, research institution and a religious organization

4. Findings and Discussion: Kenya's way to the Climate Change Bill

Kenya's climate change policy can be traced back to the year 2006 the start through activism. However no tangible policy paper had been achieved by the year 2009. This is because activists and their organizations had not only had serious problems with the government, but also lacked coordinated efforts, climate change knowledge, technical, financial and human resources which delayed the establishment of concrete structures

for advocacy (KCCWG, 2010).

It was also observed that the actual Kenya Climate Change policy making process started in early 2009 – the so-called 'exodus' year, which was very important for the Climate Bill of 2014. This is because despite Kenyan Government ratifying all resolutions of UNFCCC, their commitment to mainstream climate change policy had been wanting until 2009/2010. It is also in this period that global advocacy was taking place ahead of COP 15. Under the UNFCCC framework the role of Civil Society Organizations (CSOs) is acknowledged in terms of education, training and public awareness to matters climate change. Thus the convention has allowed inclusion of these important actors as observers in climate meetings.

In order to ensure Kenya's Civil Society representation in COP15 a number of civil societies held several forums to coordinate CSOs which were hosted at the African Centre for Technology Studies (ACTS) and Climate Network Africa (CNA) with the support from International Institute for Environment Development (IIED). A few months later more interested groups came on board and the forum expanded to include Kenya Climate Change Forum (KCF) and National Climate Change Consortium of Kenya (NCCCK). These forums were facilitated by Non-Governmental Organizations (NGOs) including Forest Action Network (FAN) and Kenya National Federation of Agricultural Producers (KENFAP). All groups would later merge to form Kenya Climate Change Working Group (KCCWG) in April 2009 with an objective of Climate Change legislation, climate policy development and advocacy. KCCWG was a forum that brought together Civil Society Organizations in Kenya and donor partners as the government disassociated itself from it (KWCCG, 2010).KCCWG had three key objectives: Climate Change legislation, climate policy development and advocacy. To achieve this KCCWG needed to gather knowledge around climate change. Eight

thematic groups were identified and tasked to explore climate change issues around the themes. The thematic groups included:

a) Water thematic group

b) Energy Thematic group

c) Agriculture, Livestock and Fisheries thematic group

d) Tourism, Trade and Industry thematic group

e) Conservation, Pastorals and Conflict over Natural Resources Thematic group

f) Health thematic group

g) Forestry thematic group

h) Urbanization, Housing and Infrastructure thematic group and

i) Education Thematic group

Having established the thematic groups a series of 'climate hearing', conferences and workshops took place which shaped the narratives around climate change. The thematic groups executed their roles in three phases.

Phase one: Each thematic group was tasked to design and undertake research in their thematic areas. The objective of the research was to explore and evaluate impacts of climate change. Key concerns for each thematic area were summarised and presented to the KCCWG so that the findings could be incorporated in the draft bill dubbed as 'Draft Zero'. Three task forces were also established including: a) Climate Change Bill task force which was to coordinate the climate change bill making process. b) A task force on Policy c) Road to COP task force which was to advice KCCWG on international climate change negotiation process.

Phase two: In the second phase the first draft of the policy paper was presented to stakeholders who gave their input that would pave way for a better draft. This was done

four times until the last preliminary draft was developed. Later a meeting with the members of parliament and other stakeholders in government including the ministry of environment was organised in order to get their views which would be incorporated in the preliminary draft.

Phase three: The final phase was mainly going back to the grass root to get community's view of the draft. A simplified policy paper was drafted that would be easier for the members of the community to comprehend. Climate hearings were done across the country. This was an important step because as per the 2010 constitution of Kenya, members of the public must be involved and consulted on any policy paper that aims at addressing issues that concern them. A final draft was crafted after community hearing which was later shared at regional workshops. Members of parliament were also sensitised to achieve support for the bill once it was tabled in parliament. After the final drafting, the bill was presented to the attorney general for review.

4.1 Discourse and Policy narratives

Narratives on climate change in Kenyan context are captured in the NCCRS, NCCAP and KCCWG documents including minutes of meetings and reports. The general discourse pursued that climate change poses a great challenge to humanity. The impacts of climate change are already being felt in social economic ecological and human systems including sectors such as water, tourism, livestock, health, transport, energy, agriculture, natural resources and disaster management.

Kenya is 'extremely vulnerable' because of its 'relative position on the equator', nearness to Lake Victoria and due to 'varied topology as well as inter-tropical convergence zone (ITCC)' (GoK, 2010). Documents produced by policy stakeholders outlined evidence that Kenya is experiencing varied weather conditions as demonstrated by 'recent floods which have become 'frequent and intense', evidence of melting ice cap

on Mt. Kenya, long drought which affects the rural and urban poor populations (Gok, 2010).

Agriculture is the backbone of the economy which accounts to about 60% of the country's export and supports 5.5 million households both directly and indirectly. Lack of precipitation would translate to food insecurity in the country shrinking foreign income earnings. Furthermore, long droughts are thought to affect the livestock sector which represents 13% of the GDP. Evidence of loss of livestock through deaths due to drought has been reported in Northern Kenya and resource conflicts between pastoralists and agro-farmers have been reported in Tana River basin (Gok, 2009; KCCWG, 2010).

The melting of ice cap on Mt. Kenya has led to loss in river tributaries and water volumes in general which not only affects the ecosystem functionality but also the water dependent sector like hydroelectric generation and domestic water use. Urban populations were also considered vulnerable to flash floods especially in unplanned settlement areas in cities of Mombasa and Nairobi.

Tourism narratives were aggregated in effects on rangelands and wildlife resources, coastal and marine ecosystems and, infrastructure, but limited on tourism dependent livelihood as 'droughts have hit on the country since 1990s', 'reducing forage in rangeland' and 'water in rivers hence affecting wildlife' which forms the core of tourism (GoK, 2010). According to KWS wildlife deaths have been reported in the recent past including 14 elephants in 2007, 28 in 2008 and 37 in 2009 - demonstrating a tremendous increase (GoK, 2010). Reduced river water volumes in wildlife zones have also been reported as 'extraordinary and prolonged dry season' have been observed in Maasai Mara ecosystem. This has exacerbated human-animal conflict due to migration of animals which tend to move to water points near human settlements.

Tourist sites also face destruction and are likely to be experienced in Mt. Kenya due to

melting of the ice cap, deterioration of the coastal rainforest, affected fragile ecosystems and parks like corals and parks. Furthermore, impacts of sea level rise and storm has led to the construction of sea wall barriers by some hotels along the beach. Drought induced diseases including anthrax, babesiosis, trypanosomiasis as well as a number of internal and external parasites are also on the rise. Animal migration patterns are also expected to change in search for pasture and water resources. Although much was mentioned on how tourism would be affected more weight was put on how climate change will or ought to affect ecosystems, tourist attractions and infrastructure. Limited information was provided on how climate change would affect communities' dependant on tourism. This led to poor representation of tourism related climate change cancers.

Although the process of policy making seeks to have a wide array of stakeholders participating in the policy making process, it is reported that the government depended on 'expert reports' who was a 'consultant' and validation of the policy problem was done through 'climate hearings' at the community and regional levels. Likewise, the KCCWG used thematic groups to 'study and recommend' to the drafters of the policy. As one of the interviewees reports, the job was already done and their work was to comment and 'endorse' the document.

> *'Much of the job was already done by experts and consultants so on a typical meeting that I attended we were required to comment on the report where we would add and/or subtract what we didn't feel was right. At the end we would agree and endorse the document.'*
> (University Lecturer)

From these sentiments, it can be concluded that policy processes not only faced a

problem inclusion, which is largely deliberate but also the problem of who informs what is to be included in a policy document. Hence participation can bear different meanings as demonstrated by Arnstein, (1969).

4.2 Actors, Institutions and Networks

The KWCCG operated an open-door policy where any interested actor would join the forum under a thematic area of interest. Consequently, many actors were getting involved. Local multinational NGOs seconded by foreign governments and non-governmental organizations were important partners because prior 2013 the Kenyan government disassociated itself with KWCCG activities.

Despite lack of government involvement in the policy making process when the document was ready for tabling in parliament, KWCCG identified Dr. Ottichilo who presented the draft bill as a private member bill. Being an active member of KCCWG it was easier for him to argue for the bill which and successfully went through all the stages of parliamentary bill process.

The role of institutions and networks also played part in financing the research in the thematic areas. For example, the thematic group on Agriculture, Livestock and Fisheries received better material support from actors in KCCWG member organizations that had interest in the thematic area. This led to imbalanced knowledge contribution into the 'Task force' that was crafting the policy paper. Sectors like tourism gained very little consideration in the policy document as acknowledged by a representative of thematic group on Tourism. The member cited lack of representation from both tourism stakeholders and strong networks including tourism dependent communities as a causative factor for the scant attention given to the sector. In a submission to the working group meeting, the member noted that:

> '..gap exists in terms of climate change awareness'... and '...wildlife does
>
> not come up clearly in climate change discussions and the group was

keen in incorporating wildlife in the debates and to this end the group was forming a partnership with KWS and members of the Tourism thematic group that would also see development of training tools in climate change adaptation in the wildlife sector and a climate change strategy for the wildlife sector as key output for the anticipated partnership'. (Representative, thematic group of tourism)

Contrary, in an analysis of the National Climate Change Response Strategy (NCCRS) report which was developed by the government parallel to the KCCWG draft bill, it was noticed that a thorough scientific work was done through a government funded consultant. The support of development partners with strong technical expertise and funding, demonstrates sound research work that culminates with several conclusions on climate change impacts on specific sectors of the economy and possible way forward in responding to climate change. By examining the two documents, the KCCWG draft bill had several information gaps with an example provided in the tourism sector.

4.3 Politics and Interests

While KCCWG was working towards drafting policy paper, the activism 'noise' was too loud to be ignored by the government. The government therefore established a team to draft a National Climate Change Response Strategy (NCCRS) white paper. The NCCRS was supported by development partners who provided both technical and financial support for the process. Development partners have been seen as an interested party in the policy reforms in Kenya. In April 2010 the strategy paper was published. However the strategy did not provide any feasible policy paper on climate change but rather recommendations on how to respond to climate change. KCCWG was a step ahead with policy draft paper.

Nevertheless, when the KWCCG policy paper was subjected to the parliamentary

process, power and control went into play. KCCWG had no power over the bill and was now under politicians' mercies. Even so KCCWG rallied for advocacy pushing for the legislature to fast-track the parliamentary process by declaring the bill as 'urgent' and 'overdue'. After two years of tough negotiations the bill was passed by members of parliament. However, in 2012 the president rejected the bill citing lack of 'public input' which many stakeholders did not agree with. In response, a member of the draft team from KCCWG expressed that they had engaged local communities in climate hearings across the country hence the president's statements were seen as provoking.

In an analysis by Transparency International (TI)-Kenya, failure of the draft bill to pass parliamentary reading hurdles is viewed as a matter of contested interest between the government and KCCWG. This is because the paper was largely informed by 'comprehensive research' and stakeholders input who were drawn far and wide. Later the bill was 'mutilated' during the third reading in parliament where members felt their proposed Climate Change Council should be lowered to an authority. A list of members proposed to the council was also slit-in to include the following parts of the draft bill:

"(b) Four persons, one each nominated by each of the following bodies—

(i)   Maendeleo ya Wanawake Organisation;

(ii)   Institute of Climate Change, University of Nairobi;

(iii)   Association of Professional Societies of East Africa; and

(iv)   Kenya Climate Change Working Group;

"(ba) Two persons appointed by the Cabinet Secretary".

The inclusion of the four groups was suspicious because among the organizations in the list, three were civil society groups and there was no clear criterion to be applied by the cabinet secretary in appointing the two members of the council. It could also be

interpreted as if civil society groups were pushing for their stake by creating opportunities for themselves in the council, (T.I- Kenya, 2012).

Similar observations were made by the KCCWG. In her statement to the media the chief executive of KCCWG expressed fear that the draft bill was not rejected based on the content but rather on the contested intention to create an independent authority with powers of a parastatal. This was a clear show of conflict of interest between the government and civil society because the nature of institutionalization was highly dictated by the type and amount of funding from government. This fact may speculate the problem of politics and interests among stakeholders which is addressed in the next section.

After the rejection of the bill, KCCWG members went back to the drawing board. The government on the other hand established a National Climate Change Action Plan (NCCAP) which was to inform the review of the rejected draft bill. This was seen as a second chance for the stakeholders to push through the bill for the second time.

In the post rejection period, both the government and the KCCWG learned their lesson. The government well understood the importance of the bill presented in Parliament hence it was forced to act. On the other hand, the KCCWG realized that the power and control over the bill once in parliament vested on the government hence there was a need for compromising. A 'meet me half way' was the strategy employed which guided the processing of the bill. KCCWG let the government take over the coordination process. This led to the dedication of more resources by the government. As a result, this marked the debut of an important phase of cooperation and collaboration. The Permanent Secretary (P.S) of the Ministry of environment, Water and Natural Resource launched and gazetted a task force with 15 members to develop a national Climate Change Policy and Law. The task force constituted members from Kenya Climate

Change Working Group, Transparency International (K), Kenya Association of Manufacturers, and University of Nairobi among other stakeholder who provided technical support. The task force was mandated to: 'spearhead dialogue' and 'advocacy at National and County levels' to ensure 'stakeholders were aware and understood the implications of the policy and Bill. As a result the policy document was tabled in parliament for the second time.

After the first reading, KCCWG in collaboration with the government of Kenya and through a multinational NGO, organized a workshop in order to sensitize the members of Parliament which took place on 8th May, 2014 at Flamingo Beach Resort in Mombasa. The forum brought together stakeholders from the national assembly, the senate, media, KCCWG, and other CSOs providing a platform for negotiation and advocacy. The meeting succeeded in gaining support from members of parliament which is seen as a strategic move by the workshop organizers.

In a news report by Inter Press Services (IPS) the deputy speaker expressed a 'significant political good will' in support for the bill while the chairperson of KCCWG termed it as 'resurrection of the bill'. Furthermore, Kenya's National Assembly deputy speaker Joyce Laboso told IPS that while the 2012 bill was rejected because of a lack of public involvement in its discussion the bill had received overwhelming support. This was seen as a 'great step' in ensuring that the climate change policy was back on track according to Dr Otichilo who was an instrumental person in the policy paper both in and out of parliament (Business Daily, March 14, 2013; Waruru, M., Thompson Reuters Foundation, Mon. 11 Feb 2013).

5. Discussion

The civil society has become an important integral part in designing, implementing and monitoring public policies (Houtzager and Gurza Lavalle, 2010). The aim of this study

was to understand how policy space and outcome are shaped by narratives and discourse; institutions and networks and; politics and interest. It takes DIPs lenses to understand the Kenyan climate change policy deliberation which was largely influenced by the Civil Society Organizations. This study reveals non action by the government in mainstreaming climate change adaptation and mitigation despite strong push by the CSOs in the earlier years. This led NGOs to picket and push for the government to take action. The pressing on later gave the way for communities to influence the climate change policy process (See Gaventa and Robinson, 1999). These findings concur with a study by Bradshaw and Linneker (2003) in the case of Civil society responding to poverty in Nicaragua.

As observed by Cox (1999) views civil society as a factor of global power relations with an aim of reproducing capitalist objectives but has a potential for stabilizing social political status quo. NGOs were used to push for global discourse by global multinationals at local level which is a clear indicator on how certain interest groups (local and global) can influence discourses in public policy making processes. Nevertheless, these CSOs are important in raising awareness as observed in this case. These NGOs were also able to bring together all CSOs into a negotiation table and played a major role in resource supply and providing technical support which was important for KCCWG activities. Policy problems were explored through thematic groups which established different networks of interested parties. Certain thematic groups received better facilitation and support within and without KCCWG. It was observed that institutions and networks were important elements in offering financial and technical support. However, this led to imbalance of knowledge among different groups e.g. tourism which had limited networks had little input into the policy paper as compared to agricultural sector.

The leading narrative debates are on the climate change burden for socio economic sectors as well as regions. The KCCWG saw the need to solve the problem at the policy level, and thus used the platform to propagate a policy in climate change responses taking a multi sectoral approach where some segments had limited knowledge about climate change.

Lack of basic knowledge and information about climate change impacts, risks and vulnerability or opportunities presented led to advancement of speculative and unsubstantiated discourses within networks. However, these networks shaped narratives through information sharing and more often than not they helped achieve popular policy discourses. Furthermore, scientific affirmation was observed as a means of underscoring certain unconfirmed facts which advanced the discourses as the case of Australia (See Curran, 2011).

The process also faces the challenge of participation. Participation has been criticized as just 'consultation' and 'cooption' and not 'joint responsibility' or 'joint decision making' process (Bradshaw and Linneker, 2003; Kamruzzaman, 2012). In some cases it can be mainly benefiting selfish needs of the few elite in power and at the same time exalting unjust systems in society. Even though through DIPs lens participation is ensured in the entire process, inputs to the process may give certain stakeholders dominance over others. This was observed especially when certain discourses were popularized. It has been argued that frames shape an actor's interest, but may be used deliberately by the actor to promote his or her interests (Skovgaard, 2014).

Main policy actors come into conflict over the issue of participation which is two-way pronged aligning to either the top-down or bottom-up scenario. In this case despite community climate hearings, the first bill was rejected but later paper was passed and endorsed after the government demands were met. In neighboring Uganda, Olsen (2006)

situates national climate change response strategies as illustrative of the typical downward streaming of global climate mitigation priorities to a country with conflicting adaptation needs. As such stakeholder participation within like structures is uneven, especially when dominated by global climate standpoints mismatched to local views of the climate change problem.

Following the draft bill rejection, a twist in the constitution of the climate change was tabled. The government objected the proposal of a climate change authority in favour of a council. This was seen as a problem of politics and interest considering that climate change adaptation funds for developing countries have been proposed. It is therefore a conflict of interests in governance of climate change funds. Power struggle for coordination of activities was evident, with key questions on who will have final authority on climate issues in the country. Currently the housing of the climate change unit at the ministry of environment is contentious. Given the scale of corruption in institutions in developing countries, the underlying motive for disputes over the location of the climate change secretariat would be pegged on control climate funds, for either the nation's interest or in unfortunate cases for institutions selfish gains. It has been observed that such interests in participating groups (stakeholders of climate talk) can frustrate climate change negotiation efforts (Pandey, 2014).

Could this blinded opinion be a contributing reason as to why inputs from the tourism sector were significantly absent from the policy documents? As much as the policy making process takes a multi sectoral approach, the policy subsystem fails to be all inclusive. Berkhout (2005) lists climate sensitive socio economic sectors as agriculture, forestry, fresh water resources, coastal zones, built environment, and tourism (pp 381), and insists on non-coordination of mitigation and adaptation strategies but a focus on embedding adaptation to aforementioned sectoral policies. Development concerns of all

sectors of the economy affected by climate change should be factored in the policy development process. Institutionalizing sectoral participation in public policy making requires a political process, and this according to Piron and Evans (2004) it should be more open and participative.

So whose interest matters? The nation's interest matters and that is enshrined at the people's perspectives of specific climate change policy problems (Patt, 2012). However, this does not rule out the existence other of other interests. National interest is pegged on providing solutions to those problems facing regions at the moment. This same interest should guide the processes of policy development. National interest is multi level, taking into consideration multi stage development needs. Through DIPs it can be assumed that the policy intent is the public interest, but the same is negotiated through reconciliation with other interests in the policy arena.

Was it then a game of wits, tact and strategies or 'just meet me half way' for the situation in Kenya? Powerful interests are involved in the policy making process and aim for a consensus may not guarantee a win-win situation for participating actors. There is a myriad of other drivers for public policy (Dessai and Hulme, 2004), for example, limited financial resources.

For the climate change bill in Kenya, parliamentary support is an indication that the bill proposes enormous deliverables. But their true motivations of policy choices is put to question over their negotiated position in reading the perceived policy problem being addressed. The climate change problem can only be solved with coordinated efforts of all social actors. Anchoring the adaptation strategy on policy was a plus on the KCCWG. The policy on one hand is presented as a binding goal for sustained climate change response. On the other hand policy gridlock, may undermine its outcomes.

Climate change remains a public policy dispute even though its development may be

disguised as a simple outcome of linear undisturbed processes. A detailed view of the chaos within the policy space is a step in developing evaluation capacity of the effects of a policy for the climate change problem in Kenya. However, the process is faces a myriad of underplays that shape the policy outcome.

6. Conclusion

This study aimed at analysing climate change policy making process in Kenya in the period 2008-2014. The study reveals that this particular process was chaotic rather than swift. Our analysis shows how the process plays in a wavering space of deliberations, as well as conventionality to reach policy outcome. The complexity of such an oscillating approach is a snarl up to policy outcome occasioned by possible grass root resistance to the conventional approach, and the impasse of a deliberative route being complicated by disparity in participation level of represented groups. Policy makers thus should consider the fact that policy making process can not be confined to a linear approach, and embark on tactics that are sensitive to the complexities of inclusion, deliberations and negotiations.

The role of civil society was revealed as instrumental in advocacy as observed in this case. The CSOs were important in kick starting the process and advocating for government action on climate change response through policy formulation. The journey towards developing climate change process was kicked off by inviting interested parties through an inclusionary process. That process is deliberate and determines the nature of narratives, networks and interests.

As mentioned before, it was also revealed that policy outcomes are shaped by three core elements including: Discourse and Narattives; Actors, Institutions and Network and Politics and Interests. Other factors include financial strength, power over control, information and abilities to convince. This can be categorically demonstrated by the

policies on different sectors where certain sectors had concrete policies than others e.g agriculture vs. Tourism.

It is also revealed that the policy process produces learning as different stakeholders come in with differentiated understanding and narratives and in the process views may change among stakeholders.

Furthermore, the importance of participation is also underlined. This provides for interested parties to bring in their views and contribute largely to the policy document. However, participation is a slippery term as participation have different meanings and levels which can be misused by the elite in a policy making process.

Finally, it was also revealed that the process is characterised by compromises as observed in the tag of war between government and the KCCWG. The KCCWG compromised the composition of the climate change secretariat among other issues introduced during parliament debates.

7. Recommendations

For practitioners:

From this research we suggest the following for practitioners to moderate the complexities involved in deliberative approaches to policy making: a) In order to ensure an inclusive policy, one must ensure collective and equitable participation .a) Whilst networks are important, financial support is paramount especially for weak institutions

a) Power over control of the process should be minimized

b) Strengthen the CSOs by providing them with democratic space

c) There is need for enlightenment on the subject matter for any policy to thrive

d) The process must be objective

For policy scholars/researchers the following is recommended:

a) Whilst many other countries especially in the global south have embarked in the

development of national climate change policies, we recommend comparative studies in order to compare notes from experiences in those countries.

b) There is also a need to compare studies from Global North to South.

c) There is a need to examine the extend at which each element of DIP influence the policy outcome in different cases.

Acknowledgement

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Table caption

Table 1. Vulnerability of Key Sectors and Groups

Source: Adapted from IISD and UNDP (2012)

Figure captions

Figure 1. Contemporary policy making process
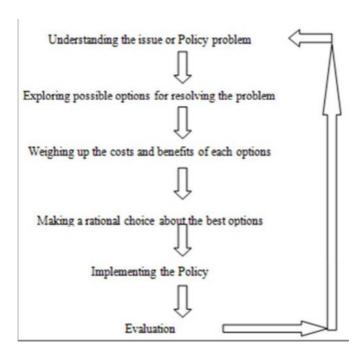
Figure 2. DIPs policy processes, (Authors)

Figure 3. Eight Rung on a Ladder Of Citizen Participation (Arnstein, 1969)

Figure 4. Conceptual lenses for analysing policy process, adapted from Keeley and Scoones,
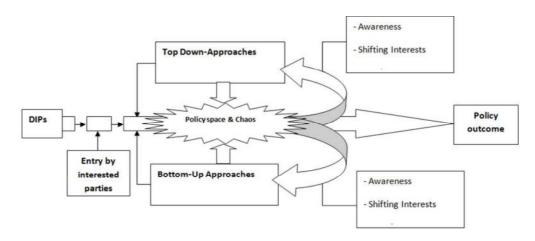
(2003)

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Dr. Joseph M. Njoroge, PhD Lecturer at Kisii University, Kenya. Holds a PhD in Natural Sciences from the Institute of Geography, University of Hamburg, Germany. His research interests are on regional tourism development, sustainable tourism and climate change impact adaptation, mitigation and climate change policy in tourism.
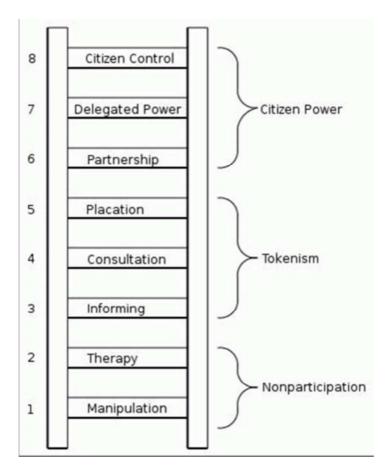Prof. Dr. Beate M.W. Ratter, PhD Professor for Integrative Geography at the Institute of Geography, University of Hamburg and holds a joint position as head of department at the Institute for Coastal Research. Her research interests are Human/Nature-Interaction, regional-cultural perceptions of nature and risk, coastal research and small islands, natural hazard and climate research, theory of complexity, resilience and emergence in socio-ecological systems.
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Understanding the issue or Policy problem

⇩

Exploring possible options for resolving the problem

⇩

Weighing up the costs and benefits of each options

⇩

Making a rational choice about the best options
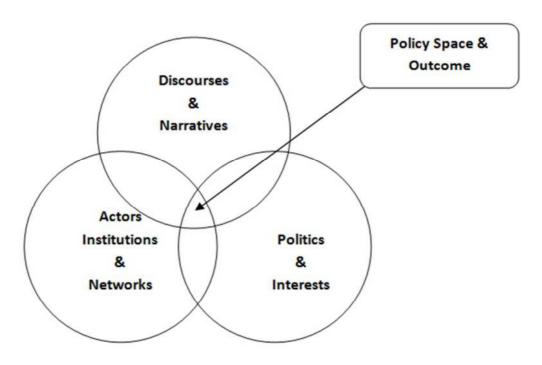
⇩

Implementing the Policy

⇩

Evaluation

Contemporary policy making process

DIPs policy processes, (Authors)

Eight Rung on a Ladder Of Citizen Participation (Arnstein, 1969)

Conceptual lenses for analysing policy process, adapted from Keeley and Scoones, (2003)

Table 1. Vulnerability of Key Sectors and Groups

Sector	Impact/Risk
Water	Water shortage Drought
Agriculture	Threaten food security
Health	Increased climate-influenced vector- and water-borne diseases such as malaria, cholera, and typhoid
Energy	Altering growth of forests and agricultural crops
Tourism	Loss of tourism attractions such as coral reefs, coastal beaches and Mt. Kenya's glaciers; Changes in wildlife migration patterns and species diversity; Damage to infrastructure; Water restrictions and, Higher demand for air conditioning
Industries	Will be affected by reduced access to water supplies and hydroelectric power during drought seasons, Risk of coastal installations damage due to sea-level rise
Infrastructure	New constructions risk delays due to extreme conditions Risk of damage
Vulnerable groups	Increased restriction to access to and control over resources such as capital, credit and land, and hence less able to cope with climate shocks and stresses.