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LEGAL ALERT



**COP29's Stocktake on Climate Commitments:
Transforming the Legal and Climate Action
Framework**



COP29's Stocktake on Climate Commitments: Transforming the Legal and Climate Action Framework

Introduction

The recently concluded COP29, hosted in Baku, Azerbaijan, tackled critical global climate issues with a central focus on climate finance, adaptation, and carbon emission reduction strategies. Building upon the foundation laid by COP28 in Dubai which prioritized operationalizing the Loss and Damage Fund and fast-tracking the global shift to green energy, COP29 introduced new advancements in carbon market governance and financial mechanisms. These developments present both opportunities and challenges for developing nations like Kenya.

At COP28, much attention was given to establishing the Loss and Damage Fund, a long-awaited victory for developing countries. While COP28 successfully laid its groundwork, the mechanisms for fund distribution remained vague. In contrast, COP29 progressed by setting an annual climate finance target of USD 300 Billion, although critics argued that it still falls short of addressing the climate crisis's full scope.

Similarly, COP28's Global Stocktake report highlighted the increasing gap between current emission reduction efforts and the goals of the Paris Agreement. COP29 sought to bridge this gap by finalizing international carbon market frameworks under Article 6 of the Paris Agreement and enhancing transparency measures. While these steps mark progress, challenges around implementation and equitable resource allocation persist.

COP28 also emphasized the need to phase down fossil fuel use, a contentious topic that re-emerged at COP29. Although progress was made in discussions on accelerating green energy adoption, unresolved disagreements over timelines and equitable

approaches left the roadmap unclear. For Kenya, this ongoing debate underscores the importance of aligning national energy policies with climate goals.

Key Highlights of COP29

01 | Climate Finance and the Fast-Track Disbursement Mechanism

A notable achievement at COP29 was the establishment of a global climate finance fund of USD 300 Billion annually. This fund is intended to support adaptation, resilience-building and "loss and damage" reparations for countries most affected by climate change. A major innovation was the introduction of a **Fast-Track Disbursement Mechanism**, enabling nations facing immediate climate disasters to access funds, in months rather than years.

For Kenya, this mechanism could address delays in securing financing for recovery efforts following drought and floods. However, concerns persist about the long-term sustainability of contributions from wealthier nations and whether the funding level meets global adaptation and mitigation needs.

02 | Progress on National Adaptation Plans (NAPs)

COP29 reaffirmed commitments to strengthening and updating National Adaptation Plans (**NAP**). Kenya, already equipped with a NAP, stands to gain technical support and financial resources for addressing climate impact in agriculture, water management, and coastal ecosystems. The challenge lies in translating these plans into impactful projects that attract continuous investment.



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03 | Operational Carbon Markets under Article 6 of the Paris Agreement

COP29 finalized the rules for international carbon markets under Article 6 of the Paris Agreement, introducing safeguards to protect biodiversity and indigenous rights. Additionally, a centralized registry was established to improve transparency and prevent double-counting of emissions reductions.

For Kenya, this progress unlocks opportunities to monetize conservation efforts in forests and wetlands, generating revenue to fund local adaptation projects while promoting environmental sustainability.

04 | Targeted Support for Vulnerable Communities

Expanding on the Loss and Damage Fund initiated at COP28, COP29 introduced **specific criteria for fund allocation**, prioritizing highly vulnerable nations as identified by the United Nations Framework Convention on Climate Change (UNFCCC). Kenya, frequently affected by climate disasters, is well-positioned to benefit from this prioritization. Furthermore, a **Capacity-Building Program for Fund Utilization** was launched to help countries streamline application processes and enhance project implementation.

05 | Green Energy Transition: Challenges and Opportunities

Discussions from COP28 on phasing down fossil fuels continued at COP29, with a stronger emphasis on accelerating the shift to renewable energy. While Kenya has significant potential in geothermal, solar and wind energy, barriers such as high upfront costs

and slow technology transfer remain obstacles.

06 | Global Green Energy Investment Coalition

COP29 saw the creation of the **Global Green Energy Investment Coalition**, a partnership among governments, private sector players, and development banks, aiming to mobilize USD 1 Trillion in annual renewable energy investments by 2030. Sub-Saharan Africa, including Kenya, has been prioritized, promising an influx of investments to expand renewable energy capacity.

07 | Enhanced Transparency and Accountability

Building on the transparency measures introduced at COP28, COP29 advanced the Enhanced Transparency Framework (ETF) by incorporating digital tools for emissions tracking and financial reporting. This development aims to improve accountability while helping countries like Kenya demonstrate progress and attract more international support.

08 | Expanded Focus on Urban Resilience

For the first time, COP29 included urban climate resilience as a dedicated agenda item, addressing the growing challenges posed by climate change in cities. A global initiative was launched to support urban adaptation planning, especially in developing nations. Nairobi and other Kenyan cities grappling with urban flooding and heat stress stand to benefit from funding and expertise, to enhance climate-resilient infrastructure.

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Conclusion

COP29 brought significant advancements, including improved climate finance mechanisms, operational carbon markets and enhanced transparency frameworks. These developments offer Kenya a unique opportunity to secure funding, attract investments in green energy and strengthen its climate policies. However, the effectiveness of these initiatives depends on timely implementation and Kenya's capacity to navigate complex international systems.

By leveraging these new tools and frameworks, Kenya can accelerate its transition to a climate-resilient, low-carbon economy, while addressing the challenges of equitable resource distribution and long-term sustainability.

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Pamella Ager

Managing Partner



Anna Kandu

Associate



ORARO & COMPANY

ADVOCATES

An Affiliate Member of AB & DAVID AFRICA



ACK Garden Annex, 6 Floor, 1 Ngong Avenue
P. O. Box 51236-00200, Nairobi, Kenya.

T: +254 709 250 000

E: legal@oraro.co.ke

www.oraro.co.ke

