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1/4/26

REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY


THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026
PUBLIC PETITIONS COMMITTEE

REPORT ON-

CONSIDERATION OF P/NO.1 of 2024 REGARDING ENACTMENT OF IRRIGATION
LEGISLATION



Directorate of Audit Appropriations &
General-Purpose Committees
Clerk's Chambers
Main Parliament Buildings
NAIROBI

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE:	01 APR 2026
DAY:	Wednesday
TABLED BY:	Hon. Muchangi Karemba Chair, Public Petitions
CLERK-AT-TABLE:	Mado Miriam

MARCH, 2026

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ACRONYMS

ASAL	Arid and Semi-Arid Lands
BETA	Bottom-Up Economic Transformation Agenda
GDP	Gross Domestic Product
KeNHA	Kenya National Highways Authority
KRB	Kenya Roads Board
KURA	Kenya Urban Roads Authority
NIA	National Irrigation Authority
RMLF	Road Maintenance Levy Fund
SHOFCO	Shining Hope for Communities

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to the provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition No. 1 P/No.1 of 2024 regarding the enactment of Irrigation legislation by Shining Hope for Communities (SHOFCO).

The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Honourable Speaker on behalf of the Petitioner.

The Committee considered the Petition and observed that the proposal conflates two distinct functions, roads and irrigation, which fall under separate mandates in the Fourth Schedule to the Constitution. The Road Maintenance Levy Fund (RMLF) is a ring-fenced fund created under statute for a specific and limited purpose; to finance the maintenance of public roads. Repurposing a fund established by law for a completely different sector may expose the Government to legal challenges and reduce public confidence in the consistency and predictability and fiscal legislation.

The Committee undertook this inquiry by engaging the petitioner, the Ministry of Water, Irrigation and Sanitation and the Kenya Law Reform Commission

The Committee recommends the proposal to amend to the Road Maintenance Levy Fund Act as a legislative mechanism for financing irrigation projects be rejected. A comprehensive review of the National Irrigation policy by the Ministry of Water, Sanitation and Irrigation to develop appropriate legislation that is anchored in revised policy, to establish a dedicated and transparent irrigation infrastructure financing mechanism, is recommended.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support, without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of the Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1. PREFACE

1.1 Establishment and Mandate of the Committee

1. The Public Petitions Committee was established under the provisions of Standing Order 208A with the following terms of reference:
 - a) considering all public petitions tabled in the House;
 - b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
 - c) recommending whether the findings arising from consideration of a petition should be debated; and
 - d) advising the House and reporting on all public petitions committed to it.

1.2 Committee Membership

2. The Public Petitions Committee was constituted in October 2022 and comprises the following Members:

Chairperson

Hon. Muchangi Karemba, CBS, M.P.

Runyenjes Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.

Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.

Mavoko Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

Hon. Edith Vethi Nyenze, M.P.

Kitui West Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Ntwiga Patrick Munene, M.P.

Chuka Igambang'ombe Constituency

United Democratic Alliance (UDA)

Hon. Maisori Marwa Kitayama, M.P.

Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.

Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. Beatrice Kadeveresia Elachi, M.P.

Dagoretti North Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.

Mbeere South Constituency

Independent

Hon. Biego Paul Kibichy, M.P.

Chesumei

United Democratic Alliance (UDA)

Hon. Peter Irungu Kihungi, M.P.

Kangema Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.

Taveta Constituency

**Wiper Democratic Movement-Kenya (WDM-
K)**

Hon. Peter Mbogho Shake, M.P.

Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.

Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.

Makueni Constituency

**Wiper Democratic Movement-Kenya
(WDM-K)**

1.3 Committee Secretariat

3. The Public Petitions Committee is facilitated by the following members of the secretariat:

Lead Clerk
Mr. Victor Weke
Principal Clerk Assistant II

Ms. Miriam Modo
First Clerk Assistant

Mr. Benard Toroitich
Third Clerk Assistant

Ms. Kafuyai Wamae
Third Clerk Assistant

Mr. Clinton Sindiga
Legal Counsel II

Ms. Nancy Akinyi
Research Officer III

Mr. Arkan Mumin
Research Officer III

Ms. Roselyne Njuki
Principal Serjeant-at-Arms

Mr. Paul Shana
Serjeant-at-Arms

Mr. Pascal Valerian
Hansard Officer III

Mr. Collins Mahamba
Audio Officer III

Ms. Felistus Muiya
Public Communication Officer

Mr. Calvin Karungo
Media Relations Officer III

PART TWO

2 BACKGROUND OF THE PETITION

2.1 Introduction

4. Public Petition No. 1 of 2024 regarding Enactment of Legislation on Irrigation Infrastructure presented to the House by the Honourable Speaker on behalf of Boniface Gatobu representing Shining Hope for Communities (SHOFCO) a non-governmental organization that supports poor communities living in urban and rural areas.
5. The Petitioner states that according to the Kenya Economic Survey of 2022 by the Kenya National Bureau of Statistics, the agricultural sector contributed 22.4% of Kenya's GDP.
6. The Petitioner further states that the Kenya Kwanza Manifesto appreciated the significance of the agricultural sector and has committed to inject Ksh.250 billion over the next 5 years to boost the sector. In addition, two thirds of Kenya's land mass require irrigation but only 4% is actually irrigated.
7. The Petitioner avers that to address the above stated problem, the Government considers shifting focus from large dams to household/community water projects, with emphasis on harvesting and recycling.

2.2 Prayers

8. The Petitioner, therefore, prays that the National Assembly amends the Irrigation Act, the Kenya Roads Board Act and the Road Maintenance Levy Act with a view to-
 - a) changing the "Road Maintenance Levy Fund" to "Infrastructure Development and Maintenance Levy Fund" and provide that part of the fund shall be employed to develop irrigation infrastructure in all parts of Kenya; and
 - b) providing that the National Irrigation Authority shall be allocated funds from the "Infrastructure Development and Maintenance Levy Fund" which shall be allocated equally to all the 290 constituencies to fund and develop various irrigation projects in the country

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 The Petitioner

The Petitioner appeared before the Committee and submitted as follows—

9. The Petitioner states that according to the Kenya Economic Survey of 2022 by the Kenya National Bureau of Statistics, the agricultural sector contributed 22.4% of Kenya's GDP.
10. The Petitioner further states that the Kenya Kwanza Manifesto appreciated the significance of the agricultural sector and has committed to inject Ksh.250 billion over the next 5 years to boost the sector. In addition, two thirds of Kenya's land mass require irrigation but only 4% is actually irrigated.
11. The Petitioner avers that to address the above stated problem, the Government considers shifting focus from large dams to household/community water projects, with emphasis on harvesting and recycling.

3.2 Submissions from the Ministry of Water Irrigation and Sanitation

The Ministry of Water, Irrigation and Sanitation submitted as follows;

12. The agriculture sector is a major driver of the economy, dominates export earnings, and will continue to do so in the foreseeable future. The agriculture sector contributes 22.5% directly to the total GDP, and a further 27 percent through input and output value-chain linkages involving manufacturing, distribution, and service sectors and is the source of employment for over 70% of the rural populace and an indirect employer for 40% of the urban population.
13. The sector, although volatile, has grown by an average of 3.2 percent per year since 2010, with vegetables and food products making up 55.2 percent of exports in 2021. Since 2021 there has been contraction due to the extended drought in the region. Most production takes place in the 20 percent of the country with medium to high potential arable land, where 90 percent of the population live. However, the real potential for mechanized and commercial agriculture is in the ASALs where the land is still available for farming on provision of reliable water supply.
14. Farming is predominantly rain-fed but erratic rainfall and increasing drought occurrence in the last decades have emerged as the predominant risk facing the sector. Climate variability is a source of significant economic risk for Kenya with major droughts that occur every 10 years, and moderate droughts or floods every three to four years.

15. The frequency of severe and more widespread droughts has increased since 2000. The combination of frequent severe droughts, high dependence on rain-fed agriculture, increasing population pressure on arable land, and high poverty rates among smallholder farmers and pastoralists makes Kenya's economy particularly vulnerable and volatile. Drought effects are typically felt over a wide area, impacting both crop and livestock production. Increased drought and rainfall variability have extreme negative economic impact, with droughts particularly responsible for devastating socio-economic impacts.
16. During 1999–2002, an estimated 23 million people were affected by severe drought in western and central Kenya, the country's irrigated and rain-fed agricultural heartland. Recently, communities in the ASAL counties lost over 4 million livestock to drought, heavily impacting their livelihoods. Furthermore, more Kenyans were affected by floods after higher-than-normal rainfall was recorded, resulting in loss of life and destruction of property across the country.
17. This cycle of drought-flood-drought is indeed an indicator of climate change vulnerability, and the impact on communities can be attributed to under investments in water resources management infrastructure, which includes dams, canals, dikes, conveyance and distribution networks that would allow harvesting and storage of water during flood events for use during drought events.
18. Irrigation expansion is a priority response that is both justified by economic and climate-change assessments and quantified in national growth plans. These include the Kenya Vision 2030, the Fourth Medium Term Plan 2023–27 and the National Irrigation Services Strategy. The irrigation sector is a key enabler in attainment of these goals to achieve sustainable economic growth and climate resilience in Kenya. Irrigation farming is highly profitable relative to investment costs.
19. Farm-level financial returns from irrigation farming are significant and life-changing for the farmers involved. Yields double or even triple, and incomes increase proportionately by between 50 and 100 percent. Food diversity and security is increased, either directly or through purchasing power. Resilience to droughts is dramatically lifted and farming profits increase sharply. Farm-level financial rates of return on investments are high, between 30 and 80 percent.
20. The economic multiplier effect in the agro-based economy is significant (2.5 to 4 times) due to the energizing effect of on-farm intensification and input and output value chains. Investment in irrigation development is recommended to revive the agricultural sector, whose contribution to the economy of the country contracted by 1.6 percent in the year 2022 due to consecutive failed rainy seasons and high input costs for farmers. This is particularly relevant to services and industrial sectors where growth in the period 2022–23 has been strong (7.0 percent and 3.9 percent growth respectively).

21. Similarly, climate and development studies argue for transformation of water security, food and energy systems, requiring investment in water storage, conveyance, irrigation, and water supply infrastructure.
22. Land and water resources presently used for irrigation are estimated to constitute just one-fifth of the potential at present. Approximately 747,000 acres were recorded as developed in 2023 which is equivalent to 21 percent of the irrigation potential and less than 5 percent of arable land. In addition, there is drainage and flood protection potential of 562,500 acres (225,000 hectares) with 80,000 acres (32,000 ha) realized, equivalent to 14% of the drainage potential. Locally selected and adapted irrigation development is thus a major opportunity.
23. The safe yield of surface water and groundwater has been assessed to be 7.4 billion m³ and 1.0 billion m³ annually. The National Water Master Plan 2030 estimates irrigation potential to be over 3.35 million acres (1.34 million hectares) based on available surface water, water harvesting and storage, and exploitation of groundwater resources. The water demand for developing a total of 1.5 million hectares is estimated to be 3.25 billion m³ annually (less than 40% of the safe yield).
24. Notably, as shown in the hydronomic zoning in Figure 2, Kenya has an abundance of water in 89% of the land while only 11% has complete water scarcity labelled 3d in the figure. Thus, the low or no agricultural productivity may be attributed to a failure to develop and harness available resources, rather than an absolute lack of water. This economic water scarcity, where water is physically available but is not accessible in the right location and right time, can be overcome with investments in storage, performance optimization, or abstraction (from ground and surface water).
25. As elucidated, there is a dire need for investment in irrigation to build the resilience of the agriculture sector to respond towards the climate change effects. This will be in the form of construction of large, medium and small-scale dams, construction of irrigation conveyance and distribution canals and pipes, installation of irrigation equipment such as center pivots, sprinkler, drip lines, drilling and equipping of boreholes for groundwater etc.
26. The Ministry has targeted to increase the area under irrigation by 1 million acres at a cost of Kshs.600 billion in the next 10 years, as espoused in the National Irrigation Sector Investment Plan (NISIP 2025-35). Therefore, to transform the Country as provided in the Bottom-up Economic Transformation Agenda plan, it is important to consider a more sustainable and reliable mechanism of funding the irrigation infrastructure to increase access to water for agricultural production.
27. The proposed infrastructure development and maintenance fund will go a long way in meeting the investment needs to expand the area under irrigation. Indeed, these investments will be majorly in the rural areas where agriculture is predominant and would increase the

economic and financial viability of roads, spur economic growth, create employment and lift the welfare of the people.

28. The Ministry therefore supports the changing of the Road maintenance levy fund to the Infrastructure Development and Maintenance levy and subsequent allocation towards irrigation development. The irrigation potential differs from constituency to constituency; therefore, it is not advisable to have equal allocations to constituencies, but rather allocate funds to meet irrigation potential and demand as determined from time to time through the irrigation master plan.

3.3 The Kenya Law Reform Commission

The Kenya Law Reform Commission vide a letter dated 20th May 2025 submitted as follows;

29. The Petitioner proposes that –Parliament amends the Road Maintenance Levy Fund Act ,1993 to expand its mandate into a broader Infrastructure Development and Maintenance Fund, A portion of this expanded fund be dedicated to the development of irrigation infrastructure in all 290 constituencies and funds be administered by the National Irrigation Authority (NIA), in collaboration with other relevant public agencies.
30. The proposal, while innovative raises four critical Constitutional and Institution issues:
 - a) Functional integrity and sectoral clarity-The proposal conflates two distinct functions –roads and irrigation –which fall under separate mandates in the Fourth Schedule to the Constitution .Road Maintenance is a concurrent function where at the national level, the function is administered by road authorities such as Kenya National Highways Authority(KeNHA),Kenya Rural Roads Authority(KeRRA), Kenya Urban Roads Authority (KURA) and the Kenya Roads Board (KRB) while the county roads are administered by the county governments. Irrigation on the other hand is primarily a county function under agriculture, except where national interests or transboundary issues are involved.
 - b) Earmarked funds and purpose specific legislation- The Road Maintenance Levy Fund (RMLF) is a ring-fenced fund created under statute for a specific and limited purpose; to finance the maintenance of public roads. Expanding its use for unrelated purposes such as irrigation risks violating the principle of purpose-specific financing, undermining sectoral planning and resource predictability.
 - c) Institutional co-ordination and overlap-Assigning the role of implementing constituency level irrigation projects to the NIA ,a national agency, without involving county governments, introduces institutional overlap, undermines the devolved system of governance and contradicts established planning and accountability frameworks under the County Governments Act,2012 and the Intergovernmental Relations Act,2012.
 - d) Governance, Accountability and legal risks –Repurposing a fund established by law for a completely different sector may expose the Government to legal challenges

and reduce public confidence in the consistency and predictability and fiscal legislation. It may also lead to audit queries and institutional confusion

31. One of the cardinal principles of legislative development is that policy must inform law. Article 10 of the Constitution obliges all public institutions to observe the principles of good governance, transparency and accountability. Laws enacted in the absence of a clear and coherent policy basis tend to suffer from poor implementation, stakeholder resistance and legal contradictions.
32. The current National Irrigation Policy (2017) provides a foundation for addressing the larger issue that the petition did not clearly bring out and that is that there is a lack of sufficient, reliable and sustainable form of financing for irrigation for agriculture. In addition, our review of the policy indicates that it does not fully incorporate –
 - a) The realities of devolution and the increasing role of counties in local irrigation planning;
 - b) The Government’s current development blueprint-the Bottom-up Economic Transformation Agenda (BETA);
 - c) Climate change adaptation and resilience as a national imperative; and
 - d) New financing models such as blended finance, development partnerships and conditional grants
33. Before any legislation is amended or introduced in order to therefore provide for the broader issue, we propose that there is need for the policy framework to be updated, validated through public and stakeholder participation and formally adopted by Cabinet.
34. Therefore, the following is recommended:
 - a) Parliament should not adopt the proposed amendment to the Road Maintenance Levy Fund Act,1993 as a legislative mechanism for financing irrigation projects;
 - b) Parliament to direct for a comprehensive review of the National Irrigation policy to align it with the Constitution, Bottom-up Economic Transformation Agenda (BETA) priorities and intergovernmental frameworks; and
 - c) The Ministry of Water, Sanitation and Irrigation, Kenya Law Reform Commission and other relevant national and County government organs to thereafter develop appropriate legislation that is anchored in revised policy, to establish a dedicated and transparent irrigation infrastructure financing mechanism.

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon hearing from the Petitioner, The Ministry of Water, Sanitation and Irrigation and the Kenya Law Reform Commission, the Committee observes that—

35. The proposal conflates two distinct functions –roads and irrigation –which fall under separate mandates in the Fourth Schedule to the Constitution. Road Maintenance is a concurrent function where at the national level, the function is administered by road authorities such as KeNHA, KeRRA, KURA and the Kenya Roads Board (KRB) while the county roads are administered by the county governments. Irrigation on the other hand is primarily a county function under agriculture, except where national interests or transboundary issues are involved.
36. The Road Maintenance Levy Fund (RMLF) is a ring-fenced fund created under statute for a specific and limited purpose; to finance the maintenance of public roads. Expanding its use for unrelated purposes such as irrigation risks violating the principle of purpose-specific financing, undermining sectoral planning and resource predictability.
37. Assigning the role of implementing constituency level irrigation projects to the NIA, a national agency, without involving county governments, introduces institutional overlap, undermines the devolved system of governance and contradicts established planning and accountability frameworks under the County Governments Act,2012 and the Intergovernmental Relations Act,2012.
38. Repurposing a fund established by law for a completely different sector may expose the
Government to legal challenges and reduce public confidence in the consistency and predictability and fiscal legislation.

PART FIVE

5 COMMITTEE RECOMMENDATIONS

39. Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

On the prayer that the National Assembly intervenes to amend the Irrigation Act, the Kenya Roads Board Act and the Road Maintenance Levy Act with a view to-

- a) changing the “Road Maintenance Levy Fund” to “Infrastructure Development and Maintenance Levy Fund” and provide that part of the fund shall be employed to develop irrigation infrastructure in all parts of Kenya; and
- b) providing that the National Irrigation Authority shall be allocated funds from the “Infrastructure Development and Maintenance Levy Fund” which shall be allocated equally to all the 290 constituencies to fund and develop various irrigation projects in the country;

The Committee recommends that:

- a) **The proposal to amend to the Road Maintenance Levy Fund Act as a legislative mechanism for financing irrigation projects be rejected;**
- b) **Within ninety days upon tabling of this report, the Ministry of Water, Sanitation and Irrigation should review the National Irrigation Policy to establish a dedicated and transparent irrigation infrastructure financing mechanism, including household/ community projects, and report to the National Assembly.**

Signed:  Date: 01/04/2026

HON. MUCHANGI KAREMBA, CBS, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

ANNEXURES

Annex 1: The Adoption List

Annex 2: Public Petition No.1 of 2024 regarding enactment of irrigation legislation

Annex 3: Minutes of proceedings

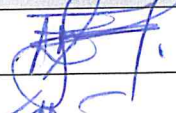


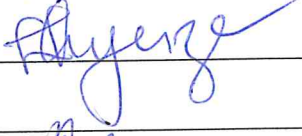
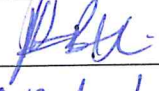
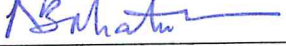
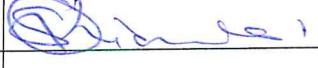
PUBLIC PETITIONS COMMITTEE

ADOPTION LIST

- (i) **Consideration and adoption of the Report on Public Petition No. 01 of 2024 by Hon. Boniface Gatobu (SHOFCO) regarding the enactment of legislation on the development of irrigation infrastructure**

We, the undersigned, hereby affix our signatures to this Report to affirm our approval:

DATE: 18/3/2026

	HON. MEMBER	SIGNATURE
1.	Hon. Muchangi Karemba, CBS, M.P. (Chairperson)	
2.	Hon. Janet Jepkemboi Sitienei, CBS, M.P. (Vice Chairperson)	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Beatrice Kadeveresia Elachi, CBS, M.P.	
5.	Hon. Joshua Chepyegon Kandie, M.P.	
6.	Hon. Maisori Marwa Kitayama, M.P.	
7.	Hon. Edith Vethi Nyenze, M.P.	
8.	Hon. Patrick Ntwiga Munene, M.P.	
9.	Hon. Paul Biego Kibichy, M.P.	
10.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	
11.	Hon. Peter Mbogho Shake, M.P.	
12.	Hon. Suzanne Ndunge Kiamba, M.P.	
13.	Hon. John Bwire Okano, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Peter Irungu Kihungi, M.P.	