

*Approved*  
*SNA*  
*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

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
DATE: <b>01 APR 2026</b>	
DAY: <b>Wednesday</b>	
<b>MARCH, 2026</b>	
TABLED BY:	<i>Hon. Muchangi Wambui</i> <i>Chair, Public Petitions</i>
CLERK-AT-TABLE:	<i>Mado Miriam</i>

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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**

Ms. Kafuyai Wamae  
**Third Clerk Assistant**

Ms. Nancy Akinyi  
**Research Officer III**

Ms. Roselyne Njuki  
**Principal Serjeant-at-Arms**

Mr. Pascal Valerian  
**Hansard Officer III**

Ms. Felistus Muiya  
**Public Communication Officer**

Mr. Benard Toroitich  
**Third Clerk Assistant**

Mr. Clinton Sindiga  
**Legal Counsel II**

Mr. Arkan Mumin  
**Research Officer III**

Mr. Paul Shana  
**Serjeant-at-Arms**

Mr. Collins Mahamba  
**Audio Officer III**

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 m<sup>3</sup> and 1.0 billion m<sup>3</sup> 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 m<sup>3</sup> 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 20<sup>th</sup> 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




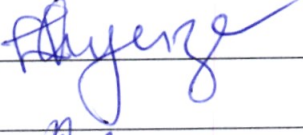
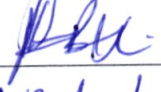
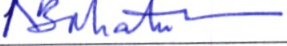
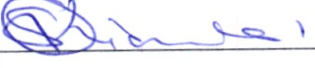

**PUBLIC PETITIONS COMMITTEE**

**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.	



AHIFEX(1)

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT (THIRD SESSION)

CONVEYANCE OF PUBLIC PETITION

(No. 1 of 2024)

REGARDING ENACTMENT OF LEGISLATION ON DEVELOPMENT OF  
IRRIGATION INFRASTRUCTURE

1. **Honourable Members**, Article 119 of the Constitution accords any person the right to petition Parliament to consider any matter within its authority. Further, Standing Order 225(2) (b) requires the Speaker to report to the House any Petition other than those presented by a Member.
2. In this regard, **Honourable Members**, I wish to report to the House that my office has received a petition from one *Hon. Boniface Gatobu*, of P.O. Box 18812-00100, Nairobi on behalf of Shining Hope for communities (SHOFCO) a non-governmental organization that supports poor communities living in urban and rural areas regarding *Enactment of Legislation on Irrigation Infrastructure*.
3. 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.
4. The Petitioner further states that *Kenya Kwanza Manifesto* appreciated the significance of the agricultural sector and has committed to inject Kshs. 250 Billion over the next five (5) years to boost the sector. In addition, he notes that two third of Kenya's land mass requires irrigation but only 4% is actually irrigated.
5. The Petitioner notes that to address the above stated problem, the Government proposes shifting focus from large dams to household/community water projects, with emphasis on harvesting and recycling.

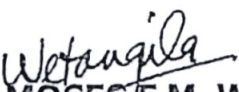
**6. Honourable Members,** the Petitioner thus prays that this House intervenes to amend the Irrigation Act (No. 14 of 2019), the Kenya Roads Board Act (No. 7 of 1999) and the Road Maintenance Levy Fund Act (No. 9 of 1993) with a view to-

- (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.

**7. Honourable Members,** having established that the matter raised in the Petition is well within the authority of this House, and further that the matters raised in the Petition are not pending before any court of law, constitutional or legal body, I hereby commit the Petition to the Public Petitions Committee for consideration pursuant to Standing Order 208A.

**8.** The Committee is required to consider the Petition and report its findings to the House and to the Petitioner in accordance with Standing Order 227(2).

**I thank you.**

  
**THE RT. HON. (DR.) MOSES F.M. WETANG'ULA, EGH, MP**  
**SPEAKER OF THE NATIONAL ASSEMBLY**

Date.....

ANNEX 2)

PETITION PURSUANT TO ARTICLE 119 OF THE CONSTITUTION,  
PETITION, PETITION TO PARLIAMENT (PROCEDURE) ACT NO. 22  
OF 2012 AND THE NATIONAL ASSEMBLY STANDING ORDERS



THE RT. HON. DR. MOSES M. WETANG'ULA  
THE HONOURABLE SPEAKER OF THE NATIONAL ASSEMBLY,  
PARLIAMENT BUILDINGS

P.O BOX 41842-00100  
NAIROBI.

*Handwritten notes:*  
② Had a meeting with the developer for the project on 6/12/2023

*Handwritten notes:*  
DIPS  
No deal process  
CPA 5/12/2023

1. THAT Shining Hope for Communities (SHOFCO) is a non-governmental organization that supports poor communities living in urban and rural areas and is the undersigned Petitioner herein.
2. THAT the agricultural sector is the biggest contributor to Kenya's economy and according to the Kenya Economic Survey of 2022 by the Kenya National Bureau of Statistics (KNBS), the agricultural sector contributed 22.4% to Kenya's GDP.
3. THAT Kenya Kwanza manifesto appreciates the significance of the agricultural sector and has committed to inject over Ksh. 250 billion over the next 5 years to boost the sector.
4. THAT in addition, the Kenya Kwanza Manifesto provides that two-thirds of Kenya's land requires irrigation but only 4% is under irrigation.
5. THAT the Manifesto proposes the shifting of focus from large dams to household/community water projects, with emphasis on harvesting and recycling of water.
6. THAT as it is presently, there exist no appropriate irrigation infrastructure to boost irrigation and promote the agricultural sector in the country.
7. THAT it is on this background that the Petitioners requests the National Assembly to review the relevant legislation to promote the development of


NATIONAL ASSEMBLY  
PETITIONS DESK  
03 DEC 2023  
SERIAL No. ....

NATIONAL ASSEMBLY  
RECEIVED  
03 DEC 2023

PETITION PURSUANT TO ARTICLE 119 OF THE CONSTITUTION,  
PETITION, PETITION TO PARLIAMENT (PROCEDURE) ACT NO. 22  
OF 2012 AND THE NATIONAL ASSEMBLY STANDING ORDERS

8. THAT there have been no efforts made to have the matters raised in this Petition addressed by a relevant body as the relevant body in terms of reviewing legislation is the National Assembly.
9. THAT the matters raised in this Petition are not also pending in any court of law in Kenya.
10. THAT the Petitioner therefore prays that pursuant to Article 95 of the Constitution, the National Assembly does amend the Irrigation Act (No. 14 of 2019), the Kenya Roads Board Act (No. 7 of 1999) and the Road Maintenance Levy Fund Act (No. 9 of 1993):
- (a) to change the 'Road Maintenance Levy Fund' to 'Infrastructure Development and Maintenance Levy Fund' and provide that part of the fund shall be used to develop irrigation infrastructure in all parts of Kenya;
  - (b) to provide 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; and
  - (c) to further provide that the National Irrigation Authority shall use the same formula used by the National Government Constituency Development Fund and by the Kenya Rural Roads Authority in sharing funds in all the 290 constituencies.

Dated this.....<sup>5<sup>th</sup></sup>.....day of...December...2023

  
.....  
HON. BONIFACE KINOTI GATOBU  
GOVERNANCE, POLICY, AND ADVOCACY LEAD.  
SHINING HOPE FOR COMMUNITIES

ADDRESS: P.O. Box 18812-00100 I.D NUMBER: 24750826

EMAIL: Kinotigatobu@yahoo.com.....

TEL. NO. 0722 747 805

(4) UNIT

prepare this for presentation when we resume

SNA  
30/3/23

HON. BONFACE KINOTI GATOBU,  
P.O. BOX 18812 - 00100,  
NAIROBI, KENYA.

27<sup>TH</sup> MARCH 2023.

THE SPEAKER OF THE NATIONAL ASSEMBLY,  
P. O. BOX 41842 - 00100,  
NAIROBI.

DLPS

Please review and advise.

Dear Sir,

REF: PETITION.

30/3/23  
3/Head RJ  
TNA  
Kinoti  
3/3/23

The agricultural sector is the biggest contributor to Kenya's economy. According to the Kenya Economic Survey of 2022 by the Kenya National Bureau of Statistics, the agricultural sector contributed 22.4% to Kenya's GDP being the largest sector in the country. This means that most of the economic activity in Kenya is generated by the agricultural sector. Farther, the Kenya Kwanza manifesto appreciates the significance of the agricultural sector and has committed to eject over Ksh. 250 billion over the next 5 years to boost the sector. In addition, the Kenya Kwanza Manifesto notes that two thirds of Kenya's land requires irrigation but only 4% is actually irrigated. To address this, the Kenya Kwanza Manifesto proposes 'Shifting focus from large dams to household/community water projects, with emphasis on harvesting and recycling.' This is what this petition targets at achieving.

The main aim of this petition is to request Parliament to pass legislation that will enable the agricultural sector to benefit from the Road Maintenance Levy Fund through spending some of the money from the fund to develop irrigation infrastructure in all parts of Kenya. This petition is requesting Parliament to amend Irrigation Act (No. 14 of 2019), The Kenya Roads Board Act (No. 7 of 1999), Road Maintenance Levy Fund Act (No. 9 of 1993) and other relevant laws so as to achieve the following:

1. Change the 'Road Maintenance Levy Fund' to 'Infrastructure Development and Maintenance Levy Fund' so that part of the fund can be used to develop irrigation infrastructure in all parts of Kenya and therefore boost the agricultural sector.
2. Have the National Irrigation Authority become a beneficiary of the new 'Infrastructure Development and Maintenance Levy Fund' alongside Kenya Rural Roads Authority, Kenya Urban Roads Authority and Kenya National Highways Authority.
3. The National Irrigation Authority shares the funds it gets from the new 'Infrastructure Development and Maintenance Levy Fund' equally among all the 290 constituencies so that the funds are used to develop various irrigation projects in all the 290 constituencies. To ensure this is done successfully, the National Irrigation Authority is to use the same structure used by the Kenya Rural Roads Authority in sharing funds for maintaining roads in all the 290 constituencies. This petition aims at having each constituency receive at least Ksh. 100 million from the new 'Infrastructure Development and Maintenance Levy Fund' through the National Irrigation Authority to ensure various irrigation projects in all the 290 constituencies benefit from the funds and the overall agricultural productivity of Kenya is boosted.

Thank you very much and GOD Bless.

03 APR 2023

Yours sincerely,

Hon. Bonface Kinoti Gatobu

PROCEDURAL, RESEARCH AND JOURNALS  
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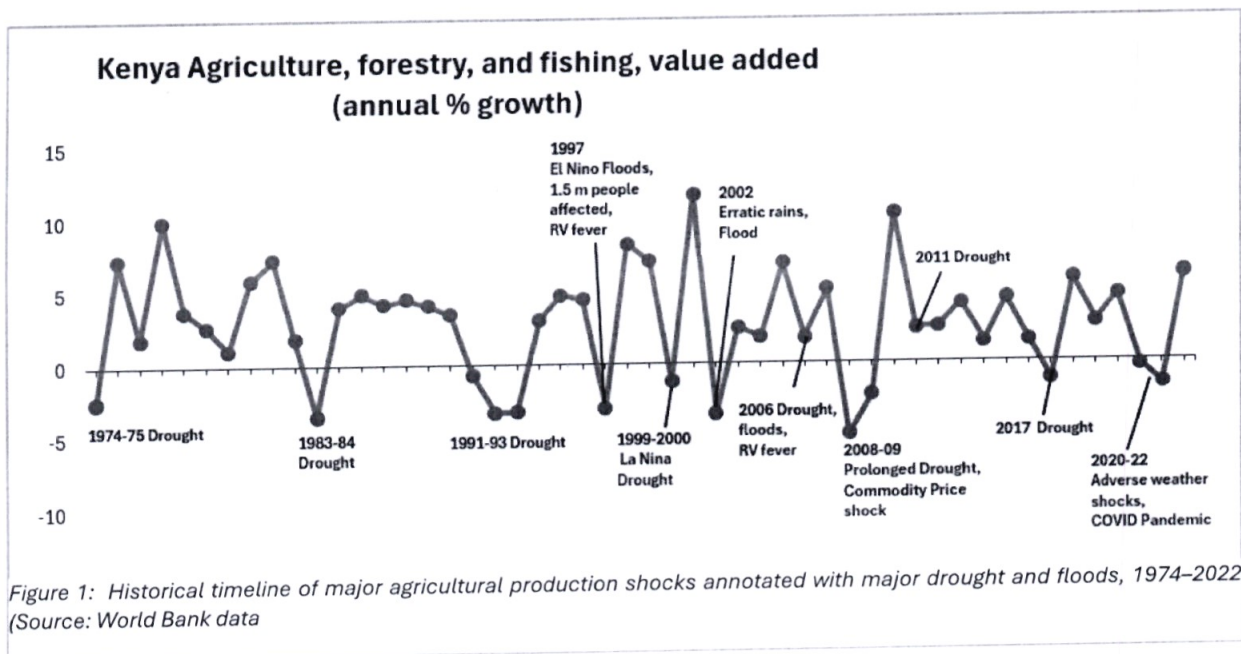
**MINISTRY OF WATER, SANITATION AND IRRIGATION  
STATE DEPARTMENT FOR IRRIGATION**

**SUBMISSION ON PUBLIC PETITION ON ENACTMENT OF LEGISLATION ON  
DEVELOPMENT OF IRRIGATION INFRASTRUCTURE.**

**1. Introduction and Background**

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. 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 on 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.

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 (Figure 1). 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. During 1999–2002, an estimated 23 million people were affected by severe drought in western and central Kenya, the country's irrigated and rainfed 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. 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.

## **2. Impact of irrigation investments**

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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. 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

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). 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

### 3. Irrigation development trends and constraints

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. The safe yield of surface water and groundwater has been assessed to be 7.4 billion m<sup>3</sup> and 1.0 billion m<sup>3</sup> 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 m<sup>3</sup> annually (less than 40% of the safe yield). 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).

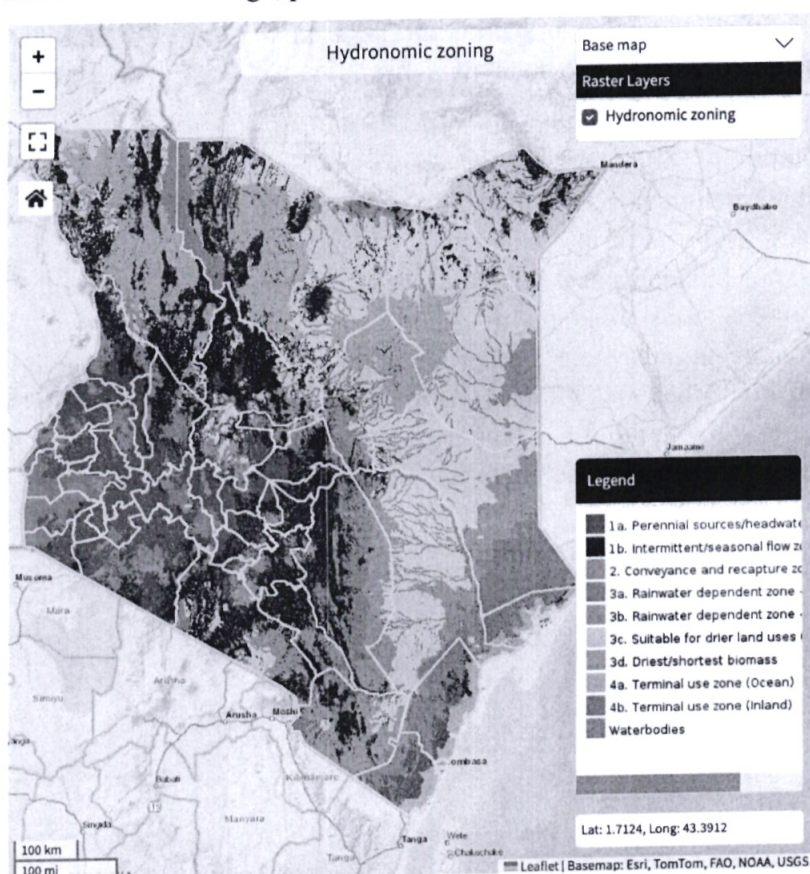


Figure 2: Hydronomic zoning

#### **4. Justification for investments in irrigation.**

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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. 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 BeTA 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.

#### **5. Conclusion**

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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. 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.

Hon Speaker

I submit



**CPA EPHANTUS KIMOTHO, CBS**

**PRINCIPAL SECRETARY**

**MINUTES OF THE 21<sup>ST</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE  
HELD ON FRIDAY, 20<sup>TH</sup> MARCH, 2026 IN FRANGAPINI CONFERENCE ROOM,  
SERENA HOTEL, MOMBASA COUNTY AT 10.00 A.M.**

**PRESENT**

1. Hon. Eric Muchangi Karemba, CBS M.P. - **Chairperson**
2. Hon. Janet Jepkemboi Sitienei, CBS, M.P. - **Vice-Chairperson**
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. Maisori Marwa Kitayama, M.P.
5. Hon. (Eng.) Bernard Nebart Muriuki, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. Suzanne Ndunge Kiamba, M.P.
8. Hon. Peter Irungu Kihungi, M.P.
9. Hon. Peter Mbogho Shake, M.P.
10. Hon. Paul Biego Kibichiy, M.P.
11. Hon. Sloya Clement Logova, M.P.

**APOLOGIES**

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Beatrice Kadeveresia Elachi, CBS, M.P.
3. Hon. Patrick Ntwiga Munene, CBS, M.P.
4. Hon. John Bwire Okano, M.P.

**IN-ATTENDANCE**

**SECRETARIAT**

1. Mr. Victor Weke - Principal Clerk Assistant II
2. Ms. Miriam Modo - Clerk Assistant I
3. Mr. Bernard Toroitich - Clerk Assistant III
4. Ms. Kafuyai Wamae - Clerk Assistant III
5. Mr. Clinton Sindiga - Legal Counsel II
6. Ms. Nancy Akinyi - Research Officer III
7. Mr. Arkan Mumin - Research Officer III
8. Mr. Collins Mahamba - Audio Officer
9. Mr. Calvin Karungo - Media Relations Officer III
10. Ms. Felistas Muiya - Public Communications Officer
11. Mr. Paul Shana - Serjeant at Arm

**MIN./PPC/2026/110:**

**PRELIMINARIES**

The Chairperson called the meeting to order at 10:30 am and said a word of prayer.

**MIN./PPC/2026/111:**

**ADOPTION OF AGENDA**

The proposed agenda was adopted having been proposed by Hon. Eng Nerbart Muriuki, M.P and seconded by, Hon. Peter Irungu Kihungi, M.P

**AGENDA**

1. Prayer and Preliminaries
2. Adoption of the Agenda

3. Confirmation of previous Minutes
4. Matters Arising
5. **Consideration and adoption of the following public petition reports:**
  - i. **Public Petition No. 14 of 2025 by Hon. Danson Mwashako, MP on behalf of the licensed Ministers of Faith from Taita Taveta County regarding delivery of Original Marriage Certificates to the Registrar of Marriages in Nairobi;**
  - ii. **P/No. 09/2025 regarding recognition of the Chuka Community as a tribe in the Republic of Kenya –P/No. 09/2025 by Hon. Patrick Munene, CBS, MP;**
  - iii. **P/No. 1 of 2024 regarding enactment of Legislation on the development of irrigation infrastructure by Hon. Boniface Gatobu (SHOFCO)**
6. Any Other Business
7. Adjournment.

**MIN./PPC/2026/112: CONFIRMATION OF MINUTES**

This agenda item was deferred to the next sitting.

**MIN./PPC/2026/113: CONSIDERATION AND ADOPTION OF PUBLIC PETITIONS**

1. **Public Petition No. 14 of 2025 by Hon. Danson Mwashako, MP on behalf of the licensed Ministers of Faith from Taita Taveta County regarding delivery of Original Marriage Certificates to the Registrar of Marriages in Nairobi.**

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

- a) **On the prayer that the Committee recommends that the policy requiring licensed ministers of faith from all counties to physically deliver original marriage certificates to the Registrar of Marriages in Nairobi be revoked, the Committee recommends that -**
  - (i) The Attorney General issues a notice, with three months of the adoption of this report, to clarifying that officiating ministers in the 23 Counties with decentralized Offices can submit original marriage certificates to the respective county offices; and
  - (ii) Develop and implement a secure online platform or digital system in the 2026/27 financial year to facilitate the electronic submission of original marriage certificates to enable officiating ministries to upload certified copies of marriage certificates directly to the Registrar of marriages for processing.
- b) **On the prayer that the Committee Recommends that the licensed ministers of faith be allowed to submit original marriage certificates to the Registrar of Marriages within their respective counties, with county offices bearing the responsibility of forwarding the documents to Nairobi; the Committee recommends that:**
  - (i) Licensed ministers of faith in the 23 Counties with Attorney General Offices submits Marriage certificates to the respective County Marriage Offices, which will thereafter transmit the documents to the Nairobi Office for processing; and
  - (ii) The Attorney General fast tracks the decentralization of offices in the remaining 24 Counties within 24 months of tabling of this report are identified by the Ministry of Interior.

2. **P/No. 09/2025 regarding recognition of the Chuka Community as a tribe in the Republic of Kenya – P/No. 09/2025 by Hon. Patrick Munene, CBS, MP;**  
Pursuant to the provisions of Standing Order 227, the Committee responds to the Petition as follows—

a) **On the prayer that the Committee inquire into the matter with a view to securing urgent recognition of the Chuka Community of Kenya as a tribe of the Republic of Kenya,** the Committee notes the desire of the Chuka people to be distinctively recognized as a tribe in Kenya and recommends that the Ministry of Interior and National Administrations through its internally developed framework to evaluate petitions for ethnic community recognition initiates, finalizes and gazettes the recognition of the Chuka as a tribe in Kenya. This will enable KNBS to issue statistical code for the Chuka for purposes of the 2029 Kenya Population and Housing Census.

3. **P/No. 1 of 2024 regarding enactment of Legislation on the development of irrigation infrastructure by Hon. Boniface Gatobu (SHOFECO)**  
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 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 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; and
- b) The Ministry of Water, Sanitation and Irrigation, within ninety (90) days of adoption of this report, reviews the National Irrigation policy to establish a dedicated and transparent irrigation infrastructure financing mechanism.

**MIN./PPC/2026/114: ADJOURNMENT**

There being no other business, the meeting was adjourned at 1:30 p.m.

Sign: .....

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

Date 01/04/2026 .....



**REPUBLIC OF KENYA**  
**THE NATIONAL ASSEMBLY**

**MINUTES OF THE 48<sup>TH</sup> SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON MONDAY, SEPTEMBER 09, 2024, IN CONFERENCE ROOM GARDEN SUITE 1&2, 6<sup>TH</sup> FLOOR, GARDEN INN HOTEL AT 2.30. P.M**

**PRESENT**

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Janet Jepkemboi Sitienei, M.P.- Vice Chairperson
3. Hon. Joshua Chepyegon Kandie, M.P
4. Hon. John Walter Owino, M.P.
5. Hon. Ernest Ogesi Kivai, M.P.
6. Hon. Maisori Marwa Kitayama, MP
7. Hon. Bidu Mohamed Tubi, M.P.
8. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
9. Hon. Edith Vethi Nyenze, M.P.
10. Hon. Peter Mbogho Shake, M.P.
11. Hon. Suzanne Ndunge Kiamba, M.P.
12. Hon. Caleb Mutiso Mule, M.P.

**APOLOGIES**

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Sloya Clement Logova, M.P.
3. Hon. John Bwire Okano, M.P.

**IN ATTENDANCE**

**SECRETARIAT**

- |                         |                                   |
|-------------------------|-----------------------------------|
| 1. Ms. Miriam Modo      | Clerk Assistant I                 |
| 2. Mr. Willis Obiero    | Clerk Assistant III               |
| 3. Ms. Patricia Gichane | Legal Counsel II                  |
| 4. Mr. Martin Sigei     | Research Officer III              |
| 5. Ms. Nancy Akinyi     | Research Officer III              |
| 6. Ms. Felistus Muiya   | Public Communications Officer III |
| 7. Mr. Peter Mutethia   | Audio Officer                     |
| 8. Mr. Calvin Karungo   | Media Relations Officer III       |
| 9. Mr. Paul Shana       | Sergeant-at-Arms                  |

**PETITIONERS**

**Shinning Hope for Communities (SHOFKO)**

- |                         |                        |
|-------------------------|------------------------|
| 1. Hon. Boniface Gatobu | Head of Advocacy       |
| 2. Mr. John Odero       | Program Director       |
| 3. Ms. Elizabeth        |                        |
| 4. Mr. Evans Maritim    | Communications Manager |

5. Mr. Evans Obuya SHOFCO Youth
6. Ms. Sylvia Odhiambo Governance and Advocacy Assistant

**MIN./PPETC/2024/301: PRELIMINARIES**

The Chairperson called the meeting to order at 2:30 pm. and proceedings began with prayers by Hon. John Walter Owino, M.P.

**MIN./PPETC/2024/302 ADOPTION OF AGENDA**

**AGENDA**

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of previous sittings
4. Matters Arising
5. Consideration of P/No. 1 of 2024 regarding Enactment of Legislation on Development of Irrigation Infrastructure
  - Meeting with the Petitioner (Hon. Boniface Gatobu)
6. Any Other Business
7. Adjournment
  
8. Any Other Business
9. Adjournment

The Agenda was adopted to constitute business having been proposed by Hon. Joshua Kandie, M.P. and seconded by Hon. Edith Nyenze, M.P.

**MIN./PPETC/2024/303 CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS**

The agenda was deferred.

**MIN./PPETC/2024/304 CONSIDERATION OF P/NO. 1 OF 2024 REGARDING ENACTMENT OF LEGISLATION ON DEVELOPMENT OF IRRIGATION INFRASTRUCTURE**

**Meeting with the Petitioner, Hon. Boniface Gatobu**

The Petitioner, Hon. Boniface Gatobu appeared before the Committee and submitted as follows:

1. Shinning Hope for Communities (SHOFCO) is a non-governmental organization that supports poor communities living in urban' and rural areas and is the undersigned Petitioner;
2. The agricultural sector is the biggest contributor to Kenya's economy and according to the Kenya Economic Survey of 2022 by the Kenya National Bureau of Statistics (KNBS), he agricultural sector contributed 22.4% to Kenya's GDP.
3. The current administration appreciates the significance of the agricultural sector and had committed to inject over Kshs.250 billion over the next 5

years to boost the sector. Further, the current administration's manifesto provided that two-thirds of land required irrigation but only 4% is under irrigation. The Manifesto proposed the shifting of focus from large dams to household/community water projects, with emphasis on harvesting and recycling of water.

4. There was no appropriate irrigation infrastructure to boost irrigation and promote the agricultural sector in the country. Therefore, the Petitioners requests a review of the relevant legislation to promote the development of irrigation infrastructure in the country through resource allocation.
5. There have been no efforts made to have the matters raised in this Petition addressed by a relevant body as the relevant body in terms of reviewing legislation is the National Assembly.

### **Prayers**

- (i) The Committee recommends the amendment of the Irrigation Act (No. 14 of 2019), the Kenya Roads Board Act (No. 7 of 1999) and the Road Maintenance Levy Fund Act (No. 9 of 1993) to achieve the following:
- (ii) To change the Road Maintenance Levy Fund to Infrastructure Development and Maintenance Levy Fund and provide that part of the fund shall be used to develop irrigation infrastructure in all parts of the country;
- (iii) To provide that the National Irrigation Authority shall 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; and
- (iv) To provide that the National Irrigation Authority shall use the same formula used by the National Government Constituency Development Fund and by the Kenya Rural Roads Authority in sharing funds in all the 290 constituencies.

### **Committee Concerns**

#### **Rationale for the Proposals**

6. The Petitioner explained that the rationale behind the proposals was the underfunding of the agricultural sector, which received less than 10% of the national budget. The Kshs250 billion promise had not been fulfilled, remaining only a pledge. The proposal aimed to stimulate discussion on the need for increased funding in agriculture, welcoming alternative suggestions.

#### **Targeting the Road Maintenance Levy Fund (RMLF)**

7. When asked why the RMLF was chosen instead of other national or county funds, the Petitioner clarified that, from an economic perspective, taxation follows the principle that taxes collected should benefit the sectors that generate them. The government collects approximately Kshs25 per litre from the RMLF, totalling about Kshs67 billion and rising. Much of the fuel taxed is used by tractors for farming and trucks transporting agricultural produce,

indicating that the agricultural sector contributes significantly to the revenue. Therefore, the Petitioner argued that a portion of the RMLF should support agriculture, particularly as part of an emergency response.

### **Alternative Sources of Funding**

8. The Petitioner noted that, as a grassroots movement, the main issues identified were poverty, youth unemployment, and the high cost of living. Community-driven programs arose from these needs, and funding agriculture would address many of these problems by creating opportunities and having a broader economic impact. The proposal was not to rely solely on the RMLF but to allocate a small portion, suggesting an initial allocation of Kshs100 million, with Kshs10 million or Kshs5 million per constituency being a reasonable starting point. The Petitioner also mentioned that the Ministry of Water, Irrigation, and Sanitation had a budget, but it was insufficient.

### **Governance Structure and Accountability**

9. The Petitioner proposed a devolved management structure for the fund, with equal distribution across the 290 constituencies, modelled after KERRA and CDF. For irrigation infrastructure, the Petitioner suggested small-scale village-level projects, similar to those initiated by local communities but administered by the National Irrigation Authority. These projects should address specific local needs, such as community fishing ponds or cattle troughs in pastoral areas, where irrigation may not be necessary.

### **Agriculture as a Devolved Function**

10. Although agriculture is a devolved function, the Petitioner argued that counties were not adequately supporting the sector. There was a mismatch between the responsibilities and the resources allocated at the county level.

### **Compliance and Partnerships**

11. The Petitioner emphasized SHOFCO's compliance with the NGO Coordination Board, which issued it a certificate of operation. SHOFCO collaborates closely with national and county governments, evidenced by signed MOUs aimed at empowering youth, widows, and the disadvantaged. It has also partnered with the Ministry of Housing to help artisans acquire NITA certifications at 67 government housing sites.

### **Allegations of SHOFCO's Involvement in Protests**

12. Regarding allegations of involvement in protests, the Petitioner explained that SHOFCO was asked to provide expenditure details for funds received from the Ford Foundation. SHOFCO complied, and the NGO Coordination Board cleared it of any adverse claims.

### **Funding Sources**

13. The Petitioner clarified that SHOFCO's various programs are funded by a range of organizations, including the Ford Foundation, MasterCard

Foundation, and Children's Investment Fund Foundation. A comprehensive list of funders and corresponding programs would be provided.

### **Community Water Projects vs. Large Dams**

14. The Petitioner expressed support for shifting focus from large dams to community water projects. Towns with irrigation schemes, which boost local economies, are a strong indicator of agriculture's potential impact.

### **Interaction with the Ministry and COG**

15. The Petitioner acknowledged that reallocating funds is the prerogative of the National Assembly, as counties do not receive adequate resources. Some immediate opportunities ("low-hanging fruits") exist to turn specific regions into food baskets. However, SHOFCO has not yet engaged with the Council of Governors (COG) due to this being a national issue.

### **Reallocating Resources Without Affecting Roads**

16. The Petitioner clarified that the proposal seeks to reallocate resources without depriving the roads sector of its budget.

### **Proposed Funding Per Constituency**

17. Finally, the Petitioner proposed an allocation of Kshs100 million per constituency but acknowledged that starting with Kshs50 million would be acceptable. The Petitioner was also open to creating the funding kitty without relying on the RMLF.

### **Committee Resolutions**

After deliberations, the Committee resolved that SHOFCO provides the following additional submissions:

- (i) List of counties where SHOFCO is present, its activities, officials and contact persons responsible and the line programs;
- (ii) Evidence of clearance from NGO Coordination Board following the alleged involvement in the recent protests; and
- (iii) A comprehensive list of SHOFCO funders per line programs.

### **MIN./PPETC/2024/305**

### **ANY OTHER BUSINESS**

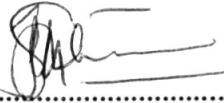
- (i) **The Committee made inquiries regarding SHOFCO's Presence Across Counties:** SHOFCO operates in about 40 counties, with its Youth Empowerment Program particularly strong in 15 counties, where it sponsors youth in TIVET, offers financial grants, and promotes mental health resilience.
- (ii) **The Committee inquired about SHOFCO and its Activities:** The Petitioner provided a background on SHOFCO, a grassroots movement started 20 years ago by Dr. Kennedy Odede in Kibra Slums. Initially focused on providing essential services through collective community action, SHOFCO has since evolved, running programs in health, education, water and sanitation,

gender, community center libraries, and financial services. Its flagship programs include the Youth Voice and Empowerment Program, which provides civic education, financial access, and mental health support. SHOFCO's agricultural efforts include water pans in western Nyanza and community insurance for last-expense coverage.

MIN./PPETC/2024/306

ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 3:30 p.m. The next meeting will be held on Tuesday, 10<sup>th</sup> September, 2024 at 10:00 a.m.

Sign:  .....

(CHAIRPERSON)

Date.....19-11-2024.....

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