

### REPUBLIC OF KENYA

# MINISTRY OF EAST AFRICAN COMMUNITY AND REGIONAL DEVELOPMENT

STATE DEPARTMENT FOR REGIONAL AND NORTHERN CORRIDOR DEVELOPMENT

# REGIONAL DEVELOPMENT POLICY

2022

# REGIONAL DEVELOPMENT POLICY

2022

#### **FOREWORD**



Hon. Betty C. Maina, E.G.H.

Cabinet Secretary,

Ministry of East African Community and Regional Development.

Regional development in Kenya is spearheaded by six Regional Development Authorities (RDAs) under the coordination of the Ministry of East African Community and Regional Development through the State Department for Regional and Northern Corridor Development, Directorate of Regional Development. The RDAs include Tana and Athi Rivers Development Authority (TARDA), Kerio Valley Development Authority (KVDA), Lake Basin Development Authority (LBDA), Ewaso Ng'iro North Development Authority (ENNDA), Ewaso Ng'iro South Development Authority, and Coast Development Authority (CDA).

These RDAs are based on Rivers and large water Bodies and exclusive economic zones. The basins are endowed with natural resources such as large tracts of natural forest, rich diversity of flora and fauna, marine resources, oil, minerals and natural gas. These resources offer huge benefits and opportunities for local and national socio-economic development.

It is imperative to appreciate that the basin-based resources transcend more than one county as opposed to being aligned to administrative boundaries. This makes the regional development approach very ideal for the utilization and management of these resources. The RDAs are thus tasked to spearhead sustainable utilization and management of the basin-based resources across the respective basin through integrated development approach for equitable and sustainable socio-economic development and growth in the country.

This policy takes cognizance of the role the National Government plays in the management of basin-based resources and underscores the need for the Government to uphold and take lead in the realization of the following functions through the RDAs; undertake implementation of the national multi-sectoral and basin-wide development projects and programmes; develop basin-wide integrated development plans anchored on the country's development blueprints; undertake strategic National Government programmes/projects and public investments; spearhead interventions aimed at sustainable utilization and management of basin-based natural resources; and mainstream climate change adaptation and mitigation intervention activities and other cross-cutting issues.

The formulation of this policy is based on the review of the RDA policy 2010. The review was necessitated by the need to align framework with the requirement of the constitution, accommodate new government priorities of the vision 2030 and other emerging issues as well as recognise and accommodate the role of counties and other stakeholders in regional development.

The policy also seeks to strengthen the governance of the RDAs through review of the RDAs Acts (which notably have not been revised since the establishment) and anchor the RDAs to the Directorate of Regional Development as the co-ordinating department to improve RDAs operational environment. This policy thus, aligns the functions of the Directorate and those of the RDAs to the Constitution requirements while maintaining harmony with the functions of other related Ministries, Departments and Government Agencies and the Counties to avoid duplication and ensure optimum natural resources utilization and management.

The Ministry, in collaboration with all the stakeholders shall ensure effective and efficient implementation and close monitoring of this policy in order to achieve the desired impact in the regional development.

I, therefore, call upon all our stakeholders; the MDAs, the county governments, the development partners, the private sector and the communities to support and play their role in the implementation of the policy in order to efficiently utilise and manage the basin-based resources for equitable growth of our country.

Hon. Betty C. Maina, E.G.H.

Betty Manna

Cabinet Secretary,

Ministry of East African Community and Regional Development.

#### PREFACE



Dr. Belio R. Kipsang, C.B.S.
Principal Secretary,
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Formulation of this policy was spearheaded by the Ministry of East African Community & Regional Development through the State Department for Regional and Northern Corridor Development. The process involved the review of the Regional Development Policy (RDP) 2010 while making reference to the constitution and other relevant legislative and strategic documents to inform alignment of the policy to; the constitutional and legal requirements and policies of other government sector relevant to regional development. The policy also seeks to accommodate; devolved system of governance, the roles and expectations of other stakeholders and emerging issues as well as mainstream national, regional and global cross -cutting issues in basin-based development.

Towards this end, the policy formulation process was highly consultative and participatory involving key stakeholders including; National Government Ministries, Departments and Agencies (MDAs), Parliamentary Committee in charge of Regional Development, the Senate Committee on Land and Natural Resources, the Intergovernmental Relations Technical Committee (IGRTC), the County Governments, Private Organizations and Development Partners. The process culminated in six public participation forums in the six RDAs respectively and subsequently incorporating the views in the policy.

The policy statements, strategies and objectives, therefore, demonstrate a clear intent of collaborating and partnering with relevant national government sectors, county governments and other stakeholders in the

basin-based development agenda. This inclusiveness is prerequisite for achievement of sustainable utilization and management of natural resources to spur harmonious, equitable and sustainable socio-economic development across the regions.

I take this opportunity to recognize the stewardship of the Directorate of Regional Development (DRD) in the State Department in executing the wide mandate of spearheading the formulation of the policy. Special mention also goes to the RDAs who worked very closely with the DRD towards the realisation of the policy. In addition, I acknowledge and appreciate the contributions and participation of partners in government sectors of; planning, environment, forestry, water, agriculture, energy and infrastructure, the county governments and all other stakeholders that in one way or the other contributed to the formulation and finalisation of this policy.

Dr. Belio R. Kipsang, C.B.S.

Principal Secretary,

State Department for Regional and Northern Corridor Development Ministry of East African Community and Regional Development.

#### **ACKNOWLEDGMENTS**

I take this opportunity to thank the leadership of the Ministry of East African Community and Regional Development and the State Department for Regional and Northern Corridor Development for prioritizing and facilitating the finalization of this Regional Development Policy 2022.

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This policy would not have been possible without the close involvement and participation of the RDAs. The respective MDs allowed the participation of their officers without reservations. We, therefore, extend our gratitude to the respective MDs namely; Dr, Mohamed Keinan Hassan, OGW (CDA), Dr. Raymond Omollo (LBDA), Eng. Ali Hassan Ibrahim, Ph.D, (ENNDA), Mr. Liban Roba (TARDA), Mr, Sammy Naporos (KVDA) and Mr. Ngala Oloitiptip (ENSDA).

In addition, we acknowledge the participation of the following staff from the respective RDAs; Mr. Peter Bw'ogero, Mr. David Lemiso, Mr. Maurice Nyongesa, Mr. Phillip Oloo, Mr. David Onyango, Mr. Patrick Kiptoo, Mr. Parmenas Mukeku, Ms. Irene Ndavi, Ms. Maureen Nyamai, Mr. John Mwaniki, Mr. Mohammed Doyo, Mr. Abdilatif Jarso, Mr. Geoffrey Rono, Dr. Mwanasiti M. Bendera and Mr. Swaleh Gongo.

Last but not least, we acknowledge participation and contributions from all stakeholders ranging from MDAs, county governments, civil society,

development partners, the public and others who in one way or the other contributed to the formulation and finalisation of this policy.

**Emilio Mugo** 

Secretary, Regional and Northern Corridor Development Ministry of East African Community and Regional Development.

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### LIST OF ABBREVIATIONS AND ACRONYMS

AGPO Access to Government Procurement Opportunities

AU African Union

CBOS Community Based Organizations
CDA Coast Development Authority
CDF Constituency Development Fund

CECM County Executive Committee Members

CIDP Chalbi Integrated Development Programme

DFRD District Focus for Rural Development
DRD Directorate of Regional Development

EAC East African Community
EEZ Exclusive Economic Zone

ENNDA Ewaso Ng'iro North Development Authority

ENNIDP Ewaso Ng'iro North Integrated Development Programme

ENSDA Ewaso Ng'iro South Development Authority

ERS Economic Recovery Strategy
FBO Faith Based Organisations

FY Financial Year

GDP Gross Domestic Product GLA Great London Authority

GPP Guidelines for Programmes and Projects

Ha Hectares

HEP Hydroelectric Power

ICT Information and Communication Technology

IGRTC Intergovernmental Relations Technical Committee

IRD Integrated Regional Development

IRDPs Integrated Regional Development Plans KNBS Kenya National Bureau of Statistics

KOSFIP Kimira Oluch Smallholder Farm Improvement Project

KVDA Kerio Valley Development Authority

LAPSSET Lamu Port South Sudan Ethiopia Transit Corridor

LATF Local Authorities Trust Fund

LBDA Lake Basin Development Authority

LCDA LAPSSET Corridor Development Authority
LHDA Lesotho Highland Development Authority

M&E Monitoring and Evaluation

MDAs Ministries, Departments and Agencies
MEA Multilateral Environmental Agreement

MEAC&RD Ministry of East African Community and Regional

Development

MISHDP Malindi Integrated Social Health Development Project

MORDA Ministry of Regional Development Authorities

MTEF Medium Term Expenditure Framework

MTP Medium Term Plan

MW Mega Watts

MWh Mega Watt Hours

NGOs Non-Governmental Organizations

NPIs National Public Investments PCC Projects Concepts Compendium

PIP Policy Implementation Plan

PISCs Projects Inter-agencies Steering Committees

PPP Public Private Partnerships

PLWDs Persons Living With Disabilities
QCMs Quarterly Consultative Meetings
RDCs Regional Development Committees
RDAs Regional Development Authorities

RDAs Regional Development Authorities
RDMP Regional Development Master Plan

RDP Regional Development Policy

RDPP Regional Development Programmes & Projects

RDS Regional Development Strategies
RMS Resource Mobilization Strategies
SDGs Sustainable Development Goals

SDR&NCD State Department for Regional and Northern Corridor

Development

SEZ Special Economic Zone

SRD Secretary Regional Development

TA Transition Authority

TARDA Tana and Athi Rivers Development Authority

TVA Tennessee Valley Authority

UK United Kingdom

USA United States of America

VRA Volta River Authority

#### **DEFINITION OF CONCEPTS**

For purposes of this policy, unless otherwise stated, the following words are defined as follows:

- 1. **Basin area:** the area of a basin under the jurisdiction of a regional development authority;
- 2. **Basin**: an area of land, including the exclusive economic zones, constrained by a watershed divide from where all surface water drains to a lower elevation;
- 3. **Board**: The Board of Directors of the respective of Regional Development Authorities;
- 4. Cabinet Secretary: The Cabinet Secretary of the Ministry;
- Dam: include a water impounding barrier, the reservoir created by the impounded waters and the immediate catchment around the water reservoir;
- 6. Exclusive Economic Zone: meaning as assigned under the Maritime Zones Act, 1989;
- 7. **Integrated development**: a multi-sectoral development with interlinked actions that exploit synergy of multi-sectoral projects and programmes, natural resource systems and potentials for a lasting economic, physical, social and environmental improvement of a basin;
- 8. **Multipurpose dam**: a dam used for more than one purpose e.g generating electricity, controlling floods, providing water for irrigation, fishing, ecotourism etc;
- 9. **Natural resources**: the physical non-human factors and components, whether renewable or non-renewable, including sunlight, surface and ground water, forests, biodiversity and genetic resources and rocks, minerals, fossil fuels and other sources of energy;
- 10. Region: Means a Basin Area;
- 11. Regional Development Authority: A national Government Entity established by an Act of Parliament of the laws of Kenya to plan, initiate and implement socio-economic development programmes and projects, and public investments in a basin;

- 12. **Regional Development Committees:** A committee of stakeholders for collaborative linkages in the coordination of basin-based development;
- 13. **Regional Development**: a holistic approach where different regional actors participate in the definition, decision-making and implementation of the most appropriate and sustainable development initiatives for both public and private sectors in support of coherent and integrated, productive and social infrastructure development;
- 14. The Constitution: means the Constitution of Kenya; and
- 15. **The Ministry**: means the Ministry responsible for the Regional Development Authorities.

#### EXECUTIVE SUMMARY

Basin-Based resources in our country are valuable natural endowment for socio-economic development. The Government created six RDAs between 1970s and 1990s to drive sustainable utilization and management of the Natural resources through initiating, planning and implementation of integrated Multipurpose development programmes and projects within respective Basins.

These RDAs namely; Tana and Athi Rivers Development Authority (TARDA), the Kerio Valley Development Authority (KVDA), the Lake Basin Development Authority (LBDA), the Ewaso Ng'iro North Development Authority (ENNDA), the Ewaso Ng'iro South Development Authority (ENSDA) and the Coast Development Authority (CDA). The RDAs are defined along rivers and large water bodies and exclusive economic zones.

The activities of the RDAs are coordinated by the Ministry of East African Community and Regional Development through the State Department of Regional and Northern Corridor Development, Directorate of Regional Development.

Notably, the first RDA was established in 1970 and the last one in 1990 but it is not until 2007 that the first RDA policy was formulated. This delay in formulating the policy framework for the RDAs is attributed to the fact that the RDAs were not placed under one co-ordinating Ministry until 2003 when the Ministry of Regional Development was formed. The 2007 policy was subsequently reviewed in 2010 from the need to align it to the government development agenda of the Vision 2030.

In the same year, the country adopted a new constitution which provides for a devolved system of government. The need to align RDP framework to the new dispensation of governance, other constitutional requirement and emerging issues triggered the review of the 2010 policy. The government, however, undertook several reorganisations which shifted the DRD to 3 different ministries within 8 years. This frequent shifting of the DRD greatly affected the continuity of the policy review process and development of other strategic documents as well. The creation of the State Department of Regional and Northern Corridor Development in 2018 stabilised the department and thus enabled finalisation of this policy.

The policy formulation was based on the review of the RDP 2010, while making reference to various relevant documents. The process also involved consultations with relevant stakeholders ranging from MDAs, County Government to non-state stakeholders. The process culminated to

public participation and subsequently the public views being incorporated into the policy.

The review of relevant documents and the wide consultations ensured that this policy framework incorporates the requirement of the Constitution, development blueprints of the country, stakeholder's expectations, emerging national, regional and global agenda to give a framework that will guide the achievement of sustainable utilization and management of natural resources to spur harmonious, equitable and sustainable socioeconomic development across the regions

The policy is organized into four chapters. Chapter one introduces the genesis of the basin-based development approach in Kenya and gives a global perspective of the concept in sustainable utilisation and management of natural resources. The chapter also reflects on the historical perspective of the regional development policy and explains why the review of the former policy was necessary. The policy objectives through which the goal of the policy will be achieved are also outlined here along with the guiding principles on which this policy is based. The chapter closes with a section explaining the approach of the formulation process.

The next Chapter is on situational analysis highlighting the features of the basins and their geographical coverage, resource endowment and respective economic potentials, mandate of RDAs, legal and policy provision and some of the programmes and projects implemented by the RDAs and their contribution to the achievements of national development agenda. The challenges facing the RDAs in the regional development agenda are also analysed in this chapter.

Chapter three present the framework of the policy outlining eleven policy objectives and corresponding policy statements. Each sub-section in this chapter presents the context and the justification of the proposed policy direction. It gives recommendations, *inter alia*, proposes principally aligning functions of the RDAs and the DRD to the Constitution including requirements of devolved system of governance and maintaining harmony with the functions of other related government agencies. It further outlines how cross cutting issues will be mainstreamed regional development.

The last Chapter outlines the institutional framework for the implementation of the policy with the Ministry taking the co-ordinating role. The government, in consultation with key stakeholders will develop an implementation framework outlining key interventions, activities, performance indicators, time lines and lead implementing agencies.

Monitoring and evaluation being integral part of any implementation will be a continuous process that will be guided by an integrated M&E framework reflecting the policy objectives, strategic interventions, key performance indicators and expected outcomes. Necessary policy review will be guided by the outcome of the M&E exercises.

Implementation of the policy will trigger faster regional economic growth by providing the desired environment for National and County Governments, private investors, development partners and the community to participate meaningfully in the economic development of the various regions in the Country.

#### **CHAPTER ONE**

#### INTRODUCTION

#### 1.1 BACKGROUND

- 1. Regional development is a holistic approach where different regional actors participate in the definition, decision-making and implementation of the most appropriate, and sustainable development initiatives. This approach is critical in the attainment of equitable sustainable socio-economic development. Kenya is among the few countries in the world that have adopted the regional Development approach for development.
- 2. Some of the other countries using regional development approach include; USA (Tennessee Valley Authority TVA), UK (Greater London Authority GLA), Ghana (Volta River Authority VRA), Sudan (Gezira), Egypt (Aswan High Dam) and Lesotho (Lesotho Highland Development Authority LHDA).
- 3. In Kenya, there are six regions which are defined along rivers and large water bodies and exclusive economic zones; the Tana and Athi River Basins, the Ewaso Ng'iro South River Basin, the Ewaso Ng'iro North River Basin, the Lake Victoria Basin, the Kerio and Turkwel River Basins and the Coastal area.
- 4. Based on the above regions, the Government established six Regional Development Authorities (RDAs) between the early 1970s and the early 1990s as follows; the Tana and Athi Rivers Development Authority (TARDA) through Cap 443 of 1974; the Kerio Valley Development Authority (KVDA) through Cap 441 of 1979; the Lake Basin Development Authority (LBDA) through Cap 442 of 1979; the Ewaso Ng'iro North River Basin Development Authority (ENNDA) through Cap 448 of 1989; the Ewaso Ng'iro South Development Authority (ENSDA) through Cap 447 of 1989; and the Coast Development Authority (CDA) through Cap 449 of 1990.
- 5. The RDAs have a unique mandate of initiating, planning, coordinating and implementing integrated multi-sectoral and Multipurpose programs and projects for sustainable utilization and management of basin-based resources to foster social-economic development and empowerment of the communities. The coordination of the RDAs is done by the Ministry of East African

- Community, State Department for Regional and Northern Corridor Development through the Directorate of Regional Development.
- 6. Some of the basin-based integrated development initiatives the National Government implements through the RDAs include water development, hydropower generation, technology transfer, irrigated agriculture, value addition and environmental management.
- 7. These initiatives contribute to the social-economic development of the regions and the country through employment creation, equitable distribution and sustainable use of resources, ensuring rural-urban balance and environmental management. The initiatives are always guided and aligned with the aspirations of the country's development blue-prints as well as commitments to regional interstates, continental and global obligations.
- 8. This Policy seeks to align regional development agenda with the new dispensation following the adoption of the Constitution in 2010. This includes aligning both the functions of the Directorate of Regional Development and those of the RDAs with the requirements of the devolved system of governance and also harmonizing with the functions of other related government sectors to avoid duplication and to enhance efficiency in natural resources utilization and management.

# 1.2 HISTORICAL PERSPECTIVE OF REGIONAL DEVELOPMENT POLICY

- 9. As noted earlier, the Government adopted regional development approach in the early 1970s. For a long time, the coordination of the RDAs was not centralised under one Ministry. Different RDAs were placed under the coordination of different Ministry. In 2003 the first Ministry, the Ministry of Regional Development Authorities (MoRDA), with the sole mandate of coordinating the RDAs was formed. Subsequently, MORDA formulated the first Regional Development Policy in 2007.
- 10. The Regional Development Policy (RDP), 2007 was then reviewed in 2010 to align with the aspiration of the Vision 2030 and to accommodate other emerging issues as well.
- 11. The RDP 2022 largely builds on and reviews the RDP 2010 to align with the requirements of the Constitution (which was adopted in 2010) such as the devolved system of governance and to

accommodate local, regional and global emerging issues and administrative reforms adopted by the National Government to attain sustainable environment and enhanced efficiency in natural resources utilization and service delivery.

# 1.3 POLICY RATIONALE AND JUSTIFICATION

- Basin-based natural resources and related initiatives have been identified as key to equitable and sustainable development. It is, therefore, desirable to plan and manage these resources in an integrated and harmonious manner. To achieve this, the regional development agenda should always be guided by an up-to-date policy framework that is in line with the constitutions and other legislation requirements.
- 2. It is on this premise that the review of the previous RDP of 2010 was undertaken to develop this policy. The new governance dispensation introduced by the constitution in 2010 is the most important factor that necessitated the need of a new policy in a quest to recognize and harmonise the roles of the counties and other stakeholders in the regional development agenda, and to align the functions of the Directorate of Regional Development and the RDAs to the requirements of devolved system of governance. This will ensure harmony and creation of synergies with the counties and other players in regional development and subsequently enhance efficiency in the utilization and management of natural resources.
- 3. Besides the introduction of the counties, the new dispensation was followed by frequent reorganisation of the Nation government, which shifted the DRD to 3 different ministries within 8 years. This frequent shifting of the DRD greatly affected the operations of the RDAs' coordinating department. This policy seeks to mitigate the effect of such shifting by redefining the functions of the DRD. This will give the department an anchoring and stability.
- 4. On the other hand, the Ministry intends to enhance resource mobilisation by exploring external sources of funds from potential development partners. To achieve this efficiently, there is need for a framework to guide resource mobilisation. The resource mobilisation framework coupled with clarity in the functions of the Ministry and the RDAs will also raise the confidence of potential development partners in the Ministry and in the RDAs.

#### 1.4 POLICY GOAL

5. The overall goal of this Policy is to provide a framework to achieve sustainable utilization and management of natural resources to spur harmonious, equitable and sustainable socio-economic development across the regions.

#### 1.5 POLICY OBJECTIVES

- 6. The key objectives of the policy are to:
- a) Inform the development and the enactment of national policy, strategy and legislation on regional development;
- Provide a framework for planning, coordination and implementation of national integrated and Multipurpose basinbased development programmes and projects;
- Provide a framework for implementation of strategic basin-based National Government programme/projects, and public investments;
- d) Provide information and advice to the Government and other agencies on utilization and management of basin-based natural resources;
- e) Establish a framework for guiding harmonious utilization and management of basin-based natural resources;
- f) Provide a guide of mainstreaming climate change resilience, mitigation and adaptation initiatives and other cross-cutting issues in the basin-based development;
- g) Establish basin-based research and development framework;
- h) Establish an institutional framework for efficient basin-based development;
- i) Establish a framework for funding regional development;
- j) Provide a guide for collaborations/partnership and stakeholder engagement in the regional development agenda; and
- k) Guide the Integration of regional and international obligations in basin-based development.

#### 1.6 GUIDING PRINCIPLES

7. The principles that guide this policy are in accordance with the global best practices in basin-based development and the

Constitution of Kenya as set out in Articles 6, 10, 42, 43, 60, 66, 69, 186, 189, 191 and 232. These are, *inter alia*:

- a. Principle of subsidiarity: Which emphasizes on multi-level participation of a wide range of participants in regional development;
- **b. Principle of mutual co-operation**: That there shall be cooperation between all the levels of Government and all stakeholders in the implementation of this Policy;
- c. Environmental Right: Every person in Kenya has a right to a clean and healthy environment and a duty to safeguard and enhance the environment;
- **d. Right to Development:** The right to development will be exercised taking into consideration sustainability, resource efficiency and economic, social and environmental needs;
- e. Ecosystem Approach: An integrated ecosystem approach to conserving environmental resources will be adopted and enhanced to ensure that all ecosystems are managed in an integrated manner while also providing a range of benefits to the citizenry;
- f. Total Economic Value: The benefits that ecosystems generate will be integrated into the national accounting system, programmes and projects;
- g. Sustainable Resource Use: Environmental resources will be utilized in a manner that does not compromise the quality and value of the resource or decrease the carrying capacity of supporting ecosystems;
- **h. Equity:** The management of the environment and natural resources will ensure equitable access to resources for present and future generations;
- i. Public Participation: A coordinated and participatory approach to environmental protection and management will be enhanced to ensure that the relevant government agencies, county governments, private sector, civil society and communities are involved in planning, implementation and decision-making processes;
- j. Good Governance: Rule of law, effective institutions, access to information, transparency and accountability, professional

- ethics, respect for human rights, equity, non-discrimination and the meaningful participation of citizens will be integrated in environmental management;
- **k. Community Empowerment:** Communities will be involved in decision making and empowered in the implementation of such decisions;
- Precautionary principal: It emphasizes on caution, pausing and review before leaping into new innovations that may prove disastrous;
- m. Livelihood enhancement: Livelihood improvement with a focus on fighting poverty shall be a major consideration for all strategies and programmes to be adopted for regional development; and
- n. International and regional co-operation: Multilateral Environmental Agreements (MEAs) and other regional instruments will be domesticated and implemented for sustainable development in accordance with the Constitution and other established legal and regulatory mechanisms.

### 1.7 POLICY STRUCTURE

8. This policy is organized into four chapters. The introductory chapter reflects the need for the policy review and outlines the review process. Chapter Two gives an overview of the regional development approach in Kenya and justification for policy reform. The third chapter sets out detailed policy statements while the last chapter outlines the institutional framework for the implementation of the policy. There is also a section for schedules, at the end elaborating various elements of the policy.

## 1.8 THE POLICY FORMULATION PROCESS

- 9. The formulation of this policy is based on the review of the RDP 2010 while drawing lessons from the experience on regional development approach gained over the years and from documentation of a benchmarking tour on best practice to the Tennessee Valley Authority (TVA) in the USA in 2012 by the MORDA and the RDAs staff.
- 10. In order to identify areas that needed to be addressed and/or included in the policy, reference was made to relevant legislative and strategic documents and development blue prints. Some of

these documents include the Constitution, the Vision 2030, the Medium-Term Plans, the Public Finance Management Act 2012, Mwongozo Code of Governance for State Corporations, Master Plans and Strategic Plans, Presidential Executive Orders, respective RDAs' Acts, the Functional Analysis report by the former Transition Authority, SDGs Framework 2015, African Union Agenda 2063, Climate Change Act 2016, and other relevant sector policy documents.

- 11. In addition to the review of relevant documents, stakeholders' views were sought through consultations and engagement of key stakeholders which included; the RDAs, National Government Ministries, Departments and Agencies (MDAs), Parliamentary Committee in charge of Regional Development, the Senate Committee on Land and Natural Resources, the Intergovernmental Relations Technical Committee (IGRTC) and the County Governments, private organizations and development partners. Finally, regional public participation was conducted and the views documented and incorporated in the Policy.
- 12. The highly consultative and participatory review process reached consensus in the following areas:
  - Key areas in the Constitution against which the Policy must be aligned;
  - b) The goal and objectives of the policy in basin-based development, regional integration and natural resource utilisation and management;
  - Areas of collaborations and complementarity with other relevant sectoral policies to ensure alignment of cross-cutting issues; and
  - d) Relevant national, regional and international policies and laws for incorporation in this policy.

#### **CHAPTER TWO**

#### SITUATIONAL ANALYSIS

#### 2.1 BACKGROUND

- 13. Kenya covers an area of approximately 582,646 sq. km, comprising 97.8% land and 2.2% water surface. Only 20% of the land area can be classified as medium to high potential agricultural land with the rest of the land being either arid or semi-arid. Forests, woodlands, national reserves, and game parks account for 10% of the land area. According to the Kenya Population & Housing Census Report of 2019, Kenya has a population of 47.5 million people (as compared to 37.7 million recorded in 2009) with an annual growth rate of 2.2%.
- 14. The country is endowed with various basin-based natural resources such as large tracts of natural forest, rich diversity of flora and fauna, marine resources, oil, minerals and natural gas. These resources offer huge benefits and opportunities for local and national socio-economic development if utilised in an efficient and sustainable way.
- 15. Some of the challenges hindering sustainable utilization and management of these resources include but not limited to, adverse effects of climate change; recurrent floods and droughts; unfavourable agricultural practices and inadequate water storage facilities; inadequate irrigation facilities; population pressure and poor exploitation of natural resources as well as inadequate capacity and technical know-how to harness economic opportunities presented by natural resources. These challenges contribute to disparities in development in the country.

# 2.2 ADDRESSING REGIONAL DEVELOPMENT DISPARITIES

16. The government has been making concerted efforts to reverse the trend of unbalanced socio-economic development in the country which has persisted since independence. As noted earlier, Basin-based development through the RDAs is one of the strategies the government adopted to enhance equitable development in the country. Other initiatives, used in the past, included the District Focus for Rural Development (DFRD), the Constituency Development Fund (CDF) and the Local Authorities Transfer Fund (LATF).

- 17. Article 6 of the Constitution which provides for two levels of governments; the National and County governments and the provision of an equalisation fund in Article 204 for the less developed counties is the most recent effort to address regional development disparities.
- 18. Along with devolution, the Constitution recognizes the critical role sustainable utilization and management of the environment and natural resources plays in the improvement of livelihoods, wealth creation and overall growth of the country as provided in Article 69 on obligations in respect to environment.

# 2.3 INTEGRATED REGIONAL DEVELOPMENT IN KENYA

# 2.3.1 Programmes & Projects and Public Investments in the Basins

- 19. The Vision 2030 conceptualizes and earmarks several basin-based investment programmes aimed at sustainably harnessing and exploiting the natural resources in the basins.
- 20. The RDAs have continued to spearhead the implementation of the integrated basin-based Multipurpose development programmes and projects in respective basins guided by respective integrated regional master plans which were developed in line with the Vision 2030.
- 21. These programmes include Multipurpose dams, water catchment conservation and management programmes among others. These Integrated basin-based programmes and projects have made significant contribution towards the development of the country in energy, water, environment, agriculture, transport and to some extent the health sectors.

# 2.3.2 Limitations of Integrated Regional Development in Kenya

- 22. Some of the limitations facing the RDAs, especially in programmes and projects implementation include;
  - a) Policy and legal instruments being inconsistence with the provisions of the constitution: The constitution, which was adopted in 2010, changed the governance structure in the country by introducing the county governments and subsequently devolving some functions that were initially being carried out by the national government. The new dispensation thus necessitates the review of the existing policy and legal

- instruments to recognize and reflect the role of the counties in the basin-based development agenda and also to accommodate other operational changes introduced by the constitution;
- b) Revenues from capital projects divested to other Agencies: The energy sector reforms of 1998 that separated the then Kenya Power Company (KPC) from Kenya Power and Lighting Company(KPLC) and renamed it the Kenya Electricity Generating Company (KenGen) saw the KenGen take over the management and operation of the Masinga, Kiambere and Turkwel dams. The revenues from these dams were subsequently divested to this KenGen. The TARDA and KVDA which were the respective developers of these dams lost a very strong revenue base which would otherwise have contributed to the financial sustainability of these Authorities;
- Frequent shifting of the coordinating department (Directorate of Regional Development) to various ministries: This affects continuity resulting to delay in reviewing/developing policy and strategic documents; and
- d) Inadequate funds: The Ministry and the RDAs rely heavily on government funding, which has been dwindling over time.
- 23. Overwrapping roles: There are several national government and county government sectors involved in the utilisation and management of natural resources; the water sector, environment and forestry sector, agriculture. Unclear roles of the respective sectors is a potential cause of duplication of intervention and conflicts. The policy incorporates results of functional analysis highlighted by the then Transition Authority (TA) that distinguished roles of the RDAs, from those of the other sectors and the County Government.

### 2.3.3 Resource Mobilization

24. The Ministry and the RDAs rely heavily on the national budget for funding. The government, however, is not able to meet the funding requirements since the programmes/projects and investments by the RDAs are very capital intensive and there is also competition of the same fund from other sectors. This inadequacy of funds causes delays in initiating implementation and completion of programmes/projects and investments some of which end up stalling.

The Ministry has been coordinating the RDAs to seek alternative ways of funding and currently is enjoying the support of the Italian

- corporation in terms of grants and concession loans for Sigor Wei Wei Integrated Development Project Phase111 and Malindi Integrated Social and Health Development Programme (MISHDP) Phase11. These funds are, however, a very small fraction of the funds required to make the desired impact in the regions.
- 25. This policy recognizes the role of Public Private Partnership (PPP) in implementation of capital intensive programmes/projects and investments. This model of funding will be explored in line with the Public Private Partnership (PPP) Act, 2021. Some of the projects that will be packaged for this funding model include; the Magwagwa Multipurpose Dam project, Lower Turkwel Integrated project, High Grand Falls Multipurpose Dam project, Lake Challa Water Resources Development project, Chalbi Integrated Development programme and Lower Ewaso Ng'iro South Multipurpose Dams project among other projects pipelined for implementation within the Kenya Vision 2030.

#### 2.3.4 Legal and policy provision

26. As noted earlier, the RDAs were established and are governed by respective Acts of Parliament. Despite the frequent shifts in government policy direction over time, the Acts have never been revised. Revision of the Acts is necessary in order to give the RDAs enough legal support for the implementation of their aspirations. On the other hand, there is need to align the regional development agenda to the devolved system of governance and also harmonise with other related government sectors to avoid duplication and enhance efficiency in interventions geared towards natural resources utilization and management.

# 2.3.5 Coordination of Trans boundary programmes and projects

27. The Trans boundary nature of natural resources necessitates some of the RDAs projects and programmes to transcend across two or more counties. In some cases, the natural resource is shared across neighbouring countries. The implementation of such programmes and projects thus requires high level of intergovernmental and intersector coordination, both at technical and administrative points of view. Lack of proper coordination would delay the realization of benefits as well as compromise sustainability of the programmes and projects.

# 2.4 IMPACT OF THE INTEGRATED REGIONAL DEVELOPMENT (IRD) IN NATIONAL DEVELOPMENT

- 28. The Regional Development approach has had tremendous impact in national development and social integration as listed below:
  - Sustainable utilization and management of natural resources.
     The RDAs have undertaken elaborate regional development master plans and catchment conservation programmes and projects;
  - b) Increased access to water resources through constructions of water harvesting facilities for both domestic and livestock;
  - Improved agricultural productivity through establishment of irrigation infrastructure and technology transfer; provision of high yield breed animals, crop seed bulking, promotion of aquaculture and building capacity of farmers;
  - d) Value chain development. RDAs have undertaken various value chain development investments in areas of honey processing, fruit processing, leather tanning, gums & resins processing and rice milling;
  - e) Development and promotion of the blue economy; and
  - f) Promotion of peaceful coexistence among communities through implementation of programmes and projects that have reduced resource use conflicts for example the tea Development programme in Trans Mara.

# 2.5 INTEGRATED REGIONAL DEVELOPMENT AND THE VISION 2030

- 29. The long-term development blue print the vision 2030 was launched in June 2008 to guide development agenda for the next two decades. The aim of the Vision is to make Kenya a globally competitive and prosperous country by transforming it into an industrialized middle-income nation providing high quality life for all its citizens in a clean and secure environment. The RDAS, like all other the government entities must align their development plans to the Vision 2030 by identifying relevant flagship programmes/projects for implementation.
- 30. The implementation of the Vision 2030 is done through Medium Term Plans. These are 5 years' phase sector plans where each subsector proposes programmes /projects for the period in alignment to

the vision 2030. The third medium Term plan will end in 2022. This policy offers an enabling framework for the implementation of the remaining sub-sector MTPs and essentially the achievement of the Vision 2030. Implementation of the flagship projects for regional development will contribute towards poverty reduction, income generation, employment creation, food security, climate change adaptation and mitigation and environmental conservation among other benefits.

## CHAPTER THREE

# POLICY FRAMEWORK

#### 3 1 BACKGROUND

- 31. The review of the RDP 2007 to develop the RDP, 2010, identified and reviewed ten key areas. These areas include: functions of the RDAs; Governance and management of RDAs; Integrated Regional Development Plans (IRDPs); Intellectual property; Public-Private Partnerships (PPP) arrangements; Financing and sustainability of RDAs; RDAs performance management framework; RDAs procurement and disposal of assets; Land and land use; and Monitoring and evaluation.
- 32. In the RDP, 2010 the primary role of the RDAs is identified as promotion of socio-economic development through sustainable utilization and management of basin-based resources with specific functions being:
  - To cause the construction of any works necessary for the protection and utilization of the water, soils and natural resources in the regions;
  - b) To identify, assemble and correlate all the data related to the use of water and other resources within their jurisdiction as may be necessary for the efficient forward planning of the area;
  - To maintain a liaison between ministries, the private sector and other agencies in the matters of development of the region with a view to ensuring the best use of available regional resources;
  - d) To advise the Government, the private sector and other agencies/institutions on resource-based investment in the regions;
  - e) Initiate, plan, market and implement projects geared towards protection and sustainable development of Kenya's river, lacustrine, oceanic and natural resource base;
  - f) Establishment of mechanisms and instruments for empowering local communities to participate in utilization of waters, soils and natural resources in the regions; and

- g) To undertake programmes and projects that will ensure sustainability of RDAs.
- 33. The RDP, 2022 focuses on the following six key areas prioritized during the review of the RDP 2010:
  - a) Functions of the RDAs as prescribed in their respective Acts;
  - b) Compliance with the Constitution and operational legal provisions including relevant sectoral legislations, and devolved system of governance;
  - c) Governance and management of regional development;
  - d) Financing of the regional development agenda;
  - e) Policy implementation framework; and
  - f) Integrated regional development.

#### 3.2 POLICY STATEMENTS

This policy recognises the provision of the Constitution on the role of the counties and that of other sectoral institutions in regional development agenda. The policy will progress the constitutional and operational legal requirements, through the following framework of objectives and corresponding policy statements:

# **Policy Objective 1:**

### To Inform the Development and Enactment of National Policy, Strategy and Legislations on Regional Development

34. Considering that the RDAs were established before the new dispensation of the constitution, there is need to align the functions of RDAs to the Constitution. This then calls for the review of the RDAs' legislations and subsequent development of supporting regulations.

# **Policy Statements**

# The government shall:

- a) undertake regular review of policies and strategic documents on regional development;
- b) review the legislations on regional development in alignment to the Constitution;

- c) develop regulations to support carrying out of the basin-based development function;
- d) harmonize the RDAs laws with other sectoral laws for harmonious achievement of national development objectives;
- e) regularly review the RDAs legislations for inclusion of emerging issues;
- f) create awareness on RDAs policy and legislation among stakeholders; and
- g) develop a coherent and coordinated regulatory framework for sustainable basin-based development.

# **Policy Objective II:**

# To Provide a Framework for Implementation of Strategic National Government Programmes and Public Investments for Sustainable Utilization of Basin-Based Natural Resources

35. The National Government strategic programs and projects are designed to increase the overall effectiveness as well as facilitate the process of achieving equitable and sustainable social-economic development. This policy provides a multi-sectoral and multi-disciplinary framework for the management and development of basin-based resources through national strategic programmes and Projects that will stimulate growth and development in the country.

# **Policy Statement**

# The Government shall:

- a) implement integrated multi-sectoral and Multipurpose programmes and projects, relevant national government strategic programmes/projects and public investments, and perform any other related functions and activities as may be necessary to promote sustainable socio-economic development;
- b) create a framework for sustainable investments on basin-based resources; and
- c) advise the Government and other institutions on sustainable basin-based investments.

### **Policy Objective III:**

# To Provide a Framework for Planning, Coordination and Implementation of National Integrated and Multipurpose Basin-based Development Programmes/projects

- 36. Integrated basin-based development offers significant opportunities for enhancing food production, energy production, transportation, industrial development, environmental conservation and other related sustainable development activities. It acts as a catalyst for both socio-economic and political basin-based integration with potential benefits exceeding those derived from stand-alone sectoral development initiatives.
- 37. The utilisation and management of the basin-based natural resources needs holistic integrated approach since they transcend more than one county. This policy therefore seeks to guarantee a more holistic approach to sustainable exploitation and management of these natural resources.

### **Policy Statement**

#### The Government shall:

- a) develop and maintain comprehensive natural resources data base;
- b) develop and implement integrated regional development master plans;
- c) develop, co-ordinate and implement integrated multi-sectoral and Multipurpose basin-based development programmes/projects;
- d) initiate, plan, develop and manage Multipurpose development dams; and
- e) initiate, plan and implement intra and inter-basin water transfer schemes.

# Policy Objective IV:

# To Provide Information and Advice to the Government and other Institutions on Utilization and Management of Basin-Based Natural Resources.

38. This policy provides a holistic framework for planning and coordinating development programs and long term strategic interventions within the basins. This is very crucial since there are many players in the utilisation and management of the basin-based natural resource. Besides, the nature of transcending more than one county makes coordination, management and development of these resources more complicated.

# **Policy Statement**

### The Government shall:

- a) initiate, undertake and co-ordinate feasibility and other studies on such areas as may be necessary;
- b) establish and maintain a comprehensive data base on the results of the studies;
- c) develop and avail regional development master plans to guide development initiatives;
- d) monitor and evaluate basin-based integrated development programmes and projects to ensure efficiency and effectiveness in planning and implementation;
- e) undertake research and development programmes;
- f) establish partnerships on research initiatives and publish/disseminate/implement research findings/information related to basin area; and
- g) undertake and report on the progress of implementation of regional and international obligations with respect to conservation and sustainable utilization of natural resources.

# Policy Objective V:

# To Establish a Framework for Funding Regional Development

39. The ministry and the RDAs have been relying heavily on the funding from the government yet most of the programme and projects proposed for Basin-based development are very capital intensive. The funding from the consolidated fund doesn't meet the capital need for effective regional development. To bridge the funding gap, there is need for rigorous resource mobilisation from external sources. In addition, the RDAs should develop mega-anchor investments/projects that will subsequently generate adequate revenue that will support other initiatives and create regional economic pillars or act as economic growth poles.

# **Policy Statements**

# The Government shall:

- a) continue mobilizing funds through the national budgetary process;
- b) mobilize funds through the PPP funding model;

- c) mobilise funds from grants, concession loans and other alternative sources of funds;
- d) undertake national income generating investments; and
- e) create a more diverse business environment to make investments in the basin-based development more competitive.

### **Policy Objective VI:**

# To Establish a Framework for Guiding Harmonious Utilization and Management of Basin-Based Natural Resources.

- 40. As noted earlier, there are many players in the regional development agenda with different capacities, expertise and resource base. While this is beneficial for synergies, there is risk of duplication of intervention, imbalances in development and conflicts if interventions and activities are not well coordinated and guided. A coordination framework will be established to guide.
- 41. To address this, the policy proposes establishment of a framework for the coordination and guidance of development across the basins.

### **Policy Statement**

#### The Government shall:

- a) provide a mechanism for coordination of utilization of natural resources within the basins:
- b) hold consultative forums with relevant stakeholders on sustainable basin-based natural resource conservation and utilization initiatives;
- c) establish mechanisms for resolving conflicts between different actors in sustainable natural resource utilization;
- d) undertake programmes and projects for resolution of basin-based resource use conflicts in collaboration with other relevant authorities and stakeholders; and
- e) undertake programmes/projects that will promote peace among the communities.

# **Policy Objective VII:**

# To Establish Basin-Based Research and Development Framework.

42. Basin-based development in Kenya can be improved through new innovations on technology transfer, productivity, efficiency and

- value addition. Disciplines such as productivity, health, crop diversification, processing, value addition, intellectual property rights and indigenous knowledge is critical for improved performance of the sector. Further, global needs for certification require research in suitable criteria and indicators.
- 43. A vibrant and proactive basin-based development sector requires a strong research strategy for technology development and transfer. Appropriate technologies (for different areas across the RDAs) in value addition, innovative way of utilisation and management of natural resources, value addition and other identified areas will be generated through research for long term development.

## **Policy Statements**

### The Government shall:

- a) coordinate/conduct basin-based research in identified areas to generate appropriate technologies for development;
- b) invest in integrated and multidisciplinary research on livelihood support and economic growth;
- c) develop a framework for engaging relevant sectoral researchbased institutions to promote regional development agenda;
- d) develop mechanisms to link research findings to users and encourage private sector participation;
- e) support counties on dissemination of research findings for use by communities and individuals engaged in basin-based development;
- f) promote research and training to improve uptake, value addition and processing technologies, including incubation of innovations;
- g) support communication platforms between researchers, communities, county and national governments and other stakeholders to discuss basin-based development matters;
- h) develop a mechanism for engaging young volunteers and senior citizens in basin-based development activities;
- i) encourage and strengthen collaboration with regional and international institutions; and
- j) undertake multidisciplinary policy research on basin-based development.

### **Policy Objective VIII:**

# To Establish an Institutional Framework for Efficient Basin-Based Development.

- 44. The Ministry responsible for Regional Development is mandated to coordinate the RDAs in the utilization and management of natural resources (classified in Schedule 4 of the Constitution as a National Government function). Other players in the management and utilization of natural resources at the National level include the Ministries responsible for: Water, Agriculture, Environment and Natural Resources. The counties are also key stakeholders in the management and utilization of natural resources since these resources are in the grassroots. Moreover, the programmes and projects implemented by RDAs are within and across the counties.
- 45. To ensure harmonious relations and enhanced synergies in the implementation of basin-based programmes and projects, there is need for clear mechanisms of engagement between RDAs, relevant MDAs, county governments and other stakeholders.

#### **Policy Statements**

#### The government shall:

- a) build and strengthen capacity of the Ministry and the RDAs;
- b) strengthen the policy, oversight, reporting and public sensitization function of the Ministry;
- c) Establish an inter-RDAs collaboration framework;
- d) establish stakeholders' collaboration and engagement framework;
- e) synergize with institutional mandates of the MDAs and County Governments for cross-sectoral and inter-sectoral coordination and policy integration in basin-based development;
- f) create mechanism of enhancing equity and inclusivity in terms of ownership, control and access to natural resources;
- g) develop mechanisms to enhance the involvement of vulnerable groups in natural resource management interventions;
- h) adopt ways of enhancing institutional knowledge management capacity and cooperation on natural resource management; and
- *i)* develop a framework for collaboration between MDAs and County Governments in regional development.

### **Policy Objective IX:**

# To Mainstream Cross-Cutting issues in the Basin-Based Development

Mainstreaming of crosscutting issues is a strategy to make them an integral dimension of the design, implementation, monitoring and evaluation of development programmes/projects. The policy identifies the following crosscutting issues as relevant to Basin-based development and guides on how they will be mainstreamed in the regional development agenda.

# i) Climate change adaptation and mitigation

46. The effects of climate change continue to be experienced across the country despite attempts made to address the challenges. The overriding principle of this policy is to foster sustainable socioeconomic development through capacity building to enhance resilience to the effects of climate change.

### **Policy Statement**

### The Government shall:

- a) mainstream climate change adaptation and mitigation activities in regional development agenda; and
- b) enhance climate change adaptation and mitigation capacity of the communities through relevant training, technology transfer and other identified means to enhance resilience to the effect of climate change.

# ii) Gender, Youth and Persons Living with Disabilities(PLWDs) and Vulnerable Groups

47. It is critical that persons with special needs, youth and women are deliberately empowered and encouraged to participate in the regional development activities. The constitution and other legislations provide for this through respective affirmative actions' such as, the one third gender rule and Access to Government Procurement Opportunities (AGPO).

### **Policy statement**

### The Government shall:

a) adopt relevant affirmative actions on gender, youth, PLWDs and vulnerable groups, both at the institution and community level to

deliberately empower these groups to participate in the regional development agenda.

### iii) Regional and International Obligations

48. Kenya is a signatory to four multilateral environmental agreements (MEAs) namely; United Nations Convention on Biological Diversity (UNCBD), United Nations Framework Convention on Climate Change (UNFCCC), United Nations Convention on Combating Desertification (UNCCD), Stockholm Convention on Persistent Organic Pollutants (POPs). The agreements were formulated by the international community as part of the international effort to promote the concept of sustainable development. Along with this there are other multilateral and regional agreements, protocols, and conventions on rivers, catchment areas and other natural resources. These agreements are important for enhanced cooperation in utilisation and management of trans-boundary natural resources for sustainability.

### **Policy Statements**

#### The Government shall:

- a) mainstream multi-lateral environmental agreements and other regional instruments and protocols into basin-based programmes, strategies and plans;
- b) initiate formulation and implementation of trans-boundary natural resource policies and management agreements; and
- c) participate in national and international forums on matters related to natural resource conservation and management.

### Policy Objective X:

### To Integrate Partnership and Stakeholder Involvement

49. The private sector, civil society, communities and other non-state actors play a vital role in natural resource management and conservation. Communities are responsible for community land, which include natural resources lawfully held, managed or used by specific communities. In order to ensure that natural resources are sustainably managed and contribute to national development, a comprehensive collaborative framework is required to assign and clarify the roles and responsibilities of different players in the basins.

- 50. Non-state actors have the advantage of being independent of political pressures and play an important role in agenda setting, policy development and resolution of resource conflicts at the local level. Professional societies for instance are established to advance research and technologies, enhance professionalism in the formulation and implementation of basin- based development policies and interventions.
- 51. Participatory natural resource management and sound conservation practices have a potential of enhancing sustainable management and utilization of natural resource. Thus, involving relevant non-state actors and local communities in planning and implementation of regional development intervention is a prerequisite for sustainable regional development.

### **Policy Statements**

### The government shall:

- a) promote collaborations and partnerships between public, non-state actors and communities in natural resource management and conservation programmes in the basins;
- b) develop an institutional framework and mechanisms for stakeholders' engagement in basin-based development;
- c) promote stakeholder participation at all levels of decision making for basin-based development;
- d) support non-state actors and local communities to undertake basin-based development activities; protection and conservation of natural resources and promotion of investments; and
- e) develop and implement strategies for conflict resolution in utilisation and management of basin-based natural resource.

# 3.3 FUNCTIONS OF THE REGIONAL DEVELOPMENT AUTHORITIES

- 52. This policy therefore provides summarized functions of RDAs as follows:
  - Advise the Government and other institutions on all matters pertaining to national policy on basin-based natural resources; sustainable utilisation and management, integrated socioeconomic development programme and projects, and investment opportunities;
  - Initiate, plan, co-ordinate and implement national policies and projects and programmes related to integrated development and sustainable utilization of basin-based natural resources;

- Initiate, undertake and co-ordinate national studies on conservation and sustainable utilization of basin-based natural resources;
- d) Maintain a national database of basin-based natural resources and formulate and disseminate a long-range national development plan for the basins;
- e) Initiate, plan, develop and manage integrated Multipurpose dams and implement inter and intra-basin water transfer schemes for sustainable integrated development;
- f) Undertake national programmes and projects for promotion and resolution of basin-based resource use conflicts in collaboration with other relevant authorities and stakeholders;
- g) Mobilize resources and undertake national investments for sustainable utilization of basin-based resources and selfsustainability;
- h) Co-ordinate the design and implementation of the country's regional and international commitments pertaining to conservation and sustainable utilization of basin-based natural resources;
- Undertake national programmes and projects on climate change adaptation and mitigation to enhance national capacity and resilience through technology transfer and other means;
- j) Plan and liaise with the relevant authorities as necessary in national exploration, utilization and development of extensive fishing and aqua cultural activities in Lake Victoria and its basin; marine and coastal area in Kenya including in the exclusive economic zone;
- k) Implement relevant national government strategic programmes and perform other related functions and activities as may be necessary to promote and sustain socio-economic development;
- Approve all natural resources based projects and programs to be implemented in the Basins; and
- m) Perform any other function that the Cabinet Secretary may assign the Basin- Based Development Authority or as are incidental or conducive to the exercise by the Basin-Based Development Authority.

### CHAPTER FOUR

# 4 INSTITUTIONAL FRAMEWORK FOR REGIONAL DEVELOPMENT

# 4.1 POLICY REQUIREMENTS

53. This policy is aligned to the Constitution of Kenya, 2010 and provides a framework for the RDAs efficiently and effectively spur harmonious basin-wide socio-economic development through sustainable utilization and management of the basin-based natural resources.

# 4.1.1 Directorate of Regional Development (DRD)

- 54. The former Ministry of Regional Development Authorities was established under the Presidential Circular No.3/2003 and mandated to provide policy guidance, enhance capacity building and support for RDAs. Subsequently, The Directorate of Regional Development (DRD) was established in 2009 as the technical department for the coordination of the regional development activities. The DRD has been shifted to 4 different Ministries over the last ten years and is currently anchored in the Ministry of East African Community and Regional Development and it is headed by Secretary Regional Development (SRD). The functions of the DRD are as follows;
  - a) Formulate and coordinate implementation of regional development policy, and other regional development strategies documents;
  - b) Develop effective institutional and legal framework for regional development;
  - Oversight governance of RDAs and management of resources, programmes/projects and investments;
  - d) Co-ordinate the implementation of regional development projects and programmes;
  - e) Undertake resource mobilization for programmes/projects and investments RDAs;
  - f) Advise on requisite capacity and staffing levels for the Directorate;
  - g) Co-ordinate the mainstreaming of regional, continental and international obligations and other cross-cutting issues in basin-based development.

- h) Enhance/ develop linkages with development partners, public/private sector institutions and other stakeholders; and
- i) Interpret and apply the RDAs Acts and related statutes in line with the Ministry's goals and objectives.

#### 4.1.2 Coordination Framework for the RDAs

55. The RDAs will carry on their mandate of spearheading basin-based development and thus will advise the national government, the county Governments, development partners and other stakeholders on harmonized sustainable utilization and management of respective basin- based resources. In this regard, the RDAs through their strategic role shall involve key stakeholders in developing and implementing respective integrated regional plans.

### 56. To facilitate this role, each of the RDAs shall:

- a) Undertake planning, implementation and coordination of Regional Development Programmes & Projects (RDPP), and National Public Investments (NPIs) in the regions;
- b) Ensure availability and implementation of respective Integrated Regional Development Plans (IRDPs) and Resource Mobilization Strategies (RMS);
- Undertake coordination and management of trans-boundary and multi-sectoral resources and infrastructure in the regions;
- d) Develop and ensure implementation of a framework for harmonious utilization, management and resolution of resourcebased conflicts in the basins;
- e) Mainstream research and development, innovations and other cross-cutting issues in regional development agenda;
- f) Create linkages between MDAs, County Governments and other stakeholders to ensure sustainable basin-based development through Regional Development Committees (RDCs); and
- g) Organize at least one consultative meeting of key stakeholders annually, in their area of jurisdiction.

### 4.1.3 Policy Implementation, Monitoring, Evaluation

### i. Implementation

57. The Ministry through the Directorate for Regional Development shall take the main responsibility for overseeing and coordinating the implementation of the Policy. The government, in consultation with key stakeholders will develop an implementation framework outlining key interventions, activities, performance indicators, time lines and lead implementing agencies.

# ii. Monitoring & Evaluation

58. The Implementation of the policy will be monitored and evaluated continuously by key stakeholders with the Ministry taking the lead. This will be necessary to establish implementation status and also inform policy and administrative actions for improvement. The Ministry shall establish an integrated M & E framework which will reflect the policy objectives, strategic interventions, key performance indicators and expected outcomes.

## 4.1.4 Policy Review

59. It is envisaged that this policy will be reviewed after every five years to accommodate emerging issues, changing needs and priorities of both the government and key stakeholders.

#### **SCHEDULES**

# SCHEDULE I: MANDATE OF THE MINISTRY OF EAST AFRICAN COMMUNITY AND REGIONAL DEVELOPMENT

- 1. The Ministry has two State Departments, namely; East African Community and Regional & Northern Corridor Development. Prior to 2018, the then State Department of East African Community Affairs was under the Ministry of East African Affairs, Labour and Social Protection while Regional Development was coordinated by the Ministry of Devolution and Planning (MoD&P). Northern Corridor Integration Project was coordinated from the Cabinet Office. The Ministry is established to coordinate Kenya's participation in the East African Community (EAC) integration process pursuant to article 8(3)a of the Treaty for the Establishment of the East African Community; coordinate Northern Corridor Integration projects (NCIP) and Regional Development Authorities & the Lamu Port South Sudan Ethiopia Transit (LAPSSET) Corridor; and to coordinate business transformation in Kenya.
- 2. The Ministry derives its mandate from the Executive Order No.1 of June, 2018 (Revised) and Head of Public Service Circular of 2nd April, 2019 and the Executive Order No. 1 of January 2020 / May 2020 (Revised) *inter alia*:
  - a) Co-ordination of RDAs.

# SCHEDULE IIA: REGIONAL DEVELOPMENT AUTHORITIES

## 1 Geographical Coverage, Resources and Economic Potentials of the Basins

## 1.1 Tana and Athi Rivers Basins

Tana and Athi Rivers Basins are located between latitudes 0 ½° N and 3° S and longitudes 36° E and 41 ½° E. The two river basins cover a total area of 138,000 km². The catchment of the two rivers and their tributaries are bound by the eastern, southern and the western slopes of Mount Kenya to the north; the eastern slopes of the Aberdare Ranges in the northwest, and the east and southeastern slopes of Ngong hills to the west. Since 1974, the Tana and Athi river basins are managed by Tana and Athi Rivers Development Authority (TARDA).

The Tana River, with a basin area of 100,000 km² originates in the Aberdare Mountains to the west of Nyeri flowing towards the east and south around Mount Kenya with the river running into the seven forks dams namely; Masinga Reservoir, Kaburu dam, Gitaru dam, Kindaruma dam and Kiambere Reservoir. It forms a delta at the end that stretches roughly 30 km upstream from the estuary before draining into the Indian Ocean at Ungwana Bay-Kipini area.

Athi-Galana-Sabaki River is the second longest river in Kenya after the Tana River, it has a total length of 400 km and drains a basin area of 38,000 km². The river originates from the Aberdares ranges and Mt. Kenya (as Athi River) and enters the Indian Ocean as Galana River (also known as Sabaki River) North of Malindi town.

This area of jurisdiction is about 25% of the total land mass of Kenya and traverses nineteen counties namely: Embu, Kajiado, Kiambu, Kirinyaga, Kitui, Lamu, Machakos, Makueni, Murang'a, Nyeri, Tana River, Tharaka-Nithi, Garissa, Taita Taveta, Kilifi, Isiolo, Nyandarua, Meru and Nairobi. The total population in the TARDA area was estimated at 15.94 million according to the National Population Census of 2019.

In addition to the rivers, the TARDA region is endowed with a variety of minerals which include; copper, coal, limestone, quartz and salt, among others. Most of these minerals have not been mapped, quantified and documented for commercial exploration. Three National parks, Tsavo (east and west), Mt. Kenya and Nairobi are also found within the region. The region has vast and fertile land with a number of water bodies (rivers, dams and swamps) that can be harnessed for irrigated agriculture and rangelands for livestock production. Other natural resources including

solar, wind, forestry and wildlife could be optimally exploited for the socio-economic development of the region.

#### 1.2 Kerio and Turkwel River Basins

Kerio and Turkwel River Basins are bound by Turkwel and Kerio rivers which drain into Lake Turkana. Other drainage basins within its area include; Lakes Baringo and Bogoria basin, Suguta – Lake Lokipi basin and Tarach – Lotikipi drainage basin. These Basins cover six counties namely: West Pokot, Elgeiyo-Marakwet, Baringo, Turkana, Samburu and Nakuru. According to the 2019 Population and Housing Census, the total population is about 3.19 million spread over all parts of the region. Since 1979, the exploitation and management of the Kerio and Turkwel River Basins has been under the Kerio Valley Development Authority (KVDA).

The total area covered is about 107,759.18 square kilometers representing 18.5% of the land mass of Kenya with over 80% being arid or semi-arid.

The key natural resources available within Kerio and Turkwel Basins that can be tapped for economic development include the Beautiful landscape (escarpments, valleys), Water resources (rivers, lakes, dams), land for agriculture, energy sources (wind, solar, geothermal, hydropower), oil/petroleum, wildlife and tourism resources, mineral deposits (limestone, fluorspar, marble, gold, gypsum) and livestock resources.

### 1.3 Ewaso Ng'iro North River Basin

The Ewaso Ng'iro North River Basin is one of the five broad drainage basins in Kenya. It is roughly delineated by latitudes 0.5° South and 4.5° North of the equator and longitudes 36.5° and 41° East and covers a total area of approximately 209,576 km²; equivalent to 36.4 per cent of Kenya's land area. The drainage basin comprises of ten (10) counties: Laikipia, Nyeri, Nyandarua, Samburu, Isiolo, Marsabit, Meru, Garissa, Wajir, and Mandera. According to the 2019 Population and Housing Census, the total population in the ENNDA area was about 4.34 million. The basin forms a fundamental component to socio-economic development, expansion of human population and the survival of livestock as well as wildlife. Since 1989, the basin has been under the management of Ewaso Ng'iro North Development Authority (ENNDA).

The drainage pattern in the Ewaso Ng'iro North River Basin is essentially determined by three major factors: the north-eastern slopes of Mt. Kenya, the north-east to south-west watershed of the Nyambene range, and the structures in the basement system. The Ewaso Ng'iro North River Basin has four distinct river systems, namely; Ewaso Ng'iro North (95,736)

Km<sup>2</sup>), Lagh Bor (74,606 Km<sup>2</sup>), Dawa (9,972 Km<sup>2</sup>) and the Chalbi Dessert (29,262 Km<sup>2</sup>).

The ENNDA basin is endowed with various natural resources including rivers, solar, wind and gums and resins which could be harnessed for socio-economic development. In addition, the basin has a variety of minerals which include; limestone, gypsum, bentonite clay, calcrete, salt, graphite, mica, vermiculite and kyanite among others. Most of these minerals are not properly mapped, quantified and documented for commercial exploitation.

### 1.4 The Lake Victoria Basin

The Lake Victoria Basin covers a total area of about 251,000 km² that is internationally shared among five (5) Eastern Africa countries. The Kenyan portion of the Lake Victoria basin covers an area of approximately 39,240 km², which is about 6.9% of the total land area of Kenya. There are six sub-basins that are found in the Lake Victoria Basin which are; the Sio, Nzoia, Yala, Nyando, Sondu and Kuja-Migori. These six major rivers and many small ones, most of which are seasonal drain the basin into the Lake Victoria. Since 1979, the exploitation and management of the Lake Victoria Basin's natural resources has been under the Lake Basin Development Authority (LBDA).

The Basin hosts over 15.45 million people according to the Population and Housing Census, 2019. It covers a total of 18 counties in Western Kenya and some parts of the East African Rift Valley. These are Kisumu, Homa Bay, Migori, Siaya, Kisii, Nyamira, Kericho, Bomet, Nandi, Busia, Bungoma, Kakamega, Vihiga, Trans-Nzoia, and Uasin Gishu which are fully covered and West Pokot, Elgeyo Marakwet and Nakuru counties which are partially covered in the Basin area.

The basin is endowed with immense natural resources, which could anchor and stimulate socio-economic growth and development in the basin area and the entire country. The basin's natural resource endowments include rich water resources like the Lake Victoria and other satellite lakes, rivers, streams, dams and wetlands; abundant and fertile land; natural forest resources; minerals; abundant renewable energy sources including hydropower, wind and solar; diverse wildlife; and capture fisheries with annual fish yield estimated at more than \$550 million value. It also hosts the crested crane and the globally threatened Sitatunga – a swamp dwelling antelope found in Yala and Saiwa Swamps.

Several development studies have been carried out which have given rise to projects earmarked for implementation such as the Nandi Forest, Magwagwa and Webuye Multipurpose Dams. Additionally, several integrated blue economy programs have been initiated in the region that seek to promote economic growth, improvement of livelihoods, and improvement of cross boarder cargo and passenger transport on Lake Victoria while at the same time ensuring environmental sustainability of the Lake Basin region.

### 1.5 Ewaso Ng'iro South River Basin

The Ewaso Ng'iro South River basin covers a total area of approximately 47,000 km². The basin comprises of four (4) counties: Narok, Kajiado Parts of Nakuru and Nyandarua. As per the 2019 population census, the total population within this basin is 4.27 million people. The Ewaso Ng'iro River starts from the Mau Escarpment and flows towards the southern part of the Mau Forest. The river flows south through the Rift Valley to the east of the Nguruman Escarpment and drains into Lake Natron, Tanzania. Apart from Ewaso Ngiro, other sub-basins are the Mara River, Lake Naivasha, Lake Nakuru, Lake Magadi, Lake Elementaita, Olkejuado Dry River, the Nolturesh River, Malewa, and Njoro. Since 1989 the exploitation and management of the Ewaso Ng'iro South River Basin natural resources has been under the Ewaso Ng'iro South Development Authority (ENSDA).

The Mara River originates in the Mau Forest Complex. The river flows in south west direction through the Transmara sub-county of Narok County (Maasai Mara Game Reserve) and finally across Kenya-Tanzania border into Tanzania (Serengeti National Park). Lake Naivasha is the largest fresh water body in ENSDA area with a potential for geothermal resources. Lake Nakuru is second largest lake with 62 km<sup>2</sup> of land area in the basin and is fed by rivers Njoro, Enderit and Makali. The lake has an important ecological function as habitat for wildlife including flamingoes and other birds making it a premium site for eco-tourism and environmental conservation. Lake Elementaita is saline and home to wildlife including flamingoes breeding. This makes the lakes tourist destinations and sites for habitat conservation. Lake Magadi has a large deposit of naturally forming soda ash. The Nolturesh river basin is fed by streams and springs of water along the Kenya-Tanzania border flowing from Mount Kilimanjaro into Kenya, which is a source for irrigation water.

In addition to the rivers, the ENSDA basin is endowed with the following minerals; Soda ash, Gold, Diatomite, silica sand, gypsum, limestone,

geothermal resources, hot springs, steam renewable energy, tourism and wildlife, pasture and arable land among others.

# 1.6 Coast Region and Exclusive Economic Zone (EEZ)

Kenya has a coastline that stretches for over 600 km with a breadth of the territorial waters of 12 nautical miles as described in the Maritime Zones Act of 1991. The coastal belt of Kenya is divided into four physiographical units which are almost parallel to one another. These are: from the coast to the inland; the coastal plain; the foot plateau; the coastal range and the Nyika. The width of the coastal plain varies between 4km in the south to 40km in the north and is generally under 50 metres altitude. The Maritime Zones Act, 1989 establishes and delimits the Exclusive Economic Zone (EEZ) of Kenya and provides for the exploration, exploitation, conservation and management of resources in the maritime zones. EEZ in the Indian Ocean provides mineral rights to the deep ocean floor and abyssal plain within 200 miles of the Kenyan State's coast-rights offering a wide range of investment opportunities for development at the coast. The management of the natural resources in Coast Region and EEZ are under the Coast Development Authority (CDA) since 1990.

CDA area of jurisdiction covers 103,326 km2 and the EEZ (200 Nautical Miles of the Indian Ocean). The area covers the following counties: Kwale, Mombasa, Lamu, Tana River, Kilifi, Taita Taveta, and southern part of Garissa. The total population in the region is estimated to be 4.77million according to the Population and Housing Census, 2019. Out of the total land area, 34,314 km2 (31%) is suitable for rain-fed crop production and the remaining 69% is Arid and Semi-Arid Land (ASAL) supporting mainly livestock production and wildlife.

Apart from water resources and the coral, the CDA region is endowed with the following minerals: limestone, gemstones, ballast, slates, uranium, silica sand and tiomin.

Several development studies have been carried out which have given rise to projects earmarked for implementation such as the Sabaki River Integrated Development Projects, Umba River Integrated Development Projects, Dembwa Multipurpose Dam, Fish Port projects, Kishenyi Dam Integrated Development Projects, Lake Challa Water Resource Integrated Development Projects, Integrated Fruit Processing Project-Hola, several solar projects and water catchment and river banks rehabilitation and conservation programme.

### 2 Programmes and Projects, and Public Investments

### 2.1 Programmes and Projects in the Basins

Since inception, the RDAs have made significant contributions in the development of the country as seen in the energy, water, environment, agriculture, transport and to some extent health sectors through the implementation of the integrated regional development master plans within the respective basins. Among the initiatives undertaken that have made positive impact within the basins include:

- i. Community support programmes and projects implemented such as Yala Swamp Project, Tana Delta Irrigation Project, Wei Wei Community Livelihood Improvement Project, Napuu Irrigation Project, Kimira- Oluch Farm Improvement Project (KOSFIP), Malindi Integrated Social Health Development Project (MISHDP); Honey processing and Beehive production programmes; Industrialization of tree & fibre crops, fruits and vegetables (cashew, coconut, cotton, citrus, mango, tomato, gums & resins, and sisal crops) programmes; rice milling, leather processing and bamboo commercialization.
- ii. Environmental conservation programmes and projects initiated in the catchments of Mau Complex, Mwache River, Nairobi River, Cherangany Hills, Upper Tana, Ewaso Ng'iro North River, Sabaki River and Mt. Elgon as well as Integrated Coastal and Marine Management programme.
- iii. River basin studies accomplished include: the Kiambere Irrigation Project; Masinga Dam; Tana Delta Irrigation Project; Tana Integrated Sugar Project;; Integrated Livestock Development Programme; Sondu Miriu Hydropower Project; High Grand Falls, Arror, Kimwarer, Embobut, Magwagwa, Nandi Forest, Webuye Falls, Mwache, Kuja River, Lower Ewaso Ng'iro South and Ewaso Ng'iro North Multipurpose Dam Projects; Lake Chala Integrated Resources Development Project; Chalbi Development Programme; Northern Kenya Central Meat Processing Factory; Ewaso Ng'iro North Resource Project; Integrated Fruits and Vegetable Processing Project; Integrated Flood and Mitigation Project; Rural Domestic Safe Water Supply Programme; Rural Domestic Water & Sanitation Project; West Kenya Rainfed Rice Development Project; Integrated Food Security & Water Project; Lake Victoria Integrated Water Hyacinth Management Project; Inland Fish Farming Development Project; Lake Victoria

- Horticultural Development Projects; Solar Power Generation Project and Lower Turkwel Irrigation Project among others.
- Technology Transfer Centres initiated across all the regions for iv. Livestock Multiplication, Aquaculture, Apiculture, Crops, and Integrated Environmental Conservation such as Emali in Kajiado County, Alupe in Busia County, Lichota in Migori County, Chesongoch in Elgeyo Marakwet County, Chemeron in Baringo County and Nomotio in Samburu County, Turkwel Dam, Wei Wei & Chepnyal in West Pokot, Kibos, Rae and Muhoroni in Kisumu County, Lunyu in Tranzoia County, Chwele & Sang'alo in Bungoma County, Ndiwa in Homabay County, Yala in Siaya County, Kibwezi in Makueni County, Masinga in Machakos County, Kiambere in Embu County, Nkorienito in Narok County, Oloitoktok in Kajiado County, Camel Center in Isiolo County, Kapsabet in Nandi County, Tana Bridge in Kirinyaga County, Machakos Tree Nursery in Machakos County, Kerio Roses & Beliomo in Uasin Gishu County, Kimwarer, Kipsaos, Arror & Tot in Elgeyo Marakwet County, Kimao in Baringo County, Chakama in Kilifi County, Shimoni in Kwale County, Boji in Tana River County, Chala in Taita Taveta County, Borabu & Sironga in Nyamira County, Kimulot in Bomet County, Ruiru in Kiambu County, Kinangop in Nyandarua County and Napuu in Turkana County, among others.
  - v. Various strategic Government programs such as the Economic Stimulus Program (ESP), Irrigation for National Food Security Programme, National Water Harvesting and Storage Programme, Drought Mitigation & Adaption Programme, Peace Building Initiatives, and the National Rehabilitation of Strategic Water Facilities Programme.
  - vi. Commercial ventures including the LBDA Mall in Kisumu, KVDA Plaza in Uasin Gishu, Masinga Dam Resort in Machakos County, Wanainchi Cottages & Conference in Kilifi County and Tana Delta Guest House in Tana River County among others.

## 2.2 Planned Public Investments in the Basins

In order to attain equity and sustainable development across the basins, continuous public investment has always been a priority to the Government. In the Kenya's development blueprints, there exists several public investment programmes already conceptualized and earmarked for development within the existing basins. These programmes span across development of Multipurpose dams, water towers conservation and

management programmes as well as other integrated basin investment programmes aimed at sustainably harnessing and exploiting some of the natural resources in these Basins. These programmes and projects include:

- a) The proposed High Grand Falls Multipurpose Dam which is a major project in the TARDA master plan. The projects will generate about 700 MW of hydropower, provide domestic and industrial water for the LAPSSET project and water to irrigate about 200,000 hectares.
- b) The Nandi Forest, Magwagwa and Webuye Multipurpose Dams within the lake basin have potential of generating up to a total of 180 MW of electricity, over 30,000 hectares' irrigation and water supply to over 2.5 million inhabitants.
- c) The Mwache Multipurpose Dam Development Project and Lake Challa Integrated Water Resources Development Project both of which will supply water for domestic, industrial and irrigation uses within the coastal region.
- d) The Arror, Kimwarer and Embobut Multipurpose Dams within the Kerio and Turkwel Basins which can generate 125 MW and provide water to irrigate 30,000 hectares.
- e) The Lower Turkwel Irrigation project, which will develop 30,000 ha under crop production.
- f) The Lower Ewaso Ng'iro Multipurpose Dams Project, which will contribute 180 MW of hydropower; provide water for irrigation of 4,500 hectares, and support ecotourism, fisheries and other economic activities.
- g) The Chalbi Integrated Development Programme (CIDP) within Ewaso Ng'iro North Basin is expected to contribute more than 1,000MW of wind and solar power to the national grid and off-grid.
- h) The Ewaso Ng'iro North Integrated Development Programme (ENNIDP) within Ewaso Ng'iro North Basin is expected to contribute 40MW of hydropower to the national grid, supply water to Isiolo Resort City and provide water to irrigate 16,000 hectares.

# SCHEDULE IIB: SKETCH MAP OF THE RDAS AREA OF COVERAGE IN KENYA

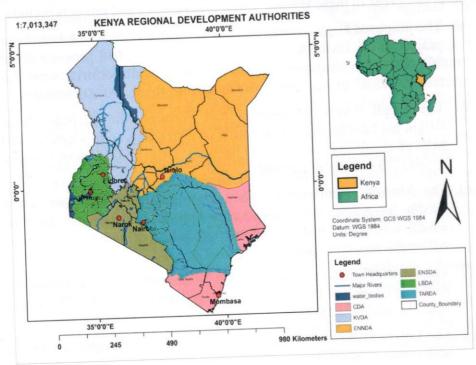


Figure 1: Sketch Map of the RDAs' Area of Coverage in Kenya

