

Legislation Cited: Kenya

Legislation below informed analysis of community-based water tenure regimes (CWTRs) in Kenya, as published in “[Whose Water?](#)” and on the [RRI Tenure Tool](#). Analysis includes relevant national laws and regulations enforceable as of January 1, 2019.

Legal Instruments, Court Cases, Select Regional Treaties and Agreements, and Secondary Sources	Year Enacted or Ratified (Revised/Amended)
The Constitution of Kenya, 2010	2010
Irrigation Act	1996 (2012)
Land (Group Representatives) Act	1970 (2012)
Environmental Management and Coordination Act, 1999	2000 (2009)
The Wildlife Conservation and Management Act, 2013	2013
Environmental Management and Coordination (Amendment) Act, 2015	2015
The Community Land Act	2016
Fisheries Management and Development Act, 2016	2016
The Forest Conservation and Management Act, 2016	2016
The Mining Act	2016
The National Drought Management Authority Act, 2016	2016
The Water Act, 2016	2016
The Environmental (Impact Assessment And Audit) Regulations, 2003	2003 (2009)
The Environmental Management And Co-Ordination (Wetlands, River Banks, Lake Shores And Sea Shore Management) Regulations, 2009	2009
The Community Land Regulations, 2017	2017
The Water Resources Management Rules, 2007	2007
African Commission on Human and Peoples’ Rights v. Republic of Kenya, Application No. 006/2012, Decision 26 May, 2017	2017
African Charter on Human and Peoples’ Rights, 1986	Ratified by Kenya in 1992
Treaty for the Establishment of the East African Community	2000
Protocol (to the Treaty for the Establishment of the East African Community) for Sustainable Development of the Lake Victoria Basin, 2003	2004
<p>Bailey, J. 2012. Indigenous Peoples and the Right to Food in Kenya. Africa Portal Backgrounder No. 41. The Centre for International Governance Innovation, Ontario; Hellum, Anne, Patricia Kameri-Mbote, and Barbara van Koppen (eds.). 2015. Water is Life: Women’s Human Rights in National and Local Water Governance in Southern and Eastern Africa. Harare: Weaver Press; International Labour Organization and African Commission on Human Rights and Peoples’ Rights. 2009. Kenya: constitutional, legislative and administrative provisions concerning indigenous peoples. International Labour Office, Geneva; Kameri-Mbote, Patricia, Collins Odote, Celestine Musembi, and Wilson Kamande. 2013. Ours by Right: Law, Politics and Realities of Community Property Rights in Kenya. Strathmore University Press, Nairobi; Mathenge, James Maina, Cush Ngonzo Luwesi, Chris Allan Shisanya, Ishmail Mahiri, Rose Adhiambo Akombo, and Mary Nyawira Mutiso. 2014. Community Participation in Water Sector Governance in Kenya: A Performance Based Appraisal of Community Water Management Systems in Ngaciuma-Kinyaritha Catchment, Tana Basin, Mount Kenya Region. International Journal of Innovative Research and Development 3(5); Mumma, Albert. 2007. “Kenya’s New Water Law: an Analysis of the Implications of Kenya’s Water Act, 2002, for the Rural Poor” in Community-based Water Law and Water Resource Management Reform in Developing Countries” edited by Barbara van Koppen, Mark Giordano and John Butterworth: CABI, 158-172; National Resources Institute. 2005. Accommodating customary water management arrangements to consolidate poverty-focused water reform: A policy brief. Chatham, UK; Daniel G. Wanyamu. “Process of forming WRUAs in Kenya.” Presentation, n.d; Water Resource Users Association for the management of water resources in a river sub-catchment. 2017. Centre for Development and Environment; WWF- Kenya. 2017. Kenya’s Water Resource Users Associations: Devolving Responsibility for Water Management in the Mara River Basin. Freshwater Case Study.</p>	