

THE LAND RECLAMATION BILL 2026

Clause

PART I—PRELIMINARY

- 1—Short title
- 2—Interpretation
- 3—Application of the Act
- 4—Objects of the Act
- 5—Guiding principles and values

PART II—IDENTIFICATION, DECLARATION AND CLASSIFICATION OF DEGRADED LANDS

- 6—National framework for identification and reclamation of degraded lands
- 7—National database of degraded and reclaimed lands
- 8—Identification and assessment of degraded land
- 9—Classification of degraded lands
- 10—Declaration of degraded land
- 11—Priority reclamation areas
- 12—Land reclamation schemes
- 13—Preventive reclamation measures
- 14—Reclamation plans
- 15—Duty to prevent land degradation
- 16—Degradation pays principle
- 17—Restoration orders

PART III—RIGHTS, OBLIGATIONS, STANDARDS, INCENTIVES AND BENEFIT SHARING

- 18—Right to undertake land reclamation
- 19—Protection of land rights
- 20—Duty of land owners and land users
- 21—Standards for land reclamation
- 22—Community participation
- 23—Incentive for land reclamation

- 24—Benefit sharing
- 25—Promotion of sustainable management of reclaimed land

PART IV—ADMINISTRATION OF LAND RECLAMATION ACTIVITIES

- 26—Establishment of the Directorate of Land Reclamation
- 27—Secretary for Land Reclamation
- 28—Qualifications for appointment as Secretary for Land Reclamation
- 29—Functions of the Secretary
- 30—Staff of the Office
- 31—Maintenance of registers

PART V—LAND RECLAMATION FUND

- 32—Establishment of Land Reclamation Fund
- 33—Objects of the Fund
- 34—Regulations relating to the Fund

PART VI—MISCELLANEOUS PROVISIONS

- 35—Expenses of the Directorate
- 36—Offences
- 37—Regulations
- 38—Transitional provision

SCHEDULES

FIRST SCHEDULE—Categories of degraded land and indicative reclamation measures

SECOND SCHEDULE—Conditions relating to activities which cause land degradation

THIRD SCHEDULE—Abstraction of construction and natural materials

FOURTH SCHEDULE—Conservation measures for sensitive ecosystems

THE LAND RECLAMATION BILL, 2026

A Bill for

AN ACT of Parliament to provide for the sustainable reclamation and restoration of degraded land and the prevention of land degradation; to secure land degradation neutrality for food security, water security, climate resilience and environmental sustainability; to establish institutional and regulatory frameworks for land reclamation; and for connected purposes.

Enacted by the Parliament of Kenya, as follows—

	PART I—PRELIMINARY
Short title	1. This Act may be cited as the Land Reclamation Act, 2026.
Interpretation.	2. In this Act, unless the context otherwise requires—
	“beneficiary community” means a community residing in or dependent on land that is subject to reclamation activities and that is entitled to participate in and benefit from reclamation initiatives;
	“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to land reclamation;
	“county government” means a county government established under Article 176 of the Constitution;
	“degraded land” means land whose productive capacity, ecological integrity, or environmental quality has been significantly reduced or impaired by natural processes or human activity, including erosion, salinization, contamination, deforestation, desertification, mining, or waterlogging;
	“Fund” means the Land Reclamation Fund established under section 32;
	“land degradation neutrality” means a state whereby the amount and quality of land resources necessary to support ecosystem functions and services remain stable or increase through sustainable land management and restoration;
	“land reclamation scheme” means a designated area of land identified for coordinated reclamation under this Act;
	“preventive reclamation” means measures undertaken to prevent or reduce the risk of land degradation;

The Land Reclamation Bill 2026

	“reclamation” means the process of restoring degraded land to a stable, productive, and ecologically functional condition through physical, biological, chemical, or other appropriate interventions;
	“restoration order” means an order issued under section 17 requiring the rehabilitation of degraded land
	“sustainable reclamation” means reclamation undertaken in a manner that— (a) maintains ecological integrity; (b) ensures long-term productivity of land; and (c) promotes social and economic benefits for present and future generations;
	“technical standards” means standards or guidelines prescribed under this Act or any other written law governing land restoration, soil conservation, water management, and environmental protection.
Application of the Act.	3. (1) This Act applies to all categories of land within Kenya.
	(2) The application of this Act shall be subject to the Constitution and to the laws governing—
	(a) public land;
	(b) community land; and
	(c) private land.
Objects of the Act.	4. The objects of this Act are to—
	(a) provide a legal framework for the reclamation and restoration and rehabilitation of degraded land;
	(b) promote sustainable land management and land degradation neutrality;
	(c) prevent and reverse land degradation;
	(d) support food security, climate resilience, and environmental sustainability through land restoration;
	(e) promote coordinated action by national and county governments, communities, and the private sector in land reclamation initiatives; and

The Land Reclamation Bill 2026

	(f) establish standards, incentives, and mechanisms for the sustainable reclamation and management of degraded lands.
Guiding principles and values.	5. (1) A person exercising powers or performing functions under this Act shall be guided by the following principles—
	(a) sustainable development;
	(b) the degrader pays principle;
	(c) public participation and access to information;
	(d) protection of vulnerable and marginalized groups;
	(e) integration of land reclamation with national environmental and land use policies;
	(f) intergenerational equity; and
	(g) climate resilience and ecosystem protection.
	PART II — IDENTIFICATION, DECLARATION AND CLASSIFICATION OF DEGRADED LANDS
National framework for identification and reclamation of degraded lands.	6. (1) The Cabinet Secretary shall establish a national framework for the identification, classification, declaration and reclamation of degraded land.
	(2) The framework shall provide for—
	(a) identification, assessment and mapping of degraded land;
	(b) classification and categorisation of degraded land;
	(c) declaration of degraded land;
	(d) designation of priority reclamation areas;
	(e) establishment of land reclamation schemes; and
	(f) preparation and implementation of reclamation plans.
	(3) The Cabinet Secretary may prescribe standards, procedures, guidelines and technical requirements for the implementation of this section.
National database of degraded and reclaimed lands.	7. (1) The Cabinet Secretary shall establish and maintain a national database of degraded and reclaimed lands.
	(2) The national database shall contain—

	(a) identification and mapping of reclaimed and degraded lands;
	(b) classification of degraded lands according to the nature and severity of degradation;
	(c) identification of the causes and drivers of degradation; and
	(d) such other information as the Cabinet Secretary may determine.
	(3) The Cabinet Secretary may prescribe the procedures and methodology for the preparation and updating of the inventory.
	(4) A county government shall assist the Cabinet Secretary in the identification and reporting of degraded lands within its jurisdiction.
Identification and assessment of degraded land.	8. (1) The Cabinet Secretary shall establish procedures for the identification and assessment of degraded land.
	(2) For purposes of subsection (1), the Cabinet Secretary may—
	(a) undertake or commission surveys, investigations and studies relating to land degradation;
	(b) require any public body or person to provide information relevant to land degradation;
	(c) undertake mapping and profiling of degraded lands; and
	(d) collaborate with county governments, research institutions and other relevant stakeholders.
	(3) In identifying and assessing degraded land, the Cabinet Secretary shall have regard to—
	(a) soil fertility and productivity;
	(b) vegetation cover and biodiversity;
	(c) hydrological conditions and water availability;
	(d) land use practices and anthropogenic activities;
	(e) pollution and contamination levels; and

The Land Reclamation Bill 2026

	(f) any other relevant ecological, environmental or socio-economic factors.
	(4) The Cabinet Secretary may issue technical standards and guidelines for the identification and assessment of degraded land.
Classification of degraded lands.	9. (1) The Cabinet Secretary shall establish a system for the classification of degraded lands.
	(2) Degraded land may be classified having regard to—
	(a) the nature and form of degradation;
	(b) the causes of degradation;
	(c) the severity and extent of degradation; and
	(d) the ecological and socio-economic impacts of degradation.
	(3) Without limiting subsection (2), degraded land may include—
	(a) land affected by soil erosion including rills, gullies and severely eroded lands;
	(b) saline or sodic soils;
	(c) marshlands, waterlogged or poorly drained lands;
	(d) desertified or arid lands;
	(e) degraded rangelands;
	(f) abandoned mining or quarry sites;
	(g) deforested or degraded forest lands;
	(h) lands contaminated by industrial, chemical or waste pollution;
	(i) land affected by salinity due to intrusion of water;
	(j) lands affected by invasive alien species;
	(k) lands affected by floods, landslides or other natural disasters; and
	(l) any other category of degraded land prescribed by the Cabinet Secretary.
	(4) The Cabinet Secretary may prescribe levels of degradation including—

The Land Reclamation Bill 2026

	(a) mild degradation;
	(b) moderate degradation; and
	(c) severe degradation.
Declaration of degraded land.	10. (1) Where the Cabinet Secretary is satisfied that any land is degraded and requires reclamation, the Cabinet Secretary may declare the land to be degraded land for purposes of this Act.
	(2) A declaration under subsection (1) shall be made by notice in the Gazette.
	(3) A notice issued under subsection (2) shall specify—
	(a) the location and extent of the land;
	(b) the category and severity of degradation; and
	(c) the measures required for reclamation.
	(4) Before making a declaration under this section, the Cabinet Secretary shall—
	(a) cause an assessment of the land to be undertaken; and
	(b) consult the relevant county government.
	(5) A declaration under this section shall not affect any interest in land except in accordance with the Constitution and any other written law.
Priority reclamation areas.	11. (1) The Cabinet Secretary may designate degraded land as a priority reclamation area.
	(2) In designating a priority reclamation area, the Cabinet Secretary shall have regard to—
	(a) the severity and extent of degradation;
	(b) threats to food and water security;
	(c) ecological sensitivity of the area;
	(d) vulnerability of communities dependent on the land; and
	(e) national and county development priorities.

	(3) The Cabinet Secretary may prescribe criteria and procedures for the designation and management of priority reclamation areas.
Land reclamation schemes.	12.(1) The Cabinet Secretary may designate degraded land as a land reclamation scheme. (2) A land reclamation scheme may be classified as— (a) a large land reclamation scheme; (b) a medium land reclamation scheme; or (c) a small-scale land reclamation scheme.
	(3) The Cabinet Secretary may prescribe—
	(a) criteria for the classification of land reclamation schemes;
	(b) procedures for the establishment and management of schemes; and
	(c) standards applicable to reclamation schemes.
Preventive reclamation measures.	13.(1) The Cabinet Secretary may undertake or require the undertaking of preventive reclamation measures in respect of land that is at risk of degradation.
	(2) Preventive reclamation measures under subsection (1) may be undertaken—
	(a) before land is declared degraded; or
	(b) where land is likely to become degraded due to natural or human activities.
	(3) Without limiting subsection (1), preventive reclamation measures may include—
	(a) water harvesting and drainage management;
	(b) vegetation restoration and afforestation;
	(c) erosion control structures;
	(d) sustainable land management practices; or
	(e) any other measures prescribed by the Cabinet Secretary.

The Land Reclamation Bill 2026

	(4) The Cabinet Secretary may prescribe standards, procedures and guidelines for the implementation of preventive reclamation measures.
	(5) A county government shall support the implementation of preventive reclamation measures within its jurisdiction.
Reclamation plans.	14. (1) The Cabinet Secretary shall cause to be prepared a reclamation plan for degraded land or a land reclamation scheme declared under this Act.
	(2) A reclamation plan may provide for—
	(a) reclamation objectives and expected outcomes;
	(b) water management interventions;
	(c) soil conservation and vegetation restoration measures;
	(d) environmental safeguards; and
	(e) community participation mechanisms.
	(3) The Cabinet Secretary may issue guidelines and standards for the preparation and implementation of reclamation plans.
Duty to prevent land degradation.	15. (1) Every person who owns, occupies or uses land shall take reasonable measures to prevent land degradation.
	(2) A person shall not carry out any activity that causes or is likely to cause significant land degradation.
	(3) The Cabinet Secretary may prescribe standards and measures for the prevention of land degradation.
Degrader pays principle.	16. (1) A person whose actions cause or contribute to land degradation shall bear the cost of preventing, mitigating or remedying the degradation and shall be required to—
	(a) undertake reclamation measures;
	(b) meet the costs of reclamation; or
	(c) contribute to a reclamation programme established under this Act.
Restoration orders.	17. (1) Where the Cabinet Secretary determines that land degradation has occurred, the Cabinet Secretary may issue a

	restoration order requiring the responsible person to undertake specified reclamation measures.
	(2) A restoration order may require a person to—
	(a) cease activities causing land degradation;
	(b) restore the land to its previous condition;
	(c) implement prescribed reclamation measures; or
	(d) undertake such other actions as may be necessary to remedy the degradation.
	(3) A restoration order shall specify—
	(a) the measures to be undertaken; and
	(b) the period within which those measures shall be completed.
	PART III — RIGHTS, OBLIGATIONS, STANDARDS, INCENTIVES AND BENEFIT SHARING
Right to undertake land reclamation.	18. (1) Subject to this Act and any other written law, a person may undertake land reclamation activities in respect of land owned, occupied or lawfully used by that person.
	(2) Land reclamation activities may be undertaken by—
	(a) the national government;
	(b) a county government;
	(c) a land owner or land user;
	(d) a community or land reclamation association;
	(e) a public body; or
	(f) a private entity.
	(3) Land reclamation activities shall be carried out in accordance with—
	(a) this Act;
	(b) any standards, guidelines or regulations issued under this Act; and
	(c) any other applicable environmental or land management laws.

The Land Reclamation Bill 2026

Protection of land rights.	19. (1) Land reclamation activities shall respect existing land tenure rights recognised under the Constitution and any other written law.
	(2) Land reclamation activities shall not—
	(a) extinguish existing rights in land; or
	(b) result in the compulsory acquisition of land, except in accordance with the Constitution or existing laws
	(3) Where land reclamation activities affect the use or enjoyment of land, the affected persons shall be entitled to consultation and participation in the reclamation process.
Duty of land owners and land users	20. (1) Every land owner or land user shall take reasonable measures to—
	(a) prevent land degradation;
	(b) maintain soil fertility and ecological integrity; and
	(c) promote sustainable land management practices.
	(2) A land owner or land user shall comply with any standards or measures prescribed by the Cabinet Secretary for the prevention of land degradation or the reclamation of degraded land.
Standards for land reclamation.	21. (1) Land reclamation activities shall be undertaken in accordance with national standards and guidelines prescribed by the Cabinet Secretary.
	(2) The standards referred to in subsection (1) may provide for—
	(a) degraded land restoration measures;
	(b) water harvesting, drainage and irrigation management;
	(c) vegetation restoration and biodiversity conservation;
	(d) erosion control measures;
	(e) protection of wetlands, riparian areas and water catchments; and
	(f) any other relevant technical requirements

The Land Reclamation Bill 2026

	(3) The Cabinet Secretary may issue codes of practice, guidelines and technical manuals for the implementation of reclamation standards.
Community participation.	22. (1) Land reclamation initiatives shall promote community participation and local stewardship of reclaimed lands.
	(2) In implementing land reclamation programmes, the Cabinet Secretary and county governments shall—
	(a) involve local communities in the planning and implementation of reclamation initiatives;
	(b) promote community-based land reclamation associations; and
	(c) facilitate capacity building for communities in sustainable land management.
Incentive for land reclamation.	23. (1) The Cabinet Secretary may establish incentive mechanisms to promote land reclamation.
	(2) Without limiting subsection (1), incentives may include—
	(a) financial incentives or subsidies;
	(b) access to technical support and training;
	(c) recognition and certification of reclaimed land; and
	(d) access to climate financing or carbon credit programmes.
	(3) The Cabinet Secretary may prescribe the criteria and procedures for eligibility for incentives.
Benefit sharing.	24. (1) Where land reclamation initiatives generate economic, environmental or social benefits, those benefits shall be shared equitably among stakeholders.
	(2) In implementing benefit-sharing arrangements, priority shall be given to—
	(a) communities residing in or dependent on reclaimed land;
	(b) women, youth and vulnerable groups; and
	(c) land owners or land users participating in reclamation activities.

	(3) The Cabinet Secretary may prescribe mechanisms for benefit sharing arising from reclaimed land.
Promotion of sustainable management of reclaimed land.	25. (1) Reclaimed land shall be managed in a manner that ensures long-term sustainability and prevents further degradation.
	(2) The Cabinet Secretary may prescribe measures for the sustainable management of reclaimed land.
	PART IV — ADMINISTRATION OF LAND RECLAMATION ACTIVITIES
Establishment of the Directorate of Land Reclamation	26. (1) There is established an Directorate to be known as the Directorate of Land Reclamation.
	(2) The Directorate shall be responsible for the administration, coordination and implementation of land reclamation activities under this Act.
	(3) The Directorate shall be under the general supervision of the Cabinet Secretary.
	(4) Without prejudice to the generality of subsection (2), the Directorate shall — (a) facilitate accelerated and sustainable reclamation of degraded and wastelands; (b) promote land degradation neutrality for food and water security environmental sustainability and socio-economic development; (c) develop standards, legal, institutional and regulatory frameworks for land reclamation and land degradation neutrality; (d) promote research, knowledge management and capacity building in land reclamation, restoration and rehabilitation; (e) mobilize resources for land reclamation including land degradation neutrality initiatives; and (f) coordinate the planning, implementation, monitoring, evaluation and reporting of land reclamation strategies for enhanced synergy among stakeholders both at the national and county levels.

The Land Reclamation Bill 2026

Secretary for Land Reclamation	27. (1) The Directorate of Land Reclamation shall be headed by a Secretary for Land Reclamation.
	(2) The Secretary shall be a public officer appointed by the Public Service Commission.
	(3) The Secretary shall be responsible for the day-to-day administration of land reclamation activities under this Act.
Qualifications for appointment as Secretary for Land Reclamation.	28. A person shall be qualified for appointment as the Secretary for Land Reclamation if the person—
	(a) is a citizen of Kenya;
	(b) holds at least a degree from a university recognised in Kenya in a field relevant to land reclamation, including environmental science, natural resource management, land management, project management water resources management, agriculture, engineering, social science or any other related discipline;
	(c) has at least fifteen years' experience in matters relating to environmental management, land restoration, water resources management, agriculture, natural resources management or a related field;
	(d) has demonstrated knowledge and experience in policy implementation, programme management or public administration;
	(e) satisfies the requirements of Chapter Six of the Constitution; and
	(f) meets any other requirements that may be prescribed under this Act or any other written law.
Functions of Secretary	29. The Secretary shall— (a) implement policies, programmes and strategies relating to land reclamation; (b) coordinate the identification, declaration and reclamation of degraded lands; (c) advise the Cabinet Secretary on matters relating to land reclamation; (d) coordinate national land reclamation programmes and projects;

The Land Reclamation Bill 2026

	(e) facilitate collaboration between national government, county governments and other stakeholders in land reclamation activities; (f) maintain the national inventory of degraded lands; (g) promote research, innovation and capacity building in land reclamation; (h) facilitate the preparation and implementation of reclamation plans; (i) promote public awareness and stakeholder participation in land reclamation initiatives; and (j) perform any other function assigned under this Act or any other written law
Staff of the Office	30. The Directorate in consultation with the Public Service Commission may recruit any such number of officers as may be necessary for the effective carrying out of activities under this Act, who shall be subject to the directions of the Secretary.
Maintenance of Registers	31. (1) The Secretary shall maintain registers of every land declared as degraded land under this Act. (2) Any register maintained under this section shall be open for inspection by the members of the public at the offices of the Directorate.
	PART V—LAND RECLAMATION FUND
Establishment of Land Reclamation Fund.	32. (1) The Cabinet Secretary responsible for National Treasury may establish a fund to be known as the Land Reclamation Fund
Cap.	(2) The Fund shall be established pursuant to section 24(4) of the Public Finance Management Act.
Objects of the Fund	33. The Fund shall — (a) finance the identification, assessment and reclamation of degraded land; (b) support preventive reclamation measures and sustainable land management;

	(c) fund land reclamation programmes and projects at the national and county levels; (d) support capacity building, research and innovation in land reclamation; and (e) support community-based land reclamation initiatives.
Regulations relating to the Fund	34. The Cabinet Secretary may, in consultation with the National Treasury, make regulations for the better carrying out of the provisions of this Part.
	PART VI — MISCELLANEOUS PROVISIONS
Expenses of the Directorate.	35. The funds of the Directorate shall consist of— (a) monies allocated by Parliament for purposes of the Directorate; (b) any grants, gifts, donations or other endowments given to the Directorate; and (c) such funds as may vest in or accrue to the Directorate in the performance of its functions under this Act or any other written law.
Offences.	36. A person commits an offence if the person— (a) wilfully causes or contributes to the degradation of land in contravention of this Act; (b) fails to comply with a restoration order issued under this Act; (c) obstructs or interferes with a land reclamation programme, project or activity carried out under this Act; (d) damages, removes or interferes with land reclamation infrastructure, structures or installations; (e) provides false or misleading information to the Cabinet Secretary or the Directorate in relation to land reclamation activities; or (f) otherwise contravenes the provisions of this Act or any regulations made under this Act.

	(2) A person who commits an offence under this Act for which no penalty is specifically provided shall, upon conviction, be liable— (a) to a fine not exceeding two million shillings; (b) to imprisonment for a term not exceeding three years; or (c) to both such fine and imprisonment.
Regulations.	37. (1) The Cabinet Secretary may make regulations for the better carrying out of the provisions of this Act. (2) Without prejudice to the generality of subsection (1), regulations may provide for— (a) standards and guidelines for the identification, classification and reclamation of degraded land; (b) procedures for declaration of degraded land and designation of reclamation schemes; (c) technical standards for land reclamation activities; (d) procedures for preparation and implementation of reclamation plans; (e) measures for the prevention and control of land degradation; (f) procedures for implementation of the degrader pays principle; (g) criteria for incentives and support for land reclamation initiatives; (h) procedures for the establishment and governance of land reclamation associations; (i) standards for sustainable management of reclaimed land; (j) reporting requirements relating to land reclamation activities; (k) forms, fees and administrative procedures required under this Act; and (l) any other matter necessary for the proper implementation of this Act. (3) For the purpose of Article 94(6) of the Constitution— (a) the purpose and objective of the delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the

	better carrying into effect the provisions of this Act; (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and fulfillment of the objectives specified under this section; and (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act (Cap. 2) and the Statutory Instruments Act (Cap. 2A).
Transitional provision	38.(1) Any department or unit within the Ministry responsible for matters relating to land reclamation existing immediately before the commencement of this Act shall, upon such commencement, be deemed to be the administrative unit of the Directorate established under this Act.
	(2) Any person who, immediately before the commencement of this Act, was employed in that department or unit shall, upon such commencement, be deemed to be an officer of the Directorate and shall continue to serve on the same terms and conditions of service.

FIRST SCHEDULE

DEGRADED LANDS FOR RECLAMATION IN KENYA

No.	FORM OF DEGRADED LAND (S)	TREATMENT REQUIRED: PHYSICAL/CHEMICAL/ BIOLOGICAL
1.	Deserts/ASALs, wastelands, bare lands or water stressed soils	Physical /Chemical / biological (detaining of runoff water: management of excess water)
2.	Rills, Gullies and eroded lands Physical	(detaining of runoff water: management of excess water)
3.	Quarries	Physical
4.	Mining sites	Physical
5.	Lands affected by landslides or mass movement	Physical and biological (management of excess water)
6.	Saline and sodic soils	Chemical
7.	Marshlands, Water logged, and poorly drained lands	Physical/ chemical/ biological; (water: management of water)
8.	Invasive alien species	Biological
9.	Garbage dump	Physical /Chemical / biological
10.	Infertile soils	Chemical / biological
11.	Rocky soils	Physical

SECOND SCHEDULE

(s. 16)

**CONDITIONS RELATING TO ACTIVITIES WHICH CAUSE
LAND DEGRADATION**

A person undertaking any activity that is likely to cause land degradation shall comply with the following conditions—

1. General duty
 - (a) take all reasonable measures to prevent or minimise land degradation;
 - (b) comply with standards prescribed under this Act and any other written law.
2. Land disturbance
 - (a) avoid unnecessary removal of vegetation cover;
 - (b) implement soil conservation measures during land clearing;
 - (c) restore disturbed land upon completion of the activity.
3. Soil management
 - (a) prevent soil erosion through appropriate conservation practices;
 - (b) maintain soil fertility through sustainable land management;
 - (c) avoid practices that result in soil compaction or degradation.
4. Water management
 - (a) prevent waterlogging, flooding or excessive runoff;
 - (b) protect water sources from contamination;
 - (c) maintain natural drainage systems.
5. Pollution control
 - (a) prevent discharge of pollutants into land or water resources;
 - (b) safely manage waste arising from the activity;
 - (c) rehabilitate any contaminated land.
6. Restoration obligation

A person shall, upon completion of an activity, restore the affected land to a stable and productive condition.
7. Compliance with approvals

A person shall comply with any licence, permit or approval issued under this Act or any other written law.
8. Additional conditions

The Cabinet Secretary may prescribe additional conditions for specific activities.

THIRD SCHEDULE

(s. 14)

ABSTRACTION OF CONSTRUCTION MATERIALS

A person shall not extract or remove construction or natural materials from land except in accordance with this Act and any regulations made under this Act.

1. Regulated materials

The following materials shall be subject to control—

- (a) timber and firewood;
- (b) sand, gravel, stones and murrum;
- (c) topsoil and red soil for brick making;
- (d) reeds, bamboo and grass; and
- (e) any other material prescribed by the Cabinet Secretary.

2. Conditions for abstraction

A person undertaking abstraction shall—

- (a) obtain any required licence or permit under applicable law;
- (b) adopt sustainable extraction methods;
- (c) avoid extraction in environmentally sensitive areas;
- (d) implement measures to prevent erosion and land degradation; and
- (e) restore the site after extraction.

3. Prohibited areas

A person shall not undertake abstraction activities in—

- (a) wetlands and riparian areas;
- (b) protected water catchment areas;
- (c) steep slopes or fragile ecosystems; or
- (d) any area declared by the Cabinet Secretary as a protected area.

4. Restoration of extraction sites

A person who undertakes abstraction shall—

- (a) refill or stabilise excavated areas;
- (b) restore vegetation cover; and
- (c) take measures to prevent further degradation.

FOURTH SCHEDULE (s. 22)

CONSERVATION MEASURES FOR SENSITIVE ECOSYSTEMS

1. Wetlands

A person shall—

- (a) not drain, reclaim or convert wetlands without lawful authority;
- (b) maintain natural vegetation buffers;
- (c) avoid pollution and waste disposal in wetlands; and
- (d) implement restoration measures where degradation occurs.

2. Riparian areas

A person shall—

- (a) maintain prescribed buffer zones along rivers and water bodies;
- (b) not cultivate or construct within riparian reserves except as permitted by law;
- (c) prevent soil erosion and sedimentation; and
- (d) restore degraded riparian vegetation.

3. Water catchment areas

A person shall—

- (a) protect forest cover and recharge zones;
- (b) avoid activities that reduce water infiltration or increase runoff;
- (c) adopt sustainable land use practices; and
- (d) comply with catchment management plans.

4. Bare and eroded lands

A person shall—

- (a) implement soil conservation measures including terracing and contour farming;
- (b) establish vegetation cover;
- (c) prevent further soil loss; and
- (d) rehabilitate degraded areas.

5. Hillsides and slopes

A person shall—

- (a) adopt contour farming and terracing;
- (b) avoid cultivation on steep slopes beyond prescribed limits;
- (c) stabilise slopes using vegetation or engineering measures; and
- (d) prevent landslides and soil erosion.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to establish a comprehensive legal framework for the identification, prevention, declaration and reclamation of degraded land and to promote sustainable land management and land degradation neutrality in Kenya.

Part I provides for the short title, interpretation, application and objects of the Act.

Part II establishes the framework for the identification, assessment, classification and declaration of degraded land.

It requires the Cabinet Secretary to establish a national framework and database for degraded and reclaimed lands and provides for the identification of areas at risk of degradation.

The Part further provides for the classification of degraded land, including different forms and levels of degradation, and empowers the Cabinet Secretary to declare land as degraded land through Gazette notice.

It also provides for the designation of priority reclamation areas and land reclamation schemes, and for the preparation of reclamation plans.

In addition, the Part introduces preventive reclamation measures, imposes a duty to prevent land degradation, and incorporates the degrader pays principle. It further provides for the issuance of restoration orders requiring persons responsible for degradation to restore affected land.

Part III sets out the rights and obligations relating to land reclamation.

It provides for the right of persons to undertake land reclamation activities, subject to compliance with the Act and other applicable laws, and safeguards existing land tenure rights. The Part imposes duties on land owners and land users to prevent land degradation and adopt sustainable land management practices. It further provides for the establishment of technical standards for land reclamation, including soil conservation, water management and ecosystem protection.

The Part promotes community participation in land reclamation initiatives and provides for the establishment of incentive mechanisms, including financial support, technical assistance and access to climate financing.

It also provides for equitable benefit sharing arising from land reclamation initiatives and promotes the sustainable management of reclaimed land.

Part IV establishes the Directorate of Land Reclamation as the administrative body responsible for implementing the Act.

It sets out the functions of the Directorate, including coordination of land reclamation activities, development of standards and frameworks, promotion of research and capacity building, and resource mobilisation.

Part V provides for the establishment of the Land Reclamation Fund, which may be established in accordance with section 24(4) of the Public Finance Management Act.

Part VI contains general provisions relating to the implementation of the Act. It provides for the funding of the Office, creates offences relating to land degradation and non-compliance with the Act, and prescribes penalties. The Part also confers power on the Cabinet Secretary to make regulations for the effective implementation of the Act, including standards, procedures and administrative mechanisms. It further includes a transitional provision to ensure continuity by deeming existing departments responsible for land reclamation to be part of the administrative structure established under the Act.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

This Bill, once enacted, would confer on the Cabinet Secretary responsible for matters relating to land reclamation the power to make regulations for the purpose of bringing into effect the provisions contained in the Bill. It therefore delegates limited and conditional legislative powers. The Bill does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill concerns county governments in that it contains provisions that among others affect local community participation and prioritization, administration and utilization of funds within counties. The Bill therefore affects the functions and powers of county governments in terms of 110(1)(a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution.

The Bill deals with matters other than those listed in the definition of a money Bill under Article 114 (3) of the Constitution and is therefore not a money Bill within the meaning of Article 114 of the Constitution.

Dated the.....2026.

ERIC MURITHI MUGAA,
Cabinet Secretary
Ministry Of Water, Sanitation And Irrigation.