

Paper laid by:

Chair Public Petition  
Committee, the Hon  
Nimrod Mbatia MP  
on Wed, 2/8/23  
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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITIONS COMMITTEE

REPORT ON-

(PUBLIC PETITION NO. 1 OF 2022)

BY HON. JULIUS KIPLETING RUTO, M.P REGARDING SAFEGUARDING THE  
ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO  
FORESTS

AUGUST 2023

THE NATIONAL ASSEMBLY	
DATE: 02 AUG 2023	DAY: WED
TABLED BY:	Hon Nimrod Mbatia, MP Chairperson, public petitions
CLERK-AT-THE-TABLE:	Miriam modo

CLERK'S CHAMBERS  
DIRECTORATE OF LEGISLATIVE AND PROCEDURAL SERVICES  
PARLIAMENT BUILDINGS  
NAIROBI

## TABLE OF CONTENTS

LIST OF ACRONYMS.....	2
CHAIRPERSON’S FOREWORD .....	3
PART ONE .....	4
1 PREFACE .....	4
1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE.....	4
1.2 COMMITTEE MEMBERSHIP .....	5
1.3 COMMITTEE SECRETARIAT .....	6
PART TWO.....	7
2 PETITION NO. 1 OF 2022 REGARDING SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS .....	7
2.1 INTRODUCTION.....	7
2.2 PETITIONER’S PRAYERS .....	7
PART THREE.....	8
3 STAKEHOLDERS’ SUBMISSIONS ON THE PETITION .....	8
3.1 SUBMISSIONS BY HON. JULIUS KIPLLETING RUTO, MP .....	8
3.2 SUBMISSIONS BY THE COUNTY GOVERNMENT OF UASIN GISHU .....	8
3.2.1 <i>Involvement of County Government</i> .....	8
3.2.2 <i>Sharing of forest resources</i> .....	9
3.2.3 <i>The relationship between the County Government and KFS</i> .....	9
3.3 SUBMISSIONS BY THE KENYA FOREST SERVICE AND MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY .....	9
3.3.1 <i>Background</i> .....	9
3.3.2 <i>Interventions to secure the rights and welfare of the forest communities and forest associations across the country</i> .....	10
3.3.3 <i>Review of KFS policies to prioritize local communities in the 30% AGPO program</i> .....	10
3.3.4 <i>Intervention to secure Corporate Social Responsibility by logging firms</i> .....	11
3.3.5 <i>Intervention to end regular harassment of local communities by KFS officers</i> .....	11
3.4 SITE VISIT .....	12
3.4.1 <i>The poor relationship between the locals and KFS Officers</i> .....	12
3.4.2 <i>Fines and charges imposed on community members by KFS Officers</i> .....	12
3.4.3 <i>Distribution of opportunities and forest resources to local community members</i> .....	12
3.4.4 <i>Corporate Social Responsibility</i> .....	13
3.4.5 <i>Involvement of the community in forest management</i> .....	13
PART FOUR.....	14
4 COMMITTEE OBSERVATIONS .....	15
4.1 Participatory frameworks .....	15
4.2 Corporate Social Responsibility.....	15
4.3 Harassment claims by local residents.....	16
4.4 Kenya Forest Service Officers .....	16
PART FIVE.....	15
5 ANALYSIS OF ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION.....	15
PART SIX .....	22
6 COMMITTEE RECOMMENDATIONS.....	22

## LIST OF ACRONYMS

AGPO	-	Access to Government Procurement Opportunities
CECM	-	County Executive Committee Member
CFA	-	Community Forest Association
CSR	-	Corporate Social Responsibility
FCMA	-	Forest Conservation and Management Act
FMA	-	Forest Management Agreement
HRBA	-	Human Rights Based Approach
KFS	-	Kenya Forest Service
NGAO	-	National Government Administration Officer
NGO	-	Non-Governmental Organization
NHRC	-	National Human Rights Commission
PELIS	-	Plantation Establishment and Livelihood Scheme
PFMP	-	Participatory Forest Management Plan

## **CHAIRPERSON'S FOREWORD**

On behalf of the Public Petitions Committee and pursuant to provisions of Standing Order 227, it is my pleasant privilege and honor to present to this House the Report of the Public Petitions Committee regarding Safeguarding Economic and Social Welfare of Communities Living Next to Forests. The Petition was presented to the House pursuant to Standing Order 225 (1) by the Member for Kesses Constituency, the Hon. Julius Kipletting Ruto, MP, on behalf of forest communities and forest associations across the Country.

The Petitioners prayed that the House uses its authority to intervene to secure the rights and welfare of forest communities and associations including ensuring Kenya Forest Service (KFS) reviews its policies to ensure local communities are prioritized and benefits from forest resources, among other prayers.

The Committee considered the Petition and made various observations regarding the key issues arising from the Petition including participatory framework, Corporate Social Responsibility, harassment claims by local residents and operations of the KFS Officers.

In response to the prayers sought by the Petitioners, the Committee made various recommendations including strict adherence to the Forest Conservation and Management Act, 2016 and the incorporation of participatory frameworks by KFS to ensure local communities benefit from forests resources. Further, the Committee recommends review of the KFS training curriculum to impart knowledge and skills on public relations, respect for human rights and creation of a standard operational procedure of engagement by KFS and the forest communities and associations.

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

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



**HON. NIMROD MBITHUKA MBAI, M.P.**

**CHAIRPERSON, PUBLIC PETITIONS COMMITTEE**

## **PART ONE**

### **1 PREFACE**

#### **1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE**

The Public Petitions Committee is established pursuant to the provisions of Standing Order 208A and is mandated to:

- a) consider all public petitions tabled in the House;
- b) make such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommend whether the findings arising from consideration of a petition should be debated; and
- d) advise the House and reporting on all public petitions committed to it.

## 1.2 COMMITTEE MEMBERSHIP

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

### **Chairperson**

Hon. Nimrod Mbithuka Mbai, M.P.  
Kitui East Constituency  
**United Democratic Alliance (UDA)**

### **Vice Chairperson**

Hon. Janet Jepkemboi Sitienei, M.P.  
Turbo Constituency  
**United Democratic Alliance (UDA)**

Hon. Patrick Makau King'ola, M.P.  
Mavoko Constituency  
**Wiper Democratic Movement-Kenya (WDM-K)**

Hon. Edith Vethi Nyenze, M.P.  
Kitui West Constituency  
**Wiper Democratic Movement-Kenya (WDM-K)**

Hon. Ernest Kivai Ogesi Kagesi, M.P.  
Vihiga Constituency  
**Amani National Congress (ANC)**

Hon. Maisori Marwa Kitayama, M.P.  
Kuria East Constituency  
**United Democratic Alliance (UDA)**

Hon. Joshua Chepyegon Kandie, M.P.  
Baringo Central Constituency  
**Maendeleo Chap Party (MCCP)**

Hon. John Walter Owino, M.P.  
Awendo Constituency  
**Orange Democratic Movement (ODM)**

Hon. (Eng.) Bernard Muriuki Nebart, M.P.  
Mbeere North Constituency  
**Independent**

Hon. Bidu Mohamed Tubi, M.P.  
Isiolo South  
**Jubilee Party (JP)**

Hon. Caleb Mutiso Mule, M.P.  
Machakos Town Constituency  
**Maendeleo Chap Party (MCCP)**

Hon. John Bwire Okano, M.P.  
Taveta Constituency  
**Wiper Democratic Movement-Kenya (WDM-K)**

Hon. Peter Mbogho Shake, M.P.  
Mwatate Constituency  
**Jubilee Party (JP)**

Hon. Sloya Clement Logova, M.P.  
Sabatia Constituency  
**United Democratic Alliance (UDA)**

Hon. Suzanne Ndunge Kiamba, M.P.  
Makueni Constituency  
**Wiper Democratic Movement-Kenya (WDM-K)**

### 1.3 COMMITTEE SECRETARIAT

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk  
Mr. Samuel Kalama  
**Principal Clerk Assistant**

Ms. Anne Shibuko  
**First Clerk Assistant**

Ms. Miriam Modo  
**First Clerk Assistant**

Mr. Willis Obiero  
**Clerk Assistant III**

Mr. Shadrach Omondi  
**Legal Counsel II**

Ms. Patricia Gichane  
**Legal Counsel II**

Mr. Martin Sigei  
**Research Officer III**

Mr. Andrew Shangirai  
**Principal Sergeant at Arms**

Mr. Yezel Jilo  
**Sergeant at Arms**

Ms. Lilian Mburugu  
**Media Relations Officer**

Ms. Rahab Chepkilim  
**Audio Officer**

## PART TWO

### 2 PETITION NO. 1 OF 2022 REGARDING SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS

#### 2.1 INTRODUCTION

1. Public Petition No. 1 of 2022 regarding Safeguarding the Economic and Social Welfare of Communities Living Next to Forests was presented to the House by the Member for Kesses Constituency, the Hon. Julius Kipletting Ruto, MP on behalf of the forest communities and associations on 10<sup>th</sup> November, 2022.
2. The Petitioners from *Kiptega/Teldet, Kitinga, Muchorwei/Kapmugubi/Kipkosorio/Kaptumo, Ndulungu, Cherus/Kapchorua, Kabilat/Kapsundei, Chirchir/Shamba Mpya, Korimat and Barekeiwo* areas in Kesses Constituency, Uasin Gishu County, highlighted the challenges facing communities living next to forests and matters touching on their economic and social welfare.
3. The Petitioners stated that contrary to the provisions of sections 8 and 49 of the Forest Conservation and Management Act, 2016, (Act) KFS had repeatedly ignored the rights and welfare of forest communities and forest associations thereby leading to the impoverishment and harassment of residents who use their time, effort, and resources to look after the forests yet logging firms such as *Raiply Company* and *Copley Company* come and harvest the forest resources.
4. Repeated attempts by the forest communities and forest associations to consult and engage with the Kenya Forest Service had been futile due to non-responsiveness by KFS.
5. To the best of the Petitioners' knowledge, the matter in respect of which the Petition was made was not pending before any Court of Law or Constitutional body.

#### 2.2 PETITIONER'S PRAYERS

The Petitioner prayed that the National Assembly through the Public Petitions Committee:

6. Intervenes to secure the rights and welfare of forest communities and forest associations cross the country;
7. Intervenes to ensure that the Kenya Forest Service reviews its policy to ensure that local communities are prioritized to purchase at least 30% of forest resources harvested and that the Access to Government Procurement Opportunities (AGPO) program be adhered to;
8. Secures the undertaking of Corporate Social Responsibility (CSR) by logging firms in the areas with the resulting revenue used to develop local infrastructure such as roads, schools, water piping and development of water catchment areas;
9. Urgently intervenes to end the regular harassment of forest communities by Kenya Forest Service officers; and
10. Makes any other recommendation it deems fit to address the plight of the forest communities and forest associations across the country.



## **PART THREE**

### **3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION**

#### **3.1 SUBMISSIONS BY HON. JULIUS KIPLETING RUTO, MP**

The Hon. Julius Kipletting Ruto, MP appeared before the Committee on Wednesday, 14<sup>th</sup> December, 2022 and submitted as follows:

11. The Petitioners were majorly comprised of people living within Senkalu, Nabkoi and Loremkel Forests and the Petition was informed by constant lamentations by women, youth, and farmers in the area.
12. Despite the provisions of section 8 of the Act, that among other provisions that the Kenya Forest Service shall establish and implement benefit sharing arrangements for communities living next to the forests, the social and economic welfare of the communities living next to the forests were neglected.
13. There was constant harassment by forest guards who arrested and, in some cases, assaulted herders and sexually harassed women picking dead wood for use as firewood. While the communities heavily relied on the streams within the forests to water their cattle, the forest guards were constantly locking up cattle and extorting the owners through cash demands. Further, occasionally, the forest guards followed the women fetching deadwoods to their homes at night, terrorized and took away their firewood and sold them.
14. There was a need for humane treatment of community members living next to the forests since they heavily rely on economic activities from the forests. Further, it was requisite for mutual benefit sharing of forest resources between communities living next to forests and the Government.

#### **3.2 SUBMISSIONS BY THE COUNTY GOVERNMENT OF UASIN GISHU**

The County Executive Committee Member (CECM) for Water and Environment, Uasin Gishu County, Mr. Abraham Serem, appeared before the Committee on Wednesday, 26<sup>th</sup> April 2023 and submitted as follows:

##### ***3.2.1 Involvement of County Government***

15. The interests of communities living next to forests as described ought to be protected and the Kenya Forest Service should act jointly with the County Government in management and conservation of the forests as provided by the Forest Conservation and Management Act, 2016.
16. The role of county governments in respect to the Fourth Schedule to the Constitution should be expanded to give counties a major role in forest management to ensure the rights of the communities living next to forests are better protected.
17. The County Government was not fully involved in forest management in collaboration with KFS especially with regards to supervision and addressing the concerns raised by the forest communities.

### **3.2.2 *Sharing of forest resources***

18. The County agrees with the assertions of the Petitioner that the proceeds of forests resources have been majorly benefiting KFS, and less went to the forest communities despite their efforts in planting the trees and participate in the conservation of the forests. Further, that there have been many instances where the KFS officers had violated the rights of the community members by assaulting them.
19. In furtherance of the claims raised by the Petitioner, the County Government could attest to the incidents of forest officers allowing local communities to farm in the forest at a fee of Kshs500 for an acre in addition to planting trees. Further, they were charged about Kshs131 per animal by KFS to graze in the forest and sometimes the officers demanded upfront payment for these services. The villagers were also forced to put out fire whenever there are fire outbreaks in the forests.
20. The County Government agrees that the local community members rarely get opportunities to be considered for tenders as the exercise was done in Nairobi, yet the companies getting the tenders destroy the roads, water catchment areas while accessing the forest.

### **3.2.3 *The relationship between the County Government and KFS***

21. The County had occasionally engaged the KFS only during national functions but not directly on the matters on forest management. However, there were about 1,000 HA forest in Kapsaret Constituency under the County Government, where the County allowed the community members to manage and conserve the forests with help of county government officers.
22. The forest management and conservation role should be handed over to the county governments as they had capacity to protect both the interests of the people and the forests through mobilization of members of the community to plant and protect forests.

## **3.3 SUBMISSIONS BY THE KENYA FOREST SERVICE AND MINISTRY OF ENVIRONMENT, CLIMATE CHANGE AND FORESTRY**

The Ag. Chief Conservator of Forests, Mr. Alex Lemarkoko appeared before the Committee on Wednesday, 26<sup>th</sup> April 2023 on behalf of Kenya Forest Service and the Ministry Environment, Climate Change and Forestry and submitted as follows:

### **3.3.1 *Background***

23. Uasin Gishu County had a forest cover of 6.73% and a tree cover of 8.04 % of the 3,345.2 Km<sup>2</sup> with about 29,801.93 ha gazetted as forest reserves.
24. The management of the forest reserves in Uasin Gishu County was administered through six forest stations which include *Kapsaret, Lorenge, Timboroa, Nabkoi, Cengalo* and *Kipkurere*.