

16

PARLIAMENT OF KENYA



THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION- 2016

**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

**REPORT ON THE PETITION BY HON. SILVERSE ANAMI, M.P ON BEHALF OF
RESIDENTS OF KAKAMEGA COUNTY REGARDING DEFORESTATION IN
KAKAMEGA RAIN FOREST**

**CLERK'S CHAMBERS
PARLIAMENT BUILDINGS,
NAIROBI**

OCTOBER, 2016



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ACRONYMS

CFA Community Forest Associations

GIS Geographic Information System

KFS Kenya Forest Service

KWS Kenya Wildlife Service

PELIS Plantation Establishment and Livelihood improvement Scheme

CHAIR'S FOREWORD

The Petition was tabled before the House by Hon. Siverse Anami, M.P on behalf of residents of Kakamega County. The Petition relates to the deforestation of Kakamega Rain Forest. Pursuant to Standing Order 227 (1) the petition was committed to the departmental Committee on Environment and Natural Resources for consideration.

In considering the Petition the Committee held meetings with the Hon. Silverse Anami, MP who appeared on behalf of the residents of Kakamega County. The Committee also held meetings with officials of the Ministry of Environment & Natural Resources and the Kenya Forest Service. The Committee carried out a fact finding visit to Kakamega County on 5th August, 2016 during which it met with the petitioners and other relevant government officials. The Committee also undertook an aerial survey of the forest.

The Committee wishes to register its appreciation to the offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee in the execution of its mandate.

On behalf of the Committee and pursuant to Standing Order 227 (2) of the National Assembly, I now have the honor to present the Committee Report on the Petition.

Hon. Amina Abdalla, CBS, MP

EXECUTIVE SUMMARY

In this report the Committee has considered and responded to the specific prayers of the residents of Kakamega County regarding deforestation of Kakamega Rain Forest. The Committee held meetings with the Member for Shinyalu Constituency, the Hon. Silverse Anami, M.P who informed the Committee that deforestation of Kakamega rain forest had altered the rainfall patterns in the area. He also informed the Committee that Loggers were felling indigenous trees and there was indication of collusion with the Kenya Forest Officials.

The Committee recommends that the Ministry of Environment & Natural Resources through the Kenya Forest Service comes up with a monitoring system to enhance surveillance during the harvesting of exotic trees. The system should incorporate representatives from the Kenya Forest Service Officials, Community Forest Associations and the local community.

The Committee further recommends that given the uniqueness of the Kakamega Rain forest, Kenya Forest Service should invest in an enrichment planting programme of indigenous trees to restore it to the density required for a Rain Forest. KFS should also market the forest as an eco-tourism destination so as to generate revenue to manage it. Further, the exotic tree cover which acts as a buffer to the indigenous forest should be well maintained but not expanded. Surveillance measures should be put in place to ensure that the exotic forest does not encroach on the indigenous forest;

MANDATE

The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216(1).

The functions and mandate of the Committee are contained under Standing Order 216(5) and include, to:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The Committee oversees issues to do with climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management amongst others.

MEMBERS OF THE COMMITTEE

The Committee comprises the following members:-

Chairperson	The Hon. Amina Abdalla, CBS M.P.
Vice chairperson	The Hon. Alexander Kosgey, M.P.
	The Hon. Alice Ng'ang'a, M.P.
	The Hon. Samuel Ndiritu, M.P.
	The Hon. Opiyo Wandayi, M.P.
	The Hon. Ejidius Njogu Barua, M.P.
	The Hon. Jude Njomo, M.P.
	The Hon. Moitalel Ole Kenta, M.P.
	The Hon. Kathuri Murungi, M.P.
	The Hon. Sunjeev Birdi, M.P.
	The Hon. Jackson K. Rop, M.P.
	The Hon. Abdi Noor Ali, M.P.
	The Hon. Joyce Emanikor, M.P.
	The Hon. Abdulaziz Farah, M.P.
	The Hon. Ronald Tonui, M.P.
	The Hon. (Dr.) Reginalda Wanyonyi, M.P.
	The Hon. Gideon Mwiti, M.P.
	The Hon. Hassan Dukicha, M.P.
	The Hon. Charles G. Mongare, M.P.
	The Hon. (Dr.) Wilber K. Ottichilo, M.P.
	The Hon. Richard Makenga, M.P.
	The Hon. George Ogalo, M.P.
	The Hon. (Major) Muluvi Mutua, M.P.
	The Hon. Mohamed, Diriye M.P.
	The Hon, Peter Kinyua, MP.
	The Hon. Shukran Hussein Gure, M.P
	The Hon. Joyce Lay, M.P

OMMITTEE SECRETARIAT

The Committee is serviced by the following Members of Staff:

Ms. Tracy Chebet Koskei	Clerk Assistant II
Mr. Hassan A. Arale	Clerk Assistant III
Mr. Ronald Walala	Legal Counsel II
Mr. James Muguna	Research Officer III
Ms. Amran Mursal	Fiscal Analyst III

PRAYERS OF THE PETITIONERS

The Petitioners prayed that the National Assembly, through the Departmental Committee on Environment and Natural Resources intervenes as follows:

- (i) Recommends that the Kenya Forest Service, National Environment Management Authority and other relevant government agencies in consultation with the community find a way to halt the deforestation;
- (ii) Ensures reforestation with a view to restoring the indigenous species of trees.

RESPONSE TO PRAYERS OF THE PETITIONERS

After considering the prayers of the petitioners and carrying out investigations, the Committee makes the following recommendations:

1. The Committee recommends that the Ministry of Environment & Natural Resources through the Kenya Forest Service comes up with a monitoring system to enhance surveillance during the harvesting of exotic trees. The system should incorporate representatives from the Kenya Forest Service Officials, Community Forest Associations and the local community;
2. Given the uniqueness of the Kakamega Rain forest, Kenya Forest Service should invest in an enrichment planting programme of indigenous trees to restore it to the density required for a Rain Forest. KFS should also market the forest as an eco-tourism destination so as to generate revenue to manage it. Further, the exotic tree cover which acts as a buffer to the indigenous forest should be well maintained but not expanded. Surveillance measures should be put in place to ensure that the exotic forest does not encroach on the indigenous forest;

3. In the long run, the Kenya Forest Service may consider fencing the forest and ensure that there are gates provided for the community to access the forest. This will greatly aid in the conservation of the forest and its ecosystem; and
4. The issue of insecure land tenure should be addressed expeditiously as will help to thaw the tension between the community and the Kenya Forest Services officials especially the community living in Isicheno area;
5. The Kenya Forest Service Rangers should undergo a training exercise in order to be more of a service than a force.

1.0 Background

The Kakamega Forest was declared a forest area by proclamation No. 14 of 13th February 1933 which set aside 23,777.3 Ha as Kakamega Forest together with the Malava Forest Block. Currently the forest covers 19,792.4 Ha in size after several excisions over time as follows:

- (i) 17.60 Hectares excised via boundary plan No. 180/209 for Virhembe to settle people who were displaced and to create room for the current Mukumu Secondary School;
- (ii) 9.476 Hectares excised to give room for the construction of Kaptik Secondary School and surveyed as per L/R 206/94;
- (iii) 10 Hectares excised for relocation of Kisaina Primary School;
- (iv) 1.8 Hectares excised for Kisaina Clinic;
- (v) 40.47 Hectares excised for Kakamega Agricultural Show ground;
- (vi) 422 Hectares excised for the extension of Shikusa Prison;
- (vii) 13 acres excised from the national reserve for Buyangu Primary School. The area of excision is now under review;
- (viii) 98.8 Hectares excised from Ishiru as per boundary plan No. 180/215;
- (ix) 138.8 Hectares excised to settle people displaced from the land occupied by Mbale Hospital and Vokoli Girls Secondary School; and
- (x) Ikuywa settlement of 1934 measuring 53.4 Hectares.

(Source: Kenya Forest Service, 2015)

The Kakamega Forest ecosystem is endowed with multiple physical; biodiversity (important bird area, high insect & snake diversity); social; economic; cultural (shrines/ circumcision sites) and scenic/ecotourism (beautiful panoramic view, natural glades; Isiukhu and Yala river resources). The forest has been recorded to have over 120 species of trees with more than 70 % considered medicinal. Some of the conspicuous plants of Kakamega Forest include: *Whitlow Root*; *Spiny Bole*, *White Thorn Acacia* and *White Flowering Commelina* among others. There are over 500 bird species and to date 487 Butterfly species have been recorded.

2.0 The Petition

On 12th April, 2016, Hon. Silverse Anami, M.P on behalf of residents of Kakamega County, presented a petition pursuant to Standing Order 225 (2) regarding deforestation of Kakamega Rain Forest.

The Petition sought to draw the attention of the House to the following, that:-

- (i) Kakamega forest was first gazetted as a Trust Forest in 1933, and later on in 1986 a total of 4,000 Hectares of the Northern position of the forest, along with the adjacent 457 hectares of Kisere Forest were amalgamated and gazetted as Kakamega National Park;
- (ii) The forest is an important catchment area for Isiukhu and Yala Rivers, holds a large and diverse wildlife population and with over 16 species of birds found only in Kenya (the highest in the Country), is a top bird-watching destination;
- (iii) The forest has a coverage of 14,800 hectares out of which 11,000 hectares are covered with indigenous tree species while 1,600 hectares are covered with exotic species like Pine, Cypress and Eucalyptus, and is thus an area that is often illegally exploited for commercial purposes;
- (iv) The Kenya Forest Service issues logging permits for mature exotic trees, however indigenous trees are also harvested by rogue loggers who hide indigenous wood beneath exotic wood in trailers to avoid detection during transportation
- (v) This exercise has affected rain patterns, water availability and food security and consequently the livelihood of the rainfall reliant community;
- (vi) Efforts made to correct the situation have proved futile

The Petitioners prayed that the National Assembly, through the Departmental Committee on Environment and Natural Resources intervenes as follows:

- (iii) Recommends that the Kenya Forest Service, National Environment Management Authority and other relevant government agencies in consultation with the community find a way to halt the deforestation;
- (iv) Ensures reforestation with a view to restoring the indigenous species of tree.

3.0 Evidence

3.1 Submission by Hon. Silverse Anami, M.P

Appearing before the Committee on 5th May, 2016, the Hon. Anami informed the Committee that:-

1. Deforestation of Kakamega rain forest had altered the rainfall patterns in the area;
2. Loggers were felling indigenous trees and there was indication of collusion with the Kenya Forest Service Officials;
3. There was need to carry out Environmental Impact Assessment studies before harvesting of trees to establish the impact of harvesting the trees;
4. There was skewed surveillance creating loophole for illegal loggers to harvest indigenous trees; and
5. Civil society groups that wished to access the forest for conservation were not allowed in the forest.

3.2 Submission by the Cabinet Secretary for the Ministry of Environment, Natural Resources & Regional Development Authorities, Prof. Judi Wakhungu

On 5th May, 2016, the Cabinet Secretary, Prof. Wakhungu informed the Committee the following:

1. The Kenya Forest Service has adopted an integrated patrol and surveillance measures for detection of illegal and unauthorized activities in the forest area which include monthly aerial flights over Kakamega forest among others in the western region; joint patrols with community forest scouts, involvement of the Community Forest Association in forest management and linking with the National Police Service in investigations and prosecution of offenders.
2. Forest harvesting plans have been developed to guide the area, species, time and mode of harvesting of the plantations with a view to regulate logging at the forest. Further, harvesting of trees in forests must first be authorized by the Director of Forests and is restricted to the sub compartments of operation and carried out by licensed saw millers;
3. The Kakamega Rain Forest has an annual marathon aimed at raising awareness and raising funds for conservation.

Mr. Emilio Mugo, the Director General for the Kenya Forest Service appearing before the Committee on the same day, submitted that:

1. Only 2% of the forest area is under plantation and therefore can only support 3-4 Middle sized saw mill firms
2. In a forest harvesting plan a reforestation plan is incorporated
3. Ferrying of trees is done at one designated area in the plantation and those not complying should have action taken against them
4. The forest had the most active Community forest Associations who have taken up various green economic activities such as carbon credit and butterfly project.

3.3 Field Visit to Kakamega County

The Committee carried a field visit to Kakamega County on 5th August, 2016 and received the following submissions:

A. Meeting with Mr. Macharia Thuku, County Commissioner, Kakamega County

Mr. Thuku informed the Committee that:

1. The Kakamega Rain forest covers an area of 15,382 Ha and is part of the Western Conservancy which covers an area of 33,000 Ha;
2. The forest is under both plantation and indigenous forest; with 13,593 Hectares under natural forest while 1789 Hectares is under plantation forest;
3. Management of the forest is shared between the Kenya Forest Service and the Kenya Wildlife Service;
4. The Community is involved in conservation of the Forest through PELIS which stands for Plantation Establishment and Livelihood improvement Scheme. On Kakamega Forest, 415 Hectares have been approved for the PELIS programme with 1640 farmers being involved;
5. There was no on-going destruction of the forest as claimed in the petition;
6. Sometimes authorised harvesting of trees was mistaken for illegal logging; and
7. Some of the challenges faced by the Forest include over grazing, charcoal burning, pit-sawing and forest excisions.

B. Submission by Mr. Otieno- Head of Western Conservancy

Mr. Otieno, during a meeting at the Head of Western Conservancy Office in Lurambi, held on 5th August, 2016 informed the Committee that:

1. The conservancy covers 4 counties namely: Kakamega, Bungoma, Vihiga and Busia;
2. The three predominant industrial plantation species grown in the Conservancy are Cypress, Pine & Eucalyptus;
3. Plantations are harvested on maturity upon their rotational age and felling plan;
4. KFS engages the community in managing the forest through Community Forest Associations (CFAs);
5. The CFA managing the forest has 16 community based organizations;
6. Communities benefit from accessing the forest for medicinal herbs, bamboo, firewood, water emanating from the forest, grazing pasture, non-wood products such as honey & fruits and other socio-cultural benefits;
7. During the last Financial Year 2015/2016 the Conservancy collected Kshs. 101.38 million against a target of Kshs. 105 million; and
8. Logging permits for industrial plantations are usually advertised in the public mainstream media and pre-qualification of saw millers is done in a very transparent manner.

Mr. Otieno further submitted that the Conservancy faces several challenges which include:

- (i) Inadequate labour force;
- (ii) Poorly developed infrastructure in some areas;
- (iii) Increased poverty levels and unemployment among the forest adjacent communities which poses a serious threat to protection;
- (iv) Inadequate casual labour budget makes it hard to reach all the targets;
- (v) Prolonged drought in 2014 resulted to low survival of young plantations;
- (vi) Uncompleted forest management plans affect community participation; and
- (vii) Lack of adequate staff housing quarters.

In conclusion, the Head of the Conservancy stated that there was no harvesting of indigenous forests and any such activities were illegal. In his opinion, there was no alarming deforestation in the area. He also stated that restoration of indigenous tress is done every year and was contained in his performance contract and the conservancy's annual Work Plan.

C. Presentation by Ms. Charity Munyasia, Deputy Director, KFS

Ms. Munyasia informed the Committee that:

1. The KFS has a fully-fledged department of Geographic Information System (GIS) and can carry out aerial surveys and mapping of Kakamega Rain Forest;
2. KFS needs resources for extensive surveillance of the forest;
3. The forest should be fenced as this will increase security and improve biodiversity. The Service will ensure that access is granted to communities even after fencing;
4. The community was involved in creation of the Kakamega Forest Management Plan;
5. If the Community was not willing to continue farming in the forest, they should make a proposal to the service for the same;
6. After harvesting of industrial plantations, a plantation area is reforested after three years. During the 3 years, farming is done on the area. The land is left bare for three years before replanting. This was where the community was allowed to cultivate; and
7. Leaving the area bare for three years before replanting trees is recommended to ensure that any disease that a previous plantation may have had are not transferred to the next plantation.

D. Submission by Shinyalu Professional Development & Support Network

After providing a brief history of the forest, the Shinyalu Professionals Network informed the Committee that:

1. Various massive destructive activities have occurred, e.g logging, timber extraction by saw millers and fuel wood collection/ extraction and charcoal burning by the local people;
2. An aerial photo of the forest as at 2010 showing that less than 50% of the forest was remaining;
3. There was unsupervised harvesting of exotic tree species at maturity which has led to illegal logging of indigenous trees;
4. The buffer zone under tea has reduced the area occupied by forest cover, further, there is threat of alienation and grabbing. *(A comprehensive Report of their submission is attached as Annex C)*

They proposed the following as a way forward:

1. Logging in the forest should be suspended forthwith until proper measures to protect and replenish the indigenous trees are put in place;
2. There was need for more involvement of the community in the management of the forest;
3. The forest should be restored to its original state as much as possible;
4. Special Boards need to be urgently put in place and empowered with the necessary financial and technical capacity to come up with urgent modalities to educate the local communities on conservation matters. The Boards should also put up a team of experts e.g environmentalists, botanists etc. to help come up with a restoration plan and oversee the process in collaboration with both county government and national government agencies; and
5. All income generating activities arising from research, recreation e.t.c should be geared towards benefitting the locals.

E. Submission by Mr. John Barasa- Chairman, Kakamega County Forest Committee

Mr. Barasa informed the Committee that:

1. The reports on the deforestation of Kakamega Rain Forest were alarmist and untrue;
2. There are very many conservation efforts on-going in the forest and the community was involved in the activities;
3. A lot of resources were needed to conserve the forest and requested the Committee to ensure that adequate resources were availed; and
4. He also requested that the Committee looks into the welfare of the Kenya Forest Service rangers as their living quarters were in poor condition.

3.4 Public Hearing Forum at St. Theresa Primary School, Isicheno

A. Submission by Mr. Hudson Karani

Mr. Karani informed the Committee that

1. He and other residents in Kisaine, were originally residents of Mukumu area. In 1986, the government resettled them in Kisaine after giving up their land in Mukumu for the construction of Mukumu Secondary school. He informed the Committee that the residents were living in fear of being evicted;
2. The community was not getting a share of the revenues from the forest resources. A solution should be sought to ensure the Community is rewarded for taking care of the forest;

3. The Community derives a lot of benefits from the forest such as medicine, wild fruits, honey and that is why it was keen to conserve the forest. The forest is also a source of fresh water; and
4. The community has a lot of tree nurseries of indigenous trees and through selling these seedlings, the forest coverage has expanded.

B. Submission by Mr. Kevin Wafula – A Doctorate student & Forestry Lecturer at the Egerton University

Mr. Wafula informed the Committee that the Community has always conserved the forest however there were some characters in the area who were carrying out contrary behavior such as charcoal burning. In his view conserving the forest required a behavior change by all stakeholders including the community.

C. Submission by Mr. Eric Kinayi – Representing the Youth

Mr. Kinayi informed the Committee that:

1. The youth from communities around Kakamega forest had not benefitted from the forest;
2. Recruitment of forest rangers always overlooked the Isicheno area;
3. KFS should consider engaging the youth as community scouts so that they can earn a living;
4. KFS should carry out corporate social responsibility activities such as building schools; and
5. Rainfall patterns have been altered due to excessive felling of trees.

D. Submission by Mr. Mambili S. Lutiali, Chairman Mueleshi Community Forest Association

Mr. Lutiali informed the Committee that:

1. Mueleshi CFA is a registered Community Forest Association registered with the Registrar of Societies;
2. The CFA co-manages the forest with the Kenya Forest Association and was not informed of the petition and was not aware of destruction in the forest;
3. Harvesting of exotic trees is not illegal, as it is provided for in the Forest Management plan and currently there are exotic trees that are long overdue for harvesting since they are over 58 years old and yet are supposed to be harvested at age 25-30 years;
4. The local community was fully involved in conservation efforts through signing a Participatory Forest Management Plan and Community Forest Management

Agreement. Further, the participatory forest management plan is in place and the community has formed an association as per the forest Act, 2005;

5. He reiterated that there was no destruction of the forest going on but lack of information over what was going on in the forest;
6. In conclusion, he stated that the Mueleshi CFA would welcome all efforts to conserve the forest and was willing to work with all stakeholders for the good of Kakamega Rain Forest.

E. Committee inspection of the Forest

The Members of the Committee overflew the forest in a bid to assess the extent of De-forestation. The Committee made the following observations:

1. The Scientific definition of deforestation is the removal of a forest or stand of trees where the land is thereafter converted to a non-forest use. Going by this definition deforestation may not be taking place in Kakamega Rain Forest, however, the forest density has extensively reduced over time. The main culprits for the reduction include; charcoal burning, pit sawing and overgrazing;
2. The belt of tea plantation by the Nyayo Tea zones planted to act as a buffer zone to the forest was not playing its role as it was poorly managed.

4.0 Committee Observations

The Committee made the following observations:

1. The total area of the Kakamega Rain Forest is not clear as different statistics were given as regards the exact size of forest cover;
2. The Scientific definition of deforestation is the removal of a forest or stand of trees where the land is thereafter converted to a non-forest use. Going by this definition deforestation may not be taking place in Kakamega Rain Forest, however, the forest density has extensively reduced over time. The main culprits for the reduction include; charcoal burning, pit sawing and overgrazing;
3. Insecure land tenure by residents who were settled in the forest to pave way for construction of Mukumu Secondary School is fueling animosity between the residents and the Kenya Forest Service Officials;
4. A lot of resources were going towards development of Forest Management Plans, however there were no adequate resources to implement the Plans. This has left the community feeling alienated from the management of the forest;
5. The Kenya Forest Service officials were harassing the Members of the community even when they were doing legal exploitation of the forest which includes: collecting firewood from dead wood and medicinal herbs from the forest;
6. The belt of tea plantation planted along the forest by the Nyayo Tea Zones to act as a buffer zone was poorly maintained and was therefore not playing its role.

5.0 Committee Recommendations

The Petitioners had prayed that that the National Assembly, through the Departmental Committee on Environment and Natural Resources intervenes as follows:

- (i) Recommends that the Kenya Forest Services, National Environment Management Authority and other relevant government agencies in consultation with the community find a way to halt the deforestation;
- (ii) Ensures reforestation with a view to restoring the indigenous species of tree.

After considering the prayers of the petitioners and carrying out investigations, the Committee makes the following recommendations:

1. The Ministry of Environment & Natural Resources through the Kenya Forest Service should develop a monitoring system to enhance surveillance during the harvesting of exotic trees. The system should incorporate representatives from the Kenya Forest Service Officials, Community Forest Associations and the local community;
2. Given the uniqueness of the Kakamega Rain forest, Kenya Forest Service should invest in an enrichment planting programme of indigenous trees to restore it to the

density required for a Rain Forest. KFS should also market the forest as an eco-tourism destination so as to generate revenue to manage it. Further, the exotic tree cover which acts as a buffer to the indigenous forest should be well maintained but not expanded. Surveillance measures should be put in place to ensure that the exotic forest does not encroach on the indigenous forest;

3. In the long run, the Kenya Forest Service may consider fencing the forest and ensure that there are gates provided for the community to access the forest. This will greatly aid in the conservation of the forest and its ecosystem;
4. The issue of insecure land tenure should be addressed expeditiously as this will help to thaw the tension between the community and the Kenya Forest Services officials especially for the community living in Isicheno area; and
5. The Kenya Forest Service Rangers should undergo a training exercise in order to be more of a service than a force.

Thank You,

SIGNED 

(CHAIRPERSON)

DATE 6th October, 2016



DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
PAYMENT SCHEDULE

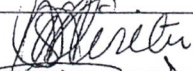


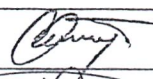
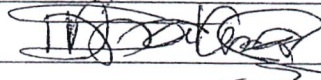
AGENDA: CONSIDERATION & ADOPTION OF THE REPORT ON THE PETITION
REGARDING THE DEFORESTATION OF KAKAMEGA RAIN FOREST

DATE: 06/10/2016

TIME: 9.30AM

VENUE: CPA ROOM

	NAME	SIGNATURE
1	Hon. Abdalla, Amina, CBS, MP-CHAIRPERSON	
2	Hon. Alexander Kosgey, MP Vice Chairperson	
3	Hon. Dukicha, Hassan Abdi, MP	
4	Hon. Emanikor, Joyce Akai, MP	
5	Hon. Ganya, Francis Chachu, MP	
6	Hon. Geni, Charles Mongare, MP	
7	Hon. Gure, Shukra Hussein, MP	
8	Hon. Ole Kenta, Richard Moitalel, MP	
9	Hon. Mohamed, Diriye Abdullahi, MP	
10	Hon. Murungi, Kathuri, MP	
11	Hon. Ogalo, George Oner, MP	
12	Hon. Sunjeev Kaur Birdi, MP	
13	Hon. Tonui, Ronald Kiprotich, MP	
14	Hon. Dr. Wanyonyi, Reginalda N, MP	
15	Hon. Farah, Abdulaziz Ali, MP	
16	Hon. Barua, Ejidius Njogu, MP	
17	Hon. Irea, Gideon Mwiti, MP	
18	Hon. Muluvi, Marcus Mutua, MP	
19	Hon. Isaac Mwaura, MP	

20	Hon. Ndiritu, Samuel Mathenge, MP	
21	Hon. Ottichilo, Wilber Khasilwa, MP	
22	Hon. Rop, Jackson Kipkorir, MP	
23	Hon. Abdinoor, Mohammed Ali, MP	
24	Hon. Ng'ang'a, Alice Wambui, MP	
25	Hon. Peter Kinyua, MP	
26	Hon. Richard Makenga, MP	
27	Hon. Zuleikha Hassan Juma, MP	
28	Hon. Jude Njomo, MP	
29	Hon. Joyce Lay, M.P	

CHEBET KOSKEI
FOR -CLERK OF THE NATIONAL ASSEMBLY



ANNEXTURE 1-PETITIONS

454

THE NATIONAL ASSEMBLY
RECEIVED
13 APR 2016
DIRECTOR COMMITTEE SERVICES
Time: 10:00 am

Directorate of Legislative and Procedural
Services

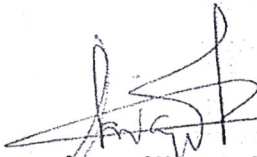
MEMO

TO : DIRECTOR, COMMITTEE SERVICES
FROM : PRINCIPAL CLERK ASSISTANT
DATE : 12TH APRIL 2016
SUBJECT : PUBLIC PETITION

The above-mentioned subject matter refers.

On Tuesday, 12th April, 2016, the Hon. Silverse Anami, MP presented a petition in the House on deforestation in Kakamega Rain Forest, on behalf of residents of Kakamega County:

Please find the enclosed Petition for your action.


Lucy Wanjohi

Copy to: Clerk of the National Assembly
Director, Legislative and Procedural Services
Chair, Departmental Committee on Environment and Natural Resources

Encl.

CHEBET
pls deep
FA
13/4

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT (FOURTH SESSION)

Approved.

BN

SNA.

12/4/16

PUBLIC PETITION

BY RESIDENTS OF KAKAMEGA ON THE DEFORESTATION OF
KAKAMEGA RAIN FOREST

I, the undersigned, on behalf of the residents of Kakamega,

DRAW the attention of the House to the following:-

- I. **THAT**, Kakamega forest was first gazetted as a Trust Forest in 1933, and later on in 1986 a total of 4,000 hectares of the northern portion of the forest, along with the adjacent 457 hectares of Kisere Forest, were amalgamated and gazetted as Kakamega National Park;
- II. **THAT**, the forest is an important catchment for Isiukhu and Yala Rivers, holds a large and diverse wildlife population and with over 16 species of birds found only in Kenya (the highest in the country), is a top bird-watching destination;
- III. **THAT**, the Forest has coverage of 14,800 hectares out of which 11,000 hectares are covered with indigenous tree species while 1,600 hectares are covered with exotic tree species like Pynus, Cyprus and Eucalyptus, and is thus an area that is often illegally exploited for commercial purposes;
- IV. **THAT**, the Kenya Forest Services issues logging permits for mature exotic trees only yet indigenous trees are also harvested with rogue loggers hiding indigenous wood beneath exotic wood in trailers to avoid detection during transportation;

PUBLIC PETITION
BY RESIDENTS OF KAKAMEGA ON THE DEFORESTATION OF
KAKAMEGA RAIN FOREST


- V. **THAT**, this exercise has affected rain patterns, water availability, and food security and consequently the livelihood of the rain reliant community;
- VI. **THAT**, efforts made to correct the situation have proved futile;
- VII. **THAT**, the matter presented in this Petition is not pending before any tribunal or court of law;

THEREFORE your humble petitioners pray that the National Assembly, through the Departmental Committee on Environment and Natural Resources:-

- I. Recommends that the Kenya Forest Services, National Environmental Management Authority and other relevant government agencies in consultation with the local community find a way to halt the deforestation;
- II. Ensures reforestation with a view to restoring the indigenous species of tree; and
- III. Makes any other order and/or direction that it deems fit in the circumstances of the case.

And your **PETITIONERS** will ever pray.

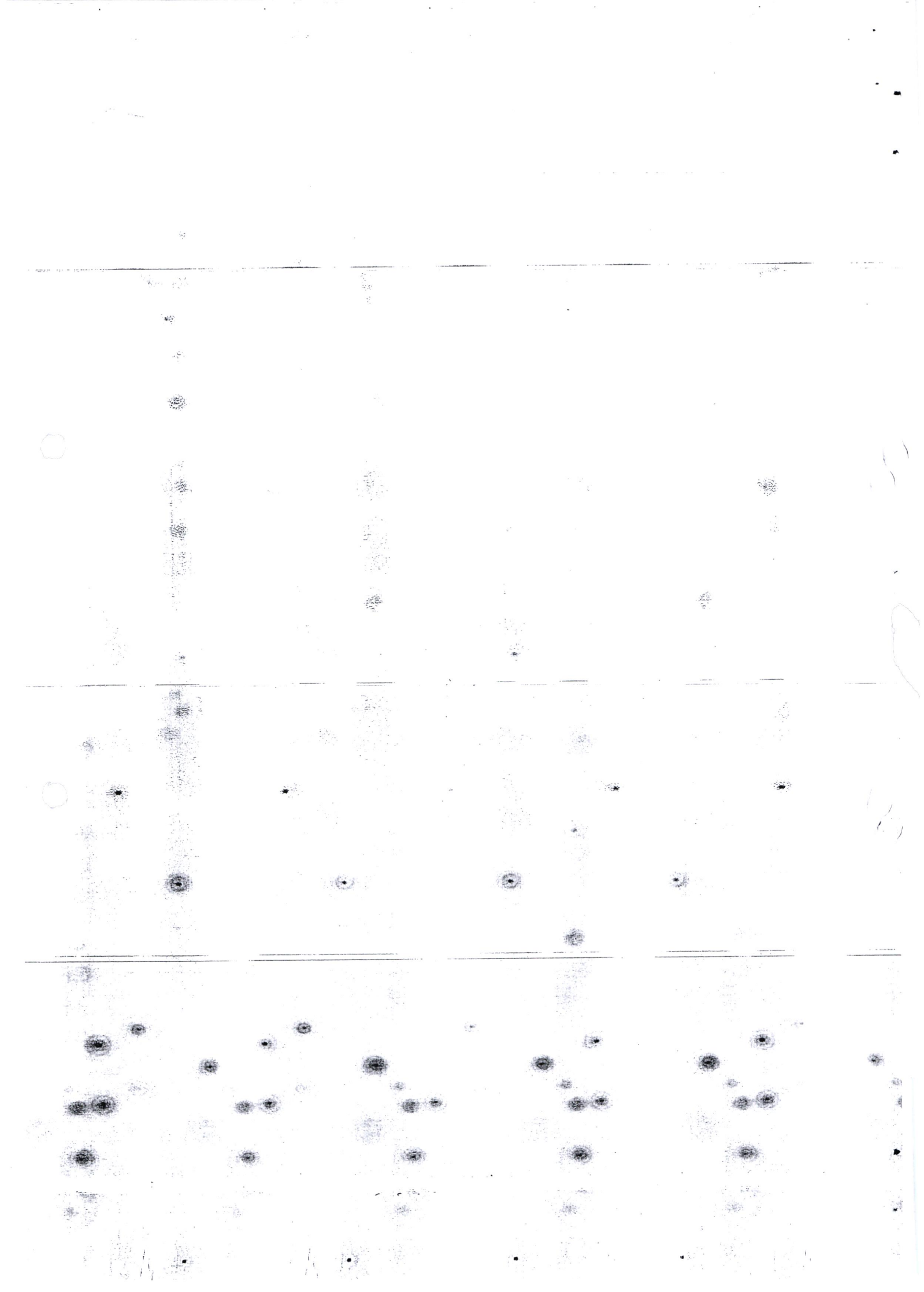
PRESENTED BY,


HON. SILVERSE ANAMI, M.P.
MEMBER FOR SHINYALU CONSTITUENCY

DATE: ...30. 3. 2016.....

PUBLIC PETITION
ON DESTRUCTION OF THE KAKAMEGA RAIN FOREST

NO	NAME OF PETITIONER	FULL ADDRESS	NATIONAL ID/ PASSPORT NO.	SIGNATURE/ THUMB EXPRESSION
1	SYLVESTER SIMBOLE SHIKUNDI	Box 112, 50107 SHINYALU	8837698	
2	ROSEMARY ACHITSA AGASIRA	Box 112, 50107 SHINYALU	9447725	
3	GODFREY MWINAMO MURUNGA	Box 101-50107 SHINYALU	22596004	
4	JOYCE KHAVELE ASUNYA	Box 112-50107 SHINYALU	10918491	
5	BEATRICE KHATIEVI MUSEVE	Box 112-50107 SHINYALU	22366922	
6	ROSEMARY MIKHWESI SHIVACHI	Box 101-50107 SHINYALU	10007473	
7	LYDIA MUHAVI AMUHAYA	Box 101-50107 SHINYALU	11580995	
8	ZAKARIA SHIJENJE	Box 123-50107 SHINYALU	12997808	
9	BENJAMIN MALIMO SHITIRI	Box 37-50107 SHINYALU	2662547	
10	CHARLES W SHIRIL	Box 20 SHINYALU	655202	
11	ALPHONCE KHABUCH	Box 6 SHINYALU	1172318	
12	ZACK ASHANO	Box 35 SHINYALU	4154155	
13	ALFRED VIHEMBO	Box 32 SHINYALU	5631003	
14	LABAN SHIVACHI	Box 125 SHINYALU	2246489	
15	JOSEPHAT M. ATSANGU	Box 32 SHINYALU	7939695	
16	BENEDICT ATSANGU	Box 88 SHINYALU	14659022	
17	JAMES SHITEKHA	Box 85 SHINYALU	22070798	
18	MARK KAVONGA	Box 88 SHINYALU	1448491	



ANEXTURES 2-MINUTES

MINUTES OF THE 69TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON THURSDAY, OCTOBER 06, 2016 AT 10.30 AM IN CPA ROOM, MAIN PARLIAMENT BUILDINGS

PRESENT

1. Hon. Abdalla Amina, CBS, M.P. – Chairperson
2. Hon. Ganya Francis Chachu, M.P.
3. Hon. Ole Kenta Richard Moitalel, M.P.
4. Hon. Abdinoor Mohammed Ali, M.P.
5. Hon. Ndiritu Samuel Mathenge, M.P.
6. Hon. Ottichillo K. Wilber, M.P.
7. Hon. Richard Makenga, M.P.
8. Hon. Tonui Ronald Kiprotich, M.P.
9. Hon. Emanikor Joyce, M.P.
10. Hon. Kathuri Murungi, M.P.
11. Hon. Dr. Wanyonyi Reginalda N. M.P.
12. Hon. Peter Kinyua, M.P.
13. Hon. Ogalo George Oner, M.P.
14. Hon. Sunjeev Kaur Birdi, M.P.
15. Hon. Rop Jackson Kipkorir, M.P.

APOLOGIES

1. Hon. Alexander Kosgey, M.P. – Vice Chairperson
2. Hon. Gure Shukran Hussein, M.P.
3. Hon. Muluvi Marcus Mutua, M.P.
4. Hon. Joyce Lay, M.P.
5. Hon. Mohamed Diriye Abdullahi, M.P.
6. Hon. Zuleikha Hassan, M.P.
7. Hon. Irea Gideon Mwitii, M.P.
8. Hon. Jude Njomo, M.P.
9. Hon. Ng'ang'a Alice Wambui, M.P.
10. Hon. Dukicha Hassan Abdi, M.P.
11. Hon. Dr. Barua Ejidius Njogu, M.P.
12. Hon. Geni Charles Mong'are, M.P.
13. Hon. Farah, Abdulaziz Ali, M.P.
14. Hon. Isaac Mwaura, M.P.

IN-ATTENDANCE - SECRETARIAT

1. Ms. Tracy Chebet Koskei - Clerk Assistant II
2. Mr. James Muguna - Research Officer

MIN.NO. DC-ENR/237/2016: PRELIMINARIES

The meeting was called to order at 10.40 am after which prayers were said. The Chairperson welcomed the Members to the meeting and briefed them on the Agenda of the day.

MIN.NO. DC-ENR/238/2016: CONSIDERATION AND ADOPTION OF THE REPORT ON THE PETITION BY HON. ABDULLAHI DIRIYE, M.P ON BEHALF OF RESIDENTS OF WAJIR COUNTY REGARDING THE MANAGEMENT OF RIVER EWASO NYIRO BY THE WATER RESOURCES MANAGEMENT AUTHORITY

The Committee considered the Report and adopted it after it was proposed by Hon. Richard Ole Kenta, M.P and seconded by Hon. Samuel Ndiritu Mathenge, M.P

MIN.NO.DC-ENR/239/2016: CONSIDERATION OF THE REPORT ON THE PETITION BY HON. SILVERSE ANAMI, M.P ON BEHALF RESIDENTS OF KAKAMEGA COUNTY REGARDING DEFORESTATION OF KAKAMEGA RAIN FOREST

The Committee considered the Report and adopted it after it was proposed and seconded by Hon. (Dr.) Reginalda Wanyonyi, M.P and Hon. (Dr.) Wilber Ottichillo, M.P

MIN.NO.DC-ENR/240/2016: CONSIDERATION OF THE REPORT ON THE DEGAZETEMENT OF MAUTUMA SETTLEMENT SCHEME

The Committee considered the Report and unanimously agreed that this was a sensitive matter and more comprehensive report was needed. Further, the Committee resolved that Degazetting the forest was going to set a very bad precedence to the country as it would encourage proposals to degazette to be brought to Parliament.

The Committee also stated that the report had to clearly state that the Committee did not have any option but to degazette because the recommendation to de-gazette had been approved by the Cabinet and all relevant Laws (the Forest Act, 2005 and the Environmental Management an Coordination Act, 1999) had been adhered to. Following deliberation, it was resolved that the Committee should carry out a field visit to the Mautuma Settlement Scheme before concluding on its Report.

MIN.NO.DC-ENR/241/2016

Any Other Business

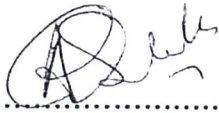
The following issues were raised:

1. The Committee raised the issue of the pending report on the Standard Gauge Railway, following deliberation the Secretariat was asked to expedite completion of the report. Further, the Committee resolved that it would have a Report writing Retreat in Nairobi from Sunday, 23rd October to Tuesday, 25th October to conclude on the report;
2. Concern was raised over some Members of the Committee who did not attend meetings. It was resolved that the Secretariat should submit to the Chairperson a list of the Members who had missed eight consecutive sittings of the Committee.

MIN.NO.DC-ENR/242/2016:

ADJOURNMENT

There being no other business the meeting was adjourned at 12.20 pm.

SIGNED.....

(Chairperson)

DATE.....13/oct/2016

MINUTES OF THE 31ST SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON THURSDAY 5TH MAY, 2016 AT 10.30 AM C.P.A ROOM, MAIN PARLIAMENT BUILDINGS

PRESENT

1. Hon. Abdalla Amina, CBS, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Emanikor Joyce, M.P.
4. Hon. Ganya Francis Chachu, M.P.
5. Hon. Ole Kenta Richard Moitalel, M.P.
6. Hon. Kathuri Murungi, M.P.
7. Hon. Ogalo George Oner, M.P.
8. Hon. Sunjeev Kaur Birdi, M.P.
9. Hon. Tonui Ronald Kiprotich, M.P.
10. Hon. Dr. Wanyonyi Reginalda N. M.P.
11. Hon. Farah, Abdulaziz Ali, M.P.
12. Hon. Irea Gideon Mwiti, M.P.
13. Hon. Muluvi Marcus Mutua, M.P.
14. Hon. Ottichillo K. Wilber, M.P.
15. Hon. Rop Jackson Kipkorir, M.P.
16. Hon. Richard Makenga, M.P.

APOLOGIES

1. Hon. Ndiritu Samuel Mathenge, M.P.
2. Hon. Geni Charles Mong'are, M.P.
3. Hon. Barua Ejidius Njogu, M.P.
4. Hon. Abdinoor Mohammed Ali, M.P.
5. Hon. Ng'ang'a Alice Wambui, M.P.
6. Hon. Jude Njomo, M.P.
7. Hon. Dukicha Hassan Abdi, M.P.
8. Hon. Peter Kinyua, M.P.
9. Hon. Gure Shukra Hussein, M.P.
10. Hon. Zuleikha Hassan Mwaura, M.P.
11. Hon. Joyce Lay, M.P.
12. Hon. Isaac Mwaura, M.P.
13. Hon. Mohamed Diriye Abdullahi, M.P.

IN-ATTENDANCE

FRIEND OF THE COMMITTEE

1. Hon. Ali Wario, M.P

PETITIONERS

1. Hon. Ahmed Ibrahim Abass, M.P - **Petitioner**
2. Hon. Silverse Anami, M.P - **Petitioner**

THE NATIONAL ASSEMBLY

1. Ms. Chebet Koskei - Clerk Assistant II
2. Mr. Hassan A. Arale - Clerk Assistant III
3. Ms. Fatuma Abdi - Audio Officer

MINISTRY OF ENVIRONMENT, NATURAL RESOURCES & REGIONAL DEVELOPMENT(MENR) OFFICIALS

1. Prof. Judi W. Wakhungu - Cabinet Secretary, MENR
2. Dr. Margaret Mwakima - Principal Secretary State Department for Natural Resources
3. Mr. Emilio Mugo - Director Kenya Forest Service (KFS)
4. Mr. Ephraim Mugo - Deputy Director, KFS

MIN.NO. DC-ENR/0114/2016 - PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The chair then welcomed the members to the meeting.

MIN. NO. DC-ENR/0115/2016 – MEETING WITH CABINET SECRETARY MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES ON THE PETITION ON THE IRREGULAR GAZETEMENT OF BONI/IJARAFORST.

The Cabinet Secretary was asked to response to the following issues;

1. What informed the Gazettement;
2. Whether public participation was carried out before the gazettement;
3. The exact location and acreage of the Gazetted forest ; and
4. Provide the map of the Gazetted area.

The Cabinet Secretary responded as follows:

1. The Gazettement was informed by a request from the community that has been pushing for Gazettement over time as from the 1960s;
2. Public participation was carried out, she tabled a list of the dates of the public participation activities;

3. The Boni Forest Complex cuts across Garissa and Lamu Counties and extends into Somalia as reflected on Boundary Plan Nos. 175/433 and 175/434. (The CS tabled a map of the area)

Mr. Emilio Mugo, the Director, Kenya Forest Service informed the Committee that:

Public participation was carried out prior to the Gazettement of Boni/Ijara forest, further, the County government of Garissa was involved in the decision in making and would provide necessary correspondence to this effect as proof of engagement with the County government; The Kenya forest service has no intention of displacing communities but only committed to the sustainability of the ecosystem, security and environmental concerns and therefore said it is ready to get a solution to the problem and operate. Security concerns was part of the motivation for the gazettelement

Hon. Ahmed Ibrahim Abass, M.P responded to the submission by the Cabinet Secretary and the Director, KFS as follows:

That no consultation with the Ijara people were carried out, He further said that, pastoralism is the main economic activity and gazetting the forest was going to deny the community grazing areas and subsequently deny them their livelihood. Finally, Hon. Abass, M.P he requested the Committee and ministry officials to carry out a fact finding visit to the area.

Hon. Ali Wario, M.P submitted as follows:

The honorable Member said that, the pastoralist communities are not respected in this Country since they are not consulted when gazetting their grazing land as it happened in Bura and Wayu forest with no compensation and that, Community land is a County Government responsibility and unsubstantiated security reasons should not be used to deny them their rights of participation.

MIN.NO.DC-ENR/0116/2016- PRESENTATION BY THE CABINET SECRETARY MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES ON THE PETITION ON THE DEFORESTATION OF KAKAMEGA RAIN FOREST.

The Hon. Silverse Anami, M.P for Shinyalu Constituency drew the attention of the Committee Members and the cabinet secretary on the following,

- I. THAT, Kakamega forest was first gazette as a trust Forest in 1933, and later on in 1986 a total of 4,000 hectares of the northern portion of the forest, along with the adjacent 457 hectares of Kisere Forest, were amalgamated and gazette as Kakamega , National Park;
- II. THAT, the forest is an important catchment for Isiukhu and Yala Rivers, holds a large and diverse wildlife population and with over 16 species of birds found only in Kenya (the highest in the country), is a top bird- watching destination;

- III. THAT, the forest a coverage of 14,800 Hectares out of which 11,000 hectares are covered with indigenous tree species while 1,600 hectares are covered with exotic trees like Pynus, Cyprus and Eucalyptus, and is thus an area that is often illegally exploited for commercial purposes;
- IV. THAT, the Kenya Forest Services issues logging permits for mature exotic trees only yet indigenous trees are also harvested with rogue loggers hiding indigenous wood beneath exotic wood in trailers to avoid detection during transportation;
- V. THAT, this exercise has affected rain patterns, water availability, and food security and consequently the livelihood of the rain reliant community;
- VI. THAT, efforts made to correct the situation have proved futile;
- VII. THAT, the matter presented in this petition is not pending before any tribunal or court of law;

Therefore the humble petitioner prayers are that; the National Assembly through the Departmental Committee on Environment and National Resources;

- I. Recommends that the Kenya Forest Services, National Environmental Management Authority and other relevant government agencies in consultation with the local Community find a way to halt the deforestation;
- II. Ensures reforestation with a view to restoring the indigenous species of tree; and
- III. Make any other order and/ or direction that it deems fit in the circumstances of the case.

The following questions were raised:

1. Measures being undertaken by the Kenya Forest Service to protect indigenous trees in Kakamega Rain Forest
2. Mechanisms that, have been put in place to regulate logging at the forest

The Cabinet Secretary responded as follows:

- (i) Kenya Forest Service has adopted integrated patrol and surveillance measures for detection of illegal and unauthorized activities in the forest area. These includes monthly aerial flights over Kakamega forest among others in the western region , joint patrols with community forest scouts management and linking with the national police service in investigations and prosecution of offenders
- (ii) harvesting of exotic forest plantations are regulated by the forest harvesting plans that, have been developed to guide the area, species, time and mode of harvesting of the populations. Harvesting of trees in the forest is a public activity that must first be authorized by the director of forests and is restricted to the sub compartments of operation. This is carried out by licensed Saw Millers.

Submission by Hon. Silverse Anami, M.P

The honorable Member informed the meeting that,

- (i) Deforestation of Kakamega rain forest had altered the rainfall patterns in the area;

- (ii) Loggers were felling indigenous trees and there was indication of collusion with the Kenya Forest Officials;
- (iii) There was need to carry out EIAs before harvesting of trees to establish the impact of harvesting;
- (iv) There was skewed surveillance creating loophole for illegal loggers to harvest indigenous trees
- (v) Civil society who wished to access the forest for conservation were not allowed in the forest

The Director, Kenya Forest Service informed the Committee that:

- (i) Only of 2% of the forest area is under plantation and therefore can only support 3-4 Middle sized saw mill firms
- (ii) In a forest harvesting plan a reforestation plan is incorporated
- (iii) Ferrying of trees is done at one designated area in the planation and those not complying should have action taken against them
- (iv) The forest had the most active Community forest Associations who have taken up various green economic activities such carbon credit and butterfly project.
- (v) Open areas inside the forest are not necessarily due to afforestation but are natural glades.

Committee Concerns:

- I. There is need to rehabilitate roads within the forest for ease of access.
- II. There need to have an interface between the community, Kenya Forest Service, Kenya wildlife service and the National Environment Management Authority.

Way Forward:

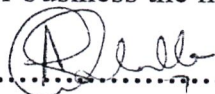
- I. The ministry should closely work with all stakeholders to preserve the forest.
- II. In future consultation with the communities and local leadership before gazetting community lands.

MIN.NO. DC-ENR/0116/2016:

ADJOURNMENT

There being no other business the meeting was adjourned at 11.10 am.

SIGNED.....



(Chairperson)

14/6/2016

DATE.....

ANNEXTURES 3- SUBMISSIONS



22
65

**MINISTRY OF ENVIRONMENT, NATURAL RESOURCES AND REGIONAL
DEVELOPMENT AUTHORITIES
CABINET SECRETARY'S OFFICE**

Telegrams: "NATURE" Nairobi
Telephone: Nairobi +254 20 2730808
Fax: Nairobi +254 20 2734722
E-mail: cs@environment.go.ke
Website: www.environment.go.ke

CABINET SECRETARY'S OFFICE
NHIF BUILDING
RAGATI ROAD
P.O. Box 30126 - 00100
NAIROBI

Ref. DENR/ADM/16/1/VOL V

Date: 21st April, 2016

Mr. Justin Bundi, CBS
Clerk
National Assembly
P.O. BOX 41842 - 00100
Parliament Buildings
NAIROBI

① D/Committee

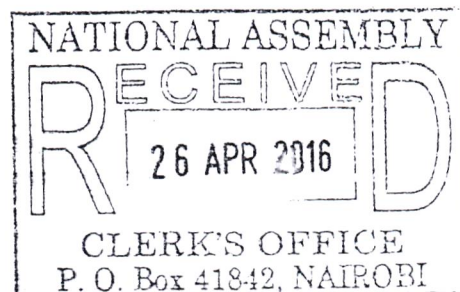
② CHEBET
pls def
FA

MEETING WITH THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES ON 27/4

This is in reference to your letter Ref. KNA/DC/ENR/22/2016 dated 30th March, 2016 and another Ref. KNA/DC/ENR/24/2016 dated 14th April, 2016 regarding the subject above.

Attached please find responses for the petition presented to the National Assembly by Hon. Ahmed Abass, MP on behalf of Ijara Constituency regarding gazettment of Boni/Ijara Forest and a petition by Hon. Silverse Anami, MP on the deforestation of Kakamega rain Forest.


PROF. JUDI WAKHUNGU, EGH
CABINET SECRETARY



**PETITION BY THE HON. SILVERSE ANAMI, MP FOR SHINYALU
CONSTITUENCY ON DEFORESTATION OF KAKAMEGA RAIN
FOREST**

This response in reference to a petition by Residents of Kakamega on the reported deforestation of the Kakamega Rain Forest and which was presented by the Shinyalu MP to the House on 12th April 2016.

Consequent to the above, the Departmental Committee on Environment and Natural Resources has sought clarification on issues raised. The issues to be addressed and the answers thereof are as follow:-

Issue 1: Measures being undertaken by Kenya Forest Service to protect Indigenous trees in Kakamega Rain Forest.

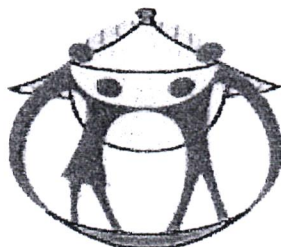
Answer

Kenya Forest Service has adopted integrated patrol and surveillance measures for detection of illegal and unauthorized activities in the forest area. These include monthly aerial flights over Kakamega forest among others in the western region, joint patrols with community forest scouts, Involvement of the Community Forest Association in forest management and linking with the National Police Service in investigations and prosecution of offenders.

INVESTIGATION OF DESTRUCTIVE ACTIVITIES AND
INVOLVMENT OF THE LOCAL COMMUNITY IN THE
RESERVATION, RESTORATION AND SUSTAINABLE
MANAGEMENT OF THE KAKAMEGA FOREST ECOSYSTEM
(KFE)

A PETITION PRESENTED TO THE
PARLIAMENTARY COMMITTEE ON ENVIRONMENT

BY



SHINYALU PROFESSIONALS
DEVELOPMENT & SUPPORT
NETWORK
Arise & Shine

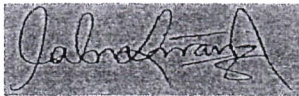


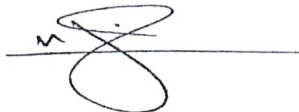



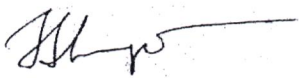
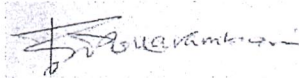
(SPNET)

JUNE 2016

Contents

1. Background.....	3
2. Problem Statement.....	8
3. Rationale for the Petition.....	15
4. The goal of the Petition.....	19
5. Recommendations.....	20

MEMBERSHIP

<u>NAME</u>		<u>ROLE</u>	<u>SIGNATURE</u>
1. Charles Misicko Lwanga	-	Chairman	
2. Faith Anjili Okuku	-	Secretary	
3. Dr. Dennis Khamati	-	Member	
4. Godfrey Musoka	-	Member	
5. Rogan Miheso	-	Member	
6. Allan Muhalia	-	Member	
7. Zippy Shiyoya	-	Member	
8. Geoffrey Aluvala Shimanyula	-	Member	
9. Fred Kachelo	-	Member	

10. Co-option/Support

Hon. Siverse Lisamula Anami - MNA – Shinyalu Constituency _____

1.9 Background

Kakamega forest, the only tropical rainforest in Kenya, is a remnant of the *Guineo-Congolian* type that stretched all across Central Africa and is home to various fauna and flora¹. The forest straddles Shinyalu and Hamisi Constituencies in Kakamega and Vihiga Counties respectively. In Shinyalu, it is the Isukha people who live in close proximity to the forest and have actively undertaken conservation of the forest as part of their heritage. The community has a deep connection with the forest as they benefit from it in environmental, cultural and spiritual ways. This forest plays a very big role in the everyday lives of the community². It is a very important source of food, medicine and spiritual nourishment to the community. Before the takeover by the FD (and later by KFS), the ecosystems of the forest have evolved over thousands of years through active Isukha interaction with the land and management of its resources. The participation of the community, who are the traditional owners; and their cultural knowledge and perspectives of plants, animals and ecological processes creates a special context and/or condition for conservation management and use of the Area. Activities such as hunting and gathering, harvesting of raw materials for herbal medicine, shelter, tools of work, traditional ceremonies or art and craft are essential for the maintenance of Isukha culture and have always been integral to the ecology of the forest. For the Isukha people, this *historical continuity* is characterized by;

- occupation of ancestral land, or at least a part of it;
- common ancestry with the original occupants of this land;
- Culture in general, or in specific manifestations (such as religion, membership of the community, initiation ceremonies, burial rites, dress codes, means of livelihood, life-style, etc.);
- language (whether used as the only language, as mother tongue, as the habitual means of communication at home or in the family, or as the main, preferred, habitual, general or normal language);

Farming is the primary economic activity in the area and is hinged on natural rainfall sustained by this ecosystem as presented by the forest. The implication of this being that conservation of the forest is inextricably linked with the survival of the community. It is this same community which is on the frontline of those who will suffer the most were the forest to be decimated, including their cultural and spiritual values and shrines etc.

¹ http://www.kws.org/parks/parks_reserves/KNFR.html

² Ipara, Hellen Ingado, 2004

Indigenous wildlife resource management systems : a study of the Isukha community of Western Kenya

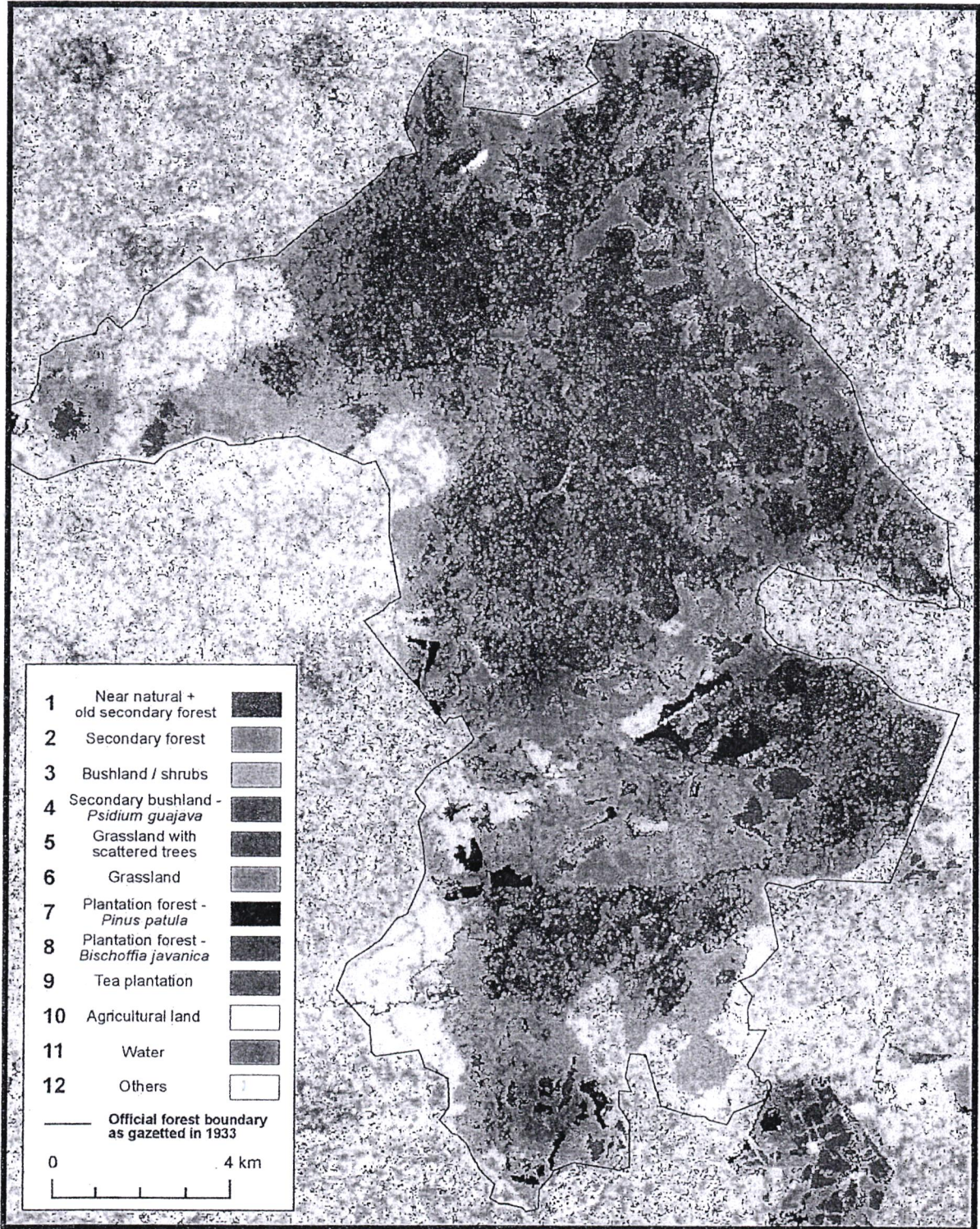


Fig. 1: The remnants of the Kakamega Forest Ecosystem (KFE) – Less than 50% remaining as at 2010.

This is in contrast with the conservation efforts in Kenya in which case the management of natural resources such as Kakamega forest largely encompasses the administrative, legislative, social and technical measures involved in the conservation and use of the forest and its wildlife inhabitants. It is here that statutory bodies such as KFS and KWS have been given a free hand to manage natural resources through the Protected Area Approach, to the exclusion of the local community. The Protected Area Approach may explain why, since the colonial times, the management of the forest has been undergoing tremendous changes, which have had a negative impact on both the ecosystem in particular and the local community in general.

In 2014, a number of professionals from the community came together to form the Shinyalu Professionals Development Network (SPNET). The aim of the CBO is to coordinate and coalesce community development issues in Shinyalu. Naturally, the forest has become one of the core areas of our agenda. We recognise that the forest is important to our community for the opportunity it provides for indigenous management of resources and the socio-economic benefits arising out of this management regime. The Isukha people have the rights, knowledge and its indigenous technology which makes it possible for them to manage their environmental resource. Their culture, as demonstrated in their indigenous knowledge is a major pathway of managing this fragile forest ecosystem. A major aspect of their culture which demonstrates the importance of the resources to the people is a system of linguistic genres, beliefs and rituals related to the marine resources. This is a system of teachings, rituals, taboos, proverbs, songs, curses and spells that touch on the forest resources.

Our position is that natural resources management planning around Kakamega forest does not look at the wider socio-economic implications of resources management. The essential role of the forest resources in supplying the basic needs of the local community or their important value to the environment, including their indigenous management systems, has been downplayed, if not ignored completely. That is why we are asserting that in view of the advances in human rights discourse and the thinking of conservationists in addition to expanding anthropological research into natural resource management, the government must accept that conservation of Kakamega forest can and must be achieved in collaboration with the indigenous people and should be based on respect for their internationally recognised rights. However, the protected areas approach continues to be imposed according to the colonial model, hence the reason why we are questioning the extent to which there

is real commitment in giving conservation a human and therefore, indigenous cultural dimension. This CBO as a mouthpiece of the local community, is demanding a total inclusion and balance between government bodies and the local community in the management of this enormous and sentimental natural resource. We (SPNET), recognize the fact that there has been previous efforts to partner with other CBOs/entities like Mu-Ile-Shi, KEEP etc., however in as much as they have tried to stay close to the forest, not much has been achieved within the context of protecting the ecosystem, since it has not only been continually decimated, but the contamination by exotic (foreign) species has been upheld hence threatening to reduce this to an ordinary plantation forest, a real threat to the Kakamega Forest Ecosystem (KFE).

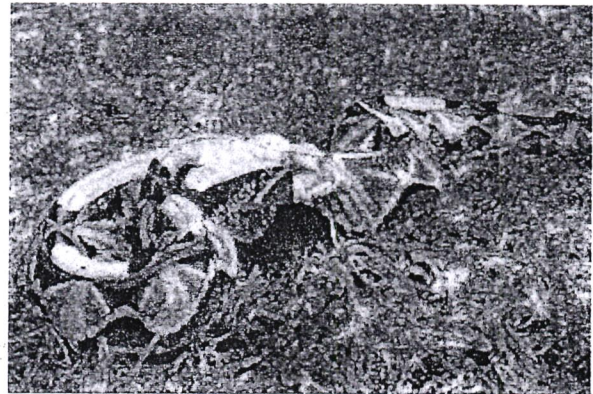
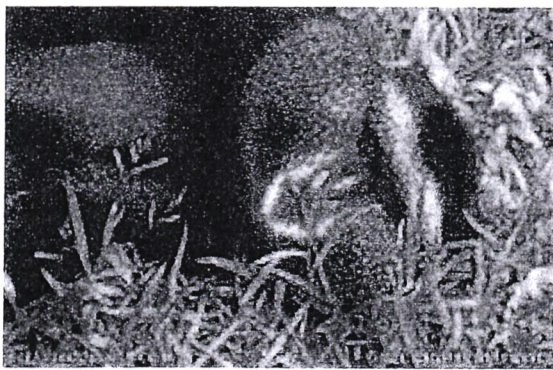


Fig. 2: Some of the fast disappearing species of Fauna because of contamination of indigenous flora by exotic species

In a nutshell, there is a legislation reinforced through government agencies mainly KFS and KWS however, the local community is challenged due to limited knowledge, lack of financial resources to fully participate in the economic aspect of this natural resource. This is usually experienced whenever there is conflict between the local community and the authorities. It is also seen when logging is done, locals are being bought out, and this leaves the only the financially able participate. The CBO in partnership with local leaders and friends of Kakamega forest must and wish to engage the government in challenging the status quo by presenting a petition to parliament.

2. Problem Statement

Forests play a crucial role in the lives of communities and nations globally. Apart from being reservoirs of other forms of biodiversity, they are in general terms, important as water catchments, soil erosion barriers, sources of timber and non-timber products in addition to being habitats to wildlife. They also provide a very important service in the new and growing leisure industry, which involves the '*non – consumptive*' uses of this eco-system like view sheds, hiking, camping, biodiversity protection and eco-tourism. Forests also provide very important ecosystem essential services that are generally considered to be 'free' and this include nutrient cycling, soil formation, oxygen production, carbon sequestration and climate regulation. It is believed that forest biodiversity has also a '*hidden*' value locked up in its genetic stock whose potential value is not yet known / researched. Over time, alternative medicine has been largely accepted and embraced with our population and where else do we find the all-important raw materials for alternative medicine if not in these forests?

In Kenya, forest cover as of now covers a paltry 2.8% as opposed to the UN recommended level of 10% of the total land mass which can be classified by region according to climatic conditions, i.e. coastal forest region, dry zone forest region, montane forest region and the western rain forest region into which lies Kakamega forest. But despite the relatively small coverage, there is a high dependency by the population on our forests for provision of wood and related non-wood products.

As noted in recent studies, it is estimated that about 3 million forest adjacent dwellers in Kenya depend on forests for the provision of all households' wood fuel and other wood product needs.

In Kenya, forests can be classified by region according to climatic conditions: Coastal forest region, dry zone forest region, montane forest region and the western rain forest region (in which Kakamega forest is found), and they are managed by different management regimes that have different legal mandate. Majority of the closed canopy forests are gazetted as forest reserves under the Forestry Act

(Cap 385 of the laws of Kenya) and are managed by the Kenya Forest Service (KFS) under the Ministry of Environment and Natural resources. Some closed canopy forests are gazetted as national parks and national reserves and are managed by the Kenya Wildlife Service (KWS). KFS and KWS have entered into a memorandum of understanding to oversee management of forests whose biodiversity is threatened (Kakamega forest is one such example). An estimated 100,000 ha of forests in Kenya are under Trust land, managed by the Ministry of Local Government through the county councils (local authorities, now county governments), which hold the land in trust for the local people, and yet some areas of indigenous forests are under private ownership.

Among the few remaining indigenous forests in Kenya, Kakamega Forest occupies a unique place in the whole of the Kenya ecosystem landscape. It is the only remaining patch of Kenya's *Guineo - Congolese* rain forest, which spanned from west and central Africa, with its easternmost edge in western Kenya. The Forest is famous for its diversity of unique and numerous flora and fauna. Throughout time, this ecosystem has gone through various stages of change until now. Early records indicate that the first forest boundary was physically established around 1908-1910. This boundary was modified in 1912-13 and later in 1929-1932. The annual government report of 1918 indicates that there was opposition to any sort of control of the forest by government (Mitchell, 2004). At that time, Kakamega Forest was managed by the local people through their village elders who were responsible to the local native council. In 1931, the then Forest Department (FD) took over the management of the forest against a very strong objection of the local Isukha people, who wished to retain control as the case had been since the days of their ancestors. Despite this opposition, Kakamega Forest was still gazetted as trust land forest on 13th February, 1933, which legally meant that although the forest would remain the property of the local people, the government would manage it on their behalf. The argument for this 'take over' was for the 'improvement' and 'maximization' of its economic benefits.

After numerous complains, a few customary rights of the people to the forest were reinstated by special rules released in 1959 and 1964 allowing local residents the right to use the forest for grazing, cultivation and collection of firewood. However, unfortunately in 1964, the forest was declared hurriedly (almost secretly) a 'central government forest' which technically meant that it no longer belonged to the local people but to the nation as a whole. This situation remained in force and unknown to the locals, until they started encountering frequent arrests from the 'administrators' contrary to the

earlier agreement they were used to and that had been in force. The entry of the national government and other forms of control brought in policies that clearly negated the original idea of indigenous conservation i.e. retaining the indigenous plant/tree and wildlife species. Parts of the forest were wantonly harvested and the valuable indigenous species cleared off in favor of fast growing exotic breeds. To calm the disquiet from the locals, an arrangement was reached where they were allowed to participate under a non-resident cultivation (NRC) locally known as “*shamba*” system in which people were allowed to cultivate land in the forest without owning it while tending tree seedlings

Many changes were put in place that have seen the forest change both in spatial structure, administration and composition of the ecosystem. With the continual decimation and destruction of the entire forest block, two areas were officially excised from the forest to create the Kakamega National Reserve, comprising Kisere fragment and the northwestern part of the main forest block also called Buyangu in 1986 as a national reserve. This idea was to *protect* and *preserve* the less disturbed area that is representative of the original Kakamega Forest block.

The southern part of the main forest block and several minor forest fragments (such as Malava) are managed by the Kenya Forest Service (KFS). There also exists a small fragment of the forest in the Southwestern side of the main block known as Kaimosi. This fragment has been under the management of the Quakers church mission since early 1900s. Part of it has been cleared for construction of a conglomerate of several education institutions. Although in 1984 a presidential directive banned the conversion of indigenous forest to plantations and another in 1988 banning the cutting of indigenous forest trees, a memorandum of understanding was drawn between the then FD and KWS in 1991, who were supposed to work closely together, but in retrospect saw many of the rules not strictly enforced by the FD while in contrast, the KWS very strictly prohibited forest extraction in the National Reserve.

From the foregoing it's clear therefore that, over the years the forest has been subjected to destructive activities of various kinds from both the locals and the administrators:

i) *Conversion of fringes of the forest into farmland*

Since the pre-colonial days, the local people have been actively converting parts of the fringes of the forest into farmland, a process that was temporarily stopped after attempts by the FD were made to map and plant a ‘protective strip’ of tea bushes under the Nyayo

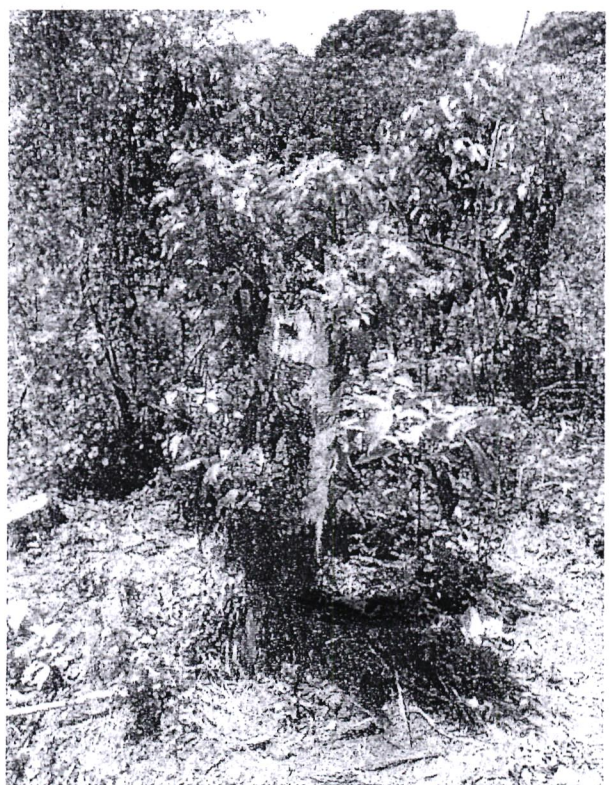
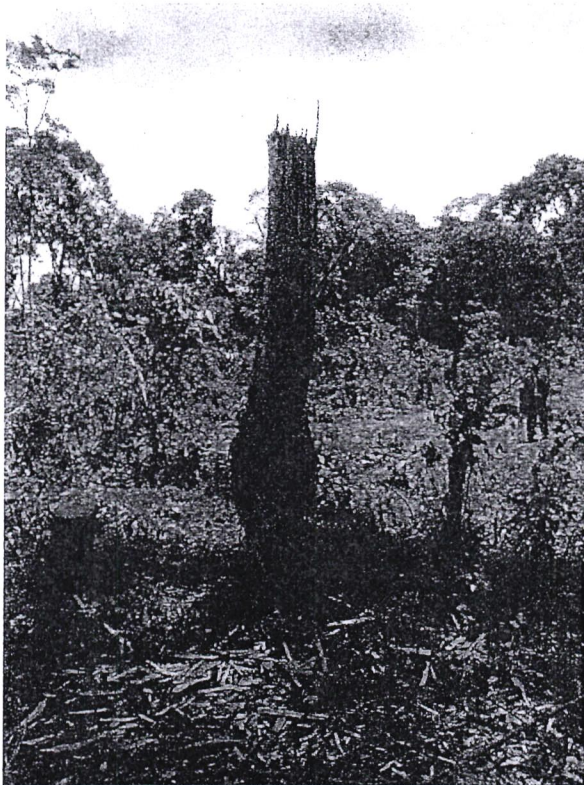
tea zone project. This process has and has seen the extent of the forest drastically reduced from its original state, with some areas under threat of alienation and grabbing.

ii) *Destruction of the natural ecosystem*

Since the Forest Department came into play, felling of indigenous species was effected in favor of exotic varieties. From the environmental and scientific point of view, simply planting trees does not guarantee creation of a working Forest Ecosystem. The perfect situation can only be accomplished if there exists all the plant and animal species that nature provides from the smallest flowers through woody shrubs and under storey trees with the complex interaction of the minute flora/fauna to the giant living mammals. This kind of interaction is necessary for it to thrive hence the action of KFS replacing indigenous trees with exotic ones is not sustainable and is and continues to be a great threat to this ecosystem. This has seriously affected the natural interaction between the forest and other dependent species around it

iii) *Illegal logging in the forest*

Various massive destructive activities have occurred, e.g. logging, timber extraction by saw millers and fuel wood collection/extraction and charcoal burning by the local people. In the post- independence years, other illegal destructive activities have continued both due to commercial and domestic demands, the local participation being predominantly through the then introduced non-resident cultivation (NRC) or commonly referred to as '*shamba system*' which was however banned in 1987 in most parts of the forest except those managed by the FD. This has been exacerbated by uncontrolled and unsupervised harvesting of the exotic breeds at maturity as is the current situation on the ground, and encourages illegal logging of indigenous species.





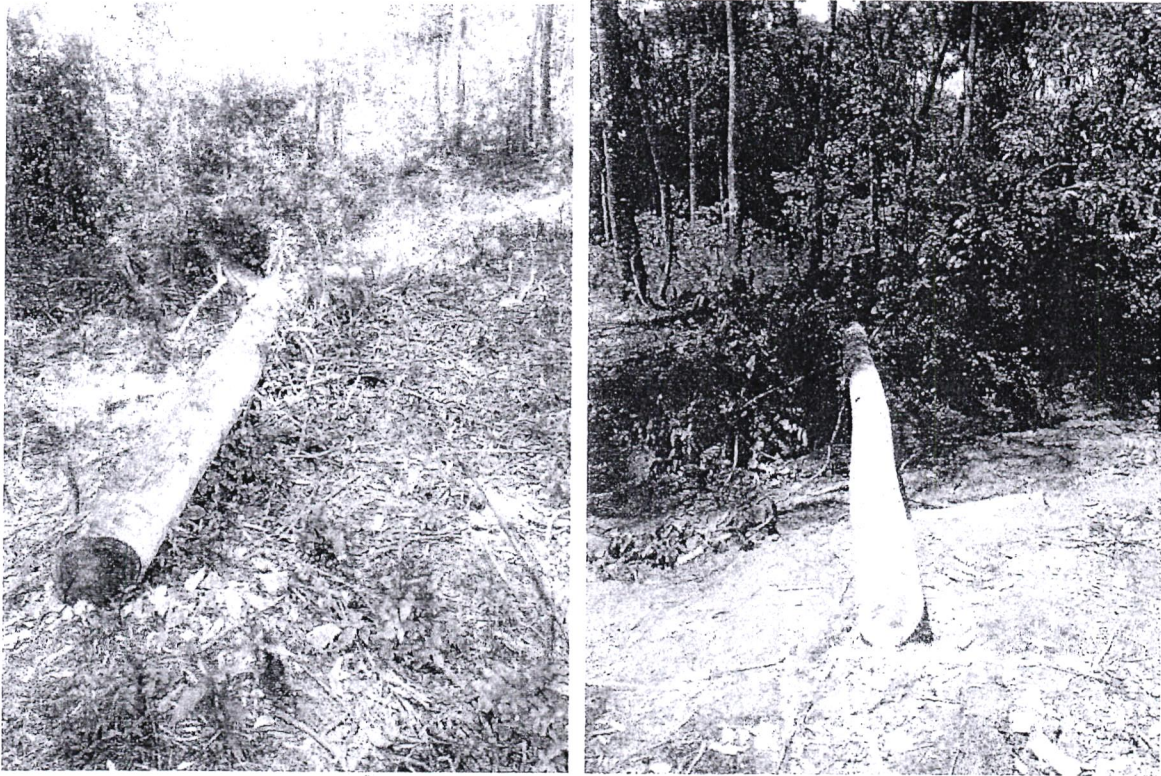


Fig. 3: Some of the destructive activities in the Forest Ecosystem

iv) *Population pressure*

Overall, the size of the forest has been shrinking rapidly due to human population growth and increased resource extraction in the last century. In the last three decades, approximately 20% of the forest has been lost (Lung and Schaab, 2004). Despite being protected by the state, local communities are over-dependent on the forest for their basic needs such as wood-fuel-, charcoal, building materials, fruits, honey, mushrooms, traditional medicinal plants, game meat, grazing land and timber products etc. (see fig. 1 for encroachment)

v) *Non-involvement of the local community in conservation efforts*

The forest administrators have not sensitized the local community on ownership of this important resource as was the case before 1930s. They view the forest as *'foreign'* in their midst hence the motivation to conserve it is nonexistent. Frequent arrests by the KFS and KWS security over flimsy reasons has further alienated this resource and worsened

the situation contrary to their ancestral and cultural beliefs.

vi) *Uncontrolled activities in the forest*

As the only remaining remnant of the *Guineo-Congolean* rain forest, it harbors and attracts a myriad of activities both from local and the international community in both research and tourism. Lack of proper policy and coordination creates conflict in conservation measures and is a serious threat to the under-storey fauna and the small wildlife species that should otherwise roam the forest, some of which are now extinct. The extrahuman traffic in and out of the forest is a threat to the regeneration of the forest under-storey fauna which is key to the sustainability of the big plant species



Fig. 4: Human activity in the forest – a threat?

vii) *Conflict in management policy*

The administration of the forest under two entities (KFS & KWS) has created conflict in the overall management of the forest. The program dubbed '*re-afforestation*' by KFS creates a loophole in forest destruction through corrupt practices. Valuable tree species are felled and in their place '*re-afforested*' (replaced) with inferior non tropical breeds that do not '*blend*' well with tropical species.

3. Rationale for the Petition

The total area of world forests (with crown cover more than 10%) at the end of the year 2000 was 3.5 billion ha, of which 1700 million ha were in developed countries and 1800 million in developing countries³. The extent of World's Remaining Closed Forests (WRCF) in 1995 was estimated at approximately 2.87 billion hectares, which occupies about 21.4% of land area of the world. Only about 9.4% of the WRCF have been accorded some sort of a formal protection status. FAO estimated total annual deforestation in the tropics during 1980-1990 to be 15.4 million ha. During the last two decades forests have attracted unprecedented global attention. The Forestry Principles agreed upon during the World Earth Summit on sustainable development in 2002 and the Convention on Biological Diversity have called for the protection of forests⁴. However, forest resources around the world are increasingly under threat due to conversion of forestlands to other land uses and overexploitation of forests for timber.

In recent times, changing patterns in landscape and natural resource cover appear to be more localized in forested areas than other land cover zones. As a result, it is very important to know how land cover has changed over time in order to assess the impact of these changes on the existing natural resources in view of rising population pressure. People exploit natural resources in ecosystems increasingly for socio-economic benefits. Gradually, this leads to loss of services provided by these ecosystems. For instance, agriculture expansion into forestland triggers natural habitat destruction, faunal and floral species decline, interference of nesting and breeding grounds of birds thereby deteriorating the services that people are dependent upon.

Catchment forests sustain critical sources of water, a commodity that in itself is crucial to the well-being of humanity and a key resource in virtually all sectors of the economy. Forests in water catchment areas have fluctuated drastically in last two decades, affecting endemic biodiversity as well as above and below ground hydrological systems. Furthermore, effect of water flow levels regulated by forest as a hydropower energy source is now perennially below reserve supply. Kenyan forests no longer optimally sustain environmental and economic benefits such as raw materials for industry, food, shelter, biodiversity conservation and carbon sequestration. This is epitomized by increased poverty as an anthropogenic factor of last resort on forests to supplement income. The major upstream forest

³ UNEP 2000

⁴ FAO, 2004

belts have been targets for encroachment, legal and illegal logging and excisions, triggering heavy erosion and silting in dams or flash floods in the regions downstream and that causes great economic loss and damage. Kenya is considered to be a low Forest Cover country as it has less than 10% of the total land area classified as forests with indigenous closed canopy forests in Kenya are estimated to cover less than 1.7% of the country's total land surface area.

Kakamega forest in particular has been changing in dimension due to several factors such as illegal excisions within the indigenous forest, selective cutting of the commercially viable trees, unauthorized settlements and uncontrolled grazing within the forest. These factors have reduced the natural forest either in area extent or its potential value due to over exploitation. Monitoring these changes is an essential contribution to proper management of the forest.

It is also important to consider the ecological status of a forest, and, as well provide information on the factors in the surrounding areas that have an impact on the status of a forest. The need to increase area planted with cash crops like tea, subsistence food crops (such as maize, beans), horticultural crops, human settlements, livestock grazing and agroforestry at the expense of forested land adversely affect the resource. Densely populated areas around the forest often demand firewood, building and fencing poles. For us, understanding the forest resources and their ecological status enables the derivation of the critical minimum size required of a forest to sustain itself. Such knowledge would enable development plans to select areas for preservation and conservation.

The mortality and morbidity of biodiversity in the forest is of great concern to the community. Initially the forest was a habitat of large animals including Elephants, Buffaloes, Lions and Leopards which have disappeared with time due to anthropogenic activities. Reduced and turbid water levels in River Lukose and River Isiukhu have also had a negative impact on the aquatic biodiversity. Hippopotamus and several bird species have disappeared from the ecosystem. Unlike two decades ago, it is rare to encounter such bird species as *Likholobe*, *Ikhutubili*, *Shichionjionjio*, and *Inangobwa* among others. Some of the medicinal trees and shrubs that are now becoming extinct due to logging include *Liposhe*, *lumetsani*, *Indalandalwa*, *Munyama*, *Indel'lesia*, *Munamusai*, *Murenjelitso*, *Mukabakaba*, *Murembe*, *Lusui*, *Mukombelo* amongst others. Some of these plants were used by the local community to treat humans and their domestic animals against local ailments.

The reduction of the forest canopy through logging and replacement by exotic species has also affected the nesting habitats of several faunal species including birds and beetles with adverse effects on the community in terms of cultural resources. The emergence of mosquitoes in the region can be attributed to the deforestation and other disease causing agents. Accelerated soil erosion caused by surface runoff are now a common phenomenon on our river banks that have their source in the forest. The community is now experiencing increased cases of water related diseases including water borne, water based and vector related which can be attributed to the changes in the forest habitat environment. Precipitation in the region was predictable with long rains between April and June and short rains around October and November but the situation has changed hence our farmers are experiencing challenges since they depend on rain-fed agriculture.

In an effort to conserve the forest through the aforementioned Protected Area Approach (PAA), the local community has been forgotten, alienated and routinely ignored, except for small groups that are hastily constituted to camouflage community involvement. Some charge a registration fee as high as Kshs 500.00 (five hundred) which unfortunately reduces access to the forest to an exclusive club, which is not only discriminative, but unethical since the ecosystem is an Isukha cultural heritage which every Isukha has a right by birth. Furthermore, we know that the various ecosystems of the forest have evolved over thousands of years through active Isukha clan interaction with the land and management of its resources. The participation of community, who are the traditional owners and their cultural knowledge and perspectives of plants, animals and ecological processes creates a special context for conservation management and use of the Area. Activities such as hunting and gathering, and harvesting of materials for medicine, shelter, tools, ceremony or art and craft are essential for the maintenance of Isukha culture and have always been integral to the ecology of the forest.

Inevitably cultural and spiritual values involve the beliefs and practices of the community in relation to their use and conservation of biodiversity. Although the traditional livelihood systems of the community are constantly adapting to new and changing social, economic and environmental conditions, these dynamics among the Isukha embrace principles of ecological sustainability, especially in regard to the forest, which they regard as sacred. These principles generally emphasize the following values:

- co-operation;
- family bonding and cross-generational communication, including links with ancestors;

- concern for the well-being of future generations;
- local-scale self-sufficiency, and reliance on locally available natural resources;
- rights to the forest areas, territories and resources which tend to be collective and inalienable rather than individual and alienable;
- restraint in forest resource exploitation and respect for nature, especially for sacred sites in the forest

In addition, the forest provides the following sacred services:

- Sites for rituals/cleansing ceremonies
- Sanctuary for sacred plants
- Sites for special prayers
- Sources of herbal medicine
- Efficacy, availability and affordability of herbal medicine
- Sources of food
- Sources of construction materials for their traditional huts
- Burial sites for heroes
- Sites for cultural teachings
- Sanctuary for sacred animals and plants (ritual conservation)
- Sites for sacrifices
- Sites for circumcision of boys (in the past)

Indigenous knowledge of the forest and its resources is highly pragmatic. The Isukha view this knowledge as emanating from a *spiritual* base. For them all creation is sacred, and the sacred and secular are inseparable. Among the community members we have ecological experts who are peculiarly aware of nature's organizing principles, sometimes described as entities, spirits or natural law. They therefore view themselves as guardians and stewards of nature. Harmony and equilibrium among components of the cosmos are central concepts in the Isukha cosmology. They therefore recognise linkages between health, diet, properties of different foods and medicinal plants, and horticultural/ natural resource management practices.

This is in contrast with the conservation efforts in Kenya in which case the management of natural resources such Kakamega forest largely encompasses the administrative, legislative, social and

technical measures involved in the conservation and use of forest and wildlife products. Therefore, the concept of sustainable use entails controlled harvest of economic products while at the same time maintaining the ecosystem in as natural, or close to its original pristine state as possible, usually to the exclusion of the local community.

4. The goal of the Petition

It is against this background that there is a concern that the ongoing human activities in the forest be interrogated because they will and continue to have an adverse impact on the biodiversity of the forest, local livelihoods, and micro and macro climate. We wish to draw the attention of the committee that this petition is in resonance with international protocols and treaties in regard to management of natural resources especially this fragile ecosystem into which this forest is grouped, where local communities are concerned. For instance, the Convention on Biological Diversity (CBD) is one of the major international forces in recognizing the role of indigenous and local communities in *in situ* conservation. The Preamble recognizes that:

'Close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components.'

Article 8(j) of the Convention on Biological Diversity (CBD) spells out a specific obligation of each Contracting Party:

'... subject to its national legislation, [to] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional life-styles relevant for the conservation and sustainable use of biological diversity and promote the wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.'

The CBD also enshrines the importance of customary practice in biodiversity conservation and calls for its protection and for equitable benefit-sharing from the use and application of 'traditional technologies' (Articles 10(c) and 18.4).

Therefore, this CBO in partnership with local leaders and genuine friends of Kakamega forest want to engage the government to challenge the current status quo by presenting a petition to parliament. We propose that our petition will be considered a success if the petition is presented and heard, and a budget allocation made and disbursed for 2016 /2017 financial year as a matter of urgency. The impact of the engagement can be assessed by improving an area allocated for eco-tourism within the

forest (Proposed Isicheno area). We wish to partner with stakeholders such as the Ministry of Tourism and the National Museums of Kenya to promote tourism in the western Kenya circuit to both local and international tourists. We also wish to partner with the relevant stakeholders in carrying out research and conservation efforts in restoring the forest. Some deliverables would include:

- 1) A park
- 2) Botanical garden
- 3) Build a butterfly conservatory
- 4) Promote other economic ventures e.g.
 - a. Summer/holiday camps
 - b. Youth camps
 - c. Bird watching tours
 - d. Study camps targeting International schools/ scientists
 - e. Groups with disability camps – at a very subsidized price
 - f. Senior citizens – if they can venture out
 - g. Camping facilities upgraded to world class standards/perhaps partner with some international brands in Hotel industry with a tented camp option
 - h. Conference facilities –used by the County government, so the financial resources circulate within the county
 - i. Other programs
 1. Gardening
 2. Tree nurseries
 3. Culinary science school etc.

In conclusion, we hope the committee will positively consider our petition as this would indeed create more opportunities for empowering the community and in turn the community would then take care of this Natural Resource for future generations.

5. Recommendations

- a. Visit to the forest by the Parliamentary Committee with a view to ascertaining the destructive activities going on.
- b. The forest should be restored as much as possible to its original status as an indigenous forest and the mature indigenous trees preserved.
- c. The forest should be considered as a RAMSAR site

- d. Logging in the forest should be suspended forthwith until proper measures to protect and replenish the indigenous trees are put in place.
- e. Research by local and international researchers should be monitored and controlled to stem possible extraction of species for commercial purposes
- f. Involvement of the local community in the management of the forest.
- g. The ecosystem is not like any other plantation forest in Kenya, therefore a special management board needs to be urgently put in place and empowered with the necessary financial and technical capacity to come up with urgent modalities to
 - Educate the local surrounding communities to help change their mind set and restore their ancestral conservation capability
 - Put up a team of experts e.g. environmentalists, biologists, botanists etc. to help come up with a restoration plan and oversee the process in collaboration with both county government and KFS and KWS
 - Coordinate the various stake holders and harmonize their interests so as to avoid conflict of interest.
- h. All income generating activities arising from research, recreation etc., whether for purposes of enhancing conservation efforts or otherwise, should be geared towards benefiting the locals. The committee suggests that, a fund be set out and managed by a trustee or a special board as the law may stipulate, so that it assists needy cases in the community to thematic area, e.g. bursary for needy cases.



KAKAMEGA FOREST ECOSYSTEM (KFE)
A PETITION PRESENTED TO THE PARLIAMENTARY COMMITTEE ON
ENVIRONMENT

BY SHINYALU PROFESSIONAL NETWORK - SUMMARY

1.0 Introduction

- only tropical rainforest in Kenya
- remnant of the *Guineo-Congolian* type that stretched all across Central Africa
- home to various fauna and flora
- anthropogenic factors reduced this huge mass to patches of vegetation (Uganda + Kenya)
- Kenya (straddles Shinyalu and Hamisi Constituencies in Kakamega and Vihiga Counties respectively)
- Shinyalu, it is the Isukha people who live in close proximity to the forest and have actively undertaken conservation of the forest as part of their cultural heritage.

2.0 History of take over

- Started with colonial government
- 1908 – 1910 first ever physical demarcation
- 1912 – 1913 modification (unclear reasons – ambiguity in human and forest extent)
- 1929 – 32 a second attempt (perhaps because of prime species) almost all region forested!
- 1931 – FD takeover (objection from locals) serious disruption in their way of life
- Feb 1933 – Gazettement to trust land – reason – *improvement and maximization of economic benefit*
- 1959 and 1964 After numerous complains, a few customary rights of the people to the forest were reinstated by special rules released allowing local residents the right to use the forest for grazing, cultivation and collection of firewood
- However, unfortunately in 1964, the forest was declared hurriedly (almost secretly) a '*central government forest*' which technically meant that it no longer belonged to the local people but to the nation as a whole. This situation remained in force and unknown to the locals, until they started encountering frequent arrests from the '*administrators*' contrary to the earlier agreement they were used to and that had been in force

Result of New Policy

- Parts of the forest were wantonly harvested and the valuable indigenous species cleared off in favor of fast growing exotic breeds – Disquiet from locals
- To calm the disquiet from the locals, an arrangement was reached where they were allowed to participate under a non-resident cultivation (NRC) locally known as “shamba” system in which people were allowed to cultivate land in the forest without owning it while tending tree seedlings

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3.0 Destructive activities

- *Conversion of fringes of the forest into farmland*

FD were made to map and plant a ‘protective strip’ of tea bushes under the Nyayo tea zone project. This process has and has seen the extent of the forest drastically reduced from its original state, with some areas under threat of alienation and grabbing.

- *Destruction of the natural ecosystem*

Since FD came into play, felling of indigenous species was effected in favor of exotic varieties. Environmentally/scientifically unsound – simply planting trees does not guarantee creation of a working Forest Ecosystem.

Common forest -

- *Illegal logging in the forest*

Various massive destructive activities have occurred, e.g. logging, timber extraction by saw millers and fuel wood collection/extraction and charcoal burning by the local people. Unsupervised harvesting of the exotic breeds at maturity as has been the current situation on the ground – encourages illegal logging of indigenous species.

- *Conflict in management policy*

The administration of the forest under two entities (KFS & KWS) – conflict. Program ‘re-afforestation’ by KFS creates a loophole in forest destruction. Valuable tree species are felled and in their place ‘re-afforested’ (replaced) with inferior non tropical breeds that do not ‘blend’ well with tropical species

4.0 Recommendations

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- f. Involvement of the local community in the management of the forest.
- g. The ecosystem is not like any other plantation forest in Kenya, therefore a special management board needs to be urgently put in place and empowered with the necessary financial and technical capacity to come up with urgent modalities to

- Educate the local surrounding communities to help change their mind set and restore their ancestral conservation capability
- Put up a team of experts e.g. environmentalists, biologists, botanists etc. to help come up with a restoration plan and oversee the process in collaboration with both county government and KFS and KWS
- Coordinate the various stake holders and harmonize their interests so as to avoid conflict of interest.

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PAGE 7 OF THE PETITION

MU-ILE-SHI is a registered Community Forest Association registered with registrar of societies. Refer to Forest Act pg 274 through pg 279 i.e.

- Application of community registration Cap 108.
- Functions
- Assignments of user rights
- Determination and variation of management Agreement.

Point 2

Concerns the petitioner (Shinyalu Professional Development Network). The group is not known and don't belong to Muileshi CFA. Refer Forest Act 2005 on pg 274 (Community Participation Paragraph 46(a) 1

- Though they are stakeholders from Shinyalu, they were only investigating the forest destruction – refer their document headline.
- The petition was made by he above body and never informed the CFA about the destruction and yet CFA is co-managing the forest with Kenya Forest Service (KFS)
- On this list we can see the name of our FCC chairman Mr. John Barasa and therefore can he be given a chance to explain himself.

MATTERS FROM THE DOCUMENT

- Pg 7 paragraph 1 of their document, are this people known to the community. Does community recognize them.
- Pg 10 paragraph 1 – a directive from the Government of Kenya and its nationwide i.e. Nyayo Tea zone cannot be discussed in Kakamega alone.
- Pg 11, (ii) this happened between 1971-1986. This was also a directive from Kenya Government. The indigenous tree harvesters were licensed by Kenyan Government. They were Elgeyo saw millers, RAApply and Kakamega saw mill etc. Charcoal burners and pit sawers were also licensed by the government.

Pg 11 (iii) illegal logging in the forest

Harvesting of Exotic trees is not illegal, it is as per Forest management Plan (FMP) and current harvesting of Exotic trees in Kakamega forest is overdue. The trees are at the age of 58 years instead of being harvested at the age of 25-30 years as recommended by the law in the petitioners' argument they are mixing up their reasoning by talking about forest department and forest service at the same time. Each of the two has and had a way of approach.

Pg 12 All photos were taken from previous harvesting site, which can be seen physically and are self explanatory.

Pg 13- Non involvement of the local community in conservation efforts. The community is fully involved through the following

- Has signed a Participatory Forest Management Plan (PFMP) and Community Forest Management Agreement (CFMA) with KFS.
- Participatory forest management is in place and the community has formed an Association as per the Kenya Forest Act 2005 and registered with register of societies.



- The community is well sensitized and has accepted full recognition as a co-manager of Kakamega forest. Refer to *Community Forest Management Agreement pg 5 under relationship of parties*). Muileshi is formed of user groups at the grassroots through CBOs surrounding Kakamega forest where the petitioner is not one of them hence involvement with KFS.

Pg 14 uncontrolled activities in the Forest

The photo figure (4) shows that the ox-cart and oxen were not in the forest and the luggage carried is not neither logs, charcoal nor timber. It seems like sugarcane /maize leaves. Then is not passing road in the forest except Isecheno through Ikuywa. The photo gives false information. For any activities in the forest refer to forest management plan of Kakamega forest.

Pg 14 (vii) Conflict in management policy

KWS and KFS work differently and have different regulations in management of duties. In KWS no active movement/activities. In KFS activities allowed as per management plan with authority from Director through Forester through Forest Act 2005. The petitioner should explain where the conflict arises and if there is any conflict it should be solved by the 2 parties not the community. The offenders must be arrested and judged by court of law (refer to the forest Act 2005)

Pg 16 Rationale for petition on pg 15

Legal excision within the indigenous forest.

It is disappointing and abusing to the Kenya Forest Service and to the government for the petitioner to think that the people who were settled in parts of Kakamega forest are there illegally then it is clear that they were settled there to bave way for construction of education and health sectors structures for the communities and its generation. It is the duty of the petitioner through the parliamentary to evict these communities and resettle them in their former residential areas.

b) Harvesting of exotic trees – the term used in plantation is clear felling as the term reads. The area is clear off for reafforastation. The year 2015 was the first year for the community was involved in tree harvesting in the history of Kakamega forest through application and prequalification. The petitioner did not understand the laid regulations for harvesting.

1. Plantation is for commercial purpose (Exotic)
 2. Harvesting is done at the age of 25 – 30 years
 3. Interested saw millers must apply for prequalification and are vetted
 4. Harvesting of exotic trees is done sustainably
 5. Application is open to everybody who meëts requirements for qualification
 6. After harvested block must be replaced through cultivation and planting of exotic trees.
 7. A plantation /block has only one type of species, any other species found in the plantation is considered to b a weed/invasive and must be removed. Between two blocks of plantation there is firebreak and the firebreak must always be clean without any trees; be it exotic or indigenous to enable community access to fight fire.
 8. All harvested trees must be ferried by trucks outside the forest for bench sawing.
- The petitioner seems is not aware of the two: indigenous and exotic. For information, harvesting in Kakamega forest is done to exotic tree/plantation only where clear felling is done; where if indigenous tree is found is also felt. In Kakamega forest where Muileshi CFA co-manages the forest, the indigenous trees in plantations harvesting is done was preserved.

Muileshi CFA as a community mouthpiece of community adjacent to Kakamega forest was to consult KFS as technical advisors to use the trees for community benefit (Schools desks, churches benches/furniture) public offices furniture around the forest. As consultations were going on between KFS and Community (Muileshi CFA) there were Public outcry through media from unknown persons/professional like the petitioners. It would be better if they had approached the community association and KFS to learn and understand how operations are done in Kakamega forest. We term this as malicious damage to the KFS and Muileshi CFA that speaks on behalf of the community, for our character responsibility and efforts among others to unite the community and bring peace and harmony among KFS, KWS and community and bring peace and harmony among KFS, KWS and community in order to protect conserve, reforestate, afforestate, rehabilitate and above all reduce pressure to the forest as we work together harmoniously.

Pg 16 Flora and Fauna

The petitioner talked about birds, animals and trees are endangered in Kakamega forest. We would like to highlight that the petitioner did not understand their allegations. For the birds they talked about as endangered are commonly everywhere in the region and are known by any child above 10 years of the age in their native language, and the trees mentioned are also common everywhere and some are climbers and most of them are weeds and shrubs. For the animals, they are right but they disappeared in early 40's, at the time construction of forest department office at Isecheno only leopards were present.

PG 20 - Tourism

Muileshi CFA accommodates all the community and uniting with partners and signed documents as stated above.

Recommendation (Pg 20)

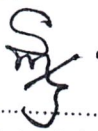
We accept for recommendation and invite the interested parties to come and patrol the forest to rule out irregularities and destructions.

The petitioners are in business. Instead of looking for funds to assist in conservation of Kakamega forest they are requesting the government to set a budget for them. What if all forests in Kenya requested for the same?

In conclusion, we refer all interested persons to Participatory Forest Management Plan (PFMP).

PREPARED BY MUILESHI CFA-KAKAMEGA

SIGNED BY:



CHAIRMAN
MAMBILI S. LUTIALI
Tel: 0724 205777, 0735 519222

Date.....Sign.....

5/8/2016

Mambili S. Lutiali, HSC

CHAIRMAN

