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*Paper laid by
Hon Amina Abdulla, MP
On 3/12/2015*

NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION- 2015

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON THE CONSIDERATION OF THE FOREST CONSERVATION AND
MANAGEMENT-BILL, 2015

CLERK'S CHAMBERS
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2015

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1 PREFACE

On behalf of the Departmental Committee on Environment and Natural Resources and pursuant to provisions of Standing Order 199 (6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of the Forest Conservation and Management Bill, 2015.

The amendments were passed by the Senate on Tuesday 29th September, 2015 and passed to the National Assembly for consideration. The Assembly subsequently committed the amendments to the Committee pursuant to the provisions of Standing Order 41 and it is on the basis of this that the Committee makes this Report.

1.1 Committee 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 also contained under the National Assembly Standing Orders, No. 216(5) as:-

- 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 subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows: climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

1.2 Committee Membership

The Committee comprises of the following membership:-

1. Hon. Amina A. Abdalla, M.P. - **Chairperson**
2. Hon. Alexander. K. Kosgey, M.P. - **Vice Chairperson**
3. Hon. Alice Ng'ang'a, M.P.
4. Hon. Samuel Ndiritu, M.P.
5. Hon. AishaJumwaKarisa, M.P.
6. Hon. EjidiusNjoguBarua, M.P.
7. Hon. Jude Njomo, M.P.
8. Hon. Moitalel Ole Kenta, M.P.
9. Hon. KathuriMurungi, M.P.
10. Hon. SunjeevBirdi, M.P.
11. Hon. Jackson K. Rop, M.P.
12. Hon. Abdi Noor Ali, M.P.
13. Hon. Joyce Emanikor, M.P.
14. Hon. Abdulaziz Farah, M.P.
15. Hon. Ronald Tonui, M.P.
16. Hon. (Dr.) ReginaldaWanyonyi, M.P.
17. Hon. Gideon Mwiti, M.P.
18. Hon. Hassan Dukicha, M.P.
19. Hon. ChachuGanya, M.P.
20. Hon. OpiyoWandayi, M.P.
21. Hon. Charles Geni. Mongare, M.P.
22. Hon. (Dr.) Wilber K. Ottichilo, M.P.

23. Hon. KhatibMwashetani, M.P.
24. Hon. George Ogalo, M.P.
25. Hon. (Major) MuluviMutua, M.P.
26. Hon. Mohamed, Diriye M.P.
27. Hon. Peter Kinyua, MP.
28. Hon. Shukra Hussein Gure, M.P

1.3 Consideration of the Forest Conservation and Management Bill, 2015

The Committee during its consideration of the Bill, received memoranda from various stakeholders and also carried out a public participation forum in Kilifi County. ~~The Committee~~^{It} considered and adopted proposed amendments in a Sitting held on Tuesday 1st December, 2015. The Committee's decision to accept and or reject the amendments was based on the Constitutional^{al} requirements and borrowed best practices ^{from} in other jurisdictions with similar experiences.

1.4 Adoption of the Report

We the members of the Departmental Committee on Environment and Natural Resources have pursuant to Standing Order 199 adopted this Report on its consideration of the Forest Conservation and Management Bill, 2015 and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached adoption list (Annex II).

1.5 Acknowledgement

Mr. Speaker Sir,

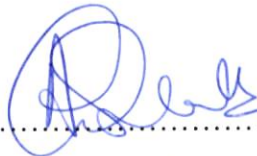
The Committee wishes to register its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to the Committee and the staff, in the execution of its mandate.

Let me take this opportunity to thank all Members for their patience, endurance and dedication to committee business, despite their other commitments and tight schedules, which enabled the Committee to complete this Report.

On behalf of the Departmental Committee on Environment and Natural Resources, and pursuant to Standing Orders No.199 of the National Assembly, I now have the honour to present the Report thereto for adoption pursuant to the provisions of standing orders of the National Assembly.

Thank You,

SIGNED



CHAIRPERSON

(HON. ABDALLA AMINA, MP)

DATE.....

2/Dec/2015

2 INTRODUCTION

On 28th July 2015, the Forest Conservation and Management Bill, 2015 was read for the first time by the Leader of the Majority in the National Assembly and thereafter committed to the Departmental committee on Environment and Natural Resources for consideration Pursuant to Standing Order 127.

The Forest Conservation and Management Bill, 2015 gives effect to Article 69 of the Constitution with regard to forest resources, that is, the conservation and management of forests. The Forest Conservation and Management Bill, 2015 seeks to repeal the Forests Act, 2005 and the Timber Act Cap. 386. The Bill aims to provide for the conservation and management of forests in Kenya. The Bill is divided into ten parts.

2.1. Consideration of the Bill

The Forest Conservation and Management Bill, 2015 gives effect to Article 69 of the Constitution with regard to forest resources, that is, the conservation and management of forests. The Bill is divided into ten parts. That is:-

Part I of the Bill provides for the short title of the Bill and interpretation of the terms used in the Bill. It also provides for the objects of the Bill as well as the principles and norms that shall guide the Bill. It provides for the development of the national forest management guidelines which shall be reviewed every five years.

Part II of the Bill provides for the Kenya Forest Service which is a body corporate. It provides for the functions of the Service which is to be managed by a Board. It also provides for the appointment of the Director General of the Service and staff of the Service including uniformed and disciplined forces of the Service. It establishes the Kenya Forestry College and provides for appointment of honorary foresters. It further establishes Forestry conservation areas and committees and provides for research and development in forestry.

Part III of the Bill provides for the financial provisions. It provides for the Funds of the Service, the financial year of the Service, the annual estimates, accounts and audit of the finances of the

Service as well as for the Forest Conservation and Management Trust Fund and its management. The accounts of the Service shall be submitted to the Auditor-General for auditing.

Part IV of the Bill makes provisions for the conservation and management of forests. It provides for the classification of forests into public and private forests. It further provides for the creation and management of public, private and community forests. It provides for the variation of the boundaries or the revocation of public forests to be done with the approval of Parliament further this shall be subject to public consultation and an Environmental Impact Assessment being conducted. It further provides for the declaration or reversion of provisional forests. It makes provisions for the exchange of forest areas for forest lands, the establishment of arboreta and recreational parks, donations and bequests of forests and the declaration of nature reserves by the Cabinet Secretary.

Part IV also provides for the protection of tree species and the joint management of forests by the Service and either community owners of forests or private owners of forests. It provides for the management of indigenous forests and plantation forests. It provides for the concessioning of public forests and the requirement that such agreements shall be ratified by Parliament. Further it provides for forest management agreements with the Service, the requirement for obtaining the Service's consent to conduct quarrying operations in public forests and for the preparation and implementation of forest management plans.

Part V of the Bill provides for community participation in management and conservation of forests through community forests associations. It provides for the establishment of forest associations and sets out their obligations. It also provides for the assignment of forests user rights, the termination or variation of management agreements and for the protection of customary rights.

Part VI of the Bill provides for incentives for the promotion of forest conservation and management, including tax and fiscal incentives. It provides that investors in forests shall share their benefits with local communities. It also provides for a National Tree Planting Week in Kenya for awareness creation.

Part VII of the Bill provides for the administration of trade in forest products through issuance of permits and licences by the Service. It provides for the circumstance under which a person shall not be eligible to apply for licences to the Service. It makes provisions for chain-of-custody requirements, the grading and valuation of timber, export and import procedures of timber and it prohibits the trade in restricted forest produce.

Part VIII of the Bill deals with enforcement of the provisions of the Act and compliance with the same. It describes the powers of the officers of the Service under the Act and how the authority to use firearms shall be obtained. It provides that the director General or an officer of the Service may enter any private forest to assess the condition of the forest.

Part IX of the Bill enumerates the offences under the Act and their penalties. It provides for the prohibited activities in forests and prohibits the counterfeiting or unlawful affixing of marks on forest produce. It further provides for compensation for loss or damage to forests owners. It further makes provision for resolution of disputes by the Court.

Part X deals with miscellaneous matters, including the making of Regulations by the Cabinet secretary on recommendation of the Board of the Service under the Act and the maintenance of registers of forest management and conservation activities. It further provide that provisions of the Act shall be carried out in accordance with international instruments, covenants and agreements, co-operation among county governments, and that the Environmental Management and Coordination Act, 1999, shall apply on any matter relating to the conservation and protection of the environment.

Part XI of the Bill deals with transitional provisions including the repeal of the Timber Act and the Forest Act, 2005, as well as savings provisions regarding transactions, rights, powers, obligations, liabilities and officers under the repealed Forest Act, 2005.

The Bill also contains three schedules which deals with the following matters–

- (a) The First Schedule to the Bill provides for the conduct of business and affairs of Board, including tenure of office of the Board and meetings of the Board.
- (b) The Second Schedule to the Bill provides for the manner in which public consultation shall be carried out.

(c) The Third Schedule to the Bill provides for the gazette national forest reserves.

2.2 Key provisions of the Bill

1. **Clause 2** on the definition of a “forest manager” makes reference to the Community Land Act which is yet to be enacted.
2. **Clause 6 (1)** establishes the Kenya Forest Service and thereafter states that the Kenya Forest Service shall be the successor to the Kenya Forest Service established under the Forest Act, 2005. The provision on succession of the Kenya Forest Service should however be provided in the transition and savings clause.
3. **Clause 15 (3)** of the Bill proposes to limit the rights of uniformed and disciplined officers in accordance with the provisions of Article 24(5) of the Constitution. Article 24(5) provides for the limitation of fundamental rights and freedoms of persons serving in the Kenyan Defence Forces, and National Police Service. The specific rights limited are the right to privacy, freedom of association, freedom of assembly, demonstration, picketing and petition, right to labour relations, right to economic and social rights and rights of arrested persons.
4. **Clause 62 (2)** provides that any officer of Service after acquiring the requisite paramilitary and skill at arms training and when authorized by the Director General may lawfully use firearms. The provision as provided gives the Director General discretion to authorize any officer of the Service to use firearms as opposed to only the disciplined members of the Service. The use of firearms should be restricted to only the disciplined officers.
5. **Third Schedule;** there is a conflict between the Third Schedule and the main body of the Bill. The Third Schedule refers to Gazetted National Forest Reserves where as the main body refers to public forests.

3 SUBMISSION FROM VARIOUS STAKEHOLDERS ON THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015

3.1 Comments from the Kenya Forest Services

Preliminary

Long Title **AN ACT** of Parliament to give effect to Article 69 of the Constitution with regard to forest resources; to manage provision for the conservation and management of forests; and for connected purposes.

Therefore should be amended to read “AN ACT of Parliament to give effect to the Constitution with regard to forest resources; to provide for the establishment, development and sustainable management, including conservation and rational utilization of all forest resources for the socio-economic development of the country; and for connected purposes”

This will take care of other provisions in the Constitution on forestry resources and capture the broader mandate of Kenya Forest Service.

Clause 2

Interpretation

“forest produce” includes bark, animal droppings, beeswax, canes, charcoal, creepers, earth, fibre, firewood, frankincense, fruit, galls, grass, gum, honey, leaves, flowers, limestone, moss, murrum, soil, myrrh, peat, plants, reeds, resin, rushes, rubber, sap, soil, seeds, spices, stones, timber, trees, water, wax, withies, and such other things as may be declared by the Cabinet Secretary to be forest produce for the purpose of this Act;

“**livestock**” means domesticated animals such as cattle, goats, sheep, asses , poultry, horses, camels and pigs and includes their young thereof

“**public forest**” means forests as classified under 29(2) and 29(3).

-Consider replacing “national” with “public” in definition of “forest manager” under (a)

- Consider inserting “or the County Government as the case may be” after “Service” in definition of “forest manager “ under (a)
- Consider deleting sub clause (b) under definition of “forest manager”

These are important in the application of this law.

CLAUSE 4

Consider addition of a new (e) to read “protection of indigenous knowledge and intellectual property rights. This is in line with the article 64 of the Constitution.

Consider addition of a new (f) to read “international best practices”. This is to enable benchmarking with global forest management standards.

CLAUSE 5

Consider changing the title to “National Forest Policy” and Consider deletion of “management” after “national forest” in 5(1) and 5(2). This is to conform to the title of the draft Forest Policy.

Part I: Administration

CLAUSE 6

Consider insertion of “hereby” after “There is” in 6(1) and Consider deletion of “shall” in the third line in 6(2). These improve the grammar and intent and remove repetitiveness.

CLAUSE 7

Consider revision of 7(b) to read “prepare and implement management plans for all public forests and, where requested, **assist in preparation of management plans** for community forests or private forests in consultation with the relevant owners. This more appropriately since it states the role of KFS in management and planning for private and community forests.

Consider revision of 7(h) to read “register and maintain a register of all forest management plans prepared for public forests”. This is to conform to definition of public land as in the Constitution.

Consider changing (k)(iii) to (l), (k)(iv) to (m), (k)(v) to (n), (k)(vi) to (o) and (k)(vii) to (p). This corrects the numbering.

Consider introducing (q) “Implement and enforce rules and regulations governing importation, exportation and trade in forest produce” This takes care of provisions in the Timber Act, Cap 386 repealed by this Law.

CLAUSE 8

Consider revision of 8(1)(a) to read “a chairperson appointed by the President” and deleting “from among the members of the Board” and Consider revision of 8(1)(d) to read “The Director General who shall be an ex-officio Member of the Board”. This proposal is in line with the Corporate Governance guidelines in *Mwongozo*”

Adding “the Director, Kenya Forestry Research Institute” after (c). Director KEFRI will bring added professional expertise to the Board and also influence forest management direction with research innovations.

CLAUSE 15

Consider revision of clause 15 by deleting “on the recommendation of the Cabinet Secretary responsible for matters related to internal security”. This is an administrative matter and is therefore within the purview of the Board hence requires no external direction and this is also the case with KWS under the Wildlife Conservation and Management Act.

CLAUSE 16

Consider revision of clause 16(4) to read “the Board shall formulate policies for the administration and management of the Kenya Forestry College. This collects matters relating to establishment and administration of the College under one clause.

CLAUSE 17

Consider deleting (d), (e) and (f). This removes over prescription in the Law on matters which are better dealt with under the regulations. This also removes potential conflict between forest officers in their daily functions and the honorary foresters.

CLAUSE 20

Consider replacing the short title with “forestry functions of county governments”. This better states the purpose of this clause.

Part II: Financial Provisions

CLAUSE 24

Consider replacing “national” with “public” in clauses 24(2)(a) and 24(2)(b). This is conformity with the land tenure classification under the Constitution.

CLAUSE 25

Consider revising sub-clause 25(3) by replacing “Public Audit Act, 2003” with “Laws governing Public Audit” This makes the law relevant even if the Public Audit Act, 2003 is repealed.

CLAUSE 26

Consider revising sub-clause 26(2) to read “The objects of the Trust Fund shall be to nurture, promote and support innovations and best practices in forest conservation and development.” By introducing the terms support and development broadens the utilization of the Fund.

CLAUSE 27

Consider revising clause 27(b) to include consultation with “the Kenya Forest Service Board.” This will remove conflicts, overlaps and creates room for consultations between the Trust Fund and the Board of KFS.

Consider including the Director General of KFS and the Principal Secretary in charge of forestry as ex-officio members of the Board of Trustees. To provide a link between the Service who’s mandated is to manage forests and the Fund which facilitates many of the forestry activities. It is important to have the PS in the Board as (1) the Trust Fund will be domiciled in the Ministry and (2) for resource mobilization.

CLAUSE 28

Consider inserting “28(4) The Cabinet Secretary shall make rules and regulations for the management and administration of the Fund. There is already seed money for the Fund and it is important to have proper governance structures for its effective administrative if the Fund is to realize its objectives.

Part III: Conservation and Management of Forest

CLAUSE 29

Consider renumbering Clause 29(5) to 29(4). Clause 29(4) had been omitted.

CLAUSE 30

Consider rephrasing the new 30(3) to “The Cabinet Secretary may, on the recommendation of the Board, and after consultation with the National Land Commission, declare through a Gazette notice any un-alienated public land or any land purchased or otherwise acquired by the Service to be a public forest. We have included gazette notice to clarify the instrument to be used for clarification.

CLAUSE 32

Consider rephrasing first paragraph of 33(1) to read “The Board may recommend, after consultation with the National Land Commission, the variation of boundaries or the revocation of the declaration or registration of a public forest.” Some public forests are now registered and this also caters for this category of registered forests.

Consider deleting 33(5). Alteration of boundaries must be approved by Parliament hence cannot also be the subject of regulations.

CLAUSE 41

Consider replacing “indigenous forests” with “natural forests” and changing the short title to read “Management of natural forests and woodlands.” The use of the term natural forests and woodlands better captures the situation of forests in the country.

Consider inserting a new 41(1) to read “The owner of land on which a natural forest or woodland exist, including community or private owner, may apply for registration of the area as a forest under this Act“ , renumbering the current 41(1), 41(2) and 41(3) to 41(2), 41(3) and 41(4), rephrasing the new 41(2) to read “All natural forests including woodlands shall be managed on a sustainable basis for purposes of” and rephrasing the new 41(4) to read “the owner of a registered forest may enter into a joint management agreement for management of a natural forest or woodland with any person, institution, government agency or forest association”. Currently there is no mechanism for management of natural forests and especially woodlands under forest laws and this clause enables the owners of such land to be able to benefit from incentives provided under this law in sustainably managing such forests through registration.

CLAUSE 43

Consider replacing “national and county” with “public” in the short title and replacing “licence” with “concession” in sub-clause 43(4). This reflects the correct land tenure as defined in the Constitution and reflects the fact that concessions are not done through licensing as implied currently.

CLAUSE 45

Consider introducing “mining” to read “consent for mining and quarrying” as was in earlier versions of the Bill and inserting “mining or” before “quarrying” in sub-clause 45(4). The use of the word quarrying excludes other forms of extractive uses of soils in forest land.

Part IV: Community Participation

CLAUSE 48

Consider revising sub-clause 48(1)(f) to read “keep the Service informed of any developments, changes and occurrences within the forest which are critical for the conservation of biodiversity” These provide clarity on the user rights.

CLAUSE 49

Consider adding “Association” after “forest” in sub-clause 49(1). User rights are assigned to a “Community Forest Association”.

Part VI: Incentives for Increasing Forest and Tree Cover

CLAUSE 53

Consider rephrasing 53(1) to read “The Cabinet Secretary for the National Treasury may on the recommendation by the Cabinet Secretary, grant tax and other fiscal incentives to increase investments in forest land use and forest resource utilization in order to promote forest conservation and management, and to prevent or abate forest degradation.” The proposed change provides clarity and makes it actionable by the Cabinet Secretary for the National Treasury.

Part VII Licensing and Trade in Forest Products

CLAUSE 56

Consider revising sub-clause 56(3) by making reference to “Public Procurement and Disposal Laws” This makes the law relevant even if the Public Procurement Act, 2005 is repealed.

Part VII Enforcement and Compliance

CLAUSE 61

Consider revising sub-clause 61(2)(a) to read “enter any forest in order to assess the condition thereof or to perform any such other act which he considers necessary in the circumstance; or.” This enables the Service to enter any forest to assess its management for purposes of declaration of provisional forests provided under Clause.

Part IX: Offences and Penalties

CLAUSE 63

Consider replacing “National, County” with “Public” in 63(1) and deleting everything after the word “footpath” in Clause 63(1)(b). This currently is open ended and subject to abuse while all those activities under the clause have to be permitted or licensed.

CLAUSE 65

Consider revising this title to read “consent for mining and quarrying” and re-introducing “mining” before “quarrying” in clause 65. This allows the Service to regulate mining and quarrying in public forests.

CLAUSE 66

Consider deleting “County” in clause 66(2),66(7) and replacing “Service or the County department responsible for forestry” with “the forest manager” in clause 66(8) (a) and (b). This is in conformity with the land tenure as classified under the Constitution.

Part X: Miscellaneous

CLAUSE 70

Consider replacing “national, county” with “public.” This is in conformity with the Constitution.

CLAUSE 76

Consider rephrasing clause 76(a) to read “Any land which immediately before the commencement of this Act, was gazetted or registered as a forest reserve as set out in the Third Schedule to this Act, or under any other relevant law or legal procedure shall be deemed as a public forest. This gives protection to forests for which titles have been acquired by the Service, or those gazetted under other laws for example the Water Act 2000 and the Antiquities and Monuments Act.

3.2 Comments from the National Environment Civil Society Alliance Of Kenya

Preliminary

There no definition for the word “National forests” and “County Forests”

Therefore there is need to amend the Bill in the preliminary by defining the words “**national forests**” and “**County forests**”

PART II Administration

Clause 8(1) Kenya Forest Management Board

All forests in the country are situated in certain counties and can only be successfully protected and management with full involvement of County Governments.

Therefore clause 8(1) of the bill should be amended to enable the Council of Governors to be represented in the Kenya Forest Services Board.

Clause 19(4)(b) the relevant county executive committee member responsible of forestry

Conservation areas might cover more than one county. The composition of the forest conservation committee in the case of inter counties should include representatives from each of the affected counties to increase efficiency.

Therefore clause 19(4)(b) of the bill should be amended to include the chief officer responsible for forestry or a designated representative from each county in the conservation area.

Clause 20(1)(b) This section does not seem to recognize the existence of County Government and gives instruction to the County Executive to report directly to Cabinet Secretary.

Therefore clause 20(1)(b) of the bill should be amended by re- introducing the County Forest Conservation Committee CFCC

Part IV: Conservation and Management of Forest

Clause 30(1) Creation and management of public forests

This section states that “All public forests are vested in the services” this contravenes Article 61 of the constitution.

Therefore clause 30(1) should be amended to read “all public forest are vested in the state.”

Clause 31(4) Management of the community forests

Both community and private forests are serving the same purpose of conservation for national and county governments. Therefore access of technical advice and funds should be from both the county government and the service.

Clause 40 joint management of forest

It states that ‘A forest owner may enter into an agreement with any person for the joint management of any forest.....’

Therefore there is need for the forest ‘owner’ to be specified (either community or private forest).

Clause 44 Forest management agreements

This section fails recognize the important role of the county governments and such agreements entered into may have a long term negative effects or conflicts if both levels of governments are not fully involved.

Clause 45(1) Consent and quarrying

The public participation component is missing. There is need to amend this clause by inserting a new section to ensure public consultation in accordance of second schedule.

Clause45(1)(d) it provides that the cabinet secretary on recommendation from the board and consultation with cabinet secretary responsible for environment

There is need to amend this clause because the consent on quarrying is stipulated under the CS mining and not CS environment.

Clause 47(2) Application for community participation

This clause should be amended for the Community forests associations (CFAs) to have an option to apply to the service and the county government in respect to particular forests.

PART IV: Incentives for increasing forest and tree cover

Clause 52 incentives and benefit sharing

This section should be redrafted and go in line with article 69 1(a)(h) of the constitution and views raised by various community groups, civil society organizations and academia in many forums over the past four years.

PART VII: licensing and trade in forest products

Clause 55(1) Authorization and private sector involvement

This section leaves out county governments who are also important stakeholders and equal partners with the national government in the forestry matters.

Clause 57 chain of custody

This section leaves out County Government

Clause 63(3) prohibition of activities in forests

Section reads; ‘A person who contravenes the provision of section 38(2) shall be guilty of an offence and is liable on conviction to a fine not exceeding one million.....’

Section 38(2) states: ‘where a nature reserve is to be declared on community or private forest, the cabinet secretary shall make prior arrangement for compensation.....’

The clause needs to be amended to remove inconsistency in references on section 38(2)

Section 63(4) reads: ‘any person who contravenes the provisions of section 58’

Section 58 reads; ‘a cabinet secretary in consultation with the relevant stakeholders shall prescribe regulations for’

The clause needs to be amended to remove inconsistency in references on section 58

Clause 70(2)(a-d) this section gives cabinet secretary in consultation with the board mandate to make certain regulation.

Cabinet Secretary has been given lee way to make some twenty (20) subsidiary regulations but there can be delay and or not giving some important regulations priority. There is need to amend this so that the regulations can have timelines once the enactment of this act.

3.3 Comments from the Forest Growers Association

a) Definition of “Commercial Tree Growers”

Amendment: Amend Section 2 to add a definition for “commercial tree growers” and revise definition of “forest industries”.

Rationale: Defining these two terms differently enables other provisions in the bill to address each of these elements of the private sector specifically.

b) Definition of “Forest” and “Forestland”

Amendment: Amend Section 2 to clarify that “forest” also includes areas designated as forests and that forestland includes any land that contains a forest.

Rationale: These amendments ensure that the bill applies to forests, such as gazetted forests or newly designated forests, even absent greater-than-10% tree-canopy cover, such as land on which the government plans to establish a new planted forest through a concession. These amendments also ensure that “forests” and “forestland” do not refer to different geographic area.

c) Clarify meaning of “jurisdiction”

Amendment: Amend Section 2 to clarify that “jurisdiction”, with respect to the Service and County Governments, refers to public forests and community forests, respectively.

Rationale: This amendment clarifies that subsequent references to an agency’s “jurisdiction” mean the category of forests within its jurisdiction, rather than any forest, e.g. one planted on private land, within its geographic jurisdiction.

d) Developing a strategy

Amendment: Add a new section at the end of Part I, requiring a strategy for achieving forest sector goals, including the use of incentives and concessions.

Rationale: The development of such a strategy, in consultation with stakeholders, supports an intentional, coordinated approach to achieving national objectives and enables the most effective use of important public policy tools.

e) Participation of commercial tree growers on decision-making bodies

Amendment: Amend Sections 8, 20, and 21 to grant a seat for commercial tree growers to the KFS Board, forest conservation committees, and county forest conservation committees.

Rationale: This amendment enables greater participation of commercial tree growers in these bodies (without reducing the representation of any other groups), which is an important way to help maximize growers' ability to contribute to achieving Kenya's forest sector goals.

f) Description of KEFRI's role

Amendment: Amend Section 22 to clarify that KEFRI is the lead government agency in forestry research & development.

Rationale: This amendment will maintain KEFRI's function and role within the government, while recognizing the independent role that other non-governmental organizations have in performing forestry research & development.

g) Classification of private forests

Amendment: Amend the criteria for classifying "private forests" in Section 31 to (i) provide that forestland held by a person under customary tenure is a private forest, and (ii) exclude forest that could be classified as public or community forest from the scope of "private forest".

Rationale: By defining private forests primarily with respect to land held under freehold or leasehold tenure risks excluding forestland which a person holds by custom, but for which legal title has not been officially recognized. This amendment would reinforce the intent of the classification by ensuring that all privately-held forests, regardless of the particular form of legally-recognized tenure, are classified as private forest. Additionally, it ensures that a forest is

not classified as both a private forest and a public or community forest (for example, public or community land under lease to a private person) and therefore not subject to conflicting regulatory regimes.

h) Safeguards in the declaration of community forests

Amendment: Amend Section 33 to (i) require payment of compensation for the taking of forestland for community forests, and (ii) limit such takings to areas with environmentally, culturally, or scientifically sensitive areas.

Rationale: The requirement to provide for compensation is consistent with the procedures for declaring a nature reserve in the draft Bill, in Constitutional requirements for compulsory acquisitions, and under Kenya's international law obligations. Additionally, by removing economic success as a basis for the taking of a forest, this amendment reduces the perceived risk to investors and thus eliminates a strong disincentive to investment in Kenya's forest sector.

i) Safeguards in the declaration of provisional forests

Amendment: Amend Section 36 to (i) establish standards for silvicultural practices in environmentally, culturally, or scientifically sensitive areas; (ii) connect the declaration of a provisional forest to a forest manager's failure to comply with such standards; (iii) require an order of the Environment and Land Court or the agreement of the forest manager prior to declaring a provisional forest; and (iv) establish rules to prevent abuses in the management of provisional forests.

Rationale: For the government to take over management of a person's forest is a significant imposition on that person's property rights, making substantive and procedural safeguards appropriate. These safeguards ensure that this power is only exercised in appropriate circumstances and provide important due process protections. They also enhance the levels of protection for environmentally sensitive areas by providing for broader, generally-applicable regulation of forestry in such areas.

j) Concessions

Amendment: Amend Section 44 to (i) provide that cancellation of a concession agreement may occur only upon a material breach of the agreement which the concession holder fails to cure, and (ii) establish a minimum term of 25 years for concessions.

Rationale: Part (i) of this amendment brings the provision allowing the cancellation of concession agreements in response to a breach of the agreement in line with general principles of contract law, which do not wholly excuse one party from its obligations under an agreement as a result of a merely ancillary breach (or a breach that is cured) by the other party. Part (ii) ensures that concessions promote the sustainable management of forests by avoiding concession terms that are too short to provide an economic return without unsustainable and destructive extraction of forest resources. Together, these amendments will help attract more high-quality firms to the concession process, thereby increasing competition and improving concession outcomes.

k) Incentives for commercial tree growing

Amendment: Amend (i) Section 54 and 56 to authorize support for commercial forest growing; (ii) make the proposal of appropriate tax and fiscal incentives mandatory, rather than discretionary; and (iii) add a new section after Section 56 connecting the provision of incentives to the strategy for meeting Kenya's forest aims described above.

Rationale: These amendments clarify that the government can provide incentives for commercial tree growing, reinforce the government's intention to propose tax and fiscal incentives, and ensure all incentives are used strategically to advance national objectives.

l) Role of the private sector in public and community forests

Amendment: Amend Section 58 to clarify those commercial tree-growers and other forest industries shall not be excluded from involvement in the sustainable management of public and community forests, in accordance with the terms of the bill.

Rationale: This amendment recognizes that the involvement of commercial tree-growers is necessary to achieving national aims with respect to public and community forests, as well as makes the important statement that, subject to the mechanisms and conditions established by

law, commercial tree growers should not be discriminated against in the management of public and community forests.

m) Improving the process for private forest permits

Amendment: Add a new section in Part VII requiring the development of mechanisms to simplify and facilitate the process of applying for, receiving, and paying for permits related to private forests.

Rationale: Complex and bureaucratic processes for permits associated with private forests create a significant burden for commercial tree growers, particular for small-scale operations. Commercial tree growers also report that current processes too-often are abused in corrupt ways, such as though demands for bribes. These difficulties make it less attractive to individuals to get involved in commercial tree growing which, in turn, limits the sector’s contributions to meeting Kenya’s national forestry objectives.

n) Self-governance by organizations of commercial tree-growers

Amendment: Add a new section in Part VII authorizing the government to recognize organizations of commercial tree growers as “Membership Verification Organizations”. By meeting criteria to be prescribed by the government, a Membership Verification Organization would provide an alternative to governmental permits for harvesting and transportation associated with private forests.

Rationale: This amendment allows the government to share the responsibility for regulating private forests with approved membership-based organizations. By allowing alternatives to provide permits, this amendment addresses the problems with the permitting process and strengthens the ability of commercial tree growers to govern themselves, while maintaining the government’s power to set requirements for and provide oversight of Membership Verification Organizations.

o) Mandatory chain-of-custody verification

Amendment: Amend Section 60 to clarify that mandatory chain-of-custody systems do not apply for private forests.

Rationale: While chain-of-custody verification can be an important tool to combat timber theft, it can also increase the costs associated with legal timber production. For many small commercial tree growers, in particular, the costs of chain-of-custody verification can outweigh the cost of timber theft. Therefore, it is important that commercial tree growers be allowed to decide whether such systems make sense in their circumstances.

3.4 Comments from the Public Hearing held at the Social Hall Kilifi County on 6th November, 2015

The forum was attended by 40 Members of the Public which included the following representation Government institution, non-governmental institutions, Members of the Community Forest Association, Kaya Elders, youth, community leaders and Members of the Community.

Preliminaries

Introductions were done and the Chairman of the Sub-committee on the Forest Conservation and Management Bill 2015, Hon. Kathuri Murungi, M.P set the Agenda of the day.

The following issues were raised:

- i). The Community Forest Association need capacity enhancement and it was proposed that some monies from the Forest Trust Fund be set aside for the same. On the same note, the CFAs should be empowered to solve minor conflicts involving forests.
- ii). Need to recognize the role of traditional institutions such as the Kaya who are involved in forest conservation
- iii). The Community Forest Scouts should also be recognized in the Bill
- iv). CFAs should be represented in the Forest Security Committees
- v). Under section 52- investors benefit sharing criteria should be clearly set out, with 50% of the money going back to support the Community and contribute to development of social services
- vi). Administrative issues – to avoid familiarity, forest officers should be transferred regularly
- vii). A lot of indigenous forests in museum were being destroyed, there was also charcoal burning going on in some Kaya Forests (Bamba Area)

- viii). Forests that have not been gazetted are more prone to destruction than the gazetted ones
- ix). Local leaders (Chiefs) should be more proactive in pushing the Communities to be involved in forest conservations
- x). Kenya Forestry Research Institute should educate members of the community on carbon credit and how they can tap out from it
- xi). Make fines on charcoal burning more stringent to discourage it
- xii). Penalties for causing fires too lenient, increase the penalties
- xiii). Notice of termination of CFA VS KFS Management agreement is too short (30 days), a proposal to be extended to 60 days
- xiv). More forest stations to be established to facilitate conservation, large stations should have at least two CFAs
- xv). There should be awards for people involved in forest conservation
- xvi). An EIA should be carried before harvesting of trees to establish whether there would a resultant negative effect on the environment;
- xvii). CFAs should be involved in licensing logging;

4 COMMITTEE RECOMMENDATIONS

Having considered the views of the stakeholders; the Kenya Forest Service, Kenya Forest Growers Association, the Forest Indigenous Peoples Network and views from a Public Participation Forum in Kilifi County, the Committee is proposing the following amendments for possible introduction at the Committee Stage of the Bill-

LONG TITLE

THAT, the Bill be amended by deleting the long title and substituting therefor the following new long title—

“AN ACT of Parliament to give effect to the Constitution with regard to forest resources; to provide for the establishment, development and sustainable management, including conservation and rational utilization of all forest resources for the socio-economic development of the country; and for connected purposes”

***Justification:** This will take care of other provisions in the Constitution on forestry resources and capture the broader mandate of Kenya Forest Service.*

CLAUSE 2

THAT, clause 2 be amended by—

- (a) deleting the definition of the word “forest” and substituting therefor with the following new definition—

“forest” means land which is declared or registered as a forest, or an association of woody vegetation growing in close proximity with an area of over 0.5 of a hectares including a forest in the process of establishment, woodlands, thickets”;

- (b) deleting the definition of the word “forest manager” and substituting therefor with the following new definition—

“forest manager” means a person responsible for the management of a forest under his or her charge and implementation of this Act including—

- (a) in the case of a public forest, the Kenya Forest Service or the County Government as the case may be;
- (b) in the case of a community forest the person responsible for the management of community land under the relevant law; and
- (c) in the case of a private forest, the owner of the private forest;”

(c) deleting the definition of the word “public forest” and substituting therefor with the following new definition—

“public forest” means forests as classified under 29(2) and 29(3)”; and

(d) inserting the following new definitions in the proper alphabetical sequence—

“forest produce” includes bark, animal droppings, beeswax, canes, charcoal, creepers, earth, fibre, firewood, frankincense, fruit, galls, grass, gum, honey, leaves, flowers, limestone, moss, murrum, soil, myrrh, peat, plants, reeds, resin, rushes, rubber, sap, soil, seeds, spices, stones, timber, trees, water, wax, withies, and such other things as may be declared by the Cabinet Secretary to be forest produce for the purpose of this Act; and

“livestock” means domesticated animals such as cattle, goats, sheep, asses , poultry, horses, camels and pigs and includes their young thereof.”

Justification: this is important in the application of the law.

CLAUSE 4

THAT, clause 4 be amended by inserting the following new paragraphs immediately after paragraph (d)

“(e) protection of indigenous knowledge and intellectual property rights of forests resources; and

(f) international best practices in management and conservation of forests. ”

Justification: this is in line with article 69 of the constitution and it is also enable benchmarking with global forest management standards.

CLAUSE 5

THAT, clause 5 be amended—

- (a) by deleting the words “Management Guidelines” appearing in the marginal note and substituting therefor the word “Policy”;
- (b) in sub clause (1) by deleting the word “management”; and
- (c) insub clause (2) by deleting the word “management”.

Justification: to conform to the title of the draft Forest Policy

CLAUSE 7

THAT, clause 7 be amended—

- (i) in paragraph (b) by inserting the words “assist in preparation of management plans” immediately after the words “where requested”;

Justification: It states the role of Kenya Forest Service in management planning for the private and community forest.

- (ii) in paragraph (h) by deleting the words “public and county forests” and substituting therefor the words “public forests”;

Justification: to conform to definition of public land as in the Constitution,

- (iii)by renumbering paragraph (k)(iii) as paragraph (l);
- (iv)by renumbering paragraph (k)(iv) as paragraph (m);
- (v) by renumbering paragraph (k)(vi) as paragraph (n);
- (vi)by renumbering paragraph (k)(vii) as paragraph (o); and

Justification: this corrects numbering

- (vii) inserting the following new paragraphs immediately after paragraph (o)—

“(p) implement and enforce rules and regulations governing importation, exportation and trade in forest produce; and

Justification: this takes care of provisions in the Timber Act, Cap 386 repealed by this law.

(q) develop, maintain and regularly update a geographic information system database of all forests in Kenya.

CLAUSE 8

THAT, clause 8 be amended—

(a) in sub clause (1)—

(i) by deleting the words “from among the members of the Board” appearing in paragraph

(a);

(ii) by inserting the following new paragraphs immediately after paragraph (c)—

“(ca) the Inspector-General of the National Police Service or a designated representative;

(cb) the Director of the Kenya Forestry Research Institute or a designated representative; and

(b) by inserting the following new sub clause immediately after sub clause (1)—

“(1A) A person shall be qualified for appointment as chairperson to the Board if such person—

(a) holds a minimum of a bachelors degree from a university recognized in Kenya;

(b) has knowledge and experience of at least ten years in matters relating to any of the following—

- (i) management of natural resources;
- (ii) forest conservation and management; or
- (iii) public administration and planning.

(c) satisfies the requirements of Chapter six of the Constitution.”

Justification: this clearly sets out the qualifications of the Chairperson to the Board.

CLAUSE 16

THAT, clause 16 be amended by deleting sub clause (4) and substituting therefor the following new sub clause—

“(4) The Board shall formulate policies for the administration and management of the College.”

Justification: this collects matters relating to establishment and administration of the college under one clause,

CLAUSE 17

THAT, clause 17 be amended by in sub clause (2)—

- (a) deleting paragraph (d);
- (b) deleting paragraph (e); and
- (c) deleting paragraph (f).

Justification: this removes over prescription in the law on matters which are better dealt with under the regulations.

CLAUSE 20

THAT, the Bill be amended by deleting clause 20 and substituting therefor with the following new clause—

20. (1) Each County Government—

- (a) shall implement national policies on forest management and conservation;

- (b) shall manage all forests on public land defined under Article 62(2) of the Constitution;
- (c) shall prepare an annual report, with the approval of the County Assembly, for the Service on the activities of the county government in relation to this Act and any national policies on forest management and conservation;
- (d) shall promote afforestation activities in the county;
- (e) shall advice and assist communities and individuals in the management of community forests or private forests; and
- (f) may enter into joint management agreements with communities or individuals for the management of community forests or private forests.

(2) A county assembly may enact legislation for the better carrying into effect of the provisions of this section.

(3) The Service may if requested, collaborate, partner or offer assistance to the County Government for the better carry out the provisions of this Act.

Justification: It defines the implementation of the Constitution with respect to the fourth schedule of the Constitution with respect to the role of counties in management of forests.

CLAUSE 24

THAT, clause 24 be amended in sub clause (2) by —

- (a) deleting the word “national” appearing in paragraph (a) and substituting therefor the word “public”; and
- (b) deleting the word “national” appearing in paragraph (b) and substituting therefor the word “public”.

Justification: in conformity with the land tenure classification under the constitution.

CLAUSE 25

THAT, clause 25 be amended in sub clause (3) by deleting the words “Public Audit Act, 2003” and substituting therefor the words “laws governing public audit.”

Justification: this makes the law relevant even if the Public Audit Act, 2003 is repealed.

CLAUSE 26

THAT, clause 26 be amended by deleting sub clause (2) and substituting therefor the following new sub clause —

“(2) The objects of the Trust Fund shall be to nurture, promote and support innovations and best practices in forest conservation and development including the support of—

- (a) community forestry programmes;
- (b) reforestation and afforestation programmes;
- (c) forestry extension programmes;
- (d) apprenticeships and vocational training; and
- (e) programmes for Payment for ecosystem services,

Provided that such support shall be access through rules and regulation on management of the Trust Fund made under this Act.”

Justification: this is to broaden the utilization of the fund.

CLAUSE 27

THAT, clause 27 be amended by inserting the words “and the Kenya Forest Service Board” immediately after words “Board of Trustees” appearing in paragraph (b).

Justification: this removes conflicts and overlaps and creates room for consultations between the Trust Fund and the Board of Kenya Forest Service.

CLAUSE 28

THAT, clause 28 be amended by —

- (a) deleting sub clause (2) and substituting therefor the following new sub clause—

(2) The Board of Trustees shall comprise of—

- (a) a chairperson and four other members appointed by the Cabinet Secretary in an open and competitive process;

- (b) the Director General or a designated representative, who shall be an ex-officio member of the Board;
- (c) the principal Secretary responsible for forestry who shall be an ex-officio member of the Board; and

(b) inserting the following new sub clause immediately after sub clause (3)—

“(4) The Cabinet Secretary shall make rules and regulations for the management and administration of the Fund.”

Justification: this to provide a link between the Service that is mandated to manage forests and the Fund which facilitates many of the forestry activities,

CLAUSE 29

THAT, clause 29 be amended by renumbering sub clause (5) as sub clause (4).

Justification: it had been omitted.

CLAUSE 30

THAT, clause 30 be amended by in sub clause (2) inserting the words “through a *Gazette* notice” immediately after the word “declare”.

Justification: this is to clarify instruments to be used for clarification.

CLAUSE 31

THAT, clause 31 be amended in sub clause (4) by deleting the words “to the county government for” appearing immediately after the words “the community may apply”.

Justification: to remove repetition.

CLAUSE 32

THAT, clause 32 be amended in sub clause (4) by inserting the words “of the land on which the forest is established.” immediately after the words “levied in respect”.

Justification: this completes and gives meaning to the clause.

CLAUSE 33

THAT, clause 33 be amended

- (a) by deleting the word “Service” and substituting therefor the word “Board”; and

Justification: some public forests are now registered and this also caters for this category of the registered forests.

- (b) by deleting sub clause (5).

Justification: alteration of boundaries must be approved by Parliament hence cannot also be subject of regulations.

CLAUSE 43

THAT, clause 43 be amended —

- (a) in the marginal note by deleting the words “national and county” and substituting therefor the word “public”;
- (b) in sub clause (4) by deleting the word “licence” and substituting therefor the word “concession”; and
- (c) by inserting the following new sub clause immediately after sub clause (7)—

“(7) A grantee of a concession shall provide a bond or some other form of financial security in this section referred to as “an Environmental Protection Bond”.

(8) An Environmental Protection Bond shall be sufficient to cover the costs associated with the implementation of the environmental obligations of the holder under this Act.

(9) An Environmental Protection Bond shall be in a form and for an amount as may be determined by the Cabinet Secretary having regard to the particular characteristics of the concession.”

Justification: it reflects the correct land tenure as defined in the Constitution; It also reflects the fact that concessions are not done through licensing as implied.

CLAUSE 48

THAT, clause 48 be amended—

- (a) in sub clause (1) by inserting the “Service” immediately after the words “inform the” appearing in paragraph (f); and
- (b) deleting sub clause (2) and substituting therefore with the following new sub clause—

“(2) The management agreement between the Service and the community forest association shall confer on the association all or any of the following forest user rights—

- (a) collection of medicinal herbs;
- (b) harvesting of honey;
- (c) harvesting of timber or fuel wood;
- (d) grass harvesting and grazing;
- (e) collection of forest produce for community based industries;
- (f) ecotourism and recreational activities;
- (g) scientific and education activities;
- (h) plantation establishment through non-resident cultivation;
- (i) contracts to assist in carrying out specified forestry operations;
- (j) development of community wood and non-wood forest based industries; and
- (k) other benefits which may from time to time be agreed upon between an association and the Service:

Provided that—

- (i) none of the activities specified in this section shall be carried out so as to conflict with the conservation of biodiversity;
- (ii) the Director-General may, in consultation with the association, prescribe rules for the conduct of the activities specified in this section.”

Justification: *this provides clarity on the user rights*

CLAUSE 49

THAT, clause 49 be amended in sub clause (1) by inserting the words “association” immediately after the words “community forest”.

Justification: user rights are signed to a 'Community Forest Association'

CLAUSE 52

THAT, Clause 52 be amended by inserting the words “, and in accordance with rules made under this act or other relevant laws” immediately after the words “social amenities”.

Justification: this is creating a good environment for investors to invest in this sector.

CLAUSE 53

THAT, clause 53 be amended by deleting sub clause (1) and substituting therefor the following new sub clause—

“(1) The Cabinet Secretary for the National Treasury, may on the recommendation by the Cabinet Secretary, propose tax and other fiscal incentives to increase investments in forest land use and forest resource utilization in order to promote forest conservation and management, and to prevent or abate forest degradation.”

Justification: the proposed change provides clarity and makes it actionable by the Cabinet Secretary for the National Treasury. The County government is not responsible for proposing tax as regards forest use and forest utilization.

CLAUSE 56

THAT, clause 56 be amended in sub clause (3) by deleting the words “provisions of the Public Procurement and Asset Disposal Act, 2005” and substituting therefor the words “public procurement and asset disposal laws”.

Justification: this makes the law relevant even if the Public Procurement Act, 2005 is repealed,

CLAUSE 59

THAT, clause 59 be amended in sub clause (2) by deleting the word “may” and substituting therefor the word “shall”.

CLAUSE 62

THAT, clause 62 be amended in sub clause (2) by inserting the words “uniformed and disciplined” immediately after the word “Any”.

Justification: The Clause ensures that only uniformed and disciplined officers are allowed to use fire arms.

CLAUSE 63

THAT, clause 63 be amended in sub clause (1)

- (a) by deleting the words “national, county” and substituting therefor the word “public”; and
- (b) by deleting the words “or is in occupation of a building authorised by the Director General or the County public officer responsible for forestry, or is taking part in cultural, scientific or recreational activities” appearing in paragraph (b).

Justification: this conforms to the land tenure classifications in the Constitution.

CLAUSE 65

THAT, clause 65 be amended by deleting the words “two hundred thousand shillings or to imprisonment for a term not exceeding one year” and substituting therefor the words “one million shillings or to imprisonment for a term not exceeding two years”.

Justification: this to enhance the penalty as the previously provided penalty was too lenient

CLAUSE 66

THAT, clause 66 be amended—

- (a) in sub clause (2) by deleting the words “national, provisional, county” and substituting therefor the words “public, provisional”;
- (b) in sub clause (8) —

- (i) by deleting the words “Service or County Department responsible forestry” appearing in paragraph (a) and substituting therefor the words “forest manager”;and
- (ii) by deleting the words “Service or County Department responsible forestry” appearing in paragraph (b) and substituting therefor the words “forest manager”.

Justification: the forest manager as defined for public, community and private forest takes care of all the categories of the forests.

CLAUSE 70

THAT, clause 70 be amended in sub clause (2) by deleting the words “national forests, county forests” appearing in paragraph (c) and substituting therefor the words “public forests”.

Justification: this conforms to the land tenure classifications in the Constitution.

CLAUSE 76

THAT, clause 76 of the Bill be amended by—

- (a) deleting paragraph (a) and substituting therefor the following new paragraph—

(a) any land which immediately before the commencement of this Act, was gazetted or registered as a forest reserve as set out in the Third Schedule to this Act, or under any other relevant law or legal procedure shall be deemed to be a public forest under this Act; and

Justification: this gives protection to forests for which titles have been acquired by the services or those gazetted under other law for example the Water Act 2000 and the Antiquities and Monuments Act.

THIRD SCHEDULE

THAT, the Third Schedule be amended by—

- (a) deleting the title “GAZETTED NATIONAL FOREST RESERVES” and substituting therefor the word “GAZETTED PUBLIC FORESTS”; and

- (b) deleting the expression “(s.30)” and substituting therefor the expression “(s.76(a))”;

MINUTES OF THE 79TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON TUESDAY DECEMBER 1ST, 2015 AT 10.00 AM IN THE CPA ROOM, MAIN PARLIAMENT BUILDINGS

PRESENT

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – **Vice Chairperson**
3. Hon. Ganya Francis Chachu, M.P.
4. Hon. Farah, Abdulaziz Ali, M.P.
5. Hon. Ole Kenta Richard Moitalel, M.P.
6. Hon. Abdinoor Mohammed Ali, M.P.
7. Hon. Ndiritu Samuel Mathenge, M.P.
8. Hon. Rop Jackson Kipkorir, M.P.
9. Hon. Muluvi Marcus Mutua, M.P.
10. Hon. Peter Kinyua, M.P.
11. Hon. Dukicha Hassan Abdi, M.P.
12. Hon. Emanikor Joyce, M.P.
13. Hon. Mohamed Diriye Abdullahi, M.P.
14. Hon. Wandayi James Opiyo, M.P.
15. Hon. Irea Gideon Mwiti, M.P.
16. Hon. Ng'ang'a Alice Wambui, M.P.

APOLOGIES

1. Hon. Tonui Ronald Kiprotich, M.P.
2. Hon. Sunjeev Kaur Birdi, M.P.
3. Hon. Barua Ejidius Njogu, M.P.
4. Hon. Ogalo George Oner, M.P.
5. Hon. Kathuri Murungi, M.P.
6. Hon. Ottichillo K. Wilber, M.P.

7. Hon. Jude Njomo, M.P.
8. Hon. Geni Charles Mong'are, M.P.
9. Hon. Katana Aisha Jumwa, M.P.
10. Hon. Mwashetani Khatib, M.P.
11. Hon. Gure Shukra Hussein, M.P.
12. Hon. Dr. Wanyonyi Reginalda N. M.P.

IN-ATTENDANCE

THE NATIONAL ASSEMBLY

1. Ms. Chebet Koskei - Clerk Assistant II
2. Ms. Lynnet Otieno - Legal Counsel II

MIN.NO. DC/ENR/330/2015 - PRELIMINARIES


The meeting was called to order at 10.20 am after which prayers were said. The Chairperson introduced the Agenda of the day to the Members and informed them that the Forest Conservation and Management Bill, 2015 was scheduled for 3rd Reading on that week, hence the need to consider and adopt the amendments.


MIN.NO. DC/ENR/331/2015 – CONSIDERATION AND ADOPTION OF THE AMENDMENTS TO THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015

The Committee considered and unanimously adopted the proposed amendments to the Bill, after being proposed by Hon. Ganya Francis Chachu, M.P and being seconded by Hon. Joyce Emanikor, M.P

MIN.NO. DC/ENR/332/2015 ADJOURNMENT

There being no other business the meeting was adjourned at Twenty Minutes past Twelve O' clock.

SIGNED.....
(Chairperson)

DATE.....



**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
PAYMENT SCHEDULE**


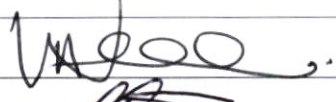

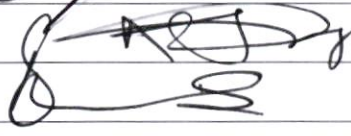
**AGENDA: ADOPTION OF THE REPORT ON THE AMENDMENTS TO THE FOREST
CONSERVATION AND MANAGEMENT BILL, 2015**

DATE: 01/12/2015

TIME: 10.00 AM

VENUE: CPA ROOM

	NAME	SIGNATURE
1	Hon. Abdalla, Amina, 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 Kour 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. Mwashetani, Khatib, 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. Wandayi, James Opiyo, MP	
27	Hon. Katana, Aisha Jumwa, MP	
28	Hon. Jude Njomo, MP	

Chebet Koskei

CHEBET KOSKEI
FOR -CLERK OF THE NATIONAL ASSEMBLY

[Handwritten mark]

