



Kenya Forestry Research Institute

Maseno Regional Research Centre

POLICY BRIEF

EFFICACY OF KENYA'S FOREST CONSERVATION LEGISLATION AND POLICIES ON RURAL LIVELIHOOD

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Introduction

Kenya has in the last two decades suffered from high levels of deforestation of its major forests. Currently, a numbers of rivers have dried and others are in process of as a result of the deforestation. In recognition of the possible negative impacts of the deforestation, Vision 2030 states that first Medium Term Plan (2008-2012) intends to increase the forest cover from the current less than 3% to 4%. The plan includes the rehabilitation of fiver water towers and the planting of one billion trees as flagship project.

The flagship projects can only be achieved if deforestation is reduced to negligible levels. In order to reduce the rate of deforestation, the forest policy and legislation have been reformed in the last decade. Key changes include transformation of forest department into Kenya Forest Service (KFS), and recognition of forest neighbouring communities' participation in forest management and conservation. In order

to develop good policy that will contribute to reduction of deforestation, the alignment of forest policies with the expectations of individuals and rural communities that dwell or are in close proximity to forests.

In an attempt to contribute to the alignment, we carried out a study with the objective of assessing the efficacy of forestry conservation policy and legislation on rural livelihoods. The study used desk top policy review, formal household questionnaire survey of 302 households and focused group discussions. We used multi-stage sampling to sample the 302 forest bordering households from Kakamega forest, Mau East Forest, Aberdares forest, Mt Kenya Forest and Muumoni forest. We verified the results of the survey and focused group discussion through on-site key stakeholders' workshop

Key Findings

1. Ease of access to forest

57% and 22% of the respondents identified Firewood and grazing/fodder as the major benefits from forests respectively. Slightly more than half of the households (57%) find it easy to access the forest with 67% of them getting authority from the KFS agent and 55% not paying for the access. 17% of the households go to the forest without authority and extract products illegally. The fact that more than half of the forest users did not seek authority from KFS nor pay for it means that the access rights are still being contested by the community members who perceive that they have automatic access rights and do not need state permission.

2. Benefits of participation in Participatory Forest Management

The Forest Act 2005, allows Community Forest Associations (CFAs) to formulate and implement forest programmes consistent with the traditional forest user rights of the community concerned in accordance with sustainable use criteria. In exercising these rights, the CFAs enter into a management agreement with the director of Kenya Forest Service.

Among other rights, these rights include high income activities such as harvesting of timber or fuel wood, development of community wood and non-wood forest based industries; and plantation establishment through non-resident cultivation; and contracts to assist in carrying out specified silvicultural operations.

Our field work did not find any CFA that was enjoying any of the above rights apart from plantation establishment through non-resident cultivation and were not even aware of the existence of such rights. Focused group discussions such as that the CFAs' access to timber harvesting rights be an adequate compensation for their monitoring effort. Plantation establishment is being implemented through the Plantation Establishment and Livelihood Improvement Scheme (PELIS). In general CFAs were happy about it but some sites wondered the reason why it's not being implemented found in their regions.

Policy Implication

1. In order to deal with illegal access, KFS must understand the motivation and perception of such violators. This requires to move away from command and control, rely more on negotiations so that an access system perceived as fair is developed.
2. There is a need for KFS to develop a mechanism for sharing revenues from timber harvesting with CFAs so that the contribution of KFS in improving livelihood can be enhanced.

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Recommended readings

Government of Kenya (2008), Vision 2030, Government Printer.
Government of Kenya (2005), Forest Act Of 2005, Government Printer.

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