

Paper laid by:
Chair Public Petition
Committee, the Hon
Nimrod Mbatia MP
on Wed, 2/8/23
Wanzeyi



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITIONS COMMITTEE

REPORT ON-

(PUBLIC PETITION NO. 1 OF 2022)

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

AUGUST 2023

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

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

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LIST OF ACRONYMS

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

CHAIRPERSON'S FOREWORD

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

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

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

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

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

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



HON. NIMROD MBITHUKA MBAI, M.P.

CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

PART ONE

1 PREFACE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

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

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

1.2 COMMITTEE MEMBERSHIP

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

Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.
Kitui East Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Ernest Kivai Ogesi Kagesi, M.P.
Vihiga Constituency

Amani National Congress (ANC)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

Maendeleo Chap Party (MCCP)

Hon. John Walter Owino, M.P.
Awendo Constituency

Orange Democratic Movement (ODM)

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

Independent

Hon. Bidu Mohamed Tubi, M.P.
Isiolo South

Jubilee Party (JP)

Hon. Caleb Mutiso Mule, M.P.
Machakos Town Constituency

Maendeleo Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

Wiper Democratic Movement-Kenya (WDM-K)

1.3 COMMITTEE SECRETARIAT

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk
Mr. Samuel Kalama
Principal Clerk Assistant

Ms. Anne Shibuko
First Clerk Assistant

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Mr. Shadrach Omondi
Legal Counsel II

Ms. Patricia Gichane
Legal Counsel II

Mr. Martin Sigei
Research Officer III

Mr. Andrew Shangirai
Principal Sergeant at Arms

Mr. Yezel Jilo
Sergeant at Arms

Ms. Lilian Mburugu
Media Relations Officer

Ms. Rahab Chepkilim
Audio Officer

PART TWO

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

2.1 INTRODUCTION

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

2.2 PETITIONER'S PRAYERS

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

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

PART THREE

3 STAKEHOLDERS' SUBMISSIONS ON THE PETITION

3.1 SUBMISSIONS BY HON. JULIUS KIPLLETING RUTO, MP

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

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

3.2 SUBMISSIONS BY THE COUNTY GOVERNMENT OF UASIN GISHU

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

3.2.1 *Involvement of County Government*

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

3.2.2 *Sharing of forest resources*

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

3.2.3 *The relationship between the County Government and KFS*

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

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

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

3.3.1 *Background*

23. Uasin Gishu County had a forest cover of 6.73% and a tree cover of 8.04 % of the 3,345.2 Km² with about 29,801.93 ha gazetted as forest reserves.
24. The management of the forest reserves in Uasin Gishu County was administered through six forest stations which include *Kapsaret, Lorenge, Timboroa, Nabkoi, Cengalo* and *Kipkurere*.

3.3.2 Interventions to secure the rights and welfare of the forest communities and forest associations across the country

25. Part V of the Act entrenches community participation through Community Forest Associations (CFAs) formed from members of the forest with elaborate mechanisms for their participation.
26. All forest stations in the Petition, *Nabkoi, Cengalo, Timboroa, Lorenge, Cerengoni* and *Tendeno* had existing and active CFAs which were actively engaged in the station operational activities. *Timboroa, Cengalo, Nabkoi, Lorenge* and *Cerengoni* CFAs with a membership of 6,794 persons had developed Participatory Forest Management Plans (PFMPs) which expired in 2019. The associations were mobilizing resources to review, launch and negotiate the Forest Management Agreements (FMAs).
27. All communities adjacent to the forest ecosystems had inherent rights through their respective CFAs for utilizing the resources that were cultural rituals that were traditional in nature.
28. Forest communities and associations have continued to benefit from all forms of forest use ranging from Plantation Establishment and Livelihood Scheme (PELIS) Shamba System, grazing, beekeeping, water abstraction, tree nurseries, ecotourism, herbal medicine, firewood collection and silvicultural activities. The PELIS program covered an area of 1,311.6 HA and benefited 6,023 farmers drawn from forest communities which had improved food security in the area.
29. The access and utilization of forest resources was not limited to CFA membership, but all communities continued to mutually engage with forest management to access resources through the established working procedures and regulations.

3.3.3 Review of KFS policies to prioritize local communities in the 30% AGPO program

30. The KFS had given equal opportunity to all individuals and business enterprises who had expressed interest in forest resource harvesting through a competitive prequalification process. For instance, the prequalified local saw millers had been granted more than 30% of forest resources harvested hence aligns with AGPO program.
31. About 60% of community benefits were given to the community living next to the forests and 40% to others. However, sometimes the capacity of the community to handle the 60% of the activities was a challenge necessitating subcontracting. The agreement with subcontractors ensured that the contractors with capacity employ local people in the various opportunities available.
32. The regulations allowed for the communities to benefit from forest resources. The process required members to join CFAs for designation of areas and activities, for example, beekeeping could only be allowed in certain areas. Further, in collaboration with stakeholders, youths were trained on modern beekeeping and were provided with beehives.

3.3.4 Intervention to secure Corporate Social Responsibility by logging firms

33. The KFS was committed to improving the community welfare and livelihoods through engagement of stakeholders in forest activities and operations to realize development. Logging firms were engaged in tree nursery projects to rehabilitate and restore water catchment areas, maintenance of forest roads, supporting education initiatives and supporting youth employment.

3.3.5 Intervention to end regular harassment of local communities by KFS officers

34. Instances of forest destruction in the areas in question have been handled without harassment by forest officers. The officers were trained by the National Human Rights Commission (NHRC) on the Human Rights Based Approaches (HRBAs). However, the cases of harassment brought to the attention of KFS have been referred to the law courts for prosecution and judgement.

35. The Ministry had put in place a program to sensitize CFA leaders in various conservancies managed by KFS. Further, the Ministry was planning to engage CFAs in participatory and management meetings to fully involve them in forest conservation and management.

36. The KFS admitted various challenges in the management of forests which could have occasioned some of the concerns of the Petitioners. For instance, understaffing had created a gap in managing the forests leading some of the incidents of harassment. However, the Ministry was in the process of recruiting more officers to fill in the gaps. Also, the ban on logging led to the frustrations of some community members who felt left out in the utilization of forest resources.

37. The community involvement in forest management and access of forest resources was provided for but with control. Some of the efforts by the KFS to recognize and address the needs of the forest communities included:

i. Involving all communities living next to the forests through the Participatory Forest Management Plans (PFMP). This involved community members living within 5 kilometres to the forest or those living outside the 5 kilometres but had interests provided they formed CFAs.

ii. Allowing women under the CFAs to collect firewood for domestic use, youths to engage in income generating activities such as beekeeping, butterfly keeping, and herbal collection, and herders to cut and carry grass for their livestock.

iii. Allowing the community to cultivate within a period of three years through the PELIS Shamba System with assistance of KFS which provided seedlings.

38. Regarding allegations of harassment, including sexual harassment of women seeking to utilize forest resources such as firewood and herbs for domestic use, KFS indicated that the harassment was two-way. The forest officers also faced harassment from the locals through attacks and even loss of lives. Therefore, the rangers were not entirely ruthless save for rare cases of misbehaviour which were being dealt with. To address the challenges, KFS had taken the following measures:

- i. Training officers on human right based approaches to restrain and officers who did not adhere to instructions underwent administrative disciplinary processes and action.
- ii. Gender mainstreaming by ensuring joint patrols of both male and female officers such that women are only searched by women officers and vice versa.
- iii. Enhanced supervision to ensure daily reporting on officers to enhance accountability.
- iv. Using the CFAs structures to enable reporting of harassment claims.
- v. The KFS undertook to sensitize the public through public meetings and improve the training curriculum of KFS officers.

3.4 SITE VISIT

The Committee conducted a site visit to Kesses Constituency on Monday 29th May 2023, to engage with the Petitioners. During the visit, the Committee interacted with the Petitioners, County Government of Uasin Gishu Officials and National Government Administration Officers (NGAO) and made the following observations:

3.4.1 The poor relationship between the locals and KFS Officers

39. There were frequent episodes of conflict between KFS and the community in the past which had resulted to injury and even death of community members and injury of forest guards. The conflict had created animosity between the two parties. For instance, a member of the community grazing cows alleged that he was irregularly fined Kshs 7,000 and assaulted by KFS officers.

3.4.2 Fines and charges imposed on community members by KFS Officers

40. The residents were given half an acre of land for farming in the forests and charged Kshs250 for the half an acre annually. In addition, the grazing fee per cow per month had been increased from Kshs 100 to Kshs 116 without any public participation exercise. The increase was informed by inclusion of value added tax (VAT), but the locals requested that the fee be reduced.
41. Small scale loggers in the forests used donkeys to transport the firewood and the KFS had implemented a charge of Kshs 1,000 for the animals to access the forest hence compelling the loggers to carry their load manually. The residents requested to be allowed to use the donkeys to provide ease of transportation of the logs.

3.4.3 Distribution of opportunities and forest resources to local community members

42. The community understood that the opportunity to harvest mature trees such as cypress was provided to licensed loggers by the KFS due to high capacity of their machinery required. The community members requested for an opportunity to harvest some of the trees as small-scale loggers to enable them benefit from the economic activity.
43. In addition, the community requested that KFS empowers women by granting them access to rejected or low-value wood for their economic and personal use, as well as allowing them to be casual labourers intending to do tree nurseries and green energy initiatives.

44. The KFS recruited unproportionate number of its officers from persons living next to forests even though having some of the officers from the local community members would improve the organizational performance as they understood the workings of the forests and the communities.
45. Despite active participation in continuous conservation of the forest including putting out forest fires, the community felt sidelined in distribution of economic and social opportunities and emphasized in consideration of the 30% AGPO opportunities.
46. The Petitioners cited infringement in the logging business by persons outside the community and requested that 80 per cent of opportunities to be given to locals and 20 percent to outsiders.
47. There was little or no compensation of persons working as fellers and loaders for the logging companies for injuries sustained in the course of duty.
48. Saw millers who were prequalified in 2016 for a period of three (3) years were forbidden from harvesting trees in 2018 before expiry of the prequalified period. In addition, there were existing pending bills owed to the saw millers since then. The saw millers observed that the three-year period of contract was too short for them to make a return on their investment and requested that the period be increased to five years instead.
49. The saw millers also observed that the 45 days allocated for logging were not inclusive of weekends. They requested for inclusion of weekends to maximize the number of days to log.

3.4.4 Corporate Social Responsibility

50. Unlike communities living around forests in Nandi County, there was lack of CSR initiatives such as offering scholarships to students, construction of schools, hospitals and water projects by licensed loggers who made a lot of money in royalties.
51. The KFS policy to prioritize planting of trees over farming to increase survival rate of trees was affecting food production for a community that predominantly relies on maize farming.

3.4.5 Involvement of the community in forest management

52. The CFAs had minimal role regarding the protecting the interest of communities and minimizing exploitation as the KFS was accused of making most decisions without involving the community members through their CFAs.
53. A joint management agreement between KFS and CFAs had been prepared but was unutilised in ensuring that the local communities were involved in important decisions affecting them. The residents claimed that KFS had failed to acknowledge user rights of communities living next to forests who heavily rely on forests for food, herbs, medicine, and bee keeping for extraction of honey.
54. Despite being a key stakeholder on matters touching on forests, KFS did not involve the community in research projects by NGOS, development partners and universities.

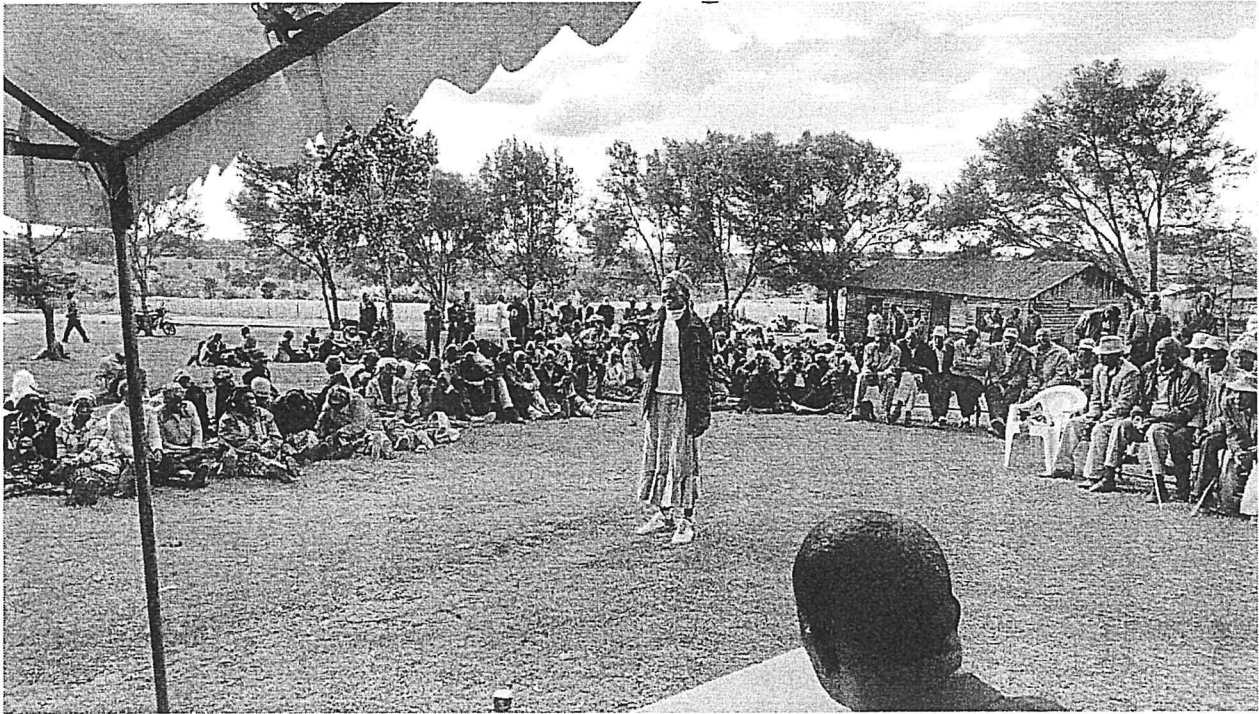


Figure 1. Community members engaging with the Public Petitions Committee during a site visit in Ol'leinguse village in Kesses Constituency

PART FOUR

4 COMMITTEE OBSERVATIONS

Upon hearing from the petitioner, local residents at the site visit and several stakeholders the Committee observed that-

4.1 Participatory frameworks

55. The Community Forests Associations (CFAs) are a participatory framework that seek the involvement of the public in the conservation and utilisation of forest resources.
56. Through the CFAs, forest communities are granted various user rights and authorisations in accordance with the community forest management plan such authorisations include cultivation permits under PELIS program, where locals are allocated portions of land for tree planting and cultivation at a small fee. The forest communities are also accorded the opportunity to graze their animals at a fee. However, the fees payable to these activities keep on fluctuating as it is discretionary to the KFS officers.
57. These various contracts are set out in the Forest Management (Participation in Sustainable Forest Management) Rules, 2009 that permits for activities such as seedling production, tree planting, silvicultural activities, beekeeping and firewood collection.
58. The CFAs do have inadequate participatory capacity and decision-making powers especially with regards to access to forest produce hence they are not able to fully utilise forest resources sustainably.
59. Further, CFAs also face the challenge of inadequate capital to exploit forest resources for commercial harvesting.
60. There is lack of guidelines or subsidiary legislation that implements the provisions of the Forest Conservation and Management Act, 2016 and the Constitutional principles of public procurement and affirmative action. For instance, the present regulations do not provide for guidelines on incentive or benefit sharing or on the planning process of forest management plans and on measures to enhance community participation in the conservation and management of forests.

4.2 Corporate Social Responsibility

61. The large-scale forest resource harvesters such as multinationals or local big corporations do not give back to the forest communities. This contrary to the provisions of section 53 of the Act.
62. There are no clear guidelines or regulations compelling the companies to do corporate social responsibility to indicate the extent of CSR activities to be carried out in the communities. Further, most of the companies have not prioritised the employment of

local residents in the exploitation of forest resources and there was no evidence of equitable sharing of benefits from the forest resources through CSR.

4.3 Harassment claims by local residents

63. Physical and sexual harassment in forest communities by KFS Officers is prevalent. There is abuse of power by the KFS officers and in some cases blatant violation of or disrespect for human rights.
64. Due to social stigma and cultural views on sexual harassment most women did not openly or freely report on such incidences of violation. Further, there are no proper or accommodative reporting frameworks for victims of various forms of harassment.

4.4 Kenya Forest Service Officers

65. There is a shortage of forest rangers to serve all the forest stations in the country thus there is no effective management of forests.
66. There is inadequate public participation during review of the rates for authorization permits such as cultivation permits under PELIS thus no inclusion of the views of the forest communities.
67. Members of the Community Forest Associations inadequate technical capacity to operationalize community forest associations and functional reporting mechanisms

PART FIVE

5. ANALYSIS OF ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION

Upon hearing from the Petitioners and other witnesses, the Committee makes determination on prayers sought in the Petition as follows:

Prayer No. 1: *Intervenes to secure the rights and welfare of forest communities and forest associations cross the country.*

68. The Committee—

- a) Notes that the main challenge threatening the welfare of forest communities in Uasin Gishu County is harassment from forest rangers and lack of access to forest resources.
- b) Notes from the petition that the welfare of forest communities can be improved by involving the residents in forest participatory plans through open and transparent engagements.
- c) Notes that most community forest associations or forest user rights groups lack the capacity to fully exploit forest resources and need to be empowered in skills and capital.
- d) Notes that the PELIS program is practiced, and some local residents cultivate forest land as they engage in forest conservation through planting of seedlings.
- e) Concurs with the stakeholder submissions that Kenya Forest Service rangers should engage the community and collaborate with them to ensure mutual benefit for the community and forest conservation efforts. **Therefore, the Committee recommends that the rights of forest communities as provided in the Forest Conservation and Management Act, 2016 should be respected and the participatory frameworks should be supported by Kenya Forest Service to ensure local communities benefit from forests resources. The CFA framework available should be strengthened to have decision-making powers regarding the welfare and interest of the local communities.**

Prayer No. 2: *to urgently intervene to ensure that the Kenya Forest Service reviews its policy to ensure that the local communities are given priority to purchase at least 30% of forest resources harvested and that the AGPO program founded on the Public Procurement and Asset Disposal Act 2015 is adhered to;*

69. The Committee -

- a) Notes that in Part VII of the Forest Conservation and Management Act, 2016 provides for licensing and trade of forest products. In particular, section 57 provides for eligibility criteria for authorization of such licensing by the private sector. One criterion is the compliance with the public procurement laws.
- b) Further notes that the AGPO Program is founded on Article 56 and 227 of the Constitution and was set up to facilitate the enterprises owned by youth, women, and persons with disability to be able to participate in government procurement. It is an affirmative action program that seeks to empower disadvantaged groups to do business with the Government.
- c) Notes from the submissions of the Ministry that pre-qualified local saw millers are accorded more than 30% of forest resources harvested. The procurement process is conducted online.
- d) Therefore, notes that the statistic provided by the Ministry and Kenya Forest Service may not be accurate and that forest communities may not have significant access to these procurement opportunities unless empowered and trained on the pre-qualification requirements, procedure, and virtual application.
- e) Notes the need for extensive capacity building to empower these Community Forest Association's for youth or women to collectively take advantage of the procurement opportunities available under the Act and methods of access to capital to exploit the opportunities available. **Therefore, the Committee is of the view that the proposal can be realised in two ways—**
 - i. **First, the Ministry and KFS should come up with a mechanism, through regulations, of determining the total benefits accrued from the forest resources at a given period then allocate at least 30% of the same to the local community. For the avoidance of doubt, the forest resources contemplated in this recommendation are the resources contemplated in the Act that yield forest products that include 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.

- ii. Secondly, in the cases where the CFAs do not have the requisite capacity to get the tenders, they should be allowed the decision-making power of qualified contractors to carry out the tenders on their behalf with a proper agreement on how the CFAs will benefit from the produce harvested.
- f) The Committee further recommends that in addition, the Ministry of Environment, Climate Change and Forestry and the Kenya Forest Service should review the Participatory Forest Management Plans (PFMP) for the forests mentioned in the petition and incorporate periodic capacity building, whenever it is practically possible, on access to procurement of forest resources;
- g) Further the Ministry of Environment, Climate Change and Forestry and Kenya Forest Service should create regulations on measures to enhance community participation in the conservation and management of forests especially for commercial activities such as the licensing and trade of forest products.
- h) Finally, the Committee recommends strict adherence to climate change mechanisms that ensures sustainability in the exploitation of forest resources.

Prayer No. 3: to intervene to secure the undertaking of corporate social responsibility by logging firms in areas with the resulting revenue being used to develop local infrastructure such as roads and schools, piping of water into villages and development of water catchment areas;

70. The Committee—

- a) Notes that Section 45 (2)(f) of the Forest Conservation and Management Act, 2016 provides that forest concessions or agreements should benefit local communities.
- b) Further notes that Section 53 of the Forest Conservation and Management Act, 2016 provides for incentives and benefits sharing by investors in forests with local communities in infrastructure, education, employment, and social amenities.
- c) Notes that the Forest Conservation and Management Act, 2016 envisions that community forest associations or local communities should benefit from forests since they host and protect them.
- d) Further notes that the Act provides for benefit sharing but there is no accountability framework on how to effect it, therefore these programs cannot be enforced.
- e) Notes the need for Kenya Forest Service to ensure that at the agreement phase of forest management concessions that local communities benefit when foreign individuals or big corporations seek to commercially exploit these forests. These firms should be accountable to the local communities.
- f) Notes that the proposal has financial or economic and social implications for forest communities. **Therefore, the Committee recommends that corporate social responsibility programs should be a term or condition in all forest concession agreements to ensure forest communities benefit and that the Cabinet Secretary for Environment, Climate Change and Forestry should formulate regulations on incentive and benefit sharing with local communities for forest management concession agreements. However, the CSR activities may include but not limited to capacity building of the CFAs to enable them to participate and benefit.**

Prayer No. 4: *to urgently intervene to bring an end to regular harassment of forest communities by the Kenya Forest Service officers;*

71. The Committee—

- a) Notes that section 52 of the Forest Conservation and Management Act, 2016, provides for the right of access to forest products for the exercise of customary practices or domestic use.

- b) Therefore, notes that the locals use of forest resources within the bounds of domestic use should be respected by the Kenya Forest Service officers.
- c) Notes that the Kenya Forest Service officers should seek to collaborate with community leaders and forest associations to empower the local residents and sensitize them on their rights of access to forest resources.
- d) Notes that the Kenya Forest Service officers need to be sensitized on sexual and physical harassment policies of the service and their training curriculum should be reviewed to include courses on public relations and basic human rights. With regards to the harassment cases that are reported the Kenya Forest Service officers involved should be prosecuted before the law courts.
- e) Notes that in some instances the Kenya Forest Service officers are subject to harassment while safeguarding forest resources from illegal loggers, the forest communities should collaborate with the Kenya Forest Service officers in good faith. **Therefore, the Committee recommends a review of the KFS training curriculum and culture to prepare the officers to collaborate with forest communities in conservation and management of forests. Further, KFS should enhance the number of their staff to ease the pressure on the smaller workforce that they currently have.**

The Committee also recommends—

- i. **The review of the Kenya Forest Service training curriculum to impart knowledge and skills on public relations, respect for human rights and that KFS moves with speed to finalize and establish a KFS standard operational procedures to guide the engagement of KFS officers with the public;**
- ii. **Kenya Forest Service should sensitize forest communities on the methods of access to capital to undertake in forest concessions and the procurement process for contracts with Kenya Forest Service. This will empower them economically; and**
- iii. **The Cabinet Secretary for Environment, Climate Change and Forestry should formulate guidelines or subsidiary legislation that implements the provisions of the Forest Conservation and Management Act, 2016 and the Constitutional principles of public procurement and affirmative action.**


6. PART SIX

6. COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee recommends that—

- i. the rights of forest communities as provided in the Forest Conservation and Management Act, 2016 should be respected and the participatory frameworks should be supported by Kenya Forest Service to ensure local communities benefit from forests resources. The CFA framework available should be strengthened to have decision-making powers regarding the welfare and interest of the local communities.
- ii. securing the rights and welfare of community living next to the forest can be realised in two ways—
 - a. first, the Ministry and KFS should come up with a mechanism, through regulations, of determining the total benefits accrued from the forest resources at a given period then allocate at least 30% of the same to the local community. For the avoidance of any doubt, the forest resources contemplated in this recommendation are the resources contemplated in the Act that yield forest produces that include 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
 - b. secondly, in the cases where the CFAs do not have the requisite capacity to get the tenders, they should be allowed the decision-making power of qualified contractors to do the carry out the tenders on their behalf with a proper agreement on how the CFAs will benefit from the produce harvested.
- iii. the Ministry of Environment, Climate Change and Forestry and the Kenya Forest Service should review the Participatory Forest Management Plans (PFMP) for the forests mentioned in the petition and incorporate periodic capacity building, whenever it is practically possible, on access to procurement of forest resources;
- iv. further the Ministry and Kenya Forest Service should put in place Regulations on measures to enhance community participation in the conservation and management of forests especially for commercial activities such as the licensing and trade of forest products; and
- v. strict adherence to climate change mechanisms that ensures sustainability in the exploitation of forest resources should be observed.

- vi. the Ministry and the Kenya Forest Service should ensure that corporate social responsibility programs form part of forest concession agreements for the benefit of forest communities, and that the Cabinet Secretary for Environment, Climate Change and Forestry should formulate regulations on incentive and benefit sharing with local communities for forest management concession agreements. However, the CSR activities may include but not limited to capacity building of the CFAs to enable them to participate and benefit from the forests. For the avoidance of doubt, this recommendation does not permit any use of forest land to provide for the corporate social responsibility activities contemplated under section 53 of the Act.
- vii. the Kenya Forest Service should enhance the number of their staff to ease the pressure on the smaller workforce that they currently have.
- viii. The Committee also recommends—
 - a. The review of the Kenya Forest Service training curriculum to impart knowledge and skills on public relations, respect for human rights and that KFS moves with speed to finalize and establish a KFS standard operational procedures to guide the engagement of KFS officers with the public;
 - b. Kenya Forest Service should sensitize forest communities on the methods of access to capital to undertake in forest concessions and the procurement process for contracts with Kenya Forest Service. This will empower them economically; and
 - c. The Cabinet Secretary for Environment, Climate Change and Forestry should formulate guidelines or subsidiary legislation that implements the provisions of the Forest Conservation and Management Act, 2016 and the Constitutional principles of public procurement and affirmative action.

Signed:  _____ Date: 01/08/2023

THE HON. NIMROD MITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – SECOND SESSION – 2023
PUBLIC PETITIONS COMMITTEE

**ADOPTION SCHEDULE OF THE REPORT ON CONSIDERATION OF PUBLIC
PETITION NO. 1 of 2022 REGARDING SAFEGUARDING THE ECONOMIC AND
SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS**

DATE.....1st AUGUST 2023.....

We the undersigned Honorable Members of the Public Petitions Committee, do hereby affix our signatures to this Report on the Consideration of Public Petition No. 1 of 2022 regarding **Safeguarding the Economic and Social Welfare of Communities Living Next to Forests** to confirm our approval and confirm its accuracy, validity, and authenticity: -

	NAME	SIGNATURE
1.	Hon. Nimrod Mbithuka Mbai, M.P. Chairperson	
2.	Hon. Janet Jepkemboi Sitienei, M.P. Vice Chairperson	
3.	Hon. Patrick Makau King'ola, M.P.	
4.	Hon. Edith Vethi Nyenze, M.P.	
5.	Hon. Ernest Ogesi Kivai, M.P.	
6.	Hon. John Walter Owino, M.P.	
7.	Hon. Joshua Chepyegon Kandie, M.P.	
8.	Hon. Maisori Marwa Kitayama, M.P.	
9.	Hon. Bernard Muriuki Nebart, M.P.	
10.	Hon. Bidu Mohamed Tubi, M.P.	
11.	Hon. Caleb Mutiso Mule, M.P.	
12.	Hon. John Bwire Okano, M.P.	
13.	Hon. Peter Mbogho Shake, M.P.	
14.	Hon. Sloya Clement Logova, M.P.	
15.	Hon. Suzanne Ndunge Kiamba, M.P.	



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT
THE NATIONAL ASSEMBLY – FIRST SESSION

PUBLIC PETITION
(No. 001 of 2022)

ON SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF
COMMUNITIES LIVING NEXT TO FORESTS

I, the **UNDERSIGNED**, on behalf of forest communities and forest associations across the country;

DRAW the attention of the House to the following: -

- 1) **THAT**, Article 60(1)(e) of the Constitution of Kenya provides that Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the principle of sustainable and productive management of land;
- 2) **THAT**, further, Article 69 obligates the State to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, ensure the equitable sharing of the accruing benefits, encourage public participation in the management, protection and conservation of the environment, and to utilize the environment and natural resources for the benefit of the people of Kenya;
- 3) **THAT**, on its part, section 2 of the Forest Conservation and Management Act, 2016, recognizes a forest community as a group of persons who have a traditional association with a forest for the purposes of livelihood, culture or religion;
- 4) **THAT**, further, section 8 of the Act obligates the Kenya Forest Service to assist in preparation of management plans for community forests, to establish and implement benefit sharing arrangements, to promote forestry education and training, to manage water catchment areas in collaboration with relevant stakeholders, to approve the provision of credit facilities and technical training for community-based forest industries, and to approve the provision of incentives to persons for the sustainable utilization of wood and non-wood forest products;

*Hon. Speaker,
You may approve.
Arap Kinia 7/11*

*CNA
Approved for
circulation/presentation
SNA
14/11/22*

*H/O
15/11/22*

PUBLIC PETITION
SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES
LIVING NEXT TO FORESTS

- 5) **THAT**, section 49 of the said Act calls for the Kenya Forest Service to confer various forest user rights to forest associations, including collection of medicinal herbs, harvesting of honey, harvesting of timber or fuel wood, grass harvesting and grazing, collection of forest produce for community-based industries, plantation establishment through non-resident cultivation, and the development of community wood and non-wood forest based industries;
- 6) **THAT**, contrary to these provisions, the Kenya Forest Service has repeatedly ignored the work and welfare of forest communities and forest associations such as those in Kiptega/Teldet, Kitingia, Muchorwei/Kapmugubi/Kipkorosio/Kaptumo, Ndungulu, Cherus/Kapchorua, Kabilat/Kapsundei, Chirchir/Shamba Mpya, Koriomiat and Barekeiwo areas in Kesses Constituency, thereby leading to the impoverishment and harassment of residents who use their time, effort and resources to look after these forests only for logging firms such as *Raiply* company and *Comply* company to come and harvest these forest resources;
- 7) **THAT**, repeated attempts by the forest communities and forest associations to consult and engage with the Kenya Forest Service have been futile due to the latter's indifference and failure to respond to inquiries;
- 8) **AND THAT**, the issues in respect of which this particular Petition is made are not pending before any Court of law or any Constitutional or legal body.

NOW THEREFORE your humble petitioners pray that the National Assembly through the Public Petitions Committee: -

- a) intervenes to secure the rights and welfare of forest communities and forest associations across the country;
- b) urgently intervenes to ensure that the Kenya Forest Service reviews its policy to ensure that local communities are given priority to purchase at least 30% of forest resources harvested; and that the Access to Government Procurement Opportunities (AGPO) program founded on the Public Procurement and Asset Disposal Act 2015 is adhered to;
- c) intervenes to secure the undertaking of Corporate Social Responsibility by logging firms in areas with the resulting revenue being used to develop local

PUBLIC PETITION
SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES
LIVING NEXT TO FORESTS

infrastructure such as roads and schools, piping of water into villages and development of water catchment areas;

- d) urgently intervenes to bring an end to regular harassment of forest communities by Kenya Forest Service officers, and
- e) makes any other orders in the interest of forest communities and forest associations.

And your **PETITIONER** will ever pray.

PRESENTED BY:



.....
HON. (CPA) JULIUS KIPLLETING RUTO, MP
MEMBER FOR KESSES CONSTITUENCY

Date:.....14/11/22.....

Kiprege / Taldet

PUBLIC PETITION

**SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES
LIVING NEXT TO FORESTS**

We, citizens of Kenya seeking the welfare of forest communities and forest associations, attach our signatures in support of this Petition: -

NAME	ID NUMBER	CONTACTS	SIGNATURE
Romana Cheptoo	22718912	0720349402	Romana
Leah Miso	11752734 3126	0727665736	Leah
Winnie Chepkorir	31267431	0702345222	Winnie
Jane Lino	20257142	0703922536	Jane
Miriam Sameri	25291002	0743655183	Miriam
Fredah Sameri	23212827	0718130789	Fredah
Roseline Sameri	25980087	0712662932	Roseline
Emily Mwangi	13612825	0700274536	Emily
Priscilla Sameri Yego	35858059	0746123898	Priscilla
Stanley Cherito	36582813	0706741468	Stanley
Leah Jomoseni Bot	1297390	0790834813	Leah
Maryalei Keter	20331772	0724056947	Maryalei
Glady's Wepoo	21685842	0720034643	Glady's
Josphine Banao	26151438	0700904310	Josphine
Jackline Bitok	28043244	0716720812	Jackline
Annah Chesumba	13008074	0703232074	Annah
Susan Cheryl Tavis	13306642	0744832655	Susan
Mercy Cherop	35813475	0710672472	Mercy
Agnes Tele	22027381	0718659472	Agnes
Emily Chesang Tunjo	7144082	0707341915	Emily
Rumie Adhongo Chansa	6990081	0725075141	Rumie

KITINGIA

PUBLIC PETITION

SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS

We, citizens of Kenya seeking the welfare of forest communities and forest associations, attach our signatures in support of this Petition: -

NAME	ID NUMBER	CONTACTS	SIGNATURE
Caroline Jeruto Iel	21540605	0722582399	Iel
Glady's Chemutai	25676164	0700386213	Glady's
Ruth Jeruto Kotony	13621884	0711257273	Ruth
Halima Chepkoech	22381974	0797661347	Halima
Priscilla Jesang	26754149	0741644551	Priscilla
Emilia Cheptoo Kiptoo	21986725	0726420258	Emilia
Senge Chemiyot	636568	0794120151	Senge
Esther Jerop Koeth	21574128	0721609721	Esther
Joyce Jerono Sigilai	31452228	0706524904	Joyce
Selina Chemesunde Songok	29085636	0726551789	Selina
Mary Nellesa	210997941	0700096292	Mary
Selina Jepkosgei Biwet	23240044	0705909891	Selina
Elizabeth Chibegat	3629106	0725625748	Elizabeth
Roseline Sepleting Rono	6863822	0757097708	Roseline
Hellen Sepleting	26824252	0790038992	Hellen
Hellen Sepketor Amirel	11792703	0711919093	Hellen
Charah Maritim	31597644	0705048965	Charah
Lilian Biwet	24178532	0703150268	Lilian
Moureen Chepof Kosgei	4909339	0701640140	Moureen
Deborah Chepkempoi	11025022	0708853635	Deborah
Marion Chunto Rono	37681228	0790964571	Marion

MUCHOKEI Kapwogwoi

PUBLIC PETITION

SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES
LIVING NEXT TO FORESTS

We, citizens of Kenya seeking the welfare of forest communities and forest associations, attach our signatures in support of this Petition: -

NAME	ID NUMBER	CONTACTS	SIGNATURE
Sarah Njeri Aikwiji	313032417	0724406215	Sarah
Monica Wangiri	28443065	070069850	Monica
Eunice Mutoni Kimani	35879159	0793662886	Eunice
Paul Kimani	32608483	0710216336	Paul
Julius Ndlovu	22892604	0721160328	Julius
Monica Wangari Njoguina	2467072	0718905634	Monica
Joel Kimemia	23478747	0711182901	Joel
Daniel Mwangi	11466752	0716617893	Daniel
Esther Njoki	223017916	0717094604	Esther
Joye Wangari Chege	23478892	0723493559	Joye
James Mwangi	22914710	0700541677	James
Leah Njoki Aituma	31038757	0717210163	Leah
Eunice Wangari	29084113	0745248525	Eunice
Henry Chumo	25311889	0725483060	Henry
Geoffrey Mathenge	3933001	0723988190	Geoffrey
Joseph Aikwiji	11792686	0728171474	Joseph
Samuel Kagansi	24738832	0729372988	Samuel
Samuel Muta	21857299	0729826650	Samuel
Abel Mberia	12636580	0726589751	Abel
Joseph Kerich	6990681	0724575119	Joseph
Benjamin Ndungu	24043567	0707894116	Benjamin

Kepohora Ndung'u

PUBLIC PETITION

SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS

We, citizens of Kenya seeking the welfare of forest communities and forest associations, attach our signatures in support of this Petition: -

NAME	ID NUMBER	CONTACTS	SIGNATURE
Prieta Koini	12973925	011 679566	
Ann Jekogei	28912261	0791323057	
Ann Ayabei	8763574	0723782600	
Janet Ngecu	25219273	0703230714	
Bonica Tebet	35027184	0742941475	
Mary Jelagat Marta Jelagat	30559587	0713126308	
Marta Jendell Jantina Jelagat	26100337	0701919143	
Irene Jelagat	26770013	0792262972	
Dorcas Murgor	1870210	0719779168	
Aliscan Sami	33959672	0723975749	
Jane Bettor	11652043	0720684518	
Nancy Muge	30559704	0716746165	
Uana Tumbi	13204186	0746829649	
Lydia Jetto	35608371	0794938551	
Niny Janet Bono	28978167	0707160296	
Ronald Roy	25025057	0726708457	
Felix Keter	13017300	07681233444	
Semmy To	25754566	0716860572	
Timothy Anvique	34559308	0758563769	
Stanley Kebinani	34175117	0726341123	
Esther Sanyok	22607275	0724830217	

CHERUS | KAPCITORWA

PUBLIC PETITION

SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS

We, citizens of Kenya seeking the welfare of forest communities and forest associations, attach our signatures in support of this Petition: -

NAME	ID NUMBER	CONTACTS	SIGNATURE
Jane Rose Nduma	12712266	0715765106	
Selina Sigei Muiya	012470818	0797905289	
Teresia Chebet Muiya	111665893	0748592810	
Lilian Chebet Kapsono	20503673	0717246210	
Christine Tanui	21559105	0704273422	
Callorine Jepngotich	25780218	0724214483	
Lily Chepkemboi Arsei	25759819	0740903965	
Scolah Chemtai	28782870	0729154754	
Dinah Mogo	92025052	07191366405	
Emily Jepkemboi Lagat	30550931	0798242895	
Sharon Chebet	34947568	0704627870	
Janet Chepchirchir Boret	2636731	0711712429	
Esther Chembo Binyeri	9159454	0723273032	
Nancy Chebet	28396371	0713409095	
Leigh Nyamalo Kenobe	7081750	0713407167	
Caroline Chepkorir Ngany	28040899	0793756541	
Beatrice Chepkoszi Tunoi	26956866	0717139270	
Miriam Jepngotich Buisirei	30547055	0717413295	
Nancy Jepkoszi	28790973	0725125704	
Beatrice Jepkemboi Isbore	26727026	0724734079	
Jane Chepkoele Biret	10541664	0720094472	

Kabale / Kapsonde

PUBLIC PETITION

SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES
LIVING NEXT TO FORESTS

We, citizens of Kenya seeking the welfare of forest communities and forest associations, attach our signatures in support of this Petition: -

NAME	ID NUMBER	CONTACTS	SIGNATURE
Jane Jontich	21457686	072608970	[Signature]
Jane Chepkorir	9555003	070629130	[Signature]
Jepkemi Toroitich	35813494	0703664513	[Signature]
Bonice Jepkosgei	2193558	0117436954	[Signature]
Maureen Chepkandi	26729970	0705768714	[Signature]
Ann Chebet Borgen	24079044	0110731600	[Signature]
Wilson Chebet	231767767	0796636947	[Signature]
Cornelia Komel	27896037	0710679789	[Signature]
Rita Chemeli Rugot	9720954	0110509800	[Signature]
Bonice Kipkosgei	5291841	0727136607	[Signature]
Nathan Kipelin Chirwaigo	38684047	0705334254	[Signature]
Sophine Chepngetia	20176095	0720811573	[Signature]
Hellen Jerono Jerono	20265620	0720954173	[Signature]
Cornelius Kiplinji	40435280	0726117249	[Signature]
Nelby Chepkumba	24616377	0710302479	[Signature]
Ann Bett	25282492	0740757252	[Signature]
Dennis Kiplagat	36001156	0704878122	[Signature]
Marry Koele	234443024	0729336255	[Signature]
Sara Chepkos Barno	20931800	0714340122	[Signature]
Esmerline Sepchumba	12642135	0720582450	[Signature]
AMCA Chemiyot Momboti	35611996	0702307016	[Signature]



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE EIGHTH SITTING OF THE PUBLIC PETITIONS COMMITTEE
HELD ON WEDNESDAY, DECEMBER 14, 2022, HILTON GARDEN INN HOTEL AT
9:30 AM

PRESENT

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. Ernest Ogesi Kivai, M.P.
5. Hon. Maisori Marwa Kitayama, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. Caleb Mutiso Mule, M.P.
8. Hon. Bernard Muriuki Nebart, M.P.
9. Hon. Peter Mbogho Shake, M.P.
10. Hon. Sloya Clement Logova, M.P.
11. Hon. John Bwire Okano, M.P.

ABSENT WITH APOLOGIES.

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. John Walter Owino, M.P.
3. Hon. Suzanne Ndunge Kiamba, M.P.
4. Hon. Bidu Mohamed Tubi, M.P.

IN-ATTENDANCE

1. Hon. Samuel Atandi - MP, Alego Usonga Constituency
2. Mrs. (Amb.) Josephine Awuor - Petitioner
3. Mrs. Caroline Atieno - Petitioner
4. Mr. Omondi Abonyo - Petitioner

SECRETARIAT

1. Mr. Samuel Kalama	-	Principal Clerk Assistant II
2. Ms. Miriam Modo	-	Clerk Assistant II
3. Ms. Willis Obiero	-	Clerk Assistant III
4. Ms. Patricia Gichane	-	Legal Counsel II
5. Mr. Shadrack Omondi	-	Legal Counsel II
6. Mr. Martin Sigei	-	Research Officer III
7. Ms. Eunice Jalang'o	-	Office Assistant
8. Mr. Yeziel Jilo	-	Serjeant-At-Arms

MIN./PPETC/2022/37: PRELIMINARIES

The Chairperson called the meeting to order at 9.30 a.m. and said the prayers. The Members of the Committee introduced themselves after which the Lead Clerk introduced the secretariat. The Petitioners also introduced themselves.

MIN./PPETC/2022/38: CONSIDERATION OF A PUBLIC PETITION REGARDING PROBABLE LOSS OF INVESTMENTS IN CYTONN HIGH YIELD SOLUTIONS PLATFORM

1) Brief from Legal Counsel

The Legal Counsel presented a brief on the Petition (*See attached Brief on the Petition*) as follows:

a) The Petition

- i. That Hon. Samuel Onunga Atandi, Member for Alego Usonga Constituency drew the attention of the House to a matter relating to probable loss of investments in Cytonn High Yield Solutions.
- ii. The Petition was presented on behalf of Mrs. (Amb) Josephine Awuor, Mrs. Caroline Atieno and Mr. Omondi Abonyo who averred that they entered into an investment arrangement with Cytonn Investments Ltd for purchase of one-bedroom apartments valued at Kshs. 7.8 million in a project named 'The Ridge' in Kiambu County on an off-plan arrangement.
- iii. However, despite making regular payments, the company has neither delivered the house nor any compensation for their investments.
- iv. The Petitioners therefore prayed that the National Assembly engages the company and its partners to clarify how they intend to fulfil the agreement.
- v. Further, the Petitioners sought the Committee intervention in holding the Chief Executive Officer, one Mr. Edwin Dande responsible for mismanagement of their hard earned

investments and secures a timely compensation/refund of the investors' money. Further, the Petitioners sought that the Capital Markets Authority be engaged to establish how they intend to operationalize the Investor Compensation Fund according to section 18(1) of the Capital Markets Act.

b) *Applicable legal provisions*

- vi. The Law of Contract Cap. 23 and Capital Markets Authority Act CAP 485A are the key legal provisions underpinning the Petition. That the Capital Markets Authority Act, CAP 485A provides for mechanism for redress for losses suffered by an investor owing to the acts or omissions of a person or entity that is regulated by the Authority.
- vii. The Committee would consider seeking more information from the Petitioners with regards to the relationship between them and the company. The Committee should also seek the views of the Cytonn Management Ltd and the Capital Markets Authority.

2) *Legal brief on the application of sub-judice rule*

- viii. The Committee took notice of a letter dated 2nd December 2022 from the management of Cytonn Investments Management Plc drawing the attention of the Committee to a case filed at the High Court in Milimani **Commercial Case No. E526 of 2022: Taaleri Afrika Rehasto II KY versus Cytonn Investments Partners Eleven LLP**. The Company claimed in the letter that the matter was subject of an ongoing suit hence the same was *sub-judice*.
- ix. With regards to the matter of *sub-judice*, the the Committee was informed as as follows:

a) *The Sub-judice Rule*

That the rule is set out in Standing Order 89 and is premised on the constitutional principle of separation of powers between Parliament and Judiciary. That for the rule to apply, the matter alleged to be pending before the Court or other legal body must be active and there must be a likelihood of prejudice to the fair determination of the issue under consideration if the House or its Committees refer to it in debate.

b) *Legal Opinion*

The Legal opinion was as follows:

- i. The House voluntarily imposes the Rule on itself, subject to the discretion of the Chair to allow reference to a matter notwithstanding that it is active and that there is a likelihood of prejudice to its fair determination by the courts.
- ii. The document provided by Cytonn indicates the Case Number which could not be found on the Kenya Law database, the alleged ruling has not been attached to the letter, neither

did the company attach the arbitration proceedings: and or the next hearing date of the matter.

- iii. Honorable Speakers of Parliament have given several directions on the application of the Rule and the reasonable exercise of discretion, which ought to guide the Committee in pursuing the Petition.

3) Submissions by the Petitioners

The Petitioners made their submissions before the Committee as follows:

a) Composition of Petitioners

- i. The Petitioners stated that while only three of them were recorded in the Petition during submission, there were thousands of other people affected by the same matter. The Petitioners were comprised of the investors who mobilized themselves after the Cytonn Investment Ltd failed to honour the agreement between the two parties.

b) The Structure of Cytonn Investments Management PLC

- ii. The main company in question is Cytonn Investments Management PLC. The Company had two (2) substituent companies (CHYS and CPN) 'not regulated', Special Purpose Vehicles (SPVs) (49) and other regulated entities either by Capital Market Authority (CMA) or Retirement Benefits Authority (RBA) (20) totalling to 71 entities.
- iii. Cytonn High Yield Solutions (CHYS) was registered in 2014. The Company invited the public to invest in their projects with an interest of 13 per cent, and this was approved by Capital Market Authority. Cytonn began to contravene certain sections of the Capital Markets Act, for example, exceeding the number of people on private offers, and amounts required. The CMA would engage them to inform them that they were going overboard.
- iv. The SPVs would get loans from CHYS and CPN and develop real estate projects like The Ridge along Kiambu Rd., The Alma in Ruaka, and Newtown in Athi River. From the developments, Cytonn would get money to pay back the CHYS and CPN for them to pay back creditors yet some of the projects did not even take off.

c) The Issues with Cytonn Investments

- v. The investments were in two forms. There were basic investments where investors would put their money and earn interest while others put in money to finance house projects in 'off-plan' arrangement. During the presentation, the following key issues were raised.
- vi. Cytonn went to court to seek insolvency after which an administrator was appointed by the court in October 2021 without informing creditors contrary to the Insolvency Act. The creditors in question were about 4,000 for both CPN and CHYS according to what they presented to court and about Kshs. 14 billion was owed.

d) Failure by the Administrator

- vii. The administrator put by the court was serving the interest of the company rather than the investors and the company claimed that CHYS and CPN had no assets to pay the creditors, yet all the projects done were from the creditors' money. The CHYS and CPN gave money to SPVs under loan notes agreement where they were supposed to buy land, put up apartments, sell them and give money to creditors. The creditors therefore could not reach their assets because they were managed by different legal entities which they did not sign a contract with. However, all the SPVs were owned by the same directors of Cytonn.

Mischief in financial reporting

- viii. There were mischiefs on the financial reporting of the company. The claim of facing financial problems during COVID-19 pandemic in 2020 was not true since they already had a negative working capital of Kshs. 5 billion in 2016. The financial statements of the company were erroneous, for example, a closing balance of Kshs. 5 billion in 2016 was recorded as one billion shillings of the opening balance in 2017 thus a loss of Kshs. 4 billion.
- ix. A South Africa based audit company dealing with credit rating rated Cytonn and found that the debt equity ratio of 86 per cent which was not good enough and recommended to them to diversify by getting long-term financing from international institutions which happened.

Incomplete projects and loss of money

- x. Since 2014, the Cytonn Investment Management Plc commenced only eight projects, and only one (The Amara) was complete. This was despite the company having about 49 SPVs suggesting that about 6 SPVs were doing a single project contrary to the agreement that an SPV does one project. According to the Petitioners, this bordered mischief and proved that the company was out to divert money. The Amara project, which was complete had ten villas which were sold, and they made a loss of Kshs. 500 million. The Petitioners claimed that the loss can be attributed to the CEO owning a villa there and giving the landowner two villas.
- xi. The Company, when doing their projects, engaged architects, designers, and other services which were paid huge sums of money despite the projects being incomplete. The monies were then written off and thus lost.

Contravention of guidelines

- xii. The Company did not follow its guidelines and invested in areas not allowed, for example, Cytonn Education Services, a plot in Westlands Estate bought by one of the directors, built a

public road in Ruaka going to the Alma, botched purchase of land in Machakos and Rongai, amounts advanced to landowners, and purchase of shares in Superior Homes.

The overriding role of the CEO

xiii. The management especially the CEO of Cytonn appeared fixated on taking money from the public. They claimed that the CEO himself had an overriding role in the company and real estate functions, for example, collecting money, looking for investments, developing property, marketing, consultancy, and legal services. This was orchestrated such that all these money would only get lost in the hands of the CEO.

Corporate guarantee

xiv. The corporate guarantee that they believed would assist them when things go wrong was equally amended without their knowledge which bordered fraud.

Prayers to the Committee

xv. The Petitioners submitted the following prayers to the Committee:

- a) That the corporate guarantee of each of the investors' agreement be invoked.
- b) That a forensic audit to unearth the mismanagement of funds be conducted by the Auditor General or the Financial Reporting Centre of the Central Bank of Kenya (CBK) in conjunction with the Directorate of Criminal Investigations (DCI).
- c) That a corporate veil be lifted because all the 71 entities and Cytonn Investments Management Plc are legally registered.

Committees Concerns

a) Letter from Cytonn Investment Management Plc

The Committee noted a letter written to the National Assembly by Cytonn dated 2nd December, 2022, informing the Committee of a pending case on the matter at the High Court in Milimani, Case No. E526 of 2022, did not have the Name of the Sender. The Committee also sought to know the status, the issues, and prayers in the case.

With regards to the letter, the Petitioners, through their Legal Counsel stated that they were not aware of that court case referred to by Cytonn, but they were aware of several other court cases pending before court. The said cases were of several nature, for example, about 30 cases by

Cytonn on defamation, administrative and insolvency cases for CHYS, Case No. E063 of 2021, and for CPN, Case No. E064 of 2021 to mention but a few.

b) The Nature of the issues raised in the Petition.

The Committee sought to understand the nature of the issues raised in the Petition as to whether they were criminal or civil.

With regards to the nature of the matters raised in the Petition, the Petitioner's legal counsel stated that the issues raised in the Petition were of both criminal and civil nature. For instance, the DCI, CMA and ODPP investigated the issues. Many of the investors recorded statements with the DCI and investigations began but along the way the three Directors of Cytonn obtained Court Orders ex-parte to stop the investigations by the three agencies, which orders still stand.

c) Investment agreements/contracts between investors and Cytonn

The Committee sought to have the contract documents signed between by Cytonn and the investors to be incorporated in the paperwork making up the Petition. The Committee also sought to establish whether there were any sale or purchase agreements for the real estate projects.

With regards to the contracts, the Petitioners' legal counsel undertook to avail contract agreements for the creditors/investors to the Committee.

With regards to sales and purchase agreements for real estates, the Petitioners stated that those clients who invested in real estate 'off-plan' arrangement were not issued with agreements instead, they were put under the CHYS.

d) Due diligence for the ownership of the real estates

The Committee sought to know whether there was any due diligence and document to ensure that the properties in question belonged to Cytonn.

The Petitioners stated that while different investors chose different investments, the CHYS after failing to refund Petitioners, moved them to CPN instead under loan notes agreement. However, since the houses were there, they continued investing relying on charge documents signed by CEO, chief accountant, and the legal person. Further, majority of investors were not buying houses.

e) Role of the commercial banks

The Committee sought to establish the role of commercial banks in the process of investments.

With regards to the role of the banks, the Petitioners stated that the banks lent money to the SPVs that constructed and developed the real estates. The Kenya Commercial Bank (KCB) loaned

funds to the SPV that was used to develop Sight Suites while SBM Bank lent an SPV that constructed “The Alma Homes.”

f) Current financial statements and assets of the SPVs and Corporate Veil

The Committee inquired on the financial statement of the SPVs considering that indeed they had some projects completed already even if the company did not own it. The Committee sought to know the beneficiaries of assets/monies in the SPVs if the lifting of veil of corporation would be achieved.

The Petitioners stated that lifting the veil of corporation was proposed because the assets were owned by SPVs who bought them majorly using money from creditors, and they cannot get to the SPVs. With regards to the assets, the Petitioners stated that, for example, they could not get the register at the land registry prompting them to do an application for a preservation order on all assets to the insolvency court. However, the application was still pending in court.

With regards to preservation of assets, the Petitioners stated that an existing corporate guarantees on the agreements restricted investors. For example, the CHYS investors were told they are guaranteed because the parent company of Cytonn would pay them back. When the creditors requested to invoke the corporate guarantee, the company responded that the guarantee has been amended.

g) Shareholders of the companies

The Committee sought to know the shareholders of the CHYS, CPN, SPVs and any other affiliate company of Cytonn and whether they were registered companies in Kenya.

The Petitioners stated that all the SPVs were registered. Also, an inquiry by the DCI revealed that all the SPVs and affiliate companies had the same three shareholders (Mr. Edwin Dande, Ms. Patricia Wanjama, and Ms. Elizabeth Guku) who identified themselves as either director or partner. All the companies were under Cytonn Investments Management Plc umbrella.

h) Dispute mechanism methods in the agreements

The Committee sought to establish whether there was another dispute resolution mechanism under the investment agreements.

The Petitioners averred that there was an arbitration provision in the agreements. Further, several creditors had gone to court individually but a moratorium against all the cases made them stop after the Administrator was appointed by the Court. Therefore, the arbitration could not continue despite being provided for in the agreements.

i) Whether there were any beneficiaries of Cytonn Investments

The Committee inquired whether there were any people who benefitted from the investments out of the 4000 mentioned and whether there were any avenues the investors used to resolve the issues and their success state.

The Petitioners stated that indeed some of the investors were receiving their interests from 2014 and they were recycling them without many issues. It was until 2020 when the interests were not coming, and they were unable to access the principal amount also.

4) Committee Resolutions

The Committee resolved as follows:

- i. The legal counsel for the Petitioners to liaise with the Committee's legal counsel to establish the cases pending in court on the matters raised in the Petition;
- ii. The Petitioners' legal counsel to provide a categorized list of investors/creditors according to their investments;
- iii. The Petitioners' legal counsel to provide contract documents between the investors and Cytonn Investment Management Plc., and the corporate guarantee; and
- iv. The Committee to invite Cytonn Investments Management Plc including the Administrator to clarify on the issues as raised by the Petitioners.

MIN./PPETC/2022/39:

CONSIDERATION OF PUBLIC PETITION
REGARDING SAFEGUARDING THE ECONOMIC
AND SOCIAL WELFARE OF COMMUNITIES
LIVING NEXT TO FORESTS

1) Brief from Legal Counsel

The Legal Counsel presented the *brief (see attached Legal Brief)* on the Petition as follows:

a) The Petition

- i. The Hon. Julius Kipletting Ruto, Member for Kesses Constituency, on behalf of the forest communities and associations across the country drew the attention of the House to the issues of economic and social welfare of communities living next to forests.
- ii. The Petitioners sought the following prayers:
 - a) secure the rights and welfare of forest communities across the country.
 - b) review the Kenya Forest Service policy and ensure local communities are given priority to purchase at least 30% of forest resources and access to government procurement opportunities.

- c) ensure logging firms conduct corporate social responsibility activities to the forest communities to develop local infrastructure such as roads, schools, water piping and water catchment areas.
- d) to end the regular harassment of forest communities by Kenya Forest Officers.

b) Analysis of applicable legal provisions

- iii. The main issue in the petition is the protection of the interests and welfare of forest communities and associations, through benefit and incentive sharing, while sustainably exploiting forest resources.
- iv. The following legal provisions underpinned the Petition:
 - a) The Forest Conservation and Management Act, 2016 where section 32 provides that all community forests are vested in the communities, and they may participate in conservation and management of public forests.
 - b) Article 69 (1) and Article 66(2) on land use framework and need for investments in property to benefit local communities.
- v. Therefore, the Committee should interrogate:
 - a) the Petitioner and the forest communities or associations in Kesses Constituency and as can be identified,
 - b) The Ministry of Environment and Forestry on benefit sharing aspects of forest resource exploitation and existing policy,
 - c) the Kenya Forest Service on forest concessions and forest agreements, number administered by local communities and how the concessions issued to foreign individuals benefit local communities pursuant to section 53 of the Forest Conservation and Management Act, 2016, and
 - d) Uasin Gishu County on the implementation of the forestry policy and provisions on benefit sharing with local communities pursuant to section 53 of the Act.

2) Submissions by the Petitioner, the Hon. Julius Kipletting Ruto, MP

The Petition

- i. The Honorable Member presented to the Committee that the Petitioners were majorly comprised of the people living within Senkalu, Nabkoi and Loremkel Forests. The Petition was informed by constant lamentations by women, youth, and farmers in the area.
- ii. That section 8 of the Forest Conservation and Management Act, 2016, provides a framework on how Kenya Forest Service should ensure that communities living next to the forests live together with the forests. However, there is a constant inhumane harassment of the same communities. If the communities happen to use the available resources in the forests to

benefit themselves, as that is the only economic activity, the forest guards have constantly arrested and assaulted them. For instance, a man who was herding his animals within the forest was assaulted and there is evidence of that. The Petitioners are requesting that they be treated humanely because they do not have any other economic activity to engage. Sometimes, forest guards follow the women to their homes at night and also terrorize and take away their firewood and sell them.

- iii. There is a huge correlation between the forests and the said communities. For example, the people use the streams within the forests to water their cattle, yet the forest guards are constantly locking up their cattle and extorting the owners through cash demands.
- iv. The Petitioners prayed for the following issues to be considered:
 - a) Benefit sharing between the communities and government;
 - b) Improvement of social amenities by the Government;
 - c) Building a symbiotic relationship between the community and government through recruitment of locals as forest guards and allowing the community to get at least 30% of forest. This relationship will enhance cohesive forces towards forest protection and conservation.
 - d) Kenya Forest Service to bring to book Officers who are harassing and extorting the locals.

3) Committee Concerns/observations

i. Inclusion of other areas of the country

The Committee sought to have the recommendations on the Petition to cover all other protected areas in the country as the issues raised were cross-cutting. Also, the local communities around protected resource areas to be given priority to benefit from the areas.

ii. Social responsibility

On social responsibility, the Committee agreed that the communities should be given an opportunity to identify the services and benefits they need addressed rather than the authorities being the ones to determine that. However, this should be coordinated well within the law not to have a scenario where forests are misused.

iii. Health and safety of local communities

The Committee sought to find ways of compensating the local communities in cases where the local communities are affected by a particular conservation project. Further, the Committee expressed concerns on the issue of forest guards' unlawful harassment of the locals including their training curriculum.

iv. Procurement opportunities

The Committee sought to understand the aspect of the 30% procurement opportunities to the local communities as raised in the submission by the Petitioners. The Committee was further concerned about the capacity of the locals to be accorded procurement opportunities.

With regards to the 30% procurement opportunities, the Petitioner stated that the law provides for the youths, women, and persons with disabilities a certain portion of government opportunities. Also, the uptake of local communities is likely to change now and the county governments could capacitate the communities to uptake the available opportunities.

v. Organizing the communities and balancing between the forest conservation and benefits sharing

The Committee raised concerns on the challenge of having the communities to organize themselves to claim the available benefits. Some communities/people may take advantage and want to benefit more or benefit without taking responsibility for undesired actions. Also, some local communities may bring in foreigners to be considered in the benefit sharing scheme.

With regards to organizing the communities, the Petitioner stated that there are several associations willing to assist and it is the sole duty of the Kenya Forest Service to register and capacity build them.

With regards to the balancing act, the Petitioner stated that collecting all the available information on the issues raised would inform proper decisions to be made on the way forward.

4) Committee Resolutions

The Committee resolved to:

- i.) Meet with Kenya Forest Service to provide information pursuant to Section 53 of the Forest Conservation Management Act, 2016 on forest concessions and forests agreements;
- ii.) Meet with Cabinet Secretary for Environment and Forestry to provide information on benefit sharing aspects of forest resource exploitation through forest concessions and periodic reviews of the Forest Policy;
- iii.) Meet with the County Government of Uasin Gishu to get views on the implementation of forest policy and Section 53 of the Forest Conservation and Management, Act, 2016; and
- iv.) Undertake a site visit to Kesses Constituency to interact with the communities living next to the forests to establish more facts and situation on the ground.

MIN./PPETC/2022/40:

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 1.30 p.m. The date of the next meeting would be on Thursday, 15th December, 2022 at 9.00 a.m.

Sign: 

(CHAIRPERSON)

Date..... 



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 22ND SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON WEDNESDAY, APRIL 26, 2023, IN THE COMMITTEE ROOM, ON THE 4TH FLOOR, CONTINENTAL HOUSE AT 11:30 AM

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. John Walter Owino, M.P. | | |
| 5. Hon. Ernest Ogesi Kivai, M.P. | | |
| 6. Hon. Maisori Marwa Kitayama, M.P. | | |
| 7. Hon. Edith Vethi Nyenze, M.P. | | |
| 8. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 9. Hon. Peter Mbogho Shake, M.P. | | |
| 10. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 11. Hon. John Bwire Okano, M.P. | | |

ABSENT WITH APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. Bidu Mohamed Tubi, M.P.
3. Hon. Caleb Mutiso Mule, M.P.
4. Hon. Sloya Clement Logova, M.P.

IN-ATTENDANCE

KENYA FOREST SERVICE AND MINISTRY OF ENVIRONMENT AND CLIMATE CHANGE AND FORESTRY

- | | | |
|-------------------------|---|--|
| 1. Mr. Alex Lemarkoko | - | Ag. Chief Conservator of Forests |
| 2. Mr. Benjamin Kinyili | - | Principal Conservator of Forests |
| 3. Ms. Juliana Ochieng | - | Manager, Human Resource |
| 4. Mr. Rodney Omari | - | Parliamentary Liaison Officer, Ministry of Environment, Climate Change, and Forestry |

UASIN GISHU COUNTY GOVERNMENT

Mr. Abraham K Serem - County Executive Committee Member (CEC) for Water and Environment

SECRETARIAT

1. Mr. Samuel Kalama - Principal Clerk Assistant II
2. Ms. Patricia Gichane - Legal Counsel II
3. Mr. Shadrack Omondi - Legal Counsel II
4. Ms. Willis Obiero - Clerk Assistant III
5. Mr. Martin Sigei - Research Officer III
6. Ms. Lilian Mburugu - Media Relations Officer III
7. Mr. Rahab Chepkilim - Audio Officer

MIN./PPETC/2023/145:

PRELIMINARIES

The Chairperson called the meeting to order at 11.30 a.m. and prayers were said by the Hon. Janet Jepkemboi Sitienei, M.P. The Members of the Committee introduced themselves after which the members of the Secretariat and the witnesses introduced themselves.

MIN./PPETC/2023/146:

ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. **Consideration of Public Petition regarding Safeguarding the Economic & Social Welfare of communities living next to forests**
 - i. Meeting with the Cabinet Secretary, Environment, Climate Change and Forestry
 - ii. Meeting with the Chief Conservator, Kenya Forest Service (KFS)
 - iii. Meeting with CEC, Water and Environment, County Government of Uasin Gishu
6. Any other Business
7. Adjournment & Date of Next Meeting

Thereafter, the Proposed Agenda of the Meeting was adopted to constitute business of the Meeting having been proposed by the Hon. Suzanne Ndunge Kiamba, M.P. and seconded by Hon. Suzanne Ndunge Kiamba, M.P.

MIN./PPETC/2023/147:

CONSIDERATION OF PUBLIC PETITION REGARDING SAFEGUARDING THE ECONOMIC & SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS

A. Meeting with the Cabinet Secretary, Environment, Climate Change and Forestry and the Chief Conservator of Forests

The Ag. Chief Conservator of Forests presented on behalf of KFS, and the CS, Ministry Environment, Climate Change and Forestry as follows:

Background

- i. That Uasin Gishu County has a forest cover of 6.73% and a tree cover of 8.04 % of the 3,345.2 Km² with about 29,801.93ha gazetted as forest reserves.

- ii. That the forest communities and associations in question live next to Kiptega/Teldet, Kitinga, Muchorwei/Kapmugubi/Kipkosorio/Kaptumo, Ndulungu, Cherus/Kapchorua, Kabilat/Kapsunde, Chirchir/Shamba Mpya, Korimat and Barekeiwo areas in Kesses Constituency.
- iii. That the management of the forest reserves is administered through six forest stations which include Kapsaret, Lorenge, Timboroa, Nabkoi, Cengalo and Kipkurere.

Intervention to secure the rights and welfare of forest communities and associations

- i. That the conservation and management of forests is premised on the provisions of the Constitution, the Forest Conservation and Management Act, 2016, strategic plans and other subsidiary legislations.
- ii. That Part V of the Forest Conservation and Management Act, 2016 entrenches community participation through Community Forest Associations (CFAs) formed from members of the forest with elaborate mechanisms for their participation.
- iii. That all forest stations in the Petition; Nabkoi Cengalo, Timboroa, Lorenge, Cerengoni and Tendeno have existing and active CFAs who are actively engaged in the station operational activities.
- iv. That Timboroa, Cengalo, Nabkoi, Lorenge and Cerengoni CFAs with a membership of 6794 had developed Participatory Forest Management Plans (PFMPs) which expired in 2019. They were mobilizing resources to review, launch and negotiate the Forest Management Agreements (FMAs).
- v. That all communities adjacent to the forest ecosystems have inherent rights for utilizing the resources that were traditional in nature.
- vi. That forest communities and associations have continued to benefit from all forms of forest use ranging from Plantation Establishment and Livelihood Scheme (PELIS) Shamba System, grazing, beekeeping, water abstraction, tree nurseries, ecotourism, herbal medicine, firewood collection and silvicultural activities.
- vii. That the current PELIS program covering an area of 1,311.6ha benefits 6,023 farmers from forest communities thus has improved food security.
- viii. That access and utilization of forest resources were not limited to CFA membership, but all communities as established in the working procedures and regulations.
- ix. That economic and social benefits that the forest communities and associations enjoy contributes to the improvement of living standards and food security.

Review of policies to ensure prioritization of 30% of forest benefits to locals

That KFS had given equal opportunity to all individuals and business enterprises who had expressed interest in forest resource harvesting through a competitive prequalification process. For instance, the prequalified local sawmillers had been granted more than 30% of forest resources harvested hence aligns with the Access to Government Procurement Opportunities (AGPO) program.

Corporate Social Responsibility

That KFS was committed to improving the community welfare and livelihoods through engagement of stakeholders in forest activities and operations to realize development. For

instance, logging firms had engaged in tree nursery projects to rehabilitate and restore water catchment areas, maintenance of forest roads, supporting education initiatives and supporting youth employment.

Regular harassment of forest communities

- i. That there have been instances of forest destruction in the areas in question which have been handled without harassment by forest officers. The officers were trained by the National Human Right Commission (NHRC) on the Human Rights Based Approaches (HRBAs).
- ii. That cases of harassment brought to the attention of KFS have been referred to the law courts for prosecution and judgement.
- iii. The Ministry was also planning to actively engage the forest communities through participatory and management meetings henceforth.
- iv. That the Ministry of Environment, Climate Change and Forestry had put in place a program to sensitize the CFA leaders on such matters with a first meeting held in March, 2023.
- v. That such initiatives were part of the government's plan to engage stakeholders in the 15 billion tree planting exercise by 2032.

Committee's Concerns

The existing gaps

The Committee sought to know why the efforts to secure the interest of the forest communities were not being felt on the ground. The KFS indicated that the Ministry had faced the challenges of understaffing which created a gap in managing the forests. However, the Ministry was working on recruiting more officers. The KFS also submitted that due to the ban on logging which was the main activity, some communities were frustrated, and they felt they are not taken care of hence the concerns in the Petition.

Community participation

The Committee inquired the strategies put by the Ministry to recognize and address the needs of the forest communities and the wider community. The KFS indicated that:

- Through the Participatory Forest Management Plans, all communities were involved. Those within 5 kilometres to the forest or those away but have interest formed the Community Forest Associations (CFAs).
- The CFAs were grouped into women, who were allowed to collect firewood for domestic use and youths who engaged in income generating activities such as beekeeping, butterfly keeping, and herbal collection.
- Further, there was a grazing group allowed to cut and carry grass for their livestock.
- The PELIS Shamba system allowed the community to cultivate in three years with assistance of KFS through provision of seedlings. However, some communities felt left out because the moratorium in place had not been lifted. That the community access and participation was provided for but with control.

Allegations of harassment

The Committee sought clarifications on the harassment claims including sexual harassment of women seeking to utilize forest resources such as firewood and herbs for domestic use. The Committee also inquired about the mechanisms in place to address the challenge. The KFS stated that there was possibility of harassment claims, but had the following strategies:

- Training officers on human right based approaches to restrain and officers who do not adhere to instructions undergo administrative disciplinary processes.
- Gender mainstreaming by ensuring joint patrols such that women are searched by women officers.
- Enhancement of supervisory roles to ensure daily reports on officers to enhance their accountability.
- The structures of CFAs enabled reporting of harassment claims and KFS undertook to sensitize the public through public meetings and improve the training curriculum of KFS officers.

However, the KFS rangers had also faced harassment from the locals through attacks and even loss of lives. Therefore, the rangers were not entirely ruthless save for rare cases of misbehaviour which were being dealt with.

Forest concessions reservation and inclusion of forest communities

The Committee sought the views of the Ministry regarding the request by the Petitioners for a 30% reservation of forest concessions, the procedure and conditions involved. The KFS indicated that:

- The communities were given 60% of community benefits to the community around the forests and 40% to the others. However, sometimes the ability of the community to take care of the 60% is a challenge necessitating subcontracting. The agreement ensures the contractors with capacity employ local people in the harvesting of forest resources.
- The regulations allowed for the communities to benefit from forest resources. That the process required members to join CFAs for designation, for example, areas they can do beekeeping. Further, in collaboration with stakeholders, youths were trained on modern beekeeping and provided with beehives.

B. Meeting with CEC, Water and Environment, County Government of Uasin Gishu

The CEC for Water and Environment, Uasin Gishu County submitted that the Petition raises substantive issues and the County Government of Uasin Gishu Supports the same as follows:

- i. The interests of communities living next to forests as described in the Petition should be protected and the Kenya Forest Service should act jointly with the County Government in management and conservation of the forests as provided by the Act.
- ii. The forests user rights of the communities as protected by the Act under section 49 should be respected in instances the community has been granted permission by the law.
- iii. That KFS is obligated to undertake its statutory duty for the benefit of the County and the communities living next to the forests.

- iv. That on policy review, the County Government fully supports the idea that the communities living next to the forests to be involved in resource sharing by having access to forest resources.
- v. There were many instances where the KFS officers had violated the rights of the community members.
- vi. That the principle of cooperation between the national and County Governments binds KFS to listen to the concerns of the petitioner and further to listen to the County Government of Uasin Gishu.
- vii. That the function of county governments in respect of Clause 10 of the Act and the Fourth Schedule to the Constitution should be expanded to give counties a major role in forest management as this will ensure the rights of the communities living next to forests are protected better.

Committee's Concerns

The gaps in relation to the mandate of KFS and the Ministry

The Committee sought the views of the CEC on the gaps in the mandate of KFS and Ministry regarding forest conservation. The CEC indicated as follows:

- i. That the proceeds of forests resources go to KFS, yet it's the forest communities who plant the same trees.
- ii. That the locals were complaining of the atrocities inflicted by KFS officers resulting to injuries.
- iii. That the forest officers allow locals to farm in the forest at a fee of Kshs500 for a quarter acre in addition to planting trees. Further, the locals are charged about Kshs131 per animal to graze in the forest. However, sometimes the officers demand upfront payment for these services.
- iv. The villagers are forced to put out fire whenever there are fire outbreaks in the forests.
- v. The locals also rarely get opportunities to be considered for tenders as the exercise is done in Nairobi, yet the big companies getting the tenders destroy the roads, water catchment areas while accessing the forest.

Engagement of the County with KFS

The Committee sought to know the levels of engagement between the County and KFS and whether the county had a forest they were managing. The CEC indicated that the county has occasionally engaged the KFS only during national functions but not directly on the matter in question. Further the CEC reported that Uasin Gishu County government had about 1,000 ha forest in Kapseret Constituency where they had the community managing and conserving the forests with help of county officers.

Proposals on the role of national and County Government and the capacity of counties in forest management

The Committee sought the views of the County Government on the role of county and national governments in the management of forests. The CEC proposed that the forest management and

conservation role should be handed over to the county governments as they had capacity to protect both the interests of the people and the forests. The county can mobilize members of the community to plant trees and protect forests.

Role of the CFAs in preventing exploitation

The Committee inquired on the role of CFAs with regards to protecting the interest of communities and minimizing exploitation by KFS. The CEC stated that the CFAs were only present on paper and were not involved as much since the KFS officers were calling the shots.

MIN./PPETC/2023/148:

ANY OTHER BUSINESS

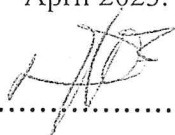
Scheduling of witnesses

The Committee resolved to arrange appearance of witnesses to begin with the witnesses supporting the petition and thereafter the stakeholders answering the allegations. Further, the witnesses lower in the hierarchy to be scheduled first to enable collection of primary data which could be used to challenge the witnesses higher in the hierarchy.

MIN./PPETC/2023/149:

ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 05:00 p.m. The next meeting would be held on Thursday, 27th April 2023.

Sign: 

(CHAIRPERSON)

Date..... 11.05.2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 38TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON FRIDAY, JULY 21, 2023 AT 10.00 A.M IN MADUNGUNI CONFERENCE ROOM, PRIDE INN HOTEL, MOMBASA

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkembai Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. Maisori Marwa Kitayama, M.P. | | |
| 7. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 8. Hon. Caleb Mutiso Mule, M.P. | | |
| 9. Hon. Sloya Clement Logova, M.P. | | |
| 10. Hon. John Bwire Okano, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. John Walter Owino, M.P.
3. Hon. Bidu Mohamed Tubi, M.P.
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.

SECRETARIAT

- | | | |
|------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Ms. Anne Shibuko | - | Clerk Assistant I |
| 4. Mr. Willis Obiero | - | Clerk Assistant III |
| 5. Mr. Shadrack Omondi | - | Legal Counsel II |
| 6. Ms. Lilian Mburugu | - | Media Relations Officer III |

MIN./PPETC/2023/243: PRELIMINARIES

The Chairperson called the meeting to order at 10.00 a.m and Hon. Ernest Ogesi Kivai, M.P. said the prayers.

MIN./PPETC/2023/244: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. Consideration of Reports on:
 - i. Public Petition No. 001 of 2022 regarding Safeguarding the Economic and Social Welfare of Communities Living Next to Forests; and
 - ii. Public Petition No. 006 of 2022 Regarding Compensation of the Nyanza Western Caucus of IDPs
6. Any other Business
7. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by the Hon. Ernest Kagesi, M.P. and seconded by the Hon. Joshua Chepyegon Kandie, M.P.

MIN./PPETC/2023/245: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

The Agenda was deferred.

MIN./PPETC/2023/246: MATTERS ARISING

There were no matters arising.

MIN./PPETC/2023/247: CONSIDERATION OF REPORT ON PETITION REGARDING SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS

The Committee considered the Petition regarding Safeguarding the Economic and Social Welfare of Communities Living Next to Forests. The petitioners pray that the National Assembly through the Public Petitions Committee:

- i. intervenes to ensure that the Kenya Forest Service reviews its policy to ensure that local communities are prioritized to purchase at least 30% of forest resources harvested and that the Access to Government Procurement Opportunities (AGPO) program be adhered to; and
- ii. secures the undertaking of Corporate Social Responsibility (CSR) by logging firms in the areas with the resulting revenue used to develop local infrastructure such as roads, schools, water piping and development of water catchment areas.

The Committee made various observations key among them being that:

- i. Through the CFAs, forest communities are granted various user rights and authorisations in accordance with the community forest management plan such authorisations include cultivation permits under PELIS program, where locals are allocated portions of land for tree planting and cultivation at a small fee. The forest communities are also accorded the opportunity to graze their animals at a fee. However, the fees payable to these activities keep on fluctuating as it is discretionary to the KFS officers;
- ii. The large-scale forest resource harvesters such as multinationals or local big corporations do not give back to the forest communities. There are no clear guidelines or regulations compelling the companies to do corporate social responsibility to indicate the extent of CSR activities to be carried out in the communities. Further, most of the companies have not prioritised the employment of local residents in the exploitation of forest resources and there was no evidence of equitable sharing of benefits from the forest resources through CSR; and
- iii. There is a shortage of forest rangers to serve all the forest stations in the country thus there is no effective management of forests.

MIN./PPETC/2023/248: CONSIDERATION OF REPORT ON PETITION REGARDING COMPENSATION OF THE NYANZA WESTERN CAUCUS OF IDPS

The Committee considered the Petition regarding Compensation of the Nyanza Western Caucus of IDPs. The petitioners pray that the National Assembly through the Public Petitions Committee:

- i. intervenes on behalf of the poor farmers and beneficiaries of West Kano Irrigation Scheme funds to seek conclusion to the investigations of EACC and recommends appropriate action against culpable officers; and
- ii. recommends financial audit of the West Kano Irrigation Scheme Revolving Fund Society between 2007 and 2021 to enhance transparency and accountability of the fund; an institutional audit of the scheme since its inception; and forensic audit of all officials involved in the period in question.

The Committee made various observations key among them being that:

- i. the Petitioners felt discriminated and neglected because other people were compensated but they were not. The structures put in place by the government to compensate and or resettle IDPs of the 2008 PEV did not cover all IDPs;
- ii. the *Operation Rudi Nyumbani* programme did not adequately address the plight of the Nyanza and Western Region IDPs of the 2007/2008 PEV. As a matter of human right, IDPs compensation and resettlement must be reopened and should be an ongoing exercise. It was further noted that the issues of IDPs is a humanitarian issue hence a human rights issue. The statute of limitation does not limit human rights. Human rights are entrenched and are perpetual. Further, the Committee also observed that the National

Consultative Coordination Committee on Internally Displaced Persons was still in place and can address the issue of IDPs in the country;

- iii. there was a possibility that officers in charge of the compensation programme politicised the process;
- iv. the Petition presented an opportunity for the Ministry of Interior and National Administration to review policies and institutionalization of budget to allow for compensation of IDPs of the 2007/2008 PEV that were not compensated; and
- v. any further neglect of the Petitioners' plight amounts to serious violation and derogation of their inalienable right to fair administrative action particularly with respect to expeditious administrative process.

MIN./PPETC/2023/249: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 1:00 p.m. The next meeting would be held on Friday, 20th July 2023 at 2.00 p.m.

Sign: 

(CHAIRPERSON)

Date..... 27/07/2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 43RD SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON THURSDAY, JULY 27, 2023 AT 10.00 A.M IN NATIONAL ASSEMBLY CHAMBER, MAIN PARLIAMENT BUILDINGS

PRESENT

1. Hon. Janet Jepkemboi Sitienei, M.P. - Vice Chairperson
2. Hon. Patrick Makau King'ola, M.P.
3. Hon. Joshua Chepyegon Kandie, M.P.
4. Hon. John Walter Owino, M.P.
5. Hon. Maisori Marwa Kitayama, M.P.
6. Hon. Edith Vethi Nyenze, M.P.
7. Hon. Suzanne Ndunge Kiamba, M.P.

APOLOGIES

1. Hon. Nimrod Mbithuka Mbai, M.P. - Chairperson
2. Hon. Ernest Ogesi Kivai, M.P.
3. Hon. (Eng.) Bernard Muriuki Nebart, M.P.
4. Hon. Bidu Mohamed Tubi, M.P.
5. Hon. Peter Mbogho Shake, M.P.
6. Hon. John Bwire Okano, M.P.
7. Hon. Sloya Clement Logova, M.P.
8. Hon. Caleb Mutiso Mule, M.P.

SECRETARIAT

1. Mr. Samuel Kalama - Principal Clerk Assistant II
2. Ms. Miriam Modo - Clerk Assistant I
3. Ms. Anne Shibuko - Clerk Assistant I
4. Mr. Willis Obiero - Clerk Assistant III
5. Mr. Shadrack Omondi - Legal Counsel II
6. Ms. Lilian Mburugu - Media Relations Officer III
7. Ms. Joyce Kakya - Hansard Reporter III
8. Mr. Collins Mahamba - Audio Officer

MIN./PPETC/2023/273: PRELIMINARIES

The Chairperson called the meeting to order at 10.00 a.m. and Hon. Suzanne Ndunge Kiamba, M.P. said the prayers.

MIN./PPETC/2023/274: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. Adoption of Reports on:
 - i. Public Petition No. 001 of 2022 regarding Safeguarding the Economic and Social Welfare of Communities Living Next to Forests; and
 - ii. Public Petition No. 008 of 2022 regarding Graft Investigations at West Kano Irrigation Scheme.
6. Any other Business
7. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by the Hon. Suzanne Ndunge Kiamba, M.P. and seconded by Hon. Suzanne Ndunge Kiamba, M.P.

MIN./PPETC/2023/275: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

The Agenda was deferred.

MIN./PPETC/2023/276: ADPOTION OF REPORT ON PETITION REGARDING SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF COMMUNITIES LIVING NEXT TO FORESTS

Upon review of the submissions in the report, the Committee recommended that—

- i. the rights of forest communities as provided in the Forest Conservation and Management Act, 2016 should be respected and the participatory frameworks should be supported by Kenya Forest Service to ensure local communities benefit from forests resources. The CFA framework available should be strengthened to have decision-making powers regarding the welfare and interest of the local communities.
- ii. securing the rights and welfare of community living next to the forest can be realised in two ways—
 - a. First, the Ministry and KFS should come up with a mechanism, through regulations, to determine the total benefits accrued from the forest resources at a given period then allocate at least 30% of the same to the local community. For the avoidance of any doubt, the forest resources contemplated in this recommendation are the resources contemplated in the Act that yield forest produces that include bark, animal droppings, beeswax, canes, charcoal, creepers, earth, fiber, firewood, frankincense, fruit, galls, grass, gum, honey, leaves,

flowers, limestone, moss, murram, 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

- b. Secondly, in the cases where the CFAs do not have the requisite capacity to get the tenders, they should be allowed the decision-making power of qualified contractors to do the carry out the tenders on their behalf with a proper agreement on how the CFAs will benefit from the produce harvested.
 - c. The Committee further recommends that in addition, the Ministry of Environment, Climate Change and Forestry and the Kenya Forest Service should review the Participatory Forest Management Plans (PFMP) for the forests mentioned in the petition and incorporate periodic capacity building, whenever it is practically possible, on access to procurement of forest resources.
 - d. Further the Ministry and Kenya Forest Service should create regulations on measures to enhance community participation in the conservation and management of forests especially for commercial activities such as the licensing and trade of forest products; and
 - e. Finally, the Committee recommends strict adherence to climate change mechanisms that ensures sustainability in the exploitation of forest resources.
- iii. corporate social responsibility programs should be a term or condition in all forest concession agreements to ensure forest communities benefit and that the Cabinet Secretary for Environment, Climate Change and Forestry should formulates regulations on incentive and benefit sharing with local communities for forest management concession agreements. However, the CSR activities may include but are not limited to capacity building of the CFAs to enable them to participate and benefit from the forests. For the avoidance of doubt, this recommendation does not permit any use of forest land to provide for the corporate social responsibility activities contemplated under section 53 of the Act.
- iv. a review of the KFS training curriculum and culture to prepare the officers to collaborate with forest communities in conservation and management of forests. Further, KFS should enhance the number of their staff to ease the pressure on the smaller workforce that they currently have.
- v. The Committee also recommends—
- a. The review of the Kenya Forest Service training curriculum to impart knowledge and skills on public relations, respect for human rights and that KFS moves with speed to finalize and establish a KFS standard operational procedures to guide the engagement of KFS officers with the public;

- b. Kenya Forest Service should sensitize forest communities on the methods of access to capital to undertake in forest concessions and the procurement process for contracts with Kenya Forest Service. This will empower them economically; and
- c. The Cabinet Secretary for Environment, Climate Change and Forestry should formulate guidelines or subsidiary legislation that implements the provisions of the Forest Conservation and Management Act, 2016 and the Constitutional principles of public procurement and affirmative action.

MIN./PPETC/2023/277: ADOPTION OF REPORT ON PETITION REGARDING GRAFT INVESTIGATIONS AT WEST KANO IRRIGATION SCHEME

Upon review of the submissions in the report, the Committee recommended that—

- i. EACC should fast track their internal process and conclude on the report in this matter and report to the National Assembly.
- ii. Pursuant to section 37 of Public Audit No. 34 of 2015, the Auditor-General conducts a thorough forensic audit into the matter of the revolving fund for West Kano irrigation scheme and report its finding to the House.
- iii. EACC should improve on its service delivery and adopt a client centric service charter by—
 - i. seeking and promoting customer feedback; and
 - ii. setting and communicating clear service standards.

MIN./PPETC/2023/279: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 1:00 p.m. The next meeting would be held on Tuesday, 1st August, 2023 at 10.00 a.m.

Sign: 

(CHAIRPERSON)

Date..... 01/08/2023