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**REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026**

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

REPORT

**ON
CONSIDERATION OF THE FOREST CONSERVATION AND MANAGEMENT
(AMENDMENT) BILL, 2025, NATIONAL ASSEMBLY BILL NO. 38 OF 2025**

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 APR 2026	DAY: TUESDAY
TABLED BY:	HON. VINCENT MUSYOKA (CHAIRPERSON)
CLERK-AT THE-TABLE:	IMZOFU MWALE

DIRECTORATE OF DEPARTMENTAL COMMITTEES,

**CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI.
APRIL, 2026**



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LIST OF ABBREVIATIONS AND ACRONYMS

ASALs	-	Arid and Semi-Arid Lands
CFAs	-	Community Forest Associations
FMA	-	Forest Management Associations
KEFRI	-	Kenya Forest Research Institute
KFS	-	Kenya Forest Services
KUP	-	Kenya Union Party
NACOFA	-	National Alliance of Community Forest Associations
NEMA	-	National Environment Management Authority
ODM	-	Orange Democratic Movement
PFMP	-	Participatory Forest Management Plans
UDA	-	United Democratic Alliance
UPIA	-	United Party of Independent Alliance
WDP	-	Wiper Democratic Party

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1. Report adoption Schedule
2. Minutes
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CHAIRPERSON'S FOREWORD

This Report contains the Departmental Committee on Environment, Forestry and Mining proceedings on its consideration of the Forest Conservation and Management (Amendment) Bill, 2025, published on 24th July 2025. The Bill went through the First Reading on 13th November 2025; thereafter, it was committed to the Departmental Committee on Environment, Forestry and Mining for consideration and reporting to the House pursuant to the provisions of the National Assembly Standing Order 127.

The Forest Conservation and Management (Amendment) Bill, 2025, is sponsored by the Leader of the Majority Party, the Hon. Kimani Ichung'wa. The object of the Bill is to amend the Forest Conservation and Management Act, 2016, to enhance sustainable forest management, strengthen governance and institutional coordination in the forestry sector, promote conservation and rehabilitation of forest resources, and improve community and stakeholder participation in forest management.

The Bill concerns county governments in terms of Article 110 (1) (a) of the Constitution.

Following the placement of advertisements in the print media on 22nd November 2025, seeking public and stakeholder views on the Bill pursuant to Article 118(1) (b) of the Constitution and Standing Order 127(3), the Committee received one Memorandum from **Ms. Lydia Nyawira Mburia**.

The Committee also invited the following MDAs vide a letter **REF: NA/DDC/EF&M/2026/013** dated **5th March 2025** for their comments and proposals on the Bill:

- i) The State Department for Forestry; and
- ii) State Department for Environment and Climate Change.

The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, Dr. Deborah Barasa, EGH, appeared before the Committee on **Friday, 13th March 2026**.

In addition, the Committee conducted a public hearing exercise from **Monday, 20th to Friday, 24th April 2026**, in twelve (12) counties, namely, Isiolo, Nyeri, Embu, Makueni, Machakos, Kilifi, Kwale, Kisumu, Kakamega, Kericho, Uasin Gishu, and Nakuru.

The Committee, having considered the **Forest Conservation and Management (Amendment) Bill, 2025**, recommends that the House **approves the Bill with amendments**.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. Finally, I wish to express my appreciation to the Honorable Members of the Committee and Secretariat who made useful contributions towards the consideration and production of this report.

On behalf of the Departmental Committee on Environment, Forestry and Mining and pursuant to provisions of Standing Order 127 (4), it is my pleasure and honour to present to this House the Report of the Committee on its consideration of the Forest Conservation and Management (Amendment) Bill, 2025.

HON. VINCENT MUSYOKA MUSAU, CBS, MP
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY
AND MINING

CHAPTER ONE

I.0 PREFACE

I.1 ESTABLISHMENT OF THE COMMITTEE

- I. The Departmental Committee on Environment, Forestry and Mining is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216**, whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. **To study and review all the legislation referred to it;**
 - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

I.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider matters related to Climate change, environment management and conservation, forestry, mining and natural, pollution and waste management.
3. In executing its mandate, the Committee oversees the Ministry of Environment, Climate Change and Forestry and the State Department for Mining.

I.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Environment, Forestry and Mining was constituted by the House on 27th October 2022 and on 5th March 2025 and comprises the following Members:

Chairperson

Hon. Vincent Musyoka Musau, CBS, MP
Mwala Constituency
UDA Party

Vice-Chairperson

Hon. Charles Kamuren, CBS, MP
Baringo South Constituency
UDA Party

Members

Hon. Mbalu Jessica Nduku Kiko, CBS, MP
Kibwezi East Constituency
WDP Party

Hon. Mwanyanje Gertrude Mbeyu, CBS, MP
Kilifi County
ODM Party

Hon. Hiribae Said Buya, MP
Galole Constituency
ODM Party

Hon. Salim Feisal Bader, MP
Msambweni Constituency
UDA Party

Hon. Emathe Joseph Namuar, MP
Turkana Central Constituency
UDA Party

Hon. Joseph Wainaina Iraya, OGW, MP
Nominated
UDA Party

Hon. Kemei Beatrice Chepngeno, MP
Kericho County
UDA Party

Hon. Charity Kathambi Chepkwony, MP
Njoro Constituency
UDA Party

Hon. Mohamed Ali Mohamed, CBS, MP
Nyali Constituency
UDA Party

Hon. Masito Fatuma Hamisi, MP
Kwale County
ODM Party

Hon. Titus Lotee, MP
Kacheliba Constituency
KUP Party

Hon. Leo Wa Muthende, MP
Mbeere Constituency
UDA Party

Hon. Yakub Adow Kuno, MP
Bura Constituency
UPIA Party

I.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following staff:

Mr. Nicodemus Maluki
Clerk Assistant I / Head of Secretariat

Ms. Mercy Wanyonyi
Principal Legal Counsel II

Mr. Hamdi Hassan Mohamed
Clerk Assistant III

Dr. Joseph Kuria
Research Officer III

Ms. Nancy Chamunga
Fiscal Analyst II

Mr. Stephen Otieno
Senior Sergeant-At-Arms

Mr. Winnie Kiziah
Media Relations Officer III

Mr. John Ng'ang'a
Audio Recording Officer

CHAPTER TWO

2.0 BACKGROUND OF THE FOREST CONSERVATION AND MANAGEMENT (AMENDMENT), 2025

2.1 Introduction

6. The Forest Conservation and Management (Amendment) Bill, 2025, is sponsored by the Leader of the Majority Party, the Hon. Kimani Ichung'wa.
7. The object of the Bill is to amend the Forest Conservation and Management Act, 2016, to enhance sustainable forest management, strengthen governance and institutional coordination in the forestry sector, promote conservation and rehabilitation of forest resources, and improve community and stakeholder participation in forest management.

2.2 Situational Analysis

8. Kenya's forest resources remain under significant pressure despite existing legal and policy frameworks. According to the **Forest Status Report 2024**, the country loses an average of **84,716 hectares of forest every year to deforestation**, with a further **14,934 hectares degraded annually**, driven by human activities such as illegal logging, agricultural expansion, overgrazing, and charcoal production. The ensuing loss of forest cover is estimated to cost the Kenyan economy at least **three per cent of GDP annually (about KSh 534 billion)** due to diminished ecosystem services, including water regulation, carbon storage and biodiversity loss.
9. Assessment of forest cover from the year 2000 to date presents a trend that has been fluctuating from 7.8% cover in the year 2000 to 6.6% in the year 2008 and at 8.83% in 2021. The key drivers of forest degradation that negatively impact forest coverage include: agricultural expansion, unsustainable logging, livestock grazing, rapid population growth leading to high demand for forest products and inadequate forest governance. Despite these challenges, Kenya's forest sectors have various opportunities, including generating carbon credits that can be traded in the carbon credit markets, sustained provision of water catchment support, resilient habitat for wildlife, and nature-based entrepreneurs' development through sustainable logging practices.
10. Despite the enactment of the **Forest Conservation and Management Act, 2016**, implementation gaps persist, including inadequate resources for the Kenya Forest Service and other agencies, inconsistent stakeholder engagement, forestry research, limited technical capacity among community forest associations, and unclear jurisdictional roles between national and county governments.

2.3 Overview of the Forest Conservation and Management Bill, 2026.

11. The Forest Conservation and Management (Amendment) Bill, 2025, is sponsored by the Leader of the Majority Party, the Hon. Kimani Ichung'wa.
12. The object of the Bill is to amend the Forest Conservation and Management Act, 2016, to enhance sustainable forest management, strengthen governance and institutional coordination in the forestry

sector, promote conservation and rehabilitation of forest resources, and improve community and stakeholder participation in forest management.

13. **Establishment of the Kenya Forest Service (Clauses 5-6):** The amendment seeks to provide for the headquarters of the Kenya Forest Service (KFS) in Nairobi and the establishment of other offices in Kenya to ensure reasonable access to its services. Additionally, the Bill seeks to provide for additional functions of the Kenya Forest Service, i.e., collection of revenue and charges **due to the national government** regarding forest resources and services, provision of security for public and provincial forests, and provision of technical assistance to county governments and individual owners of private land.
14. **Uniformed and disciplined staff (Clause 6):** The amendment seeks to ensure that uniformed and disciplined staff of the KFS are **designated** by the Cabinet Secretary responsible for matters relating to forestry on the advice of KFS, as opposed to the KFS Board on the recommendation of the Cabinet Secretary responsible for matters related to internal security.
15. **Kenya Forest Academy (Clause 7):** The Bill establishes the **Kenya Forest Academy** as an institution within the Service for the purposes of training officers of the Service. The KFS Board is required to formulate policies for the administration and management of the Academy.
16. **Director of Forest Regulation (New Part III A):** The Bill establishes the **Office of the Director of Forest Regulation**, who shall be competitively recruited and appointed by the Public Service Commission. The functions of the Director of Forest Regulation include:
 - i) inspect, monitor and advise the Ministry on the management and use of forest resources and the enforcement of and compliance with the Act and on certification standards for tree nurseries, forests and forest products in consultation with the lead agencies;
 - ii) establish and maintain a **national forestry registry** which shall be linked to the Reduced Emissions from Deforestation and Forest Degradation Carbon registry established under section 23G of the Climate Change Act and **advise the Ministry** on guidelines for data sharing in accordance with the Act and any other written law; and
 - iii) undertake the **registration and licensing of forest certification experts** and timber graders.
17. **Kenya Forestry Research Institute (New Part IIIB):** The Bill establishes the Kenya Forestry Research Institute, which shall be a successor of the Kenya Forestry Research Institute specified under paragraph 2 of the Fourth Schedule to the Science, Technology and Innovation Act (Cap. 511).
18. The Institute shall be a body corporate with perpetual succession and a common seal with its headquarters in Kiambu. The functions of the Institute include:
 - i) a chairperson appointed by the President;
 - ii) the Principal Secretary responsible for matters relating to forestry research or a representative appointed in writing;
 - iii) the Principal Secretary responsible for matters relating to finance or a representative appointed in writing;
 - iv) the Attorney-General or a representative appointed in writing;
 - v) the Chief Conservator of Forests of the Kenya Forest Service or a representative appointed in writing;

- vi) the Director-General of the National Commission for Science, Technology and Innovation or a representative appointed in writing;
 - vii) four other persons, not being public officers, with skills relevant to the Institute's functions, appointed by the Cabinet Secretary; and
 - viii) the Director-General, who shall be an ex officio member of the Board with no right to vote.
19. A person qualifies for appointment as a member of the Board if that person has a **degree** in a relevant field from a university recognised in Kenya; has proven management or other relevant professional experience; has served in a senior management position for at least **six years**; and meets the requirements of Chapter Six of the Constitution. The chairperson and members of the Board shall hold office for a **term of three years** and shall be eligible for reappointment for one other term of three years.
20. The **Director-General** of the Institute shall be competitively recruited and appointed by the Board of the Institute and shall be responsible to the Board for the day-to-day management of the Institute. A person qualifies for appointment as the Director-General if that person has at least **ten years'** professional experience in matters related to the forestry sector, five of which shall be at a senior management level; is a member of a relevant professional body in good standing; and meets the requirements of Chapter Six of the Constitution. The Director-General shall hold office for a term of **three years**, and shall be eligible for re-appointment for one further term of three years.
21. The **Corporation Secretary** shall be appointed by the Board and shall among other things assist the members of the Board in their duties and responsibilities and be the custodian of the seal of the Institute and account to the Board for its use. A person qualifies for appointment as the Corporation Secretary if that person holds a **degree in law** from a university recognized in Kenya; has at least **five years'** experience as a corporation secretary or a similar governance role; is a member in good standing of the Institute of Certified Public Secretaries of Kenya; and meets the requirements of Chapter Six of the Constitution.
22. **Funds of the Institute:** The funds of the Institute shall include such sums as may be **appropriated** by Parliament for the purposes of the Institute; such monies as may **accrue or vest in the Institute in the course of the exercise of its powers or the performance** of its functions under this Act or any other written law; **gifts, grants or donations** made to the Institute; and such amounts from any public funds that may be created by law for the purposes of the promotion of any and all of the objects and functions of the Institute.
23. **Award to inventor or innovator:** d Where the rights to any invention or innovation have been vested to the Institute, the Board of the Institute may award to the inventor or innovator such a bonus as it may deem fit, or make provision for financial participation by the inventor or innovator in the profits derived from the invention or innovation. Additionally, the Institute may apply for a patent in respect of any invention or innovation for purposes of the Copyright Act and the Industrial Property Act.
24. **Management of indigenous forests (Clause II):** The amendment seeks to promote **sustainable management of all forests, including dryland forests** by obligating KFS and KEFRI, in collaboration with county governments and private owners, to expand tree-growing initiatives in dryland areas. Additionally, the Cabinet Secretary is required, in consultation with the

Directorate to prescribe guidelines, standards and procedures for the management and utilisation of dryland forests.

25. **Framework for the Payment for Ecosystem Services Schemes (Clause 13):** The Bill provides that the Institute shall, in consultation with relevant stakeholders, establish a framework for the **Payment for Ecosystem Services Schemes** in public, community and private forests. The Service and the Institute are required to jointly undertake total economic valuation of forest ecosystem goods and services **every five years** and to submit the report to the Cabinet Secretary. Additionally, the Service shall coordinate the implementation of the Payment for Ecosystem Services Schemes, including the terms and conditions in standardized contracts, agreements and operational manuals while the Institute shall develop operational guidelines to determine incentives for the ecosystem services. The Cabinet Secretary in consultation with the National Treasury, shall mainstream incentive mechanisms for Payment for Ecosystem Services Schemes.
26. **National tree planting week (Clause 14):** The amendment seeks to ensure that the Cabinet Secretary plans and executes programmes necessary for observing the **national tree planting initiatives and other international forest events** as opposed to only for purposes of the national tree planting week and the International Day of Forests, as is the case under the Act.
27. **Authorization and private sector involvement (Clause 15):** The amendment seeks to ensure that KFS invites not only the public sector but also the private sector to participate in the sustainable management of forests under their jurisdiction. Additionally, the amendment seeks to ensure that KFS also issues authorizations for forestry activities with respect to **easements** for public roads and other public installations and **wayleaves** for public utilities.
28. **Chain-of-custody (Clause 16):** The amendment seeks to ensure that the Cabinet Secretary and not KFS publishes in the *Gazette* a chain-of-custody system for the verification of the origin of forest products from public, community and private forests and the compliance of license holders in accordance with the Act.
29. **Prohibition on trade in restricted forest produce (Clause 17):** The amendment seeks to provide for the offence of exportation or importation of a forest product prohibited for export or import and provide for a penalty, on conviction, to a fine **not exceeding five million** or to imprisonment for a term **not exceeding three years** or, to both.
30. **Prohibited activities in forests (Clause 18):** The amendment seeks to prohibit the transportation or removal of any prohibited forest produce without the forest owner's authority. It also enhances penalties for prohibited activities in forests from a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months, or to both.
31. **Other offences (Clause 19):** The amendment seeks to enhance the penalty for the offence of **setting fire** to any public, provisional, community or private forest from a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months, or to both, to a fine **not exceeding one hundred thousand shillings** or a jail term **not exceeding three years**, or to both.

32. **Regulations (Clause 20):** The amendment seeks to ensure that the Cabinet Secretary makes Regulations on the recommendation of not only the Board of KFS but also the Institute.
33. **Discoveries, inventions, etc., to vest in the Institute (Clause 21):** The amendment seeks to provide that all rights in any discoveries, inventions, innovations, improvements and intellectual property rights in respect of processes, products, apparatus and machines made for or on behalf of the Institute shall vest in the Institute. Where such developments arise from a funding agreement between the Institute and another entity, the intellectual property will be jointly owned by both parties.
34. **Conduct of Business and Affairs of the Board (Clause 22):** The amendment seeks to ensure that the First Schedule to the Act on the Conduct of Affairs and Business of the Board also applies to the Board of the Institute in addition to the Board of the KFS
35. **Oath of Allegiance (Clause 23):** The amendment seeks to provide for the Oath of Allegiance to be taken and subscribed to by staff of the Service designated by the Cabinet Secretary as uniformed and disciplined officers.
36. **Consequential amendments (Clause 24):** The amendment seeks to delete the reference to the Kenya Forestry Research Institute as one of the Research Institutions under the Science, Technology and Innovation Act. The Kenya Forestry Research Institute, established under the Science, Technology and Innovation (Cap. 511) is now proposed to be anchored in the Forest Conservation and Management Act.
37. **Savings and transition (Clause 25):** The amendment seeks to provide for transitional provisions with respect to the former Kenya Forestry Research Institute, as established under the Science, Technology and Innovation Act, to the Kenya Forestry Research Institute as proposed to be established under the Forest Conservation and Management Act. This is with respect to the assets and other property, rights, obligations, powers and duties, suits or legal proceedings, directions, orders and authorizations given, or licenses or permits issued or registrations and administrative directions

CHAPTER THREE

3.0 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION ON THE BILL

38. Following the call for memoranda from the public through placement of adverts in the print media on **22nd November 2025** and vide a letter **REF: NA/DDC/EF&M/2026/013** dated **5th March 2024** inviting stakeholders for a meeting, the Committee received submissions from the following stakeholders:

- a) **Ministry of Environment, Climate Change, and Forestry**
- b) **Ms. Lydia Nyawira Mburia**

4.1 Ministry of Environment, Climate Change, and Forestry

39. The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry, Dr. Deborah Barasa, EGH, appeared before the Committee on **Friday, 13th March 2026** and submitted to the Committee as follows:

40. The Bill proposes significant structural changes to enhance the efficiency and independence of forestry institutions:

a) Institutional Realignment and Strengthening

- i) **Kenya Forestry Research Institute (KEFRI) Autonomy:** The Bill seeks to establish KEFRI directly under the Forest Conservation and Management Act rather than the Science, Technology and Innovation Act. This is intended to give the Institute an operational space more relevant to its mandate and clarify its role in forestry research and development.
- ii) **Kenya Forest Academy:** A new academy is established within the Kenya Forest Service (KFS) to provide specialized training for forest officers, ensuring they meet professional and security standards.
- iii) **Office of the Director of Forest Regulation:** The Bill creates this office to set national standards, procedures, and guidelines for forest management and to monitor compliance across the sector.

b) Enhancing Conservation and Management

41. To combat deforestation and promote sustainable practices, the Bill introduces several management frameworks:

- i) **Dryland Forestry and Water Harvesting:** It mandates the promotion of efficient water harvesting and management technologies for tree growing in arid and semi-arid areas.
- ii) **Buffer Zones and Ecosystem Services:** Forest owners are required to designate buffer zones to protect ecosystems. Additionally, the Bill provides a framework for Payment for Ecosystem Services (PES), rewarding managers who provide ecological benefits like carbon storage and water regulation.
- iii) **Natural Capital Accounting:** The Bill incorporates "natural capital accounting" into the national GDP, recognizing the economic value of services like carbon sequestration and biodiversity conservation.

c) Strengthening Enforcement and Compliance

42. A major justification for the Bill is the need for more effective deterrents against forest crimes:

- i) **Protection of All Forest Types:** The law is expanded to protect not only public forests but also private and community forests from "unlawful violation".
- ii) **Increased Penalties:** Fines for unauthorized activities (such as illegal charcoal production or removal of forest produce) are significantly increased, in some cases from Kshs 100,000 to over Kshs 1 million.
- iii) **Chain-of-Custody System:** The Cabinet Secretary is empowered to gazette a system for verifying the legal origin of forest products, ensuring compliance from the point of harvest to the market.

d) Devolution and Inter-Agency Coordination

43. The Bill aligns with Kenya's devolved system of Government by clarifying roles between national and County levels:

- i) **County Government Functions:** It explicitly provides for additional functions for county governments in implementing national forest policies and managing local forest programs.
- ii) **Collaborative Rule-Making:** The Cabinet Secretary is now required to consult both the KFS and KEFRI boards when making regulations, ensuring that both operational and research expertise inform policies.
- iii) **Access to Services:** The KFS is mandated to establish offices across Kenya to ensure reasonable access to its services for all citizens.

e) Addressing Global and Constitutional Obligations

- i) **Constitutional Compliance:** The Bill implements forest-related provisions of the Constitution, specifically regarding the right to a clean and healthy environment and the sustainable exploitation of natural resources.
- ii) **International Commitments:** The Bill helps Kenya meet obligations under international treaties like the Paris Agreement and the Convention on Biological Diversity by integrating mechanisms like REDD+ (Reduced Emissions from Deforestation and Forest Degradation).

f) Public Participation

44. The State Department for Forestry submitted that it conducted public participation between **March 27th and 15th April 2025**, to fulfil Article 118 of the Constitution.

- i) The exercise covered 10 regional centres in the North Rift, North Eastern, Central Rift and Ewaso Ngi'ro North, representing 47 counties, and 1,216 participants were reached.
- ii) The exercise drew together a broad cross-section of stakeholders organized into four categories:
 - a) **Community and Indigenous Groups:** Community Forest Associations (CFAs), NACOFA, the Lembus and Ogiek communities, and smallholder tree growers.
 - b) **Government and Partners:** Ministries, Departments and Agencies (MDAs), the Council of Governors (COG), the National Land Commission (NLC), the National Environment and Management Authority (NEMA), United Nations Development Programme (UNDP), and The Center for International Forestry Research and World Agroforestry (CIFOR-ICRAF).
 - c) **Private Sector and Technology:** Timber manufacturers (Timsales), sawmillers, and Safaricom DigiFarm.
 - d) **Civil Society and Sub-groups:** Academia, Media, persons with disabilities (EMC Deaf Community), Youth, and Women's Networks (WWANC).
- iii) The legislative review successfully engaged heavily marginalized groups alongside major industrial players, ensuring a holistic view of the forest value chain.

- iv) The public participation process affirmed massive national interest in institutional accountability.

45. The following submissions were made during the meetings:

Clause 3

46. Section 4 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (d)—“(da) promotion of efficient water harvesting and management technologies for tree growing in dryland areas.”

Justification:

This is to introduce the sustainable management of dryland forests as a principle of the Act.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendment.

Clause 4

47. Section 7 of the principal Act is amended by inserting the following new subsections immediately after subsection:
- i) (IA) The headquarters of the Service shall be in Nairobi.
 - ii) (IB) The Service may establish such other offices in Kenya to ensure reasonable access of its services.

Justification:

This is to introduce certainty in the location of the headquarters of the KFS for purposes of certainty and to require the devolution of the services of KFS.

The purpose is to decentralize KFS services to the lowest level feasible.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendment.

Clause 5

48. Section 8 of the principal Act is amended by inserting the following new paragraphs immediately after paragraph (n):
- (na) collect revenue and charges due to the national government in regard to forest resources and services in accordance with the Public Finance Management Act;
 - (nb) provide security for public and provisional forests;
 - (nc) provide technical assistance to the county governments and individual owners of private land in the development of agroforestry and commercial forestry in private land and community land, respectively.

Justification:

The proposed amendment proposes additional functions of KFS.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendments of the additional functions of the Service in paragraph (na) and (nb) but resolved to further amend the proposed new paragraph (nc) to ensure that it's only applicable to community forests.

Clause 5

49. Section 16 of the principal Act is amended by:

- i) deleting subsection (1) and substituting therefor the following new subsection:
 - (i) The Cabinet Secretary may, on the advice of the Service, designate a specific cadre of the staff of the Service to be uniformed and disciplined officers of such ranks as shall be determined by the Service with the approval of the Cabinet Secretary.
- ii) inserting the following new subsections immediately after the subsection (3)—
 - (4) The staff designated under subsection (1) shall undergo law enforcement and security training in an institution recognized by the Board.
 - (5) A person designated under subsection (1) shall take and subscribe to the Oath of Allegiance as set out in the Fourth Schedule.

Justification:

Current provision requires that the Board, on the recommendation of the Cabinet Secretary responsible for matters related to internal security, may designate.

This introduces mandatory training and also Oath of Office for designated staff. It also seeks to require mandatory training and taking of oath for such officers.

Committee Observation/ Resolution:

The Committee resolved to reject the proposed amendment so as to ensure that the Cabinet Secretary responsible for internal affairs and not the Cabinet Secretary responsible for matters relating to forests designates uniformed and disciplined officers of the Service. Additionally, the Committee resolved to provide for the application of the Independent Policing Oversight Authority Act, Cap 86 to uniformed and disciplined officers of the Service as regards to disciplinary matters.

Clause 7

50. The principal Act is amended by inserting the following new section immediately after section 17 –
- 17A. (1) There is established an academy to be known as the Kenya Forest Academy, which shall be an institution within the Service.
 - (2) The Kenya Forest Academy shall provide training for officers of the Service.
 - (3) The Board shall formulate policies for the administration and management of the Academy.

Justification:

The proposed inclusion is to provide for a dedicated training institution for personnel of the service

Committee Observation/ Resolution:

The Committee rejected the proposed amendment, noting that the Forest Conservation and Management Act, Cap 385, has established the Kenya Forest College for, among other things, training uniformed and disciplined officers

Clause 8

51. Section 21 of the principal Act is amended by inserting the following new paragraph immediately after paragraph (d)—
(da) shall implement national policies on forest management and conservation.

Justification:

This is to provide for the functions of county governments for national policy implementation on forest conservation and management.

Committee Observation/ Resolution:

The Committee rejected the proposed amendment as the same is already provided for in the Forest Conservation and Management Act, Cap. 385.

Clause 9

Section 22 of the principal Act is amended in subsection (1) by deleting the words “as established under the Science, Technology and Innovation Act (Cap. 511).

Justification:

52. The proposed amendment intends to establish the Institute under the Act to enhance coordination.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendment as the Kenya Forest and Research Institute is proposed to be anchored under the Forest Conservation and Management Act, Cap.385.

PART IIIA - Clause 10

The principal Act is amended by inserting the following new Parts immediately after section 29—
29A.

- (1) The Office of the Director of Forest Regulation, which shall be an office in the public service.
- (2) The Director shall be competitively recruited and appointed by the Public Service Commission.

Justification:

The proposed Part IIIA to the Act introduces a significant institutional development in the forest sector governance and management. The Directorate shall assist the ministry in standard-setting and regulatory matters in the forest sector. It shall assist the ministry in its oversight over the lead agencies in the forest sector.

29B. Provides the functions of the Director.

- (a) in consultation with the lead agencies, advise the Ministry on national standards, procedures and guidelines for participatory forest management, and use of forests, commercial forestry, forest products and services, and traceability of forest products and services;
- (b) inspect, monitor and advise the Ministry on the management and use of forest resources and the enforcement of and compliance with this Act, regulations, standards, procedures, and guidelines made under this Act;

- (c) receive complaints and concerns arising in the forestry sector and advise the Ministry on recommendations to the concerned organs for corrective action;
- (d) develop and advise the Ministry on certification standards for tree nurseries, forests and forest products in consultation with the lead agencies;
- (e) develop and advise the Ministry on a framework for stakeholder coordination for sustainable management of forests;
- (f) establish and maintain a national forestry registry which shall be linked to the Reduced Emissions from Deforestation and Forest Degradation Carbon registry established under section 23G of the Climate Change Act and advise the Ministry on guidelines for data sharing in accordance with the Act and any other written law;
- (g) receive and analyse annual reports on licenses, permits, leases and concessions to forest resources issued in relation to—
 - (i) building of dams;
 - (ii) infrastructural projects including water pans, roads, pipelines, ports, electricity sub-stations or lines, base transceiver stations or masts;
 - (iii) concessions on forests;
 - (iv) large tourism projects with a value exceeding twenty million shillings;
 - (v) development of public institutions including showgrounds, schools, hospitals, police stations and other institutions including churches; and
 - (vi) forest carbon projects;
- (h) monitor the implementation of national forest resource valuations and assessments in consultation with other lead agencies advise the Ministry accordingly;
- (i) develop and advise the ministry on strategies for the achievement and maintenance of at least ten per centum of tree and forest cover over the land area of Kenya;
- (j) monitor implementation of the payment for ecosystem services, benefit sharing mechanisms and incentives within the forest sector and advise the Ministry accordingly;
- (k) undertake the registration and licensing of forest certification experts and timber graders;
- (l) establish and maintain the National Safeguards Information System;
- (m) prepare annual reports on compliance within the forestry sector by sector players with the regulatory requirements; and
- (n) perform such other functions incidental or consequential to the Director's functions under this Act or any other written law or as assigned by the Cabinet Secretary.

Justification:

Provides for the functions of the Directorate

29C. Provides for the establishment and maintenance of registers by the Director.

- (1) The Director shall maintain a register that shall contain details of—
 - (a) any standards, procedures and guidelines developed under this Act;
 - (b) information on licences, permits and concessions; and
 - (c) registered and licenced professionals in the forestry sector.
- (2) A register maintained under this section shall be open for inspection by the members of the public at the office of the Director.

29D. Provides Certification of forest certification.

- (1) A forest certification required under this Act shall be undertaken by experts registered and licensed by the Director.

- (2) Any person undertaking certification contrary to the provisions of this Act commits an offence and shall, upon conviction, be liable to a fine not exceeding one million shillings or imprisonment of one year, or both such a fine and imprisonment.
- (3) (c) receive complaints and concerns arising in the forestry sector and advise the Ministry on recommendations to the concerned organs for corrective action;

Justification:

To provide for the certification of forest products to ensure they meet the required standards for the local and international market.

29E. Provides for registration of timber graders

- (1) A person shall not undertake timber grading unless the person is registered and licenced by the Director to undertake timber grading.
- (2) Any person undertaking timber grading contrary to the provisions of this Act commits an offence and shall, upon conviction, be liable to a fine not exceeding one million shillings or imprisonment of one year, or both such a fine and imprisonment.

Justification:

Provide for qualifications of persons for registration and licencing ad timber graders.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendment with further amendments, noting that the Directorate of Forest Regulation ought to be established to provide oversight in the forestry sector, the qualifications of the Director of Forest Regulation ought to be provided for and the functions of the Director of Forest Regulation ought to be amended to ensure there's no duplication of its mandate and that of the Service.

PART IIIB

29F. Establishment of the Kenya Forestry Research Institute

There is established an institute to be known as the Kenya Forestry Research Institute, which shall be a successor of the Kenya Forestry Research Institute specified under paragraph 2 of the Fourth Schedule to the Science, Technology and Innovation Act.

Justification:

This part seeks to establish the Kenya Forestry Research Institute under the Act. The Institute is currently housed in a schedule to the Science, Technology and Innovation Act. Anchoring the Institute in the Act will ensure enhanced coordination and the Institute will now exist in an operational space that is relevant to its mandate.

29G. Headquarters of the Institute

- (1) The headquarters of the Institute shall be in Kiambu County.
- (2) The Institute may establish research centres, innovation and incubation hubs within the counties and agro-ecological zones in Kenya.
- (3) The Institute shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of:
 - (a) suing and being sued;

- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all other things or acts for the proper performance of its functions under this Act which may be lawfully done or performed by a body corporate.

Justification:

The new Part also contains a more streamlined and expanded mandate of the Institute, including the provision of commercial forestry investment advisory services to stakeholders to enhance its adoption and upscaling.

29H. Functions of the Institute

- (1) The Institute shall be the lead government agency in forestry research and development and shall, in relation to forestry and allied natural resources
 - (a) develop research and development programmes and technologies for the sustainable development of forestry and allied natural resources;
 - (b) conduct national and regional expert training courses in forestry and allied natural resources;
 - (c) disseminate research findings to support forestry development in the country; and
 - (d) establish partnerships and cooperate with other research organisations and institutions of higher learning in joint research and training.
- (2) Without prejudice to the generality (1), the Institute shall –
 - (a) participate in the development and monitoring of national forest standards;
 - (b) develop technologies for improved germplasm, tissue culture, biotechnology and provide quality tree seeds and seedlings;
 - (c) develop forestry technologies and products for sustainable development;
 - (d) develop and promote technologies for upscaling commercial forestry and agroforestry;
 - (e) maintain a database for scientific and forestry research information;
 - (f) develop standards on matters related to forestry research and development;
 - (g) assess, map, control and develop procedures for the control of invasive species;
 - (h) develop technologies and procedures for monitoring of forest health and biodiversity status;
 - (i) conduct research, develop models and procedures for forest carbon estimation and quantification in collaboration with relevant stakeholders;
 - (j) develop certification standards for tree seeds in collaboration with the Kenya Plant Health Inspectorate Service;
 - (k) undertake tree seed production;
 - (l) undertake policy research in forestry and allied natural resources;
 - (m) develop guidelines on forest and tree valuation;
 - (n) provide advisory services on commercial forestry and agroforestry investment to enhance adoption and upscaling;
 - (o) undertake forest forensic research and development;
 - (p) develop protocols and procedures for development of forest-based food and medicinal products;

- (q) transfer of scientific knowledge and appropriate forest-based technologies for the improvement of their livelihoods of communities;
 - (r) develop technologies to upscale sustainable utilization of nonwood forest products as nature based solutions in drylands;
 - (s) develop forest carbon trading models under agroforestry and commercial forestry systems;
 - (t) develop models and methodologies of forest carbon quantification, financing and marketing;
 - (u) report biennially to the Cabinet Secretary on matters related to forestry research and development; and
 - (v) perform such other functions as may be conferred to it by this Act or any other written law.
- (3) The Institute, in consultation with the ministry responsible for matters related to education, may establish a forestry research graduate school, to facilitate research components of master's and doctoral-level academic programmes on forestry and allied natural resources.

29I. Board of the Institute

The management of the Institute shall vest in a Board of the Institute, which shall consist of—

- (a) a chairperson appointed by the President;
- (b) the Principal Secretary responsible for matters relating to forestry research or a representative appointed in writing;
- (c) the Principal Secretary responsible for matters relating to finance or a representative appointed in writing;
- (d) the Attorney-General or a representative appointed in writing;
- (e) the Chief Conservator of Forests of the Kenya Forest Service or a representative appointed in writing;
- (f) the Director-General of the National Commission for Science, Technology and Innovation or a representative appointed in writing;
- (g) four other persons, not being public officers, with skills relevant to the Institute's functions, appointed by the Cabinet Secretary; and
- (h) the Director-General, who shall be an ex-officio member of the Board with no right to vote.

29J. Qualifications for appointment as a member of the Board.

- (1) The chairperson and member of the Board appointed under section 29I (g) shall hold office for a term of three years and shall be eligible for reappointment for one other term of three years.
- (2) A person is qualified for appointment under subsection 29I (a) and (g) if that person—
 - (a) has a degree in a relevant field from a university recognised in Kenya;
 - (b) has proven management or other relevant professional experience;
 - (c) has served in a senior management position for at least six years; and
 - (d) meets the requirements of Chapter Six of the Constitution.
- (3) The appointment of the Chairperson and members of the Board of the Institute shall be by name and by notice in the Gazette.

29K. Tenure of office.

- (1) The chairperson and a member of the Board appointed under section 29I (g) shall hold office for a term of three years and shall be eligible for reappointment for one other term of three years.
- (2) The members of the Board shall be appointed at different times so that their terms of office expire at different intervals.

29L. Remuneration of members of the Board.

A member of the Board of the Institute shall be paid such allowances or other remuneration as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.

29M. Vacancy on the Board.

- (1) The office of the chairperson or member of the Board of the Institute shall become vacant if the holder—
 - (a) dies;
 - (b) is absent from three consecutive meetings of the Board of the Institute without reasonable cause;
 - (c) resigns from office by notice in writing addressed to the appointing authority;
 - (d) is unable to perform the functions of the office arising out of physical or mental infirmity;
 - (e) is negligent or incompetent in the performance of his or her functions;
 - (f) is adjudged or otherwise declared bankrupt by a competent court;
 - (g) violates Chapter Six of the Constitution; or
 - (h) is convicted of a criminal offence and sentenced to imprisonment for a term of not less than six months.
- (2) Where a vacancy occurs in the membership of the Board of the Institute under subsection (1), the appointing authority shall appoint a new member in accordance with the provisions of this Act.

29N. Functions of the board of the Institute.

The Board of the Institute shall—

- (a) review, approve and oversee the implementation of research programs, strategies, policies and plans of the Institute;
- (b) consider and approve the budget of the Institute;
- (c) facilitate the mobilisation of resources for the Institute.
- (d) approve the organisational structure and other human resources management policies, guidelines, procedures and manuals of the Institute;
- (e) monitor and evaluate the performance and ensure the sustainability of the Institute;
- (f) formulate policies for the administration and management of the graduate school;
- (g) enhance the corporate image of the Institute and ensure effective communication with stakeholders; and
- (h) carry out any other function for the purposes of promoting and facilitating the objects of the Institute.

29O. Powers of the Board of the Institute.

The Board of the Institute shall have all the powers necessary for the proper performance of the functions of the Institute and, in particular, the Board shall have the powers to:

- (a) acquire immovable and movable property and funds of the Institute in a manner and for the purposes which shall promote the interests of the Institute;
- (b) determine the provisions to be made for capital and recurrent expenditure and for the reserves of the Institute;
- (c) receive on behalf of the Institute, fees, donations, endowments, gifts, grants or other moneys and make disbursements therefrom in accordance with the law;
- (d) invest any moneys of the Institute not immediately required in furtherance of its objects; and
- (e) do any other thing which is necessary or convenient to be done in connection with or incidental to its functions.

29P. Procedure of the Board of the Institute.

- (1) The business and affairs of the Board of the Institute shall be conducted in accordance with the First Schedule.
- (2) Notwithstanding subsection (1), the Board may regulate its own procedure.

29P. Delegation by the Board of the Institute.

The Board of the Institute may, by resolution, either generally or in any particular case, delegate to any committee of the Board of the Institute or to any member, officer, or employee of the Institute, exercise of any of its powers or the performance of any of its functions.

29R. Committees of the Board of the Institute.

- (1) The Board of the Institute may, establish committees for the effective discharge of its functions.
- (2) The Board of the Institute may, by resolution, either generally or in any particular case, delegate to a committee of the Board the exercise of any of the powers or the performance of any of the functions or duties of the Board of the Institute.
- (3) The Board of the Institute may coopt into the membership of a committee established under subsection (1), any person whose knowledge and skills are considered necessary for the effective discharge of the functions of the Institute for a specified period of time.
- (4) Subject to any specific or general direction of the Board, any committee established under subsection (1) may regulate its own procedure.
- (5) Any person co-opted into a committee under subsection (3) may attend the meetings of the committee and participate in its deliberations, but shall not vote at such meeting.

29S. Director General

There shall be a Director General of the Institute who shall be competitively recruited and appointed by the Board of the Institute.

- (2) A person qualifies for appointment as the Director-General, if that person—(a) possesses a Doctorate degree in a relevant field from a university recognized in Kenya;
 - (a) possesses a Doctorate degree in a relevant field from a university recognized in Kenya;
 - (b) has at least ten years' professional experience in matters related to forestry sector, five of which shall be at a senior management level;
 - (c) is a member of a relevant professional body in good standing; and
 - (d) meets the requirements of Chapter Six of the Constitution.

- (3) The Director-General shall be responsible to the Board for—
 - (a) implementation of the decisions of the Board;
 - (b) the day-to-day management of the Institute;
 - (c) overall responsibility for the objectives, policy direction, administration and programs of the Institute;
 - (d) preparation of the strategic plan, annual plan, budget and audited accounts of the Institute for the approval of the Board; and
 - (e) perform such other duties as may be assigned by the Board.
- (4) The Director-General shall hold office for a term of three years, and shall be eligible for re-appointment for one further term of three years.
- (5) The Director-General shall hold office for a term of three years, and shall be eligible for re-appointment for one further term of three years—
 - (a) inability to perform the functions of the office arising out of physical or mental incapacity;
 - (b) gross misconduct;
 - (c) incompetence or negligence of duty; or
 - (d) any other ground that would justify the removal from office under the terms and conditions of service and under any written law.
- (6) Where the question of the removal of the Director-General under subsection (5) arises, the Board of the Institute shall—
 - (a) inform the Director General in writing of the reasons for the intended removal; and
 - (b) give the Director-General the opportunity to be heard in accordance with the principles of fair administrative action prescribed under Article 47 of the Constitution and the Fair Administrative Action Act.

29T. Corporation Secretary.

- (1) There shall be a Corporation Secretary who shall be appointed by the Board of the Institute on such terms as the Board may, on the advice of the Salaries and Remuneration Commission, determine.
- (2) A person qualifies for appointment as the Corporation Secretary if that person—
 - (a) assist the members of the Board in their duties and responsibilities;
 - (b) ensure the timely preparation and circulation of documents and minutes of the Board;
 - (c) be the custodian of the seal of the Institute and account to the Board for its use;
 - (d) ensure that members of the Board are aware of all relevant laws affecting the Institute;
 - (e) except in exceptional circumstances, ensure that Board papers are circulated in advance of any meeting; and
 - (f) perform any other function that may be assigned by the Board.

29U. Officers and staff of the Institute.

The Board of the Institute may appoint such officers and other staff of the Institute as are necessary for the proper and effective performance of the functions of the Institute, upon such terms and conditions of service as the Board of the Institute, on the recommendation of the Salaries and Remuneration Commission, may determine.

29V. Protection from personal liability

The Board of the Institute may appoint such officers and other staff of the Institute as are necessary for the proper and effective performance of the functions of the Institute, upon such terms and

conditions of service as the Board of the Institute, on the recommendation of the Salaries and Remuneration Commission, may determine.

29W. Protection from personal liability

The funds of the Institute shall include—

- (a) such sums as may be appropriated by Parliament for the purposes of the Institute;
- (b) such monies as may accrue or vest in the Institute in the course of the exercise of its powers or the performance of its functions under this Act or any other written law;
- (c) gifts, grants or donations made to the Institute; and
- (d) such amounts from any public funds that may be created by law for the purposes of the promotion of any and all of the objects and functions of the Institute.

29X. Annual estimates for the Institute.

- (1) At least two months before the end of each financial year, the Board of the Institute shall cause to be prepared estimates of the revenue and expenditure of the Institute for that financial year.
- (2) The annual estimates shall make provision for all estimated expenditure of the Institute in the financial year for the fulfilment of its functions.
- (3) The annual estimates for the Institute shall be submitted to the Cabinet Secretary for approval.
- (4) No expenditure shall be incurred
- (5) for the purposes of the Institute except in accordance with the annual estimates submitted under subsection (3), or in pursuance of an authorization of the Board of the Institute.

29Y. Investment of the surplus funds.

- (1) The Board of the Institute may invest any surplus funds of the Institute which are not immediately required for its purposes in such securities as the National Treasury may, from time to time, approve.
- (2) The Board of the Institute may place on deposit with such bank or banks as it may determine any moneys not immediately required for the purposes of the Institute.

29Z. Award to inventor or innovator.

- (1) Where the rights to any invention or innovation have been vested to the Institute, the Board of the Institute may award to the inventor or innovator such bonus as it may deem fit, or make provision for financial participation by the inventor or innovator in the profits derived from the invention or innovation.
- (2) The Institute may apply for a patent in respect of any invention or innovation contemplated in subsection (1) and shall for purposes of the Copyright Act, and the Industrial Property Act, be regarded as the assignee of the inventor or innovator of the invention or innovation.

Committee Observation/Resolution

The Committee agreed to the proposed amendment, but with further amendments to ensure that the membership of the Board of the Institute is in line with the Mwongozo Code of Governance and has representation from the forestry sector, and to delete the provisions on the Corporation Secretary.

Clause 11, Amendment of Section 42 of Cap 385

Section 42 of the principal Act is amended by inserting the following new subsection immediately after subsection (3)—

- (4) A forest owner shall identify and designate specific areas of forest as buffer zones to reduce negative edge effects and enhance ecosystem services.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendment, but with further amendments to ensure that the provision does not apply to private forests.

Clause 12, Management of forests, including dryland.

The principal Act is amended by inserting the following new section immediately after section 43—
43A.

- (1) All forests, including dryland forests, shall be managed on a sustainable basis to promote integrated management of dryland forests through traditional and conventional management systems.
- (2) The Service and the Institute, in collaboration with county governments and private owners, shall upscale commercial and non-commercial, agro-silvo-pastoralism, fruit and fodder trees in dryland areas.
- (3) The Service and the Institute shall promote sustainable harvesting and value addition of non-wood forest products derived from trees and forests.
- (4) The Institute shall in collaboration with county governments and other relevant stakeholders establish technologies for tree improvement, non-timber value addition and introduction of high value species programme for the drylands.
- (5) The Cabinet Secretary, in consultation with the Directorate, shall prescribe guidelines, standards and procedures for the management and utilisation of dryland forests.

Justification:

A new section 43A is proposed to require, among other things, that all dryland forests be managed on a sustainable basis to promote integrated management of dryland forests through traditional and conventional management systems and that KFS and the Institute, in collaboration with county governments and private owners, shall upscale commercial and non-commercial, agro-silvo-pastoralism, fruit and fodder trees in dryland areas.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendment but with further amendments to ensure that the Service and the Institute collaborate with not only the county governments and private owners but also with the relevant lead agencies in order to upscale commercial and non-commercial, agro-silvo-pastoralism, fruit and fodder trees in dryland areas.

Clause 13, Framework for the Payment for Ecosystem Services Schemes

The principal Act is amended by inserting the following new section immediately after section 53—
53A.

- (1) The Institute shall, in consultation with relevant stakeholders, establish a framework for the Payment for Ecosystem Services Schemes in public, community and private forests.
- (2) The Service and the Institute shall, every five years, jointly undertake a total economic valuation of forest ecosystem goods and services and submit the report to the Cabinet Secretary.

- (3) The Service shall coordinate the implementation of the Payment for Ecosystem Services Schemes including the terms and conditions in standardized contracts, agreements and operational manuals.
- (4) The Institute shall develop operational guidelines to determine incentives for the ecosystem services.
- (5) The Cabinet Secretary in consultation with the National Treasury shall mainstream incentive mechanisms for Payment for Ecosystem Services Schemes.

Committee Observation/ Resolution: The Committee agreed to the proposed amendments.

Clause 14, Amendment of section 55 of Cap. 385.

Section 55 of the principal Act is amended by deleting the words “week and International Day of Forests” and substituting therefor the following words “initiatives and other international forest events”.

Justification:

The amendment of section 55 of the Act seeks to expand its scope to provide beyond just the national tree planting days to other events in the conservation and promotion of forestry in Kenya hence it is now proposed to empower/ require the cabinet secretary to plan and execute programmes necessary for observing the national tree-planting initiatives and other international forest events.

Committee Observation/ Resolution

The Committee agreed to the proposed amendment but with further amendments to ensure that the Cabinet Secretary plans and executes programmes for tree growing and not just tree planting.

Clause 15, Amendment of section 56 of Cap. 385.

15. Section 56 of the principal Act is amended—

(a) in subsection (1), by inserting the words “public or” immediately after the words “invite the”;

and (b) in subsection (2), by inserting the following new paragraphs immediately after paragraph (d)—

“(da) easement for public roads and other public installations;”

“(db) wayleaves for public utilities.”

Justification:

The amendment to section 56 seeks to empower KFS to grant easements in public forests only for public roads and critical installations and wayleave for public utilities as well as wayleaves for public utilities.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendments.

Clause 16, Amendment of section 58 of Cap. 385.

Section 58 of the principal Act is amended—

(1) in subsection (1), by deleting the word “Service” and substituting therefor the words “Cabinet Secretary”;

- (2) adding the following new subsection immediately after subsection (3)—(4) A person who contravenes the provisions of this section commits an offence and shall be liable, upon conviction, to a fine not exceeding five hundred thousand or imprisonment of a term not exceeding one year or to both.

Justification:

The amendment to section 58 seeks to transfer, from KFS to the cabinet secretary, the power to Gazette a chain-of-custody system for the verification of the origin of forest products from public, community and private forests and the compliance.

Committee Observation/ Resolution:

The Committee agreed to the proposed amendments.

Clause 17, Amendment of section 61 of the Cap. 385.

Section 61 of the principal Act is amended—

- (a) by renumbering the existing provision as subsection (1); and
- (b) by inserting the following new subsection immediately after subsection (1)—
- (c) A person who exports or imports a forest product prohibited for export or import under subsection (1) commits an offence and is liable on conviction to a fine not exceeding five million or to imprisonment for a term not exceeding three years or, to both.

Justification:

Section 61 is proposed to be amended by introducing a penalty for the offence of exporting or importing a forest product prohibited for export or import.

Committee Observation/ Resolution: *The Committee agreed to the proposed amendments.*

Clause 18, Amendment of section 64 of Cap. 385.

Section 64 of the principal Act is amended—

- (a) in subsection (1)(a), by deleting the words “or remove any forest produce” and substituting therefore the following words “transport or remove any forest produce without authority from the forest owner”;
- (b) in subsection (2), by deleting the words “one hundred thousand shillings or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment” and substituting therefor the following words “one million shillings or to imprisonment for a term not exceeding twelve months, or to both.

Justification:

The amendment to section 64 seeks to protect all forests, including private forests from unlawful violation by unauthorized persons. The current provision only protects public forests. The amendment further seeks to enhance the punishment of the offences under that section up from one hundred thousand shillings or to imprisonment for a term not exceeding six months to exceeding one million or imprisonment for a term not exceeding twelve months.

Committee Observation/ Resolution

The Committee agreed to the proposed amendments but with further amendments to ensure that the transportation of forest produce is not an offence under this provision as the same had already been provided for under the provisions on the chain of custody system.

Clause 19, Amendment of section 67 of Cap. 385.

Section 67 of the principal Act is amended —

- (a) in subsection (1)(e), by deleting the words “national and county forests or” and substituting therefor the word “public”;
- (b) in subsection (2), by deleting the words “one hundred thousand” and substituting therefor the words “two million or a jail term to not exceeding three years, or to both”;
- (c) by adding the following new subsection immediately after subsection (8)—“(9) In addition to the penalty prescribed under subsection (8), the court shall order the person to remove the exotic genetic material or invasive plants, solid, toxic or any other wastes from the forest, at that person’s cost.”

Justification:

The amendments to section 67 are aimed at applying the right terminology with respect to public forests. It also seeks to enhance the penalty for the offence of importing, exporting, re-exporting or introducing any forest products into or from Kenya without a permit.

Committee Observation/ Resolution

The Committee agreed to the proposed amendments.

Clause 20, Amendment of section 71 of the Cap. 385.

Section 71 of the principal Act is amended in subsection (1) by—

- (a) inserting the words “of the Institute” immediately after the word “Board”;
- (b) inserting the following new paragraph immediately after paragraph (t)—“(u) management forest carbon, including the Reduced Emissions from Deforestation and Forest Degradation nesting.”

Justification:

The cabinet secretary may, on recommendation of the respective Boards, make regulations for carrying into effect the provisions of this Act.

The cabinet secretary, in consultation with the relevant stakeholders, shall make Regulations for forest carbon management.

Clause 21, Discoveries, inventions, etc. to vest in the Institute

Section 75 of the principal Act is amended by inserting the following new sections immediately after sections 75— 75A.

- (a) All rights in any discoveries, inventions, innovation, improvements and intellectual property rights in respect of processes, products, apparatus and machines made for or on behalf of the Institute shall vest in the Institute.
- (b) Without prejudice to the generality of subsection (1), the Institute and any other entity shall jointly own any discoveries, inventions, innovations, improvements and intellectual property rights pursuant to a funding agreement between the Institute and any other entity.

Justification:

The proposed section 75A seeks to protect the rights of the Institute over discoveries, inventions, innovation, improvements and intellectual property rights of the Institute and vests the same in the Institute. The institute is also permitted to jointly own any discoveries, inventions, innovation,

improvements and intellectual property rights pursuant to a funding agreement between the Institute and any entity.

Committee Observation/ Resolution

The Committee agreed to the proposed amendments but with further amendments to ensure that the Cabinet Secretary makes regulations on the framework

Clause 21, Discoveries, inventions, etc. to vest in the Institute

Section 75 of the principal Act is amended by inserting the following new sections immediately after sections 75— 75A.

- (a) All rights in any discoveries, inventions, innovation, improvements and intellectual property rights in respect of processes, products, apparatus and machines made for or on behalf of the Institute shall vest in the Institute.
- (b) Without prejudice to the generality of subsection (1), the Institute and any other entity shall jointly own any discoveries, inventions, innovations, improvements and intellectual property rights pursuant to a funding agreement between the Institute and any other entity.

Justification:

The proposed section 75A seeks to protect the rights of the Institute over discoveries, inventions, innovation, improvements and intellectual property rights of the Institute and vests the same in the Institute. The institute is also permitted to jointly own any discoveries, inventions, innovation, improvements and intellectual property rights pursuant to a funding agreement between the Institute and any entity.

Committee Observation/ Resolution

The Committee agreed to the proposed amendments.

4.2 MS. Lydia Nyawira Mburia

53. The Committee received a written memorandum from Ms. Mburia on 22nd November 2025, following the call for memoranda from the public through placement of adverts in the print media on 22nd November 2025. Ms. Mburia submitted as follows:

Clause 3

54. Inclusion of the economics of resources to ensure resource efficiency in sustainable water harvesting and management for tree growing in Arid and Semi-Arid Lands (ASALs) in collaboration with relevant lead agencies, especially in the water sector, environment, and the National Water Harvesting and Storage Authority

Justification:

Ensure seamless collective and collaborative concerted efforts in promoting sustainability management in resource efficiency, in sustainable water harvesting and management for tree growing ASALs in collaboration with relevant lead agencies.

Committee's Observation/Recommendation

The Committee rejected the proposed amendment noting that resource efficiency in sustainable water harvesting and management for tree growing in Arid and Semi-Arid Lands (ASALs) is important but cannot be a guiding principle under the Act.

Clause 9 proposes new Parts IIIA, IIIB and IIIC to the Act.

55. Proposes the establishment of the autonomous 8 regional Forest Regulatory Directorates and 47 county forestry.
56. Develop an elaborate electronic inventory of registered timber graders to enhance tracking and addressing of non-compliance at the 8 regions and 47 counties.

Justification:

To enhance service delivery in the forestry sector to the citizenry of Kenya. This shall help in mapping untapped and underutilized as well as unutilized sustainable water harvesting and management for tree growing ASALs in collaboration with relevant lead agencies

To ensure sustainable tree harvesting and legal logging.

Committee's Observation/Resolution

The Committee rejected the proposed amendment noting that Forest Regulatory Directorates cannot be established in each county.

New Part IIIA

57. Proposes fast-tracking of the establishment of enforcement academies in the 8 regions and 47 counties, tailored to address diverse water harvesting and management technologies for tree growing in dryland areas and contexts.
58. Have 8 regional and 47 counties Kenya Forestry Research Institute water harvesting and management extension officers to empower communities for sustainable water harvesting and management for tree growing ASALs in collaboration with relevant lead agencies.

Justification:

Enforcement Academies to assist in information dissemination to communities on sustainable water harvesting and management for tree growing ASALs in collaboration with relevant lead agencies.

Enhance service delivery countrywide on matters of extension education to empower communities for sustainable water harvesting and management for tree growing ASALs in collaboration with relevant lead agencies.

Committee Observation/Recommendation

The Committee rejected the proposed amendment noting that enforcement academies for uniformed and disciplined officers of the Service cannot be established in each county.

Clause II (I)

59. Proposes that all dryland forests shall be managed on a sustainable basis by local communities in the 47 counties to ensure full ownership and sustainable tree growing in dryland areas as a principle to be observed by all actors in the forestry sector.

Justification:

Upscale sustainability management, equitable access to tree resources as well as enhance resource efficiency in all tree growing in dryland areas as a principle to be observed by all actors in the forestry sector.

Committee Observation/Resolution

The Committee rejected the proposed amendment noting the importance of centralizing the management of the dryland forests by the Service.

Clause II (2)

60. Proposes collaboration with relevant lead agencies, especially in the water sector, environment, and the National Water Harvesting and Storage Authority, in enhancing commercial and non-commercial, agro-silvo-pastoralism, fruit and fodder trees in dryland areas.

Justification:

Enhance modern ways of conserving commercial and non-commercial, agro-silvo-pastoralism, fruit and fodder trees in dryland areas.

Committee Observation/Resolution

The Committee agreed to the proposed amendment noting the importance of collaboration with the relevant lead agencies in enhancing commercial and non-commercial, agro-silvo-pastoralism, fruit and fodder trees in dryland areas.

Clause II (3)

61. Proposes the development of an elaborate electronic inventory of sustainable harvesting and value addition of non-wood forest products derived from trees and forests to enhance tracking and addressing of non-compliance at the 8 regions and 47 counties.

Justification:

To ensure sustainable tree harvesting and legal logging.

Committee's Observation/Recommendation

The Committee rejected the proposed amendment noting that the Act already provides for a chain of custody system.

CHAPTER FOUR

4.0 PUBLIC HEARINGS IN THE COUNTIES

4.1 Background Information

62. In accordance with Article 118(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Committee, vide an advertisement dated 10th April 2026, invited the public to submit their views through public hearings to be conducted in twelve (12) counties.
63. The twelve (12) counties were Isiolo County, Nyeri County, Embu County, Makueni County, Machakos County, Kilifi County, Kwale County, Kisumu County, Kakamega County, Kericho County, Uasin Gishu County, and Nakuru County.

4.2 Public Hearing at the Counties

64. During the public hearings exercise, members of the public were informed of the contents of the Bill and were allowed to make oral or written submissions thereon. Their submissions were as follows:

4.2.1 Isiolo County

65. The public hearing exercise was held at the Catholic Diocese Hall on Monday, 20th April 2026, between 9.00 a.m. and 12.00 noon.



Figure 1: Public hearing exercise in Isiolo County

66. The participants made the following submissions:
- i) Reconsider the proposed increase in penalties to ensure a balance between forest use and forest protection.
 - ii) Enhance collaboration between the Kenya Forest Service (KFS) and the Kenya Forest Research Institute (KEFRI) in identifying tree species suitable for different parts of Kenya, noting that the majority of trees currently planted in Isiolo County do not survive.
 - iii) They noted that invasive species such as Mathenge are causing significant harm, including depletion of water in wetlands and drying up rivers, causing livestock to lose teeth when consumed, and injuring residents through their thorns.

- iv) Forests in Isiolo County face multiple challenges, including charcoal burning, deforestation due to lack of fencing, and invasion by *Juliflora Prosopis* (Mathenge). Consequently, KFS and KEFRI should provide guidance on how to control the spread of these effects.
- v) They supported the Bill's provisions empowering KFS and KEFRI to regulate the introduction and importation of potentially invasive tree species.
- vi) The Bill strongly promotes agroforestry, noting that Isiolo County and other Arid and Semi-Arid Lands (ASAL) counties stand to benefit from the planting of fruit trees such as mangoes and dates.
- vii) They expressed support for the Bill's focus on establishing and protecting dryland forests, and welcomed the inclusion of forests in carbon projects as a timely and important provision.
- viii) The Government and local communities should promote the growing of appropriate tree species in drylands and ASALs, including *Acacia Senegal*, *Acacia tortilis*, and date palms.

4.2.2 Nyeri County

67. The public hearing exercise was held at the YMCA Social Hall, Nyeri Town, on Monday, 20th April 2026, between 2.00 pm and 5.00 pm.



Figure 2: Public hearing exercise in Nyeri County

68. The meeting was attended by members of Community Forest Associations (CFAs), National Government Administrative Officers (NGAO), the State Department for Forestry, the Kenya Forest Service (KFS), and the Kenya Forestry Research Institute (KEFRI).

69. The majority of participants supported the Bill and made the following submissions:

- i) That a minimum distance for tree planting near shared boundaries be introduced to reduce conflicts between neighbors arising from tree shedding and root spread.
- ii) That KFS and KEFRI develop a technical guidance framework to regulate tree planting along shared boundaries in order to minimize disputes between neighbors.
- iii) That provisions be amended to ensure that any moratorium on logging is implemented procedurally and through due process, rather than through political declaration, so as to protect investors in the forest sector from undue losses.
- iv) That timber imports be regulated to enforce quality control standards, thereby reducing unfair competition faced by local forest sector investors due to low-quality imports.

- v) That participants supported provisions enhancing the role of local communities in forest conservation, including the Payment for Ecosystem Services (PES) model, which ensures that neighbouring communities benefit from forest protection.
- vi) That there is potential overlap of mandate between KFS and the proposed Office of the Director of Forest Regulation, particularly in licensing and enforcement functions under the Forest Conservation and Management Act.
- vii) That participants supported the enhancement of penalties for forest-related offences as a measure to strengthen forest protection.
- viii) Those provisions allowing private investors to be contracted for establishment of commercial plantations will ensure a continuous supply of timber and reduce reliance on timber imports.
- ix) That the proposal to establish a Kenya Forest Academy, instead of strengthening the existing Kenya Forestry College, may result in duplication of mandate, increased operational costs, and governance challenges.

70. The participants proposed the following amendment:

- a) Introduction of a minimum distance requirement for tree planting near shared boundaries to reduce conflicts between neighbours arising from tree shedding and root spread.

4.2.3 Embu County

71. The public hearing exercise was held at the Embu Community Social Hall, Embu Town, on Tuesday, 21st April 2026, between 11.00 am and 1.00 pm.



Figure 4: Public hearing exercise in Embu County

72. The participants made the following submissions:

- i) The Bill is commended for its role in enhancing forest conservation, management, and the protection of riparian areas and wetlands.
- ii) They called for the involvement of grassroots residents and Community Forest Associations (CFAs) in tree-growing activities to enhance survival rates and ensure successful afforestation and reforestation programmes.
- iii) They recommended that CFAs be included in Payment for Ecosystem Services (PES) schemes to ensure communities benefit from their conservation efforts.
- iv) They proposed community and CFA participation in tree harvesting activities and further requested that CFAs be allocated a share in the tendering process.

- v) They supported the strengthening of penalties for forest-related offences as a deterrent and welcomed the establishment of the Office of the Director of Forest Regulation.
- vi) They encouraged a whole-of-government approach in the implementation of the National Tree Growing Programme.
- vii) They supported the establishment of dryland forests, particularly to benefit Arid and Semi-Arid Lands (ASALs) such as the Mbeere region in Embu County.
- viii) They called for enhanced research on tree species to ensure the availability of suitable seedlings for ASAL conditions.
- ix) They noted that the Bill's provisions on water harvesting technologies would benefit communities in Mbeere and other ASAL regions.
- x) They supported the anchoring of KEFRI in the Act and the expansion of its training mandate, and further recommended decentralization of the Institute through the establishment of county-level offices.
- xi) They supported increased community involvement, promotion of agroforestry in gazetted forests, training of local communities, and measures to enhance national tree cover.
- xii) They supported the recognition of dryland forests and the establishment of Payment for Ecosystem Services as key provisions of the Bill.

4.2.4 Makueni County

74. The public hearing exercise was held at Wote Greens Park, Wote Town, on Wednesday, 22nd April 2026, between 10:30 a.m. and 12:30 p.m. The participants submitted as follows:



Figure 4: Public hearing exercise in Makueni County

Mr. James Omambia and Joseph Munyao – County of Makueni Representatives

- 73. The proposed amendment appears to claw back the gains made under devolution, especially in relation to forest functions. Gazette Notice Volume 219, issued on 16th December 2024 by the Intergovernmental Relations Committee, clarified the functions of national government institutions and county governments. Specifically, there are about 21 devolved forest functions, one of which is agroforestry.
- 74. The submission specifically addressed the proposed amendment under Section 5 of the Bill, which seeks to expand the mandate of the Kenya Forest Service (KFS) to provide technical assistance to

county governments and private landowners in agroforestry and commercial forestry on private and community land.

75. While the intention to strengthen technical support is appreciated, the proposed amendment raises key constitutional and governance concerns regarding the distribution of functions between the national and county governments.
76. Under the Forest Conservation and Management Act, 2016, County Governments are mandated to promote afforestation and provide advisory support to communities and individuals on the management of private and community forests. The Kenya Forest Service (KFS), on the other hand, plays a supportive role by providing policy direction, capacity building, and technical assistance upon request. This framework aligns with the principles of devolution under the Constitution of Kenya, 2010.
77. The proposed amendment introduces a shift from this framework by granting KFS a direct and proactive role in providing technical assistance to county governments and individual forest owners. This creates a risk of functional duplication, as agroforestry and afforestation on private and community land fall within devolved functions such as agriculture, land-use planning, and natural resource management.
78. Further, the amendment establishes parallel lines of authority, where both KFS and County Governments may directly engage the same land users. This is likely to result in policy inconsistencies, operational conflicts, and confusion among farmers and community land managers.
79. There is also a risk that the amendment may weaken county autonomy by allowing direct engagement between KFS and private landowners or community institutions, thereby undermining the role of county governments as primary implementers of devolved functions. Agroforestry is a cross-sectoral area that intersects forestry, agriculture, and land-use planning. As such, any expansion of national government roles in this area must be carefully designed to avoid encroachment on devolved functions and to maintain clear institutional boundaries.
80. In light of the above, they recommended that:
 - i) Section 5 of the Amendment Bill be revised to retain the principle that KFS provides technical assistance only upon request by County Governments.
 - ii) The Bill explicitly affirms the role of County Governments as the primary authorities in agroforestry and management of private and community forests.
 - iii) A clear intergovernmental coordination framework be established to guide collaboration between KFS and County Governments.
 - iv) Any engagement by KFS with private landowners and community land managers be undertaken through, or in consultation with, the respective County Governments.
81. The participants further recommended the establishment of protocols to guide the Payment for Ecosystem Services (PES) programme, including clear provisions on how communities and Community Forest Associations (CFAs) will benefit.
82. The participants proposed amendments to the Bill as follows:
 - a) Amend Section 71 of the Act to provide for the Cabinet Secretary to establish Payment for Ecosystem Services regulations.

- b) Revise Section 5 of the Amendment Bill to retain the principle that KFS provides technical assistance only upon request by County Governments.

4.2.5 Machakos County

83. The public hearing exercise was held at the Catholic Diocese Hall on Wednesday, 22nd April 2026, from 2.00 p.m. to 4.00 p.m.



Figure 5: Public hearing exercise in Machakos County

84. The participants submitted as follows:
- i) That timber grading be clearly defined in the Bill, including clarification on whether non-compliance constitutes an offence.
 - ii) They decried the confusion and harassment by county government officers, Kenya Forest Service officers, and police officers arising from the lack of clear charcoal selling and transport licensing guidelines. They recommended the establishment of Charcoal Regulations to provide clarity on offences, promote fair trade in charcoal, and guide the entire charcoal selling and transport licensing process.
 - iii) They supported the provisions on agroforestry, establishment of dryland forests, and support for water harvesting technologies, noting that these provisions would benefit over 80 per cent of the ASAL regions in Kenya.
 - iv) They supported the Bill's promotion of water harvesting technologies, which would benefit both individual farmers and communities engaged in agroforestry and tree-growing initiatives.
 - v) They called upon the Kenya Forestry Research Institute and Kenya Forest Service to offer forest extension services to guide farmers on best practices in tree growing.
 - vi) They supported the anchoring of Kenya Forestry Research Institute in the Forest Conservation and Management Act (FCMA) and called for closer collaboration between Kenya Forest Service, Kenya Forestry Research Institute, and universities to equip graduates with knowledge in forest conservation, management, and protection.
 - vii) They supported the provisions for the establishment of dryland forests and recommended the formation of Dryland Forest Associations to support conservation efforts in dryland areas.

The National Alliance of Community Forest Associations (NACOFA)

85. The National Alliance of Community Forest Associations (NACOFA) is the national consortium and representative of all Community Forest Associations in Kenya. In this capacity, NACOFA represents its CFAs in public participation exercises and advocates for improved joint forest management with proper participation of CFAs. They submitted as follows:

86. The Alliance held a workshop at Naivasha from 6th to 8th April, 2025 with Community Forest Associations (CFAs) from many parts of the country to generate comments on the FMA currently under review.
87. That, Community Forest Associations are the legal representatives of forest adjacent communities and are entrenched in the Constitution of Kenya, 2010.
88. Full compliance to section 9(1)(g) when nominating members to the KFS Board, the law should be clearly observed, especially in the nomination of CFA representation.
89. Explicitly state whether the First, Second, and Third schedules in the Principal Act have effectively been repealed, overridden or shall coexist with the new ones in the Amendment.
90. They proposed the following amendments:
 - a) Community Forest Associations are the legal representatives of forest adjacent communities and are entrenched in the Constitution of Kenya, 2010.

Justification

The Legislation should revert to the Forests Act, 2005, section 13 (4)(e) which suggests that “four persons knowledgeable in forestry matters nominated by forest associations operating in the conservancy area in consultation with the conservancy committees, at least one of whom shall be a woman and one shall be a youth.” Forest conservation areas are huge often traversing counties, having one CFA representatives per conservation area is an underrepresentation. Having the forest associations nominate their own representatives also relieves the KFS Board of any potential conflicts of interest that might occur in the nomination process.

Committee Observation/Recommendation

- b) Amend Section 27(2) of the FCMA to have the Forest Conservation and Management Trust Fund to cater for an insurance policy to cover for injury on community scouts who work closely with forester and forest rangers in patrols in the forests and giving intelligence whenever they see any illegal activities going on the forest. Also, the fund can support training CFAs and community scouts on firefighting skills

Justification

CFA members and Community scouts are exposed to a lot of danger when they accompany foresters and rangers in forest protection duties in the forest. While government officers have an insurance cover, CFAs and Community scouts go back to their families to take care of their medical expenses. There is need for an insurance cover for injuries or harm sustained in the line of duty, as a basic guarantee of protection and recognition for the risks they take to safeguard natural resources.

Definition

91. Provide a definition for “buffer zones” as used in clause 10 that seeks to amend section 42 of the Principal Act.

Justification:

Buffer zone is a new term that does not appear in the Principal Act and is not defined in the Amendment. Its meaning as intended in the Act and related legislation should be defined.

Committee's Observation/Recommendation

The Committee agreed to the proposed amendment.

Definition

92. Remove "conservation secretary."

Justification:

When referencing ministerial/sectoral titles, consider using terminologies that exist in perpetuity and are recognized by the Constitution of Kenya

Committee's Observation/Recommendation

The Committee rejected the proposed amendment as the term has not been used in the Bill.

Clause 7, Amendment of Section 16 of No. 34 of 2016.

93. There is a need to add the word "*in consultation with the CS for internal security*" between the words 'service' and 'may'.

Justification:

The Cabinet Secretary and Service should always consult the CS in charge of Internal Security whenever he/she is designating uniformed and disciplined officers if they are going to be armed.

Committee's Observation/Recommendation

The Committee agreed to the proposed amendment so as to ensure that uniformed and disciplined officers are designated by the Cabinet Secretary for internal affairs and not the Cabinet Secretary responsible for forestry matters.

Clause 8, Functions of the Service

94. Amend the Principal Act to add an additional function of the Service (h)
h) Leveraging information and technology, such as satellite monitoring, mobile apps for community reporting, and digital platforms to conserve and manage all public forests in accordance with the provisions of this Act.

Justification:

The Service should be compelled to adopt new technologies in the management of forests.

Committee's Observation/Recommendation

The Committee rejected the proposed amendment as the Service under the Act is required to use information and technology to help in the management of public forests.

Clause 8, Functions of the Service

95. Amend the Principal Act to add an additional function of the Service (i)
- i) Develop policies and guidelines that govern how individual REDD+ projects or activities at smaller scales (like community or site-specific initiatives) are integrated, or "nested," into larger-scale jurisdictional or national REDD+ programs.

Justification:

There is need to add **Nesting Regulations** within the context of Kenya's national REDD+ registry. These regulations are critical for ensuring consistency, transparency, and environmental integrity across different levels of forest conservation efforts. Kenya is developing Africa's first national REDD+ registry and the **nesting regulations** will specify how project-level REDD+ efforts integrate into the national registry.

Committee's Observation/Recommendation

The Committee rejected the proposed amendment as the Act and Regulations already provide for the integration of communities into the management of forests including through community forest associations

PART IIIA— THE FOREST REGULATORY DIRECTORATE

Clause 29B(o), Functions of the Directorate

96. Consider replacing the word '*principal secretary*' with Cabinet secretary.

Justification:

Use the utmost authority to give additional or incidental functions and ensure consistency in functions throughout the document.

Committee's Observation/Resolution

The Committee rejected the proposed amendment noting that the composition of the Board is guided by the State Corporations Act, Cap 446 and the Cabinet Secretary appoints independent members of the Board.

PART IIIB—FOREST LAW ENFORCEMENT ACADEMY

Clause 29F, Establishment of the Kenya Forest Law and Enforcement Academy.

97. Strengthen the already existing Kenya Forestry College, as established in Section 17 of the FCMA, 2016, rather than establishing a new institution.

Justification:

Establishing numerous institutions shall make it difficult to allocate resources, govern, and manage them. Integrate all training institutions to streamline management.

Committee's Observation/Resolution

The Committee agreed to the proposed amendment.

PART IIIC—KENYA FORESTRY RESEARCH INSTITUTE

Clause 29I(i), Functions of the Institute.

98. Explicitly mention that KEFRI shall conduct research, develop models and procedures for forest carbon estimation and quantification in collaboration with NEMA.

Justification:

NEMA is the lead agency and Designated National Authority (DNA) in the Carbon trade and practice.

Committee's Observation/Resolution

The Committee rejected the proposed amendment as the same is already provided for in the Bill.

Clause 29I(v), Functions of the Institute.

99. Rather than establishing a new Forestry research institute, work with already existing universities and institutions on training forestry experts.

Justification:

Duplication of duties and functions will be counterproductive.

Committee's Observation/Resolution

The Committee rejected the proposed amendment noting that the Institute already exists.

Clause 29I, Functions of the Institute.

100. Add function (y), Integrate indigenous knowledge by collaborating with local communities to document traditional forest management practices, incorporating this expertise into scientific studies, and applying it to develop sustainable conservation strategies that respect cultural values and enhance ecological outcomes.

Justification:

Indigenous knowledge offers an opportunity to deploy and adapt time-tested local solutions in biodiversity enrichment and improved forest resource management. Communities also have unique insight and information on local species, ecosystem indicators and the value of medicinal plants.

Committee's Observation/Resolution

The Committee rejected the proposed amendment as a mechanism for collaboration with local communities is already provided for using the community forest associations.

Clause 29J, Board of the Institute.

101. Include community representatives in the management of the Kenya Forestry Research Institute.

Justification:

This should be reflected in forest-related institutes to ensure communities are integrated in all levels of management.

Committee's Observation/Recommendation

The Committee agreed to the proposed amendment.

Clause 14, National tree planting initiatives and events.

102. Revise "tree planting initiatives" to "tree growing initiatives".

103. The Service should plan and implement tree growing initiatives and not the Cabinet Secretary

Justification:

Trees are not just planted and left alone, but rather grown and taken care of to ensure maturity.

The Kenya Forest Service is the legally mandated agency for forest conservation and restoration.

Committee's Observation/Resolution

The Committee agreed to the proposed amendments.

Clause 13(56), Amendment of section 64 of No. 34 of 2016. – Offences and Penalties

104. Private forests should be excluded from the jurisdiction of the Service unless they are registered.

105. Compel KFS to only approve easements once the ESIA has gone through the necessary procedures, including public participation, and has been approved.

Justification:

KFS only has jurisdiction over public and provisional forests. Mentioned violations on private forests should be referred to the National Police Service.

This shall ensure strict observance to the procedures as set in the FCMA, 2016

Committee's Observation/Resolution

The Committee agreed to the proposed amendments.

Clause 20 (53A) I, Establishment of protocols of Payment for Ecosystem Services schemes.

106. Revise "private forest" to "provisional forest."

Justification:

Payment for Ecosystem Services is an incentive that should only be accessible to owners of registered private forests or members of registered private forest owners' groups/associations. KFS has no jurisdiction over private forests.

Committee's Observation/Resolution

The Committee rejected the proposed amendments noting that the Institute, in consultation with the relevant stakeholders, is required to establish a framework for the Payment for Ecosystem Services schemes.

Clause 20 (53A), Establishment of protocols of Payment for Ecosystem Services schemes.

107. Establish an award system for individuals and organizations who are doing exemplary work in the greening initiative.

Justification:

Incentives for good efforts in the greening of forests and urban spaces should be rewarded to encourage more efforts.

Committee's Observation/Resolution

The Committee agreed to the proposed amendment noting that the Bill requires the Cabinet Secretary to develop regulations on the framework for the payment of PESS.

4.2.6 Kilifi County

108. The public hearing exercise was held at the Catholic Institute Hall, Malindi Town, on Thursday, 23rd April 2026, between 12.00 pm and 2.00 pm.



Figure 6: Public hearing exercise in Kilifi County

109. The participant submitted as follows:

- i) The proposed amendments will enhance KFS's mandate, thus improving forest conservation, management, and protection. However, there is forest degradation in Kaya, community forests such as Mwangea Hills and Shakahola forests, which are not under the purview of KFS.
- i) The establishment of Payment for Ecosystem Services (PES) will benefit the local community and the Community Forest Associations.
- ii) They recommended upgrading Kenya Forest College instead of establishing a new Kenya Forest Academy.
- iii) There is a possible overlap of mandate between KFS, the Office of the Director of the Regulator of Forests, and the County governments.
- iv) They expressed concerns with Clause 15, providing for easement for public roads and other public installations, way leaves for public utilities, and proposed that the requirement should be to conduct an EIA before approval.
- v) That the majority of factories in Kilifi County use wood sourced from community forests and individual farmers, resulting in extensive destruction. Thus, regulations should be developed compelling the factories to establish commercial forests to reduce reliance on the community forests.
- vi) There is a need to develop a clear conflict resolution mechanism between KFS and the Office of the Director of Forest Regulation.
- vii) The fees charged to CFAs for establishing ecotourism projects should be waived, since they are key stakeholders in conserving, restoring, and protecting the gazette and community forests.

- viii) Harassment by county government enforcement officers, KFS officers, and police officers is rampant and should be addressed.
- ix) KFS, KEFRI, and other government agencies should support CFA's to develop their capacity to attract grants and access international funding.
- x) Enhancement of penalties for prohibited activities in forests deters forest-related crimes and enhances the protection of the forests.

110. The participants proposed amendments to the Bill as follows:

- i) Amend Section 71 of the Act to provide for the Cabinet Secretary to establish Payment for Ecosystem Services regulations. They recommended provisions for the rights and benefits of the CFA's and the local communities
- ii) Amend Section 71 of the Act to provide for the Cabinet Secretary to establish charcoal regulations to govern charcoal burning on private, community, and trust land.

4.2.7 Kwale County

111. The public hearing exercise was held at the Msambweni Opportunity, Msambweni, on Friday, 24th April 2026, between 10.30 am and 12.30 pm.

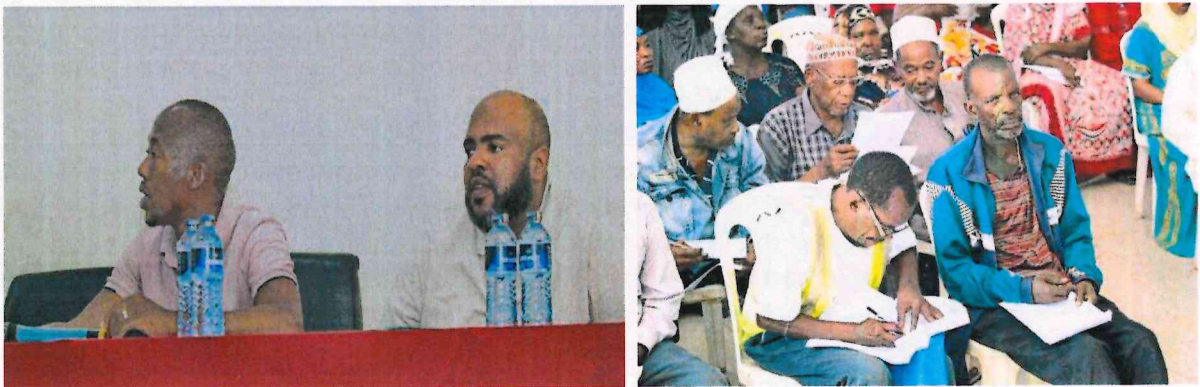


Figure: Public hearing exercise in Kwale County

112. The participant submitted as follows:

- i) Enhancement of penalties for prohibited activities in forests to deter forest-related crimes and to enhance protection of the forests.
- ii) Anchoring KEFRI in the Forest Management and Conservation Act will strengthen it and enable it to undertake forestry research, which will support the national tree-growing program.
- iii) The Office of the Director of Forest Regulation will enhance forest protection, conservation, and management. It will also address concerns by the citizens, CFAs, and private investors if not addressed by the KFS or KEFRI.
- iv) There is a need to enhance public sensitization on forest conservation, management, and rehabilitation.

4.2.8 Kisumu County

113. The public hearing exercise was held at the Tom Mboya Labour College, Kisumu City on Monday,

20th April 2026 between 8.00 am and 12 noon.



Figure 8: Public hearing exercise in Kisumu County

114. The participants submitted as follows:

- i) **Clause 10** of the Bill, under Part IIIA, proposed section 29B(d), seeks to empower the Office of the Director of Forest Regulation to develop and advise the Ministry on certification standards for tree nurseries, forests, and forest products in consultation with lead agencies. Concerns were raised that this creates an overlap in mandate between the Kenya Forest Service (KFS) and the Office of the Director of Forest Regulation, potentially limiting the mandate of KFS and creating conflict with the Chief Conservator of Forests.
- ii) Regarding the same proposed section 29B(d), a proposal was made to remove the advisory function of the Director on certification standards. This was rejected on the basis that the primary function of the Director is to advise the Ministry.
- iii) Under proposed section 29G(1), which provides that the headquarters of the Institute shall be in Kiambu County, a proposal was made to move the headquarters of KEFRI to Turkana. This proposal was rejected because the headquarters are already established in Kiambu County, with additional regional offices located in various counties.
- iv) **Clause 10** also introduces proposed section 29H(2)(j), which mandates the Institute to develop certification standards for tree seeds in collaboration with the Kenya Plant Health Inspectorate Service. A proposal was made to insert the words “and seedlings” after “tree seeds,” noting that the quality of trees cannot be ascertained without considering seedlings. This proposal was accepted.
- v) Under proposed section 29T, the Bill provides for the appointment of a Corporation Secretary by the Board of the Institute, subject to terms determined by the Board on the advice of the Salaries and Remuneration Commission. It further provides that a person qualifies for appointment if they hold a degree in law from a recognized university in Kenya. A proposal was made to delete the provision on the Corporation Secretary, arguing that the matter should instead be handled through Human Resource policies similar to those of the KFS Board.
- vi) Under proposed section 29U, the Bill empowers the Board of the Institute to appoint officers, employees, agents, and other staff necessary for the efficient discharge of the Institute’s functions, determine their terms of service in consultation with the Salaries and Remuneration Commission, delegate powers, protect staff from personal liability for acts done in good faith, and apply the Employment Act and Public Officers Ethics Act to staff members. A proposal was made that the number of officers and staff be capped or a ceiling be set. This was rejected

on the grounds that staff numbers should instead be addressed through Human Resource policies.

- vii) **Clause 13** introduces proposed section 53A on Payment for Ecosystem Services Schemes (PESS). The Bill provides that the Institute, in consultation with relevant stakeholders, shall establish a framework for PESS in public, community, and private forests. It further requires the Service and the Institute to jointly undertake a total economic valuation of forest ecosystem goods and services every five years and submit a report to the Cabinet Secretary. The Service is to coordinate implementation of PESS, while the Institute develops operational guidelines for incentives, and the Cabinet Secretary, in consultation with the National Treasury, mainstreams incentive mechanisms. It was observed that the Act is not clear on how incentives will benefit communities, and it was noted that the specifics of benefit sharing and PESS should be clarified in regulations.
- viii) **Clause 19** concerns offences related to charcoal possession and forest protection. The principal Act currently criminalizes making or possessing charcoal in national, county, provisional, community, or private forests and farmlands without the required licence or owner's permit, punishable by a fine not exceeding fifty thousand shillings, imprisonment not exceeding six months, or both. The proposed amendment to section 67 seeks to replace the words "national and county forests or" with "public," increase penalties from one hundred thousand shillings to two million shillings or imprisonment for up to three years, or both, and introduce a new subsection requiring offenders to remove exotic genetic material, invasive plants, solid waste, toxic waste, or any other waste from forests at their own cost. Concerns were raised opposing the enhancement of penalties, especially for charcoal burning without a permit, on the grounds that many locals rely on charcoal as a source of income. However, this proposal was rejected, as the enhanced penalties are intended to promote forest conservation and deter deforestation.
- ix) Under the general proposals, it was recommended that youths with disabilities be included in forest management and be involved in training on forest conservation.

4.2.9 Kakamega County

115. The public hearing exercise was held at the Magharibi Hall, Kakamega Town, on Tuesday, 21st April 2026, between 11.30 am and 1.30 pm.



Figure 9: Public hearing exercise in Kakamega County

116. The participants submitted as follows:

- i) **Clause 7:** Under Section 17 of the principal Act, the Kenya Forestry College is already established to provide forestry education, vocational and technical training in forest conservation, sustainable forest management, and protection of forests and related natural resources. It also develops certificate and diploma programmes and stakeholder-based apprenticeship and vocational training. The Bill proposes a new Section 17A establishing the Kenya Forest Academy as an institution within the Service to train officers of the Service, with the Board responsible for policy formulation. It was observed that the proposed Academy overlaps with the mandate of the Kenya Forestry College under Section 17. It was further proposed that the Academy should develop a curriculum aimed at improving officers' relations with local communities.
- ii) **Clause 10 – Part IIIA:** Several proposals were raised regarding the new institutional framework. It was noted that the Bill does not provide qualifications for the Director of Forest Regulation, and it was recommended that the Director should be a qualified professional registered in forestry. This proposal was accepted as valid and recommended for inclusion in the amendment Bill. Concern was raised over the creation of the office of the Director of Forest Regulation, citing a likely conflict of mandate with the Chief Conservator of Forests in the Kenya Forest Service. It was also proposed that the headquarters of the institution should not be located in Kiambu, reflecting concerns raised by participants over the choice of location. A proposal was made for the deletion of the provision on the Corporation Secretary, arguing that the matter should instead be addressed through human resource policies, similar to the Kenya Forest Service Board. This proposal was accepted. Another proposal sought to cap the number of officers and staff of the Institute, but this was rejected on the basis that staffing levels should be addressed through HR policies.
- iii) **Clause 13:** In relation to the proposed Section 53A, it was observed that the Act is unclear on how incentives would benefit Community Forest Associations. Similar concerns were raised regarding how Community Forest Associations would benefit from carbon markets. It was recommended that the specifics of benefit sharing and Payment for Ecosystem Services (PES) should be clarified through regulations.
- iv) **Clause 14:** Regarding Section 55, it was proposed that tree planting initiatives should go beyond planting and include nurturing the trees after planting. It was also emphasized that there is need for continued engagement of citizens who participate in planting exercises. It was recommended that the initiatives should provide facilitation and support for trees planted by communities.
- v) **Clause 19:** Proposed amendments to Section 67 generated several views. A proposal was made for deletion of the offence of charcoal burning without a permit, arguing that communities that plant trees should also be allowed to produce charcoal. This proposal was rejected because the penalties are intended to promote forest conservation and deter deforestation. Concerns were raised regarding the offence of removal of exotic genetic materials or invasive plants, suggesting that confiscated materials should not be destroyed, as the government could benefit from domesticating such species. It was also argued that the proposed penalties were too high and that the Bill should provide for the adoption of alternative dispute resolution mechanisms.
- vi) **General Proposals:** It was proposed that youth should be included in innovation programmes under KEFRI so that they can benefit from profits derived from such initiatives. It was also proposed that youth with disabilities should be considered in Board appointments in both KEFRI and KFS. Further, it was recommended that during public

participation, sensitization materials in Braille should be made available for blind persons with disabilities.

4.2.10 Kericho County

117. The public hearing was held at the ACK Church Hall in Kericho Town on Wednesday, 22nd April 2026, between 11.00 pm and 1.00 pm.



Figure 10: Public hearing exercise in Kericho County

118. The participants submitted as follows:

- i) Clause 7 of the Bill, which proposes Section 17A on the Kenya Forest Academy, attracted concerns from stakeholders regarding the proposal to introduce uniformed or disciplined forces within the Kenya Forest Service (KFS). It was argued that KFS officers should not be militarized, noting that communities may lose trust in the Service if officers are turned into a disciplined force. Similarly, it was proposed that Section 17A(2), which provides for uniformed officers of the Service, be omitted.
- ii) Clause 8, particularly paragraph (c) on the provision of technical assistance, also raised concerns. It was stated that KFS should remain only in an advisory capacity when dealing with private landowners, emphasizing the need to respect the independence of private land and property rights.
- iii) Clause 10, which introduces Part IIIA, received several submissions. It was argued that the establishment of the Office of the Director under Section 29A is unnecessary, duplicates existing roles, and that KFS can already perform those functions. Further comments on Clause 29G(1) and (2) proposed that the headquarters be located in Kericho or Londiani and suggested that, instead of creating new structures, the government should utilize existing innovation hubs.
- iv) On the composition of the Board under Clause 29I, it was argued that the Board is heavily politicized and concerns were raised over appointments. It was recommended that there be greater local leadership representation and that Community Forest Associations (CFAs) should have a seat on the KEFRI Board. It was also proposed that sawmillers be included in the KFS Board. Further recommendations suggested that the Principal Secretary for Lands should also be incorporated into the Board.
- v) Clause 29O(e), which deals with the powers of the Board, was criticized as being too ambiguous and open to abuse. It was proposed that the clause be deleted entirely.
- vi) Clause 14, concerning the National Tree Planting Week, also received comments. Opposition was raised to the removal of the “week of the International Day of Forests,”

noting that tree planting week often interferes with school activities and should instead be aligned with the school calendar. It was noted, however, that observance of such international days is generally guided by United Nations declarations, and removal of the clause would not necessarily mean Kenya ceases to observe them.

- vii) Clause 16 on chain-of-custody systems for forest products was discussed. It was argued that there was no need to remove the mandate from KFS and give it to the Cabinet Secretary. In response, it was clarified that the Cabinet Secretary's role is only in gazettment, since only the CS has the authority to gazette, while the operational mandate remains with KFS.
- viii) Clause 19, which provides for offences and penalties, generated significant concern. It was stated that the proposed penalties are too punitive and that the increase to Kshs. 2 million is excessive and should be reduced. Similar concerns were raised that the Kshs. 2 million penalty is too high. It was further proposed that livestock grazing should be allowed in forests and that trees draining river flow should be removed.
- ix) In the general proposals, it was stated that the Bill would support climate change mitigation efforts. Criticism was also raised regarding KFS management, noting that trees planted between 2014 and 2015 were not maintained, pruned, or properly managed, resulting in poor timber quality.
- x) Concern was raised over the lack of representation of Persons with Disabilities (PWD), noting that the KEFRI Board does not include any PWD members. It was also proposed that tree planting should be incorporated into affordable housing projects and all public institutions.
- xi) It was proposed that Londiani College should introduce a new curriculum on sawmill operations. It was also recommended that KFS establish a dedicated wing for enterprise development.

4.2.11 Uasin Gishu County

119. The public hearing exercise was held at the County Hall, Uasin Gishu, on Thursday, 23rd April 2026, between 9.30 pm and 12.30 pm.



Figure 11: Public hearing in Uasin Gishu County

120. The participants submitted as follows:

- i) Under **Clause 10**, Part IIIA, the introduction of proposed Section 29A received support from stakeholders, who noted that establishing the Office of the Director of Forest Regulation would benefit communities by providing oversight over the Kenya Forest

Service (KFS) and addressing complaints against it. Others also supported the proposal, emphasizing that it would ensure the separation of mandates. Additionally, under proposed Section 29I on Board Composition, it was recommended that forest communities should have representation on the Board.

- ii) Under **Clause 12**, the proposed Section 43A was supported by stakeholders, who stressed the need to promote dryland forests, encourage water harvesting technologies, and incorporate traditional conservation methods within KFS operations.
- iii) **Clause 13** introduced the proposed Section 53A, which seeks to establish a framework for Payment for Ecosystem Services Schemes (PESS) in public, community, and private forests. The provision also requires periodic economic valuation of forest ecosystem goods and services, coordination of implementation by the Service, development of operational guidelines by the Institute, and mainstreaming of incentive mechanisms by the Cabinet Secretary in consultation with the National Treasury. Stakeholders supported the proposal but cautioned that the framework should not only benefit elites. Others emphasized the need for transparency and fair compensation for local communities.
- iv) Under **Clause 14**, which introduces Section 55 on National Tree Planting Week, the Cabinet Secretary would be required to plan and execute programmes for observing National Tree Planting Week and the International Day of Forests. It was further proposed that youth who raise awareness on environmental management should be recognized as environmental champions.
- v) **Clause 19** proposes amendments to Section 67 relating to offences concerning charcoal possession and forest protection. The amendments seek to replace the words “national and county forests” with the term “public forest,” increase penalties from one hundred thousand shillings to two million shillings or imprisonment for up to three years, or both, and introduce a new subsection requiring offenders to remove exotic genetic material, invasive plants, or toxic and other waste from forests at their own cost. Stakeholders supported the use of the term “public forest” as it standardizes terminology across the Act.
- vi) General proposals were also submitted. Concerns were raised about the lack of job opportunities for persons with disabilities (PWDs), with calls for inclusion of PWDs and the deaf community in decision-making processes. It was further proposed that resources should be allocated for pruning of trees.

4.2.12 Nakuru County

121. The public hearing exercise was held at the Kenya Red Cross Society Hall, Nakuru, on Friday, 24th April 2026, from 9.00 a.m. to 12.30 p.m.



Figure 12: Public hearing exercise in Nakuru County

122. Participants made the following submissions:

- i) **Clause 5 – Section 8: Functions of KFS** - It was proposed that a new function be introduced under paragraph (nd) requiring the Kenya Forest Service (KFS) to prevent and suppress forest fires. The rationale was to strengthen forest protection by expressly assigning responsibility for fire prevention and response.
- ii) **Clause 7 – Section 17A: Kenya Forest Academy** - Opposition was raised to the establishment of the Kenya Forest Academy on the basis that current government policy seeks to reduce the number of public institutions rather than create new ones.
- iii) **Clause 10 – Part IIIA: Proposed Section 29B (Functions of the Director)** - Concerns were raised that the proposed functions of the Director were too numerous and could result in duplication or overlap of responsibilities. It was proposed that the functions be consolidated for clarity and efficiency. Further concerns were expressed regarding a possible conflict of mandate between the Office of the Director of Forest Regulation and the Chief Conservator of Forests within KFS.
- iv) **Clause 10 – Proposed Section 29G (Headquarters of the Institute)** - It was proposed that the headquarters of the Institute be located in Kiambu County.
- v) **Clause 10 – Proposed Section 29I (Board Composition)** - It was proposed that the Board include two representatives from Community Forest Associations (CFAs) and that gender balance be ensured. It was further recommended that CFAs and forest communities be represented on the Board in compliance with the two-thirds gender rule.
- vi) **Clause 10 – Proposed Section 29K (Tenure of Office)** - It was proposed that tenure be limited to a maximum of three years without renewal. In contrast, an alternative view supported a three-year term renewable once, arguing that this would allow the Board sufficient time to implement strategies and policies.
- vii) **Clause 10 – Proposed Section 29N (Functions of KEFRI Board)** - It was proposed that one of the Board's functions should be to develop a strategic plan for the Institute.
- viii) **Clause 10 – Proposed Section 29R (Committees of the Board)**- It was stated that Board subcommittees should not be permitted to regulate their own affairs, noting that the First Schedule already provides for the conduct of the Board.
- ix) **Clause 10 – Proposed Section 29S (Director General of KEFRI)** - It was proposed that the required years of experience for appointment as Director General be increased from ten years to fifteen years.
- x) **Clause 10 – Proposed Section 29T (Corporation Secretary)** - It was proposed that the Attorney General should assume the role of Corporation Secretary, noting that the Attorney General's representative is already a member of the Board.
- xi) **Clause 10 – Proposed Section 29Z** - It was proposed that the Board should specify the amount payable to innovators, suggesting a range of between KES 1 million and KES 10 million.
- xii) **Clause 11 – Section 42: Management of Indigenous Forests** - With regard to Section 42(4) on buffer zones, it was proposed that the Bill should clearly specify the size of the buffer zones.
- xiii) **Clause 19 – Proposed Amendments to Section 67** - The proposed amendments sought to replace the words “national and county forests or” with the word “public” in subsection (1)(e); increase the penalty in subsection (2) from KES 100,000 to KES 2 million or imprisonment for a term not exceeding three years, or both; and introduce a new subsection requiring offenders to remove exotic genetic material, invasive plants, toxic

substances, or any other waste from the forest at their own cost. An alternative proposal suggested reducing the KES 2 million fine to KES 500,000.

- xiv) **General Proposals-** It was proposed that communities should receive training on forest nurturing and conservation. It was further proposed that livelihood activities such as fetching firewood or making charcoal for domestic subsistence use be decriminalized. The use of Alternative Dispute Resolution (ADR) or mediation in conflicts between communities and forest service rangers was also recommended.

4.2.13 Online submissions

123. A total of 45 public submissions were received in response to the proposed Forest Conservation and Management (Amendment) Act, 2025. Submissions came from 33 counties across Kenya, reflecting broad geographic participation. The majority of respondents engaged substantively, providing written justifications alongside their support or objections to individual clauses as follows:

- i) **Clause 1, Short Title:** Received the strongest support of any clause (41 Yes, 2 No) and was almost universally accepted by submitters.
- ii) **Clause 2, Definitions:** The Clause was supported by the majority of the respondents. They noted that expanded definitions, including mangroves, bamboo, ecosystem services, forest carbon, and biodiversity hotspots, were reflecting modern forestry realities and climate change priorities.
- iii) **Clause 6 — Uniformed & Disciplined Officers,** the majority of the respondents supported the provision. 32 of the respondents supported the Clause, while respondent 6 objected to the provision. Key objections raised included:
 - a) Designating uniformed officers should be the Board's function, not the Cabinet Secretary's.
 - b) Need for clearer delineation between conservators/foresters and enforcement rangers.
 - c) Proposal to add forest intelligence gathering and criminal investigation as an explicit mandate.
 - d) Suggestion to draw drafting precedent from the Coast Guard Services Act and the National Youth Service Act.
- iv) **Clause 7 — Kenya Forest Academy,** 31 of the respondents supported the Clause, while respondent 7 objected to the provision.
 - a) Key support included:
 - i) This will be okay for the training and certification for efficient service delivery.
 - ii) Paramilitary training will help equip KFS staff with the prerequisite skills.
 - iii) Improves professionalism, accountability, and effectiveness of forest law enforcement officers.
 - iv) Yes, with conditions, the service shall establish a unified command structure to do away with the current dual chain of command where the technical/professional cadre and the protection/security cadre operate separately. The ranks and insignia worn by the uniformed and disciplined cadre should be gazetted.
 - v) To have skills and knowledge on how to deal with persons perceived to destroy the environment.
 - b) Key concerns raised included:

- i) Proposal to rename the institution to 'Forest Law Enforcement Academy' to reflect its actual mandate.
 - ii) Call to make Kenya Forestry College autonomous under the Technical and Vocational Education and Training Authority (TVET), separate from KFS oversight.
 - iii) Suggestion for regional/county-level training as an alternative to a centralized academy.
 - iv) Proposal that the Academy should serve inter-agency training beyond KFS alone.
- v) **Clause 10 — Director of Forest Regulation:** 34 of the respondents supported the provision, and 5 of the respondents opposed the establishment of the Director's office. Those who supported stated that: this will aid in compliance with the laws and management of forests and natural resources, establishing the Office of the Director of Forest Regulation strengthens oversight, improves compliance, and enhances accountability in the forestry sector. Some submitters questioned whether creating a separate regulatory office adds unnecessary bureaucracy, and preferred consolidating roles within existing structures like the Forest Society of Kenya.
- vi) **Clause 18 — Forest Offences (Section 64):** The enhancement of Forest Offences was broadly supported. However, a significant concern was raised: Section 64 treats all forest offences identically regardless of severity. A woman collecting firewood can be charged under the same provision as a commercial logger who has felled an entire plantation. The proposal was to classify offences into Minor, Major, and Serious categories with graduated penalties.
- vii) Several **respondents** advocated for greater devolution of forest governance to Community Forest Associations (CFAs) and county-level committees. Specific recommendations included:
- a) Removing implementation of Participatory Forest Management Plans (PFMP) and Forest Management Agreements (FMA) barriers to community engagement.
 - b) Setting clear boundaries between CFAs, the county committees, and KFS leadership roles.
 - c) Treating CFAs as incubation centers for forest enterprise.

CHAPTER FIVE

5.0 COMMITTEE OBSERVATIONS

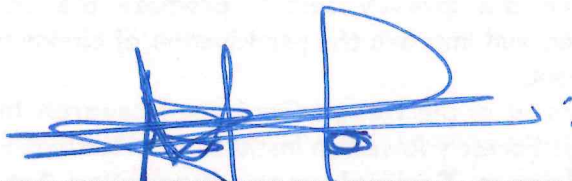
124. Having considered the Bill, the Committee made the following observations:


1. The Bill seeks to amend the **Forest Conservation and Management Act, 2016**, to modernize it and align it with current environmental and sectoral realities such as climate change, carbon markets, dryland forestry, restoration targets, and emerging environmental obligations. It aims to enhance sustainable forest management, strengthen governance and institutional coordination within the forestry sector, promote the conservation and rehabilitation of forest resources, and improve the participation of communities and other stakeholders in forest management.
2. The Bill proposes the establishment of the **Kenya Forestry Research Institute**, which shall be a successor of the Kenya Forestry Research Institute specified under paragraph 2 of the **Fourth Schedule** to the **Science, Technology and Innovation Act**.
3. The proposed amendments will strengthen the **Kenya Forest Service, Kenya Forestry Research Institute** governance structures, and enhance institutional coordination in forest conservation, management, and environmental protection, thereby promoting sustainable forest restoration, environmental sustainability, protection of water catchment areas, biodiversity conservation, and attainment of national development priorities.
4. The Bill proposes the establishment of the **Office of the Director of Forest Regulation**, which will advise the Cabinet on various matters and set national standards, procedures, and guidelines for forest management and monitor compliance across the forest sector.
5. That, effective management of forest resources requires meaningful engagement and participation of both national government and county government agencies, local communities, Community Forest Associations, private sector actors, and other relevant stakeholders.
6. The Bill introduces climate adaptation measures by incorporating efficient water harvesting and management technologies for tree growing in dryland areas as a guiding principle.
7. The Bill introduces a comprehensive framework for **Payment for Ecosystem Services Schemes (PESS)**, including the periodic economic valuation of forest ecosystem goods and services, coordination of the implementation of PESS by the Kenya Forest Service and the development of incentive mechanisms which the National Treasury is required to mainstream.
8. The amendments significantly strengthen enforcement by introducing new offences, including unlawful trade in restricted forest produce and enhancing penalties for existing offences such as illegal activities in forests and forest fires or making of charcoal without a permit. Courts are also empowered to issue environmental restoration orders including removal of waste at the offender's cost.

CHAPTER SIX

6.0 COMMITTEE RECOMMENDATION

125. The Committee, having facilitated public participation and considered the *Forest Conservation and Management (Amendment) Bill, 2025*, by the Leader of the Majority Party, the Hon. Kimani Ichung'wa, the stakeholders' comments, and from the above observations, recommends that the House approves the Bill with the amendments contained in the Schedule of Amendments forming Chapter Seven of the Report.

SIGNED.......... DATE.....27/04/2026.....
HON. VINCENT MUSYOKA MUSAU, MP, CBS
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT, FORESTRY AND MINING

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 28 APR 2026	DAY: TUESDAY
TABLED BY:	HON. VINCENT MUSYOKA (CHAIRPERSON)
CLERK-AT-THE-TABLE:	INZOFU MWALE