



## The National Land Policy in Kenya Must Address Natural Resources

**A**lthough The National Land Policy Formulation Process is concentrated on addressing land issues, the reform agenda requires *inter-alia* that there are policy directions for establishing an equitable framework for economic growth and access to natural resources. The natural resources in question include water, forests, minerals, mineral oils, wildlife, marine resources, fisheries, pastures and wetlands.

Natural resources are important for social and economic development as a source of revenue and enhancement of lives of communities whose livelihoods entirely depend on them. Thus, it is necessary that the use and access to natural resources is regulated for sustainable development.

It is with this understanding that the Constitution of Kenya Review Commission and the National Constitutional Conference principally provided that natural resources belong to the people of Kenya as individuals and as communities. Therefore, the National Land Policy should move the control and management of natural resources from the current realm where they are vested in the state, which appears to hold them as private estates of the government in power, which regulates access to resources through a bureaucratic system of licences and permissions to private corporations at the disadvantage of communities contingent to them.

The National Land Policy must provide for peoples' participation in

the utilization, protection and development of natural resources, otherwise, their scarcity coupled with increasing demand for their various uses shall totally deplete them. For instance, about 19% of the total energy consumed in the domestic and industrial sectors is biomass-fuel-wood derived from forests, woodlands, shrubs and farm trees. This consumption of wood for fuel both depletes the national forest cover and is a key factor contributing to global warming. In the arid and semi-arid areas prone to drought, de-vegetation

Land Policy provision that encourages proper planning in development and use of renewable energy to provide mechanism for mitigating negative impact.

It is important to note that Kenya's water resources consisting of inland saline and fresh water lakes, the Indian ocean, permanent and seasonal rivers, wetlands, underground water, dams and ponds are insufficient for the ever growing population to the extent that Kenya is categorized as one of the countries prone to water crisis. This



Photo: Courtesy of Forest Action Network

***Natural resources are important for social and economic development***

has outstripped the ecosystem's ability to sufficiently renew wood. Even the use of hydro-electricity power in Kenya through construction of large dams has its negative social and environmental impact, which points to the need to have a National

means that we need a National Land Policy that will ensure that water as a natural resource is used efficiently and effectively. This warrants a policy direction to provide for an equitable and sustainable balance between all

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# The National Land Policy Must Guarantee Community Rights

## EDITORIAL

A sizeable part of the Kenyan citizenry live in rural communities, which derive much of their subsistence from land, forests, grasslands, minerals and waters around them. The term **community** as used by the Kenya Land Alliance refers to many types of groups beyond the simple residential community who hold and access natural resources communally as common property. Thus, community may be a **lineage** or a clan, **units** defined by descent from common ancestors, or simply a **group** that has formed voluntarily to achieve common purpose or represent a common interest. The term is used to convey a sense of an organized and legally recognized group.

In Kenya large territories, mountain and grassland ranges, long coastlines, forests, water bodies are **ecosystems** associated with tribal communities who derive their livelihoods from them, and also are **natural resources** that are sought after by corporations, state agencies and individuals. The exploitation of natural resources has transformed such communities into "victims of development projects" due to eviction from their valleys, displacement from fertile lands or deprivation of access to fish and animal resources as well as contamination of their habitats by pollution.

Thus, Kenya Land Alliance proposes that the best way to protect both human and natural resources in Kenya is to consolidate and promote the rights of peoples to their natural resources by providing guiding policy statements in the National Land Policy document.

The National Land Policy (NLP) formulation process must formulate

policy principles that state that natural resources in Kenya are crucial to the livelihoods of the majority as important sources of food, shelter, medicine, cultural memory and spiritual uplifting. KLA holds the position that access, control and use of natural resources like land, water, fishing grounds, forests, grazing ranges and other genetic resources are human rights that local communities should enjoy, which must be guaranteed, protected, promoted and enhanced by the State through a pro-community National Land Policy. If the state for wide public interest compulsorily acquires the natural resources upon which land-based communities depend for their livelihoods, due and prompt compensation have to be paid, and under no circumstances should the communities be dispossessed of these resources without prior consent. KLA also advocates for the rights of local communities to their natural resources to be integrated into national and international law. The African Union (or former OAU) Model Law (2000) on community rights provides a good example we should emulate.

The envisaged NLP should state that all individuals and communities have the right to use all the natural resources on the land they control, and are subsequently obliged to protect the integrity of those resources, manage their resources in accordance with customary laws and practices that are not inimical to the national legislative framework and control access to their land. Also, they

should have the right to a fair and equitable share of benefits resulting from the use of their natural resources, as well as knowledge, technologies, traditional practices or biological and non-biological resources as a matter of intellectual property rights.

Privatization of water resources should be strictly prohibited by the NLP. No one is entitled to restrict access to water body, unless it has been artificially constructed, and no one should contaminate water bodies that are vital to communities, without providing fair compensation and/or restoration.

KLA subscribes to the principles underlying the **Biodiversity Convention** such as *full and effective participation, access on mutually agreed terms, benefit sharing and prior informed consent* which should guide the NLP on natural resources. Our position is informed by the international human rights instruments that affirm the right of all people "to freely dispose of their natural wealth and resources...based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence." Peoples, as defined in various sources of international law, enjoy a bundle of rights, which includes individual and collective human rights, the right of control over traditional lands and resources and cultural rights.

Therefore, the NLP should restrict the unsustainable exploitation and outflow of natural resources, and make sure that private enterprises recognize the priority rights of residents to their habitats and negotiate the terms of access and equitable benefit sharing.

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competing interests in the use of water as a factor of production.

Despite this background there is great threat to wetlands, which are permanently subjected to unwise use of reclamation into farmland and related activities that pollute them. This is happening despite the importance of wetlands in ground water recharge, flood control, erosion control, and water supply and biodiversity reserves.

Without an all-encompassing National Land Policy governing the access and use of natural resources like water, there is bound to be water use conflicts arising from competitive uses such as domestic, industrial and irrigation agriculture. Critical issues of equity in extraction and supply of water, conflict on riparian rights and ecological balance are bound to proliferate.

The vast mineral resources, metallic and non-metallic such as titanium, fluorspar, soda ash, salt, sand, rubies and limestone require urgent Policy direction. These are found in land under any type of tenure, and hence exploiting them presents a common dilemma. Whereas mining activities offer a valuable source of revenue for the nation and opportunities for local community income generation, their extraction causes major destruction to the environment. Their exploitation is usually accompanied by destruction of vegetation, water bodies, biodiversity, pollution, disturbance to human and wildlife populations and loss of cultural and aesthetic sites.

Despite the fact that this challenge should be addressed by mining legislative and policy framework, the National Land Policy is crucial in reconciling the respective roles,

responsibilities and rights of state and local communities on minerals.

Significant incomes are generated from fisheries for local consumption and export, or as a sport and over one million people derive their livelihood from fisheries directly or indirectly through supplementary services like fish processing, marketing, boat building and repairs. Thus, we need a National Land Policy direction on this important natural resource. This is critically so given the fact that accessing the foreshores and fish landing beaches has become a major problem to disadvantaged users of the fisheries.

Land-use conflicts related to wildlife resources especially in Arid and Semi-Arid Lands (ASALs) and agricultural areas are a major draw back and hence a policy is needed to provide urgent direction. Like wildlife, forest resources are pivotal to sustaining both local and national economies and require NLP headship for sustainable use.

Under the current legal framework natural resources are properties of the state (with President as guardian) or in restricted circumstances, County Councils. In many other countries, however, successful management and control of natural resources is now commonly done through the provisions of constitutions- in *Bill Of Rights* and the directive principles of

*state policy*. Our NLP Formulation Process should reduce the Draft Constitution special chapter on natural resources and environment into **policy statements** in the envisaged NLP document.

Communities contingent to natural resources pointed out to the 'Njonjo' and the Constitution of Kenya Review Commissions that in forty years of independence they have never benefited from water projects, wildlife and mining in their areas.

Therefore, the general approach in formulating the National Land Policy should involve communities as a sure means of creating an obligation to protect and manage natural resources sustainably.

The Kenya Land Alliance (KLA) therefore recommends that natural resources like minerals, water and land shall belong to the people of Kenya, and where such ownership is vested in any person or corporation, they shall only hold such natural resources as managers in trust for the people. Equally, natural resources should be vested into a national body answerable to the parliament which should exercise the overall control of transactions, contracts or undertakings in granting rights or concessions, to ensure protection and sustainable use by the present and future generations.

KLA supports economic growth that will eliminate poverty and environmental degradation, but totally opposes policies that are and will be counter-productive. Since poor land-based communities depend on soil fertility, fish from lakes and estuaries, plants for medicine, wood from forests and animals for subsistence and cash, they have a very down-to-earth incentive for conserving their natural resource base and the NLP must recognize and be guided by this.

Local communities want to own and control their resources and for that matter they demand a constitutional dispensation to ensure that the incomes and other benefits derived from natural resources are used for and applied to development programmes in their local areas.

## Water - Community Resource or Conflict Source

**T**he Nile is Egypt and Egypt is Nile" it has been said. With hardly any rain, Egypt has 65 million people, 98% of whom live in 5% of the total land area in Egypt. The only fertile regions, about 50,000 km<sup>2</sup> in total, are in the Nile Valley and Delta, and on narrow strips on the Mediterranean Coast and the African Red Sea Coast. These are heavily inhabited while the rest of the land in the country is a desert landscape that can hardly sustain life. Despite this, Egypt has the highest production of rice per unit area of land among the countries in the lower income category (that is less than 1000 US Dollars per capita).

With an annual production of at least 6 million metric tones of rice, a staple food, Egypt does not rely on rice imports to feed its population. In addition, Egypt is the world's most important producer of cotton and other crops. Agriculture is made possible through irrigation using dams or reservoirs constructed along the Nile River. The Aswan High Dam on the river stores huge amounts of water and this eliminates flooding in the lowland areas for most of the year. Hydroelectric power, which is the main source of electricity, is also produced in the dam.

While it may not seem fit to compare Egypt and Kenya, it might be useful to borrow the water economy practices that will assist in curbing the never-ending water shortages, that inevitably bring about starvation and diseases.

Water is life and its sustainable use the key to the continual existence of humankind. The explosion of population in Kenya in the last three decades has brought about increased pressure on the once abundant water resource especially in the urban areas whose minimal land acreage can barely sustain the demands of the people.

Besides this, theft, wastage and mindless pollution of water has drawn back the efforts of the Government, local and international Non-Governmental Organizations, private sector, individuals and others in ensuring adequate and safe water supply for everybody in this country. Kenya has vast water resources which include saline and fresh water lakes, permanent and seasonal rivers, the Indian Ocean, wetlands and ponds. These have, however, been degraded to an extent that they can no longer sustain the livelihoods of the Kenyan people.

Most people depend on rivers, streams and lakes for their domestic and industrial water needs, some of which have been heavily polluted through inadequate and improper disposal of garbage and sewage arising from agricultural activities, urbanization and industries and these are the leading causes of water-borne diseases such as typhoid, cholera, dysentery, cholera and amoebiosis. In urban centers such as Nairobi, Mombasa, Kisumu, Nakuru and Thika, piped water provides for much of the agricultural, domestic and industrial needs. However, the ineffective management of water services has led to wastage, improper billing and frequent water shortages. In many parts of the country, municipal councils are in charge of water delivery systems but this has been ineffectively done.

Despite the fact that the average rainfall in Kenya is 567 mm per annum (translates to about 323 billion m<sup>3</sup> per year), it is estimated that currently, 15 million people in Kenya do not have adequate and safe water for drinking, hygiene and sanitation and other basic daily uses. Averagely, each person in Kenya requires at least ten litres of clean and safe water per day. However this has become a dream for many, perpetuated by poor water

management and usage as well as improper sewage and garbage disposal practices in homes and industries.

Generally, reliable and clean piped water is only provided to the affluent households in the planned settlements and it costs as little as 30 cents per cubic metre. However, the reverse is the situation in informal settlements in rural and urban areas where the compulsory purchase of water from vendors is a nightmare for many. For example, in an up market area in Nairobi, a household can use up to 200 litres of tap water per day, half of which is used to water lawns, wash verandas, windows and cars. In contrast, a poor household in the same city has no clean tap water, and that which is available is for sale, at least five shillings for every twenty-litre container or jerrican.

### Water catchments - a dwindling source of water

The destruction of water catchment areas, which are a source of permanent and seasonal rivers, some of which drain into lakes and the Indian Ocean, is a major cause of water shortage in Kenya today. There are five major water catchments in Kenya namely the Aberdare Forest, Mt. Kenya, Mt. Elgon, Mau Complex and the Cherengani Hills.

The Eastern slopes of the Aberdares and the Taita hills are the source of the Athi drainage system, which is the basis of the Sasumua and Ndakaini dams that supply Nairobi and surrounding areas with fresh water. The largest river in Kenya, the **Tana**, has its source in the Eastern slopes of the Aberdares, the Southern slopes of Mt. Kenya and the Nyambene Hills.

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# Water - Community Resource or Conflict Source

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This river supplies water to the seven-fork hydroelectric power stations, which in addition to supplying over 55% of Kenya's total electricity output, feeds the Mwea, Bura and Tana Delta irrigation schemes. The Aberdare Forest is also a water catchment for rivers such as Ewaso Nyiro, which serves the semi-arid areas such as Laikipia Plateau and the Samburu Plains.

There has been massive forest destruction in the Aberdare and Mt. Kenya forests in the last decade and this had a negative impact on the availability of water in Nairobi and surrounding regions. The whole of Mt. Kenya forest region especially below the bamboo belt has been characterized by illegal and indiscriminate logging that has destroyed most of the indigenous trees, 75% of which have not been replaced. This is particularly in areas where the controversial Shamba system was prevalent. The forests in the Imenti region have been destroyed for crop cultivation, livestock grazing and extensive planting of *marijuana* (*bhang*), which is an illegal crop.

Apart from reduced water supplies, the destruction of Mt. Kenya forest has been detrimental to tea production in areas surrounding the mountain and the Mau Escarpment. Also, the destruction has increased the risk of floods and landslides, affected biodiversity in the region and destroyed wildlife habitats.

At independence the population of Kenya was 7 million people and now it is close to 30 million. The haphazard settlement in forest areas and subsequent division of land into uneconomical parcels for agriculture has led to immeasurable soil erosion. The soil sediments end up in water such as rivers and lakes. For instance,

the Tana and Athi-Galana-Sabaki rivers have large sediments that have destroyed the marine life in them and reduced the total water surface of the rivers.

The Aberdare Forest has, through the efforts of the general public, public and private companies, Non-Governmental Organizations and others, been fenced and replenished with trees, an exercise that is expected to regenerate the invaluable water catchment. More still, is required to prevent siltation in water bodies and rejuvenate the water catchments that will see Kenya attain the mandatory 10% forest cover.

## You and I- the cause and victim of pollution

The degradation of water catchments has reduced the volume of water in permanent rivers such as the Tana, Mara, Athi and Kerio, by even more than half. It has been observed that some rivers in Arid and Semi-Arid Regions have ceased to flow and some, once permanent, have become seasonal. Due to declining water levels in Lake Turkana, for instance, fishing at Kalokol has greatly declined. In Lake Nakuru, the flamingos have migrated causing great harm the tourism in the region.

The indiscriminate use and management of water sources, as well as poor enforcement of existing policies regarding water, have led to the rapid decline in the quality of water in

Kenya. Poor quality water has been caused by siltation in water bodies, organic and inorganic effluents discharged from mines, agriculture, homes and industries such as sewage, garbage, heavy metals, dyes, oils, acids, fertilizers and others. The best quality water for human and animal consumption should be colourless and clear. Apart from the normal dissolved salts and minerals, the water should not have pathogens.

## Water- a source of land-related conflicts

Because of lack of clean, safe and adequate water in many parts of the country, water catchments have been a source of a variety of land-related conflicts. This can be attributed to expanding populations that have put pressure on land and this has forced communities to move in search of greener pastures that are mostly found in water catchments.

The Enoosupukia water catchment area in Narok District was a ground



**The division of land into uneconomical parcels has increased soil erosion.**

of mayhem in early 1990s between the Maasai and Kikuyu communities living in those regions. Partly attributed to

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# Water - Community Resource or Conflict Source

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political agitation, the conflict that developed into land clashes in many parts of the Rift Valley District led to loss of lives and destruction of homes, public facilities and business premises.

There have been reports of conflicts between communities such as Maasai with individuals and/or local authorities over allegations of blockage of rivers that are a source of water for the pastoralists' animals. In some areas such as Rumuruti in Laikipia, the squatter pastoralists have allegedly been harassed by local authorities in their quest for pastures and water for their animals in lands belonging to the council and private grounds.

Conflicts have also evolved between communities and private individuals as well as with the Government especially since the supply of water to the urban areas is dependent on supplies from rivers whose origin is usually in the rural areas. This practice that has been accused of favouring the urban rich victimizes the rural poor who are greatly dependent on agriculture for their survival. A typical example is the Sirimon River in Laikipia on which large-scale farmers construct dams and divert water upstream to irrigate their horticultural farms. The small farmers downstream who mainly use furrow irrigation are left with little water for their use.

Water related conflicts have also evolved in Naromoru and Tana Rivers where the large scale farmers located upstream obstruct water from reaching downstream and when it does, it cause death of fish, which cannot survive in the high temperatures of the waters released into their fish farms.

## Access to water- a privilege or right

The recent ban on fishing in Lake Naivasha by the government on the basis of unsubstantiated claims of declining fish and water stocks can only be viewed as a hidden campaign to terminate the lives of the fisher folk living around the lake. It is unfair and grossly inhuman to prevent people from getting their source of food and income from fishing without providing alternatives, since it is obvious there are ulterior motives behind such bans. A genuine effort at curbing declining fish and water stocks would be to address massive pollution at the lake that emanates from waste discharges from the horticultural farms around the lake. Otherwise, those efforts may portray a strong support of privatization of water and its resources that only exploits the poor and enriches the mogul.

All human beings have a right to adequate and safe water. The Government a custodian of water resources has an obligation to ensure that its citizens have equitable access to the resources for their own good. It is thus a gross violation of human rights to:

- Fail to ensure that all citizens have access to a minimum amount of water.
- Fail to monitor progressive realization of the right to water.
- Deny access to water services for marginalized and vulnerable groups.
- Fail to adopt and implement plans of action to realize the right to water.
- Arbitrarily disconnect water supplies.
- Fail to protect water supplies from contamination by others.

## Privatization of water sources

There has been an increased role in the private sector in supplying water due to the fact that a lot of water in taps, streams and rivers is unsafe for drinking. Many water bottling companies have emerged and have quickly gained a reputation for the marketing of bottled tap water. The burgeoning of such companies is largely due to a lack of regulation to licence and monitor the activities of these companies. On average, bottled water costs fifty shillings per litre, to the delight of profit-driven spurious bottling companies.

It is therefore evident that the Government's efforts, if any, have not successfully protected the citizen against exploitation and subsequent impoverishment of the general populace.

The privatization of lake shores and beaches has in many instances been a source of conflict between the private owners and local communities. In Lake Naivasha for instance, individuals who have acquired titles to public lands have denied the public access to the waters. The allocation of riparian lands (wetlands and lands alongside water bodies) to individuals as in the Coastal and Lake Naivasha cases is immoral and must be revoked.

## Ownership and control of the water resource

According to the Water Act (2002), *the water resource belongs to the state*. It must be recalled that water and related resources belong to the state and not the Government, organization, individual or any other entity as it may have been misguided. The misconception that lakes, rivers,

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# Water - a Community Resource

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beaches and any other water resource belongs to the Government and thus can be dished or sold out whimsically should be discarded for an erect, all-inclusive, consultative approach to the management, development and use of water resources in Kenya.

The Government, which is the citizen's guardian of water resources, is responsible for the management and development of water as well as the supply of water to all parts of the country. The degradation of water and the conflicts arising from water as a scarce resource have emanated from inadequate, irreconcilable and incoherent policy guidelines and institutional framework embedded in a centralized approach to governing the water and sanitation sector.

Lack of clear principles, clear guidelines and procedures that have dominated the allocation, management, conservation and use of water resources has brought about a rapid deterioration of water sources. The government's fictitious "ownership" of the water resource and its muggy centralized control, regulation and supervision of water use, management and development of water resources without the due consideration of views of stakeholders and local communities in the implementation, financing, operation and maintenance of water, has led to anti-poor strategies that have reduced Kenya into a starving and suppliant nation.

Besides incorrect billing and frequent water shortages, poor water management is the cause of food shortage in Kenya, spotted in the constrained attempts at developing irrigation schemes. Statistics show that out of a potential 539,000 hectares of land for irrigated agriculture, only 105,800 hectares are currently under

national, smallholder and private commercial irrigation schemes, leaving out over 400,000 hectares of land that can produce millions of tonnes of food that will among other benefits, save Kenya from its habitual and thwarting food borrowing and maize importation and revive the stagnated agricultural production.

## Water reforms

What we need is coherent and integrative water reforms that involve policy makers, stakeholders and local communities in the formulation of a decentralized institutional framework to contain the degeneration of water and water use conflicts.

In marking the 2004 annual Nairobi International Trade Fair organized by the Agricultural Society of Kenya (ASK), the Ministry of Water Resources Management and Development reaffirmed its pledge to undertake water reforms by advocating for an integrated approach to managing water resources through involving all stakeholders in relevant sectors, as a means to providing water of good quality and quantity to all.

The Ministry also promised to:

- √ Develop irrigation through construction of multi-purpose dams that will in addition to providing water for agriculture and generating hydroelectric power, supply water for home and industrial use and control flooding in lowland areas.
- √ Prevent the continued contamination of water sources.
- √ Drill more boreholes in the Arid and Semi- Arid Areas.
- √ Hand over water under-taking to the local communities and other water service providers as stipulated in the Sessional Paper No. 1 of 1999 on National Policy and Water

Resources Management and Development.

While we applaud the Ministry of Water Resources Management and Development for planning to undertake water reforms, our concern remains the lack of concrete strategies and commitment of the Government in restructuring the water sector given the fate of similar reforms in various sectors of the country and poor enforcement tactics employed with regard to existing policies. For example, though there are policies stating clearly how wastes should be disposed of to prevent pollution of water sources, massive and indiscriminate dumping of garbage and sewage into rivers, lakes and the Indian Ocean continues in full view of the authorities.

## National Land Policy- way out of the quagmire

In view of the fact that land use patterns directly affect the availability of adequate, clean and safe water, there is need for a policy that governs the allocation and use of land for settlement, agriculture, industry, fishing, mining and other economic activities. This is because these industries directly use water and their wastes more often than not end up in water.

The National Land Policy must address among others:

- √ Land use practices that lead to degradation of the water.
- √ Conservation of water sources and catchments,
- √ Development of existing water sources.

Considering the increased need for industrialization in Kenya a rational Policy to govern land use is necessary if any positive effects in the overall status of water as a resource are to be observed.

## Community participation- *modus operandi* to sustainable forest management

It is often quoted that forest cover in Kenya is a meagre 1.7% of the total land and hardly a week passes without mention of forest-related controversies and conflicts in the press.

Forests have a multifaceted nature that makes them centers of controversies and a plague of conflicts, more so because their economic value has been given prominence at the expense of social and ecological values.

At the national level, forest related controversies and conflicts range from unauthorized forest encroachments, unwarranted forest excisions, *bhang* (marijuana) growing, charcoal burning, overgrazing, illegal logging, to the conflicting views on Non-Residence Cultivation (*Shamba* system) and the ban on logging. Such issues have been a focus of national attention mainly because the major beneficiaries of the illegal *bhang* growing business, forest land, saw milling and other major forest-based economic activities are not the general public or the forest dependent communities living in lands adjacent to forest ecosystems, but politically powerful individuals whose lop-sided view of stability is rapt on holding forest land sometimes for illegal business and speculative purposes.

Furthermore, conventional economic tools used in forest valuation are ineffective in accentuating the subsistence value of such ecosystems in the context of local livelihoods. Besides this, modern conservation methods are based on colonial policies that entail intensive preservation and protection of forest ecosystems and exclusion of local communities. Also, these methods have proved ineffective even in ecological conservation.

The current Forest Act was enacted in 1942 while the Forest Policy was formulated in 1968. Since then, the degradation of forests has continued with the areas under gazetted forests reducing from 3.5% to the current 1.7%. Interestingly, even in this deteriorating scenario, the issues that in many cases concern the local communities who depend on forests for their livelihood are different from



***Charcoal burning should be controlled fairly to prevent conflict and ecosystem degradation.***

those given national and international prominence. These include:

### **Access, use and control of forests**

Most forests in Kenya are gazetted as government forests and thus managed by a state institution, the Forest Department. Access to such forests is restricted while use of forest resources in such cases is most often prohibited except under license. Communities extract products of limited economic value like wild vegetables and fuel wood, and even this is not without restrictions and charges. On the other hand, large foreign companies have better and more secure access to forest products of high economic value, like timber, water, and valued medicinal herbs. Restrictions also exist for socio-

cultural activities that are forest dependent as the Law governing gazetted forest management restricts the time during which persons can be in a government or state forest.

### **Ownership and decision making**

The government as a trustee of the people manages gazetted forests. Unfortunately, forests have been managed in a manner that portrays the Government as the "owner" and not a trustee of forests. This is best demonstrated by the constant land-use changes in forests and unsustainable use of forest resources. Forest excisions and boundary alterations have been carried out without regard for the views of forest dependent communities or other stakeholders for that matter.

Extraction of forest resources is also not adequately informed, as proper inventories are not kept. There is a backlog in plantation re-establishment where the rate of forest harvesting exceeds replanting with large tracks of forestland left bare. This is an alarming and unfair practice considering that the intention of gazettement of forests was to protect forests and enable communities to benefit from resources they have for a long time considered as theirs.

### **Benefit sharing**

Most of the management strategies employed by the forest managers have been geared towards maximizing the economic value of forests of the forests with a great disregard for other values. Since most of community uses of forest have limited or no economic value, they have not received adequate attention and consideration in planning. Similarly, communities are not given consideration or share in

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# Community participation- approach to sustainable forest management

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economic benefits accruing from the forests, forest services and forest resources. These include timber extraction, hydropower generation and forest-based tourism. Community economic activities such as charcoal burning, hunting, grazing, extraction of building materials, and honey gathering are usually regarded as illegal. While such activities may cause damage to the forest ecosystem if not well monitored for sustainability, other "legal" and licensed activities cause as much damage like logging in indigenous forests, harvesting of medicinal herbs on commercial scale (a case in point is the debarking of the *Prunus Africana* enmass for export).

Nepal, a small country with a total land area of 147,181 square kilometers lying between India and China, is famous for its age old community based forest management. With a forest cover of more than 30% and a community that is heavily dependent on forest ecosystems, Nepal's case disputes the notion that community dependence on forests automatically leads to forest degradation.

The Nepali government has legalized and legislated community forestry for over 35 years. Currently, Community forestry in Nepal operates under the tenets of shared responsibility in forest management. On the realization that the state alone is not effective in sustainable forest management, the government has earmarked some specific forests for community forestry, for which the management control is transferred to *Forest User Groups*. The government is a regulator while still holding the property right to the land. Community forestry system is now responsible for the management of one-third of Nepal's public forests. Others are managed as Reserve

forests, religious forests, state forests with a potential of being transferred to communities and leasehold forests.

## Important lessons for Kenya

The Forest User Groups consist of people residing around the forests' vicinity, dependent on forest resources, and are entrusted to manage, conserve and develop the forest resources and utilize the forest products. They are formed as autonomous corporate bodies with perpetual succession. The groups are led by elected forest protection committee members whose responsibilities include preparing the group's Constitution or Charter, and management plan of the community forests. They also enforce the Constitution and management plans, and institute sanctions for breach of the Constitution. The election of committee members enhances accountability to the group.

Members of the user groups hold the forest resource tenure rights, and are allowed to extract forest products for subsistence on a regular basis at a fee set up in their constitution and the management plan. The revenue generated is put in a group's fund for community development. The rates charged to group members to extract forest resources are flexible enough and can actually be waived in cases of calamities with members' consensus. Any surplus products from the community forest can be sold to anyone outside the group in which case the Government charges royalty to the group on revenue accrued.

The community forestry system has created community cohesion and to some extent, equity between the rich and the poor in their society. The government has provided a conducive policy and institutional environment

for community forestry to thrive. The state Forest Department provides policy guidelines and technically facilitates the development of a group's constitution and workplans to ensure compliance to national forest policies, and oversees group adherence to the plans. This way, the government encourages the development of community institutions that are fully responsible for both ecological and social sustainability. area from a group that consistently breaches its management plan.

The benefits to a successful community based Forest management approach to a country are also notable. As the communities improve the forest conditions for their own benefits, there is marked increase in forest cover, which in turn, increases the level of Biodiversity in the forest ecosystems. The increase in forest cover has also enriched the wildlife habitat, effectively reducing incidences of human-wildlife conflicts.

The development of community forestry in Nepal has reduced forest management cost incurred by the government, while still achieving the objective of increasing the country's forest cover. The government also generates revenue in form of royalties charged on any external trade on timber from the forest. Community forestry contributes to National development through support to community based development projects. This has greatly reduced the burden on the government to support development initiatives at the community level.

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# Community participation- approach to sustainable forest management

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For a country like Kenya, that has put poverty reduction as a national priority, community forestry has been seen to contribute a great deal towards this goal. The communities are able to generate income and improve their living conditions, and participatorily contribute to national development.

Community forest approach does not in any way exclude other actors in the forestry sector. Donors and NGOs that have been supporting the development of the forestry sector for ecological, economic and social sustainability still have a great role to play even under community forestry approaches. NGOs and donors can support community forestry through, capacity building and awareness creation especially on policy technical matters, network facilitation to promote good forestry practices, lobbying and advocacy for equitable playing ground and benefits sharing, promoting conflict management strategies, monitoring and evaluation, support projects to community groups, develop partnerships with community institutions for higher efficiency and establishing linkages with research and learning institutions.

Community forestry has succeeded in Nepal under the tenets of mutual trust between the government and its citizens. The government has acknowledged that the community institutions have the capacity to manage forests in an ecologically and socially sustainable manner for the benefit of the whole nation. On the other hand, the communities have trust in the government to respect their legal rights to forest resources. This trust must exist for community forestry to thrive.

## Forest Bill 2004 and community based forest management

Kenya has been struggling with the review of the Forest Act Cap 385 for nearly six years now. The current Forest Act Cap 385 was enacted during the colonial era and is clearly out of tune with the current realities of forest management in Kenya. The Forest Bill 2004 proposes quite a departure in forest management from the system under the Forest Act Cap 385. The Bill emphasizes the involvement of both the private sector and the local communities in the management of forest unlike the Act, which has an exclusionist approach. As such, the Forest Bill 2004 has more support for Community oriented forest management, and the protection of community social needs.

The forest bill proposes the formation of community based institutions for forest management; the Community Forest Associations. Through these institutions, communities would be granted user rights to their particular indigenous forest in regard to:

- Collection of medicinal herbs.
- Honey harvesting.
- Timber and wood harvesting for domestic purposes.
- Grazing and grass cutting.
- Use of forest produce for community based industries.
- Use forest ecosystem for Eco-tourism and recreation.
- Scientific and educational purposes.
- Agroforestry.
- Receive contracts to carry out social-cultural activities.
- Develop community-based industries (Sec. 41).

They also participate in decision making through development of their

own management plans, which will provide economic, ecological and social perspectives for the management of forest blocks allocated to them.

One of the main objectives of indigenous forest management brought forth through the forest Bill is for the purpose of cultural use and cultural heritage protection. The Bill establishes a Forest Management and Conservation Fund to be used for among other purposes, maintenance and conservation of indigenous forest, promotion of community based projects for forest communities and maintenance of sacred groves and other areas of cultural, ethnobotanical or scientific significance. The monies for this fund will be generated from among other sources, levies charged to forest users. This shows that money generated from forests conservation will accrue back to communities. The Bill also proposes protection of customary rights of communities to forest resources and accords such communities access and use rights to resources they have customarily used, provided there are not for sale.

Unfortunately, the Bill has not been enacted even after such a long time. Reasons for this delay are better known by the legislators and it can only be hoped that in the interest of forest sustainability, community empowerment and equitable benefit sharing in forest management, the Bill should be enacted soon enough. More so because the current Forest Act is out of step with other sectoral resource management Laws such as the Water Act, 2002 and the Environmental Management and Coordination Act of 1999 in regards to stakeholder and community participation in resource management.

# The Way Forward in Wildlife Management and Conservation

Kenya is well endowed with diverse wildlife, both fauna and flora. These resources are a major tourist attraction hence an important foreign exchange earner. The country has vast national parks, game reserves, marine parks and forest reserves majority of which are located in the Arid and Semi-Arid Areas of Kenya. About 44,564 km<sup>2</sup> of the national area consists of national parks, reserves and other wildlife protection areas. While wildlife resources contribute greatly to economic growth and development, some questions abound concerning their value and contribution to the sustenance of the livelihoods of the communities living in and around the areas they inhabit.

## Access to wildlife resources

Like water, fisheries, minerals and other natural resources, wildlife resources are in custody of the Government. While communities have over the years conserved and acted as custodians to the wildlife around them, it becomes extremely difficult for them to access the same resources for either economic gain or recreation now that these resources controlled and managed by the Government. This fact has been identified as a precursor to the unending mistrust and hostility between communities and the Government. Consequently, communities have abdicated their role as custodians of the resources around them and in some instances taken part in the poaching of animals, logging of trees and other practices that have degraded the wildlife resource.

Existing wildlife policies have propagated the unfair exploitation and apportionment of gains made from wildlife, while favouring the Government and sidelining the local

communities. They should also address the issue of access to various resources. For instance communities living near forests should benefit from medicinal plants found within the forests without hindrance.

## Management

The style of wildlife management currently in use depicts it as a government owned and controlled resource. The decisions made and strategies applied are without due regard to the wishes and needs of the communities living with or around these resources. It is worth noting that the communities in question have all along lived among and interacted with the wildlife. *Who then can be better custodians than themselves?* The idea of Community Based Wildlife Conservation and Management, where communities are encouraged to come together and form wildlife management and tourism promotion groups is a positive development but more needs to be done in the same breath.

A classical example of a unilateral government conservation decision without involving the community is the *Lake Kamnarok Game Reserve* in Baringo district.

The government gazetted Lake Kamnarok Game Reserve locking out the local pastoralist community from the only permanent water source in their area. Instead of improving the standards of living, the move heightened poverty levels, yet the reserve does not generate any significant revenue to the local Baringo County Council, under whose jurisdiction it falls.

Modern participatory management needs to be instilled in wildlife

management. Policy guidelines should define the level of participation by the government, local communities and other stakeholders in the sector. This way there is bound to be a sense of belonging and ownership by all stakeholders involved in the management and exploitation of wildlife.

## Human - Wildlife Conflicts

With increased human populations there has been increased pressure on land and the incidences of human wildlife conflict have risen as people exploit all available land, some of it too close to the wildlife sanctuaries. There are many incidences of carnivorous wildlife such as lions, leopard preying on livestock with herbivores like elephants and buffaloes destroying human life and substantial acreage of crops. While there is currently no provision for compensating loss of property, the compensation offered on loss of human life or injury is paltry leave alone the bureaucratic process of accessing it.

While efforts have been made to erect electric fences around the sanctuaries, the magnitude of the problem might not be solved through such an approach. There is need to have clear land use policies and guidelines defining for instance the extent to which human habitation can be allowed next to wildlife sanctuaries. In the event of destruction of property, injury or loss of human life commensurate compensation needs to be given. Apart from reinstating the status quo, this also acts as a wake up call to the government to manage wildlife more responsibly to avoid losses through payment of excessive compensation claims.

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# The Way Forward in Wildlife Management and Conservation

(Continued from page 11)

## Private ranches and wildlife sanctuaries

Liberalization is for real and it sweeps across all sectors of our economy. There is diversity in terms of who controls and manages wildlife in this country. Apart from the gazetted protected areas in the form of National Parks, Game Reserves, Marine Parks and Forest Reserves, some private wildlife sanctuaries have also been set up in various parts of the country. The most prominent area is Laikipia district. The ranches are private in every sense and this raises a cloud of dust. *Is it really in order for a resource as important as wildlife to be entrusted to private businessmen?* While not dwelling on the legality, morality or otherwise of privatizing wildlife, it is apparent that some malpractices have been reported. For instance, there have been cases of lawful poaching within the confines of the ranches disguised as cropping. The ranches are also not open to public audit and scrutiny to help understand their *modus operandi*.

There is need therefore to have very clear policy guidelines setting the criteria for wildlife managers and custodians and the mode of operating. Being a resource of national importance, wildlife should be managed openly and all stakeholders need to be involved.

## Conservation

The wildlife management style in use in the country is based largely on conservation principles. For instance,

the Kenya Wildlife Service, the official custodian of wildlife in Kenya states their mission thus: *“Conserving Wildlife for Kenyans and as a world Heritage”*. While we embrace conservation and the tenets on which it is based, it is imperative that we do not engage in conservation for conservation's sake.

Currently in Kenya we have a litany of National Parks and National Reserves not to mention Marine Parks and Swamps. Some of them like the Tsavos, Amboseli, Nairobi and Nakuru are familiar. However, others like Bisanadi, Losei, Malka Mari, Sibilo

While recognizing that the sanctuaries could be home to rare biodiversity, there is need to have a cost benefit balance between economic returns and conservation. Some areas would be better off used for human habitation and other economic exploitation than conservation.

There is need therefore to have policy guidelines on the minimum criteria for an area to qualify for gazette as a game park or reserve. Due consideration should be given to the benefits derived from conservation



***Because of mistrust and hostility between communities and the Government, communities have abdicated their role as custodians of wildlife.***

or Ndere Island might not be familiar to a number of local and international tourists. In economic terms, a number of national parks and reserves are cost centers only with no revenue generation. Money is spent in maintaining them but no revenue is raised.

versus the opportunity lost by foregoing other economic benefits. Thus, if the dream of conserving wildlife for heritage and for the sake of present and future generations is to be realized there is need to have in place sound policies and guidelines directing the management and conservation of this important resource.

# The National Land Policy Should Open and Guarantee Access to Fishing Grounds

Fishing and fisheries resources contribute enormously to local communities' income, subsistence and nutrition for communities living around our major water bodies and in areas where incidence of poverty is highest in the country i.e. areas around Nyanza, Western, Coast and Rift Valley Provinces. However, despite the fact that the fishing and fisheries resource contribute significantly to employment and export earnings, communities that engage into it around the Indian Ocean, Lake Naivasha, Lake Baringo, Lake Victoria and other riparian reserves in the country are blocked or are increasing being blocked from accessing the fishing grounds for the catch.

As a consequence of this bottleneck it has become impossible to:

- Develop facilitative infrastructure which include landing beaches, cooling plants and access roads to promote the livelihoods of the communities concerned and by extension to reduce wastage and to achieve the required sanitary and health standards.

- Promote aquaculture as a means of improving food security, nutritional status and incomes.

Without equitable access to the water bodies by different land users there will be no equity in the areas around our major water bodies. What is happening now around Lake Naivasha, the Indian Ocean, Lake Victoria and Lake Turkana has thrown the fishing dependent communities into turbulence and food insecurity. The insight that the globally available environmental space for fisher-folk is finite, albeit within flexible boundaries, has not added a new dimension to wise use of our riparian reserve. What

we have at the present is that the powerful have unjustly locked out the powerless from access to the foreshores and fishing grounds for fishing, landing beaches and any recreational or fish sport. The National Land Policy should determine and direct who occupies how much of the foreshores, beach fronts and any riparian reserves to avoid the current unfair trend where riparian reserves are privatized in the interest of rich minority of the Kenyan population who consume and utilize natural resources of our riparian reserves in total exclusion of the majority poverty ridden.

The National Land Policy Formulation Process should be the watershed in ensuring that the unjust and inequitable access to the fisheries resources is ended once and for all.



***Over here - is where the fishing communities derive their livelihoods from.***

We have come to a point when the central question about development within our riparian reserves is 'Development yes, but what kind of development and for whom?' Our position is that the access to the

foreshores and beaches of our major water bodies must grounded firmly in the principles of ecological sustainability and equity. This indeed shall be the surest way of eradicating poverty among our communities living around our major riparian reserves. The national land policy formulation process should ensure the primary stakeholders from the fisher-folk constituency participate in the process so as to facilitate the discussion of conflicts of access to the foreshores and beaches. The government and line ministries in national land policy formulation process are better be reminded that boosting economic growth is less important than securing livelihoods for the impoverished communities living within our riparian reserves. For history has proofed that economic growth often fails to trickle down,

hence there is no point in sacrificing people's lives in the present for speculative gains of the future by blocking fishing communities from accessing riparian reserves for their enhanced livelihoods. . The National Land Policy should empower fisher-folk to access fishing grounds for dignified life here and now.

Thus, access to water and riparian reserve resources is essential for all forms of life therefore there should

be equitable access to these vital resources. This means that privatization of water resources should be strictly prohibited to enable access by all especially local communities whose livelihoods are enhanced by fishing industry.

## The Envisaged new mining policy and legislation framework should promote community rights

Despite the fact that the geological setting and geological situational analysis reports reveal that minerals are of considerable importance to national economic development, mining and mineral resources use has been trivialized in the economic agenda. As a result, the mining sector is faced with many constraints, which not only hamper its development but also deny communities the right to benefit from mineral resources. These constraints include inadequate policy, legal and institutional framework governing sustainable exploitation of the mineral resources. Within the existing framework community participation in the management of the environment and mineral resource exploitation as key resource contingent to them is totally inadequate.

Thus, at this time of the National Land Policy Formulation Process, there is a need to develop appropriate mineral policy statements that will promote community rights over mineral resources as well as developing a mining policy to guide decisions on mining projects, compensation for communities displaced by mining projects, environment protection and determination of benefits to all shareholders in mining projects.

The Ministry of Environment, Natural Resources and Wildlife effort to develop a Mining and Mineral Resources Policy and Legislative framework is commendable. However, the request for the support of the Commonwealth Secretariat in developing comprehensive proposals on a policy framework for regulating the mining sector and designing appropriate legal framework is regrettable since while one would understand the Ministry's need for fiscal and technical assistance, Kenyans especially communities

contingent to the mineral resources can not understand why their input was not sought especially now that the draft is ready for discussions, to which they might as well not be invited.



***Communities have a right to benefit from mineral resources***

The Economic and Legal Section of the Special Advisory Services Division of the Commonwealth Secretariat is said to have analyzed and evaluated existing regulatory arrangements for the mining sector and where appropriate, either formulated proposals or identified issues that would form the basis for discussion with the Ministry and stakeholders. However, this raises queries of what is left for stakeholders to input, leave alone the fact that the most affected communities contingent to mineral resources are totally out of the picture. Worse still, a close look at the main concerns covered in the draft report clearly shows that the four main issues covered are on *licensing, standards* for international competitiveness, *safeguards* for environment and ambivalently orderly and sustainable *small-scale mining*, without saying for who and by who. These themes do not guarantee or expressly recognize the community rights to mineral resources and benefits, and even if one interprets the main themes to include it, it remains a highly contested terrain.

It is however, worthwhile to note that the draft report acknowledges that

land issues need to be addressed as a matter of priority if the review and revision of the existing mining policies and legislation is to be achieved. KLA agrees with this view and emphasizes that the land issues in question relate to communities who ordinarily hold mining areas as community property. Otherwise, land issues regarding private held land are very clear and provided for to the extent that no one can access private land for mining without prompt payment of compensation. On the other hand, the land law system does not recognize community rights to natural habitats, where minerals are discovered. More often than not, local communities rights to land with minerals is totally compromised due to frequent dispossessions that normally occur without prior consent or fair compensation.

For this reason, the rights of communities to their natural resources, minerals inclusive should be integrated into national and international law. A National Commission on Mining and mineral resources should be established to act as a supervisory structure that will care for the broad range of stakeholders involved in mining and mineral resources sector, including government authorities, corporations, banks, multinational institutions, donor governments, scientists, public interest groups as well as the inhabitants of mining sites or areas. The effective mitigation of the environmental and social side effects of mining projects requires collective participation of all stakeholders.

Thus, before a Mining Policy and Legislative framework is formulated, it is important that the National Land Policy is used to provide a broad guide to community interests in the mining sector.

# FACTS

**Did you know that:**

Due to massive water abuse the volume of water in permanent rivers such as the Tana, Athi, Mara and Kerio has reduced by over half. In addition, many streams in the Arid and Semi Arid regions have ceased to flow and in high potential areas such as highlands, some permanent streams have become seasonal.



**Abuse of water has led to reduced volume of water in lakes and rivers.**

Poor farming methods that lead to heavy siltation in water bodies, pollution, weed attack and other factors that have led to the reduction of water volume in our water bodies, and as such a number of provinces such as North Eastern, Eastern, Coast, Rift Valley and Central are experiencing severe water deficits.

At least one million people in Kenya depend on fisheries for their livelihood, as artisan fishermen and in direct or indirect involvement in fish processing and mongering. The Lake Victoria once a major fishing zone has been faced with problems such as uncontrolled fishing, uncontrolled spread of the hyacinth and general degradation of

the lake. The East African countries through the Lake Victoria Environmental Management Program (LVEMP) funded by the World Bank, are attempting to improve the management of L. Victoria to ensure re-stocking of fish and make the waters more accessible and usable.

Non-Resident cultivation commonly known as the *Shamba System* is an agro-forestry practice, through which farmers grow short-rotation crops on forestland and intercrop them with tree seedlings for three to four years. However, mis-management of the *shamba* system led to a deterioration of forests especially in areas where it

was practised longer than the normal duration, where there were planting backlogs, and where expansion into indigenous forests remained unchecked. Increased enforcement of the *Shamba System* regulations will assist in increasing the forest plantation cover.

Inadequate waste management in urban areas is the leading cause of water pollution in Kenya. The poor enforcement of existing laws and regulations results from inadequate human resources and cumbersome procedures that prevent the Ministry of Environment and the Kenya Bureau of Standards fully implementing the provisions of the existing statutes, whose penalties for lawbreakers are too low to be effective. Besides this, individuals or companies that adopt efficient waste management practices hardly get incentives through the existing laws and policies regulating waste management. In addition, many industry and urban dwellers are insensitive to legal regulations on environmental and health safety.



**Improper and inadequate waste management is a leading cause of water pollution in Kenya.**

# NEWS

## CAMPAIGN FOR WOMEN'S PROPERTY OWNERSHIP AND INHERITANCE RIGHTS STEPS UP

Women have stepped up the campaign against laws and customs that prevent them from accessing, owning, inheriting and controlling land. Representatives from the civil society, government departments and private sector met in a Women's Property and Inheritance Rights workshop, held from 8<sup>th</sup>- 11<sup>th</sup> August 2004, at the Merica Hotel, Nakuru. The workshop that was convened by Policy Project and the Kenya National Commission on Human Rights was aimed at looking for ways to ensure women enjoy their property and inheritance rights in Kenya.

It came out clearly that laws and customs have perpetuated the treatment of women as second-class citizens who can only use, not own land. For example, matrimonial laws provide only for *married women's* ability to acquire, hold and dispose of real and personal property, leaving unmarried women unrecognized. Also, although existing land policies provide for equitable access to land, customary and traditional practices prevent women from owning land.

Also, the perennial resistance to the enhancement of women's property and inheritance rights has stemmed from the misconception that equality means that women are the same as men or women must be treated exactly like men.

The consensus for the way forward was that changes in law and policy are needed to reflect and factor in the practical and strategic needs of women in relation to the right to own and inherit property. There should be equitable access to property because all human beings regardless of age, sex,

occupation, race, tribe, etc. have a right to equal treatment. It is therefore unfair for women to be treated discriminately. Women are human beings with competencies and capacities that can be harnessed for national good and should be allowed to equitably access, control and benefit from national and family resources.

## MAASAI HERDSMEN INVADE PRIVATE RANCHES IN LAIKIPIA

Maasai herdsmen have invaded at least twelve private ranches in Laikipia. They invaded shambas in white-owned ranches in a desperate search for pastures for their animals. As police intervened, some herdsmen were seriously injured with at least one dead.

According to James Legei of the Organization for Survival of IL-Laikipiak Indigenous Maasai Group Initiative (OSILIGI), the Maasai have always grazed their animals on private ranches especially in times of drought. "It was previously viewed as illegal grazing," he says. A temporary solution to the Maasai-White ranchers conflict has been negotiation involving dialogue between the Maasai community in Laikipia and the ranchers, with the Provincial Administration as the mediator.

However, such short-term solutions will not eradicate the problem as land-related conflicts are bound to recur. A permanent solution would be to resettle the aggrieved communities and/or provide compensation for the displaced communities.

## LICENSE NOT LEASE THE USE OF FORESTS RESOURCES

The Government should focus on licensing rather than leasing the use of forest resources since it is easier to

monitor and control the activities of a licensee, groups working in the forestry sector said.

In addition, the groups consisting of Government Departments and Non-Governmental Organizations raised other unsettling forestry issues during the launch of the guide to the Draft Forestry Policy on 23<sup>rd</sup> September 2004 at the Holiday Inn. These issues include:

1. The declining forest cover arising from poor management.
2. Competing land use practices that have led to land degradation and conflicts.
3. Increasing demand for forest products especially wood fuel and timber.
4. Under-valuation of forest resources for their services.
5. Unsustainable exploitation practices especially forest plantations.
6. Negligible community participation in the conservation and management of forest resources.
7. Inter and intra-generational equity.

The guide proposes a number of actions to improve forest management. These include carrying out inventories and valuation of forest resources, empowering local communities to manage forest resources, protecting and managing water catchments and habitats of threatened species of flora and fauna, and promoting good governance in the forest sector.

The Ministry of Environment and Natural Resources, the Forest Action Network (FAN), the Centre for Environmental Legal Research and Education (CREEL) and WorldWide Fund for nature (WWF) prepared the guide jointly.