

## Abstract

### **Exclusion of Community Forest Associations in decision making and its impact on forest condition; Case study of Mt. Elgon and Cherangany ecosystems**

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Governance of forestry structure through Participatory Forest Management is backed by Forest Act 2005, which is undergoing a review process. It has been shown that adoption of PFM in some forest stations has resulted in improved forest condition. Community Forest Associations (CFAs) form the major governance structure for implementing PFM. The Constitution of Kenya 2010 created a devolved governance structure which created the County Governments to take services closer to the local communities along- side those to be provided by the Central Government. Though it is not exclusively stated, services from the forestry sector are expected to devolve to the County government. The process of devolution has left out communities in decision making and formulation of rules. It is apparent that CFAs, which represent communities, are not being given their rightful place in the process. Because of this exclusion, the participation of CFAs in forest management is likely to be lower than it was before devolution and this may have impact on the way forests are managed. The objective of the study was to look at the level of CFA involvement in PFM implementation through formulation of rules and decision making. The study used International Forestry Resources and Institutions (IFRI) tools and methodology to analyse CFAs' roles, activities and participation in inclusive governance in the forest sector. The study was conducted in two water towers in Kenya: Mt. Elgon and Cherangany hills where CFAs are involved in managing the catchment areas. Preliminary results showed that where rules were formulated without the participation of local communities, the forests were more degraded than where local communities were involved.

Key words: Community forest associations, rules and decision making

## Introduction

Decentralization of the management of natural resources can increase both efficiency and equity. This is because efficiency increases because there is more local input resulting in better targeted policies and lower transaction costs, and equity and democracy benefits are more likely to accrue to the local communities.

Decentralization in many parts of the world has taken many forms ranging from de-concentration to devolution of power. The implication of community participation is often implied in many references such as Participatory Forest Management (PFM), Joint Forest Management (JFM),

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Community Forest Management (CFM) and Community Based Forest Management (CBFM). PFM is a key concept in the Forests Act 2005 with particular focus given to the formation of Community Forest Associations (CFAs). PFM is described as a multi-stakeholder approach that involves the private sector, institutions and communities in both management activities and benefit sharing (Kallert *et al.* 2000).

The CFAs must enter into an agreement with the Kenya Forest Service (KFS), and assist in the execution of forest resource management through various activities (Mogoi *et al.* 2012). A general expectation is that this will ensure sustainable forest management, based on the assumption that a broader segment of stakeholders involved will contribute to a more sustainable management of the natural resource base of the forests in Kenya (World Bank 2007). However, the political agenda needs to be taken into account, as decentralization encompasses submission of power from central actors to lower authority levels (Agrawal and Ostrom 2001). Therefore, each decentralization effort must be analysed in accordance with its substantive elements, including the degree of power transfer to local actors and their downwardly accountability. As a minimum, analysis of decentralization efforts must take its point of departure at the national, intermediary and local level to provide an overview of the linkages between the political and legislative framework, the implementation, and the outcomes at local level (Ribot *et al.* 2005).

PFM came about due to the recognition of forests and the obligation for the state to increase the forest cover to 10% of the country's total land cover, the internationally recommended minimum for ecological sustainability. Formation of PFM was brought about in the Forest Act 2005 which aims at decentralizing the management of forests through CFAs.

However despite having this legislation to promote community based forest resource management, CFAs have been unable to provide significant contributions to the efficient use, equal allocation, sustainable forest management and livelihood improvement for the poor and marginalized people. The reason is that they have failed to take into account broader socio economic and environmental issues. These CFAs are often faced with challenges like lack of a defined structure and hierarchy at local, regional and national levels; diversity of origins, cultures, languages and aspirations bringing mistrust and suspicion among members; fair responsibility and benefit sharing challenges and lack of transparency among the officials. These are some of the issues that have made the implementation of the Act hard. Many issues have remained unresolved, issues such as transfer of power and resources between the traditional bureaucracy to community and sharing of costs and benefits between KFS and communities. The benefits that accrue from conservation areas are not all obvious nor are they divided equitably among different stakeholders.

Experiences drawn from areas where PFM has been piloted like Arabuko Sokoke forest indicate that community involvement is well addressed in the Act, but the challenge is that community,

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government and other stakeholders' expectations are not in tandem with the Act. Communities in various pilot sites in Kenya have shown that they are capable of effective forest production and protection measures even without the involvement and help of KFS. However there have been certain challenges in these areas especially in regards to CFAs. For example do the CFAs have the right to license the extraction and movement of forest products in forest managed under PFM? Are CFAs capable of managing an entire forest area or block since the Act advocates for one CFA per forest.

Communities in the past years have attempted to form associations as provided by the forest Act while in other areas they are in the process. Although most of the CFAs are unorganized and others have not been genuinely formed for conservation purposes while other are still driven by self-interest. With all these happening, it will be challenging to implement PFM especially due to lack of clear mechanisms for benefit sharing and the slow rate of PFM embrace among the foresters.

### **Achievements and Changing roles of CFAs**

The forest Act highlighted some roles that were to be performed by CFAs; however these roles have changed over time from directly being controlled by KFS to a more decentralized system where they are more involved in decision making. They are also more involved in conflict management, fundraising, negotiations with KFS, initiating rural development and forestry development activities and more importantly developing systems which are introducing equity principles and addressing the needs of the poor and disadvantaged members of the community. These are some of the reasons that have led to the formation of splinter groups due to power and leadership wrangles.

CFAs have been involved in forest conservation issues; apart from that they have also pioneered activities like butterfly farming, beekeeping, farm forestry initiatives, environmental awareness programmes and eco- tourism facilities which have improved the livelihood of the grass root communities. These initiatives have added value to PFM in a hitherto situation where communities would hardly have got any benefit from the forest.

### **Study Objectives**

- To examine the level of CFA involvement in PFM implementation
- To examine the role of CFAs in decision making in a devolved governance structure in Kenya
- To examine the successes and failures of the CFAs in promoting conservation of forests through joint management with KFS

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## Study areas

The study was conducted in Mt. Elgon and Cherangany hills which are two of the five major water towers in the country. The two ecosystems were significantly affected by illegal activities like timber harvesting, charcoal burning and even pole harvesting which have in turn affected the forest cover. Mount Elgon is an extinct shield volcano on the border of Uganda and Kenya, north of Kisumu and west of Kitale. The mountain's highest point, named "Wagagai", is located entirely within the country of Uganda (Scott and Penny, 1998). It is one of Kenya's "five water towers, enabling a range of productive activities including irrigated agriculture and industry to an estimated watershed population of over 1.5 million with a majority depending on the forest for a wide range of forest products. The Cherangany Hills form an undulating upland plateau on the western edge of the Rift Valley. To the east, the Elgeyo Escarpment drops abruptly to the floor of the Kerio Valley, while westwards the land falls away gently to the plains of Trans Nzoia District. The hills reach 3,365 m at Cheptoket Peak in the north central section. The Cherangany forests are important for water catchment also referred to as one of Kenya's five "Water Towers" and sit astride the watershed between the Lake Victoria and Lake Turkana basins.

CFAs with the forest though not very active are involved in sustainable forest use and access through PFM; they are involved in modification, passing and coordination of rules of these associations and user group's activities like in forest management, extraction of forest products such as firewood, herbs, poles, honey and even in management of the forest. However with all these involvement, there are socio economic differences and management strategies that affect the CFA involvement in forest improvement activities.

## Data collection

Data for the study was collected using the International Forestry Resources and Institutions (IFRI) methodology that studies social, economic and political status of forests, by the use of association forms, product forms, user group forms and user group relationship forms using Participatory Rural Appraisal (PRA). The members of the Associations and the executive committee members were interviewed through focus group discussions to better understand their involvement in forest governance. Focus group discussions were held with CFA, CBO and forest user group members to understand their involvement in forest governance. Key Informant interviews with the forest management (KFS).

## Sampling

Participatory mapping was conducted with members of the CFA, CBO and user groups. Purposive sampling was done (CFA, CBO, User group members and forest managers).

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### **Sample size**

The survey looked at the CFAs present in each forest blocks in the two ecosystems. The number sampled was one CFA per forest block. The total numbers of CFAs were 3CFAs in Mt. Elgon (Kimothon, Cheptais and Suam) forest blocks and 3 CFAs in Cherangany (Kapolet, Kipkunurr and Kapkanyar). The active CBOs and user groups within the forest blocks were also sampled.

### **Data Analysis**

Qualitative and quantitative data was analysed, and presented using tables, graphs and pie charts.

## **Results and discussions**

### **Official legal status**

CFAs in Mt.Elgon obtained legal status after formation and have been very active in forest conservation and management. In Cherangany, things were a little different in that the CFAs are there but they are not active in the activities related to forest conservation, the community members still recognize the traditional governance system; they believe that the forest belongs to them and they do not need any rules to access the forest resources.

### **Sources of rules**

The sources of rules to product use were created by national and local government legislation. However, the rules in use sometimes are completely different, varied substantially, conformed closely or conformed broadly to laws. In Mt. Kenya and Cherangany, the legal claim to the forest is *de jure* (by right as established by law) and *de facto* (as exists, but not necessarily by legal establishment) in which the users have a formal right and they exercised it. In Mt Kenya, the rules used are contrary to formal law. In Cherangany, the rules used conformed closely to laws. Some of the claims to the use of products are *de jure* and *de facto*; this is because the community believe the forest belongs to them. These source of rules, thus imply that the government is fully involved in the formulation of the rules that associations use. However the rules are sometimes different and the associations formulate rules that conform to the rules provided by the government.

### **Rules in use**

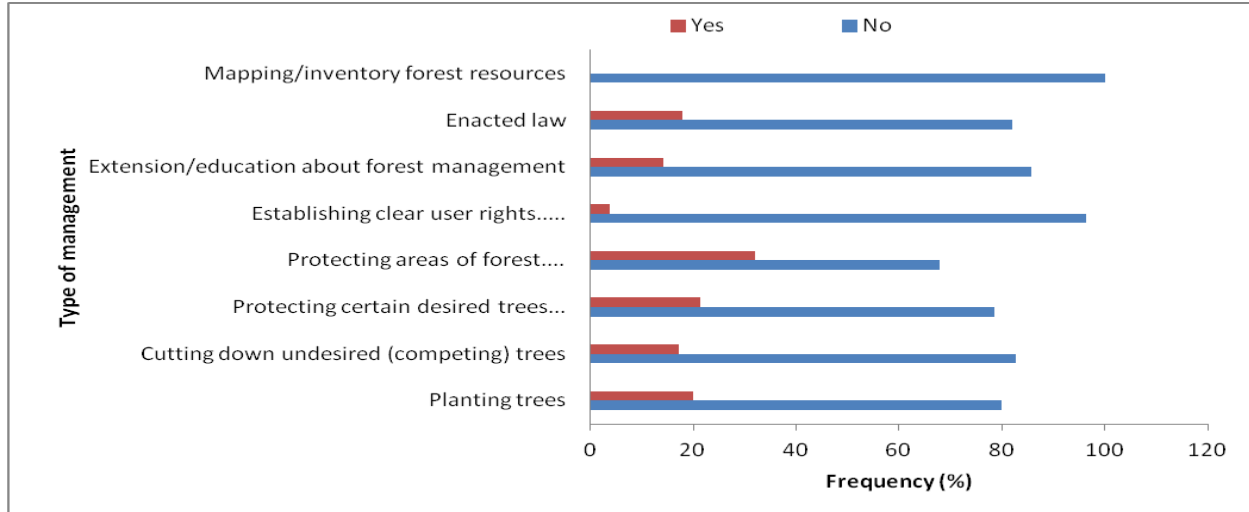
Rules and regulations governing the associations have been written clearly on the constitutions of the associations. In the constitution they have executive committee which looks at the activities of the associations, formulate and execute the same passed rules. The associations have written statements of mission and objectives written by local users guided by external authorities and government officials.

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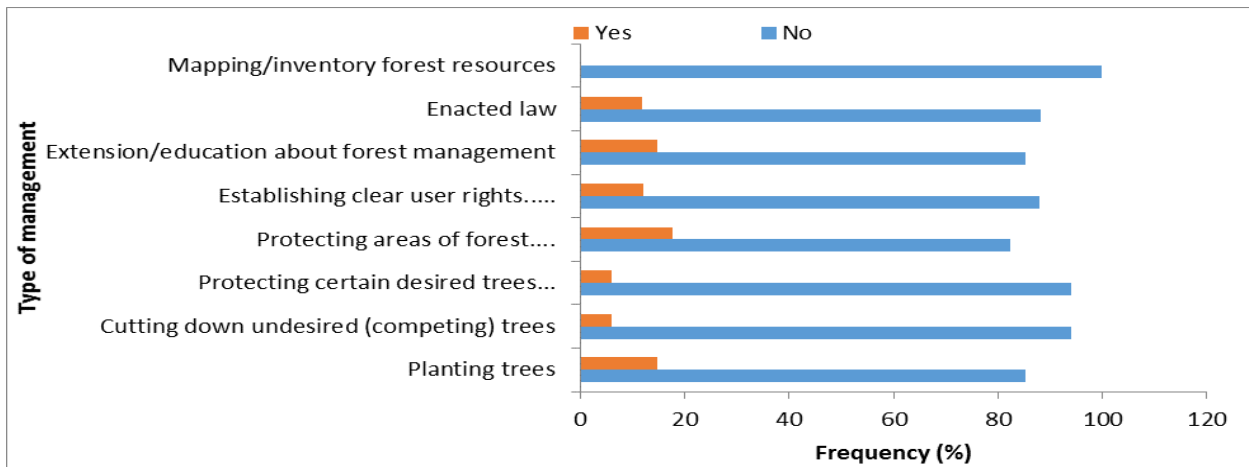
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## Forest Management in Mt. Elgon



Certain management practices were practiced at the village level. Of these practices, protecting areas of forest for particular environmental services was most practiced at 32.1% and protecting of desired trees in forest (21.4%). Mapping of forest resource was none existent practice in Mt. Elgon ecosystem

## Forest Management in Cherangany



Of the mentioned management practices, the level of engagement among locals was low and in some instances non-existent. The major management practices were protecting areas of forest for particular environmental services like water catchment stands (17.6%) and extension/education about forest management and planting trees, both at 14.7%. Mapping practice was inexistent practice in Cherangany ecosystem.

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## Association activities

The associations in both forest ecosystems either participated in coordinating rules, passing rules or modifying rules to ensure forest sustainability and livelihood improvement. Activities carried out by most of the associations included seedling production, tree planting, harvesting of forest products, distribution of forest products to users, determining timing, season quantity seedlings to be planted, and the type of technology to be used in harvesting of non-timber forest products. The involvement of CFAs was also in terms of monitoring conformance to rules, sanctioning rule breakers and also protection of the forest.

During the past 1 year (Table 1), Mt Elgon CFAs coordinated, passed and monitored rules in seedling planting, other maintenance, monitored rules in dispute arbitration among the local users, monitoring forest condition, sanctioning rule breakers, arbitrating in disputes and interacting with higher authorities. In most of the activities, the associations were not involved in either coordinating, passing on monitoring of rules. The Associations were involved in at least one activity for which they passed, coordinated or monitored the rules.

During five years (Table 2) prior to the past year most of the associations were not involved in the activities, but participated in at least monitoring, coordinating or even passing the rules. The exclusion in passing, coordinating and modifying rules resulted to increased forest destruction. Some of the CFAs ranked the forest condition as about normal for the ecological zone while others ranked the forest as somewhat sparse since they participated only passively in the enactment and enforcement of rules relating to coordination of activities. Associations in Mt.Elgon were concerned about sustainable management of the forest and livelihood improvement, through an inclusive management strategy.

They also felt that the level of conservation measures adopted is about the right one though sometimes too lax, and that if harvesting continued, the forest sustainability will be endangered. However, the associations in Cherangany felt that conservation measures were too restrictive and more could be harvested without endangering the sustainability of the forest.

*Table 1: Activities carried out by the associations during the past year.*

Activities		
	Cherangany	Mt. Elgon
Planted seeds, seedlings, etc.	1	3
Other maintenance	1	1
Harvested forest products	1	1
Distributed forest products to local users	1	1
Sold forest products	1	1

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Distributed revenue from the sale of forest Products	1	1
Determined timing (season) of the harvest of forest products	1	1
Determined quantity of forest products harvested	1	1
Determined type of technology used to harvest forest products	1	1
Determined who is authorized to harvest forest products	1	1
Determined use of forest products (including religious uses)	1	1
Sold rights to harvest forest products that users can trade with others	1	1
Rented non-transferable rights to harvest forest products	1	1
Monitored forest condition	2	2
Monitored conformance to rules	2	2
Sanctioned rule breakers (e.g., fines, punishment)	1	8
Arbitrated disputes among local users	2	1
Interacted with higher authorities	2	2

**Key:**

1= Not involved, 2= Coordinated  
3= Coordinated, passed, 4= Coordinated, passed, modified  
5= Coordinated, modified, 6= Coordinated, passed, monitor  
7= Passed, 8= Monitored

*Table 2: Activities carried out by the associations five years prior to the past year*

	Cherangany	Mt. Elgon
Planted seeds, seedlings, etc.	1	3
Other maintenance	2	1
Harvested forest products	1	1
Distributed forest products to local users	1	1
Sold forest products	1	1
Distributed revenue from the sale of forest products	1	1
Determined timing (season) of the harvest of forest products	1	1
Determined quantity of forest products harvested	1	1
Determined type of technology used to harvest forest products	1	1
Determined who is authorized to harvest forest products	1	1
Determined use of forest products (including religious uses)	1	1
Sold rights to harvest forest products that users can trade with others	1	1
Rented non-transferable rights to harvest forest products	1	1
Monitored forest condition	1	1
Monitored conformance to rules	1	1

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Sanctioned rule breakers (e.g., fines, punishment)	1	1
Arbitrated disputes among local users	1	1
Interacted with higher authorities	1	1

**Key:**

1= Not involved, 2= Coordinated  
3= Coordinated, passed, 4= Coordinated, passed, modified  
5= Coordinated, modified, 6= Coordinated, passed, monitor  
7= Passed, 8= Monitored

The exclusion in passing, coordinating and modifying rules resulted to increased forest destruction. CFAs in Mt.Elgon were concerned about sustainable management and livelihood improvement, through an inclusive management strategy. However, the associations in Cherangany felt that conservation measures were too restrictive and more could be harvested without endangering the forests sustainability.

**Conclusion**

- Though forest governance structures have been devolved through PFM, involvement of CFAs in decision making and control of rules is still under the control of the National and County governments. As a result, CFAs have been left out in important decision making structures that can improve livelihoods and lead to sustainable forest management.
- The devolved governance system has given forest adjacent communities additional reason for their full participation in management of forests adjacent to them. Communities managing the forests should therefore be included in decision making activities on matters concerning forest use and access.
- Effective forest management requires participation of all stakeholders. Participation should therefore not be limited to coordination of CFA rules, but should be all inclusive in formulation, passing and modification of the rules governing management and utilization of forests.

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