

Guidelines for Establishment of Partnerships, Forest Resources and Resource User's Boundaries in Kenya

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India ■ United Kingdom



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Abstract

Participatory forest management has been globally studied and it has been argued that clearly defined boundaries for access of the community forest resources will lead to sustainable use of resources and enhanced sustainable livelihoods to the communities dependent on the forests for their survival. In contrast, however current studies indicate that while there are efforts to define spatial boundaries of resource use and the resource users within the community based forest management approaches, the definition of boundaries of resource use and resources users has proved more difficult, for instance when gathering relevant information and tools that can promote forest resource users partnerships, engaging of different stakeholders, assisting local communities to organize, preparing for negotiations meetings, procedures, rules, logistics and equity considerations, negotiating for the establishment of agreements and empowering of the local communities. This book therefore provides a process that would guide the establishment of partnerships when establishing forest resources and resource users' boundaries in order to enhance sustainable use of forest resources, mitigate conflicts and improve the livelihoods of communities depended on forests for their survival. Qualitative research design was employed in the book. All the forests involved in participatory forest management in Kenya namely: Keraite; Nyamweru, Arabuko-Sokoke Forest, Kakamega, Loita, and upper Imenti were selected for to provide information for writing the book. All the respondents were purposefully sampled from each category of interviewees namely: households living adjacent to the forest, various groups that are working in or with the communities in the management of the forest resources. Policy makers from government and a group of experts e.g. head of various government ministries and Non-Governmental organizations. To collect data semi-structured interviews were done for the respondents. All the data collected was analyzed through coding and grouping similar important ideas or phenomena from the research and then used for writing the book. It is explained in the book that functional partnerships, forest resources and resource user's boundaries are needed for effective community participation in forest management. It is recommended that broad understanding of boundaries is a pre-requisite to ensure that community and other stakeholders appreciate resource use and the resource users within the community based forest management approaches so as to facilitate sustainable use of forest resources and enhanced community livelihoods of the forest dependent communities.

Keywords: Participatory forest management; resource users; boundaries of resource users; sustainable livelihoods; and communities depended on forests.

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Partnerships, Resource and Resource Users

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1.1 INTRODUCTION

The dominant forest management approach today is premised on co-management, or collaborative management of natural resources between local communities that often rely on those resources, and the government. This model pre-assumes that co-management with local communities can lead to more sustainable and equitable resource use. In Kenya, the co-management approach that is practiced is Participatory Forest Management which is practiced in several areas: (1) in agriculture (2) in water and watershed management (3) in agricultural research (4) in rangeland management (5) in forest management (6) in the management of coastal resources (7) in the management of freshwater wetlands (8) in fishery management (9) in mountain environments (10) in managing migratory wildlife (11) in managing protected areas (12) and for private property under stewardship conditions [1]. Policy makers and public administrators face a host of problems in managing common pool resources such as forests due to their physical characteristics [4], social, cultural, legal, use, interests and well-being boundaries [17]. Institutional boundaries also play a key role in shaping how common pool resources such as forests users can coordinate their actions to resolve supply and demand dilemmas [17]. Institutions are the laws, policies and organizational arrangements that communities devise to permit, forbid or require certain human behavior [2-4-14-15]. Sharing output in partnerships has been found to have a potential for controlling the oversupply of effort devoted to harvesting from a common pool resource [21]. While, unregulated exploitation of common pool resources may result in excessive use of the resource. This has been called the "tragedy of the commons" [5-21]. On the other hand, sharing arrangements in partnerships induce free-riding behavior and insufficient effort levels. This is often undesirable because it may give rise to instability of partnerships or necessitate monitoring and remuneration according to the supply of effort [15-21]. So then a key question in the current studies is what might facilitate efficient use and sustainable common pool resources management in order to maintain adequate resources for future generation [4]. This book is interested in examining how one can establish Partnerships and clear Community Forest Association (CFA) boundaries for access of communal forest resource units for enhanced community livelihoods and better forest management in Kenya.

Current literature has identified that clearly defined boundaries for access of the community forest resources will lead to sustainable use of the resources and enhance delivery of sustainable livelihoods to the communities' dependent on the forests for their survival and the greater common good [13-15-16]. [15-16] have identified eight design principles that can be used to help design long lasting and robust institutions for management of common pool resources such as forests namely:

1. **Clearly defined boundaries:** Individual or households with the rights to withdraw resource units from the common pool resources and boundaries of the common pool resources are clearly defined

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2. **Congruence between appropriation and provision rules and local conditions:** Appropriation rules restricting time, place, technology and/or quantity of resource units are related to local conditions and provision rules requiring labour, materials and/or money.
3. **Collective-choice arrangements:** Most individuals' affected by operational rules can participate in modifying them.
4. **Monitoring:** Monitors who actively audit common pool resources conditions and appropriators behavior are accountable and/or are appropriators themselves.
5. **Graduated sanctions:** Appropriators who violate rules-in-use are likely to receive graduated sanctions (depending on the seriousness and context of the offense) from other users, from officials accountable to these users, or from both.
6. **Conflict-resolution mechanisms:** Appropriators and their officials have rapid access to low-cost, local arenas to resolve conflict among appropriators or between appropriators and officials.
7. **Minimal recognition of rights to organize:** The rights of appropriators to devise their own rules are not challenged by external government authorities.
8. **Nested enterprises:** Appropriation, provision, monitoring, enforcement, conflict resolution and governance.

[6]'s design principles capture the details of common pool resources institutions such as forests and, provide a strong indication of the likelihood of the institutions to deliver sustainable outcomes. For instance, the implications of the design principles have been examined with regard to donor-initiated forestry projects in Peru, fisheries stakeholder organizations in New Zealand, irrigation common pool resources in Japan, local forestry institutions in Nepal and Kenya among other countries [13-20]. All these studies have found the design principles useful for analyzing institutional robustness.

The book concentrates on the principle of clearly defined boundaries. In contrast, however current studies indicate that while there are efforts to define spatial boundaries of resource use and the resource users within the community based forest management approaches, the definition of boundaries for resource users and resources has proved more difficult [13-15-17]. For instance a study by [5-11-12] found that resource uses within the Arabuko-Sokoke Forest reserve were not clearly marked and the current formal zones are not feasible, expensive and glaringly ineffective. Furthermore a review of literature found that there is a need to formulate detailed guidelines for implementing each design principle to enhance the probability that co-management approaches will succeed [13]. Also, participatory forest governance is successful when it provides benefits to the community, guarantees their rights, and facilitates responses to changing conditions [17].

The government of Kenya has been implementing participatory forest management in various forests namely: Keraita, Nyamweru, Arabuko-Sokoke Forest, Kakamega, Loita, and upper Imenti with the key players being, (NGOs) Non-Governmental Organizations, Government Ministries and community members. The main beneficiaries of the participatory governance projects are the Government of Kenya and the communities' dependent of the forest for their survival. Thus this book provides guidelines for establishment of partnerships by CFA (Community Forest Associations) and other forest management stakeholders in accessing and managing forest resource units and forest resource users in Kenya [13-17]. The main objectives of PFM (Participatory Forest Management) in Kenya are to: (1). Conserve biodiversity while enhancing people's livelihoods and; (2) ensure the sustainable use of forests [8]. These guidelines have not been developed to guide forest management despite their importance. Thus [10] argues that there is a need for communities and other stakeholders to have clear and easily understood boundaries for both members and non-members in accessing of forest resource in order to work within known and authorized operational units.

1.2 THE MANAGEMENT CHALLENGE TO BE ADDRESSED BY THE GUIDELINES

The guidelines examines the extent to which the boundaries for access of forest resource units in Kenya's participatory management approach are established and how they can be made to facilitate the delivery of sustainable livelihood outcomes to the forest adjacent communities depend on the forests for their livelihoods. In particular the guidelines address the questions why are the partnerships, resource use and resource users boundaries necessary? For instance in creating

amicable working environment and enabling stakeholders to define resources and resource users' boundaries.

1.3 GUIDELINE DEVELOPMENT PROCESS

The book uses a qualitative approach to collect and analyze data. Qualitative research is characterized by its aims, which relate to understanding some aspects of social life, and its methods which (in general) generates words, rather than numbers, as data for analysis [18-19]. They further report that if the aim of a study is to understand how a community or individuals within it perceive a particular issue, then qualitative methods are often appropriate. This research aims at understanding the extent at which the boundaries for access and management of forest resources by CFAs in Kenya's participatory approach are established and how they are contributing in the delivery of sustainable livelihood outcomes to forest adjacent communities where poverty is a major concern.

Thus qualitative research design is necessary to understand the experiences and perspectives of the households living adjacent to the forest, various groups working in or with the communities in the management of the forest resources and a group of experts on how to establish the boundaries for access and management of forest resource units for CFAs in a participatory management approach in forests and how they are contributing to the delivery of sustainable livelihood outcomes in developing countries such as Kenya.

All the forests involved in a participatory management arrangement approach in Kenya namely: Keraite; Nyamweru, Arabuko-Sokoke Forest, Kakamega, Loita, and upper Imenti were selected for research (Fig. 1.1).

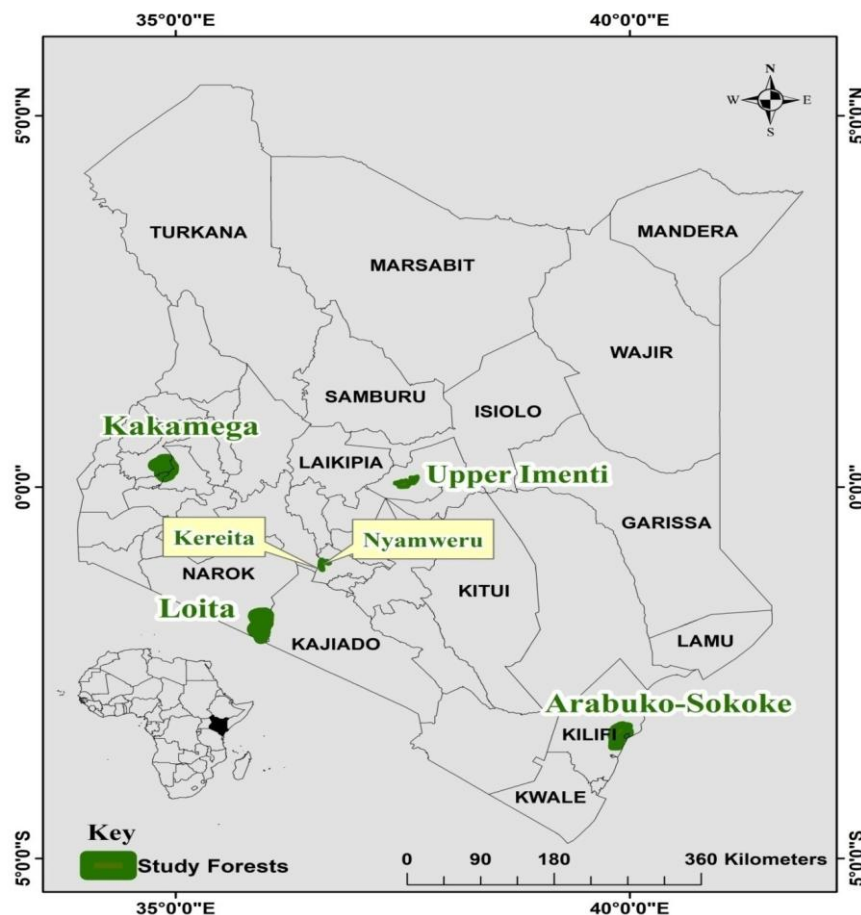


Fig. 1.1. Forests involved in participatory management arrangement in Kenya [10]

Then from all the forests, all the respondents were purposefully sampled from each category of interviewees namely: leaders from different user groups, key informants from different government organizations and NGOs [18-19] were interviewed. To collect data semi-structured interviews were done to all the respondents: (Table 1.1 below). This method offers participants the opportunity to explore issues they feel are significant. The interviewer does not keep a tight rein on the interview but instead allows the interviewee, through the use of open-ended questions, to explore the subject in as much depth than and from as many angles as they please [6]. Other methods, such as observation, closed questionnaires and structured interviews, do not allow for as much discovery or probing. In-depth, semi-structured interviews, however, offer interviewers and interviewees' time and space to explore issues thoroughly. The method is also useful for collecting a range of opinions on a topic. Second, semi-structured, in-depth interviews are considered appropriate as they can prove particularly useful for investigating personal, sensitive, or confidential issues, which informants might find difficult to disclose and discuss in a group interview or focus group. Review of documents was also done to support the writing of the book.

Table 1.1. Breakdown of the study respondents

Type of participant	Breakdown of participants in the study	Number of participants
Leaders from different forest user groups	Arabuko-Sokoke	5
	Upper Imenti	5
	Kakamega	4
	Loita	9
	Nyamweru	5
	Kereita	5
Key informants from government organizations	Arabuko-Sokoke	3 (KEFRI, KWS, KFS)
	Upper Imenti	1 (KFS)
	Kakamega	1 (KFS)
	Loita	-
	Nyamweru	1KFS
	Keraite	1KFS & KENVO
Key informants from NGO	Arabuko-Sokoke	2
	Upper Imenti	1
	Kakamega	1
	Loita	1
	Nyamweru	1
	Keraite	1
Total number		47

All the data collected was analyzed through coding and grouping similar important ideas or phenomena from the study and then used for writing the final reports.

1.4 DEFINITION OF TERMS

Community Forest Association: A group of persons who are registered as an association under the Societies Act (Cap 108) and who are resident in an area close to the specified forest [9].

Specific Resource Use and Users' Boundary Issues

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2.1 INTRODUCTION

The purpose of this book is to develop guidelines for forests resource use boundaries which can be used for access of forest resource units in Kenya's participatory management approach. In particular as indicated in chapter one above, the guidelines will address the questions why are the partnerships, resource use and resource users' boundaries necessary? For instance in creating amicable working environment and enabling stakeholders to define resources and resource users' boundaries? To address these questions the study is delineated to the following scope.

2.2 SCOPE OF THE GUIDELINE

Forest resources share attributes with many others sources that make their governance and management difficult, in a sustainable, efficient and equitable manner. While some forests are small enough that fencing them or protecting their borders from intrusion is relatively easy, excluding beneficiaries from access and use most of forests is costly [16]. They also generate multiple products; both consumptive and non-consumptive that mature at different times some may be common pool resources while others can be private goods. [3-7] have classified forest values as:

Table 2.1. Classification of forest values

Type of value	Subtypes of value	Examples
Direct use	Consumptive	Commercial goods e.g. timber fruits, animals, rattan, medicine, fire wood for sale, charcoal Non market goods e.g. fire wood for subsistence use, subsistence foods
	Non consumptive	Recreational e.g. ecotourism, forest research and education, shade
Indirect use	-	Habitat protection, water shade and soil protection, carbon sequestration,
Optional use	-	Maintaining options by avoiding irreversible damage to soils, water resources, maintaining stock for future use
Non-use or passive use	Existence use	Knowledge of scared sites that no one is allowed to visit
	Bequest for future generations	Passing of natural resources for support of the future generations

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Basing evidence from chapter one and the classification above this chapter contributes to providing the scope of this guidelines of establishing forest resources use and users boundaries [13-15-17]. In particular the book is interested on how one can establish boundaries of the resources classified here and the resource user's boundaries in order to enhance sustainable use. Thus the scope of the study entails examining the following questions:

- 1) How can one gather relevant information and tools that can promote partnerships for establishing CFA (Community Forest Associations) forest resources and resource users' boundaries?
- 2) How can different stakeholders be engaged in the establishment of the CFA forest resource and resource users' boundaries?
- 3) How can the local communities be assisted to organize in establishing CFA forest resource and resource users' boundaries?
- 4) How can preparing for the negotiation for meetings, procedures, rules, logistics and equity considerations be achieved when establishing CFA forest resource and resource users' boundaries?
- 5) How do the households and the individuals negotiating for the forest resource use boundaries establish agreements?
- 6) Are forest resources and resource users' boundaries needed for effective community participation?
- 7) What can be done to empower the CFAs in setting up forest resources and resource users' boundaries?

2.3 LIMITATIONS OF THE GUIDELINE APPLICATION

The limitations of the guidelines are that:

These guidelines have been prepared as a Kenyan case study. The participatory arrangement in Kenya may not be the same as other countries.

Gathering Relevant Information and Tools that can Promote Partnerships and Establishment of Forest Resources and Resource Users' Boundaries

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3.1 INTRODUCTIONS

The chapter begins by explaining how one can gather information that can promote partnerships and facilitate for establishing CFA and other stakeholders forest resources and resource users' boundaries. It then focuses on the tools that can promote partnerships for establishing CFA forest resources and resource user's boundaries. The first question for this book is how one can gather relevant information and tools that can promote partnerships for establishing CFA forest resources and resource users' boundaries.

3.1.1 Gathering Relevant Information that can Promote Partnerships for Establishing CFA and Other Stakeholders Forest Resource and Resource Users' Boundaries

The guideline provides a process to build on what the respondents indicated that they know after they were asked to explain on how they gather relevant information that can be used to promote the establishment of CFA forest resources and resource users' boundaries. A number of ways for gathering information to promote partnerships for establishing CFA forest resource and resource users' boundaries emerged as follows:-

The CFAs get permission from the government authorities to organize for stakeholders' meetings in order to collect information on the resource before deciding on the boundaries:

To gather information, first of all you cannot gather information without permission, first you must get permission from registered relevant stakeholders, e.g. the KWS (Kenya wildlife Services) and KFS for this forest, and this is a national forest. You can also gather information through NEMA (National Environmental Management Authority) (N01).

First identify the resources in question, assess the resources, map the resources verses the stakeholders interests, create awareness on the resources and its capacity to provide good services etc. (AS07).

The forest act also plays a significant a role in deciding on CFA forest resource and resource users' boundaries:

When the PFMP (Participatory Forest Management Plan) came in 2005 what we had to do was to have a stakeholder forum so that we can create awareness on how they can benefit from this

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resource and that is when they were able to form groups for example myself I was in a tree nursery group, others had to form grazers group, others for bees as per the quantity of the resources that are in the forest, others were involved in water harvesting after sensitization, they started a volunteering spirit every time KFS is planting trees we must be available, so we started like that (K05).

They [KFS] collect information from the already existing groups involved in an activity. For instance, bee keeping, fire wood, places with plenty of indigenous forests and PELIS (Plantation Establishment and Livelihood Improvement Scheme) to know how to establish resource use boundaries:

We discuss what we want and also we identify for example from time immemorial there are those people who are grazers, it is like, the formation of a common user group (KK04).

Let say if since time immemorial they have been doing it like honey harvesting for example from here I come from those people who have been doing honey harvesting from time immemorial, it is something that has been passed to the community, some of them just like the PFM which has been introduced here, it has identified those people, to be doing this work, there is another area that has been used by grazers, so it has been something they have been doing, so we looked at individual interest before assigning them user rights, in some areas those bees, have made themselves a place to stay e.g. trees, you see now, you can identify that one as a place very productive for bees or honey production. You see, where there is indigenous forest it is automatic, that area is good area for firewood. Indigenous forest do well in firewood so you find that area is designated for firewood for example in other areas in upper Imenti you will find that the only thing that can grow there is fire wood since it has indigenous forest (UI03).

The community living adjacent to the forest were found to be a good source of information:

If it is necessary, you can also gather information from community living adjacent to that particular forest (N01).

3.2 TOOLS THAT CAN PROMOTE PARTNERSHIPS FOR ESTABLISHING CFA FOREST RESOURCE AND RESOURCE USERS' BOUNDARIES

When asked on the tools that can promote partnerships for establishment of CFA forest resource and resource users' boundaries, the study confirmed the following findings:-

In almost all the forest station they reported *Barazas* (public meetings called by leaders and government officers like foresters and Chiefs) as the most common tool used by CFAs to establish the forest resource and resource users' boundaries. They reported as follows:

In terms of tools, they use [user groups] *Barazas* and discuss what they want and then communicate to members. KFS, KEFRI (Kenya Forest Research Institute), KWS, Nature Kenya, Ministry of Agriculture, county administration, and national government through the deputy commissioner, chiefs and assistant chiefs and sub-country administration (Area Member of county assembly MCA) are also used to communicate to the community about the partnerships (KK04).

In terms of tools, they use [user groups] *Barazas* and discuss what they want and then communicate to members. KFS, KEFRI, KWS, Nature Kenya, Ministry of Agriculture, county administration, and national government through the deputy commissioner, chiefs and assistant chiefs and sub-country administration (Area MCA) are also use to communicate to the community about the partnerships (AS01).

You go to the *Barazas* and ask the administration, that is why I told you, you must involve the administrators, like the chiefs (through the chief's *Barazas*) (N01).

Training was found to be one of the ways communities use to know how to establish CFA forest resource and resource users' boundaries:

The communities get training on how to create the boundaries for example, where to collect herbs, graze, time of grazing etc (KK02)

Meeting, workshops, resource centers and benchmarking also help the communities to establish forest resource and resources users' boundaries.

We do workshops and meetings of course first we need to know the stakeholders e.g. the private investors, KWS provincial administration, a manager like me I am safe when I engage all the stakeholders because everybody will come with his views and opinions and expectations which you can now work upon (K07).

The tools we use include resource centres, meetings, CFA workshops, moving around with communities and site seeing (K06).

That time they started the PFMP we had a meeting they said that if you want to benefit from the forests you must be involved in a user group and register a CBO (Community Based Organizations) and when you register you write down the activities that you will be doing in the forest (K02).

The other tools that were identified include sensitization of the community, through the use of religious, youth and women forums and media:

First of all, before you get to the tools, you are to sensitize the people about the activity, like now you want to do a research on something, let people know that you are coming to do a research. So it is not something that getting somebody on the road and then you start asking him questions and they can even deny telling you something. But if he is sensitized and informed, that is tool number one. You can go through the churches; (Christian or Muslim Churches/Mosques) provided that this people have the information. You can go through the youth, women and men groups that are different collectively. You can also go through the media if you are interested in going through the media, it can also ask questions and people answer and I think this is the most important (N01).

They use text messages mobile phone calls, emails and radio announcements as a means of communication:

Mostly we use text messages mobile phone calls, emails and radio announcements, which are the most common, means for communicating here, within the CFA we have created a form of a user right board, if for example I wanted to pass a particular information to another person in the group, I know who will pass the information to another person in that group. Each board has a leader responsible (UI03).

However some government organizations do not participate in the PFM meetings to discuss how one can establish CFA forest resource and resource users' boundaries, since their memorandum of understanding with KFS has expired:

We have never participated in PFM even though we are partnering with KFS. KFS came when the community was already a stakeholder, since they have a stake; they had to form the management team in decision making for all the forest gazetted by KFS. The MOU (Memorandum of Understanding) [KWS] with KFS expired and it has never been renewed, and the MOU has to be negotiated at the headquarters level not at the station level, there is no clear reason why this has not happened (AS08).

Village committees and Nyumba Kumi initiatives were found to be key tools for establishing resource use and resource users' boundaries. This was evident in Loita forest which is a traditionally managed forest:

From the effort of the committee with the help of the Nyumba Kumi initiatives, that is what has made the community even when there is drought, they don't move inside the forest in search of pastures or water (L03).

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Engaging Different Stakeholders in Forming Partnerships and the Establishment of the CFA Forest Resource and Resource Users' Boundaries

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4.1 INTRODUCTION

The purpose of this chapter is to evaluate how different stakeholders can engage to form partnerships and participate in the establishment of the CFA forest resource and resource users' boundaries. The chapter addresses this question by critically examining the different stakeholders in the forests reserves in Kenya.

4.2 HOW DIFFERENT STAKEHOLDERS CAN BE ENGAGED IN THE ESTABLISHMENT OF THE CFA FOREST RESOURCE AND RESOURCE USERS' BOUNDARIES

The community engages the stakeholders through the established memorandum of understanding:

The communities have made a memorandum of understanding which stipulates on what the communities should do in terms of extracting and setting boundaries for the forestry resource for example by looking at what kind of resource should be extracted from the forest (KK02)

The participatory management plan is also used to engage the stakeholders in participatory forest management:

The communities have established the participatory forest management plan which has led to the registration of different user groups (KK02).

The communities also write agreements between other stakeholders:

The writing of agreements between the communities and the other stakeholders like KWS and KFS (K05).

It was also clear that the engagement must be done by involving all the stakeholders otherwise if this is not done it might make it difficult for those stakeholders not involved in the process not to recognize the boundaries:

Involving all the other stakeholders by coming together and deciding on the roles of each stakeholder such that they do not feel like they have been left out, if this is not done, there are other stakeholders who do not recognize the community (AS01).

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Also the interests of the stakeholders must be clear before they engage each other in the establishment of CFA forest resource and resource users' boundaries:

First I know that every stakeholder is interested differently for example the community is part of the stakeholders their interest is different from that of an NGO, and the forester [KFS] therefore it is better we know each other's heart the way the PFMP says because if we do not understand each other well we will start conflicts because we will have a conflict of interest. For example if I enter the forest and I don't have the issue of ecotourism in my mind others want to fight over land so we have to harmonize each and everybody so that we can have one way of doing things such that each person enjoys where he/she is participating (K05).

First you have to identify the interest of those people who are using those resources e.g. if there is water, identify those people using those resources (UI03).

You have to bring people together we collect their views and their activities and the interest that we have, after that we sit down based on certain by laws, which will be guiding us, and then from there we can sit down and make our plans (K04).

The stakeholders must be willing to engage and understand what is needed of them before they start the establishment of the boundaries:

All the institutions must be willing to engage. They must also understand that there is law in the PFM. If all of us understand the rationale of coming together, each and every person must understand in depth what is required of them (K01).

The community needs to know what their share and obligation, roles, responsibilities of the other stakeholders in order to participate in the establishment of the forest resource and resource users' boundaries. But from the discussions with the communities in detail it became apparent that communities were over expecting since they are extracting the resource from the forest with a very little fee:

We have to look at what the community can benefit from the forest and what KFS can benefit from the forest then we have to sit down and see which programme we can engage everyone on (K03).

Another issue that come up here, is the issue of benefit sharing, it was changed in the 2016 forest management Act, instead of them calling it benefit sharing they called it cost benefit sharing and when we called for a meeting we said there should be benefit sharing for example, Gede station has tourism, those tour guides, all those tickets they are collected by KFS yet the community has contributed towards protecting the birds and wildlife, but you find that all the revenue goes to KFS, but the tour guides gets only the guiding fee from the visitor having paid all the revenue to KFS, instead of some money going to the community to manage the forest (AS01).

Every stakeholder's roles must be clear before any engagement will take place:

There is need for every stakeholder to explain how they work and what they will do in the management of the forest, since the community is not recognized (AS02).

However a number of challenges may hinder stakeholder engagement. First, some institutions in the forest management structure even though very important have not been recognized by law. For instance the ASFMT (Arabuko-Sokoke Forest Management Team) and ASFADA (Arabuko-Sokoke Forest Adjacent Team) even though they play a critical role in forest management and coordination of all the CFA activities at ASFR (Arabuko-Sokoke Forest Reserve) they are not recognized by law:

ASFMT is not in the PFM laws, it is an amorphous body yet it is part of the forest management here, so there is need to fight for them to be recognized and clearly stated how they can be involved in the management of the forest. ASFADA for example is made of CFA membership

which have come together to form this CFA but you will find that ASFDA is not re-recognized by law yet ASFDA was formed as an umbrella body to manage the entire Arabuko-Sokoke Forest and ensure the CFAs are well coordinated in the management of the forest (AS02).

Arabuko Sokoke Forest Reserve partnership is made up of working groups which are divided into management units and participating units. The management level brings all the other institutions together. ASFDA is not anchored in law, the ASFMT is not in law and they are working out of good will, KWS disagreed with others and moved out of the partnership, KEFRI has been out as well, The ASFMT represents the research group and the management group. In research it is more of talking there is need for a more proactive research and ways of mobilizing funds, without funds no research will be done here, there is no framework of bringing people doing researcher here (AS06).

The Non-governmental organizations use the community as a conduit for writing funding proposals but do not share the proceeds with them (AS03):

Another challenge here is that when Nature Kenya and Friends of Arabuko writes proposals here they use the name of the community but when they get funds they forget the community. When writing the proposals they don't ask the communities what they want, but when they win the funding you find them bringing the beehives yet we had not told them we need the beehives (AS03).

You find that the Friends of Arabuko come here and they don't ask anything about the forest, instead of them asking us what we need so that we can conserve the forest, because most of the forest destruction happens because the people here don't have sources of livelihoods, they just go to the forest and take photos of the destroyed forest and use them to convince donors to give them funds for forest conservation (AS02).

Even if you are involved in proposal writing, when the funds come you will not be involved (AS03)

The level of education has made it difficult for meaningful engagement:

Most of the groups that depend on the forest products are class eight drop outs, yet they participant in meetings with highly learned people thus making them not able to engage properly (AS06):

Participation here is a cartel, high level participants and then brings in the class eights, from the community how will they engage? (AS06).

Also the study found that KFS was not engaging the CFAs transparently in the management of the forest resource (AS01):

The community forest scouts did voluntary work for 13 years you see this Friends of Arabuko, they requested to the ASFMT to have this scouts to help protect in forest protection, but once they joined, it was assumed that they will help the communities in forest management, but when they were employing [friends] the left them and employed different people who are not CFA members, so you see now where the problems is, for example those who are working for the CFA when they come to Patrol they came with their report and those for Friends also come with their report on similar issue now you see this causes conflicts. Another thing, we as the community, we report to the forester then the forester reports to his seniors, up to senior most. You find that this friend when they bring the reports here they have already sent them to the senior management, so when you find the management coming here you find there is a lot of conflict here this parallel patrols have brought problems here at Arabuko-Sokoke (AS01).

You find that this scouts from friends of Arabuko instead of them being based in KFS they are based in KWS, so you find that when there is destruction there it is assumed KFS and KWS know, so when the issues is brought here we think that there is witch-hunting, each person wants

to look good and this is affecting the forest management. It is like when you have a slay queen; she will make sure she entertains you well until you forget your family. You find that the KFS listens very much to the directors of friends of Arabuko and does not care about us who have an engagement with them (AS01).

But, it was revealed that KFS engages the donors with high regard at the expense of the CFA:

So that is the system here at Arabuko-Sokoke, because the manager of KFS listens to them [donors] very much rather than the community which has an engagement with them through the forest management plan and the forest management agreement.

Organizing Local Communities and Other Stakeholders in Establishing CFA Forest Resources and Resource User's Boundaries?

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5.1 INTRODUCTION

The intention of this chapter is examine how the local communities can be assisted to systematically arrange themselves in establishing CFA forest resource and resource users' boundaries.

5.2 HOW CAN THE LOCAL COMMUNITIES AND OTHER STAKEHOLDERS BE ASSISTED TO ORGANIZE IN ESTABLISHING CFA FOREST RESOURCE AND RESOURCE USERS' BOUNDARIES?

For the CFAs to be able to be organized systematically they must be sensitized on the benefits they can derive from the forest and the rules and the regulations for accessing those resources:

They should also be sensitized on what benefits they get from the forest and what the rules and regulations are for accessing those resources, for instance as a grazer you are not supposed to graze in a young plantation despite the fact that you have paid KFS, the animals must not be unattended, if you do that the animals will be retained and you will be fined, also through the village committees, one should know how many animals [cows] are in that village if they are many, then they will do grazing on a rotational basis, and in some months the forest can also be closed to avoid overgrazing (KK04).

Community leaders must be capacity built, the community empowered and all the forest management agreements reviewed on resource management and establishing a central account for all the funds attracted by the stakeholders for the management of forests to establish the resource users' and forest boundaries.

Me I can say there is that capacity building, on the CFAs leadership, secondly empowering the community, on resources management matters, so that they are capable of managing those resources, and also there is need for a central account which, when any funding coming from donors to support the ASFR is used to support the community as a whole, without that, so you find that a lot of money comes to this donor and that donor and the money is instead spent on paying employees and imagine somebody starts buying laptops and printers and take to government institutions, which are capable of buying those laptops and the community has nothing, so I think we have to return to the table, and we organize on our way forward (AS01,AS03, AS06, K03).

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There is need for doing a review of the agreement because all the money that comes here some needs to remain with the community we need about 20% going to the community (AS02).

Use of indigenous knowledge to organize:

On my own I feel if the government can assist us in one way by selecting people who are determined and have that knowledge (indigenous knowledge) and then it selects, two people from the community to start working with the government while knowing that we will facilitate this people and we will use our money and make the institution that can help this community. We need to start from the start. Because if the government says that it is helping us here and we don't have any knowledge is a waste of money (K01).

Making CFAs strong:

If you want to make a strong CFA you must make the user groups strong so that a least those people are able to see economically what they are getting from the forest because you know, if you have strong user groups, definitely the CFA is going to be strong (KK04).

Organization of the CFA is within their mandate. KFS has had meetings with CFAs they will have strength if they increase their membership, it is up to them to have a robust structure, all the users groups should be registered within the CFA organization e.g. scouting and guiding, they should draw a very good elaborate management plan for user groups to trust in joining the CFA, some refuse because they don't see it as an organized entity, there should be good finance from the organization, they should do reports to KWS KFS and NGOs supporting them, e.g. group must have working users rights and do their activities well, KWS recognizes and gives them an opportunity for the nature based enterprises but doesn't fund them to do anything in the forest (AS07).

Strengthening the social capital of the community:

The groups coming in use the weak social capital and take what they want from the community through divide and rule (AS06).

Assisting the CFAs with projects that can assist them financially (AS08).

Organizing groups into different levels then have one single group to fight for the community, and the group must be recognized by law (AS06).

Benefits related to the forest must be shared with the community.

The community members must know the benefit they are going to get; they cannot go into the forest and group themselves without knowing the benefits that they are going to get (K05).

In the community here quite a number of the surrounding communities their poverty levels are too high. They argue that if I don't go fending for my family and I go participating in such a forum what will my family eat? Others turn out to be poachers as a way of survival by avoiding the legally recognized approach for their own survival (AS06).

Clearly defined roles of the community and government wardens (N06).

When you go to the forest and the ranger goes there and the people meet there. The community and the rangers must be in a position to protect or avoid the risks from each part, by so doing, this people will work harmoniously and they will freely go to the forest because they know why they are going there (N06).

Involvement of all the stakeholders in all the forests related activities:

We say PFM (Participatory Forest Management) but the P has been violated nowadays, that P is removed there is no consultation they are not coming we sit down and we say we need a barrier here how are we going to put it, you wake in the morning when you are going to the forest then you see a barrier no question they say it is the order from above (K06).

There is need for well-established rules to help run the users groups:

In terms of rules, some of the rules are not written anywhere in the village committees. For instance the grazing committees, set the rules themselves, they even keep the register for the animals (KK04).

The community should use the existing law to organize:

One thing that I will do, there is that law that is in the act it helps us to know what is supposed to be done by the CFA and what is supposed to be done by KFS and because we have that, it helps us to know, I am supposed to do this and that. I will like that to be looked at very much, because that is what will help us in law (UI06).

Conducting research on the poverty levels of the community and provide them with the users rights, by first considering the very poor: This also assists in developing pro-poor and equity systems in forest management:

When PFM started there were questionnaires, and now you are asked, the activities that we have in every bit, so that is when they knew how many user rights are found in each bit we did ranking also to see those who are very poor or rich (UI02).

Reviewing of the current PFMPs and also starting other activities that are related to the forest, outside the forest to ease pressure on the forest:

Review of the PFMP and the forest management agreement because the current ones have expired. Also to be supported to have more activities outside the forest for example rather than grazing a lot of cows in the forest we have zero grazing, use of energy saving jikos instead of going to the forest to collect firewood (UI05).

Access to donor funding:

We get donor funding we have societies that are interested in forests when they come we have right to for request for funds...even right now as we are speaking the review of the PFMP is being funded by a donor (K07).

The government should recognize all the communities' effort in participatory forest management:

If you look at the position where our CFA chairman is and the forester, the gap is too wide (AS01)

The CFA members should also be recognized like the elites such that they are given opportunity to decide other issues because, even if they have been elected to office they are not able to make decisions on other issues if they decide the government will arrest them and most of the work is supposed to be done by the CFA. But when they start doing that work they are stopped. They [community] has the knowledge I know, but when the government sees we are going ahead they put a wall (K03, K02).

However from informal discussions with the interview groups it was realized that that CFAs have membership beyond the local communities as individual from the near urban centers are joining CFAs memberships

Preparing for Negotiation when Establishing CFA and Other Stakeholders Forest Resource and Resource Users' Boundaries

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6.1 INTRODUCTION

This Chapter explains the issues that are important in the preparation for meetings, procedures, rules, logistics and equity considerations when establishing the boundaries for the forest resource use and resource users' boundaries. Partnership establishment and defining of resource use and resource user boundaries development need to be negotiated from the perspective of the evolution of protected areas. This has witnessed evolve from being viewed as natural areas established and managed primarily for the conservation of nature to areas that enable a balance between strict protection and sustainable use.

6.2 PREPARING FOR THE NEGOTIATION FOR MEETINGS, PROCEDURES, RULES, LOGISTICS AND EQUITY CONSIDERATIONS, WHEN ESTABLISHING CFA FOREST RESOURCE AND RESOURCE USERS' BOUNDARIES

In terms of preparing for meetings the executive members of the CFAs meet with the CFA members first, discuss and approve issues affecting them before meeting other stakeholders:

We [community] first of all meet the executive [CFA executive] we [community] give them our proposal on what we want to do, we approve, we [community] then call the user right boards which are under the executive and we approve. If they approve it then we can take it forward to our bosses [KFS] (UI04).

We have the secretary who calls for meetings of the executive and then we discuss after discussions is when we call another board which has representation, from every bit, every bit has three we have in total 21 from there we see if it is proper to call everybody then we do a meeting and then there is an announcement through writing together with the agenda (UI06).

The negotiations for meeting for the traditional participatory forest arrangements are called by the chairman of the entire communities before they meet the government, the communities meet to discuss and be clear on what they want from the government before any negotiation; however the community negotiations must be backed by law:

Me as the chairman of the committee, of the forest, I am the one who, calls for the meeting, when the other committee members come they provide the agenda on how the forest will be take care of (LO1).

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Before we go for a meeting with the government we meet ourselves such that once we meet them, we know what we want. So when we go to the meeting for negotiations we know who is going to talk and about what issue, so you see the government has to listen to us because they will like to conserve the forest (L09).

They need more backing from the law so that they can be able to take care of the forest, for example the registration of the group and awareness creation on the forest issues, they need to run from other forests managed by the community (L01.02,03,04,05,).

Other CFAs reported that one has to pass through Barazas:

You pass through the villages and do Barazas. First of all you have to meet with the chiefs to talk to them and explain to them and they see the importance of the CFA. Also let the people know the importance of the CFA and let them know why the forest is important e.g. purification of air. Then you show them the benefits such that they do feel that they are going to suffer in the CFA (UI02).

Also for meetings to take place the participatory forest management plan must be established, and zoning for all the forest user groups done. Then the various stakeholders in the participatory forest management namely, KWS, NEMA, WRMA (Water Resource Management Authority), Nature Kenya, KEFRI, KFS, Ministry of Natural Resources Management at the county level and NGOs provide fund for taking care of the forest (KK01).

Further the procedure involved in the CFA is that all the villages must be involved in the participatory forest management, by first calling and announcing and asking the CFAs to identify their needs, then, they are asked to choose their leaders to take up of the CFA office, this has to be done from the grass roots level to the delegates level. The villages must involve all the communities around the forest starting with the village conservation groups, around the forest, chiefs, sub-chiefs are involved so that one can be elected as a leader (KK01).

Another procedure that came up is that:

We as leaders of CFAs we sit down and see our need KFS being our partners, we also sit together and agree, and that picture is brought to the public. Because KFS relies so much on the communities for information if the forest is being destroyed, so they have to bring the communities close to them, so the community benefits and the KFS benefits (UI02).

In terms of logistics the CFAs use the membership contributions:

In the case of logistics the CFA use the membership contributions, grazing contributions, they pay 100 shillings to KFS per month for grazing in the forest and 20 shillings per month for the CFA (KK01).

It became apparent that the government does not support the CFAs in terms of logistics unless in activities it has interests in only, which means that if it is not an activity meant to benefit KFS it cannot support the CFAs to attend meetings:

There is no logistical support when the different user groups come to meetings (KK04).

We are not financed when attending CFA meetings, unless when we are going far meeting each Mombasa is when you are asked to use your money and it is returned to you. Some meetings NGOs like nature Kenya finance us when we are having meetings with them, but when we have the ASFMT there is nothing, you have to meet the cost of transportation, so you find that our friends from other CFAs like Jirole, Sokoke miss because, they don't have, reimbursement of the travelling expenses (AS01,AS02).

In terms of agreements, there is no support by KFS to the communities in the establishment of agreements, but KFS checks the agreement once written together with the community (KK01).

In terms of equity it was clear that no community member is restricted in participating in any user group activities of his or her choice even though in most cases one will find more women in the user groups than men because men do not like voluntary work:

In terms of ensuring equity, no one is prevented from going to collect products from the forest, the forest is surrounded by the community and the entire community depends on it, there are no boundaries whether you are woman or man it depends on what you want to collect (KK02).

In terms of equity what happens our, CFA we have opened our doors for all those people who are willing to join the CFA because you cannot force someone to be a member of a CFA he is not willing to join because there are those at the edge of the forest and are not members of a CFAs. So we have opened the doors if you want to be a member of the CFA you can be a member. Even though in terms of ratio women are the majority about 60% of the CFA membership because culturally, women have the role of feeding the community so the women have urge to help their community first they have the role of looking for firewood, and home foods, they are also easily convinced to joining things like this one's of conservation. Men are never patient that is why their number is less. They want fast incomes. If they find that they have planted trees and a saw miller has come from outside and cuts them they get frustrated they remove themselves from the user group there are 1564 members currently in the CFA. But I cannot give you the correct data for different user rights (UI04).

In the case of equity I should say in all meeting usually you will find women are more (AS01).

When negotiating for rules, KFS always uses their lawyers, but communities in most cases don't because of cost barriers, even though there are some CFAs that hire their lawyer through the CFA subscriptions to assist them in developing the rules before they meet with KFS. The CFAs are of the opinion that they also need an environmentalist to advice them when developing the rules for different user groups:

You see when KFS were coming here to negotiate for the forest agreement they came with their lawyer, we did not have a lawyer, we depended on nature Kenya and friends but we have said this time round, we must have a lawyer who will guide us on how we will work with this stakeholders, and how the community can benefit, because those friends of ours [KFS] if you look at that management agreement, there are obligations for CFA and KFS, and then they say that any undertaking of any activity, which is done in the forest must follow the rules, which means that has closed everything. When you realize later you find that it is those user rights such as licensing. We taught that following the law is if one of the members of the CFA, gets an okay to do something in the forest, for example those collecting firewood must pay for the monthly head load at the KFS, but there was something hidden there, there are no standards indicating that if it is a user license it will be what value, there is nothing like that, so you are told to follow the rules so you find that, they have confused us because, if we had a lawyers, even before the negotiation day, we should have had our lawyer who should have guided is that this is what should be written here or there, the lawyer will have been out negotiator, because them they had their negotiator who is a lawyer, but it happened we did not have, that is why we see some issues are mixing us here (AS01).

When negotiating for PFMP my employer comes with a lawyer the CFAs come themselves because they don't have money. If they have good resources then it means hiring a lawyer is very easy (KO7).

When they are coming here for negotiation, they already have their experts they come with two lawyers, now imagine I have not even studied law, we sit there with two KFS lawyers discussing things even the terminologies they are using I don't understand. So they take advantage of our status and they squeeze us properly (K02).

During our negotiations for example when making a PFMP we need a lawyer like that of KFS (K01, 03,04,05,06, 07).

We also need an expert on environmental matters (K03).

In terms of agreements we have already agreement between KFS and the user groups. The KFS has a legal office and for Muileshi [user group] they have a legal officer. When negotiating for agreements they do it through their legal officer who they pay by getting the money through registration, each member registers annually with Kenya shillings 500 that is the money they use. There are about 1400 members in the CFA from different users groups. Negotiation is the last part of PFM their lawyer should be given the document prior and is allowed to come and negotiate on their behalf with the KFS lawyers (KK04).

When the agreements expire, between KFS and the community, they do it through their legal officer, and they get the legal fee from their annual registration of Kshs. 500 per individual (KK03).

Some of the rules used by the user groups on designing the forest resource boundaries were found to be verbal and not written anywhere:

We have not done it as I have already said some of the rules are not written anywhere they are just verbal for example when we were doing the grazers committee all the grazers came, they said the rules themselves and then maybe where they don't understand, they just make their rules themselves may be in a Baraza you organize a Baraza they don't write them down but may be they keep them through members but they keep those registers on who has how many of cows. (KK04AS06).

Surprisingly, KFS prepares the other stakeholders for negotiation of the rules for the management of the forest, yet KFS is the one with the authority to manage forests in Kenya:

KFS is the same that prepares them for negotiation with them which becomes a problem. The law gave everything to KFS, KFS facilitates the formulation of groups, sensitization of meetings, travel logistics etc. It becomes hard to negotiate with them, however nature Kenya has been coming in to stand for the community, but their power is limited. Nobody represents the community during negotiation, KFS does everything including checking the rules, there is need for experts to help the community to negotiate on equal footing, KFS has its lawyer the community doesn't have, the community needs to be facilitated, even if they do they don't know how they use the laws (AS06).

It was also noted from some of the CFAs that resource use and users boundaries can be better if they are made by the communities at the grass roots and the KFS assists in the improvement of the language:

When they are doing the rules, let the rules come from the grass root, let them make their own rules like say they will be going to the forest say from 4pm to 6pm and it is one rule, and another we will not want someone to go and cut a tree that bears fruits in the forest, we will not accept that someone cuts a tree that bears herbs, we shall not overgraze. Let them formulate the rules themselves and you can improve on the language, and let the rules come from them, get the rules from the community, but if you come and impose rules they will reject, they will not come, they will not even want to hear you (N06).

Negotiations for establishing the boundaries normally occur during the time for formulation of the management plan, but during the negotiations the elites abandon the communities. The elites do not want to participate in the negotiations because their interests are different:

Normally negotiations happen when we are drawing the management plan and agreement we just organize for meetings and then discuss the way forward. Unfortunately the elites in the community distance themselves. It is 50/50 that the communities know what they are negotiating, for example when ecotourism was coming on board we taught it was an activity but we knew

when it came on board. We came to realize it was not what we thought it was. I can tell you even when we are reviewing this PFMP several activities were not attended to. Like ecotourism is now under the investor (K07).

It was found from the community that they have never negotiated for benefits:

We have never negotiated for the benefits. There is nothing like that, they don't prepare, you go sign the agreement then you go back after five years (UI05).

One CFA leader who was very angry that the government has refused to share benefits with them reported:

If the government does not have good will with the public it stops cheating people that there is PFM (K01).

However the CFAs are not able to negotiate since the PFM plans which give them powers to negotiate and even be involved in any activities of user groups have expired across the country:

We had the participatory forest management plan but it has expired, so you know the law is what guides every person (UI06).

It also came out that some of the negotiations are not honored particularly when CFA leaders do not finish their five year term (K06,K05).

In the Loita case it was found that the reason for the success of their forest management was the well established and respected rules by the community as outlined below:

So, for example let me say like this issue of removing herbs from the forest, there are set guidelines for removing those herbs from the forest such that you make sure when you need the herbs in future you will find them, making sure the tree does not dry. You remove the roots from one side and also if you are removing the back you remove a piece from one side you don't remove round the tree because the tree will dry, once you remove the back you smear the cut side with soil for the tree to recover (L04).

When removing building timber, the committee insists that they remove the elderly tree, to avoid wastage. We don't remove trees from one place; we remove some from here and others from there, so that we don't open the forest. They don't allow charcoal and bush burning. They don't harvest timber near water sources (L01).

They don't want to have problems like their neighbors such that they start looking for water and pasture (L02)

In taking care of the forest we look at it like when we are taking care of our cows (L01).

If there are groups that want to plant trees we assist them to know where to plant. Because we discourage the burning of the forest because there are those trees that can fall because of age, once they fall they have seeds, and the seeds will germinate, so if the bush is burned those seeds will be burnt (L01).

If you want to do farming and you are able to cultivate only two acres those are the ones you will be given the other forest is left to remain like that such that the boundary limits are not exceeded and you cannot cultivate more than you are given (L01).

Establishment of Agreements by Households and the Individuals Negotiating for the Forest Resource Use Boundaries

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7.1 INTRODUCTION

The purpose of this chapter is to explain how the households and the individuals negotiating for the forest resource use boundaries establish agreements in forest management.

7.2 HOW THE HOUSEHOLDS AND THE INDIVIDUALS NEGOTIATING FOR THE FOREST RESOURCE USE BOUNDARIES ESTABLISH AGREEMENTS

One cannot negotiate as an individual when establishing the forest resources use boundaries if he/she is not a member of any user group in the forest. But as a member you can negotiate through your user group:

Not real you know we have an umbrella they are the ones who negotiate, the moment you are a CFA member these are the ones who usually negotiate, the issues has to be brought up when there are reviews of PFMP, those are the people who come on board and negotiate (K07).

We have to pass through the CFA then the CFA takes the issues to KFS and then KFS starts to work on the issues (AS03).

As an individual you must be in a group in order to have user rights that is from where you must negotiate you can't go directly to KFS (UI06).

I have once tried to negotiate for these resources, most of the time from outside it is difficult because we have so many people who are interested (UI03).

In this forest the weight is not very much on memberships but on user groups, they are the ones which are recognized and even have power to manage the forest, so the individual member can raise his issue but most of the time it does not have any weight. So unless this comes from the user group whatever issue you may raise will be very weak, it might be a sensitive matter but since he is alone, and he may not have a strong union with the community, so even if he takes the issue directly, to KFS still, he/she will be asked very many questions, that will eventually return him or her back to the CFA (A0S4).

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You must be a member of a use rights. If you are in grazers user group you have to use members of the firewood user right so that you can get the firewood or I can ask the forester me as a CFA leader (UI02).

They have to go through the CFA (AS07)

Other issues that the CFAs want to negotiate with KFS are passed through NGOs, for them to be listened to otherwise it is difficult to negotiate directly with KFS:

What the chairman does it to meet with his community members, and then they talk and look for the way forward, they can pass through Nature Kenya, that there is something like this and that, then a solution is found because, we cannot go directly to KFS, if you go directly to KFS, you can explain but they might not act (AS01).

There are things that community members cannot negotiate for example harvesting tree plantations which is highly structured and meant for qualified saw millers and in cases where the forest is being destroyed, the government has a right to close it without negotiations:

We are partners with KFS but you will find that we don't get permission for example if it is that of harvesting trees they put us aside, so individuals like me I see it is very difficult to negotiate things like those ones with them, they don't welcome us. Saw millers tender for tree harvesting (UI04).

When negotiating there are issues they say that they are structural for example tree harvesting when they want to sell there is nothing we get there. We have no room for negotiation (K06, K05).

There are things we can negotiate but once the government hears that the forest is being destroyed, then they closes the forest (K01).

Most of the individuals involved in the CFAs are not educated and are not able to negotiate with KFS:

Most of the community we have here are not educated we have not done that. We had NACOFA (National Alliance of Community Forest Associations) who had been given money by ACTS, they were doing guidelines on how they community will share the benefits from the forest. But the challenge which is there is the community has not gotten the capacity of participating in negotiations (UI06).

KFS is structuring its operation to see which activities will be taken by the county government this has put the community in an awkward state as KFS wants to retain all the gazetted forests without involving the community:

KFS has been restructuring in terms of community interaction to get how the extension services are being taken by the county government which is almost cutting the community from forest management, KFS needs to restructure itself. KFS want to remain with the gazetted forests, the communities are not there. The KFS collects virtually everything all types of revenue e.g. tourism and extraction of any product (AS06).

The forest act and memorandum of understanding were found to be important for the forest resources and users' boundaries negotiations:

First of all you make a Memorandum, you request a document and when you have written a document, you see we are doing this because you are reading from a document. There must be a valid document where the reader or the person to give you the authority must understand why you are doing that and also the Forest Act has put a side those activities that can be done or be carried out in the forest by the community, so when you want to negotiate with the government, you quote those activities' in the Forest Act (AS06).

Contribution of Forest Resources and Resource Users' Boundaries for Effective Community Participation

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8.1 INTRODUCTION

The purpose for this chapter was to know if the forest resources and resource user's boundaries are needed for effective community participation in forest management.

8.2 ARE FOREST RESOURCES AND RESOURCE USER'S BOUNDARIES NEEDED FOR EFFECTIVE COMMUNITY PARTICIPATION?

All the respondents to this question reported that they are need. They gave the following reasons:

Boundaries are important because they guide CFAs on how to collect resources. For instance if you are collecting firewood from the plantation you must collect those branches that fall (KK01).

They are important for example the grazers now know how to take care of the forest, and how to resolve their conflicts, those involved in PELIS also know how to take care of the seedlings (KK04).

We have those people of who collect firewood, those dead wood, we said one kilometer inside the forest, which you find is a big area but they are going deep in the forests, and the next kilometer, it is for poles and timber, and the third kilometer is for protection, this boundaries we call them zones, we also have those areas for ecotourism, for example where we have made the nature trail, which we have said there must be boundaries so that those collecting firewood, do not go there to disturb those birds, or the wild life that stays there which, the tourists want to see, so, I can see, there is a great importance for having those boundaries, for those resource and those resources users themselves, such that there are ways of protecting the forest. The boundaries will help very much. But if it's everywhere, you will find that people, will put beehives up to the nature reserve, may be those involved in butterfly farming will go up to the next kilometer of the forest... but you find in this area where there is that boundary for the butterfly famers here... for example they cannot go to the nature trail, to collect butterfly there, because its where when there is a lot of drought, they get food [butterflies] so that they breed in large numbers, so that, later they can collect them. But if they go to the nature trail to follow them there, they will finish them (AS01, AS03).

This boundaries are important and should be there, for example I have talked about grazers you see if for example if the grazers don't know that they are supposed to pay at the same time

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attend to their animals, if they are not aware you see that will bring a conflict someone will just keep on reasoning that me I have paid why should the forest arrest my cows, they should be aware that even though you pay, you are also supposed to take care of your animals another example is on PELIS one of the rules is that you take care of the seedlings if one is not aware that he/she should take care of the seedling he should only take care of his crops and then at the end of the day there are no trees at the forest so they should take care of the seedlings as they take care of the crops so the boundaries are very important, very important in any CFA at least they will also help reduce conflict between the forester and the community. For firewood, for example they are supposed to collect those that have fallen so if you find that one has collected those that have not fallen don't you see this is bad? (KK04).

The boundaries are important and they need strengthening to enhance resilience of the resources and sustainability of the forest to allow more community participation (AS06).

They are important in all natural resources you have to put boundaries. It applies here (AS07)

They are important because the resources need different conditions (AS08).

The boundaries are important because of the orderliness if affected for example and members keep bees near the PELIS people and they are stung it might lead to a fight (UI06).

They are very important for example if there is an area for water collection and it is interfered with it will be a great loss, if it is PELIS plantations, grazing cannot take place there, so the boundaries are important in the conservation of the forest as there is nothing interfering with the other (UI06).

Very important because, first is to conserve the forest, for instance, what extent are we going to use and also to help us know that other people have a right to use, what is in the forest (UI03).

This is very important since me I like bee keeping I won't go to the forest to do what I don't like (UI02).

Yes, they are important for rotational purposes e.g. in grazing, (UI05).

Yes, because, as a user right owner, what brings you to the forest is that interest, what are you interested in the forest (UI04).

The process of Empowering the CFAs and Other Stakeholders in Setting up Forest Resources and Resource Users Boundaries

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9.1 INTRODUCTION

This chapter is interested in knowing what can be done to empower communities when establishing forest resource and resource users' boundaries.

9.2 WHAT CAN BE DONE TO EMPOWER THE CFAS IN SETTING UP FOREST RESOURCES AND RESOURCE USERS BOUNDARIES?

The following ways that can be used to empower the CFAs in setting up forest resources and resource users boundaries were identified:

They can be empowered through awareness, lobbying, advocacy, education, provision of finance, strengthening of local level management committees and benefit sharing (KK01)

Resources assessment is important in setting up forest resources and resource user's boundaries:

First, right now we want to do resources assessment, you know that if you want to manage, this forest you must know the types of resources first, and what quantity they are and how will you manage them, so we as the community we need to be assisted to do that resources assessment, and then we move out there and then we do the socio-economic survey, this are the parameters that will assist us to know that outside there the community needs what and what, and inside the forest what is there if it is the firewood, will they assist in meeting the community needs (AS01,AS03).

Another issue is the promotion of ecotourism:

As you realizes Arabuko-Sokoke is known wild wide, Arabuko-Sokoke and Mida Creek all this help one another. In the section of ecotourism Arabuko-Sokoke is dead. For instance the roads are bad, you find that if a tourist vehicles side mirrors break, it is a huge problem since they came to be happy and the vehicle is spoiled (AS01, 03).

From all the money collected from the forest whether it is from licensing or ticketing, some should be given to the community (AS014).

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There is need to be assisted in the finalization of the management plan:

As you know the management plan is the foundation of identifying the resources in the forest and how they will be used, either in the forest or at land (AS04).

The CFAs needs to have an office:

We have gone to those CFAs like the one at Kakamega, they have their office but us we don't when we have our meetings here we do them at Arocha or nature Kenya (AS04).

We empower them through sensitization for instance all the user groups if they see anything that is not good in the forest they are supposed to report to KFS (KK04; KK04).

KFS is to date fully armed, meaning the arrangement is not working. Communities are supposed to protect the forest otherwise the users will exploit the resources, the users have to be forced outside the forest. Therefore KFS needs to relook at the laws by not denying the community a lot of rights to access the forest resources, opening other livelihoods opportunities for the community for instance advancing communities growth from just working groups to enterprises which can be able to generate more income for the members and make more wealth (AS06)

Lobby the nongovernmental organizations to invest in the community not in the forest, in order to give them opportunities for livelihoods. The community here is poor that is 68/100% are poor, more awareness, building their capacity in terms of fire, there are fire outbreaks here... are also needed (AS07).

Building the community and other stakeholders capacity in order to negotiate with the government those in the CFA don't have the requisite information, so they negotiate and loose (AS08)

Financing the PFMP (UI06).

Involving the young ones in school in the conservation of the forest (UI06).

Providing the communities with refresher courses (UI02).

Explain the importance of the for forest to the communities (UI02).

Provide, finance for doing the activities of CFA. We need the benefits from the money we pay for the activities at least some %. Even transport. They don't fund the CFA meetings (UI02, AS08, and UI04)

The physical boundaries should be fenced for more protection (UI05).

Awareness creation of the user rights (UI05).

Building a dam in order to control the water intake from the forests e.g. WRMA can do this (UI05).

In the open areas where there are no trees, PELIS to be given trees to plant (UI05).

They need to be fully empowered so that they can make correct agreement engagements or correct decision making (K05).

Guidelines for Forming Partnership and for Establishment of Forest Resource and Resource Users' Boundaries in Kenya

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This guideline is important recognizing that there shall be heightened tensions and increasing potential for inter-stakeholders conflicts in forests due to growing diversity of use, increasing values, and discoveries of new uses and existence of natural resources in forestlands like minerals and unique sites. This is creating new resource use boundaries and setting their boundaries requires flexible interventions to reconcile conflicts arising from boundary making and provide safety in forest resources management. Boundaries are a factor that shapes the capacity of jurisdictions to manage natural resources such as water, forests, and scenic lands. Boundary making is a means to facilitate sustainable resource management.

10.1 INTRODUCTION

The purpose of this book was to establish guidelines for preparing for partnerships in the establishment of forest resource and resource users' boundaries under PFM forest management arrangement in Kenya. The forest resource use and users' boundaries are important in sustainable forest management. Community empowerment is important in the establishment of those boundaries. Guidelines that are useful during the preparation for partnerships in the establishment of forest resources and resource users' boundaries have been highlighted throughout the script. The guidelines are provided below:

10.1.1 Gathering Relevant Information and Tools that can Promote Partnerships for Establishing Partnerships, CFA and Other Stakeholder Forest Resource and Resource Users Boundaries

- One should get permission from the government authorities when organizing for stakeholders' meetings in order to collect information to preparing for the resources and resource users' boundaries.
- The community and other stakeholders need to be aware of the relevant laws:-
 - The Forest Conservation and Management Act 2016 when deciding on the establishment of the CFA forest resources and resource users' boundaries,
 - The department of culture and social services is required when forming community groups like CFAs,
 - The Companies Act 2015 will be required when the CFAs want to form a company. This will also include relevant tax regulations,

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- Public Benefit Act 2013 for NGOs and Civil society organization and the
- Labour related regulation.
- Information should also be collected from the already existing forest user groups involved in a forest related activity.
- The community leaving adjacent to the forest and other stakeholders with working relationship with the forest are a good source of information for preparing for the resources and resource users boundaries and therefore should be consulted.

10.1.2 Tools that can Facilitate Formation of Partnerships and Establishing of CFA Forest Resource and Resource Users' Boundaries

- Use of *Barazas* (Chief's Village Committees).
- Training of communities.
- Use of meetings, workshops, resource centers and benchmarking.
- Sensitization of the community, through the use of religious, youth and women forums and media.
- Use text messages as a means of communication.
- Use of the memorandum of understanding with KFS.
- Use of the Nyumba Kumi initiatives.
- Participatory forest mapping.
- Establishing conflict management skills.
- Use of investment strategies.

10.2 ENGAGING DIFFERENT STAKEHOLDERS IN THE ESTABLISHMENT OF THE CFA FOREST RESOURCE AND RESOURCE USERS' BOUNDARIES

- The stakeholders should engage through:
 - The established memorandum of understanding
 - The participatory management arrangement
 - Agreements between other stakeholders
- The engagement must involve all the stakeholders' in order to make all of them recognize the boundaries.
- The interests of the stakeholders must be clear before they engage each other.
- The stakeholders must be willing to engage and understand what is needed of them.
- Every stakeholder's roles must be clear before any engagement will take place.
- All important institutions in the forest management structure even though not recognized by law should be included in the process of the establishment of the CFA forest resource and resource users' boundaries.
- All the Non-governmental organizations writing proposals for funding should include the communities in the process and should share the proceeds of the proposals with them.
- CFA representatives must have education that is above class eight for better engagement with the rest of the stakeholders.
- There must be a transparent engagement with all stakeholders.
- KFS should engages all stakeholders equally

10.3 FACILITATING LOCAL COMMUNITIES TO ORGANIZE IN ESTABLISHING CFA FOREST RESOURCE AND RESOURCE USERS' BOUNDARIES

- The CFAs must be sensitized on the benefits they can be derive from the forest and the rules and the regulations for accessing those resources.
- Community leaders capacity must be built, the community empowered, all the forest management agreements reviewed and a central account for all the funds attracted by the stakeholders for the management of forests established.

- Indigenous knowledge should be used to help the local communities to organize
- The CFA must be made strong economically.
- Strengthening the social capital of the community.
- Assisting the CFAs to develop projects that can assist them financially.
- Organizing groups into different levels then have one single group to fight for the community, and the group must be recognized by law.
- Clearly defined roles of the community and government wardens.
- Involvement of all the stakeholders in all the forests related activities.
- There is need for well-established rules to help run the users groups.
- The community should use the existing law to organize.
- Conducting research on the livelihood status of the community and provide them with the users rights, by first considering the very poor.
- Reviewing of the current PFMPs and other partnership documents and also starting other activities that are related to the forest outside the forest to ease pressure on the forest.
- The government should recognize all the communities' effort in participatory forest management.
- CFAs membership should be purely meant for local communities as individual from the near urban centers by are joining CFAs memberships.

10.4 PREPARING FOR THE NEGOTIATION FOR ESTABLISHING CFA FOREST RESOURCE AND RESOURCE USERS' BOUNDARIES

The negotiations will ensure that the stakeholders hold meetings successfully, appropriate procedures and rules are developed through an inclusive process. This will guide on the required logistics in place to guide the process development and implementation to ensure fairness, equity and a just process.

- When preparing for meetings the executive members of the CFAs must meet with the CFA members first, discuss and approve the issues affecting them before meeting other stakeholders.
- Also for meetings to take place the participatory forest management plan must be established.
- In terms of logistics the CFAs should use external and internal resources like membership contributions to facilitate them in their activities.
- In terms of equity no community member should be restricted in participating in any user group activities of his or her choice as per set requirements.
- When negotiating for rules, both KFS and the communities must be facilitate to access a lawyer.
- The rules used by user groups must be well written and communities clearly informed and involved.
- All the rules must be prepared and negotiated by all stakeholders.
- the rules can be done with communities at the grass roots and the KFS should assists in the improvement of the language.
- Both the elites and the ordinary community members must participate when formulating rules.
- There is the need to define who should support what if the process is to succeed and to enhance team work among the stakeholders.
- Separation of roles during negotiation such that , KFS is not the owner of forests, the police, prosecutor and the judge
- During negotiations all stakeholder should be included by not allowing only elites to dominate the negotiation meeting.
- There is the need to adequately provide for all forest costs and benefits to all the stakeholders.

10.5 HOW THE HOUSEHOLDS AND THE INDIVIDUALS NEGOTIATING FOR THE FOREST RESOURCE USE BOUNDARIES ESTABLISH AGREEMENTS

- Any one negotiating for the establishment of the forest resource use boundaries must be a member of a user group in the forest.
- Community members should be involved in negotiation for harvesting tree plantations.

Guidelines for Establishment of Partnerships, Forest Resources and Resource User's Boundaries in Kenya
Guidelines for Forming Partnership and for Establishment of Forest Resource and Resource Users' Boundaries in Kenya

- The individuals involved in the CFAs should be trained on how to negotiate for agreements.
- The forest act and memorandum of understanding must be used when negotiating for the establishment of agreements.
- The community should be aware that the forest management provision allows them to harvest timber plantations if they form a company.
- Community members should be trained and awareness created to them on how they can negotiate as households or individuals.

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Conclusion, Policy Implications and Recommendations

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11.1 CONCLUSION, POLICY IMPLICATIONS AND RECOMMENDATION

It is concluded that forest resources and resource users' boundaries are needed for effective community participation.

The following policy options are important in setting up forest resources and resource users' boundaries; first, the communities should be empowered by training them in setting up forest resources and resource users' boundaries. Secondly, resource assessment should be done when setting up forest resource and resource users' boundaries. Thirdly, there is need for promoting forestry related management activities such as ecotourism in order to enhance community livelihoods

It is recommended that in developing policy for establishing institutions for common pool resources such as forests governance in Kenya, there need to evaluate the process through which the boundaries were set to see if they are working in order to enable resource management to be effectively and sustainably managed.

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ABBREVIATIONS

<i>ASFADA</i>	<i>: Arabuko-Sokoke Adjacent Dwellers Association</i>
<i>ASFMT</i>	<i>: Arabuko_Sokoke Forest Management Team</i>
<i>ASFR</i>	<i>: Arabuko-Sokoke Forest Reserve</i>
<i>CFA</i>	<i>: Community Forest Association</i>
<i>CFAs</i>	<i>: Community Forest Associations</i>
<i>KEFRI</i>	<i>: Kenya Forest Research Institute</i>
<i>KFS</i>	<i>: Kenya Forest Service</i>
<i>MCA</i>	<i>: Member of County Assembly</i>
<i>MOU</i>	<i>: Memorandum of Understanding</i>
<i>NACOFA</i>	<i>: National Alliance of Community Forest Associations</i>
<i>NEMA</i>	<i>: National Environmental Management Authority</i>
<i>NGO-Non</i>	<i>: Governmental Organization</i>
<i>NGOs</i>	<i>: Non-Governmental Organizations</i>
<i>PELIS</i>	<i>: Plantation Establishment and Livelihood Improvement Scheme</i>
<i>PFM</i>	<i>: Participatory Forest Management</i>
<i>PFMP</i>	<i>: Participatory Forest Management Plan</i>
<i>PFMPs</i>	<i>: Participatory Forest Management Plans</i>
<i>WRMA</i>	<i>: Water Resources Management Authority</i>

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COMPETING INTERESTS

Authors have declared that no competing interests exist.

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