

THE REPUBLIC OF KENYA



THE COUNTY GOVERNMENT OF KAJIADO

COUNTY DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

SUSTAINABLE FOREST RESOURCES MANAGEMENT AND EXPLOITATION (CHARCOAL) POLICY

(2018)

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LIST OF ACRONYMS

ASAL	ARID AND SEMI-ARID LAND
CEC	COUNTY ENVIRONMENT COMMITTEE
CECM	CHIEF EXECUTIVE COMMITTEE MEMBER (THE RELEVANT MINISTER)
CFA	COMMUNITY FOREST ASSOCIATION
CPA	CHARCOAL PRODUCERS ASSOCIATION
CIDP	COUNTY INTEGRATED DEVELOPMENT PLAN
EA	ENVIRONMENTAL AUDIT
ESDA	ENERGY FOR SUSTAINABLE DEVELOPMENT AFRICA
EIA	ENVIRONMENTAL IMPACT ASSESSMENT
EMCA	ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
FCC	FOREST CONSERVATION COMMITTEES
HA	HECTARES
KEWASNET	KENYA WATER AND SANITATION NETWORK
KWS	KENYA WILDLIFE SERVICES
KFS	KENYA FOREST SERVICES
LPG	LIQUID PETROLEUM GAS
NIA	NEIGHBORS INITIATIVE ALLIANCE
NASCOP	NATIONAL AIDS AND STI CONTROL PROGRAMME
NEMA	NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY
PPP	PUBLIC PRIVATE PARTNERSHIPS
WRA	WATER RESOURCES AUTHORITY
TIP	TRANSITION IMPLEMENTATION PLAN

PREFACE

Trees attract rainfall in major water towers and their unsustainable destruction may lead to environmental degradation and catchment depletion. Illegal woodlot harvesting and charcoal burning in major forest lands have destroyed water catchment areas leading to drying up of many rivers which has consequently diminished water availability in the County.

The goals of this policy document is to ensure at least 10% forest cover to ensure climate change adaptation and resilience in Kajiado County; promote sustainable exploitation of forest resources for holistic environmental conservation and protection and for the benefits of current and future generations of Kenyans; respect socio-cultural values and ensure access to justice, gender equity and inclusiveness; sustainably conserve water catchments areas by facilitating human capacity building for innovation and development among members of Conservation Forest Associations; attaining 90% appropriate awareness of forest conservation and protection affairs by the local communities the next one year for ownership and participatory forest conservation and protection.

This policy was developed in line with, The Sessional Paper No. 4 of 2004 on Energy Policy; The Sessional Paper No. 9 of 2005 on Forest Policy; The Sessional Paper No. 6 of 1999 on Environment and Development; The Strategy for Revitalizing Agriculture of 2004; The Kajiado CIDP 2018-2022. Relevant legislations considered include: Energy Act 2006, the Forest Act, The Environmental Management and Coordination Act (EMCA) 1999, The County Government Act 2012 and the Traffic Act, National Water Policy 2012; County Governments Act 2012; Devolved Government Financial Management Act 2012; Inter-county Governments Relations Act 2013; Relevant Land Legislations and Intellectual Property Rights Legislations, among others.

The key objectives of this sustainable forest resources management and utilization policy are:

- a) To facilitate physical forest zoning and issuing guidelines on land use and sustainable exploitation and afforestation plans across various land tenure systems
- b) To regulate all forestry activities through licensing and access permits for effective forest conservation.
- c) To ensure protection of endangered species in Kajiado County forests
- d) To create a framework that balances holistic forest conservation and protection with economic development in Kajiado County
- e) To provide enabling investment environment for attracting private investors that can invest in tree planting and alternative technologies and innovation for alternative sources of energy (biogas, briskets) to reduce charcoal demand.

Effective implementation of this policy will result in sustainable exploitation and management of forest resources by ensuring effective afforestation plan for the depleted sites, promoting locals and private investors to plant more trees and ensuring sustainable harvesting of woodlots based on environmental impact assessment recommendations and restoration plans. This will consequently protect the water towers and improve livelihoods and enhanced environmental protection in Kajiado County.

His Excellency the Governor
KAJIADO COUNTY

CHAPTER ONE: BACKGROUND

INTRODUCTION

Location, Size of Kajiado County and Wildlife conservation areas: Kajiado County is located in the Southern part of Kenya and is situated between Longitudes 360 5' and 370 5' East and between Latitudes 10 0' and 30 0' South. The county covers an area of 21,900.9 Km². The County is primarily semi-arid with an average annual temperature of 18.90C and about 500mm of rainfall annually. There are 26 wildlife conservancies sitting on 125,674 Ha of land within the county.

Main Forest types, size of forests and Forest Products (Gazetted and Un-gazetted forests): The total size of gazetted forests is 16,866.88 Ha comprising of indigenous and exotic forests comprising of 1,240 Ha of trust land. The forests include Entarara forest in Kajiado South (765.8 Ha), Ngong Forest in Kajiado North (3,077 Ha) and Ol Donyo Orok Forest in Kajiado Central (11,784 Ha). Forest in trust land includes Embakasi (573 Ha) and Oloolua (667 Ha). The major forest products in the county include timber, firewood and charcoal. These forests have a large variety of plants, herbs and also several animal species not found in the surrounding semi-arid lowlands.

Agro-forestry Value chain development and Environmental threats in Kajiado: Agro-forestry involves planting trees alongside crops. There are 54 farms involved in agro-forestry across the county. Kenya Forests Service is promoting this concept to increase forest cover, protect water towers and act as wind breakers. Agro-forestry also involves growing of fruit trees, wind breakers and tree species used for medicinal purpose. The annual production of timber is recorded at 400,000 cubic meters as per the Kajiado County Abstract. Kajiado County being an ASAL is characterized by prolonged periods of abnormally low rainfall and shortage of water. This results to substantial impact on the ecosystem and agriculture harming the local economy. Most parts of the county have been highly degraded by illegal tree felling, charcoal burning, over harvesting of forest resources risking loss of bio-diversity, pollution and loss of aesthetic value. Flash floods are a common menace during long rains season mainly because of erosion and lack of vegetation cover.

Major degraded areas / hotspots and major contributions to environmental degradation: Major degraded areas are Oldepe in Mosiro ward, Ewuaso ward, Oltepesi in Lodokilani ward, Torosei, Mailua, Meto, Ilmarba, Ilpatimaro, and Lorngosua all in Kajiado Central have been highly degraded. Illegal tree felling and illegitimate charcoal burning have been the major causes of degradation. Kajiado have been highly infested by illegal charcoal burners especially in Kajiado West and Central. It is a major supplier of charcoal to the urban areas including Kitengela, Rongai and Ngong as well as Nairobi. A highly affected area is communal land in Torosei where the County Government has tried to control the exploitation.

Population size, composition, density and distribution in Kajiado County: The 2018 projected population stands at 1,112,823, with male constituting of 50.2 percent and female constituting 49.8

percent of the total population. The population is projected to be 1,236,723 in 2020 and 1,306,723. There is a marked variation in population density in the county. The county 2018 population density stands at 51 with Kajiado North at 2,217 and Kajiado West at 20. Kajiado North is the most populated while Kajiado West is the least populated. Youthful population was estimated at 215,707 in 2009, it is projected to grow to 349,250 in 2018 and 432,649 by end of 2022.

Administrative and Political Units in Kajiado County: Kajiado County is divided into 5 sub-counties and 25 Wards with Kajiado West being the largest and Kajiado North sub-county being the smallest. The county also has 101 locations and 212 sub-locations but yet to create and establish villages. The County has 5 Constituencies namely Kajiado Central, Kajiado North, Kajiado East, Kajiado West and Kajiado South.

Rainfall Pattern and Climate Change in Kajiado: The County has a bi-modal rainfall pattern which happens to be non-uniform across the County. Long rains fall between March and May with short rains falling between October and December. There is a general rainfall gradient that increases with altitude. The long rains are more pronounced in the western part of the County while the short rains are heavier in the eastern part. The rainfall amount ranges from as low as 300mm in the Amboseli basin to as high as 1250mm in the Ngong hills and the slopes of Mt. Kilimanjaro. The major types of disasters that occur in the county as a result of climate change include drought and famine; flash floods and winds; environmental pollution and degradation. The adverse weather conditions can be attributed to serious environmental degradation resulting from human activities. Farmers are planting drought resistant crops like cassava, sorghum, millet and early maturing maize varieties.

CHAPTER TWO: SITUATIONAL ANALYSIS

Having enough man power in the department, forest produce being a source of revenue to the County and having a strong governance framework has facilitated in the management of forests.

Forest produce is also readily available in Kajiado County and is a source of employment and alternative source of income for youth and women.

Despite all this, lack of a policy framework and legislative framework, not having afforestation plan, no strategic approach in management of forest produce, lack of data on status of forest in trust lands, low staff capacity and motivation, weak enforcement as well as no regulatory framework are the major challenges in the sustainable management of forest.

Having no alternative source of energy, high demand for forest produce, heavy reliance on forest produce for economic benefit, over exploitation of forest produce, weak coordination of relevant agencies, low understanding of functional mandates, political interference, community exploitation, conflict, lack of awareness and corruption are the major threats in forests conservation and management.

CHAPTER THREE: POLICY OBJECTIVES AND STRATEGIES

POLICY OBJECTIVES and STRATEGIES

Objective one: Manage the demand for forest produce

Strategy one: Provide / adopt alternative sources of energy for domestic use and economic benefit

Objective two: Understand functional mandates

Strategy one: Seek advisory opinion on interpretation of mandates under schedule 4

Strategy two: Implement findings

Objective three: Prevent community encroachment on forests

Strategy one: Create penalties in the conceptual framework

Strategy two: Undertake sensitization exercises for the community

Objective Four: Ensure afforestation plans are in place

Strategy one: Develop and disseminate/ enforce afforestation plans

Objective five: Provide strategic direction in the management of forest produce

Strategy one: Develop and implement forest produce management strategies

Objective Six: Ensure continuous collection and analysis on forest produce and management

Strategy one: Undertake baseline

Strategy two: Implement findings.

Objective seven: Enhance staff capacity

Strategy one: Conduct Training Need Assessment

Strategy two: Train / build capacity

Strategy three: Recruit competent staff including enforcement officers

Objective eight: Strengthen coordination amongst CMDAs, partners.

Strategy one : Develop a stakeholder engagement plan

Objective nine : Protect communication from exploitation

Strategy one : Formulate sanctions in the SH bill

Objective ten: Increase awareness in communities

Strategy one : Undertake sensitization activities

Strategy two : Develop and disseminate IEC material –translated

Objective eleven: Manage conflicts

Strategy one : Implement provisions in Inter Governmental Relationship Act

Strategy two : Establish a conflict (resolution mechanism SH bill)

CHAPTER 4: GOVERNANCE AND INSTITUTIONAL FRAMEWORK

4.1 Governance

Sustainable management of natural resources depends in large part on the governance systems, which define the relationship between people and the resources. Lack of effective regulatory mechanism for the use of natural resources control and co-ordination leads to isolated decisions which tend to have negative consequences. To control this trend, the County Government shall;

- a) Ensure the harmonization of existing regulations and anchor them into county legislation.
- b) Develop and review facilitative guidelines for Sustainable forest exploitation and other regulations from time to time to achieve sustainable environmental protection.
- c) Ensure lawful enforcement of these policy guidelines in a manner that is consistent with other relevant laws, legislations and relevant national policies regulating sustainable forest exploitation, afforestation and transportation in collaboration with other agencies.
- d) Provide for the Zoning of forest lands / phasing of harvested mature commercial woodlots.
- e) Demand Environmental Impact Assessment for new sites, periodic Environmental Audits for existing sites and closures of forests between 3 months to a year (based on EIA reports and recommendations) to allow for reforestation.
- f) Close all unsustainable woodlot harvesting and charcoal burning sites and ensure closure notices are displayed prominently in strategic places.
- g) Allow for the formation and self-regulation of Community Forest Associations (CFAs) and Charcoal Producer Associations/ Loggers Associations with regards to their operations.
- h) Devise and implement participatory mechanisms for reclaiming riparian areas and other related natural resources.
- i) Develop criteria for coordinating transportation activities and hours of operation for licensed loggers and charcoal dealers.
- j) Pursuant to the role of county government in land use management, institute appropriate regulatory measures for the control of unsustainable deforestation activities in public forests and water towers.

4.2 Institutional Framework

The Fourth Schedule of the Constitution of Kenya, 2010 assigns the County Governments the responsibility for the Implementation of specific national government policies on natural resources and environmental conservation, including— (a) soil and water conservation. Further, the County Governments Act, 2012 (Part II sections 5 and 6) stipulates the functions and powers of the County Governments with respect to coordination at the devolved level. In addition, citizen participation is now an established prerequisite stipulated in Section 87 of the County Government Act, 2012.

To strengthen the institutional arrangement, the County Government shall;

- a) Establish an environment committee to oversee environmental management within Kajiado County and its decentralized unit's (sub-county, wards),
- b) Provide for the establishment of Forest Conservation (task force) that reflects the interest of all stakeholders.
- c) Ensure that the management and utilization of forest resources involves all stakeholders.

CHAPTER 5: POLICY IMPLEMENTATION FRAMEWORK

5.1 Overview

This policy is a product of wide participation and consultation whose implementation shall always be guided by the following principles:

- a) Climate SMART interventions that promote the use of green energy and reduce charcoal demand
- b) Participatory governance approaches that champion inter-dependence and harmony among actors in the sector.
- c) Human Rights Based approach that promotes the rights and responsibilities of the residents and duty bearers.
- d) Gender-responsive approach that enhances equity and facilitates the performance of functions/roles of men, women and people with disabilities.
- e) People centered approach that recognizes the interest of individual citizens of Kajiado as well as those expressed by the County government as being paramount.
- f) Value for money approach in the utilization of resources to achieve intended outcomes.

5.2 Financing of the Policy

The implementation of this policy will require human and financial resources from different sources. The identification and securing of financial and non-financial resources are key in achieving the goals and objectives of this policy. In this regard, the county government shall:

- a) Set appropriate levies to be charged in the annual County Finance Bill. Part of this should be appropriated to support environmental conservation efforts in Kajiado county
- b) Collaborate with non-state actors including the private sector, public benefit organizations and development partners to ensure that all programmes are adequately resourced
- c) Ensure sufficient budgetary allocation for coordination, capacity development, awareness creation, evidence generation, monitoring and evaluation to achieve the objectives of the policy.
- d) Facilitate the sustainable expansion of forest resource and allied services for the purpose of raising county revenues needed for the full implementation of the policy.

5.3 Monitoring and Evaluation

The Policy will be continuously monitored and progress reports evaluating its implementation produced on a regular basis. Such a process will facilitate achievement of the intended policy goals and objectives. The Policy will thus be reviewed every five years to ensure that it remains relevant and conforms to the prevailing best practices in the industry.

Evaluation will seek to ascertain the achievement of outputs and impact as per the objectives and confirm that activities have been carried out effectively and to appropriate quality standards. This will consist of evaluation of progress towards agreed milestones carried out by both state and non-state actors; sequential review of outputs and progress achieved as indicated in the Implementation matrix for continuous strengthening of this policy.