Devolved Forestry Functions and Its contribution to improved Rural Livelihoods

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Promulgation of the Constitution of Kenya
The Counties
Policies and laws governing devolution

- The Constitution of Kenya 2010
  - 4th Schedule, Articles 185- counties to make laws, 186- separation, concurrent jurisdiction, 187-effective performance, transferability of functions, 6th schedule 3 year timeline
- The Transition to Devolved Government Act No. 1 of 2012 to
  - Responsibilities of CIF
- County Government laws and policies
Sectoral Functions

- Distribution of sectoral functions between NG and the CGs is set out in the 4th schedule, Constitution.
- In the forestry sector, the CGs assigned “implementing specific NG policies on natural resources and environmental conservation”.
- Each MDA required to identify and for gazettement the functions for devolvement to the counties
- ME&NR and KFS acted accordingly
Devolved forestry functions

- Gazette Supplement No. 116 of 9th of August 2014 specified forestry functions to the CGs as follows: “forestry including farm forestry extension services, forests and game reserves formerly managed by Local Authorities, excluding forests managed by Kenya Forest Service, National Water Towers Agency and private forests”.

- This broad policy pronouncement requires to be “unbundled” to facilitate operational planning, budgeting and activity implementation.
Forestry functions for counties-unbundled

a) Implementation of national policies that is applicable to county forests.

b) Formulation of county level specific by-laws and legislation.

c) Development and implementation of county forest management plans.

d) Identification and setting a part of land for forest reservation, development and creation of county forests.

e) Development of nature based enterprises within county forests.
f) Forestation and rehabilitation of fragile and degraded ecosystem/forest in community lands.

g) Liaison with lead agencies/stakeholders in forest sector at the county.

h) Issuance of operation license within the private farms and county forests in community lands.

i) Intra-county conflict management on county forest resources and farm forestry;

j) Promotion of public private partnership management practice in county forests.
k) Maintenance of county forest and farm forestry records, databases and information.

l) Collection and management of county forest and farm forestry revenue.

m) Community awareness creation

n) Promotion of tree planting in community, private and county lands.

o) Increasing tree cover in private, community and county lands.
Forestry functions - unbundled

p) Provision of forestry extension services in the county
q) Development and maintenance of county forest infrastructure.

r) Development of charcoal industry (promotion/use) within county forests and private farms.
s) Development of urban forestry programs within the counties
t) Enforcement of forest legislations within the county forests and private farms.

u) Management of county forests
Provision for preparation of transition implementation plans (TIPs)

- The Transition to Devolved Government Act No. 1 of 2012, Provides that a Cabinet Secretary of a State Department or, in the case of a public entity, an authorized officer shall submit TA and the CIC a transition plan within a specified pd

- Section 16 of the TDGA, the Authority is obligated to issue guidelines to State Organs for preparation of Transition Implementation Plans (TIPs)

- Accurate TIPs to be done by the relevant NG departments/Agency and the CGs
Progress and moving forward

- NG (KFS) and CG Mapped and agreed on the Obligations within each function
- Transition implementation plans (TIPs) framework developed and discussed
- The ME&NR (KFS) & CG currently conducting joint development of county specific TIPs
- The TIP also addresses staffing and infrastructural needs
- The CG department in charge of forestry will assist communities develop management plans for the specific forest
Creation of County intergovernmental Forum (CIF)

- County Government Act No. 17 of 2012, - decentralization through establishment of CIF chaired by the Governor and comprising of;
  i. the heads of all departments of the national government in the county; and
  ii. the county executive committee members or their nominees appointed by them in writing

- CIF responsible for;
  i. harmonization of services rendered;
  ii. coordination of development activities;
  iii. coordination of intergovernmental functions.
Kenya Forest Service will participate in the County Intergovernmental Forum once counties shall constitute the CIF.

ECs have been nominated by the Director to sit in the CIF.

Under schedule 4, the NG has obligation to conduct capacity building and technical assistance for the CGs in order to create requisite capacity for the implementation of the constitutional obligations for the CGs.
Areas of Investments to support forestry development and income generation

- Devolution brings the services on forestry much closer to the people
- There will be enhanced provision service delivery
- High uptake of Commercial envisaged
- KFS will continue engaging with and providing support to private forest owners
Areas contd

- Support to existing revolving funds and injection of additional resources
- Registration of private forests - CPA formation, capacity development towards wealth creation
- Streamlining the gums and Resins industry
Areas of investment Contd

- Participatory woodland management planning for enterprise development
- Utilization and value chain analysis
- Sourcing and supply of improved germplasm
- Forest producer organizations for farm forest farmers and value chain analysis

This will be done in conjunction with the CGs towards increased income at farm gate level.