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Role of Devolved Governance in Enhancing Incentives in Participatory Forest Management in Kenya

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Abstract
Natural resource management in East Africa has been centrally managed for a long period. However, recent initiation of decentralized system has been erratic and it is only recently, it has been undertaken systematically with supporting legislation and political will. In Kenya, the past natural resources policies and laws emphasized the role of the government in the management of these resources. Communities and other stakeholders were given nominal roles with minimal benefits. Community participation was introduced by Forests Act, 2005 through Community Forest Association and Water Act, 2002 by providing for Water Users Association. Despite the communities continued participation, they are yet to benefit fully from their participation. The government has remained the major beneficiary of natural resources. The inequity can be addressed by bringing on board the Constitution of Kenya 2010 Article 69 (1) and (2) that clearly spells out that the people of Kenya should benefit equitably from the sustainable exploitation, utilization and management of natural resources and at the same time, work to conserve and protect these resources. The constitution expects that costs and benefits in managing natural resources should be shared among the state natural resources managers and the citizens. This paper reviews current Participatory Forest Management framework, experiences and provides for a best scenario arrangement that will promote equity in cost and benefits sharing in management of natural resources. The review addresses; incentives available under PFM and how they can be enhanced for benefit to central government, county government, community and other stakeholders. Additionally, it provides a scenario of how value addition to traditional benefits from the forests and payment for environmental services, for products like water, biodiversity, ecotourism and at the international level for carbon credits through facilities like Reducing Emission through Deforestation and Degradation and other climate change initiatives could be institutionalized to enhance benefits. Devolved governance shall increase incentives to better manage natural resources if it shall provide an equitable balance between livelihoods and forest management, and between national government, local government, communities and other stakeholders.
Key words: Devolvement, Incentives, Participation, Benefits, community, management

1. Introduction

Forest management in Kenya was introduced during the colonial period from as far back as 1902. Prior to the gazzettement, forest were managed by defined community leaderships who were mainly traditional chiefs through traditional governance system. Upon the introduction of modern state, community based forest management systems were done away with in almost all forests thus alienating the communities to the resources and the new managers. However their dependence on the resource continued increasing. In areas where plantation forestry was introduced, shamba system practice was used in plantation establishment where communities, plant and tend the trees in return to cultivating crops for a short period before canopy close in what was known as the *shamba* system. The system worked well initially but had to be banned due to mis-management in the 1980s.

The call for change on forest management in Kenya started in the 1980s but the Forest Master Plan of 1994 provided the formal platform to formalize the change. The Master Forest Plan provided scenarios that were well grounded including how to reverse negative trends in forest management and spelt out the need to include other stakeholders especially communities in forest management. The change process was driven by national outcry on poor management of forest resources. By then, large areas of forest were poorly managed with over 40,000 ha of the plantation forest under back-logs. Forest sector management issues were also informed by the political changes that were taking place in the country. The communities and other stakeholders demanded for change in the management of forests, creation for democratic space and community participation. The paradigm shift in the way forests were being managed globally further fuelled the demand for decentralization of forests management in the country.

The process was premised on the understanding that the decades old command and control management system was to be replaced systematically. Kenya opted to adopt Participatory Forest Management (PFM) approach and piloting started in Arabuko Sokoke forest in 1997. This was accompanied with the revision of the Forest Act Cap 385 through consultative processes that let to enactment of the Forests Act 2005 that was operationalized in 2007. The Act legalized the new forest management approach and additionally supported the inclusion of management of all forests under Kenya Forest Service (KFS), created a semi-autonomous organization that was charged with management of forest, introduced devolved forest governance in form of Forest Conservation Committee (FCC) and community participation in forest management among others, The National Forest Management and Conservation Act 2016 that repealed the Forests Act 2005, further provides various opportunities for multiple stakeholder participation in forest management, Community participation through Community Forest Associations (CFA), Linkages with KFS and counties, management through FCCs, legal participation through management plans and management agreements.

Participatory Forest Management provides sharing of rights, power and authority between the State, the community and other stakeholders. Community participation under PFM was expected to improve forest condition and community livelihood. The Constitution of Kenya 2010 provides for devolved governance in form of counties, in addition to requiring public participation in decision making. It also provides for equitable sharing of benefits from natural resource management. The paper therefore reviews impacts of the devolved governance in form of PFM and quantum of opportunities availed in the new constitution. The objectives of the paper are:

1. Review incentives in place for communities under PFM
2. Explore ways of enhancing incentives in PFM
3. Review implications of devolved governance on PFM incentives

2. Methods and approach

Desk study was conducted to review reports, publications and experiences in PFM since its inception. This was complemented by a survey on the status of PFM that was carried out in Coast, Central, Eastern, and Northern Rift conservancies. Interviews and focused group discussions were conducted targeting resource managers, community leaders and civil societies involved in PFM. The paper has been informed by two on-going studies; application of Payment for water services in watershed conservation in Ndaka-ini dam and the impact of decentralized forest governance under three forest management regimes ranging from community based forest management, joint forest management and command and control system of management. The paper also captures emerging issues in forestry especially climate change, carbon markets, Reducing Emission through Degradation and Deforestation (REDD+) and payment for environmental services.

3. Results

3.1 Growth and benefits of PFM

Implementation of PFM in the country started with piloting in 1997 and official launching in 2007. The anticipated benefits aroused interest of many stakeholders as evidenced by several developments specifically the following: PFM sites increasing from one in 1997 to over 100 sites, forest under PFM management rising to 1,000,000 hectares while community management structures in form of CFAs rose to above 300. Further, Forest Management Plans increased from one in 2003 to over 40. However, some challenges have emerged in the course of implementing PFM specifically the unclear relationship between membership in CFA and other user groups, unclear powers and legal status of community scouts involved in patrols in most stations though they out-number KFS forest rangers, and the low involvement of youth and women in CFA activities (Mbuvi et al., 2009). Other challenges were lack of elaborate benefit sharing mechanisms for participating community members and the variation in PFM practices from site to site mostly reflecting the state of the working relationship between the implementers, community and the forester.

Participatory Forest Management benefits take different forms and include; financial benefits out of engagement in forest activities, capacity building, building social and political capital by good working relationships with KFS and other stakeholders leading to increased funding to CFAs, nature based enterprises like fish keeping, ecotourism, bee and butterfly keeping, building of infrastructure like resource centers dots several forests in the country. Other benefits received include; support from development partners through funded projects, multiplier effects in rural development, woodlots development, and establishment of tree nurseries and cultivation in the forest through improved Plantation Establishment and Livelihood Improvement Scheme (PELIS), which is an improved application of the *shamba* system. This has witnessed CFAs earn over US dollars 125, 000 from membership alone and several from forest based activities. In a number of sites, PFM has continued with little or no benefits to community members but communities have continued with its implementation on anticipation of future benefits. The anticipated benefits are premised on some developments such as the enhanced markets for forest products and services, processing and value adding of products from the forest. This is the emerging scenario in the dry areas of the country.

Payment for ecosystem services, carbon trade, benefit and costs sharing between the CFA and KFS remains a key challenge. During implementation the following additional challenges were identified;

- Variation of practices from site to site
- Inadequate marketing and value adding strategies.
- Low flow of benefits to communities
- unrealistic communities' expectations

- Failure by partners to adhere to PFM process guidelines
- Expensive but mandatory activities like development of management plans.
- Over-reliance on external funding.
- Livelihood activities available to CFA not adequate to sustain community interest in forest management,
- Low participation of forest adjacent communities in CFA activities to influence positive change
- Most PFM forests have little forest resources that can be exploited
- Capacity for PFM implementation has remained low among partners

3.2 Opportunities available to community under PFM

The PFM process has created community awareness, interest and support for forest conservation thus giving a good background for enhanced involvement and livelihood improvement. This is because it increased interest and value in tree planting in both government forests and community farmland that will enhance the achievement of 10% tree cover in the country as set in the Constitution. In addition the new constitution provide for equitable benefit sharing from natural resource use and public participation in decision making which ties well with the concept of community participation in natural resource management. The expectation with the enactment of Forest Management and Conservation Act 2016 was that it will address the issue of benefits sharing explicitly but instead it stipulates that the Cabinet Secretary will develop subsidiary legislation to specifically address the cost benefit sharing mechanisms.

3.3 Enhanced incentives in PFM

Participatory Forest Management implementation faces major challenge on how to improve incentives for participating CFA that include procedural requirements of signing an agreement with KFS that may take up to three years hence the incentives that form part of the benefit can only be realized thereafter. This is attested by the fact that even in a number of forest stations where forest management agreement has been signed, members of CFA have not realized tangible benefits. Therefore there is need for development of innovative strategies and mechanisms that will provide some benefits to CFAs during the formative stages and throughout the PFM implementation process. The management agreements so far signed is short of giving specific benefits to communities above what are contained under the traditional user rights. KFS has embarked on developing some guidelines that is expected to give more benefits to the communities participating in PFM activities. National Forest Management and Conservation Act 2016 under article 53 state that subject to Article 66 of the Constitution, investors in forests shall share the benefits of their investment with local communities by applying various options including but not limited to infrastructure, education, employment and social amenities.

In addition, communities, civil society and government agencies should take advantage of emerging incentives in the form of carbon markets and payment for ecosystem services. Climate change activities require to be mainstreamed within PFM frameworks. Other incentives include social capital building, REDD+ and Payment for Environmental Services (PES) as emerging as un-tapped incentives in Kenya.

3.3 PFM and Governance

Good governance is increasingly becoming a requirement in all sectors and more importantly in forestry where resources have been centrally and unitary managed. Governance is about participation in deciding how to govern and having systems that provide for participatory review of the governing systems. Governance under PFM shall provide for shifting of power resulting in the transfer of rights, responsibilities for forest management to local governments and communities. Good governance empowers communities to participate in building of PFM institutions that are capable, accountable and responsive and ensure that benefits accrue to all partners. This is because good governance is supported by robust structures of engagement between partners in in relation to management of natural resources. Therefore improved governance influences decisions by elaborating on who excludes who, who can take what decision over who and under what conditions among others,

3.4 PFM Status versus community interest

The objectives of the different stakeholders to participate in PFM have been driven by different interests. Though the process was started since 1997, 20 years later the communities are yet to initiate strategies for resource exploitation in all forest stations. While costs and benefits are factors contributing to this the other factors include lack of guidelines on sustainable off take levels and Participatory Forest Management Plans that do not define clear actions. This has adversely affected the zeal the community had and may end up affecting the level of participation. What is already clear is that the benefits of the CFA should go beyond the subsistence use to cover other areas that can improve livelihood to the participating members.

3.5 Capacity versus PFM Process Implementation

PFM implementation process is in two phases namely the initiation and implementation and institutionalization of the process. In most forest stations the initiation that involve formation of CFAs and limited IGAs have stalled because the implementation activities require training and facilitation to enable CFAs effectively engage in forest management are yet to take off. Therefore there is need to focus on capacity building of community members, KFS staff and civil society organizations at all levels. Experiences from PFM sites have shown that there is a positive correlation between PFM success and levels of training that don't surprise because both the community and the government officers are expected to take up new roles in PFM implementation.

3.6 Inequity and the new constitution

Inequity in forest management has not reduced under PFM as it was anticipated. The Constitution of Kenya 2010 provides more opportunities to mitigate this under Article 69 (1) and (2) clearly spells out that the people of Kenya should benefit equitably from the sustainable exploitation, utilization and management of natural resources. It also obliges the people at the same time to work to conserve and protect these resources. The Constitution expects that costs and benefits in managing natural resources should be shared among the state natural resources managers and the citizens. The communities are to benefit from natural resources through actualization of elements contained in the Constitution through a phased process. Equality shall arouse participation of all but should deliberately include a pro poor approach to include the disadvantaged in society including widows, widowers, children and old members of the society. It is imperative that the benefits should be both public and individual depending on the aspirations of the partners and prevailing resource conditions.

3.7 Current PFM framework and arrangement under the county government.

The Forests Act 2005 and its successor National Forest Management and Conservation Act 2016, provides for devolved governance system of forest management. Article 21 specifies functions of the county Government in the implementation of national forest policies, management of community forests, promotion of afforestation, entering into joint management agreements with communities. It also outlines that County assemblies will enact legislations for implementation of the Act and partnering with KFS in carrying out provisions of the Act. KFS. KFS has already devolved some functions through appointment of county forest coordinators and associated structures such as the Forest Conservation Committees that will enhance linkages to the respective County Governments and grassroots structures than before. Each County has Ecosystem County Coordinator who will provide linkage between FCC and County Government and CFAs. The county assemblies are expected to spearhead legislation covering governance of which community based forest governance rules can be part of county rules. It is expected these developments in the long run will result in a well-structured mechanisms for sharing of benefits accruing from natural resources amongst the central government, county and the communities. In addition county government will be best placed to determine the range of group and individual incentives that can support PFM and be involved at a supervisory level. However, the decision making power is still skewed with KFS retaining the dominance that should be addressed in the proposed subsidiary legislations on PFM

Preferred scenario government support to CFAs should be defined in law and in practice, economic activities that communities can engage in should be defined, rights and roles be defined and more democratic space created for the communities and other weaker partners. Civil society could be contracted at certain counties to facilitate the process as it is the case in Nepal and formalized through appropriate instruments to supplement KFS efforts. County forest forums need to be formed through support and guidance to enable them play an oversight role in forest management in the counties and nationally. Some forest forums already exists such as the National Alliance for Community Forest Associations (NACOFA) that is still young and requires facilitation but its strength should be on its members who have to at least pay their membership fees.

3.8 Payment for environmental services as an incentive in forest conservation

Payment for Environmental Services is an innovative mechanism where the users of an environmental service pay the provider of the service as a form of incentive to enable continued supply of the said service. It is a voluntary agreement between the provider and the user that stipulates the responsibilities and obligations for each partner. Carbon markets payment in the form of REDD+ provides international form of PES while payment for services like water, energy, biodiversity provides the national for of PES. The county government will take opportunity of PES to provide incentives to the providers of the service. There are a number of services that are produced by one county and used by other counties. This requires a framework on how PES can be institutionalized among the county with an elaborate benefit sharing mechanism based on contribution to the scheme. A national framework will be required to guide the counties and the participating civil society organizations on PES returns and more critically how the communities shall benefit.

3.9 Balancing benefit sharing among partners

For benefits sharing to be equitable it should consider the disadvantaged members of the society through enactment of appropriate legislation to facilitate their implementation of a well defined benefit sharing mechanisms that will distribute benefits to the communities. This is because both county and national governments are under pressure to consolidate and increase revenue collection from various sources including natural resource exploitation and communities are likely to lose out. Some of the PFM associated benefits can be in form of community projects, and monetary or materials benefits to CFA members, with some remaining with the county government national government. As much as possible it's important to have both groups' benefits and individual benefits to maintain participation at the two levels. National and county government can propose additional incentive measures within their mandate and capacities to the residents and address the underlying issues that impede livelihood improvement. The proposed subsidiary legislations should elaborate on sharing of benefits between communities, marginalized groups and the poor on one side and national and county governments on the other side of the scale.

4.0 Conclusion and Recommendations

Devolved governance should increase incentives while providing an equitable balance between livelihoods and forest management, and between national government, local government, communities and other stakeholders. Devolved forest management through PFM has led to better forest management and improved community livelihoods. This can be further improved through increased awareness, capacity building, and initiation of income generation activities. This is feasible through enhanced partnership and networks with local, national and international partners.

The policies and legislation should support devolution and ensure it is inclusive and pro poor. PFM as forest management devolution approach to forest resources management in the country requires further development to realize its intended purposes.

Abbreviations

CFA	Community Forest Associations
FCC	Forest Conservation Committee
KFS	Kenya Forest Service
NACOFA	National Alliance for Community Forest Associations
PELIS	Plantation Establishment and Livelihood Improvement Scheme
PES	Payment for Environmental Services
PFM	Participatory Forest Management
REDD+	Reducing Emission through Deforestation and Degradation

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