

## **ELGEYO MARAKWET FORESTRY POLICY BILL AND REGULATIONS DEVELOPMENT AND DIALOGUE – STAKEHOLDERS MEETING ON 9<sup>TH</sup> -11<sup>TH</sup> October 2019 AT ROYAL CITY HOTEL KISUMU.**

### **INTRODUCTIONS**

Forest Carbon Partnership Facility (FCPF) REDD+ project through its delivery partner UNDP-Kenya; is facilitating a dialogue process in Elgeyo Marakwet county that will help in addressing key issues raised by communities living in Embobut forest ecosystem and to further support the county in enacting forest conservation and management bill. The national policies on forest conservation, management and climate change act 2016 necessitate counties to develop county specific policies and acts on adaptation and mitigation which will incorporate the participation of both Indigenous People (IP) and local communities in the county. In the process of enacting the forest bill, the county governments through the support of UNDP have since conducted several consultative meetings with local communities, indigenous communities in the county as well as the major county stakeholders in forest conservation and management. With regards, a two day meeting was held in Kisumu, Royal gardens Hotel on 9<sup>th</sup> -11<sup>th</sup> October 2019 which brought together the County Assembly Committees in charge of Environment, Lands, Water and Natural Resources and Justice, Administration and Public Service together with the Kenya water towers agency representative was held to provide feedback to the team on the findings of the consultative meetings held at the county. In attendance, was a consultant hired by the UNDP to help the county to develop the bill.

### **OBJECTIVES**

1. The meeting was held to provide feedback on the FPIC process and the issues that rose during the community consultative meetings. This meeting was planned with the key County assembly committees that had handled the issues raised by the Indigenous People of Embobut forest – (Committee of Environment, Lands and Climate Change and Committee of Justice, Administration And Public Service)

### **DELIBERATIONS AND CONTRIBUTIONS**

The meeting was officially opened by the governor for Elgeyo Marakwet County Alex tolgos, who appreciated the county assembly committees who attended the meeting for their dedication to county government activities saying that the enactment of the bill will leave a legacy in their lifetime as county Assembly Members. He also appreciated UNDP for supporting the county and further hiring a consultant who is well conversant with issues related to indigenous people and forest resources. This to him is an achievement for the county since the consultant won't take much time to understand the issues in elgeyo marakwet and so the process of bill enactment will be shortened. He also urged the consultant to be wide in his consultation while proposing to have a meeting with the rest of the County Assembly members as

well as the rest of the Executive members to give their input in it. He also mentioned that the county share its natural resources with its Neighboring Counties Like Uasin Ngishu, Baringo, West Pokot And Transzoia And so any policy change is likely to affect them as well, thus, there is need to involve this counties in the conversations. He further asked the team that he was looking forward to a bill that not only look at the forest resources alone but also other issues related to environment, giving examples of how community lands/forests, riparian lands, wetlands will be protected. Finally he said that he will accord the team the best support needed so as his dream of having a forest cover of about 60% is achieved in his county.

The CECM In Charge Of Lands, Water, Environment And climate change In Elgeyo Marakwet County in his opening remarks explained the objectives of the meeting and applauded the CA committees for attending the meeting despite their tight schedules besides being an holiday and asked them to meaningfully critique the findings of the countywide consultations. He explained that the bill would be a milestone in solving major problems that relate to natural resource management, citing that the county government have been using other related laws like EMCA, FOREST ACT, WATER ACT, yet these laws can't give the county the mandate to prosecute and punish the perpetrators on their own, thus creating a big gap in resources management in the county. He added that the county has a large percentage of community owned/managed land that has no management plan or law in place thus enforcement of existing management laws on these resources becomes a big issues, thus expects that the bill would bridge the gap in management of these resources in the county.

The chairman in charge of the CA committee of environment, water and climate change on his opening remarks thanked UNDP for their great support for Elgeyo Marakwet and asked the consultant to be keen on issues that are unique to the county and ensure that they are incorporated in the bill. He assured the members that his committee will work to the best of their level to support the bill.

The chairperson in charge of the CA committee of administration, justice and public service also applauded the process of consultation in the county, explaining that it will go a long way a head in solving issues that are unique to Elgeyo Marakwet. He also assured his support from his team in the process of bill enactment.

The presentation by the representative from Kenya water towers agent (KWTA) highlighted the areas of collaborations and partnership with the county government in ensuring sustainable management and protection of its water towers as well as improving its forest cover. Some of the areas of collaborations include the bamboo investment project in Kaptagat, the promotion of indigenous tree planting in Sabor forest and the gazzetment of Elgeyo Hills Escarpments. In her presentation, Elgeyo Marakwet is one of the counties that host major water towers in the region, citing the Cherangany/Embobut forest water tower that needs protection and so enacting a bill would go a long way in improving management of these resources. She pledges that the organization shall provide their technical support where need be.

County Wide Consultations' findings were presented to the team and noticed that they were real issues that needs to be intervened by the bill. However, other issues and recommendations emerged from the team that;

1. There is need to control grazing on forests (gazetted and community) so as to promote natural forest regeneration and forest succession processes.
2. There is unsustainable logging in planted forests that needs to be controlled.

3. There is need to promote alternative sources of livelihoods especially in communities that rear large number of herds to adapt Zero grazing.
4. To operationalize EMC charcoal bill (2017) as an alternative law to back up the upcoming Forest Bill.
5. There is need to engage all institutions of learning to promote tree cover in the county.
6. Promote forest extension services as well as environmental education in the county as part of encouraging community members to appreciate the forest services and to own and manage them sustainably.

The consultant who was present during the meeting took the participants through the county legislations on natural resources, mentioning that the county has huge natural resource base that should be utilized sustainably. He mentioned that the county needs to map its resources and manage them accordingly. He said that from his understanding, the county has an opportunity to grow its forest cover through activities such as promotion of fruit trees and promoting tree planting on riparian and catchment areas. He however noted that the county doesn't have an inventory of the county's arid and highlands' forest so as to help in coming up with conservation initiatives. Again he mentioned that as much as the county doesn't have much control over gazetted forests, it can have forest management plans that coordinate between the protected forests and outer zones of the forest. He also mentioned that the county needs to map its forest sector needs including; identifying green zones and open zones, climate mitigation and adaptation measures and promoting forest extension systems. The consultant finally shared his work plan to the team, who adopted it. He however promised to amend it based on the recommendations of the meeting. He urged the county government to appoint a Multi-Sectoral working team who will work closely with the consultant during the bill formulation process.

Honorable members of the CA present during plenary discussions noted that KWTA is doing great job in the county but there is need for them to be inclusive on their activities. They also pledged their support for the process.

### **Way forward**

1. The members noted that there was need to integrate neighboring counties to contribute to the bill because these counties (Baringo, Uasin Ngishu, Transzoia And West Pokot – and even the NOREB counties) share these resources and so a change in management laws on these resources will also impact on their natural resource operations.
2. The county government of Elgeyo marakwet through its CECM in charge of Environment, lands water and climate change to appoint a Multi-Sectoral team who will work closely with the consultant during the process of formulation and also introduce the consultant to the communities.

### **Conclusion**

The meeting with the two county assembly committee members was Fruit full and successful . The two committees agreed to work together and fast track the its passing when tabled in the flour of the house.

**Dr. Robert Machatha Kibugi**

P.O Box 174 - 00623 Nairobi, Kenya

Tel: +254 712 110 148

Email: [rmkibugi@uonbi.ac.ke](mailto:rmkibugi@uonbi.ac.ke) or [rmkibugi@gmail.com](mailto:rmkibugi@gmail.com)

---

**UNDP Contract: IC/022/2019**

**Assignment: Preparation of Elgeyo Marakwet County Forest Management and Conservation Policy and Bill**

**Assignment Work Plan**

---

<b>Key outcome</b>	<b>ACTIVITY</b>	<b>Description</b>	<b>Timeline</b>	<b>Output</b>
Development of county forest policy and Act for two county governments - Elgeyo Marakwet and Nyeri Counties)	1.Inception report	<ul style="list-style-type: none"><li>✚ Consultants understanding of the assignment</li><li>✚ Methodology for delivery</li><li>✚ Literature review and bibliography</li><li>✚ Clear roadmap and milestones for task</li></ul>	20 September 2019	Draft Inception Report

	<p>2.Appointment of County Working Group</p>	<ul style="list-style-type: none"> <li>✚ Working Group to support consultant in framing key challenges, opportunities and county details</li> <li>✚ <b>Appointed by the County Executive Committee Member for Environment</b></li> <li>✚ Drawn from various departments of the County, civil society, Kenya Forest Service, NEMA, Kenya Water Towers Agency, NDMA, etc – private sector, and other interest groups(multi-sectorial)</li> <li>✚ Plays key role in reviewing content and affirming suitability of Bill, Policy and regulations</li> </ul>	<p>5<sup>th</sup> to 8<sup>th</sup> November 2019</p>	<p>Multi-sectorial and multi-stakeholder working group / Taskforce</p>
	<p>*Consultative meetings on draft forest policy and bill in (i) Sengwer and Cherangany (ii) Keiyo North, (iii) Marakwet East, (iv) Marakwet West, and (v) Keiyo South( will be held separately in Eldoret)</p>	<p>*Identifying measures to be taken to ensure inclusiveness and cultural appreciation during consultations on proposed policies and bill and how to inculcate human rights during the process</p> <p>*Consultations, analysis and assessment to enable consensus on policies and measures</p>	<p>12<sup>th</sup> to 22<sup>nd</sup> November 2019</p>	<p>Clear approach towards policy, bill and regulations drafting</p>

<p>1. Inception workshop</p>	<p>-Presentation and feedback on inception report</p> <ul style="list-style-type: none"> <li>+ Approval of annotated outlines for Bill and Policy</li> <li>+ Baseline assessment on key needs, challenges and opportunities for county</li> <li>+ <b>Participation of working group is critical</b></li> <li>+ <b>Consider inviting representation of County Assembly Committee responsible for Forestry</b></li> </ul>	<p>24<sup>th</sup> November to 5<sup>th</sup> December 2019</p>	<ul style="list-style-type: none"> <li>+ Inception Workshop</li> <li>+ Final Inception report</li> <li>+ Approved annotated outlines</li> <li>+ Consultation with Working Group</li> </ul>
<p>2. First Drafts of Bill and Policy by the consultant</p>	<ul style="list-style-type: none"> <li>+ First Draft County Forestry Conservation and Management Bill</li> <li>+ First Draft County Forestry Conservation and Management Policy</li> </ul>	<p>9<sup>th</sup> to 12<sup>th</sup> December 2019</p>	<ul style="list-style-type: none"> <li>+ Submission of first drafts</li> </ul>
<p>3. Review workshops and Public consultations</p>	<ul style="list-style-type: none"> <li>+ Workshop to review First drafts with Working Group</li> <li>+ Workshop to review with County Assembly Committee (responsible for forestry) and County Executive Committee Members</li> <li>+ Public Consultations (e.g 2NO) at different points within the County)</li> </ul>	<p>i) Review workshop <b>16<sup>th</sup> to 19<sup>th</sup> December 2019</b></p> <p>ii) County Assembly / County Executive consultation workshop – <b>1st to 6<sup>th</sup> January 2020</b></p> <p>iii) Public consultations</p>	<p>Review and consultation workshops</p>

		<b>-10<sup>th</sup> January 2020</b>	
4. Final Drafts of Bill and Policy	<ul style="list-style-type: none"> <li>✚ Final Draft County Forestry Conservation and Management Bill</li> <li>✚ Final Draft County Forestry Conservation and Management Policy</li> </ul>		
5. Draft Regulations	<ul style="list-style-type: none"> <li>✚ First Draft County Forestry Conservation and Management Bill</li> </ul>	15 <sup>th</sup> January 2020	
6. Final Review Workshops	<ul style="list-style-type: none"> <li>✚ Review and approval of County Forestry Conservation and Management Bill</li> <li>✚ Review and approval of County Forestry Conservation and Management Policy</li> <li>✚ Review of Draft County Forestry Conservation and Management Bill</li> </ul>	20 <sup>th</sup> January 2020	
7. Submission of Final documents	<ul style="list-style-type: none"> <li>✚ Final Draft County Forestry Conservation and Management Bill</li> <li>✚ Final Draft County Forestry Conservation and Management Policy</li> <li>✚ Final Draft County Forestry Conservation and Management Bill</li> </ul>	28 <sup>th</sup> January 2020	