



REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT
THE NATIONAL ASSEMBLY - FIRST SESSION

PUBLIC PETITION
(No. 001 of 2022)



CNA
Approved for
circulation/presentation

SNA
14/11/22

ON SAFEGUARDING THE ECONOMIC AND SOCIAL WELFARE OF
COMMUNITIES LIVING NEXT TO FORESTS

H/O
15/11/22

I, the **UNDERSIGNED**, on behalf of forest communities and forest associations across the country;

DRAW the attention of the House to the following: -

- 1) **THAT**, Article 60(1)(e) of the Constitution of Kenya provides that Land in Kenya shall be held, used and managed in a manner that is equitable, efficient, productive and sustainable, and in accordance with the principle of sustainable and productive management of land;
- 2) **THAT**, further, Article 69 obligates the State to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, ensure the equitable sharing of the accruing benefits, encourage public participation in the management, protection and conservation of the environment, and to utilize the environment and natural resources for the benefit of the people of Kenya;
- 3) **THAT**, on its part, section 2 of the Forest Conservation and Management Act, 2016, recognizes a forest community as a group of persons who have a traditional association with a forest for the purposes of livelihood, culture or religion;
- 4) **THAT**, further, section 8 of the Act obligates the Kenya Forest Service to assist in preparation of management plans for community forests, to establish and implement benefit sharing arrangements, to promote forestry education and training, to manage water catchment areas in collaboration with relevant stakeholders, to approve the provision of credit facilities and technical training for community-based forest industries, and to approve the provision of incentives to persons for the sustainable utilization of wood and non-wood forest products;

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- 5) **THAT**, section 49 of the said Act calls for the Kenya Forest Service to confer various forest user rights to forest associations, including collection of medicinal herbs, harvesting of honey, harvesting of timber or fuel wood, grass harvesting and grazing, collection of forest produce for community-based industries, plantation establishment through non-resident cultivation, and the development of community wood and non-wood forest based industries;
- 6) **THAT**, contrary to these provisions, the Kenya Forest Service has repeatedly ignored the work and welfare of forest communities and forest associations such as those in Kiptega/Teldet, Kitingia, Muchorwei/Kapmugubi/Kipkorosio/Kaptumo, Ndungulu, Cherus/Kapchorua, Kabilat/Kapsundei, Chirchir/Shamba Mpya, Koriomiat and Barekeiwo areas in Kesses Constituency, thereby leading to the impoverishment and harassment of residents who use their time, effort and resources to look after these forests only for logging firms such as *Raiply* company and *Comply* company to come and harvest these forest resources;
- 7) **THAT**, repeated attempts by the forest communities and forest associations to consult and engage with the Kenya Forest Service have been futile due to the latter's indifference and failure to respond to inquiries;
- 8) **AND THAT**, the issues in respect of which this particular Petition is made are not pending before any Court of law or any Constitutional or legal body.

NOW THEREFORE your humble petitioners pray that the National Assembly through the Public Petitions Committee: -

- a) intervenes to secure the rights and welfare of forest communities and forest associations across the country;
- b) urgently intervenes to ensure that the Kenya Forest Service reviews its policy to ensure that local communities are given priority to purchase at least 30% of forest resources harvested; and that the Access to Government Procurement Opportunities (AGPO) program founded on the Public Procurement and Asset Disposal Act 2015 is adhered to;
- c) intervenes to secure the undertaking of Corporate Social Responsibility by logging firms in areas with the resulting revenue being used to develop local

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infrastructure such as roads and schools, piping of water into villages and development of water catchment areas;

d) urgently intervenes to bring an end to regular harassment of forest communities by Kenya Forest Service officers, and

e) makes any other orders in the interest of forest communities and forest associations.

And your **PETITIONER** will ever pray.

PRESENTED BY:



.....
HON. (CPA) JULIUS KIPLETING RUTO, MP
MEMBER FOR KESSES CONSTITUENCY

Date:.....14/11/22.....



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MEMBER FOR KESSES CONSTITUENCY

Date: ^{PA} 3 October 2022