

BELOW IS THE TASK FORCE REPORT ON FOREST RESOURCE MANAGEMENT AND LOGGING ACTIVITIES IN KENYA

KEY FINDINGS AND RECOMMENDATIONS

FINDINGS

1. The Board and Management of the Kenya Forest Service has been unable to stem and in some instances have directly participated in, abated, and systemized rampant corruption and abuse of office. By so doing they have overseen wanton destruction of our forests, have systematically executed plunder and pillaging of our water towers and bear the responsibility for the bringing our environment to the precipice.
2. The Kenya Forest Service has institutionalized corruption and the system is replete with deep rooted corruptive practices, lack of accountability and unethical behaviour. However, the Taskforce found some instances of dedicated officers who have selflessly served the country in the face of the difficult environment they found themselves in. It was noted with concern that some of these diligent officers have borne the brunt of corruptive cartels through alleged victimization.
3. Illegal logging of indigenous trees is a major threat to forests and is rampant in key forest areas. Cedar was found to be the most targeted tree species.
4. Destruction of indigenous forest was observed in many critical forest areas due to illegal squatters, the changing lifestyle of forest dwelling communities, the abuse of PELIS, unclear forest zonation, the introduction of irregular settlements and large-scale public infrastructure developments.
5. The limited capacity of Enforcement and Compliance Division of KFS and the lack of clear separation in the forest protection and forest exploitation functions of KFS have made law enforcement in the protection of forest resources ineffective.
6. Commercial Forest Plantations managed by Kenya Forest Service are characterised by poor quality planting materials, delayed re-planting, poor silvicultural and management regime, inefficient harvesting operations, inaccurate forest stocks valuation and disposal process.
7. KFS has contravened the law by not issuing a timber license to the selected saw millers as required by The Act. It instead issues an award letter/ letter of authority which does not clearly stipulate any terms or condition as provided for.
8. From 2017, the Kenya Forest Service has been using a direct allocation process to award forest materials to saw millers. Prior to that there was an open tendering process to select, award and grant saw millers timber logging rights. The direct allocation procedure being practiced by KFS is unfair, inadequate, inappropriate and incidences of its abuse were uncovered by the Taskforce.

9. Inadequate coordination among the various agencies in the environment and forest sector has resulted in duplication of roles and inefficient management of forest resources.
10. In spite of the prominence accorded to County Governments in assignment of the forest sector functions by the Constitution, it is noted that most Counties have NOT signed or operationalized the Transition Implementation Plans (TIPs) to facilitate the transfer of this function. There have been inadequate efforts to build capacity and allocate adequate resources to undertake this devolved mandate. It is also noted that there is lack of a clear framework for coordination between the 2 levels of government in management of this resource.

RECOMMENDATIONS

1. The Cabinet Secretary for Forestry should expedite the process of constituting a new KFS Board. This will enable an immediate commencement of the administrative investigation process for the sixteen suspended officers of KFS, among other urgent matters.
2. Urgent Constitution of an independent caretaker management team with special authority, and comprising of competent persons (who meet the criteria under Article 6 of the Constitution of Kenya) with mandate to manage the operations of the Service in the interim and assist the Government in carrying out the necessary institutional and other structural reforms of the Service during the transition phase.
3. The Cabinet Secretary in charge of Forestry should establish an organ with powers to undertake:
 - a. Public vetting of serving KFS personnel with the aim of determining the suitability and culpability of officers of the service. This will help to eliminate malpractice by officers, instil an ethical culture within the service and restore public confidence in the Institution
 - b. Investigation and prosecution of any officers of the Kenya Forest Service against whom evidence of malpractices has been identified during the vetting
4. The immediate commencement of investigations and possible prosecution of all criminal-related findings of the Taskforce that touch on former board members and staff of the Kenya Forest Service implicated in malpractices.
5. The logging of cedar trees in all forests and the use of cedar products, such as fencing posts, must be banned.
6. Forest zonation must be reviewed to establish a core conservation zone, surrounded by a multiple-uses buffer zone, the width of which should not exceed 500 metres. All forest plantations located inside the core conservation zone should be converted back to indigenous forest.
7. Illegal squatters must be removed from the forests, through consultative processes involving key stakeholders. Forest dwelling communities must be resettled next to the forest.
8. PELIS needs to be phased out progressively, to be replaced with the concessioning of forest plantations, with provision of a role for the community forest associations.

9. Large-scale infrastructural developments must adhere to Kenyan policies and statutes, including the National Spatial Plan.
10. Establish a clear coordination framework for the agencies working in the environmental and forestry sector to ensure that they (NEMA and the Kenya Water Towers Agency (KWTA) effectively deliver their mandate.
11. Undertake a complete overhaul and paradigm shift in the way the commercial forest plantations are managed by KFS from plantations establishment, management, harvesting, valuation and disposal for optimal productivity and increased revenue generation.
12. KFS should discontinue the 'Procedure for disposal of forest plantation material' that provides for direct allocation of forest stocks. In the meantime, KFS should strictly adhere to the current Forests (Participation in Sustainable Forest Management) Rules 2009 with respect to issuance of timber licenses.
13. KFS should issue timber license as per the Act, clearly communicate the timber license terms and conditions to all saw millers upon issuance, and forest officers must be made aware of the same. KFS to further establish an elaborate framework and procedure to monitor, verify and audit the compliance with the licensing conditions by the saw millers.
14. KFS is to effectively engage with the private land owners and state corporations with vast acreage of land to increase investment in private forest plantations to complement public plantations in meeting the ever increasing wood demand in Kenya.
15. County Governments should urgently in collaboration with the Ministry and KFS fast track the signing and operationalization of Transition Implementation Plans (TIPs), capacity building and resourcing for the efficient transfer and implementation of the devolved function. Further, a clear framework for collaboration in forestry functions between the National Government and County Government should be put in place.