

## KENYA

### Colloquium on

### *Deepening Dialogue with Stakeholders in the Forest Sector in Kenya*

#### Concept Note

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#### **A. Introduction**

The World Bank, in collaboration with the Government of Kenya, is organizing a four-day Colloquium on *Deepening Dialogue with Stakeholders in the Forest Sector in Kenya*. The Colloquium will provide a platform for exploring constructive ways to address long-standing issues concerning forest management, land use and access rights; promoting community-based approaches, such as participatory forest management; and facilitating collaboration between communities, the state and local government. Also, it will contribute to continuing the process of dialogue between the Government and the various stakeholders in the forest sector in Kenya.

#### **B. Objectives**

The main objectives of the Colloquium are to: (i) facilitate constructive dialogue and foster cooperation among key stakeholders in the forest sector in Kenya; and (ii) share national and global experience and best practices on the management of forest resources for win-win solutions for poverty reduction, livelihoods improvement and environmental sustainability. It is expected that the outcomes of the Colloquium will contribute towards sustainable forest development within the framework of the National Forest Programme (NFP) process initiated late last year.

#### **C. Background**

##### *a. Sector context*

Kenya's natural resource endowment is the foundation for much of the country's economic activity. However, it is vulnerable to various challenges that can contribute to depletion and exacerbate the impacts of disasters such as floods and drought. High demand for land and resources has put tremendous pressure on Kenya's natural resource base, especially water and forests. The country remains highly water scarce, and the management of forests has a direct impact on water resources and, more broadly on livelihoods, prosperity, and resilience.

Unsustainable management and depletion have reduced Kenya's relatively small forested area from about 10 percent of its land area at independence in 1963 to an estimated 6.9 percent today. A key challenge to maintain and enhance the ecological and livelihood values of Kenya's forests relates to complex issues surrounding land and resource tenure. As in many places around the world, parts of Kenya's forests, for generations, have been the focus of conflict over land and access rights of local communities. In some cases, forest areas are inhabited by communities who

have long asserted ancestral rights to live in and use the forest. This has resulted in a complex history of periodic tension between the government's forest institutions and communities living in or near the forests.

The recognition of the acute problems in the forest sector led the Government of Kenya to prepare a Forest Policy and the Forests Act, which received parliamentary approval in 2005. The main goals of the reform of the forest sector were to increase efficiency, ensure protection and sustainable forest use, and promote poverty reduction. Strengthening forest governance, therefore, is critical for the success of these efforts. The Forests Act embraced participatory forest management, whereby community forest associations (CFAs) would be recognized as partners. It also promoted private sector participation to enhance the competitiveness of the sector. In parallel, Kenya is participating in different international conventions such as United Nations Framework Convention on Climate Change (UNFCCC), United Nations Convention on Drought and Desertification (UNCDD) and United Nations Convention on Biological Diversity (UNCBD), and initiatives such as the Forest Carbon Partnership Facility and the UN-REDD Program. Such partnerships provide opportunities that could foster community engagement in the forest sector thereby protecting this valued resource whilst reducing emissions from deforestation and forest degradation.

***b. World Bank-supported Natural Resources Management Project (NRMP)***

The NRMP implemented during 2007 - 2013, aimed at strengthening policies and practices to ensure the sustainable provision of water, improved irrigation, and enhanced forest management. Overall, the NRMP delivered significant results. More than 145,000 rural people have benefited from irrigation works or through community-driven micro-projects and livelihood opportunities contributing to the improvement of income of vulnerable and marginalized forest communities. In addition, around 320,000 hectares of forest area is now being managed according to the approved forest management plans. The Project has also confirmed several important lessons. They include that sustainable forest management is constrained in many parts of Kenya by conflicts and/or uncertainty concerning the respective rights of local people and government to forest resources and to the land in and around forests.

In 2013, some members of the Cherangany-Sengwer communities living in the Cherangany Hills submitted a request to the Inspection Panel of the World Bank. The requesters claimed that they had been forcibly evicted from their lands within the forests as a result of the Project, and that there had been a lack of recognition and protection of their customary rights during project implementation.

The Panel found that evictions were not connected with the NRMP. However, it noted that more attention could have been given from the outset to better identify and mitigate the risk that evictions might occur. The Bank's Board of Directors noted that while untangling such legacy issues was beyond the purview of any single project, the Bank can play an important role as a facilitator and a partner helping to foster dialogue amongst forest-dependent peoples and the government. In this context, World Bank management committed to convene a Colloquium in collaboration with the Government of Kenya to provide a platform to promote dialogue between the Government and stakeholders in the forest sector in Kenya.

### ***b. World Bank's Engagement with Vulnerable and Marginalized Groups in Kenya***

The World Bank has a history of engaging with vulnerable and marginalized communities in Kenya through its operations where the provision of its policy on Indigenous Peoples OP 4.10 has been applied. It also engages with vulnerable and marginalized groups (VMGs) locally, nationally and globally in various processes, most recently with the Forest Carbon Partnership Facility (FCPF) and the ongoing review of the World Bank's safeguard policies. For example,, representatives of vulnerable and marginalized communities in Kenya were active participants in FCPF dialogues held in Arusha, Tanzania in April, 2012 and subsequently in late 2014. Furthermore, a dedicated dialogue with representatives of Indigenous Peoples in East Africa, including representatives of VMGs in Kenya, is taking place on February 27, 2015. Other dialogues with regional Indigenous Peoples have taken place in Cape Town (December 2013), Johannesburg (November 2014), and a consultation is scheduled for Yaoundé, Cameroon in March 2015.

## **D. The Colloquium: Dialogue, Learning, and Knowledge Sharing**

### ***a. Expected outcome***

Deriving lessons from the various consultations in the past, especially the January 2015 National Forum for "Forest-dependent Communities" as an integrated part of the National Forest Programme (NFP) development process. It is expected that participants will deepen their understanding of different viewpoints and the complexity of forest management, land use, rights and legacy issues; learn from local, national, and global lessons; and make concrete suggestions in a constructive, collaborative, participatory, and inclusive manner in the way stakeholders can be brought together to manage the country's forest resources. Therefore, the Colloquium should be seen not as an end in itself but as part of a dialogue.

Furthermore, the Colloquium will deliver a report that will contain actionable proposals to continue and stimulate the dialogue that has already been started between the Government and various stakeholders including forest-dependent communities across the country. It will provide the ongoing National Forest Programme with policy content for the Government of Kenya's engagement with forest dependent communities.

### ***b. Timing and Venue***

The Colloquium will take place over a period of four days, scheduled for March 3 - 6, 2015 to be held in the Boma Inn Hotel in Eldoret. As agreed, the World Bank will fund a closed door meeting for about 100 representatives of forest-dependent communities from 14 counties on March 3, 2015 in Eldoret. This meeting, that precedes the actual Colloquium, will focus on enriching and consolidating community memoranda and issues to be presented to the Colloquium. The one day meeting will also review the January 2015 National Forum and select speakers for the opening sessions during the Colloquium.

### *c. Preparation and Delivery*

The Bank team, in consultation with the Ministry of Environment, Water and Natural Resources (MoEWNR), will help lead the preparation of the Colloquium, in collaboration with other stakeholders (see below).

Working with the core Bank team, the Task Team Leader (TTL) of the Bank is responsible for coordinating the organization of the event, liaising and interacting with key stakeholders, appraising Bank management on progress, identifying and inviting panelists and keynote speakers, hiring facilitators for moderating and rapporteuring the Colloquium, and ensuring that a concise Colloquium output in the form of a report is prepared, reviewed and submitted to the Bank's management. The Bank team in Kenya and Washington D.C. will carry out activities related to the preparation, invitation of participants and provide other logistical support. The Colloquium sessions will be conducted in English with simultaneous translation to Kiswahili.

A Taskforce or Reference Group will be nominated from the various stakeholder groups participating in the Colloquium and charged with developing a draft synthesis report on actionable proposals, recommendations/decisions that will be discussed during the plenary on the last day of the Colloquium. This group will be assisted by two local facilitators who have been hired to help moderate, facilitate and deliver the Colloquium outputs/outcomes. The facilitators will submit a full report of the event proceedings to the TTL no later than 2 weeks following the Colloquium.

### *d. Consultation on the Design of the Colloquium*

Forest-dependent communities'/Vulnerable and Marginalized Groups' (VMGs') leaders, Government agencies at the national and county levels, Constitutional Commissions, the private sector, and other key stakeholders play a very important role in the preparation and delivery of the Colloquium. To ensure that the preparation of the Colloquium is informed by the views of stakeholders, a set of informal discussions have been organized during January and February on the design and agenda of the Colloquium. A small number of representatives from 14 counties where forest-dependent communities/VMGs have been officially identified, and other forest adjacent communities' leaders active in the NRM sector, are also invited to participate in these informal discussions. The informal meetings also help validate the list of invitees from the communities to the Colloquium to facilitate legitimate and transparent representation.

### *e. Participation*

The Colloquium is expected to engage the active stakeholders in the forest sector in Kenya at all levels. They are planned to include: (i) the VMGs and forest-dependent communities; (ii) community-based forest management associations and user groups; (iii) Government representatives (including MoEWNR, Kenya Forest Service, Kenya Wildlife Service, independent Constitutional Commissions such as National Land Commission, etc.) at the local, county and national levels; (iv) national and international NGOs/CSOs (including Amnesty International, Forest Peoples Programme, Katiba Institute, IUCN, ACT, SKWT, etc.); (v) private

sector representatives; (vi) Development Partners; and (vii) international experts from Tanzania, Ghana, Indonesia, Mexico and United States of America.

#### ***f. Criteria for selection of Community Representatives to the Colloquium***

Community participants to the Colloquium will be self-selected from various counties that have forest-dependent communities present in them. These participants will be expected to have great command of issues within their communities and demonstrate ability to eloquently present these issues in languages best suited for them. Participants who previously engaged with the WB will be invited to extend the dialogue through the Colloquium. Attention will be given to gender balance, as well as youth from the forest-dependent communities. Participants are expected to represent the views of their communities and should have organized mechanisms, including traditional means, to communicate back to their constituencies. Participants from the closed NRMP focus areas will be given priority.

The expected spectrum of participants is as follows: forest-dependent community members, national and international CSOs/NGOs, private sector organizations (mostly timber producers and manufacturers), Government officials, independent Constitutional Commissions, national and international experts (speakers/respondents/discussants), development partners and World Bank staff will constitute the Colloquium participants. The total number of participants is estimated at around 250.

#### ***g. Agenda***

The four-day event will allow various stakeholders to share knowledge and lessons on effective ways of: (i) securing the participation and engagement of particularly forest-dependent communities in forest management; and (ii) treating and addressing land use and land rights issues that affect forest management as a whole, but also the rights of forest-dependent communities to forest resources.

The discussions will build on the series of workshops and dialogues that the GoK has already held on community engagement in forest management, forest resource governance, and land use and land rights issues. Specifically, it will follow the *National Forum for Forest Dependent Communities*, organized by the Kenya Ministry of Environment, Water and Natural Resources (MoEWNR) from January 19-21, 2015 in Nakuru with participation by forest-dependent communities across Kenya. They included the Ogieks and Sengwers (drawn from ten counties of Nakuru, Narok, Kericho, Nandi, Baringo, Uasin Gishu, Elgeiyo-Marakwet, Trans Nzoia, West Pokot and Bungoma).

The overarching emphasis will be on the continued dialogue in order to identify effective and constructive ways to deepen the engagement of forest-dependent communities in forest management and a way forward on forest tenure and access rights issues. Therefore, the Colloquium agenda will be focusing on knowledge and experience sharing sessions among participating stakeholders including communities, local and national government, private sector, development partners, CSOs/NGOs and local and international experts. Some of the key topics of discussions would include: (i) Stakeholder participation and engagement in forest and natural

resource management; (ii) Benefit sharing; (iii) Finding effective and practical mechanisms for resolving historical land use and land right issues; (iv) Institutional, policy and legal issues related to the forest sector; and (v) Review of the proceedings of the National Forum.

***h. Costs***

The cost of the Colloquium will be covered by the World Bank, with financial support from the European Union.