

The role of community forests in national LDN and land restoration programmes

A case study of community forest parcels in Taita Taveta County, Kenya

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Responsible Land Governance in LDN Programmes

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Examining the contribution of community forests to national Land Degradation Neutrality (LDN) and land restoration targets: a follow-up to the implementation of the UNCCD Decision 26/COP.14 on land tenure.

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Preface

The [UNCCD's Global Land Outlook Report](#) estimates that between 20 and 40 percent of the Earth's total land area is degraded. Land degradation affects nearly half of the world's population and impacts croplands, drylands, wetlands, forests, and grasslands (UNCCD, 2022). The report identifies land restoration (the process of rehabilitating natural landscapes and habitats) as “a proven and cost-effective solution to help reverse climate change and biodiversity loss caused by the rapid depletion of our finite natural capital stocks” and recommends it as a strategy to reverse past land and ecosystem degradation. The UNCCD views land restoration as an activity that is best implemented by communities, and consequently as an opportunity to create and support meaningful, sustainable livelihoods. The report emphasizes the need for countries to **go beyond national planning and development frameworks and identify pathways that can fully realize the potential of restoration.**

Activities to achieve the UNCCD's objective of combating land degradation and desertification are executed at national level through the respective Land Degradation Neutrality (LDN) programmes of UNCCD member states. Kenya's national [LDN programme](#) prioritizes protection and conservation of forests – three of the country's five sub-national targets involve measures related to forests. The Forest Conservation and Management Act, 2016, establishes an institutional framework for the country's forest protection and conservation. It stresses the importance of public forests and prioritizes their protection through a co-management framework that provides roles for the Kenya Forest Service (KFS) and the respective Community Forest Associations (CFAs). However, community forests, unlike public forests, do not feature as prominently in the Act. The Act limits the role of the state (i.e., KFS) in managing community forests to assisting in the preparation of management plans at the request of the community, assisting county governments in building capacity in forest management, and promoting forestry education and training.

This case study of Taita Taveta County was conducted as part of TMG Research's Global Soil Week project. It set out to examine how community forests can contribute to achieving Kenya's national LDN targets in a manner that integrates issues of land tenure and land use as recommended by the UNCCD's [land tenure decision](#) (Decision 26/COP.14). TMG Research partnered with Kenya Land Alliance (a national NGO) and Cadasta Foundation (a mapping partner) in a study that targeted community forest parcels in the village of Msidunyi near the town of Wundanyi in Taita Taveta County. This study included a household survey to establish which resources the communities living in the target area obtain from their forest parcels, a community-led tenure mapping exercise, and focus group discussions to collect additional data. The outputs of these processes were analysed against the national LDN and land restoration frameworks and targets and recommendations were made for how community forests can contribute to Kenya's LDN programme, and how issues of land tenure can be considered in this process.

The findings of the study highlight the potential of community forests to contribute to national LDN and land restoration targets. This potential is best realized when community tenure rights are formalized in accordance with national legislation (Kenya's Community Land Act, 2016) and when community institutions are established to manage community forests in a manner similar to public forests. The ideal scenario should be communities, as (documented) custodians of community forests, leading restoration efforts at the local level, and government entities (KFS, county governments), as custodians of multilateral environmental agreements and national or sub-national LDN plans, supporting these efforts by providing overall technical direction.

There is an opportunity to promote land restoration beyond public forests by supporting well-coordinated community-level contributions to LDN and restoration targets in community forests in Kenya. In order to protect the sustainable livelihoods of communities that act as custodians of these forests the state must first recognize and document the communities' tenure rights in conformity with the UNCCD land tenure decision (i.e., registering these forests as community lands) and establish community institutions under the guidance of KFS. Doing so will ensure consistency with national and sub-national LDN and restoration targets.

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Acronyms

BMZ	German Federal Ministry for Economic Cooperation and Development
CFA	Community Forest Association
CLA	Community Land Act
CLMC	Community Land Management Committee
COP	Conference of the Parties
CBO	Community-Based Organization
CSO	Civil Society Network
FGD	Focus Group Discussion
GDP	Gross Domestic Product
GIZ	German Agency for International Cooperation GmbH
GSW	Global Soil Week
Ha	Hectare
IPBES	Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services
KFS	Kenya Forest Service
KLA	Kenya Land Alliance
KNBS	Kenya National Bureau of Statistics
LDN	Land Degradation Neutrality
LDN TSP	Land Degradation Neutrality Target Setting Programme
MEA	Multilateral Environmental Agreement
NGO	Non-Governmental Organization
NTFPs	Non-Timber Forestry Products
PES	Payment for Ecosystem Services
REDD+	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation
SLM	Sustainable Land Management
UNCCD	United Nations Convention to Combat Desertification
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security

Key Messages

1 Communities living in Msidunyi village in Taita Taveta County, Kenya rely on resources from community forest parcels for their household subsistence.

These communities undertake subsistence farming on their farm plots outside the community forest parcels but rely on forest resources, mainly fuelwood and livestock fodder, for household subsistence. Community members who own private land outside forest parcels rely less on resources from the forest, with a significant number able to fully meet their household needs without accessing the forest, indicating that private land ownership and diversification of livelihood sources are important factors in reducing dependency on forest resources.

2 The national forest protection and LDN measures have limited impact on communities' access to resources within community forest parcels.

National forest protection and Land Degradation Neutrality (LDN) measures are developed by the national Ministry of Environment and implemented by government agencies such as the Kenya Forest Service. These measures focus on, and are implemented more strictly for, public forests which have been delineated and gazetted¹. However, due to the legal status of forests that are owned, used, managed and administered by communities, there are limitations to the extent to which government agencies can implement forest protection directives.

3 Without clear definition and (documented) recognition of tenure rights, communities have fewer incentives to implement SLM practices within the forest parcels they communally use.

Similar to the communities studied in other Global Soil Week project sites, farmers in Msidunyi, Taita Taveta County invest more in Sustainable Land Management (SLM) practices on the lands they own outside the protected areas than within forest areas. The recognition of tenure rights for community forests can incentivize communities to implement more SLM practices and forest protection and conservation measures.

¹ Gazetting refers to the process of mapping and legal recognition of a forest by the state. Gazetted forests are reserved and protected under forestry and environmental laws.

4 The policy and legal framework of LDN (including Kenya's LDN TSP) emphasizes activities that target public forests but overlooks the potential contribution of community forest to the achievement of national LDN targets.

Kenya's national LDN targets prioritize measures to be implemented in forest areas – three of the five targets designed to avoid, reduce and reverse land degradation refer to action on forests. These measures are being implemented in public (gazetted) forests, for which the legal roles of different stakeholders are more clearly defined than for private and community forests.

5 Strengthening the capacity of community-level institutions and structures that manage community forests can contribute to the attainment of national LDN targets.

Technical and coordination support provided by the government agencies responsible for protecting and conserving forests is key to ensuring that communities contribute to achieving national LDN targets. However, without formal institutions that are legally mandated to manage community forests, the support provided by KFS is not regularized. Kenya has undertaken an important first step towards recognizing tenure rights in community forests by defining community forests in relevant legal provisions (the Constitution, the Community Land Act and Forest Conservation and the Management Act). The next step must be to implement these laws to enable the establishment of community-level institutions that can manage and administer community forests and implement forest protection and conservation measures. Implementing these legal provisions will also present an opportunity to delineate community forests and thus more effectively monitor and regulate human activities within them. Another way to bolster community-level contributions to national LDN targets is by consolidating smaller parcels to establish larger community forests, making protection and conservation more effective.

1 Introduction

In 2019, the parties to the United Nations Convention to Combat Desertification (UNCCD) agreed on the Land Tenure Decision (Decision 26/COP.14). This decision recognizes the importance of responsible land governance for sustainable land management and restoration, and for combatting desertification, land degradation and drought (UNCCD, Decision 26/COP.14, 2019). The decision encourages parties to recognize legitimate tenure rights, including customary rights, consistent with the national legal framework, and to follow the principles of the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) in implementing activities to combat desertification/land degradation and drought, and to achieve land degradation neutrality (UNCCD, Decision 26/COP.14, 2019). The parties further strengthened the Land Tenure Decision in the subsequent UNCCD COP (COP 15), through Decision 27/COP.15, by agreeing to continue integrating land tenure into activities to combat desertification/land degradation and drought, to review their plans and activities, and to proactively collect data on legitimate land tenure rights in voluntary LDN plans (UNCCD, Decision 27/COP.15, 2022).

The Global Soil Week (GSW) project seeks to identify how responsible land governance can be included in national LDN programmes, with a focus on tenure security for smallholder farmers and other marginalized resource users. The project does this by conducting research to determine the impact of LDN measures on legitimate tenure rights of local communities, and by linking knowledge sourced at the local level to international policy-making processes.

Kenya's LDN targets, as detailed in the LDN Target Setting Programme (LDN TSP), emphasize forest protection and conservation. The targets include increasing forest cover through afforestation and agroforestry in existing forests, conversion of shrub- and grassland to forest, protection of wetlands, restoration of 5.1 million hectares of degraded croplands, and halting the conversion of forests to other land cover classes (GoK, Land Degradation Neutrality Target Setting Final Report, 2018).

Kenya LDN TSP

LDN at the national scale

- ▶ LDN is achieved by 2030 with a 9% net increase in land restoration (above the 2015 baseline) throughout the national territory

LDN at the sub-national scale

- ▶ LDN is achieved in Ewaso Ngiro North (Lak Dera 2) by 2030 with 0% net loss in land restoration compared to 2015
- ▶ LDN is achieved in the Tana River catchment zone by 2030 with 16.7% net increase in land restoration compared to 2015
- ▶ LDN is achieved in the Athi River catchment zone (Galana, Pangani, South-East Coast) by 2030 with 0% net loss in land restoration compared to 2015
- ▶ LDN is achieved in the Rift Valley catchment zone (Lake Turkana, Naivasha, Natron) by 2030 with 9% net increase in land restoration compared to 2015

- ▶ LDN is achieved in the Lake Victoria region (Nile basin) by 2030 with 9% net increase in land restoration compared to 2015

Specific targets to avoid, minimize and reverse land degradation

- ▶ Increase forest cover through afforestation and agroforestry in existing forests, convert shrub- and grassland to forest, protect wetlands, and restore 5.1 million hectares of degraded croplands
- ▶ Increase net productivity of forest, shrub-/grassland and cropland by 16% through SLM practices
- ▶ Increase soil organic carbon in cropland by 319,626 tonnes through SLM practices
- ▶ Halt the conversion of forests to other land cover classes by 2030
- ▶ Rehabilitate all abandoned mines and quarries through enforcement of regulations

1.1 Taita Taveta case study

In Kenya, the GSW project conducted an [initial case study in Kereita Forest](#), a public (gazetted) forest in Kiambu County. The second and third case study areas were selected by engaging government stakeholders (UNCCD Focal Point and the REDD+ Coordinator at the Ministry of Environment and Forestry) and TMG’s implementing partner at the national level, Kenya Land Alliance. In selecting these case studies, the project sought to diversify the data informing the GSW findings by prioritizing community (ungazetted) forests over public forests for which KFS is responsible. Following discussions with the different stakeholders, the project opted for community forest parcels near Msidunyi in Taita Taveta County and Loita Forest in Narok County in Kenya’s Rift Valley.



Image 1: Map of Kenya highlighting Taita Taveta County (GoK C. G., 2018).

Taita Taveta County is located within the Athi catchment zone, and Narok County is located in the Rift Valley catchment zone. Both zones are targeted for LDN intervention at the sub-national scale in Kenya's LDN TSP (GoK, Land Degradation Neutrality Target Setting Final Report, 2018).

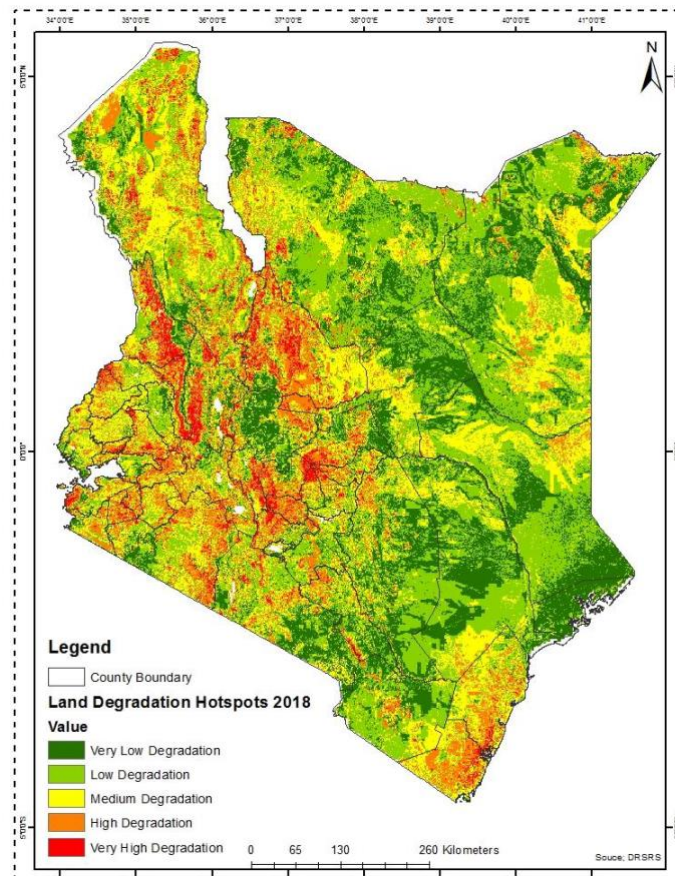


Image 2: Land degradation hotspots in Kenya (GoK, Land Degradation Neutrality Target Setting Final Report, 2018).

Taita Taveta County has a total of 78 *forest parcels*, of which 25 are gazetted and co-managed by the Kenya Forest Service (KFS) and respective Community Forest Associations (CFAs). Fifty-two forest parcels have yet to be gazetted, and one forest parcel was undergoing the process of gazettement as of 2018 (GoK C. G., 2018). The county experiences varying levels of degradation, with medium to high degradation concentrated in the centre in Wundanyi and Mwatate sub-counties and in the northern part of Voi sub-county (GoK, Land Degradation Neutrality Target Setting Final Report, 2018). While the larger forest parcels in the county are either gazetted or under consideration for gazettement, several smaller forest parcels (referred to as *mitengo* in the local language, singular: *mtengo*) are managed by adjacent communities through village committees (see below for more detail).

1.1.1 Community forest parcels in Msidunyi

The forest parcels that were the focus of this study are located in Msidunyi, Wundanyi sub-county. These forest parcels are ungazetted and managed by the adjacent community. The two largest parcels measure 74.58 hectares and 20.83 hectares respectively, with smaller parcels ranging in size from 0.5 to 5 hectares (source: mapping data). The community in Msidunyi mainly

practices crop farming, with some community members raising livestock. Some community forest parcels are adjacent to private crop plantations and private farms where the owners have planted trees. The forest parcels have existed since the pre-colonial period in Kenya. Community members reported that the number of community forest parcels has neither decreased nor increased, however the size of the parcels has decreased due to pressure from population growth which has resulted in some community members converting sections of community forests to farmland.

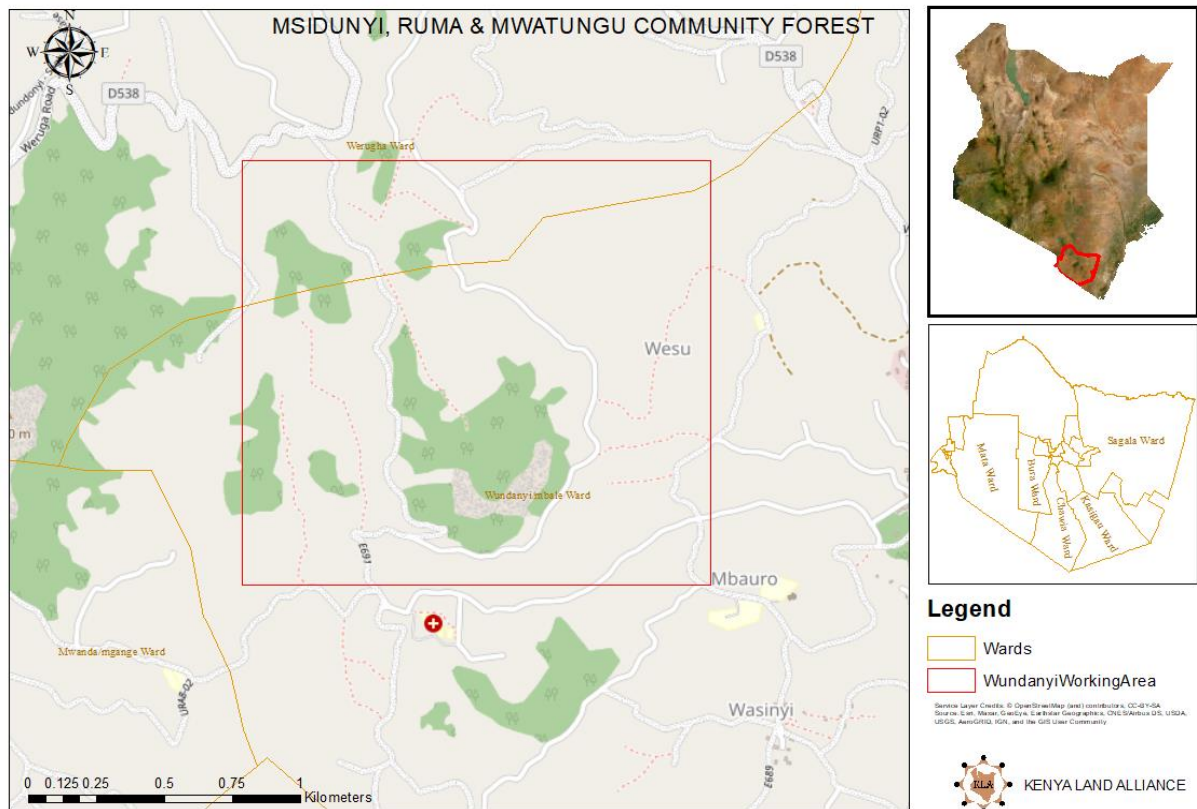


Image 3: Study area (Msidunyi) in Wesu, Wundanyi sub-county, Taita Taveta County.
 (Source: Kenya Land Alliance)

Village committees are responsible for the management of community affairs, including access to and use of resources from the community forest parcels. The committees comprise seven or eight community members, including a chairperson (i.e., the village elder), a vice-chairperson, a secretary, a vice-secretary, a treasurer, and one or two mobilizers. Women are represented in all committees. An odd number of members is preferred for ease of decision-making and to ensure that votes are not tied. The committee also sets the fees charged by the community for gathering fuelwood and building materials from the forest parcels. This money is used to purchase items that can be used by the community for other purposes, such as plastic chairs for use in community meetings. There is a larger committee responsible for managing forest parcels within Msidunyi that comprises members from Msidunyi, Mwatungu and Ruma villages. This committee holds monthly meetings at the Chief’s camp.

The community members obtain various resources for household use from the community forest parcels. These include water from springs, fuelwood, livestock fodder, and building materials (stone, sand, timber, and wooden poles). The community members also use some sections of forests as meeting grounds and beekeeping sites, and maintain these parcels for their aesthetic and heritage value. No community members are allowed to live in the forest parcels, except in rare cases where a member is landless and homeless. In this case, the committee may permit the member to erect temporary structures within the limits of the forest parcel until the community comes up with a long-term solution.

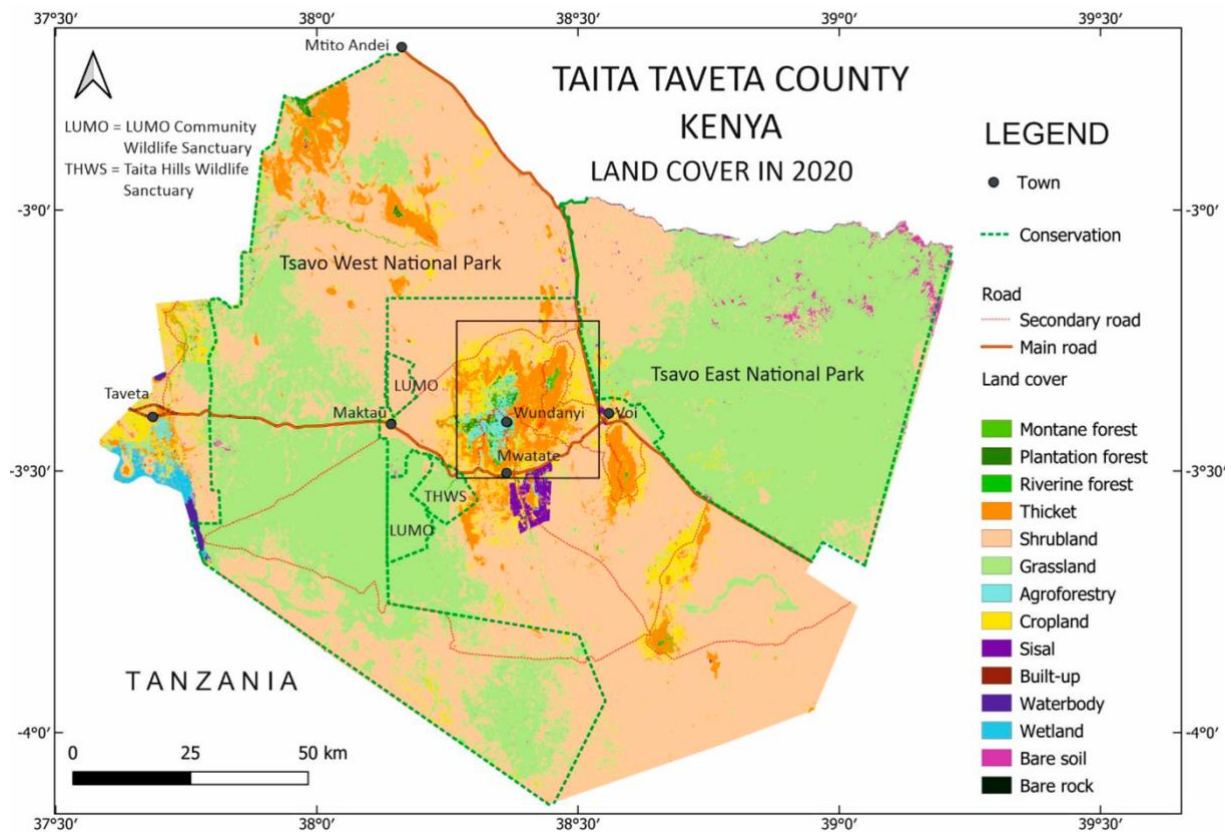


Image 4: Taita Taveta County land cover in 2020 (Abera, Vuorinne, Munyao, Pellikka, & Heiskanen, 2022).

1.2 Community land management in Kenya

In Kenya, 'community land' refers to one of the following: land registered in the name of group representatives under the repealed Land (Group Representatives) Act of 1968; land transferred to a specific community by a process of law; ancestral lands and lands traditionally occupied by communities; or lands lawfully held, managed or used by specific communities as community forests, grazing areas or shrines (GoK, The Constitution of Kenya, 2010).

Kenya enacted the Community Land Act (CLA) in 2016 to guide the recognition, protection and registration of community land rights and to provide for the role of county governments in relation to unregistered community land (GoK, Community Land Act, 2016). The CLA details the steps required to register a community as a legal entity, and thereafter surveying, adjudicating and registering community land. County governments are mandated to hold unregistered community lands in trust on behalf of communities (GoK, Community Land Act, 2016). Upon registration of communities as legal entities, a community is expected to elect a Community Land Management Committee comprising seven to fifteen members to oversee the day-to-day functions of the community and to administer the registered community land on behalf of the community (including developing regulations for the use and management of the land).

Community forest parcels in Msidunyi are categorized as community land, though the community has yet to initiate the process of community land registration. Thus, the County Government of Taita Taveta holds these parcels in trust for the community.



Image 5: Terrace farming in Msidunyi, Wundanyi, Taita Taveta County.

Image source: Washe Kazungu, TMG

2 Methodology

The project consisted of a household survey, community-led participatory mapping of tenure rights and land use zones within community forest parcels, and focus group discussions (FGDs) to gather qualitative data on the impact of forest conservation measures on the legitimate tenure rights of forest-adjacent communities.

2.1 Household survey

The household survey gathered quantitative data on issues of access, use and management of resources in community forest parcels in the study area. This step was important in ascertaining the community's tenure rights with respect to forest resources. A total of 245 respondents (123 female and 122 male) were interviewed.

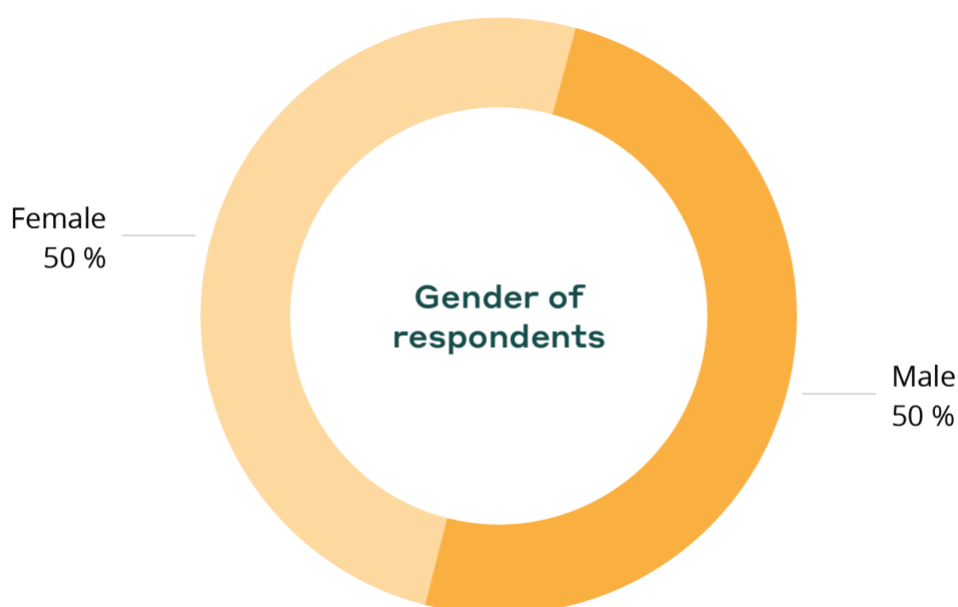


Image 6: Gender of respondents.

Source: Household survey data.

2.2 Participatory mapping of tenure rights

The second step involved mapping forest parcels within Msidunyi. This was a participatory, community-led process. Data collection was conducted in teams comprised of community members and volunteers from Taita Taveta Human Rights Watch (a local CBO). Cadasta Foundation provided the mapping platform and trained the data collection teams.

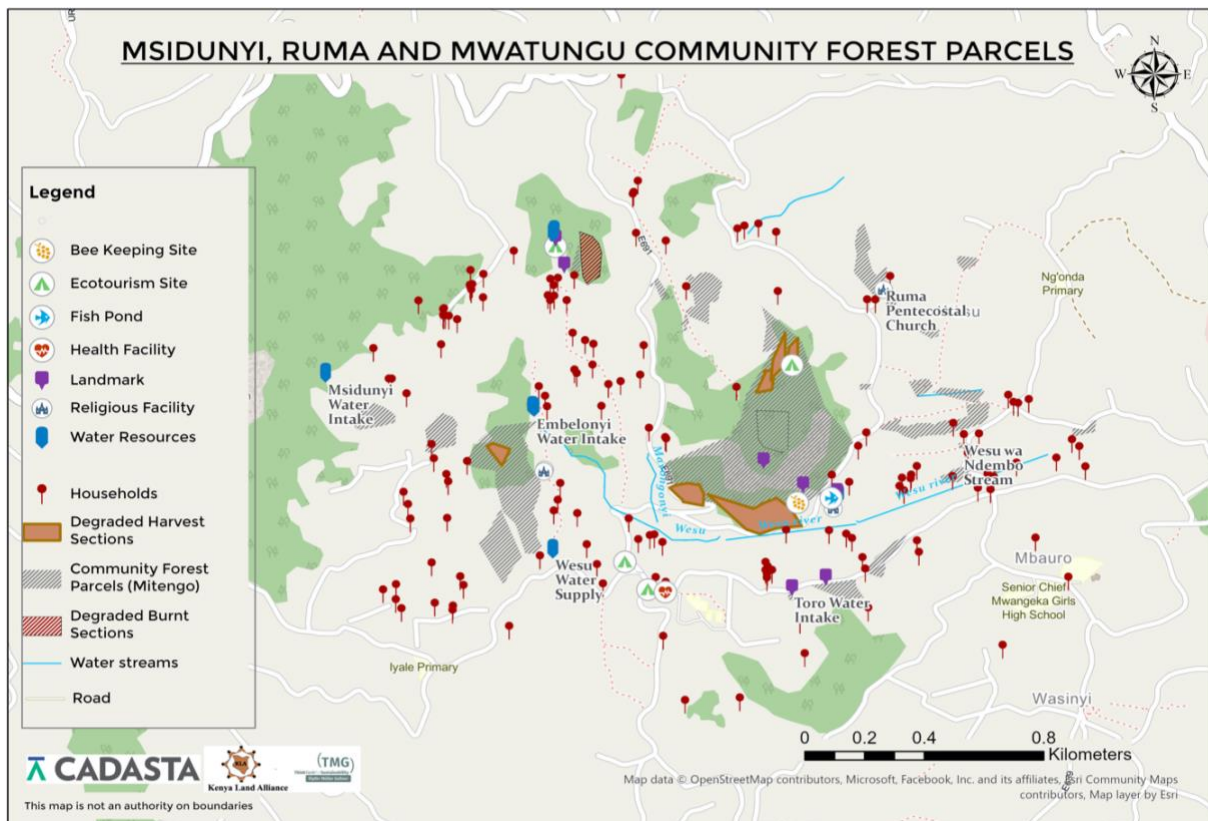


Image 7: Map showing respondents, forest parcels and other features.

Source: Community Mapping conducted by KLA, TMG with support from Cadasta software.

The data from the household survey and the mapping exercises were analysed by the project team (KLA and TMG) to determine the impact of national and community forest conservation measures, and national LDN targets, on the tenure rights of forest-adjacent communities in Kenya.



Image 8: Project team during the site visit to a harvested section of community forest parcel in Msidunyi on Saturday 26 November, 2022.

Photo credit: Washe Kazungu, TMG

2.2.1 Focus Group Discussions (FGDs)

The project team conducted FGDs to collect additional qualitative data to augment the data from the household survey and the mapping exercises. The project also presented draft maps that had been produced by Cadasta for the community to review as part of the validation process. During the mapping validation process, the community recommended additional forest parcels for mapping and provided clarity on the separation of community forest parcels from private forest plantations.



Image 9: Community members inspecting the map of forest parcels and other resources in Msidunyi on Tuesday 4 April 2023, Wundanyi sub-county, Taita Taveta County.

Photo credit: Juspah Mwaisaka/ KLA

3 Findings and conclusions

1 Forest resource dependency

Communities living in Msidunyi rely on resources from community forest parcels for household subsistence. The communities living in Msidunyi undertake subsistence farming on their plots outside the community forest parcels, but also rely on forest resources such as fuelwood and livestock fodder. These communities do not farm within the forest areas. Based on the household survey data, the main source of household income for the communities is crop and livestock farming. 56.33% (138 out of 245 respondents) engage in both crop and livestock farming while 20.41% (57 out of 245 respondents) engage in crop farming only. 75.92% (186 out of 245 respondents) reported that they regularly obtain resources from the community forest parcels, and 97.85% of those respondents (182 of 186) use those resources for household subsistence only.

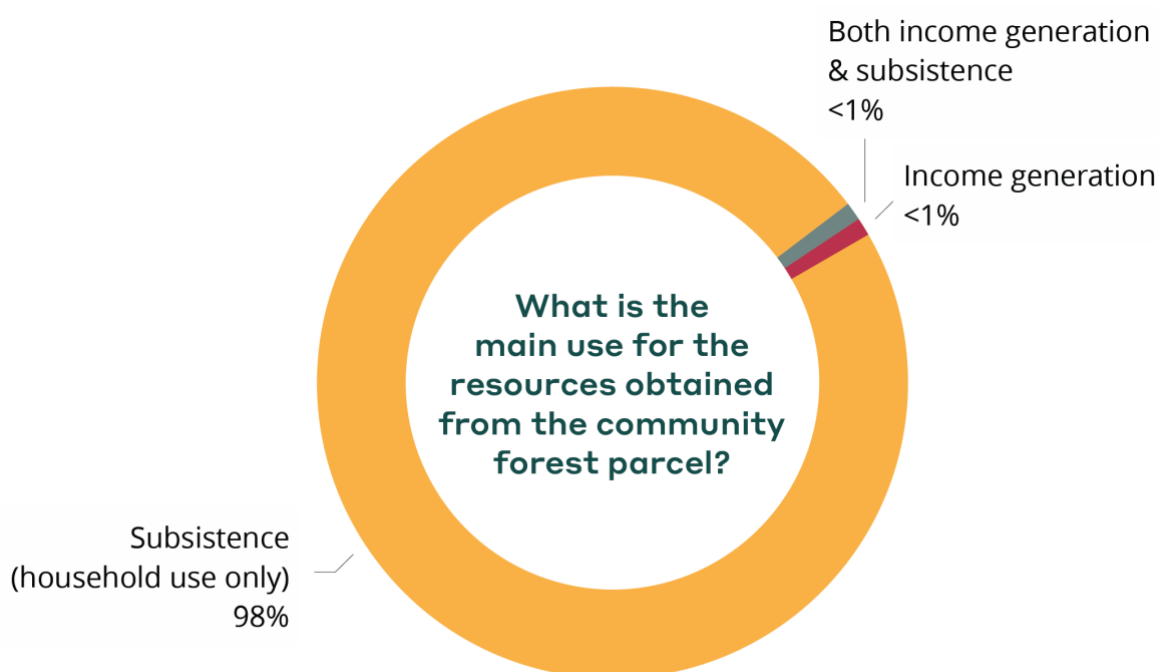


Image 10: Main use of resources obtained from the community forest parcels.

Source: Household survey data.

The length of time during which community members enjoyed access to forest resources varies, with 93.55% reporting having done so for more than five years, and a third (33.33%) reporting that they were born and raised in forest-adjacent villages.

How long has your household accessed community forest parcels?

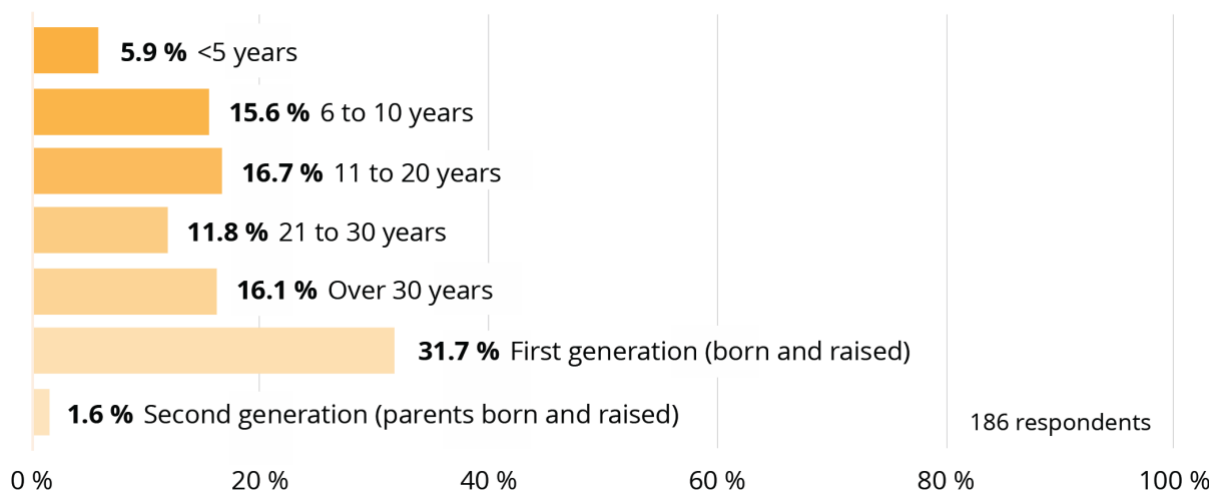


Image 11: Duration of access to community forest parcels.

Source: Household survey data.

The resource most commonly obtained from the forest parcels is fuelwood. 90.86% (169 of the 186 respondents who access forest resources) report collecting fuelwood from the community forests. The second most commonly obtained resource is livestock fodder (53.23% or 99 of the 186 respondents). Since livestock farming is one of the main income-generating activities for forest-adjacent communities, the fodder obtained from forest areas represents a vital resource. Community members also access the forest to harvest water, honey, and medicinal herbs, and for ecotourism activities.

What is the main purpose for accessing resources from community forest parcels?

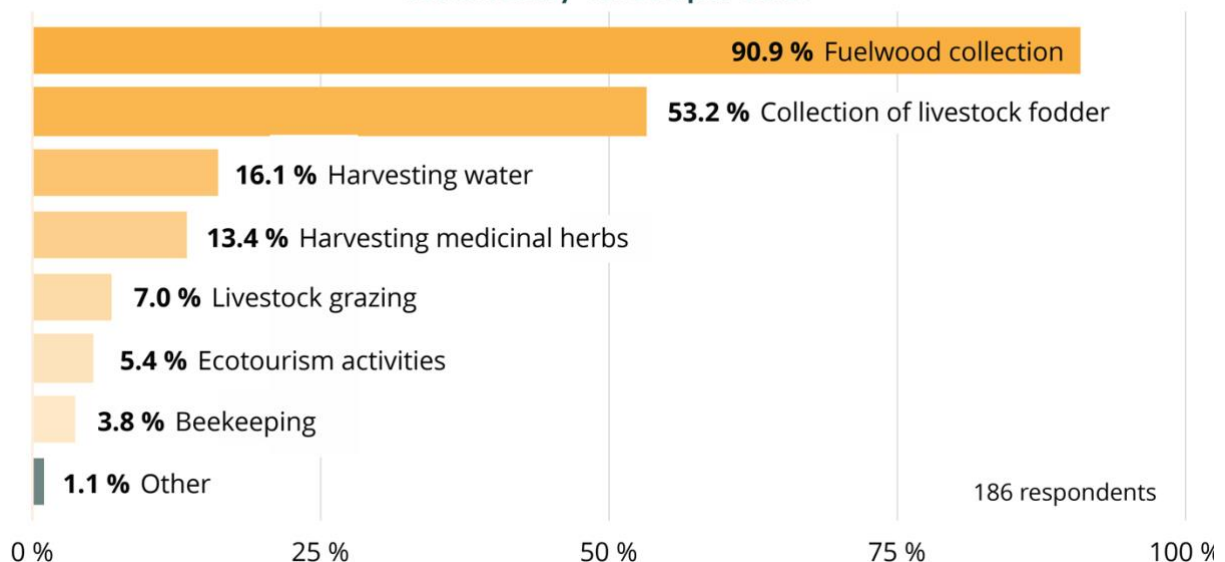


Image 12: Main purpose of accessing community forest parcels.

Source: Household survey data.

Many community members also have private land parcels where they practice crop and livestock farming. 60% (147 out of 245) of respondents have farm plots outside the forest parcels. Community members who own private lands outside the forest parcels tend to rely less on forest resources.

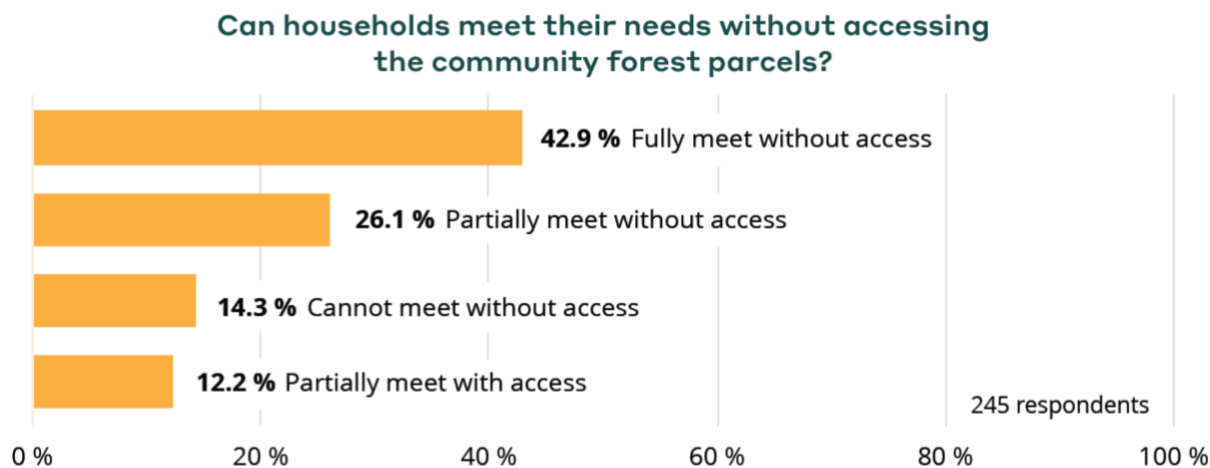


Image 13: Household dependency on access to and use of forest resources.

Source: Household survey data.

Those community members who own private land outside forest parcels rely less on resources from the forest, with a significant portion able to fully meet their household needs without recourse to forest resources. This indicates that private land ownership and diversification of livelihood sources are important factors in reducing dependency on forest resources.



Image 14: A section of a community forest parcel adjacent to private farmlands in Msidunyi.

Photo credit: Juspah Mwaisaka, KLA.

2 Impact of national LDN measures on community forests

The national forest protection and LDN measures have limited impact on the communities' access to forest resources. The forest parcels in Msidunyi area are used communally by the communities living adjacent to them. Under the provisions of Kenya's Community Land Act (CLA), the county government holds all community lands in trust on behalf of communities, but the county is prohibited from transferring, alienating or selling unregistered community land. The communities manage the forest parcels through village committees. The county government and KFS support forest conservation in Msidunyi by providing technical information on forest management (e.g., by sensitizing the committee on SLM practices and on national government policy directives related to forest conservation and afforestation). While KFS also issues permits to harvest timber from community forest parcels, the village committees are the main bodies responsible for managing the forest parcels. As such, the national forest protection and LDN measures have minimal impact on the tenure rights of forest-adjacent communities. 86 of the 186 respondents (46.24%) who access resources from the forest parcels reported that government forest conservation and restoration measures have no impact on how they access and use resources from forest parcels. 22.58% of respondents (42 out of 186) reported that their access had increased while 12.9% (24 out of 186) reported that access to community forest parcels had reduced as a result of government forest protection and conservation measures. Additionally, 234 out of 245 respondents (95.51%) had never come into conflict with a KFS or other government officer over accessing forest resources.



Image 15: Occurrence of conflict with KFS officers and other government authorities.

Source: Household survey data.

3 Sustainable Land Management (SLM) practices in community forests

Without clear definition and (documented) recognition of tenure rights, communities have fewer incentives to implement SLM practices within the forest parcels they communally use. The community forest parcels within Msidunyi are communally used by people living in the adjacent villages. However, these forest parcels are not formally registered or titled. Communities implement various SLM practices on their farm plots but do not invest much in SLM practices within the forest parcels to which they have access. Research has shown a clear link between tenure security and investment in SLM practices (Garnett, et al., 2018) (Robinson, Holland, & Naughton-Treves, 2014), and this was reflected in Msidunyi. 147 of the 245 respondents (60%) reported that they have lands outside the forest where they cultivate crops and raise livestock.



Image 16: Number of respondents who have farms outside community forest parcels.

Source: Household survey data.

122 of the 147 respondents (82.99%) who have lands outside the forest parcels implement SLM practices on their farmlands, while just 87 of the 186 respondents (46.78%) who access forest parcels reported implementing SLM practices within community forest parcels.



Image 17: Number of respondents who implement SLM practices on farm outside community forest parcels.

Source: Household survey data.



Image 18: Number of respondents who implement SLM practices within community forest parcels.

Source: Household survey data.

Notably, about two thirds of the respondents expressed concern that they may lose access to community forest parcels. 157 out of the 245 total respondents (64.08%) are 'very worried' about losing access to forest parcels while 24 out of 245 respondents (9.8%) are 'somewhat worried'. In the FGDs held in Msidunyi, Mwatungu and Ruma villages, community members pointed out that

KFS, while not directly involved in managing community forests, retains the authority to grant or deny permission to cut trees. The general perception is that government can overrule community decisions and therefore affect how community members access forest resources. The community has not initiated the process of registering forest parcels as community land and as such, they worry that KFS directives can have significant implications for how they access, use and manage forest parcels. 179 out of 245 (73.06%) respondents reported that they would be willing to invest more in SLM practices within forest parcels if they were formally granted long-term access and user rights.

4 Kenya's LDN policy and legal framework pertaining to community forests

The policy and legal framework of LDN (including Kenya's LDN TSP) focuses on public forests and overlooks the potential contribution of community forest to achieving national LDN targets. Forest protection and conservation efforts in Kenya focus on public forests where the government, through the Kenya Forest Service (KFS), has a direct mandate to manage forests and enforce policy directives. The roles and contributions of KFS officers in forest protection and conservation are more explicit for public forests such as Kereita Forest in Kiambu County (the locus of our first GSW case study in Kenya). By contrast, KFS does not have a clearly defined role in helping communities manage community forests. The Forest Conservation and Management Act of 2016 gives KFS a role in preparing management plans for community forests at the request of the community. The functions of KFS as detailed in the Act include assisting county governments by building capacity in forestry and forest management and promoting forestry education and training (GoK, Forest Conservation and Management Act, 2016).

The support provided by FKS to the village committee managing community forest parcels in Msidunyi is not regularized, as is the case for public forests where KFS co-manages forests with registered Community Forest Associations (CFAs). The main role of KFS in the management of community forest parcels in Msidunyi is in issuing permits for harvesting timber. KFS officers liaise with area chiefs, assistant chiefs and village committees to ensure compliance with the terms of these permits. KFS also offers technical advice to the committees managing community forests with respect to tree planting and seedling support, and conducts sensitization campaigns on the importance of forest conservation.

Additionally, while the Kenya National Bureau of Statistics (KNBS) provides annual statistics on forest cover and on the sector's contribution to Kenya's gross domestic product (GDP) and employment, it does not disaggregate the data from the different types of forests or provide insights of the contribution of community forests.

While the contribution of KFS to forest conservation by managing timber harvesting within forest parcels is important, a regularized framework for conservation of community forests would likely help to meet Kenya's national LDN targets.

5 Community-level contributions to national LDN targets

Strengthening the capacity of community-level institutions and structures that manage community forests can contribute to the attainment of national LDN targets. In Msidunyi, KFS does not have a direct role in the management of community forests as its mandate is mainly to manage and conserve state-owned or gazetted forests. The county government's main contribution to conservation of community forests is in supporting tree planting campaigns.

Technical support and coordination by the government agencies responsible for protecting and conserving forests is key to ensuring that communities contribute to achieving national LDN targets. However, without the formal institutions that have a legal mandate to manage community forests, the support from KFS is not regularized.

The first step in establishing these institutions is to legally recognize the legitimate tenure rights of these communities. Kenya has done so by defining community forests (as part of community lands) in the Constitution of Kenya, 2010, the Community Land Act, 2016, and the Forest Conservation and Management Act, 2016. The work of the Kenya Forest Service in controlling logging in community forests and providing sensitization training on forest protection and conservation also supports the recognition of tenure rights. However, legal recognition of tenure rights is only effective where these legal provisions are implemented at the community level.

The next step in strengthening community-level institutions that manage and administer community forests is to formalize the tenure rights of communities through registration as provided for in Kenya's legal framework (CLA, 2016) and to establish Community Land Management Committees. Registration under the CLA allows communities to document the extent of community forests and therefore to monitor the impact of human activities on the forests. In addition, the registration of community-managed forest parcels forms a basis for an inventory of community forests across the country. As this inventory is established, government agencies can include these forest parcels among the national LDN, forest protection and land restoration targets.

4 Recommendations

1 Enhance recognition of legitimate tenure rights at the local (community) level.

The UNCCD Land Tenure Decision calls upon parties to recognize legitimate tenure rights, including customary rights, consistent with national legal frameworks. For community forests in Kenya, this means registration of forest parcels as community lands in line with the provisions of the Community Land Act, 2016, and adherence to the gender provisions of the Act. Kenya is among the African countries² that have enacted laws to protect communally held lands and encourage surveying and registration of each community's property (Alden Wily, 2018). Registration of community forests in line with the provisions of the CLA 2016 will also incentivize the community to implement sustainable land management practices. Additionally, the registration of community forests as community lands puts the community in a better position to monitor the impact of human activities on these forest parcels and therefore implement forest protection and conservation measures.

Registration of ungazetted forests parcels as community lands will also actualize the legal provisions and ensure that the tenure and resource rights of all community members are protected. These include the establishment of relevant community-level institutions (e.g., Community Land Management Committees), respecting the two-thirds gender rule³ in establishing the committee, the requirement that all adult community members (all men and women above the age of 18) be included in the community assembly, a two-thirds quorum for community assembly meetings, provisions on non-discrimination on basis of age, gender or marital status, and a requirement for agreements with external parties to be approved by two-thirds of members in a community assembly meeting. These provisions are in line with the UNCCD land tenure decision (Decision 26/COP.14) which encourages parties to legally recognize equal use and ownership rights of land for women, to enhance women's equal access to land and land tenure security, and to promote gender-sensitive measures to combat desertification/land degradation and drought and achieve land degradation neutrality.

² Ghana, Sierra Leone, Tanzania, Uganda, South Sudan, Kenya, Burkina Faso, and Mozambique are among the countries that have enacted community land laws in recent years.

³ Article 27 (8) of the Constitution of Kenya states that the State shall take legislative and other measures to implement the principle that no more than two-thirds of the members of elective or appointive bodies shall be of the same gender. In addition, Article 60 the Constitution lists elimination of gender discrimination in law, customs and practices related to land and property among the guiding principles for holding, using and managing land. The Community Land Act calls for management of community land in accordance with these constitutional provisions.

2 Strengthen communities' capacity to contribute to forest protection and conservation, and landscape restoration.

County governments hold unregistered community lands in trust on behalf of communities (GoK, Community Land Act, 2016). The county governments also have a role in developing county spatial plans to inform general land use trends. The role of KFS with respect to community forests include assisting in the preparation of forest management plans, assisting county governments in building capacity for forest management, and promoting forest education and training (GoK, Forest Conservation and Management Act, 2016). In carrying out the above functions, county governments and KFS help communities to manage community forest parcels and align community-level interventions with sub-national and national forest protection and conservation targets. This support can begin before the registration of community forests and continue after registration (after the institutions mandated to manage community land have been established). The process of registering community forests in line with the provisions of the CLA 2016 also provides an opportunity to strengthen community institutions' capacity to implement forest conservation and landscape restoration activities. The multiple steps involved in registering communally held land in the manner prescribed by the CLA serve to sensitize communities to the country's national and sub-national forest conservation and landscape restoration targets (including LDN targets), and the benefits of these activities for the community.

3 Bolster efforts to achieve national LDN and landscape restoration targets by identifying and including key community forests that can contribute to forestry-related LDN measures.

Most national LDN targets focus on actions to be implemented in relation to forests. With KFS exercising direct jurisdiction over public (gazetted) forests, the bulk of these actions are implemented in public forests and there is limited focus on community forests. In counties such as Taita Taveta where more than 50 forest parcels are categorized as community forests, the inclusion of these forest parcels in the direct actions to protect and conserve forests can add to the sub-national contributions to LDN. There is a need to include targets for community forests when revising the LDN TSP and to support coordinated community-level contribution to LDN targets. Kenya's National Forest Programme acknowledges the limitations of focusing solely on gazetted forests and proposes the promotion of farm forestry and woodland management on community land as a way to meet the high demand for forest products and services (GoK, National Forest Programme 2016–2030, 2016). With some community forest parcels covering less than 5 hectares, communities and county governments should also consider consolidating smaller parcels to establish larger community forests for which protection and conservation can be more effective.

In addition, the introduction of payment for ecosystem services (PES) schemes can further incentivize the communities managing community forests to be more deliberate in their forest protection and conservation efforts. Incomes from PES schemes are also likely to reduce the communities' dependence on forest resources. However, the communities' tenure rights should be secured through registration before any agreements are concluded under these PES schemes. A prerequisite for all agreements on PES schemes (including benefit sharing agreements for carbon offset projects) should be that the process of registration as detailed in the Community Land Act be initiated, and the custodian community identified and documented in accordance with the law. Without undertaking this as a first step, there will be a risk of such schemes and projects benefitting intermediaries and other actors more than the communities who have been the primary actors conserving community forests. Basing these projects on legitimate land and tenure rights can ensure we do not disenfranchise these communities, and documenting these rights is an essential first step.

4 Include reference to tenure issues in national LDN targets and other forest conservation and landscape restoration initiatives.

In 2022, the Global Mechanism of the UNCCD and the UNCCD Secretariat announced a second phase of the LDN target setting programme (TSP 2.0) that will include support to several countries to revise their national LDN TSPs (Global Mechanism of the UNCCD, 2022). Kenya has expressed its intention to avail of this support to revise its LDN TSP. This presents an opportunity for the national working group that will coordinate this process to integrate tenure issues into national LDN targets, either by collecting data on Kenya's forest co-management framework (from the forest-adjacent communities and Community Forest Associations) or by monitoring the actions being implemented to protect and conserve community forests. By doing this, tenure issues can be integrated into LDN measures as part of the process of monitoring the impacts of these measures in line with Decision 27/COP.15 of the UNCCD (*parties are to review their plans and activities to combat desertification/land degradation and drought and to proactively collect data on legitimate land tenure rights in priority areas of voluntary land degradation neutrality plans*).

5 References

- Abera, T. A., Vuorinne, I., Munyao, M., Pellikka, P. K., & Heiskanen, J. (2022).** *Land Cover Map for Multifunctional Landscapes of Taita Taveta*. MDPI.
- Africa Parks. (n.d.).** *Nkhotakota*. Retrieved from Africa Parks: <https://www.africanparks.org/the-parks/nkhotakota>
- Alden Wily, L. (2018, June).** *Forest People's Programme*. Retrieved from <https://www.forestpeoples.org/sites/default/files/documents/Brief%20%20-%20Community%20Property%20in%20Africa.pdf>
- Garnett, S. T., Burgess, N. D., Fa, J. E., Fernández-Llamazares, Á., Molnár, Z., Robinson, C. J., . . . Leiper, I. (2018).** *A spatial overview of the global importance of Indigenous lands for conservation*. *Nature Sustainability*.
- Global Mechanism of the UNCCD. (2022).** *Addressing desertification, land degradation and drought: From commitments to implementation*. Bonn: United Nations Convention to Combat Desertification (UNCCD).
- GoK. (2010).** *The Constitution of Kenya*. Nairobi: Government of Kenya.
- GoK. (2012).** *County Government's Act*. Government of Kenya.
- GoK. (2016).** *Community Land Act*. Nairobi: Government of Kenya.
- GoK. (2016).** *Forest Conservation and Management Act*. Government of Kenya.
- GoK. (2016).** *National Forest Programme 2016–2030*. Ministry of Environment, Government of Kenya.
- GoK. (2018).** *Land Degradation Neutrality Target Setting Final Report*. Nairobi: Ministry of Environment, Government of Kenya.
- GoK, C. G. (2018).** *County Integrated Development Plan 2018-2022*. Government of Kenya, County Government of Taita Taveta.
- Malawi Plus. (2022, June 6).** *Ntchisi Forest Reserve in Ntchisi, Malawi*. Retrieved from Malawi Plus: <https://malawiplus.com/ntchisiforest/>
- Robinson, B. E., Holland, M. B., & Naughton-Treves, L. (2014).** Does secure land tenure save forests? A meta-analysis of the relationship between land tenure and tropical deforestation. *Global Environmental Change*.
- UNCCD. (2019).** Decision 26/COP.14. *COP 14, New Delhi, India, 2019* (pp. 72, 73). New Delhi: United Nations Convention on Combatting Desertification.
- UNCCD. (2022).** Decision 27/COP.15. *COP 15, Abidjan, Côte d'Ivoire, 2022* (pp. 78, 79, 80). Abidjan: United Nations Convention on Combatting Desertification.
- UNCCD. (2022).** *Global Land Outlook, second edition: Land Restoration for Recovery and Resilience*. United Nations Convention to Combat Desertification.
- United Nations Convention to Combat Desertification. (n.d.).** *Land Degradation Neutrality*. Retrieved from UNCCD: <https://www.unccd.int/land-and-life/land-degradation-neutrality/overview>
- van der Esch, S., Sewell, A., Bakkenes, M., Doelman, J., Stehfest, E., Langhans, C., . . . Fleskens, L. (2022).** *The global potential for land restoration: Scenarios for the Global Land Outlook 2*. The Hague: PBL Netherlands Environmental Assessment Agency.
- Watt, S. (2012, November 16).** *Why Malawi is turning into a traveller's paradise*. Retrieved from The National News: <https://www.thenationalnews.com/lifestyle/travel/why-malawi-is-turning-into-a-traveller-s-paradise-1.365791>



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