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Opportunities for enhancing recognition of tenure rights for community forests

The case of Loita Community Forest in Narok County, Kenya

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Narok County Case Study, Kenya

Global Soil Week 2022-2024

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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Acknowledgments

Executive Summary

Land degradation is among the most pressing environmental challenges currently facing the world. It affects nearly half of the world's population and impacts croplands, drylands, wetlands, forests, and grasslands (UNCCD, 2022). According to the Global Land Outlook Report, published in 2022 by the United Nations Convention to Combat Desertification (UNCCD), twenty to 40 percent of the Earth's total land area is now degraded. The global response to this environmental challenge has been land restoration – the process of rehabilitating natural landscapes and habitats. Land restoration has the potential to restore up to five billion hectares globally, to reduce biodiversity loss by 11 percent by the year 2050, and to improve land conditions and ecosystem function (van der Esch, et al., 2022). The UNCCD recommends that land restoration efforts should go beyond national planning and development frameworks and identify pathways to fully realize the potential of restoration. The UNCCD also views communities as key actors in land restoration. Accordingly, the parties to the UNCCD adopted a Land Tenure Decision in 2019 (Decision 26/COP.14) that called upon states to recognize communities' legitimate tenure rights and apply principles of responsible land governance as they undertake measures to address land degradation.

At the national level, states implement various measures to combat land degradation and desertification guided by national Land Degradation Neutrality (LDN) programmes. **Kenya's LDN Programme** emphasizes the role of forest protection and conservation in achieving land degradation neutrality, and proposes measures to increase forest cover (through afforestation and agroforestry in existing forests), convert shrublands and grasslands to forests, and halt the conversion of forests to other classes of land cover.

Since 2020, TMG Research has been conducting research to develop **solution pathways to mainstream legitimate tenure rights in LDN programmes**. This work includes examining the impact of national LDN programmes on the legitimate tenure rights of communities living in or adjacent to areas where LDN measures are being implemented. This current analysis, conducted in Benin, Kenya, Madagascar and Malawi, involves a review of national forest management and land governance laws and policies to ascertain the legal basis for tenure rights, and a case study to examine whether these laws and policies offer sufficient recognition of tenure rights in practice.

Our case study of the Loita Community Forest, the third conducted in Kenya for Global Soil Week, sought to identify opportunities for enhancing recognition of tenure rights for community forests. Loita Community Forest was selected due to its status as the largest and best-conserved community forest in Kenya. This selection was also endorsed by Kenya's National Focal Point to the UNCCD. TMG Research partnered with Kenya Land Alliance (a national NGO) and Cadasta Foundation (a mapping partner) in this study, which involved a household survey to establish which resources the communities living in the target area obtain from the forest, a community-led tenure mapping exercise, and focus group discussions to collect complementary data. The outputs from these exercises were analysed against national LDN plans. As a result, recommendations for enhancing tenure rights for communities who use and manage community forests were developed.

The findings of the study underscore the need for LDN programmes to go beyond ensuring that national laws on forest management and land governance are consistent with the principles of responsible land governance, and to ensure that these legal provisions are implemented. Kenya's legal framework recognizes communities' tenure rights in the context of public forests (through forest co-management agreements between the Kenya Forest Service and Community Forest Associations), as well as for community forests (through provisions for registering community lands). However, the slow implementation of the 2016 Community Land Act means that the protection the law offers has yet to be realised. Community-level institutions that manage forests should also be strengthened in order to effectively carry out their role while contributing to national land restoration and forest conservation plans. In addition, the role of other stakeholders (state and non-state actors) in supporting community institutions that manage community forests cannot be overlooked. The community managing Loita Forest can benefit from administrative and technological support from state and non-state actors for activities such as community-led resource mapping, boundary delineation and monitoring of changes in forest cover. Finally, adoption of the UNCCD's Land Tenure Decision should also include collection of data on tenure rights to inform policy decisions. This will be consistent with Decision 27/COP.15 of the UNCCD that invites parties to proactively collect data on legitimate land tenure rights in priority areas of voluntary land degradation neutrality plans.

The case study on Loita Community Forest reinforces the conclusion from the second case study in Kenya – that 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. The first step in realizing this opportunity involves registering these forests as community lands and establishing community institutions that can benefit from targeted support from the Kenya Forest Service, the county government, and non-state actors. This approach will also ensure that land restoration is a community-led activity that can create and support meaningful, sustainable livelihoods while contributing to climate change mitigation and biodiversity protection.

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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 Organization
FGD	Focus Group Discussion
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) 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
PELIS	Plantation Establishment and Livelihood Improvement Scheme
PES	Payment for Ecosystem Services
REDD+	United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation
SLM	Sustainable Land Management
TCBFM	Traditional Community-Based Forest 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 **As parties integrate the principles of responsible tenure governance into national LDN and land restoration programmes, the emphasis should be on implementing national laws that recognize legitimate tenure rights.**

Kenya is one of many African countries that have, over the last two decades, enacted laws that recognize customary land tenure and provide for the documentation and registration of communally owned lands. However, full implementation of the legal frameworks is needed in order to ensure that these tenure rights are respected and protected. Adoption of the UNCCD's Land Tenure Decision at national level involves more than ensuring that national laws are consistent with VGGT principles. These laws must also be consistently applied so that stakeholders are empowered and incentivized to engage in planning and decision-making for conservation, sustainable land use and land restoration. This can take the form of a national programme to document land rights and tenure rights for LDN priority areas. Such a programme should also include capacity development for the officers who will undertake this process, and avenues for non-government stakeholders to inform the process, especially defining how to document non-ownership tenure rights.

2 **Effective forest management, protection and conservation require strong legal provisions on tenure rights and forest governance and robust administrative frameworks.**

Kenya's legal framework includes provisions that support responsible governance of tenure, such as the recognition and documentation of community tenure rights (for community forests) and controlled resource use and forest co-management (for public forests). However, institutional weaknesses of community (traditional) institutions that manage unregistered community forests limit their effectiveness. The administrative frameworks for community forests need to be strengthened in order to enhance the implementation of national forest protection and conservation measures at community level. Administrative frameworks can be strengthened by fast-tracking the delineation of community forests to establish official boundaries, registration of community forests in accordance with the provisions of the Community Land Act, 2016, and by establishing community-level institutions that can manage and administer community forests and implement forest protection and conservation laws.

3 The role of state and non-state actors in enhancing the capacity of communities to protect and conserve community forests should not be overlooked.

The capacity of the Entasekera Community to protect and conserve Loita Forest is limited in terms of forest management technologies, techniques, and strategies. This capacity gap can be filled by state actors such as the Kenya Forest Service (KFS) and Narok County Government, and complemented by non-state actors (community-based organizations and civil society). It is in the government's interest to support forest protection and conservation measures in community forests as doing so helps the country achieve its land restoration and climate action targets. State and non-state actors have the capacity to provide administrative and technological support for activities such as community-led resource mapping, boundary delineation, and monitoring of changes in forest cover. State actors, as custodians of national environmental action plans, are also in a position to propose forest protection measures that are in line with other national plans, while ensuring compliance with principles of responsible governance of tenure such as fairness, inclusivity, and women's participation. Non-state actors such as CSOs, CBOs and research organizations play a key role in supporting communities by building their capacity to champion for land and tenure rights issues and piloting innovations to document tenure rights (such as community-led mapping), or tools that can support communities' access to justice such as grievance reporting tools. Kenya is among the first group of five countries that will take part in the **FAO-UNCCD Joint Initiative on Land Tenure** (FAO, 2023). This initiative aims to help the selected countries enhance tenure security as both a means and outcome of LDN activities and through a wide range of regenerative land-based projects and programmes. The initiative will involve national multi-stakeholder consultations. Environment ministries and non-state actors (national CSOs, academia, private sector) can make use of these consultations to assess the capacities of each actor, and to establish multi-stakeholder frameworks to ensure that tenure rights issues are included in national LDN and land restoration programmes by leveraging the strengths of each stakeholder.

4 LDN and land restoration programmes can be enhanced by collecting quantitative data on forest tenure rights to inform national policy decisions and monitor the impact of these programmes on forest tenure rights.

Community forests offer an opportunity to promote land restoration beyond public forests provided that well-coordinated community-level contributions to LDN and restoration targets are supported by forest authorities. It is critical that the government's approach is informed by the number (and total acreage) of community forests that are viable for inclusion in the national land restoration plans, and the number of community members who depend on and co-manage these forests. Establishing an inventory of community forests, followed by registration of community forests as community lands is

one of the ways the government can undertake this. In addition, the government, through the Kenya Forest Service, can collect data on the acreage of plantation forests under the Plantation Establishment and Livelihood Improvement Scheme (PELIS), the acreage of public forests supporting community livelihoods through resource use agreements, and the number of participants in these schemes. This will be in line with Decision 27/COP.15 of the UNCCD, which invites parties to proactively collect data on legitimate land tenure rights in priority areas of voluntary LDN plans. Kenya is one of 18 countries selected to participate in the second phase of the Land Degradation Neutrality Target Setting programme (LDN TSP 2.0) (UNCCD, 2023). This offers an ideal opportunity to define tenure rights data that should be collected to inform national LDN plans, and to establish baselines on tenure-related issues in the context of national LDN plans from which each country can monitor medium- and long-term progress.

5   Lessons for UNCCD COP16.

The parties to the UNCCD took a monumental step by adopting the land tenure decision in 2019 in New Delhi (Decision 26/COP.14) and by following up with additional proposals on how to strengthen land tenure issues in 2022 in Abidjan (Decision 27/COP.15). As the parties prepare to report on this decision at COP16 in Riyadh in December 2024, it is vital that they maintain the momentum on the land tenure topic as pertains to national measures to achieve the objectives of this convention. To further strengthen the land tenure decision at the next UNCCD COP, parties should call for more investment in measures that will support land restoration beyond national public forests (i.e., in community forests). In addition, parties should explore proposals on the collection of data on community tenure rights to inform national land restoration plans and strategies. Case studies on the integration of tenure rights in LDN programmes, such as those conducted as part of TMG's Global Soil Week project, can inform this process. The data on community tenure rights should also include baseline information on the acreage of land available for restoration, and the status of land rights and tenure rights for these lands. This can be a first step in developing land restoration and LDN programmes and strategies that are more applicable to national and sub-national contexts. This will also ensure that the mobilization of resources for national land restoration and LDN programmes matches national capacities.

1 Introduction

The UNCCD's Land Tenure Decision (Decision 26/COP.14) calls upon the parties to the convention to recognize legitimate tenure rights, including customary rights, consistent with national legal frameworks. The decision also invites states to follow the principles of the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) when implementing activities to combat desertification/land degradation and drought, and to achieve land degradation neutrality (UNCCD, Decision 26/COP.14, 2019).

TMG's Global Soil Week project follows up on this decision and looks into national measures to combat land degradation and achieve land degradation neutrality with the aim of determining how responsible land governance can be integrated into national LDN programmes. Since 2020, the project has undertaken research in Benin, Kenya, Madagascar and Malawi to determine the impact of national LDN programmes on the legitimate tenure rights of communities living in areas where these measures are being implemented.

Kenya's LDN Target Setting Programme (LDN TSP) emphasises forest protection and conservation by proposing actions to increase forest cover mainly through afforestation and agroforestry in existing forests, conversion of shrubland and grassland to forest, and halting the conversion of forests to other land cover classes (GoK, Land Degradation Neutrality Target Setting Final Report, 2018). Previously, the project conducted research in **Kereita Forest** (a public forest in Kiambu County), and in **Msidunyi Community Forest** (community forest parcels in Taita Taveta County). This study is the third in Kenya and sought to assess the impact of Kenya's LDN measures on the legitimate tenure rights of the community living in and around Loita Community Forest in Narok County, and to present recommendations for enhancing recognition of tenure rights for community forests.

Kenya LDN TSP

LDN at the national scale

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

LDN at the sub-national scale

▶ LDN achieved in Ewaso Ngiro North (Lak Dera 2) by 2030 with zero percent net loss in land restoration compared to 2015.

▶ LDN achieved in the Tana River catchment zone by 2030 with 16.7 percent net increase in land restoration compared to 2015.

▶ LDN achieved in the Athi River catchment zone (Galana, Pangani, South-East Coast) by 2030 with zero percent net loss in land restoration compared to 2015.

▶ LDN achieved in the Rift Valley catchment zone (Lake Turkana, Naivasha, Natron) by 2030 with 9 percent net increase in land restoration compared to 2015.

▶ LDN achieved in the Lake Victoria region (Nile basin) by 2030 with 9 percent 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 shrubland 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 percent 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   Narok Case Study (Loita Community Forest)

The previous Global Soil Week case studies analysed the impact of LDN measures on the legitimate tenure rights of communities living adjacent to Kereita Forest (a public/gazetted[1] forest in Kiambu County), and communities living adjacent to community forest parcels in Msidunyi, in Taita Taveta County.

Loita Community Forest in Narok County (Narok South sub-county) was selected as a third case study to further inform insights on the role of community forests in national LDN and land restoration programmes. **Loita Community Forest represents a unique case in that it is the largest and best conserved community forest in Kenya**. The forests in Narok County form part of the Mau Forest Complex, Kenya's largest closed-canopy forest area. These forests include Enoosupukia, Loita (Eneminkio), Nyakweri, Nyangores, Nairotia, Olposimoru, and Olenguruone (Narok County Government, 2018).
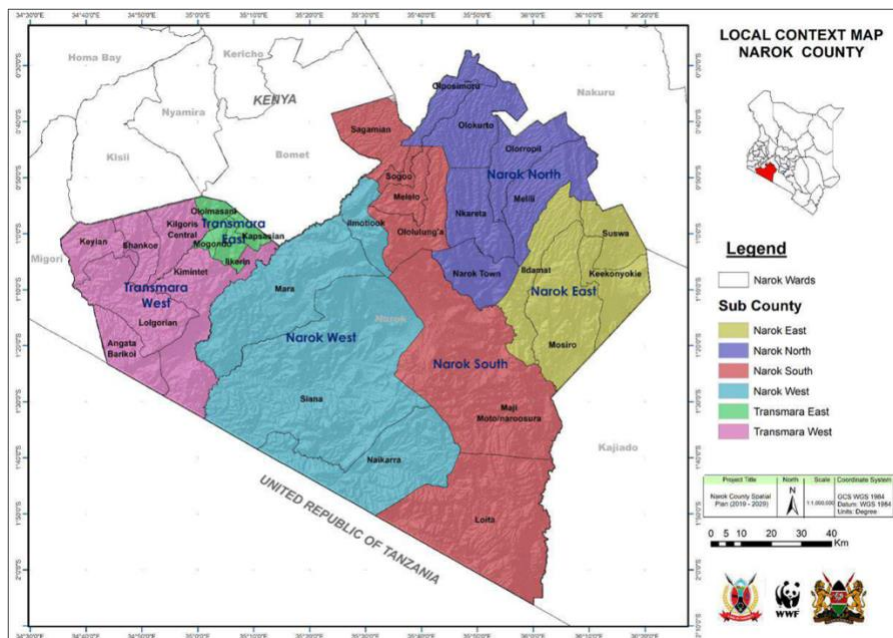
Figure 1: Narok County administrative units (Narok County Government, 2023).

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[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, and are under the management of the Kenya Forest Service (unlike community forests which are mainly administered by community institutions).

Loita Community Forest is an ungazetted indigenous forest estimated to cover over 33,000 hectares (330 km^2) (Mbuvi, Musyoki, & Ongugo, 2015). The local community (Maasai), through the traditional Chief – the *Oloiboni* – manages the forest (Mbuvi, Musyoki, & Ongugo, 2015). The community living adjacent to Loita Community Forest is dependent on the forest resources for their livelihoods and subsistence needs and for other ecosystem functions, and the *Laibon* institution (traditional authority) includes local communities in natural resource management. The forest resources also have cultural value to the community. Access rights to forest land and forest resources vary; access is controlled for some resources and free for others. The Loita community exercises exclusive rights to management the resource and to exclude others in using and participating in the management of forest resources (Mbuvi, Musyoki, & Ongugo, 2015).
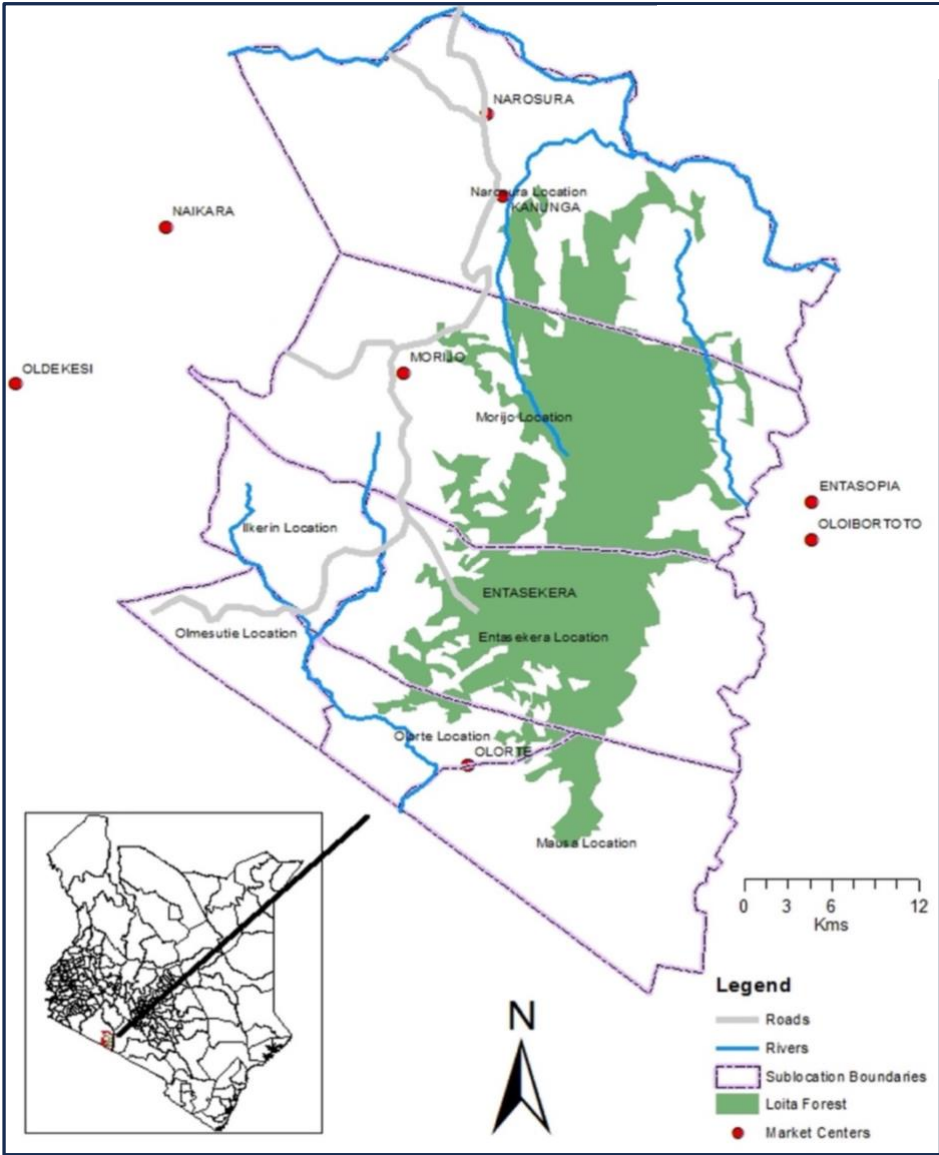
Figure 2: Loita Community Forest (Mbuvi & Kungu, 2021).

1.2   Community Forests in Kenya

Kenya's Community Land Act, enacted in 2016, details provisions for the recognition, protection and registration of community land rights and defines the role of county governments in relation to unregistered community land (GoK, 2016). This law includes community forests in its definition of community lands (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). The law also provides guidance on the process of registering community land in Kenya, as well as the roles of the county government in administering community lands within their jurisdiction (holding unregistered community lands in trust on behalf of communities).

In the case study areas, this land act provides a legal framework for communities to become the documented owners of the forest lands and enjoy rights to access, use and manage forest resources, without losing the support of state forest management authorities. Registration of community forests as community lands in accordance with this law would entail stronger recognition of the communities as legitimate tenure right holders through the issuance of a community title at the end of this process. The two-thirds gender requirement for the Community Land Management Committee presents an opportunity for the effective participation of women in decision-making. Additionally, the Community Land Act includes the requirement that decisions to dispose or alienate community land can only be viable if they are supported by at least two thirds of the registered adult members of the community. This requirement further ensures that women and youth can participate in decision-making on how the land and land-based resources are administered. These provisions of Kenya's community land law can ensure that the principles of responsible land governance included in the VGGT are applied in actions aimed at achieving the country's LDN and land restoration targets, including protect community forests.

2 Methodology

This case study applied the methodology that has been part of the Global Soil Week project across the four countries where it has been implemented (Benin, Kenya, Madagascar and Malawi). The process entailed conducting a household survey, community-led participatory mapping of tenure rights and land use zones within and adjacent to the forest, 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. These exercises were facilitated by Kenya Land Alliance (national partner) with the support of the Cadasta Foundation and a local partner, Entashata Loita community-based organization (CBO). Cadasta Foundation provided the mapping platform and technical support, including training of the data collection teams and data management, while Entashata CBO offered logistical support, including recruitment of enumerators and general supervision of data collection.

2.1 Household survey

A total of 381 respondents (197 female, 175 male) were interviewed to collect quantitative data on the access, use and management of resources in Loita Community Forest. This process was necessary to determine the community's tenure rights based on the use of resources they obtain from the forest, the duration of accessing these resources, and proximity to the forest.
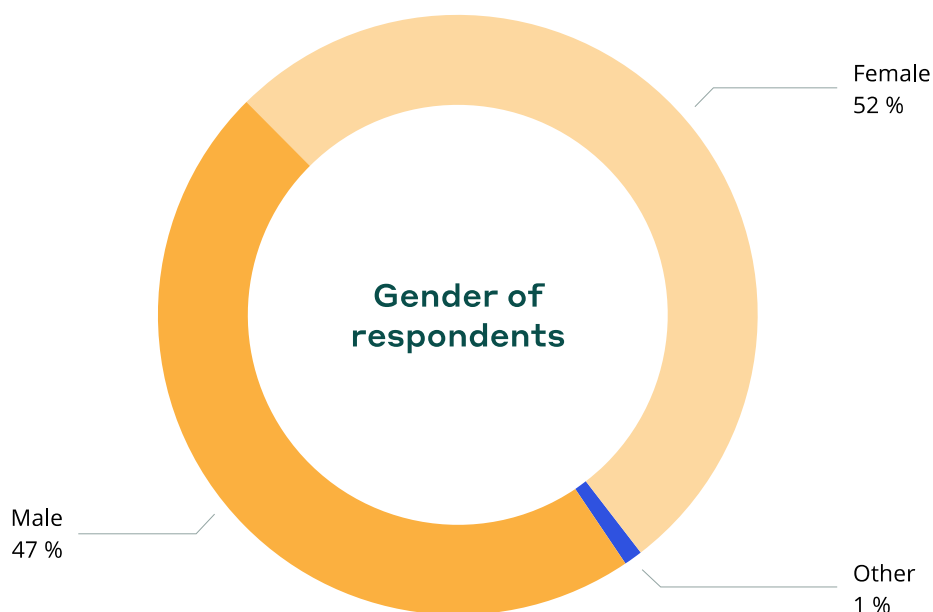
Figure 3: Gender distribution in the study area.

2.2 Participatory mapping of tenure rights

The community-led participatory mapping exercise was conducted by teams comprised of community volunteers working with Kenya Land Alliance (KLA) project officers and supported by Cadasta Foundation. The data gathered in the household survey and the mapping exercise formed the basis for the analysis of the impact of national and community forest protection and conservation measures on the tenure rights of the Maasai community living adjacent to Loita Forest. While discussions with different community-level stakeholders provide sufficient information on the status of forest protection and conservation as well as on the tenure rights issues, the mapping process has proven to be a crucial step in gathering further feedback from the community. In discussing the outputs of the mapping process with the community, the project team gained more clarity on what the community consider the boundaries of Loita Forest, and the sections they refer to as 'forest areas' but do not consider part of the community forest. The visual representation of the tenure rights as well as the households who participated in the survey also enhance the discussions on tenure issues as the community subsequently provided more information and recommended the collection of mapping data on sites and features that were not included in the initial map.

Image 1: Community members from Talugo and Olgos villages validating maps at Empuruputia Secondary School on 8 August 2023 (**Source:** Kenya Land Alliance)

2.3 Focus Group Discussions (FGDs)

As a follow-up to the above steps, the project team conducted FGDs with community members to complement the quantitative data. The project team also presented the draft maps to be reviewed, corrected and validated by the community at this point. The FGDs were conducted to shed more light on the findings from the household survey, and to further probe responses to the questions on change in the size of the forest, and on whether respondents were worried that they would lose their rights to access forest resources. The first FGD for this study was conducted at Empuruputia Secondary School on 8 August 2023, and included participants from Talugoo and Olgos villages. The second FGD, conducted at Entasekera Mission Hospital on 9 August 2023, comprised participants from Nairota B and Endonyo villages. Seventy-six community members (45 male, 31 female) participated in the meeting at Empuruputia Secondary School while fifty community members (39 male, 11 female) participated in the meeting at Entasekera Mission Hospital.

Image 2: Community members from Talugo and Olgos villages validating maps at Empuruputia Secondary School on 8 August 2023 (**Source:** Kenya Land Alliance)

3 Findings and discussion

3.1 History of Traditional Community-Based Forest Management (TCBFM) in Loita

In 1992, the Government of Kenya (through the now-defunct Narok County Council) proposed converting Loita Forest to a forest reserve (Karanja, Tessema, & Barrow, 2002). This process would have resulted in the forest being adjudicated, official boundaries delineated, and the issuance of a government gazette notice declaring Loita a forest reserve under the management of the Kenya Forest Service. Since this was before the amendments to Kenya's forest management laws that introduced Community Forest Associations, the gazettement would have resulted in the exclusion of the local community from management of the forest, and would have restricted access to forest resources.

The Loita community feared that ceding control over the forest to the government would destabilize the traditional forest management framework and introduce more bureaucracy to how the forest is managed (Mbuvi & Kungu, 2021). This was confirmed during key informant interviews conducted as part of this study. On the government side, the main motivation for proposing the gazettement of Loita Forest was a concern that, given the apparent decline of the traditional management system in place, without gazettement the practice of land parcelling would proceed unhindered, eventually leading to encroachment into the forest (Mbuvi & Kungu, 2021). The community living adjacent to Loita Forest rejected the proposal to gazette the forest and initiated legal action to halt the process (Karanja, Tessema, & Barrow, 2002). In 1996, an injunction issued by a constitutional court granted the local community the right to manage the forest, and plans to convert the forest into a reserve were eventually abandoned in 2002 when the Narok County Council opted to endorse community-based management (Karanja, Tessema, & Barrow, 2002).

In focus group discussions that were part of this study, the community living adjacent to Loita Forest expressed concerns that conversion to a public forest through gazettement, and the sub-division and eventual titling of the communally held lands (outside the forest) will likely result in conflicts, and dispossess the Maasai of their ancestral land (if community members sell their land to individuals from other communities). The community also holds the view that gazettement of the forest may contribute to erosion of the Maasai culture as government-controlled access to the forest may result in them not being able to carry out their cultural ceremonies within the forest.

3.2 Mapping outputs
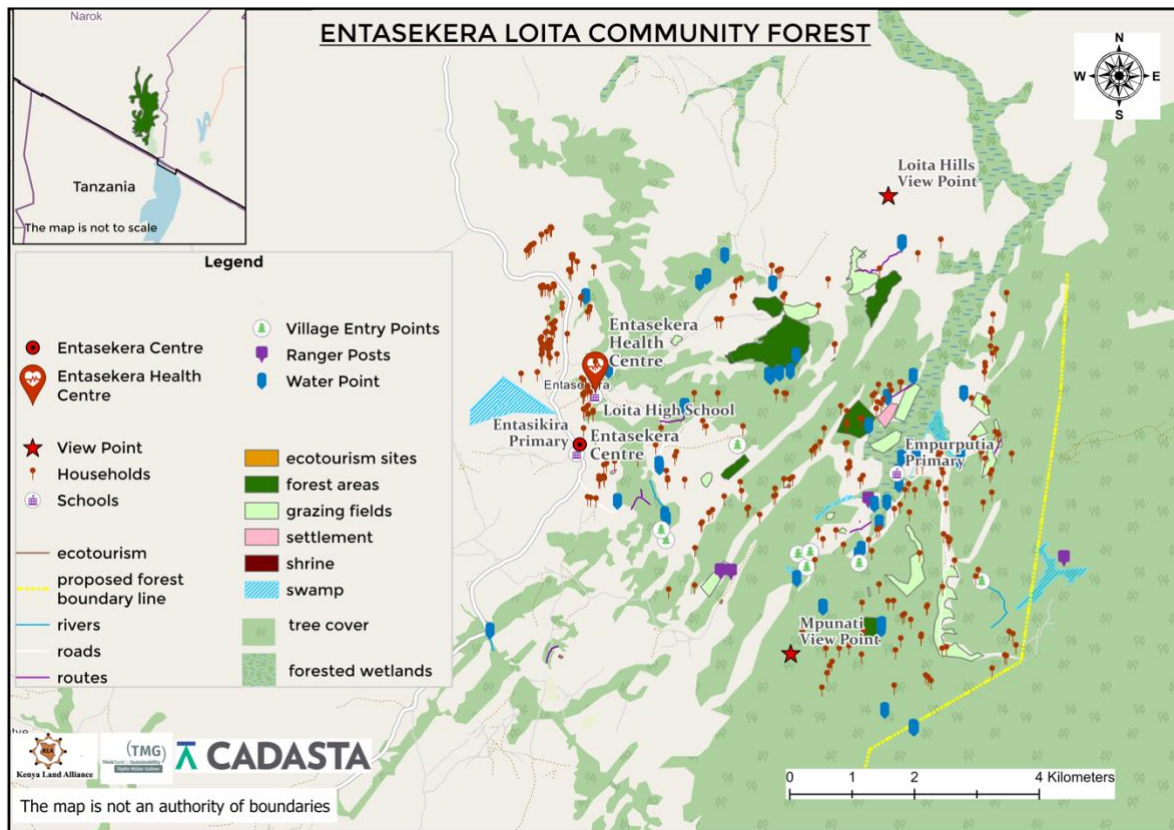
Figure 4: Loita Community Forest – study site. **Source:** Mapping data (2023).

The Entasekera community lives in the area adjacent to Loita Forest, with 89 percent of the respondents interviewed in this study reporting that they reside within 10 kilometres of the forest. This area is categorized as community land. Its uses include crop cultivation, grazing fields, water resource points, and conservation of forest parcels that are not part of the larger Loita Forest block. Village elders designate areas for crop cultivation and grazing. The Entasekera community mainly use forest resources from forest parcels outside Loita Forest (dark green polygon features on the map), and only use resources form the main forest block during the dry season to relieve pressure on the lands adjacent to the forest when other communities migrate their livestock to Entasekera in search of pasture and water.

Loita forest is managed by a forest management committee made up of elders selected from each village within the larger Entasekera area (two individuals per village for the 18 villages in Entasekera). This committee does not collect any fees from community resource users, but grants permission for forest resource use. Women are also members of this committee. The committee controls use of forest resources by the community, with members restricted to only obtaining resources (such as fuelwood) for immediate use. The burning of wood to make charcoal is strictly prohibited. The community living adjacent to Loita forest regard the forest as a source of resources for their livelihood as well as a sacred space where they conduct various cultural practices. The community uses some sites within the forest as places of worship, places where women conduct blessing ceremonies, and areas where they undertake rites of passage ceremonies.

The main role the government currently assumes for Loita forest is in issuing permits for timber harvesting. According to the community, the area chiefs and administration police issue permits to commercial timber harvesters to allow them to take timber from the forest. There are Kenya Forest Service officers stationed in Entasekera but they do not play a major role in managing the forest and function rather as an external stakeholder that the community involves in forest management, for matters such as sensitization on forest protection and conservation technologies and strategies. In addition to providing permits, the local *Nyumba Kumi*[2] (community policing) committee, coordinated by the area chief and supported by KFS officers, monitors timber harvesting within the forest and reports any illegal logging activities to the police and to higher-level KFS officers such as the county ecosystem conservator.

While the use of land adjacent to the forest remains communal, some community members are of the opinion that the land should be adjudicated and subdivided into individual private parcels. The reasons given by community members for wanting the land subdivided range from a need to have individual parcels where they can farm without needing authorization from village elders, to being able to use the individual parcels as collateral for loans, and to having land that they can subdivide and bequeath to their children (as inheritance). These community members also proposed that forest areas should remain communal and registered as community land. However, village elders believed that the land should be registered as community land, and that the issuance of a community land title would resolve all tenure security issues. The elders fear that subdivision would result in selling of individual parcels to persons who are not members of the Maasai community, and this would in the long term dilute the powers of traditional institutions and lead to a loss of the traditional practices and cultures that have contributed to the conservation of Loita Forest.

The forest and the community lands adjacent to forest have not been adjudicated or undergone any formal process of registration. As such, there is no official boundary where the forest begins. The community lands adjacent to the forest also include forested parcels with dense tree cover that the community does not perceive to be part of Loita Forest. During focus group discussions conducted as part of this study, village elders reported that Ministry of Lands adjudication officers had been engaging with the community to determine (and to establish beacons) for the adjudication section under which the community land (or individual private parcels) will fall. By identifying the points where these beacons will be installed and determining the limits of the land that the community does not perceive as part of the forest, the process will also establish the forest boundary for this section. In the map below, the red (dotted) line to the right of the map (beyond which only one ranger's post was mapped) was generated from points that the village elders **proposed** to be the official points where the community land ends (i.e., where the forest boundary would ideally be established).

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2   *Nyumba Kumi* (Swahili for 'ten houses' or 'ten homes') is a community policing initiative launched by the Government of Kenya in 2013. It allows citizens to actively support community policing efforts and to be aware of activities within their neighbourhoods. The initiative was based on the premise that citizens have sufficient local knowledge of the areas they reside in and can spot and call out any suspicious or unusual activities there. The object of this initiative was to bring together citizen clusters based on physical locations and common interests to support a safe, sustainable and prosperous neighborhood (Njagi, 2020).
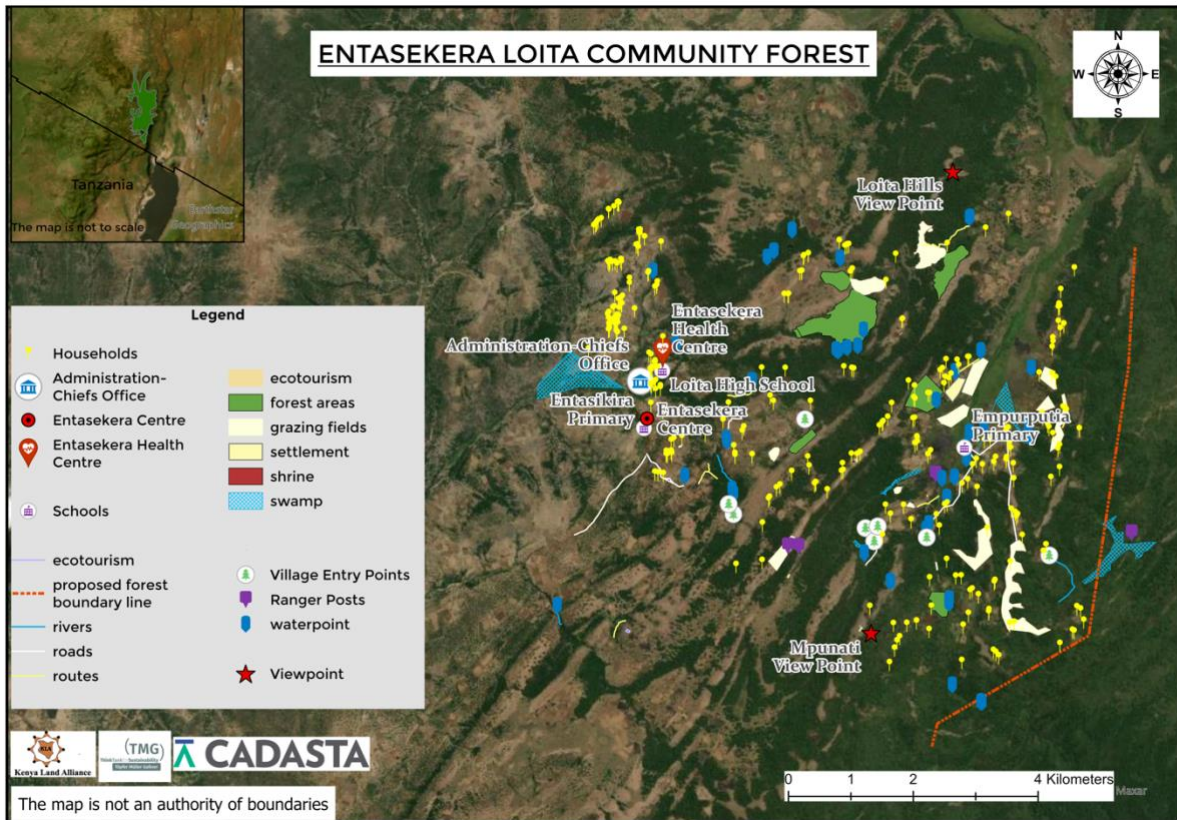
Figure 5: Loita Community Forest – study site. **Source**: Mapping data (2023).

Mapping of tenure rights, including rights within the forest and on communally used areas adjacent to the forest, will be useful when developing strategies and plans for the conservation of Loita Forest. The maps of tenure rights within the forest 'buffer zone' (forest parcels outside the main forest block) should inform the development of conservation and management strategies that will ensure sustainable use of the resources outside the forest and minimal use of resources within the forest. Sustainable management of land-based resources outside the main forest block will contribute to less reliance (and less stress) on Loita Forest. In contrast, less sustainable use of resources outside Loita forest may result in decreased productivity of the lands adjacent to the forest, and consequently increased pressure on resources within the forest.

3.3 Key findings

1   Forest resource dependency

The community's complex relationship with the Loita Forest involves a dynamic interplay between livelihood strategies and the ecological resources inherent in the forest environment. The community living in and around Loita Forest is predominantly pastoralist, practicing livestock farming, although some community members also cultivate crops. Sixty-seven percent of the respondents of the household survey practice both crop and livestock farming with 21 percent of the respondents exclusively practicing crop farming and 9 percent keeping livestock only. Sixty-nine percent of the respondents live within five kilometres of the forested areas and majority of the respondents access the forest parcels adjacent to Loita Forest on an almost daily basis. The main resources that the community obtains from the forest areas (from Loita Forest and forest parcels on community land adjacent to Loita forest) are fuelwood (91% of respondents), medicinal plants (88% of respondents), water (88% of respondents), and pasture during the dry season (79% of respondents). The community also practices beekeeping within the forested areas and obtains timber from the forest parcels outside Loita Forest for domestic use.

What resources do communities access from the Loita Forest?
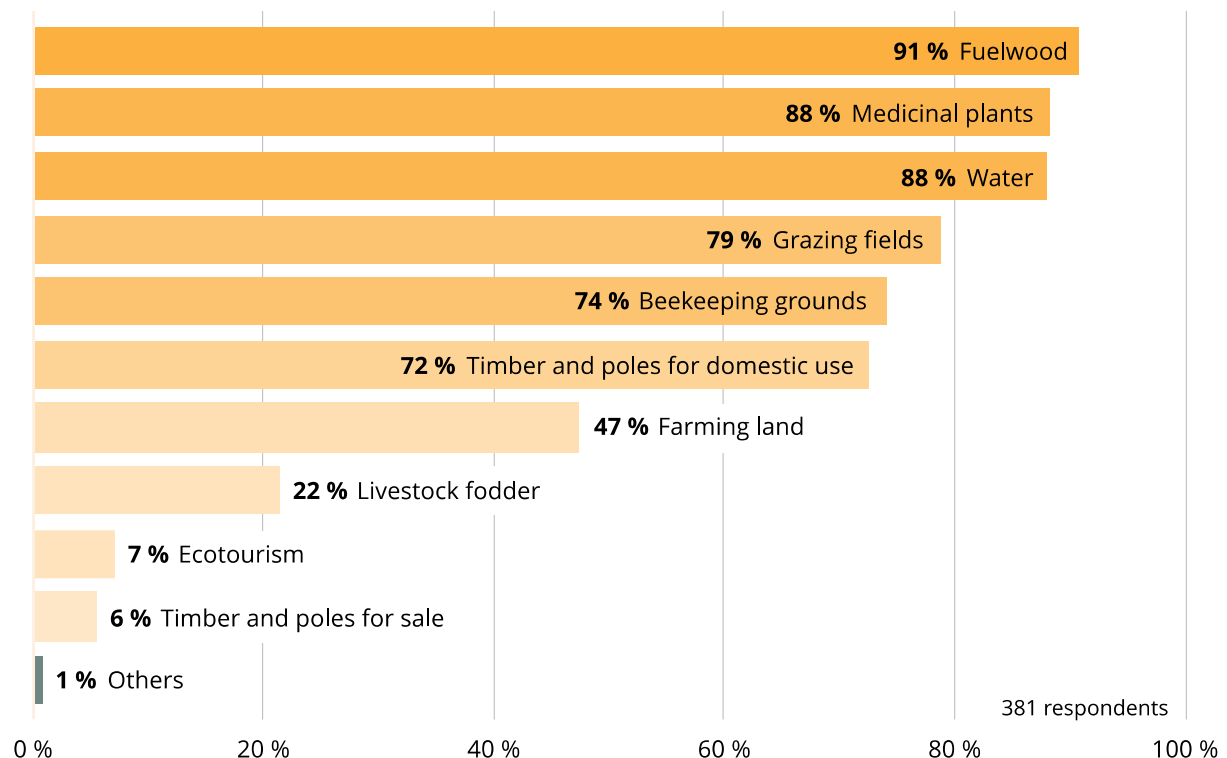
Figure 6: Resources accessed in Loita Forest.

*Respondents were allowed to select more than one resource.

During the map validation exercise, the community clarified that they only access resources from Loita Forest during the dry season when the communities from other areas migrate with their livestock to grazing lands within Entasekera. In these instances, the Entasekera community move their livestock to areas within Loita Forest to ease the pressure on grazing lands adjacent to the forest. However, no crop cultivation takes place within Loita Forest.

Frequency of access to forest resources
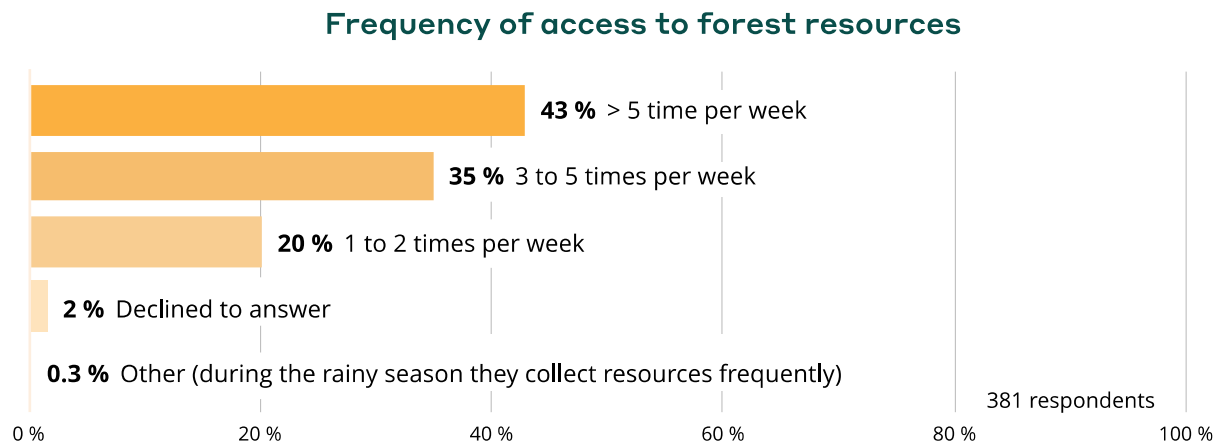
Figure 7: Frequency of access to forests parcels for resources by communities living adjacent to Loita Forest.

Figure 8 indicates for how long community members have enjoyed access to the resources of the Loita Forest and reveals a range of time periods. By far the highest proportion of the 235 respondents have a lifelong connection to the forest, having been born and raised nearby, indicating a multi-generational connection to the forest. The next largest group comprises those with over 30 years of access. This figure provides insights into evolving resource management practices and emphasizes the need for interventions that balance traditional knowledge with the changing dynamics of community engagement in the forest.

How long has your household accessed community forest parcels?
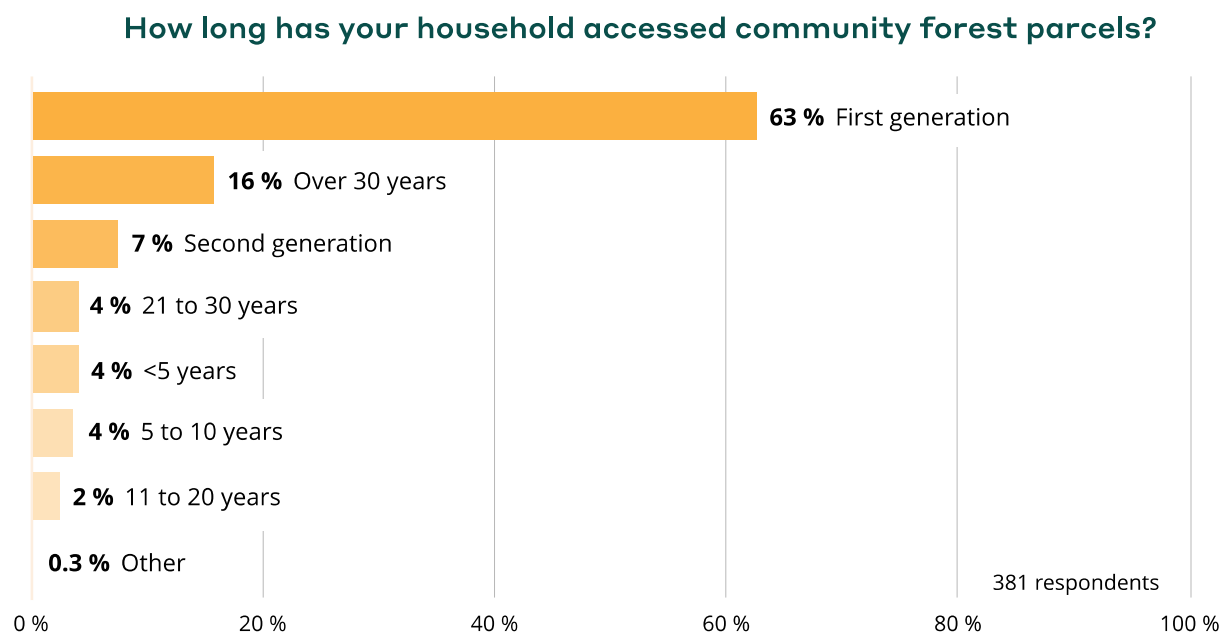
Figure 8: Duration of access to resources from community forest parcels.

Can households meet their needs without accessing forest areas?

49 % Partially meet with access

26 % Fully meet without access

19 % Cannot meet without access

7 % Partially meet without access

381 respondents

0 %   20 %   40 %   60 %   80 %   100 %
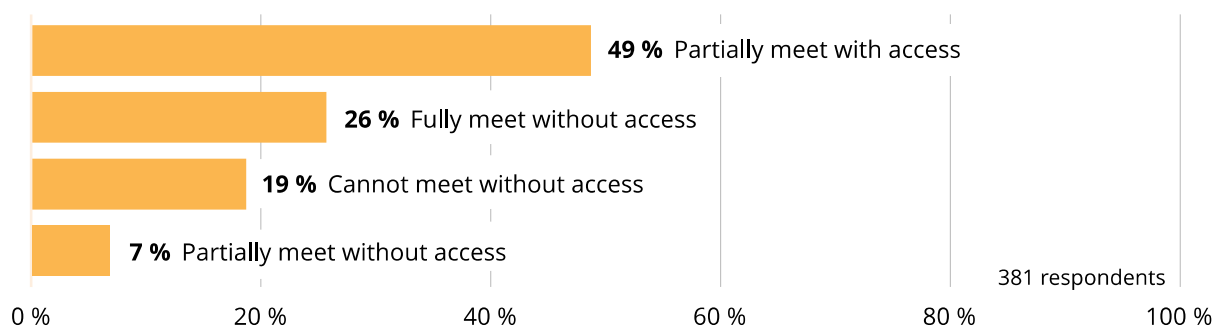
Figure 9: Family dependency on resources from community forest parcels and Loita Forest.

172 respondents (45%) reported that they own plots of land outside the forest. These are plots that have been allocated by village elders to community members for them to cultivate crops. These lands have not been adjudicated and titled but Ministry of Lands adjudication officers have been engaging the community to establish the limits of the adjudication section. The process of determining the adjudication section precedes the adjudication of individual parcels of land (or adjudication of community land), and it is anticipated that once this process is complete, the land adjacent to Loita Forest will be converted from community land to individual parcels. The land ownership dynamics for the community living adjacent to Loita Forest are significant for forest protection and conservation efforts because some community members believe that subdividing the land into individual private parcels will result in a breakdown of the community's cultures and way of life (which includes protecting the forest for cultural purposes). This breakdown, in their view, will occur if owners of individual parcels opt to sell their lands to individuals who are not part of the community (individuals who will not have any motivation to protect and conserve the forest). In addition, some community members believe that the conversion of the status of the land from communally owned and used to individual private parcels will create a demand for land for crop cultivation, and this demand coupled with the pressure of population increase may result in encroachment into Loita Forest.

2 Impact of national LDN measures on community tenure rights

Kenya is divided into six catchment areas, and Loita Community Forest falls within the Rift Valley catchment zone. Sub-national targets in Kenya's LDN TSP include a target to achieve land degradation neutrality in the Rift Valley catchment zone by 2030, and a net gain of 9 percent in land restoration. However, because Loita Forest is a community forest, the involvement of the Kenya Forest Service (as the main institution implementing the government's forest protection and conservation measures) in managing the forest is limited. According to the community, KFS officers carry out sensitization and capacity building upon request by the community, and they support the community in enforcing forest management rules (i.e., monitoring illegal logging). KFS officers are part of the local Nyumba Kumi (community policing) committee that monitors timber harvesting and reports illegal logging activities to the police and higher-level KFS officers such as the county conservator of forests.

The community living in and around Loita Forest are the owners and managers of the forest under a management regime called Traditional Community Based Forest Management (TCBFM). Under TCBFM, the whole community fully manages and owns the resource with the powers vested in a traditional representative authority (Mbuvi, Musyoki, & Ongugo, 2015). The main institution managing the forest is the *Oloiboni* (male traditional elder) supported by a village environment committee / forest management committee. The committee carries out various tasks with respect to forest management. These include conserving the forest, identifying and protecting water catchment, preserving community indigenous knowledge, and approving and executing forest issues as planned (Mbuvi, Musyoki, & Ongugo, 2015). Since the forest is categorized as unregistered community land, Narok County Government legally holds this land in trust on behalf of the community but cannot transact on the same land. The Kenya Water Tower Agency also participates in managing water resources within and adjacent to the forest.

This limited involvement of government actors in the management of Loita Forest is evident from the responses to the survey question on coming into conflict with government officers. Ninety-six percent of respondents reported that they had never come into conflict with the KFS over the use of forest resources in the past two years. Ninety-seven percent reported that they had not come into conflict with another community member or another forest user over the use of resources within Loita Forest, pointing to high levels of adherence to the traditional authority's regulations on forest use.

Community members have differing views about the impact of different government actors on how they access and use the forest and forest resources, with 45 percent of respondents reporting that these actions have no impact on their tenure rights. For those respondents who felt that government efforts to protect and conserve the forest had an impact on how they access Loita Forest and its resources, the perceived impact of government efforts ranged from reduced access to timber and more restrictions on obtaining (non-timber) forest products, to reduced area for fodder collection and reduced access to grazing areas. Based on discussions between community members during the map validation exercise, a major difference of opinions was ascertained in relation to the roles of traditional versus state authorities. Some community

members viewed village elders as the main managers of forest resources and the state's role merely in supporting the elders. Others held the view that the involvement of state actors in forest management will eventually lead to government regulations taking precedence over community rules and regulations. This suggests a complex interplay of perspectives and dynamics in the community's relationship with external governance structures and changing land use patterns.

What effect has the government's conservation efforts had on community forest parcels?
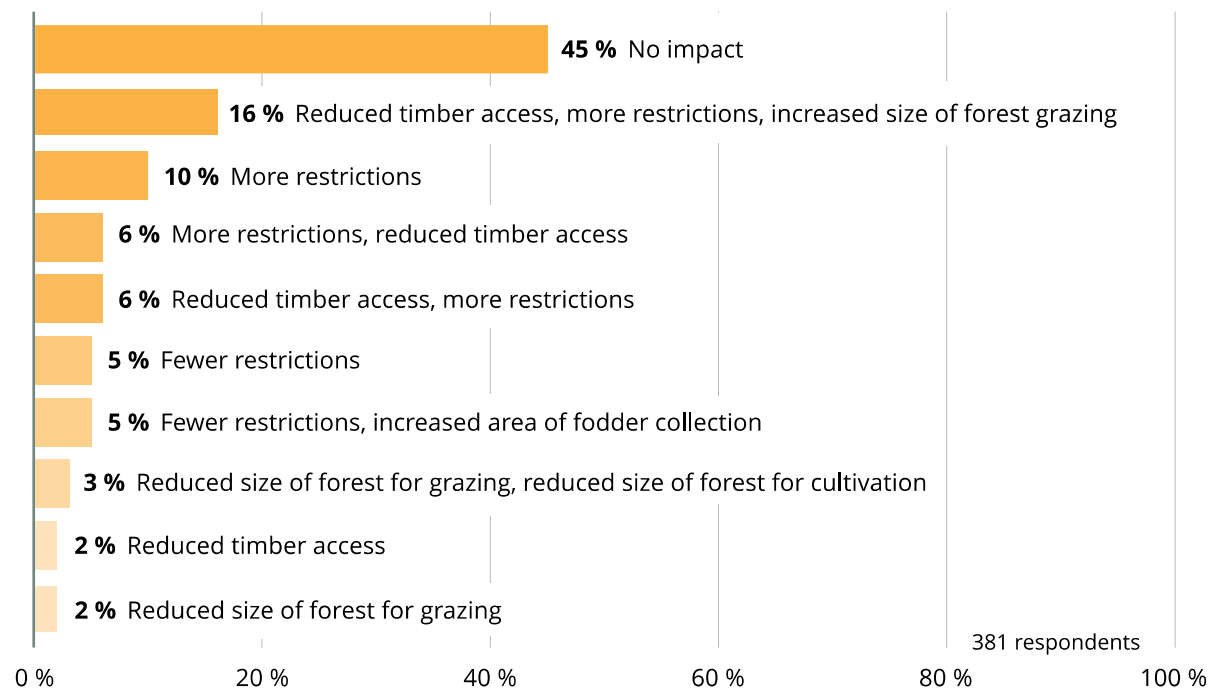

Figure 10: Effects of conservation by the government.

About 50 percent of respondents felt that community efforts to protect and conserve the forest (led by the *Oloiboni* and the community forest management committee) affect how they access and use forest resources. These respondents held the view that the community institutions that manage the forest, and the community rules such as limitations on how much fuelwood they can collect from the forest, limit their access to resources. This makes a case for strengthening community-level institutions and practices that are aligned to sustainable use of forest resources. Forest protection measures for forest parcels and sections outside the perceived boundary of Loita Forest also affect community members differently. Community members who were allocated farmlands at the edges of forested areas felt that this area lost its productivity over time. Forty-five percent of respondents felt that, without being allocated new lands to farm, their farmlands had been reduced as a result of forest protection measures. By contrast, community members who were allocated farmlands deeper within forested areas and closer to the perceived boundary of Loita Forest reported that these lands were highly productive, and some community members have increased the areas they farm to increase their output. This further emphasizes the need for improving the administrative aspects of the community's forest

protection and conservation efforts, starting with the delineation of the forest boundary. This delineation can help the community forest management committee in controlling the other land uses and checking the conversion of forest land to other land use classes.

Respondents also had divergent views on the changes in the size of Loita Forest over the years. Forty-two percent of respondents held the view that the size (acreage) of Loita Forest has decreased over the last five years, while 37 percent of respondents reported that the size had increased. During the FGDs, community members clarified that many respondents were likely referring to a reduction in forested areas as a whole, and specifically forested areas that lie outside the perceived forest boundary of Loita Forest. In the FGDs, the differing views were the result of contextual issues that affected the villages differently. According to community members in Nairotia B and Endonyio villages, which are close to the main centre (Entasekera), the population has increased in these villages and as a result more lands that were previously forested have been converted to settlement or crop cultivation. This informed the response that the forested areas outside the perceived forest boundary have reduced in size. By contrast, community members from Talugo and Olgos villages felt that more people were moving away because these villages are not connected to the electricity grid, and mobile network coverage is very poor. This, according to the community, has meant that some farmlands have been abandoned and some tree species have begun to regenerate, thus their perception of increased size of forested areas in general, including Loita Forest.

How have the size of plots accessed within forested areas changed over the last 5 years?
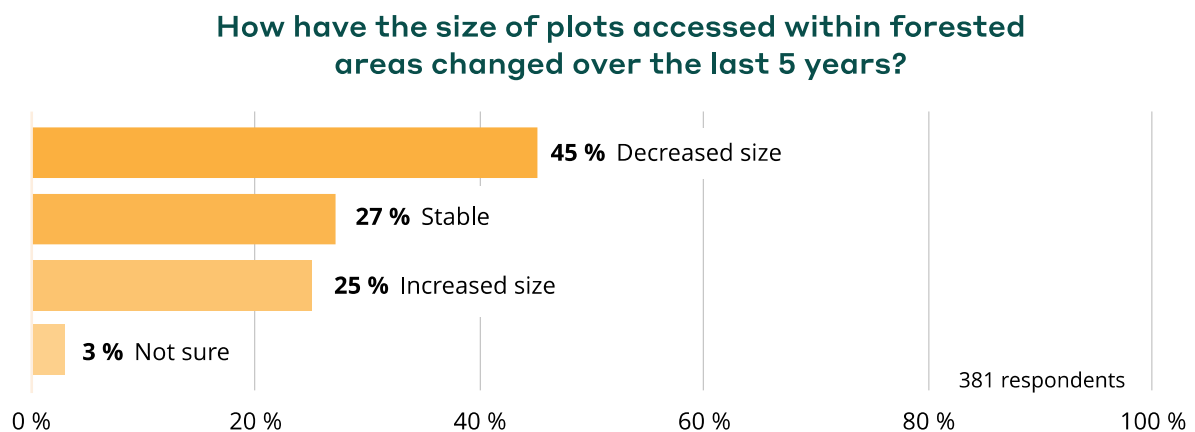
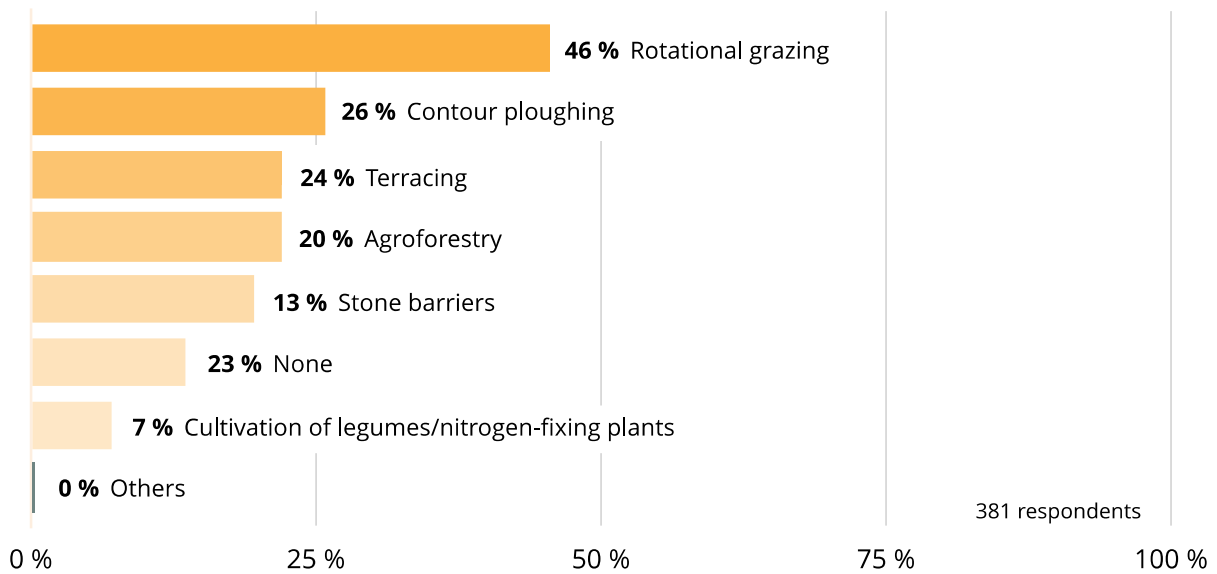**Figure 11:** Change in the size of the plots of land accessed within forested areas over the last 5 years.

3 Sustainable Land Management (SLM) practices in community forests

The UNCCD recognizes healthy lands as crucial to productivity, and consequently to communities' food security and livelihoods (UNCCD, n.d.). To achieve healthy lands, the UNCCD champions the protection and restoration of land through the adoption of sustainable land management (SLM) practices (UNCCD, n.d.). Restoring lands by implementing measures such as agroforestry, conservation agriculture, grazing management, grassland improvement, forest plantations, assisted natural regeneration and cross-slope barriers, has the potential to restore up to five billion hectares globally, reduce biodiversity loss by 11 percent by 2050, and to improve land conditions and ecosystem functions (van der Esch, et al., 2022).

The community living adjacent to Loita Forest implements various SLM practices within the forest 'buffer zone' (on the community lands adjacent to the forest), with rotational grazing being the most common practice. Other SLM practices that the respondents reported to be implementing included agroforestry and contour ploughing.

The community living adjacent to Loita Forest see the forest as a source of resources for their livelihood as well as a space where they conduct various cultural and religious practices. During stakeholder engagement meetings, the community attributed the conservation of Loita Forest to traditional forest protection and management measures implemented under the stewardship of the *Oloiboni*. The community carries out various cultural ceremonies within the forest and this cultural connection to the forest further motivates the community's forest protection efforts. In addition, there was a strong perception of tenure security among the community living adjacent to Loita Forest; 96 percent of respondents view the forest (as well as forest parcels adjacent to Loita forest) as a resource owned by the community. Because of this strong perception of tenure security and the strong cultural connection to the forest, the community living adjacent to Loita Forest is more invested in protecting the forest and implementing SLM practices, compared to Msidunyi forest parcels in Taita Taveta County (second Global Soil Week case study) where the cultural connection to the forest was not as strong. Just 22 percent of respondents in the Loita Forest case study had not implemented any kind of SLM practice in the forest or on adjacent community lands, compared to 53 percent of respondents in the Taita Taveta case study. However, unlike in the Taita Taveta case study where the community only obtains forest resources from the community forest parcels, in the Loita Forest case study the community gets resources from the forest parcels adjacent to Loita Forest and thus they do not rely as heavily on resources from the forest.

What SLM practices have been implemented in forest areas?

46 % Rotational grazing
26 % Contour ploughing
24 % Terracing
20 % Agroforestry
13 % Stone barriers
23 % None
7 % Cultivation of legumes/nitrogen-fixing plants
0 % Others

381 respondents

0 %   25 %   50 %   75 %   100 %

Figure 12: SLM practices within Loita Forest and on forest parcels adjacent to Loita Forest.

Despite this strong cultural connection to the forest and the strict enforcement of traditional forest management rules by the forest management committee and the *Oloiboni*, the majority of community members fear they may lose access to forest resources. Sixty-two percent of respondents interviewed in the household survey reported that they are 'very worried' that they could lose the right to access and use Loita Forest and its resources. By contrast, about one third of the respondents reported that they were either 'not worried' (23%) or 'not worried at all' (11%) that they would lose the right to access and use resources within Loita Forest. During FGDs conducted as part of the map validation exercise the community reported that this fear of losing rights to access and use forest resources stemmed from the perceived increase in commercial timber harvesting, which the community thought would eventually result in their exclusion from the forest. Additionally, the community felt that the push by some community members to subdivide communally owned lands adjacent to the forest will potentially result in more individuals cultivating crops. This would (in the community's view) result in demand for more fertile land, and if the allocation of such lands were not equitable, the community felt that access to and use of forest resources within Loita Forest may be restricted at some point.

With respect to incentives to apply SLM practices in the forest, 338 out of 381 respondents (89%) said they would likely invest more in SLM practices within the forest if they were formally granted long-term access and user rights. The majority of respondents also reported that they would require more SLM knowledge and skills to implement these practices, pointing to a need for regularized support to the community for forest protection and conservation technologies and strategies, as well as for knowledge of SLM practices they can apply on the lands adjacent to the forest.

What resources does the community need in order to invest in SLM practices within Loita Forest?
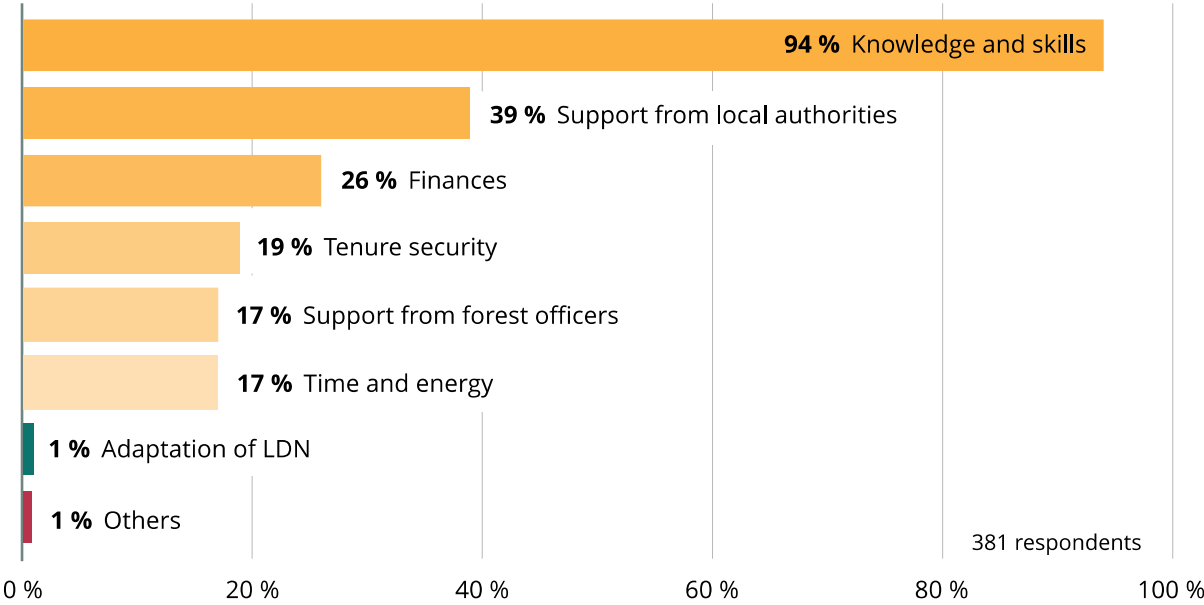
Figure 13: Resources needed by the community in order to invest in SLM practices within Loita Forest.

4 Kenya's LDN policy and legal framework and community-level contributions to national LDN targets

The Loita Community Forest case study further validates the position that community forests present an opportunity to achieve Kenya's LDN and land restoration targets. Kenya's policy and legal framework on LDN focuses on forest protection and conservation, with the Kenya Forest Service being the main government agency undertaking activities to protect and conserve public forests. Loita Forest is an ungazetted community forest and, as such, the role of the Kenya Forestry Service (KFS) in managing this forest is limited to preparing management plans at the request of the community, and assisting county governments by building capacity in forestry and forest management and promoting forestry education and training (GoK, Forest Conservation and Management Act, 2016).

From the focus group discussions, it emerged that the communities managing Loita Forest believe that if the forest is gazetted and becomes a public forest co-managed by the Kenya Forest Service (KFS), there will be more restrictions to how they access and use the forest resources and they will lose some of their rights. For this reason, the community rejected past attempts to gazette the forest. However, the community still faces challenges in administering the forest, especially with respect to controlling human activities within the forest. KFS (and other actors such as CSOs) can help the community address these challenges by supporting community-led resource mapping, boundary delineation, and monitoring of changes in forest cover.

One way to reconcile the issues of community ownership and user rights, and the supportive role KFS can play in managing the forest, is through registering the forest as a community forest in line with the provisions of the Community Land Act (CLA), 2016. Registration as provided for in the CLA would mean that the community's tenure rights and land rights are recognized in accordance with national laws. This registration would also entail the establishment of an official forest boundary, and this would go a long way towards controlling and monitoring the impact of human activities on the forest. Upon registration of the forest as community land, KFS would also be able to provide regularized support to the community by working with the Community Land Management Committee (CLMC) established under the law. This would provide an opportunity for KFS to ensure that forest protection and conservation measures for Loita Forest are aligned with and contribute to the national LDN and land restoration plans, as well as other national environmental action plans.

The CLA also includes provisions that are consistent with the VGGT principles of gender equality, non-discrimination, equity and justice, consultation and participation, and transparency and accountability. Registration of the forest as community land would therefore be in line with the UNCCD's land tenure decision that called upon parties to follow the VGGT principles in the implementation of activities to combat desertification / land degradation and drought and achieve land degradation neutrality.

4 Recommendations

1 Implement national laws that enhance recognition and protection of tenure rights

Kenya's legal framework on forest governance and tenure rights offers sufficient recognition of legitimate tenure rights, and is consistent with the principles of responsible land governance, in line with the UNCCD's Land Tenure Decision. However, this legal framework can only safeguard legitimate tenure rights and land rights if the laws are properly implemented. In 2016, Kenya enacted the Community Land Act 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. The law defines community land as land registered in the name of group representatives under the repealed Land (Group Representatives) Act of 1968. It covers land transferred to a specific community by a process of law, ancestral lands and lands traditionally occupied by communities, and lands lawfully held, managed or used by specific communities as community forests, grazing areas or shrines (GoK, The Constitution of Kenya, 2010). In practice, and from an administration perspective, a general categorization of community lands would include registered community lands (former group ranches that had been adjudicated and only need to align to the new law) and unregistered community lands (former trust lands that had not been surveyed, adjudicated or registered). Loita Community Forest falls into the latter category.

Despite this law being in place, registration of community land has been slow. According to a study conducted by the National Land Commission and Namati, only 46 out of 315 group ranches (about 15%) in Laikipia, Samburu, Kajiado, and West Pokot counties have transitioned from group ranches to community lands (National Land Commission, Namati, 2023). In addition, while some communities living in unregistered community lands (former trust lands) have initiated the process of registration under the Community Land Act, none of these community land parcels have been adjudicated and registered.

Given growing interest in land-based environmental action, it is important that Loita Community Forest is registered in accordance with the provisions of the Community Land Act to ensure the tenure rights of Entasekera community and other communities living adjacent to Loita Forest are protected, and that these communities can equitably benefit from any forms of payment for ecosystem services.

Registration of community land in accordance with the Community Land Act should be undertaken for both the communally owned lands and forest parcels adjacent to the main Loita Forest block, and for the main forest block. With Loita Forest covering 33,000 hectares, different communities living adjacent to the forest currently manage different forest sections they can access. The county government, as custodian of unregistered community lands, can support these communities by proposing forest sections or forest stations which are part of Loita Forest to be administered as community lands under the management of the different communities living around the forest. For example, based on the image below, the Narosura, Morijo, Entasekera, Olorte, Mausa, Oloibortoto and Entasopia communities would each

manage the forest section or forest station adjacent to them. This would resolve the administrative challenges arising from convening the communities who are tens of kilometres apart to participate in community assembly meetings and to contribute to decisions on the community land. However, the communication on this exercise should clarify that the proposal is only to resolve administrative challenges, but the forest remains one block and should be conserved as such.
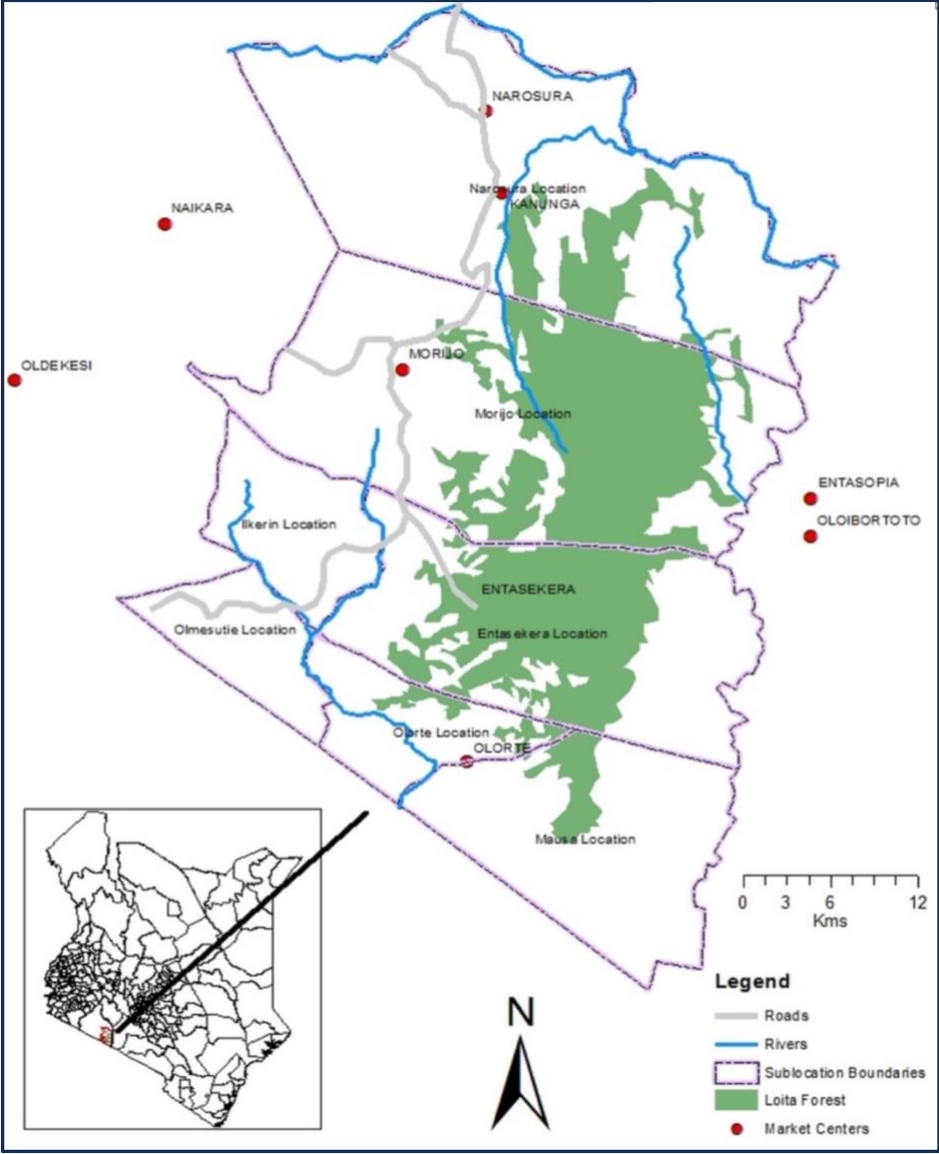
Figure 14: Loita Community Forest (Mbuvi & Kungu, 2021).

In addition to registration of the community forest, registration of community lands adjacent to the forest boundary should be fast-tracked. Registration of the forest parcels adjacent to the larger forest block as community land helps to ensure that community members continue to enjoy the benefits of holding (and using) the land communally (such as having pasture for livestock and shared forest areas that are best managed communally). In undertaking land use planning for the communal sections outside Loita Forest, the community can establish sections for crop cultivation, grazing, and forest conservation.

Registering the communal lands adjacent to the forest will go a long way towards improving tenure security and encouraging the implementation of SLM practices and other activities that avoid and/or reduce land degradation. As highlighted in the previous case study, to achieve Kenya's land restoration targets, national land restoration plans need to go beyond public forests and must promote forest protection and conservation on community lands (Kazungu, Baba, & Klümper, 2023).

As the community already has a strong perception of tenure security, formalization and documentation of tenure rights should not attempt to impose new tenure rules but should instead aim to formally recognize existing tenure norms and institutions. The objective should be to formalize existing tenure rights while adopting principles of responsible land governance that were otherwise not part of traditional governance systems (such as equity and justice, gender equality, and non-discrimination).

2 Create awareness of the implications for the community of communal land ownership and subdivision into individual private parcels, as well as the roles of different institutions in forest protection and conservation

While some community members believe that the community land adjacent to the forest should be subdivided into individual private parcels, the village elders are of the view that the parcel should be registered as one unit. In this case, there is a need to sensitize community members and create awareness of the implications of each option for the livelihoods of the community. This will ensure that the community takes the course of action that will be best suited to current land uses, and most supportive of their way of life. Additionally, more awareness is needed about the roles and responsibilities of different state institutions in forest protection and conservation. While registering the forest as community land will ensure that the community remains the main authority for forest protection, conservation and management, the community can still benefit from the support of the Kenya Forest Service, especially in terms of technologies and measures that are in line with national forest protection and land restoration plans and strategies.

3 Strengthen the capacities of community-based institutions and other local administrative frameworks

The community living adjacent to Loita Community Forest acknowledges that encroachment is among the main threats to the forest and lists lack of clear demarcation of forest boundaries as a challenge that hinders the effectiveness of forest protection and conservation measures. Other threats to the forest noted by the community include unregulated use of resources leading to overexploitation and degradation of the natural habitat and disruption of the ecosystem functions, and illegal extraction of forest resources. However, even as they remain aware of these threats to Loita Community Forest, the community has limited capacity to monitor the extent of the problem.

There is an urgent need to strengthen administrative frameworks at local level to ensure effective conservation and management of Loita Community Forest. A mandatory first step in strengthening these administrative frameworks should involve delineating the official boundaries of the forest. While state and non-state actors (CBOs and civil society) are in a position to support this activity, it is important that the process is community-led, inclusive (participatory) and collaborative. To the communities living adjacent to Loita Forest, forest management is a way of life driven by a vision that is both cultural and spiritual, defining how to live in harmony with nature. The communities participate in the conservation of the forest by allowing young men to participate in policing illegal activities within the forest. Local governance structures such as the Council of Elders are important conduits for information on forest management. Enhancing the capacities of the communities on emerging issues relating to the governance of forests in the country has the potential to enhance transparency and reduce conflicts in forest management. One way to go about this would be for Narok County Government and the Kenya Forest Service to formulate programmes aimed at equipping local institutions such as Entashasta CBO and the Council of Elders with the knowledge and skills required to foster leadership and governance of forest resources.

Strengthening the capacity of community-level institutions should also include training on participatory mapping. **Participatory mapping has proven to be an important component of raising awareness on tenure rights issues to different stakeholders at the national and sub-national levels**. Community-led participatory mapping of tenure rights acts as a first point of information in the process of delineating official boundaries and documenting tenure rights. This process also acts as a sensitization tool for community members on their rights and creates a space for dialogue on community-level strategies for and contributions to forest protection and conservation.

Beyond defining official boundaries, strengthening community institutions will also entail the registration of the forest as community land in line with the provisions of the Community Land Act, 2016, and establishing the relevant institutions. This process will ensure that the community is registered as a legal entity and will be in a better position to benefit from the protection of the law. In addition, more community members will be motivated to initiate measures aimed at protecting and conserving the forest if they are assured of continued access to social, cultural, economic, and environmental benefits from the forest. This will encourage the communities to regulate their use of the forest resources and participate in forest conservation initiatives. Therefore, the

communities should be sensitized on the sustainable use of forest resources and given the opportunity to contribute to decisions over access to, use of, and control of forest resources.

4 Clarify the roles of state and non-state actors in the management of community forests

The Ministry of Environment, Climate Change and Forestry is the guarantor of Kenya's national commitments to achieving land degradation neutrality and is the line ministry coordinating the country's forest and landscape restoration efforts. It is also the custodian of national plans to achieve land degradation neutrality (the Kenya LDN TSP), as well as other national plans and strategies that aim to promote forest protection and conservation such as the National Climate Change Action Plan and the National Biodiversity Strategy and Action Plan. As such, the Ministry has a holistic view of forest protection and conservation measures that includes how individual forests and ecosystems contribute to the achievement of national environmental goals. The Ministry is therefore in a position to propose forest protection and conservation measures for Loita Community Forest that are in line with national plans and strategies.

Additionally, state actors such as the national environment ministry and Narok County Government and non-state actors can fill capacity gaps the community experiences in managing the forest with regard to technology (including technologies that can be applied in mapping tenure rights), and strategies for forest protection and conservation. Non-state actors such as Kenya Land Alliance play a vital role in sensitizing communities about their land rights and tenure rights as protected by law.

The Ministry of Environment, Climate Change and Forestry should take advantage of the national consultations that will begin in 2024 under the FAO-UNCCD Joint Initiative on Land Tenure to identify key actors who can support national LDN plans (both at national and sub-national levels), and to ensure strategies to secure tenure rights in national LDN and land restoration plans benefit from the input of different actors who bring experiences from different regions of the country.

5 Collect, review, and analyse data on forest tenure rights

Decision 27/COP.15 of the UNCCD calls upon parties to the convention 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. In Kenya, this should include tenure rights data on forest co-management for public forests (i.e., data on the number of persons who are gaining from user rights agreements with the Kenya Forest Services, and where possible, data on the acreage of forest lands under the Plantation Establishment and Livelihood Improvement Scheme or PELIS). For community forests, the tenure rights data should include the acreage of community forests based on official boundaries or on the records of registered community forests, and the number of individuals who make up the community assemblies that determine how the community forests are managed and administered. The Ministry of Environment, Climate Change and Forestry should define the forest tenure rights data to be collected to inform LDN plans as part of the second Land Degradation Neutrality Target Setting Programme supported by the UNCCD.

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