

**Harnessing Proposed Land Reforms to Promote  
Environmental Conservation in Kenya:  
Lessons from The Case of Mwaluganje Elephant Sanctuary  
and Hombe Community Forest Association**

A Research Report prepared for the Land Development and  
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## Abstract

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Land plays a vital and central role in the economic, social-cultural and political lives of both individuals and communities. Given its centrality in the socio-economic and political spheres, national goals such as economic development, poverty reduction, social and political stability are closely linked to land. Land provides the livelihood base for the bulk of the population especially in the rural areas where agriculture is the main occupation. Despite their importance, land and environment in Kenya have suffered decades of mismanagement that has led to the current state of degradation. There are many knowledge gaps that remain on how to effect the provisions through institutional arrangements, for effective environmental management. The aim of this paper is to draw lessons from the existing cases of community participation in environmental and natural resource management to inform the ongoing land reforms.

## List of Abbreviations

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CBO	Community-Based Organizations
CFA	Community Forest Association
CWS	Community Wildlife Service
EMCA	Environmental Management and Coordination Act
FAO	Food and Agriculture Organization
FGDs	Focus Group Discussions
GDP	Gross Domestic Product
GEF	Global Environmental Fund
GoK	Government of Kenya
HICOFA	Hombe Integrated Community Forest Association
HONECOFA	Hombe Neighbouring Community Forest Association
IFAD	International Fund for Agricultural Development
KFS	Kenya Forest Service
KWS	Kenya Wildlife Service
NEMA	National Environmental Management Authority
NLP	National Land Policy
PELIS	Plantation Establishment and Livelihood Improvement Scheme
WCMD	Wildlife Conservation and Management Department
WPs	Wildlife Partnerships

# 1. Introduction

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## 1.1 General background

The important role that land and the environment play in Kenya's nationhood is manifested by its inclusion in the constitution. Chapter 5 of the constitution lays out broad principles by which land and the environment shall be managed. These broad principles are expounded in the Sessional Paper No. 3 on National Land Policy (NLP) which informed the constitutional provisions. The country's development Blue Print, the *Vision 2030*, also recognizes land as being a critical resource in achieving the socio-economic and political development of the country. Land and environment are inseparably linked. Land in itself is a repository of a wide array of natural capital stock such as soils, forests, wetlands, minerals and wildlife among others. In essence the state of the environment is inter-linked and dependent on how land is managed.

Land plays a vital and central role in the economic, social-cultural and political lives of both individuals and communities. Given its centrality in the socio-economic and political spheres, national goals such as economic development, poverty reduction, social and political stability are closely linked to land. Land provides the livelihood base for the bulk of the population especially in the rural areas where agriculture is the main occupation. Land-based sectors of the economy such as agriculture, forestry, tourism, mining, water and energy contribute approximately 42% of the country's GDP (GoK, 2008).

Despite their importance, land and environment in Kenya have suffered decades of mismanagement that has led to the current state of degradation. The country is experiencing high levels of natural resource degradation manifested through high rates of deforestation, soil erosion, declining soil fertility, pollution of water bodies and ineffective waste disposal. Violent conflicts over resources are quite common. Natural resources and environmental degradation can be attributed to factors such as high population growth rate, high poverty levels, undervaluation of environmental goods and services, under funding of the natural resource sector, absence of effective benefit sharing mechanisms, weak enforcement capacity and unsupportive institutional framework. These problems are likely to pose even greater challenges

in the future as the country implements the development agenda envisaged under the *Vision 2030*. The increasing population (projected to reach 52.7 million by 2025) and the associated economic activities will continue to put even more pressure on the environment. Therefore, environmental protection will become increasingly important.

Despite the current environmental challenges, the country has set high environmental goals. According to the *Vision 2030*, the government aims at transforming the country into a middle income country where citizens enjoy a high quality life in a clean and secure environment. Chapter 5, Section 69 1 (a) of the Constitution obliges the State to ensure sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits. These provisions among others provide broad framework through which land and the environment should be managed under the new constitutional dispensation. However, there are many knowledge gaps that remain on how to effect the provisions through institutional arrangements for effective environmental management. For example, while Section 69 1 (d) of the constitution provides for public participation in the management, protection and conservation of the environment, it is not clear how this should be done for different environmental resources. Therefore, understanding how the provisions of the constitution and the National Land Policy can translate to sustainable resource use is crucial to identifying institutional arrangement that can help achieve the twin goals of improved livelihoods and environmental conservation. Thus, the aim of this paper is to draw lessons from the existing cases of community participation in environmental and natural resource management to inform the ongoing land reforms.

## 1.2 Environmental Conservation and Land Reforms in Kenya

Over the years, Kenya's land sector has faced various challenges that arose from a highly centralized and inefficient institutional set up, complex and outdated legal framework and lack of a coherent land policy. These challenges led to insecurity of tenure, excessive fragmentation and degradation, disparities in distribution, historical injustices in land distribution, environmental degradation, and proliferation of urban informal settlements and landlessness. To address these challenges, the government has put in place a legal and policy framework that will guide the land reform process in the country.

The entrenchment of land issues in the new constitution and the adoption of the National Land Policy have set the stage for the process of comprehensive land reforms. Once the land reforms have been fully implemented, it is expected that land administration systems will abide by the principles of equity, non-discrimination, efficiency, productivity and sustainability. However, a lot of work lies ahead in ensuring that the envisaged outcomes are realized. Evidence is critical in formulating and implementing effective and efficient policies. Furthermore, different environmental resources are managed under different legislative and policy frameworks that have to be harmonized. In order to achieve the intended goals, land use policies and the constitutional provisions have to be anchored in appropriate legislative frameworks. The legal aspects of such a framework would have to contend with various legal provisions of natural resource management that are scattered among different legislation. A glance at these pieces of legislations reveals that there are gaps that need to be addressed in order to ensure efficient management of the environment.

The Environmental Management and Coordination Act (EMCA, Act no.8 of 1999) is the framework overarching law that guides environmental management in Kenya. It provides for protection of various environmental resources but does not explicitly provide for community participation or for benefit sharing. In general, EMCA disproportionately gives the state power over management of environmental resources without cultivating a sense of stewardship and ownership among communities. The Wildlife (Conservation and Management) Act provides for the protection, conservation and management of wildlife in Kenya. The Act lays down the legal framework for the management of the wildlife and wildlife protected areas by the Kenya Wildlife Service. To involve communities in wildlife management, KWS has been implementing some community wildlife programs although the Act does not explicitly provide for community participation. The Forests Act of 2005 explicitly provides for the direct grassroot participation of local communities in the management and conservation of forests through the formation of Community Forests Associations (CFA). The CFA are envisaged to enter into contractual co-management arrangement with the Kenya Forests Service through preparation of joint management plans for the forests. Implementation of this provision is still at the very initial stages but is already facing many challenges.

### 1.3 Problem statement

Nearly all environmental resources face similar underlying challenges in their management; the overall social benefits of managing them in a sustainable manner far outweigh the overuse or misuse by individual users. But the direct benefits to individuals open doors for opportunistic behaviour that is harmful to the environment. The goal is to come up with institutional arrangements that maximize the societal welfare while keeping negative externality by individual users at the minimum. The challenge in natural resource management is coming up with an overall framework that guides all the stakeholders to act in the most socially optimal manner. While it is hoped that participatory management of land-based resources will overcome the challenges of the highly centralized government management system, empirical evidence is required to understand the conditions under which this new management approach may be successful. This study fills this gap by considering two case studies: Mwaluganje Elephant Sanctuary and Hombe Community Forest Association in Kwale and Nyeri Counties, respectively. These case studies represent two examples of wildlife and forest management, respectively, in which local communities are actively involved in the management of land-based resources and benefit sharing. The lessons drawn from these case studies fill existing knowledge gaps and suggest a policy direction for sustainable, inclusive and mutually beneficial management of land-based natural resources. They are important for effective implementation of the National Land Policy, especially the section that deals with conservation and sustainable management of the land-based natural resources, and the Chapter 5 of the country's constitution.

### 1.4 Objectives

The overall objective of the study was to synthesize lessons learnt from the selected case studies of natural resource management devolution in Kenya in order to inform the policy and legislative agenda in the ongoing land reforms. The specific objectives were to:-

- a) Analyze the drivers of change from the command and control system of natural resource management to the devolved management system from the perspectives of communities and the regulatory authorities.

- b) Analyze and document factors influencing success of natural resource management devolution.
- c) Document the management and benefit sharing mechanisms under the devolved natural resource management.
- d) Review the existing policy and legislative framework for natural resource management in Kenya with a view to distil lessons that can inform the ongoing land reforms with regard to environmental management.

## 2. Literature review

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### 2.1 An overview on the evolution of nature conservation approaches

Historically, conservation strategies have been dominated by attempts to fence off or reserve areas for nature and exclude people from the reserved areas (Adams and Hulme, 2001). This protectionist model has been labeled the ‘*fortress conservation*’, ‘*coercive conservation*’ or ‘*fence-and-fine conservation*’ and for a long time it dominated international thinking about conservation. It involved the creation of protected areas such as national parks, game reserves and forest reserves and exclusion of people as residents, and prevention of consumptive use and minimization of other forms of human impact. Broadly, this approach viewed development objectives of local communities living adjacent to natural resources as being in direct conflict with the objectives of biodiversity conservation. For a long time, this approach influenced conservation efforts in Sub-Saharan Africa during colonization and continues to do so even in the post-independence era.

It is widely accepted that protected areas in different forms will continue to play a major role in conservation worldwide in the foreseeable future (Brown, 2002). In fact, today, about 70% of world forests are still owned and administered by governments (White and Martin, 2002). However, in most cases the top-down exclusionary approaches to protected areas have not been successful in preventing environmental degradation and the associated loss of biodiversity. Protectionist-exclusionary approaches of natural resource management have been found to be contradictory to concepts of sustainable development because they do not enhance equity and in most cases they impoverish the rural poor communities (Adams and Hulme, 2001).

In recognition of the problems associated with the fortress approach, a new discourse has arisen that stresses the need to incorporate the needs and aspirations of the local people in conservation processes. Unlike fortress conservation that viewed people as a ‘threat’ to conservation, the new approach views them as potential partners in biodiversity conservation. This approach has two distinct elements: first, it allows people in the vicinity of the protected area or others with property rights to participate in the conservation process and second, to link the objectives of

conservation with the local development needs of the people (Hutton and Leader-Williams, 2003). This approach recognizes the moral implications of imposing costs on local people and the pragmatic problem of hostility of displaced or disadvantaged local people to conservation organizations practicing fortress conservation strategy (Adams and Hulme, 2001). The approach looks at the opportunities for combining income generation with conservation and considers strategies such as non-forest based enterprises, ecotourism, domestication of forest products and agricultural intensification (Wollenberg, 1998). Under this approach, the state transfers (with varying degree from case to case) some property rights to local communities to allow them to take a more active role in conservation efforts. However, where it has been applied, incentive based approach has not necessarily resulted in invariably positive outcomes (Agrawal and Gibson, 1999). It has been observed that the success or failure of decentralization depends on a mixture of context and case specific institutional and socio-economic factors (Agrawal and Gibson, 1999; Matose, 2006). At best the results have been mixed; success has been recorded in some cases but in many cases it has not been successful. This has led to a growing discontent with the results of community ownership of natural resources and some studies have even proposed that a reversal to the state management should be considered (see Buscher and Dietz, 2005). It is therefore critical to understand factors that determine success of community conservation in order to up-scale efforts. This is especially important when major reforms are underway.

## 2.2 Decentralization of management in forestry and wildlife sub-sectors in Kenya

Forestry and wildlife sub-sectors were for a long time managed by command and control, totally excluding the participation of the local communities not only in management aspects but also in benefit sharing. This section reviews previous attempts to integrate communities in management of natural resources and benefit sharing.

### 2.2.1 Forestry sub-sector

In Kenya, the gazetted forests occupy about 1.24 million hectare representing a paltry 2.8% of the total land cover out of which 88% are indigenous while 12% are plantation forests (Wass, 1995). Outside the gazetted forests, there are other

large tracts of forests in trustlands (national parks, national reserves) and privately owned land covering about 0.5 million hectares. This sharply contrasts the world's average forest cover of approximately 30% of the total land area (FAO, 2006). The colonial government of Kenya created a Forest Department in 1902, to manage and control all forests in the country with emphasis on protection and exploitation by the state. Following independence in 1963, a series of donor funded forestry programs focused on afforestation and reforestation on farms, with the goal of alleviating fuelwood shortages. The forest department managed the forests without consultation outside the relevant government ministry. Conflicts increased in the late 1980s between communities who needed fuelwood from neighbouring forests, and the forest department (Ongugo and Njuguna, 2004). During the era that Forest Department managed forests there was a consistent trend of forest loss. This loss was mainly due to excessive pressure on agricultural land that led to encroachment of forests, policy framework that made forest products from public forests cheaper than those from private forests, exclusion of the local people's needs in the conservation process, a generally weak enforcement capacity of the management authorities, and a legal framework that made it easy for legal excision to be made by government without consultation of other stakeholders.

The situation led to formulation and enactment of the new Forests Act of 2005 which led to the formation of the Kenya Forest Service (KFS), a semi-autonomous government agency to manage public forests. Under the Act, the KFS is expected to involve the private sector, forest conservation committees and community forest associations (CFAs). The Forests Act of 2005 also took away the powers of the government minister to excise forest land and alienate it to private use. Community participation is achieved primarily through CFAs, and integrated management of forests is a central principle motivating the new policy (Ongugo *et al.*, 2007). Support for the principle is premised on economic efficiency, public accountability, community and individual empowerment; as well as allocative efficiency arguments (World Bank 2009). The reforms recognize forest and land rights to a diversity of local people who interact with and possibly derive some livelihood forms from these forests. In particular forest management decentralization targets enhancing peoples' livelihoods, poverty alleviation and preservation of the forest condition.

Decentralization policies may change patterns of land use and local governance with

a variety of outcomes, either desirable or undesirable. The new legal framework led to different expectations by the local communities; for instance, many of the Community Forest Associations (CFAs) formed in Kenya were motivated by factors other than those provided for in the legislation (Ongugo, 2007; Ongugo *et al.*, 2007). Some CFAs even anticipated converting forests into farmlands for production of cash and food crops (Ongugo *et al.*, 2004). In some cases if property rights are devolved to diverse forest groups, the new property rights holders may hesitate to invest in forest resources if they fear that these changes are temporary. The implication of this is that the results of the devolved forest management system are not likely to be uniform for obvious reasons: Some groups lack experience and tradition of forest management and may find the new system too complex to quickly comprehend and implement accurately; The CFAs may be formed by people who may have had tension and mistrust with the existing local government officials and institutions. The organizations may not have the capacity to govern on their own and advise their members; and the level of enthusiasm among the community members to aggressively participate and adopt entrepreneurial activities may not be uniform (Monterroso, 2008).

Consequently, CFAs have registered mixed results in the country and even elsewhere in the World with disappointing results dominating the scene (Agrawal and Ribot, 1999). In Kenya, Hombe Community Forest Association is considered as one of the most successful despite numerous challenges. It would, thus, be useful to analyze the success factors and the challenges of this CFA so as to draw lessons for up-scaling the system which seems inevitable within the devolved government structures.

### 2.2.2 Wildlife sub-sector

Evolution of wildlife sector management in Kenya has not been any different from that of forests. It was highly protectionist in the colonial period with wildlife and tourism activities being restricted to protected areas (Honey, 1999). Interests of communities were never taken care of, nor did they share in the wildlife benefits. For some time this was possible because pressure on land was low. But as population increased and human activities extended, human-wildlife conflicts increased especially given the fact that about three quarters of the wildlife are outside the protected areas either permanently or seasonally (Norton-Griffiths, 1997; Watson,

1999). This led to enactment of the Wildlife Act of 1977 to provide a framework for direct negotiation between the Wildlife Conservation and Management Department (WCMD) and local communities with regards to wildlife dispersal areas (Republic of Kenya, 1975). WCMD was, however, unable to tackle the dual problem of wildlife losses and human-wildlife conflict (Honey, 1999), and communities continued to be excluded from the benefits of wildlife conservation even where the animals occupied private or communal land (Norton-Griffiths, 1997).

In 1989, the wildlife Act was amended and this culminated in the formation of the Kenya Wildlife Service (KWS) (Western, 1994). KWS created the Community Wildlife Service (CWS) to mediate initiatives for partnership with communities adjacent to the wildlife parks and reserves which would lead to direct cash benefits/compensation to communities for co-existing with wildlife (Honey, 1999). This ushered in the beginning of Wildlife Partnerships (WPs) in Kenya by 1999 particularly in the dispersal areas of the larger Amboseli and Taita-Taveta. Other areas where the WPs are well developed currently include Laikipia/Samburu and the Maasai Mara (Mburu and Birner, 2007). Not all the WPs have met their expectations in equal measure but among those considered as being very successful are the Kimana Community Wildlife sanctuary and Golini-Mwaluganje Elephant Sanctuary (Mburu and Birner, 2007).

It is evident that devolution of management of natural resources and engagement of communities in such management mechanisms is already in progress in Kenya, albeit the challenges encountered. However, the perception of communities could be at variance with the intended environmental outcomes. Thus, it is important to handle the decentralized natural resources management system carefully and to ensure that communities adequately understand the intentions. It is, however, clear that the participation of communities is premised on certain gains, perceived or real. This makes it very important to define and implement benefit schemes to accompany the community participation arrangements in the management of natural resources.

### 3. Methodology

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The study used the two case studies to distil important lessons for policy and legislative agenda that is being rolled out under the ongoing land reform process.

#### 3.1 Description of the Cases Studies

##### 3.1.1 Mwaluganje Elephant Sanctuary

The Mwaluganje Elephant Sanctuary is located in Kwale County and covers an area of about 36km<sup>2</sup>. The sanctuary together with the Shimba Hills National Reserve forms the Shimba Hills ecosystem but the two are ecologically situated in entirely different settings. While the Reserve rests entirely on part of a coastal plateau that rises up to an altitude of 450 m above sea level at a distance of 15 km from the Indian Ocean, the sanctuary lies below the plateau's escarpment on the Northern side. While the southern half of sanctuary is characterized by bush/scrubland on the higher grounds, the northern half is comprised of the Mwaluganje Forest Reserve characterized by a mosaic of evergreen dry lowland forest cover. The African elephant is the dominant large mammal species in the Shimba Hill ecosystem. Other animal species found in the sanctuary include buffalo, impala, warthog and a variety of birdlife, reptiles and invertebrates.



*Mwaluganje Elephant Sanctuary.*

The process leading to the formation of Mwaluganje Elephant Sanctuary was initiated in 1991 when the Kenya Wildlife Service (KWS) proposed to the Kwale County Council that the land between the Mwaluganje Forest Reserve and the Shimba Hills National Reserve be declared a conservation area. It was eventually formed in 1993 after a series of meetings between KWS, landowners in the proposed corridor, local administrators, politicians and the Coast Development Authority. The objectives of the project were to mitigate serious human-elephant conflict in the area and generate financial benefits through ecotourism for the landowners while availing the area as a dispersal area for elephants from Shimba Hills. A number of tourist facilities have been built since the official opening of the sanctuary in 1995. The major sources of income for the sanctuary are gate entry fee and sales from an elephant dung paper project that has not yet been fully developed. Tourism has developed mainly with private sector involvement. All monetary benefits and job opportunities from Mwaluganje Elephant Sanctuary go to members only. The payment of revenue benefits to members is done yearly only to those people whose land has been adjudicated and Title Deed issued. The number of shares a member owns determines the amount of revenue they get per year.

### 3.1.2 Hombe Community Forest Association

Hombe forest is part of the greater Mt. Kenya forest. It covers a land area of about 3064 ha, of which 1000 ha are covered by plantation forests. The forest is a source of various rivers and streams which include Sagana, Satuni, Kamuyu and Hombe. The community, here, is made up of approximately 4000 households which are predominantly agricultural. Due to scarcity of rainfall, the community has resorted to irrigated agriculture, growing high value horticultural crops alongside food crops.

The Hombe Community Forest Association, which started in 1997 as Sagana Wildlife Protection Self Help Group to minimize human-wildlife conflict, played a key role in resisting the 2001 forest excisions. The then Minister in charge of forestry had degazetted about 800 ha of forest and secretly issued Title Deeds to private developers. With support from the donors, the Association has erected an electric fence to protect plantations, started an ecotourism facility, and is engaging in bee-keeping, fish farming and tree seedling production. The two-strand fence has reduced game damage to the established plantations. Despite a ban by the government, the

communities are still involved in deforestation activities. This includes planting through spot-hoeing and pruning, and maintaining and patrolling the electric fence. The main challenge facing the community is the low seedling survival rate in poorly maintained areas. The Community Forest Association has established good rapport with KFS staff which is essential to plantation establishment. The community has complied with most of the requirements of the Forests Act including signing management plans with KFS, although the details of benefit-sharing mechanisms are still pending.

### 3.2 Data collection approaches

The study employed three main methodological approaches:-

- I. Literature review: - This involved extensive review of all the relevant literature with a view to identify success factors for participatory management of natural resources and distil and synthesize lessons. Policy documents, including EMCA, Forests Act, Wildlife Conservation and Management Act were reviewed to identify the policy gaps that could hinder participatory Natural Resource management;
- II. Key informant interviews: - This included targeted interviews with individuals with in depth information and knowledge on the case studies. It included community leaders, project managers and other relevant individuals at Mwaluganje and Hombe. These interviews were also carried out for experts on natural resource management under developed systems including officials at KFS and KWS;
- III. Focus group discussions (FGDs): were held for deeper understanding of the issues generated from individual interviews. These were held at the community level.

## 4. Findings

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In this Chapter we summarize the major findings of the study. We examine individual cases, discuss their management structures, costs and benefit-sharing mechanisms, challenges and key success factors.

### 4.1 Mwaluganje Elephant Sanctuary

#### 4.4.1 Management Structure and benefit sharing mechanisms

Mwaluganje Elephant Sanctuary was registered as a limited company in 1994. It is managed by a committee consisting of 6 directors from Mwaluganje location, 6 directors from Golini location, the Executive Director of Coast Development Authority, a representative of Kwale County Council, 1 ex-official from KWS and a manager who is responsible for the day today running of the sanctuary. The staff of the sanctuary mainly consists of scouts, guards and fence technician. They monitor the main gate, guard the sanctuary and maintain the electric fence. Employment priority is given to land owners, their children and relatives for employment opportunities. As noted earlier, the sanctuary land consists of land ceded by about 300 households with the largest owning around 50 acres. Benefit is shared from the profits earned and distributed according to the number of shares owned as determined by land size contributed to the sanctuary.

#### 4.4.2 Challenges and opportunities faced by Mwaluganje Elephant Sanctuary

The sanctuary faces a series of challenges:

- i. In one part of the sanctuary i.e. Mwaluganje B, land owners do not have Title Deeds to their land. The lack of Title to land makes it difficult for the land owners to participate effectively.
- ii. The community lacks the financial resources to maintain the electric fence around the sanctuary. This is further complicated by the increasing elephant population in the area.
- iii. Most of the staff working in the sanctuary lack basic training in their areas of work.
- iv. There is very low and poor marketing of the sanctuary as a tourist destination.

The number of tourists visiting are few and erratic

- v. Poor and unclear partnership of the community and the investor who has a lease to put up a hotel in the reserve. At the time of the study, the hotel was not operational.
- vi. Maintaining land owners' trust is a big challenge as well. The continued existence of the sanctuary is dependent on the goodwill of the land owners since they hold the Title to land. This goodwill can only be maintained if they continue to receive benefits.
- vii. Poorly developed and maintained park infrastructure especially roads which limits the area of the park that tourists can cover when they visit the park.

However, besides the challenges, the sanctuary has many opportunities. The goodwill and support of KWS as demonstrated through the repair of the fence is a key opportunity. Furthermore, KWS has provided an opportunity for the sanctuary to piggy-back on its advertisement for the Shimba Hills National Park. If well utilised this opportunity can help bring in more tourists given the proximity of the sanctuary to the Shimba Hills National Park.

#### 4.2 Key lessons

The success of the sanctuary is attributable to a number of factors:

- a) It is apparent that real and felt need is an important trigger of successful emergence of co-management of natural resources. The formation of the Mwaluganje elephant sanctuary was triggered by the existence of intense human-wildlife conflict. The area lies on a migratory wildlife corridor between the Shimba Hills National Park and Mwaluganje Forest. Increased incidences of elephant attacks on farms causing crop destruction and sometimes even human deaths led to a sense of crisis. In 1991, Kenya Wildlife Service and the County Council of Kwale began the process of converting the area to a conservation area by negotiating with the local communities to give up their land for conservation.
- b) Secure land rights are critical in ensuring successful devolvement of management of natural resources to communities. The Mwaluganje communities were land owners with Title Deeds to their land. Benefit sharing is based on shares that

are determined by land size ownership in the conservancy.

- c) For successful participation of local communities in natural resource management, there has to be direct and tangible benefits accruing to them. For the case of Mwaluganje Elephant Sanctuary, the land owners get direct monetary pay-off every year proportional to the size of land they gave up for conservation. Direct benefits are an important incentive for participation.
- d) Participation of the local communities has the potential to reduce the number and intensity of human wildlife conflicts. In Mwaluganje, since the establishment of co-management arrangement, the cases of poaching and conflicts have dramatically reduced.
- e) The support of the state agencies in charge of conservation is critical in ensuring success of conservation efforts. This is particularly important where the technical and financial capacity of communities is limited.
- f) The sustainability of the devolution faces serious challenges; in Mwaluganje the repair of the fence is still being done by KWS almost 20 years after finalization of the devolution process. Management capacity at the local community level is low; the management level lacks the business skills necessary to run the park as a business. The low returns from tourism are making the returns to communities decline. This in turn leads to very little investment in the park.

### 4.3 Hombe Community Forest Association

Various factors can contribute to the success of an association, ranging from how it is organized and managed through the benefits derived to levels of funding. We explore these as revealed by our findings:

#### 4.3.1 Organization of the Hombe Community Forest Association

Hombe community forest association has well-structured management system. At the point of inception, many CBOs were already in existence, each with a specialized function. The CBOs came together under one umbrella organization, Hombe Neighbouring Community Forest Association (HONECOFA). HONECOFA is made up of the forest user groups. Because there were other organizations that were not interacting directly with the forest but whose activities were directly or

indirectly affected by the forest condition, a higher level association was formed, called Hombe Integrated Community Forest Association (HICOFA) which includes the farmer groups and their marketing outlet. HICOFA has three tools of management—the Community Based Organizations (CBOs), Management Committee (made up of 9 elected officials) and the Annual General Meetings. Each level is guided by rules formulated by consensus of community members, and based on the requirements of the Forest Act (2005). There are internal conflict resolution and benefit-sharing mechanisms at every level of management. The CFA has already developed management plan which has been approved by the KFS. Management agreement has also been signed. However, benefit sharing mechanisms with KFS are still outstanding. KFS indicated that benefit sharing mechanism is not currently anchored in legislation and therefore not enforceable. This position is technically sound but it gives further urgency on the need to quickly develop and anchor such mechanisms in law.

Among the benefits derived by the community from the forest include:

- a) Water, for irrigation and domestic use;
- b) Crop harvest from the Plantation, Establishment and Livelihood Improvement Scheme (PELIS);
- c) Fuel wood;
- d) Revenue from thinning;
- e) Grazing; and
- f) Revenue from bee-keeping and fish farming.

Hombe Integrated Community Forest Association has received funding from various organizations for different purposes over the years. It is evident that the projects under HICOFA have received substantial financial support from donor organizations but the community has also been instrumental in generating money especially for maintenance of facilities. Each member pays a monthly fee of Kshs 200 besides a membership subscription fee of Kshs 6000, payable in installments after an initial deposit of Kshs 1000. For the purchase of the master meter, each member contributed Kshs 1500. Currently, each member is contributing Kshs 1200 to the contingency fund meant to replace expensive components of the irrigation

system that may breakdown.

#### 4.3.2. Challenges faced by Hombe Forest Community Association

The community Forest association continues to face a number of challenges:-

- i. Benefit-sharing framework is not well-defined in the Act and the community feels that they deserve a little more than what is currently received. Proper benefit mechanisms would motivate the community to work harder in protecting and developing the forest;
- ii. Some activities require better trained manpower which the community currently lacks yet outsourcing such skills is expensive, normally beyond the community's resources;
- iii. Multiple licensing requirements for some activities. For instance, harvesting water for irrigation requires licenses/permits from KFS, NEMA, Ministry of Water and Irrigation, and local authority;
- iv. Wildlife destruction of young trees.

These challenges are, however, surmountable with proper capacity building and regular and honest consultation among the key stakeholders especially with regards to integrated natural resource management and clear benefit-sharing mechanisms.

#### 4.4 Critical success factors for hombe forest association

this study observes critical factors for success of participatory natural resource management, whether in forestry or wildlife. It further captures the concerns of communities and experts about management of natural resources within the devolved government framework.

A number of factors may drive the success of community participation in natural resource management. While some of the factors could be location or region-specific, experts concur on the following as being primary:

- a) Trust among the community members. This trust may not initially exist but the community leadership must strive to build it gradually by being able to deliver on promises and targets, and by resolving conflicts fairly and firmly;
- b) Equitable sharing of costs and benefits of natural resource management. Lack

of clear cost-benefit sharing arrangements, especially in the forestry sector has been the main point of disagreement between CFAs and the Kenya Forest Service (KFS). However, the benefits need not be direct from the resource that is being co-managed. Communities could derive benefits from diversified livelihoods implemented within the participatory management arrangements. Thus, the community association engaged in the management of the resource in question could be used as the launching pad of the alternative livelihood projects such as bee-keeping, fish-farming, poultry, high value crops cultivation and dairy farming. But the different projects must not overlap their mandates to avoid conflicts;

- c) Initiating alternative livelihood projects in communities may be too expensive, not just in terms of the initial funding but also in terms of building the local capacity. This calls for intervention of government and development partners. For instance, the KWS has been using the communities to rehabilitate water resources through tree planting. As a way of giving back to communities, it introduced livelihood projects in the Mt. Kenya region involving banana growing, bee-keeping and poultry, funded by IFAD and GEF. The project has just been phased out but a new phase, covering Mt. Kenya and Aberdare, is being introduced and will incorporate community ecotourism projects under IFAD funding.

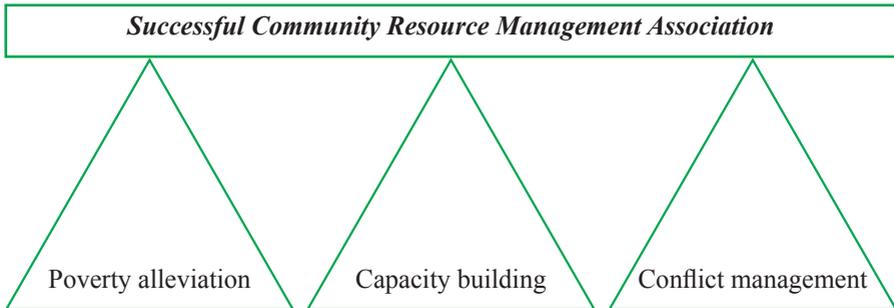
## 5. Summary, Conclusion and Recommendations

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Drawing from the cases covered in this study, there are common critical factors that drive the success of any participatory management of natural resources. We discuss these factors below:

- a) Capacity of the community is important for success in effecting the devolved system of resource management. The community ought to be equipped with the right skills and resources for sustainability of the system. Alternatively, the government may have to post adequate staff to work with the community in the different aspects of the resources being managed. Some aspects of the devolved management could be too expensive for the community to fund and it may be important for the government to either fund them directly or link the community with donor agencies;
- b) Natural resources are inter-connected and maximum benefits could be derived through integrated approaches to management. The integrated approach ensures that pressure on each resource is reduced and people's livelihoods are diversified. Perhaps this explains why success levels are higher in Hombe than in Mwaluganje;
- c) It is easier to implement a participatory management style if the need originates from the community itself. For instance, PFM in Hombe started long before the Forest act (2005) because the community felt the need to protect the forest at a time that the government was keen on degazetting parts of it. In Mwaluganje, the process was equally driven by the felt need of the community that had suffered a lot of human-wildlife conflict; and
- d) Sustainability of participatory management of natural resources is heavily dependent on tangible benefits derived by the community from their participation in the resource management. Without such benefits, the system has a higher likelihood of collapse. What this implies is that some benefit systems must be crafted to go along with devolved natural resource management. Alternatively, complementary projects could be initiated from which the community may derive direct benefits to keep them motivated.

In all, experts base success of community resource management associations on three pillars:



In the devolved governance structure envisioned in the Constitution, it is clear that the management of natural resources such as forestry and wildlife must become more inclusive and participatory, and benefits must be shared equitably. A lot of policy and legislative reforms are needed to ensure that this becomes successful. These reforms must address not only local issues but higher scales of management (e.g. at county and even national level). However, cross-county elements of natural resources must be treated cautiously with a clear framework for handling inter-county disagreements with regards to benefit-sharing from trans-boundary resources. This may mean altering the structure of community resource management associations. For instance, there could be a community forest association at the lowest level, followed by county forest management committee and then the entire ecosystem management committee (covering all counties involved). This structure will guarantee the ecosystem health, conflict resolution and equitable cost-benefit sharing.

It will also be important to harmonize the operations of the different agencies such that they do not overburden communities with levies. Preferably, all agencies dealing with different components of the same resource (e.g. forest, water, wildlife) should all be answerable to one ultimate authority so that they are able to sort out inter-agency conflicts/disagreements quickly without impacting negatively on the

resource or the communities. Such harmonization is also bound to reduce costs, minimize bureaucracy and curtail policy conflicts. This is an opportunity that different agencies could seize to restructure and offload responsibilities that do not fit within their core competence to the most appropriate organizations. Indeed KWS is already moving in this direction as captured by the New Wildlife Bill.

## References

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- Adams, W. and Hulme, D., 2001. *Conservation and community*. In Hulme D. and Murphree M. (Eds) *African Wildlife and Livelihoods*. James Currey Limited Oxford, UK
- Agrawal, A., & Gibson, C.C., 1999. *Enchantment and Disenchantment: The Role of community in natural resource conservation*. *World Development* 27: 629-649.
- Agrawal, A.A., and Ribot, J.C. 1999. *Accountability in decentralization: a framework with south Asian and West African cases*. *The Journal of Developing Areas* 33:473-502.
- Brown, K., 2002. *Innovations for Conservation and Development*. *The Geographical Journal* 168 (1): 6-17.
- Büscher, B and Dietz, T., 2005. *Conjunctions of Governance: The State and the Conservation-development Nexus in Southern Africa*. *The Journal of Transdisciplinary Environmental Studies* 4(2): 1-15.
- FAO, 2006. *Global forest resources assessment 2005. Progress toward Sustainable Forest Management*. Rome, Italy.
- Honey, M. 1999. *Eco-tourism and sustainable development: Who owns paradise?* Washington DC: Island Press.
- Hutton, J.M. and Leader-Williams, N., 2003. *Sustainable use and Incentive-driven conservation: Realigning human and conservation interests*. *Oryx* 37(2): 215-226.
- Matose, F., 2006. *Co-management Options for Reserved Forests in Zimbabwe and Beyond: Policy Implications of forest Management Strategies*. *Forest Policy and Economics* 8: 363– 374.
- Monterroso, I. 2008. *Field reports (Regional Report and Case Studies*. Petén,

Guatemala. CIFOR/FLACSO.

Norton-Griffiths, M. 1997. *Why Kenyan Conservation is failing*. Swara Magazine 19: 6-8. Nairobi, Kenya: East African Wildlife Society.

Ongugo, P.O. 2007. *Participatory Forest Management in Kenya: Is there anything for the poor? Proceedings: International Conference on Poverty Reduction and Forests*. September, 2007. Bangkok, Thailand.

Ongugo, P.O., et al. 2007. *Emerging Community Institutions for PFM Process Implementation in Kenya*. Paper presented to the 3rd International PFM Conference. Addis Ababa, Ethiopia.

Ongugo, P.O and J.W. Njuguna. 2004. *The Potential Effects of Decentralization Reforms on the Conditions of Kenya's Forest Resources*. Paper presented to the Biennial Conference of the International Association for the Study of Common Property (IASCP) on 3-13th August, 2004. Oaxaca, Mexico

Republic of Kenya. 2010. *Constitution of Kenya*. Government Printer, Nairobi.

Republic of Kenya. 2009. *Sessional Paper No. 3 of 2009 on National Land Policy*. Government Printer, Nairobi.

Government of Kenya (GoK). 2008. *Environment Water and Sanitation Sector Report (2008-2012)*. Government Printers.

Republic of Kenya. 1975. Sessional Paper No. 3 of 1975: *Statement on the Future of Wildlife Management Policy in Kenya*. Government Printer, Nairobi.

Wass, P. 1995. *Kenya's Indigenous Forests: Status, Management and Conservation*. IUCN, Gland, Switzerland.

Watson, A. 1999. *Conservation of Biodiverse Resource Areas (COBRA) Project: Kenya (1992-1998) Summary Report*. USAID, Nairobi, Kenya.

Western, D. 1994. *Ecosystem Conservation and Rural Development: The Case of Amboseli*. In *Natural Connections: Perspectives in community-based conservation*, eds. D. Western, R. M. Wright, and S.C.Strum, 15-52. Washington DC: Island Press.

White, A. M. and Martin, A. (2002) *Who Owns World's Forests? Forest Tenure and Public Forests in transition. Forests Trends and Center for International Environmental Law*, Washington D.C.

Wollenberg, E., 1998. *Methods for Assessing the Conservation and Development of Forest Products: What We Know and What We Have Yet to Learn*. In Wollenberg E and Ingles A. (Eds) *Incomes from the Forest: Methods for the Development and Conservation of Forest Products for Local Communities*. CIFOR

## Annex 1: Checklist

1. Briefly explain how the resource was managed before devolution.
2. What triggered the process of devolution?
3. Has the status of the resource changed since devolution? In what way?
4. Briefly explain how the process of community participation in the management of the resource started.
5. Explain which stakeholders were involved in the process and what their roles were.
6. How were the rules/ regulations of devolved management formulated?
7. How was the consensus built on the structure of devolved management?
8. How was governance structure formulated at the community level? How are leaders selected/elected?
9. List the kind of benefits derived from the natural resource under consideration
10. How are benefits shared?
11. What are the challenges the devolved system has faced or is currently facing?
12. What would make the devolved management system work better?
13. From the national level, what policy and/or legal changes are required to make devolution work better?
14. How can the proposed land reforms better enhance community participation in management of natural resources?