

**SOCIAL FORESTRY AND LAND OWNERSHIP  
IN KENYA**

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## INTRODUCTION

Social forestry, as a term and as a type of project, has now been with us for about thirteen years. As a type of activity, on the other hand, it probably has a genealogy of two thousand years or more in some parts of the world, e.g. India. The terminology of Social forestry or community forestry has been contested. At one extreme, community forestry has been restricted to those rare cases of village - initiated, self help schemes where the benefits will equitably shared. Others have held that social forestry gives a false impression that there will be a distribution of social benefits. Thus social forestry entered forest policy internationally, as a major component and a subject of substantial funding by Government and international aid agencies during the 1970's. It has four major manifestations:-

- Village woodlots, run by forest departments or self help communities on government and community lands.
- Farm forestry on private land, including waste lands.
- Rehabilitation of degraded land by the Forest Departments, and
- Strip plantations on road, rail and dam sides run by Forest Department.

As a whole, taken in a nutshell, social forestry is a forestry practice. Where rural based farmers are encouraged to plant trees either on their private farms and/or land communally owned so as to meet their felt needs of wood and wood products at the time and place where such a need is felt. It thus enables families and communities to decide their own priorities, and grow the types and numbers of trees they choose in the locations they feel are most relevant to their needs.

## **FROM INDUSTRIAL FORESTRY TO SOCIAL FOREST?**

In his paper entitled: "a plague on all our houses, reflections on twenty years of forestry for the third world development," Leslie (1985), contents that foresters and those in search of means and ways of accelerating rural development have turned to social forestry because industrial forestry has failed to do so for the last twenty five or so years. The same view has

been expressed by Dargavel, Hobley and Kengen in their paper entitled "Forestry of development and underdevelopment of Forestry." This argument came about after F.A.O. published its policy paper on forestry in 1977 which was followed by the Jakarta Conference in 1979. Even though this argument can be considered as having some significance, it is our opinion that industrial forestry was being evaluated even before its appraisal.

One other reason for advocating this policy shift by F.A.O. could be that in dealing with the problem of combating tree depletion,, which had been documented by Global 2000 task force and the Tropical Forest Resources Assessment report by F.A.O.: conventional forestry services are severely restricted in their scope for action. Shortages of manpower and resources mean that few forest departments can consider replanting on the scale necessary to have a significant impact in combating deforestation or meeting the growing demands for tree products.

#### **WHY DO PEOPLE GROW TREES**

In their book entitled "Fuelwood, the energy Crisis That Wont Go Away." Eckholm and Others (1985) have listed some of the reasons why people grow trees as:-

- to make money
- to provide some basic needs such as food, shelter and even clothing,
- to conserve water and soil.

They have also listed some of the reasons why people do not grow trees as follows:-

- antipathy to trees
- lack of incentives
- land tenure system
- questions of tree ownership
- shortages of land
- Seasonal competition for labour, and we may wish to add, "time preference.

## THE LAW IN RELATION TO LAND PRACTICES IN KENYA

It is generally considered that agriculture and animal husbandry are activities controlled by individuals for individual benefit. Forests, on the other hand, tend to be regarded as national resources and a preservationist view of management is normally prescribed. The consequences for land law are that two separate organization structures emerge to deal with what we are wanting to view as an integrated whole. In Kenya, Private Property Law provides the basic legal framework. This essentially, implies individual freedom and limitations upon the state to open up new options. Even the registration of groups is an exercise of private rights. In the context of the Land Act, which guarantees individual (or group) rights in land ownership and control, woodlands are considered as auxiliary to agricultural related uses. Forest lands come under the National Forest Act. A distinction is made in the Act between forest areas and forest lands, and a separate legal framework is provided for each. For the national gazetted forests, management is intended to be control-oriented and excludes the possibility of human interference. This concerning Kenya's existing legislation, social forestry as when practiced on either on private or communal land cannot enjoy the same rights and protection as forestry practiced in gazetted forest areas - usually, industrial forestry.

## LAND TENURE AND TREE GROWING

Where people have doubts over the ownership of land they are farming, they will almost be certainly unwilling to make long term investment involved in tree growing. Where land is owned communally, so as to make social forestry be in time with the intended benefits, the ownership structure is usually unclear.

Apart from land tenure, there may also be a variety of legal constraints to tree growing (in some countries, the government own all the trees, whether they are grown on private lands. Farmers have no right to cut trees, even if they plant them themselves, without going through the lengthy process of getting official permits. Laws of this kind, originally designed to protect forests, can actively discourage tree growing. In some countries, all the land is owned by the state. This makes individual tree planting initiative nearly impossible.

#### CONCLUSION AND SUGGESTION FOR FURTHER DISCUSSION

In this short paper, we have touched on some concepts of social forestry, its rationale its place in terms of its workability and the place it has in our legal system of land ownership and management.

We have pointed out that for it to achieve its positively intended objective in resulting to the greater majority of the people being self sufficient in tree and wood products, it must have a foundation in a land tenure system which must take into consideration an anticipated national land use policy.