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COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES:

REPORT OF THE PUBLIC HEARINGS ON THE EAC FORESTS MANAGEMENT AND PROTECTION BILL, 2015,

EAC PARTNER STATES CAPITALS, 9TH-15TH SEPTEMBER, 2015.

Clerk's Chambers

EAC Headquarters

EALA wing, 3rd Floor

Arusha , Tanzania

14th October 2015

1.0 INTRODUCTION AND BACKGROUND INFORMATION

The need to provide for an effective and sustainable protection of the national forests and trans- boundary forests ecosystem in East Africa calls for the East African Legislative Assembly to come up with urgent legislation geared towards ensuring a better management and protection of Forests in the region.

This initiative is largely premised under Chapter 19 specifically under Articles 111, 112, and 114 of the Treaty for the establishment of the East African Community, in which the Partner States commit themselves to cooperate in the management and sustainable utilization of the natural resources within the Community for their mutual benefit of the Partner States.

It has emerged both through reports and empirical research conducted by leading academic institutions that East Africa region has lost more than 22 million hectares of forest cover in the past two decades, as pressure on land intensifies in all the five Partner States of the regional bloc. This is extremely unprecedented and worrying that it calls for concerted efforts by both state and non-state actors if the trend is to be reversed.

According to the State of East Africa Report 2012, the region's 107 million hectares of forest shrank by more than 9 per cent to 98 million hectares between 1990 and 2000, and a further 13 per cent to 85 million hectares in 2010 due to rampant deforestation.

1.1. Current status of forest situation in East Africa.

The State of East Africa Report 2012 indicates that Tanzania had the largest share of deforestation, accounting for 67 per cent followed by Kenya at 33 per cent in the period under review.

Uganda and Rwanda are reported to have expanded their forest cover by 43,000 hectares and 3,000 hectares respectively, over the past two decades. However, the increase is still a very small percentage compared with the total deforested area.

Despite the deforestation, Tanzania still has the largest share of forest cover, including wooden land, with a total of 45 million hectares (53 per cent).

The report, however, expresses concern over the significant deforestation in the Country in the past two decades, adding that the forested area has reduced by 15 million hectares.

Kenya's forest area in 2010 was 32 million hectares (38 per cent) which was almost 18 per cent less than in 1990. Burundi also lost 117,000 hectares of forest.

Given its size, Tanzania has the largest share of East Africa's arable land of 41 per cent, and pastures of 46 per cent. At 44 per cent, Uganda leads in the region in the share of land under permanent crops, ahead of Tanzania's 30 per cent.

Tanzania and Kenya have less than 4 per cent of their total land under permanent crops in contrast with Uganda, Rwanda and Burundi which have between 14 per cent and 16 per cent.

Total agricultural land in East Africa amounts to 81 million hectares, almost 48 per cent of the region's land area. Pastures take up to 5.7 million hectares (64 per cent), arable land 24.2 million hectares (30 per cent) and 5 million (6.2 per cent) are under permanent crops.

The proportion of East Africa's agricultural land use under irrigation was 328,000 hectares (0.4 per cent) in 2008.

Tanzania had the region's most irrigated crop land of 184,000 hectares, an increase of 9 per cent from 168,000 in 2002.

Kenya's 103, 000 hectares in 2008 is an expansion of 18 per cent from 2002 level.

Burundi had 23, 000 hectares under irrigation followed by Uganda and Rwanda with 9, 000 hectares each.

The main reason for water withdrawal in the region was agricultural use in the 1998 – 2007 period. This use accounted for 89 per cent of Tanzania's withdrawal, 79 per cent of Kenya's, 77 per cent of Burundi's and 68 per cent of Rwanda's. Uganda had the least withdrawal of 40 per cent.

In the East African Community Partner States, as observed, deforestation is on the increase due to changes in land use and especially cropland expansion into forested areas, illegal logging and trade in forest products, and this has a negative impact not only on environment, but also on agriculture.

The Agriculture and Rural Development Policy as well as the Climate Change Policy highlight the importance of Afforestation, reforestation, Forests Management and Protection for sustainable development, food security and Climate Change impacts Mitigation. This bill is timely to help in the implementation of these above policies.

1.2. Objectives of the Public Hearings

The objectives of the Public Hearings were:

a) for the Public Hearings to form an effective medium for sensitization of stakeholders on the EAC Forests Management and Protection Bill, 2015;

b) for the invited stakeholders to contribute to any proposed amendments to the Bill thereto; and

c) to collect Partner States views on the EAC Forests Management and Protection Bill, 2015 which will be compiled for consideration and input into the Bill by the Committee.

2.0. METHODOGY

During the Public hearings, after the first meeting in Kenya the Committee undertook its activity in 2 teams. The first team covered Tanzania and Burundi, the second one covered Uganda and Rwanda, and both teams converged again in Nairobi, Kenya, to compile their findings. In each meeting, after the opening session, Team leaders made presentations on the bill and on the objectives of the public hearings, .and these were followed by interactive sessions between Members of the Committee and various stakeholders. The Committee considered written submissions by Partner States as well. In addition, the committee had a presentation on East African Community key forestry activities, forests status, challenges and forest governance by the officer in charge of the forestry sector at the East African Community level.

Public hearings were officially opened by representatives of the Ministries responsible for East African Community Affairs, namely the Permanent Secretaries in most cases, and stakeholders included representatives from Ministries responsible of East African Community Affairs, of Environment, of Agriculture, of Forests, representatives from Forests Services Authorities, Civil society, Private sector, the academia, the media, etc.

The Committee also reviewed the following documents namely;

- The Treaty for the Establishment of the East African Community;
- The Climate Change Policy, and Strategy
- The Agriculture and Rural Development Policy
- Socio-Economic Valuation of Losses from Non-Compliance with Forest Law Enforcement, Governance and Trade in EAC Partner States
- The East African Community Forests Management and Protection Bill 2015; and
- The Rules of Procedure of the East African Legislative Assembly.

3.0. FINDINGS OF THE PUBLIC HEARINGS

3.1. Specific Findings

The Republic of Burundi

In the Republic of Burundi, stakeholders came from the Ministry of East African Community Affairs, Ministry of Water, Environment and Urban Planning, Ministry of Agriculture and Livestock, Apex Farmers' Association" CAPAD", the academia, the media, the Civil Society and the Private sector among others.

The public hearings were officially opened by Ambassador John Rigi on behalf of the Minister of East African Community Affairs Hon. Leontine Nzeyimana.
In his remarks, he expressed his support for the Bill on Forests Management and Protection in the EAC, and commended the East African Legislative Assembly for having recognized the importance of forests and the need of having a regional forest Law to maximize the contribution of the forest sector in improving people's livelihood and economic prosperity.
Finally, he implored Participants to analyze deeply issues and principles underlying the bill and to come up with inputs for improvement.

In a participatory manner, stakeholders raised mainly the following concerns:

i. The need to define clearly the words *afforestation, forest management, Secretary General , and Community;*

ii. They highlighted the importance of the bill and they recommended to put in place regulations on the use of forests because they are vital for a big number of the population which depend on the forests and forest products e.g. firewood, charcoal, wood;

iii. They also appreciated the consideration of certification and Traceability by the bill and proposed to consider forests the same way people consider minerals, and to put in place tracing mechanisms in the trade of forest products;

iv. They urged the Committee to include a stand-alone objective on Climate Change in the bill

v. Finally they pointed out the importance of putting in place mechanisms to ensure local communities participation; moreover, they expressed the need

to provide for enforcement mechanisms to sanction and hold accountable those who will fail to implement the content of the bill.

The Republic of Kenya

In the Republic of Kenya, Committee Members interacted with stakeholders from National museums of Kenya, those from the State Department of Agriculture, from the Ministry of East African Community Affairs and from the Kenya Forest Service Authority

The meeting was opened officially by Mr. Julius Mwabu representing the Ministry in charge of EAC affairs. He appreciated the regional Parliament for bringing the law on Forestry and invited experts present to give their inputs.

Stakeholders pointed out the following key issues in the Bill:

General measures of Forest Management and Protection

1) The bill should strengthen the mandate of Institutions and forest Agencies in the Partner States in the following areas:

- Afforestation;
- Curbing illegal trading;
- Logging activities; and
- Trading in forest products.

2) Strong mechanisms should be put in place to ensure that trade in forest products adhere to certification, regulation, traceability and the trade in forests products should be transparent and open.
3) Value addition measures and mechanisms should be introduced and/or encouraged.

Stakeholders further informed the Committee that they are in the process of preparing a draft Bill on Forest Management and Conservation which captures 80% of the content of the regional Bill and is going to be comprehensive enough to address the issues of environment, cross border trade in forest products, trans-boundary forest reserves like in Mt Elgon forest Areas. They said that the Bill is currently before the Parliamentary Committee on Natural Resources.

Stakeholders also informed the Committee that in order to mitigate damage and illegal exploitation of the forest reserves, the Kenya Government signed a memorandum of understanding with the Government of the United Republic of Tanzania to explore areas on how to manage the commonly shared resources together and ensure harmony in the protection of forests.

The Kenyan delegation sought clarification on the structure of the East African Community Board and its reporting mechanism, if it will report to the Sectoral Council on environment or to the Council of Ministers.

After Committee Members had clarified on the principle for a regional bill to cater for supra national and cross boarder matters, leaving details for the implementation to national Laws, and after responses to questions, Kenya stakeholders commended the Committee for initiating a legislation which is going to address the issues of the Trans-boundary environment urged the Committee to make it mandatory to ensure that adequate funding is set aside in all Partner States to address issues of environment rather than relegating them to the donors, and that this should also apply in the EAC budget.

The United Republic of Tanzania

In the United Republic of Tanzania, Stakeholders were from the Ministry of East African Community Cooperation and from other ministries and departments which have direct mandate of conserving and protecting the environment.

They observed the following:

a) EAC does not have a Forestry Policy;
b) The EAC Protocol on Environment and Natural Resources is not yet ratified by all EAC Partner States;
c) Situation analysis;
d) The institutional review of the East African Community organs is not concluded;
e) The Bill, by providing for the East African Community Forest Board and the transboundary brigades, in their view, contravenes article 59(2) (a) (i) of the Treaty for the Establishment of the East African Community.

Considering these observations above, stakeholders in the United Republic of Tanzania were of the view that the EAC Forests Management and Protection Bill should wait for the Forests Policy to be initiated and concluded, for the EAC Protocol on Environment and Natural Resources to be ratified by all Partner States and for the institutional review of the East African Community organs to be concluded. They were of the view that there is no policy guidance in place from which the Assembly can initiate the bill. But, on these issues, it was explained that the bill is based on the Treaty, especially on Articles 111, 112, 114, on the Agriculture and Food Security Policy and on the Climate Change Policy, which policies documents highlight clearly afforestation, reforestation and forests management as key approach towards water catchments protection, water regulation, and Climate Change impacts mitigation.

On the issue of the situation analysis on forests matters, it was noted that the forests situation analysis has been conducted under a study commissioned by Lake Victoria Basin Commission (LVBC) in 2013. The study titled "A socio-economic Valuation of Losses from non-Compliance with Forest Law Enforcement, Governance and Trade in East African Community Partner States," identifies some of the causes of revenue losses as inadequate institutional capabilities and arrangements, corruption, bribery, ad hoc rules and regulations, poor pricing, as well as inconsistent rates in revenues collection.

It highlights the fact that observed lack of forest law enforcement and governance has lead to the illegal conversion of forests into other land uses (deforestation) and the irrational use of forests in general, leading to forests degradation. The Committee has considered the above study and find that the EAC Forests Management and Protection Bill is a timely appropriate legal for promotion and regulation of cooperation between the Partner States to strengthen primary forests production, circulation and trade in forest products, and also targeting to promote better management of trans-boundary forest ecosystems.

In addition, the Committee is of the view that the Assembly should not wait for the conclusion of the EAC Institutional review to conduct activities in its mandate, especially legislation.

Concerning the EAC Forests Board, the committee clarified also to the Stakeholders how the Board will operate composed by CEOS of National Competent Bodies, and how trans-boundary brigades are mixed national designed personnel operating in collaboration and cooperation , especially in protected trans boundary ecosystems.

The Republic of Rwanda

In the Republic of Rwanda, Public Hearings were opened by the Permanent Secretary from the Ministry of East African Community Affairs, Mr. Innocent Safari. In his remarks, he stated that deforestation is on the increase and yet the Economies of Africa still are Agro based. Africa has not yet reached the manufacturing age and therefore it is difficult for the region to continue destroying forests at the alarming rate that is being witnessed currently. He gave examples of Northern Tanzania that is currently very dry as well as areas in Kenya and Rwanda. He further stated that the Bill has come at the right time and was assured it will ensure that the existing forests are protected. He was of the view that concerted efforts from all citizens are needed to encourage trees planting and to protect forest areas.

The participants included officials from the Ministries for East African Community Affairs, Rwanda Agriculture Board (RAB), Ministry of Environment and Forestry, the

Rwanda Environmental Management Authority, Researchers, the Civil Society and the Private Sector.

Stakeholders highlighted the following:

i. Partner states should put in place regulations and mechanisms to monitor the exportation, production and importation of certified forest seeds and seedlings for afforestation. This is meant to ensure that evasive and destructive species which can be harmful to the environment are prevented from entering the respective partner states and the East Africa Region. They further proposed that lists of recognized and certified seeds and seedlings providers shall be periodically published.
ii. In order to ensure sustainability in respective Partner States, forests and agro forestry research, extension and capacity building activities should be strongly supported by the Governments core budgets than leaving it to the will of the donors.
iii. Urban forestry should be promoted and use of fruit and ornamental trees should be adopted at considerable levels.
iv. Strong measures should be established for joint controls in trans-boundary check points and bridges in trans– boundary areas in order to contribute to the fight against the illegal exploitation and trade in forest products and to maintain peace and security in the transboundary areas.
v. Finally they proposed to have the term " Non timber forest products" included in the definitional clauses to mean the products of biological origin rather than wood derived from the forest resources other than wooded land and trees outside forest products"

The Republic of Uganda

The Republic of Uganda sent written submissions through the Ministry of East African Community Affairs.

Stakeholders made the following inputs on the Bill.

i. They observed that it is prudent to use the term "competent authority" for forest management instead of "National Forest Authorities" because in some Partner States particularly Uganda the mandate of the National Forest Authority is limited to management of Central Forest Reserves and the scope of the bill is wider. They therefore observed that in order to

widen the mandate of the bill it is important to adopt competent authorities as opposed to national authorities.

ii. They noted that for consistency, it is important to use specific terms throughout the Bill. They cited the example of "non-timber products" in the interpretation clause as opposed to " non-timber Forest Products"

iii. They further observed that in clause 4 regarding forest management and protection, that another measure on farm forestry be added and the proposed measure should be phased as "the Partner States shall put in place appropriate measures to promote farm forest /agro forestry among the local communities to prevent encroachment on natural forests ecosystems.

Findings from interaction with the group of experts on Forestry

The Committee met and interacted with various experts and stakeholders in forestry and forests related institutions including Centre of International Forestry Research (ICRAF), Vi-Agroforestry, Climate Change Agriculture and Food Security East Africa, Tanzania Association of Foresters, Department of Forest Mensuration and Management(Tanzania), Department of Forestry and non-Renewable Natural Resources (ZANZIBAR), Makerere University (Uganda), Apex Farmers' Federation of Burundi (CAPAD), Natural Resource Authority (Rwanda), Association of Uganda Professional Women in Agriculture and Environment (AUPWAE), National Union of Coffee Agribusness and Farm entreprises (NUCAFE), Uganda Farmers Federation (UNFFE),Tanzanian Grassroot Oriented Development (TAGRODE) and the Eastern Africa Farmers' Federation (EAFF) . All these stakeholders from all EAC Partner States were in support of the Bill.

Their contributions included the following inputs to the Bill.

i. **Use of carbon credits to fight poverty**. They observed that in order to promote forest investment and trade in forest products carbon credits can be used as a means to fight poverty and to contribute to the socio-economic development of the people of East Africa. This is because the Forest has goods and services and the bill can go a long way in considering the trade in the services which the forest can offer.

ii. **Promotion of the participation of the private sector and civil societies.** In order to have a holistic approach and strengthen the technical, human, material and financial capacity to improve the forest management and control in the region with partnership of stakeholders (private sector, civil societies, local

communities, among others)" the Bill should endeavor to adopt a multi-level participation of all the stakeholders.

iii. **They proposed to rephrase objective f) to read** "objective (f) to read:
"To promote good forest governance and harmonize national forestry laws and regulations as well as the implementation of existing international instruments on forests" This is because forest governance is key to suitable forest management, transparency and accountability.

iv. Targets to maintain forest cover

In order to provide concrete targets to maintain forest cover and to adhere to the 10% minimum target stipulated in the Kenyan Constitution, they proposed to insert clauses, to specifically emphasize minimum tree and forest cover. They also proposed that Partner States shall promote agroforestry at the farm level, field level and landscape level so as to relieve pressure on the natural forests.

v. Safeguarding the security of the tenure/the rights of occupants

In order to have all the rights of the occupants guaranteed, they proposed to have a clause that compels all Partner States to adopt legal means to ensure that the rights of indigenous/local communities, women and other marginal groups are legally recognized and adopt mechanisms to secure the tenure rights of these groups, including free prior informed consent. This will go a long way in promoting mutual coexistence and harmony with the occupants especially those who reside in areas adjust to the forest reserves.

vi. Strengthening the functions of the forestry boards.

In order to strengthen and give more influence to the forestry board in the Partner States, they proposed to add the following additional functions of the Forest Board:

- to develop guidelines to mainstream agro-forestry into national development plans
- to develop and periodically update details of existing agroforestry practices to match different local agro climatic zones across Partner States
- to organize, support and coordinate regional research to help policy makers in partner countries to make informed decisions;
- to meet with stakeholders outside the forest sector, including trade, finance, agriculture and mining;

The reasons are the following:

- Agroforestry has significant potential for income generation and poverty reduction,
- There are agroforestry innovations across the world that should be adopted in the East African Community, for example, agro sylvi pastoral systems in the hot lowlands of India that have potential for livestock grazing and construction;
- To ensure that research efforts are harmonized across the region;
- To ensure multi-sectoral approach to addressing challenges in the forestry sector

Other specific findings are proposals for amendments which will have been captured in a schedule attached to this report.

3.2. General Findings

3.2.1 Appreciation of the Bill.

It was apparent and clear that most of the Partner States the Committee visited and the group of experts clearly appreciate and realize the importance and the urgency of the East African Forests Management and Protection Bill because of the critical issues it is going to address in Forest Management and protection, especially in the Trans boundary ecosystems. Stakeholders from Tanzania wish the bill to come after a forestry policy has been concluded, but it has been explained that the bill is anchored on the Treaty for the establishment of the EAC, on the Agriculture and Food Security Policy

and on the Climate Policy, which both call for Forests Management and Protection, reforestation and afforestation as Forests play a big role in water catchment protection, water regulation, and most importantly in Climate Change impacts mitigation.

In addition, Forests stakeholders urged the Committee to make it mandatory to ensure that adequate funding is set aside in all Partner States to address issues of forests management and protection in particular, and environment in general, rather than relegating them to donors. This should also apply for the EAC budget.

3.2.2. Regulatory mechanism to control trade in forests products

The Committee observed that some Partner States have signed memoranda of understanding or other bilateral arrangements in order to manage and protect forest resources in cross border areas, or in order to overcome other trans-boundary challenges like illegal timber trade. But even with these arrangements, it is reported that in East Africa the illegal trade in timber is greatly undermining the conservation and sustainable livelihoods for rural communities that depend on the resource.

In addition the Committee observed the following:

- Insufficient control in harvesting and trade of forests products across the partner states has exacerbated illegal practices which have been detrimental to the environment.
- Stakeholders highlighted the need for harmonized forest regulations on sanctions and penalties to offenders in order to stop illegal practices and enhance forests protection.
- Stakeholders wish that further emphasis should put on certification and traceability to ensure open and transparent trade in forests products.
- They expressed the need of measures and mechanisms to be put in place to promote value addition on forests products in order to ensure maximum benefits from the forests.
- There was a general understanding and consensus among stakeholders that the EAC Forests Management and Protection bill will help to strengthen national laws, and is of high value addition for the management and protection of resources of a trans- boundary nature, and for cross border forests products movements.

3.2.3. Collaboration between the East African Community Forest Board and the National Competent Forestry Authorities

The Committee observed that there were concerns from some Partner States on the creation of the EAC Forest Board, and its roles compared to the roles of the National Forestry Authorities.

It was clearly explained that the Board will be composed by the Chief Executive Officers of National Forests Bodies who will take best practices informed decisions at regional level and will come back and ensure their implementation at national level. It was further explained that the Board shall be chaired by a Chief Executive Officer of a National Forest Authority on a rotational basis. It was then clear that there was neither overlap nor duplication.

3.2.4 Promotion of afforestation in urban areas

Considering the importance of urban trees and forests, stakeholders expressed their wish to have this bill to promote urban forests. The Committee, recognizing the role of urban trees and forests, especially beautification and air cleaning among others, appreciated the concerns of participants and committed to take this into consideration.

3.2.5. Misinterpretation of Article 59 of the Treaty vis- a- vis Private Members' bill

The Committee observed some of the stakeholders were concerned that the Bill, by establishing an EAC Forests Board will impose a charge on the Community despite article 59 of the Treaty restricting Members to enact such legislations. It is equally important to note that it is the presiding officer who is the Speaker, to determine if a bill causes an extra cost or not.

4.0 GENERAL OBSERVATIONS

The Committee observed an emphatic and overwhelming need to strengthen the institutions and forest agencies in the Partner States which are involved in the management of forest resources.

The Committee observed that at the rate at which environmental degradation is taking place, efforts to promote and conserve forests cannot be postponed. Most of stakeholders found having this bill urgent and pertinent as this is a matter of concern not only for the people of East Africa but also the world at large.

The concerns of some Stakeholders of not having a forestry policy on which to base the Bill were addressed by the fact that the bill is anchored on the Treaty, on the Agriculture and Rural Development Policy and on the Climate Change Policy. This bill is further more informed by a forests situational analysis in the region undertaken by the Lake Victoria Basin Commission in collaboration with the Kenya Research Institute and the African Forest Forum.

In general, Stakeholders made very useful contributions which, after consideration by the Committee, call for amendments as proposed in the annexed schedule of amendments.

In general, Stakeholders made very useful contributions, which after consideration by the committee call for amendments of the bill as proposed in the annexed schedule of amendments, including the following:

1. Need for Partner States to put in place strong mechanisms to control the trade in forest products. These mechanisms should involve sharing of information and sharing of joint operations to combat the illegal logging and ensuring that there is coordinated movement and well documented legal trade in the Partner States.
2. Need for Partner States to put in place regulations and mechanisms to monitor the exportation, production and importation of certified forest seeds and seedlings for afforestation. The lists of recognized providers for certified seeds and seedlings should be periodically published by Partner States.

3. Need for Partner States to promote agroforestry at the farm level, field level and landscape level so as to relieve pressure on the natural forests.

4. Need for Partner States to develop and maintain a database of existing agroforestry practices and update it periodically on the details to match different local agro climatic zones across.

5. Need for Partner states to put in place sustainable mechanisms for financing to ensure protection and management of forests.

5.0 Recommendations

After consideration of the Public Hearings findings, the Committee hereby makes the following recommendations:

5.1 The Committee urges the House to adopt the report of the Public hearings on the EAC Forests Management and Protection Bill, 2015 with the annexed schedule of amendments.

5.2 The Committee urges the House to pass the EAC Forests Management and Protection Bill, 2015 with proposed amendments in the schedule.

6. 0. Conclusion

The East African Community Forests Management and Protection Bill, 2015 is a culmination of the interaction of the Committee with stakeholders in Partner States capitals. During interaction, the Committee noted with appreciation stakeholders' enthusiasm and expertise and these contributed to enrich the Bill. The Committee also noted through interaction the need to pass the Bill to address the issue of deforestation and forests degradation, and this cannot be postponed. It is therefore urgent and pertinent to pass the Bill to address needs of the people of East Africa and the world at large.

7.0. ACKNOWLEDGEMENT

The Committee appreciates the Speaker and the Clerk of the East African Legislative Assembly for his continued facilitation to the Committee to allow it fulfill its mandate, and thanks also AWEPA for its continuous support.

The Committee expresses thanks to the various stakeholders from EAC Partner States for having responded positively to the invitation extended to them and for their contributions to enrich the EAC Forests Management and Protection Bill, 2015.

The Committee extends its appreciation to ICRAF and EAFF for hosting and having co-organized a workshop for all experts on forests and forestry matters in the East African Region to bring useful contributions from knowledgeable people. The Committee thanks those experts as well as the ones from LVBC and from African Forests Forum for their valuable contributions during the preparation of this EAC Forests bill.

A special thank goes also to LVBC for having commissioned the above mentioned important Study on Forests and all forests related matters in the whole EAC region, which study has been instrumental when it comes to the situational analysis on forests status in the EAC region.

The Committee expresses its gratitude to the technical team from EAC/EALA Secretariat for a work very well done.

Rt. Hon. Speaker,

Before I conclude, I need to report that prior to consideration of this report, the Council of Ministers requested to meet with the Committee on the 8th of October, 2015 but on that occasion, only one Minister attended but declined to make any comment on the ground that the Minister was not mandated. On the second occasion on 11th October,

2015, no member of the Council showed up. On both occasions, the Counsel to the Community was in attendance.

I beg to move.

REPORT OF THE COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES ON THE EAC FORESTS MANAGEMENT AND PROTECTION BILL, 2015

9TH TO 15TH SEPTEMBER 2015

1. Hon. Christophe Bazivamo .....
2. Hon. Isabella Ndahayo .....
3. Hon. Jeremie Ngendakumana .....
4. Hon. Leonce Ndarubagiye .....
5. Hon. Patricia M. Hajabakiga .....
6. Hon. Dr. Odette Nyiramilimo .....
7. Hon. Chris Opoka - Okumu .....
8. Hon. Susan Nakawuki .....
9. Hon. Mike Kennedy Sebalu .....
10. Hon. Bernard M. Murunya .....
11. Hon. Adam Kimbisa .....
12. Hon. Shy-Rose S. Bhanji .....
13. Hon. Judith R. N. Pareno .....
14. Hon. Saoli Ole Nkanae .....
15. Hon. Mumbi A. Ng'aru .....

EAST AFRICAN COMMUNITY
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SCHEDULE OF AMENDMENTS

EAC FORESTS MANAGEMENT AND PROTECTION BILL, 2015

1.	CLAUSE	AMENDMENT TO CLAUSE	JUSTIFICATION
2.	Part I, Clause 2: Interpretation	Insert the following definitions in their proper alphabetical order: ***"agroforestry"*** means land use that involves deliberate retention, introduction or mixture of trees or other wood perennials in a cropland or animal production field to benefit from the resultant ecological and economical interactions; ***"climate change"*** means change in the long-term meteorological average itself, whatever the cause, including a change from one climate mode to another climate mode, which is outside the normal range of natural climate variability; ***"afforestation"*** means the establishment of a forest or stand of trees in an area where there was no forest; ***"carbon credit"*** *means* a permit that allows a country or organization to produce a certain amount of carbon emissions and that can be traded if the full allowance is not used; ***"carbon sinks"*** *means* a forest, in terms of its ability to absorb	Agroforestry has significant potential for income generation and poverty reduction. For clarity For clarity For clarity For clarity

		carbon dioxide from the atmosphere;	
		"Council" *means the Council of Ministers established by Article 9 of the Treaty;*	For clarity
		"protected area" *means a* clearly defined geographical space, recognized, dedicated and managed through legal or other effective means ,to achieve the long term conservation of nature, with associated ecosystem services and cultural values;	For clarity
		"forest services" means intangible products of the forest like ecosystem services, water catchment, biodiversity conservation, recreational, air purification;	For clarity
		"forest governance" *means a* more responsive accountable management and control of forest with a setting up of policies, laws, regulations, implementation, monitoring and evaluation	For clarity
		"urban forestry" *means* a practice of planting, managing and caring for forests in cities or towns areas	For clarity
		"indigenous tree species" *means* tree species that occur naturally in a local regional ecosystem;	For clarity
		"forest tenure" *means a* concept that includes ownership, tenancy and other arrangements for the use of forests;	For clarity
		"Natural resources" *means* materials or substances such as minerals, forests, water, and fertile land that occur in nature and can be used for economic gain as well as ecological functions and services;	For clarity

		"transboundary ecosystem" *means a* Cross-political border ecosystems; *"**forest certification**" means* a process that leads to the issuing of a certificate by an independent party, which verifies that an area of forest is managed to a defined standard; ***"forest management"*** means acts aimed at setting up technical, economic, industrial, legal and administrative measures towards maintaining forests for increased productivity and *ecosystem services;* ***"non-wood forest product"*** excludes all woody raw materials; *"sustainable forest management"* means the use of forest resources in a way that allows *present* and future generations to have access thereto and have a share in and rights to them; ***"Ethnobotany"*** *means the science of the culture and plants relationships existing between peoples and plants.*	
3.		Replace the definition "*logging title*", with **"*logging license"***	For consistency with industry practice
4.		Replace the definition "*illicit trade*" with **"*illegal trade*"**	For consistency with industry practice
5.		Replace the definition "non-timber" with **"non-wood"**	
6.		**"National Forests Authorities"** means a competent authority in a Partner State responsible for forests management and protection	For clarity
7.		Rephrase the definition of **"Sustainable forest management"** to read:	To accommodate present users of forests

		"sustainable forest management" means the use of forest resources in a way that allows *present and* future generations to have access thereto and have a share in and rights to them	
8.	Part I. Clause 3: Objectives	Objective (b) should read, "To promote forest investment and trade in forest products **including carbon credits** as a means to fight poverty and to contribute to the socio-economic development of the people of East Africa"	Forest has goods and services, therefore this Bill should also consider trade in services
9.		Objective (e) should read "To strengthen the technical, human, material and financial capacity to improve the forest management and control in the region in partnership **with stakeholders**	The Bill should promote participation of private sector and civil societies
10.		Rephrase objective (f) to read: **"To *promote good forest governance*** and harmonize national forestry laws and regulations as well as the implementation of existing international instruments on forests"	Forest governance is key to sustainable forest management, transparency and accountability
11.		Propose to add another objective (xx) to read: "To promote the practice of agroforestry across the farm, field and landscape levels."	To deliberately address the interaction between agriculture and forestry
12.		Propose to add another objective (xx) to read: "to promote research and training for sustainable forest management"	To deliberately address the importance of research in forest management
13.	Clause 4 (3)	Rephrase the clause as follows: Forest land area shall be clearly mapped *in consultation with the relevant stakeholders and forest master plans shall be*	• To avoid conflict in mapping exercises • Consultations will improve compliance

		regularly updated in order to have reliable data for the efficient management of forests in the Community	
14.	Clause 4	Propose to add the following new sub- clauses after 4(7) as follows: (8)"Partner states shall, in the cause of implementation of international, regional and national instruments and agreements, ensure that communities receive commensurate benefits to their contributions in forest management"	To make sure that benefits derived from international arrangements reach targeted communities
15.	Clause 4	(9)Partner states shall put in place mechanisms to protect, and promote the production and replanting of indigenous tree species	To safeguard the indigenous tree species
16.	Clause 4	(10) Partner States shall establish a framework for measuring, valuing, monitoring and trading in direct forest ecosystem services such as water, biodiversity and wildlife, as well as associated services such as carbon sequestration, ethnobotany, recreation and tourism	To exploit forestry services
		(11) Partner states should put in place sustainable mechanisms to ensure protection and management of forests.	
17.	Part III, Clause 7 (1)	Propose to rephrase clause 7 (1) as follows: ...for afforestation, *as well as mechanisms for* ***certification of seed vendors***	To cater for the certification of seed vendors
18.	Part IV Clause 9 (a)	Replace "*timber and other forest products*" with "***forest products***"	Timber is one of many forest products, and does not need any extra emphasis

19.	Part IV Clause 11	"*National authority*" is not defined in the interpretation	The law makes several references to national authority
20.	Part IV Clause 11(2)	Propose to insert ***"agroforestry"*** as follows: .....private sector specializing in forestry, *agroforestry* and environmental.....	To ensure that the issue of agroforestry is harmonized across the document
21.	Part IV Clause 11(1)	Propose to insert "*agroforestry*" in the clause as follows .....including planning for forest rehabilitation, re-afforestation, afforestation and *agroforestry.*	To ensure that the issue of agroforestry is harmonized across the document
22.	Part IV Clause 11	Propose to insert a new sub- clause after 11 (3), as follows: (4) The Partner states shall take necessary measures to promote the use of alternative sources of energy for domestic purposes in order to reduce over-reliance on forests	This will help to reduce deforestation rates by encouraging use of alternative sources
23.	Part V, Clause 14 Functions of the Board	Propose to add the following additional sub-clauses of clause 14 on functions of the Forest Board to read as follows: i. To develop guidelines to mainstream agro-forestry into national development plans, ii. To develop and periodically update details of existing agroforestry practices to match different local agro climatic zones across partner states iii. To coordinate regional research to help policy makers in partner countries to make informed decisions.	To give the Board a broader and comprehensive mandate

		PROPOSED NEW CLAUSES	
24.	Part II: General Measures on Forest Management and Protection	Propose to insert the following two new clauses before clause 4 " xx "Minimum tree and forest cover", (1) Partner states shall work to achieve and maintain a tree cover of at least 10% of the total land area of their respective countries. (2) Partner states shall set a target for minimum forest cover and work to achieve and maintain this target. " xxx" Agroforestry Partner states shall promote agroforestry at the farm level, field level and landscape level, so as to relieve pressure on natural forests.	To provide concrete targets to maintain forest cover, Consistency with the 10% minimum target stipulated in the Kenya constitution to minimize pressure on nature forests
1.	Part II,	Propose to add a new clause after clause 4 to read as follows: **"Forestry Research** "Partner states shall invest in forestry research to enhance conservation of biodiversity, strengthen indigenous knowledge, strengthen intellectual property rights, value addition of forest products, control of pests and diseases, and other key public policies."	