The Kenya Charcoal Policy Handbook

Current Regulations for a Sustainable Charcoal Sector





POLICY HANDBOOK

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Inset image:	Charcoal vendors (Photograph: Alannah Delahunty)
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Glossary

Community Based Organisation
Community Forest Association
Charcoal Producers Association
Charcoal Working Group
Department for International Development
Environmental Impact Assessment
Environmental Management and Coordination Act
Energy Regulatory Commission
Forest Conservation Committee
Government of Kenya
Kenya Ceramic Jiko
Kenya Forest Service
Kenya Forest Working Group
Kenya Forestry Research Institute
Kenya shilling
Liquefied Petroleum Gas
Ministry of Energy
Ministry of Forestry and Wildlife
Practical Action Consulting
Policy Innovation Systems for Clean Energy Security
Participatory Market Mapping
Participatory Market System Development
United Kingdom

Contents

Glossa Forew Ackno	ary ord wledgements	2 4 5
1.0 1.1 1.2	Introduction The need for a charcoal policy handbook Benefits of the charcoal handbook	6 6 6
 2.0 2.1 2.2 2.3 2.4 2.5 	Importance of the Charcoal Sector in Kenya Source of energy Employment creation Contribution to the country's economy Source of government revenue Environmental conservation	7 7 8 8 8
3.0 3.1 3.1.2 3.1.3 3.1.4 3.2 3.2.1 3.2.2 3.2.3 3.2.4 3.2.5	Charcoal Policy and Legal Framework Charcoal Policy Framework Energy Policy: The Sessional Paper No. 4 of 2004 Forest Policy – Sessional Paper No. 9 of 2005 Environmental Policy: The Sessional Paper No. 6 of 1999 on Environment and Development Agricultural Policy: The Strategy for Revitalizing Agriculture 2004 Charcoal Legal Framework The Energy Act 2006 The Forests Act of 2005 Environment Management and Coordination Act (EMCA, 1999) Local Government Act Cap 265 Traffic Act CAP 403	 9 9 10 11 12 12 12 13 13 13 13
4.0 4.1 4.2 4.3 4.4 4.4.1 4.4.2 4.4.3 4.4.3	The Forest (Charcoal) Rules 2009 Charcoal Producers Associations (CPAs) Charcoal production license Charcoal rules on transportation Rules on Marketing of Charcoal Local market Export of charcoal outside Kenya Importation of charcoal into Kenya Inspections by KFS	14 14 15 16 18 18 18 18 20
5.0	Way Forward for Effective Implementation of the Charcoal Rules	20
6.0	References	23
Annex Annex Annex Annex Annex Annex	 See: Forests (Charcoal) Rules 2009 - KFS Tools for Compliance 1: Certificate of registration of association (sample) 2: Application for Charcoal Producer License (sample) 3: Consent from land owner (sample) 4: Charcoal movement permit (sample) 5: Application for Charcoal Import/Export Permit (sample) 6: Charcoal import/export permit and compliance with charcoal safety 	24 24 25 26 27 28
require	ements (sample)	29

Foreword

Policy Innovation Systems for Clean Energy Security (PISCES) is a five-year research project funded by the Department for International Development (DFID) of the United Kingdom (UK), being implemented in Kenya, Tanzania, Sri Lanka and India. The purpose of the project is to increase available knowledge and understanding of policy relevant trade-offs between energy, food and water security for livelihoods in relation to bioenergy.

Charcoal is a key bioenergy resource in Kenya, providing domestic energy for 82% of urban and 34% of rural households. The charcoal industry also creates jobs for wood producers, charcoal producers, transporters and vendors. The industry employs over 700,000 people who support over two million dependants, yet it has recieved a negative image and remained informal for a long time, thus limiting its ability to attract investment and to operate optimally and sustainably. However, Energy and Forestry Policies and Acts have recently legalized sustainable charcoal production, and efforts are underway by government agencies, including the Kenya Forest Service (KFS) in the Ministry of Forestry and Wildlife (MoFW), and the Ministry of Energy (MoE), to take forward the implementation of this legislation.

In 2009 Practical Action, through its development consulting arm Practical Action Consulting, organised a PISCES workshop that brought together various market system actors and players comprising charcoal producers, transporters, retailers, government representatives and other key stakeholders, to compare two different charcoal market value chains in Kenya. The workshop applied a Participatory Market Mapping (PMM) approach, a tool used in the Participatory Market Systems Development (PMSD), www.practicalaction.org, which is a conceptual framework developed by Practical Action to analyse markets. The workshop report is available at www.pisces.or.ke. Key recommendations from the workshop called for awareness creation on current policy, formation of strong Charcoal Associations, mobilisation of resources for investment in the sub-sector, reduction of legal taxes and the number of regulators, and the elimination of illegal taxes.

This charcoal policy handbook is a first step in communicating the new charcoal legislation that supports sustainable charcoal production in Kenya. It is part of a larger programme of work being developed by PISCES, aimed at improving the performance of the charcoal market system by increasing its efficiency and productivity, leading to improved livelihoods and enhanced environmental protection. The handbook has been developed through a consultative process and is aimed at empowering marginalized workers and other stakeholders to contribute to a sustainable charcoal sector in Kenya.

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1. Introduction

1.1 The need for a charcoal policy handbook

Over 82% of the urban population in Kenya and 34% of rural households use charcoal. However, despite its significant contribution to national energy supply and employment, charcoal is viewed negatively and is generally regarded as a poor people's source of energy. It is perceived as the main cause of deforestation in the country, mainly due to limited information about the true value of charcoal and lack of awareness of sustainable ways of managing wood resources.

Between 2000 and 2009, the Government of Kenya (GoK), through the MoFW and the MoE, recognized the need to bring order to the charcoal sector. The Ministries jointly formulated policies and legislation to enhance the growth of the charcoal industry. However, despite these efforts, key value chain actors are not sufficiently aware of the existing policies and laws, while others are aware but have not fully understood the provisions, mainly because of the technical or legal language used. As a result, players in the industry continue to operate just as they did before the policies and legislation were enacted. The purpose of this handbook is to make policies and legislation affecting the charcoal sector easier to understand and create awareness and understanding of the provisions amongst key players in the charcoal value chain.

1.2 Benefits of the charcoal handbook

Once the charcoal policies and rules are understood, adopted and implemented, the following outputs are expected:

- Increased investment: More people across the whole value chain will be willing to invest in the well regulated industry, thus expanding opportunities for growth in the sector.
- Increased wood supply: Many farmers will be willing to grow tree species suitable for charcoal production because profitability will increase. In addition, individual and institutional woodland owners will also be willing to manage their woodlands profitably and sustainably for increased wood supply.
- Open and increased charcoal trade: Once they meet all the necessary requirements, workers in the charcoal value chain will fully engage in the charcoal business without fear of breaking the law.
- Elimination of un-official taxes: Transporters and vendors will increase their profits since unofficial taxes charged during transportation can be identified and can be avoided.
- Time savings: Transporters will also save time previously spent making stops at many police posts along the road between the collection points and selling points.
- Increased contribution to government revenue: The government will raise more revenue as a result of a clear system of levying fees and issuance of permits and licenses. Some of the revenue could be re-invested in the sector, thus stimulating its growth.
- Improved environmental health: Tree growing/sustainable woodland management for charcoal production will contribute to reforestation and reduce environmental degradation.
- Incentives for improving efficiency: a stable and well-regulated market will make it attractive to invest in improved technology for charcoal production.

2. Importance of the Charcoal Sector in Kenya

2.1 Source of energy

Charcoal has been a source of energy, especially for urban households, for a long time. A study by MoE in 2000 (Republic of Kenya, 2002) found that charcoal provides cooking energy for about 82% of Kenyan urban households and 34% of rural households. Charcoal is also used in small-scale businesses such as poultry keeping, bakeries, restaurants and kiosks. In year 2000, 2.4 million tons of charcoal were utilized for energy in the urban and rural areas of Kenya. This is equivalent to 60 million 40 kg bags of charcoal.



An energy efficient charcoal cookstove (Photo credit: ACTS).

Charcoal is a preferred household energy source due to its affordability. It is the cheapest urban household cooking fuel currently costing about Kenya shillings (Ksh.) 12,000 per household per year, compared to Ksh. 31,760 for liquid petroleum gas (LPG) and Ksh. 59,200 for electricity. Charcoal can be purchased in small quantities of 1.5 kilogrammes costing between Ksh. 30-50, therefore low income households and businesses find it affordable to buy charcoal every day in small quantities. In comparison, the current (June 2011) price of LPG is Ksh 2,500 for a 13 kilogramme cylinder or Ksh 1,000 for a 6 kilogramme cylinder.

Demand for charcoal is fast increasing due to population growth, increased urbanization and the development of cottage industries. This emphasises the need to invest more efforts towards increasing the supply of charcoal sustainably.

2.2 Employment creation

The charcoal industry creates jobs for wood producers, charcoal producers, transporters and vendors. A study by Energy for Sustainable Development Africa (ESDA), now called CAMCO, in 2005 indicates that approximately 200,000 charcoal producers were operating in Kenya and an estimated 500,000 people were directly involved in the charcoal trade as transporters and vendors. They were in turn supporting 2.5 million dependants, mainly family members.

In addition, income generated by the charcoal industry remains within the country, whilst kerosene and LPG are imported energy sources demanding foreign exchange.

2.3 Contribution to the country's economy

The charcoal industry represents an estimated annual market value of over Ksh. 32 billion, (ESDA 2005), which is 43% of the tourism industry's revenue of Ksh. 75 billion in 2007. It also compares favourably with the horticultural industry, which recorded a market value of Ksh. 43.8 billion, and the tea industry with Ksh. 42.5 billion in 2005. A 2005 policy brief by the World Agroforestry Centre indicates that, at an individual level and with adequate availability of wood, it is possible for medium scale time charcoal producers and traders to earn between Ksh. 240,000 and Ksh. 720,000 per year. This suggests that the charcoal industry is a strong contributor to the national economy; hence its enhancement and growth can contribute to the growth of Kenya's economy.

2.4 Source of government revenue

The charcoal industry generates revenue for the government through the issuance of licenses and business permits. The study by ESDA (2005) also showed that the potential government revenue stood at over Ksh 5.1 billion if sufficient efforts were invested in effective collection of government revenue. The county councils also collected cess and market charges from charcoal traders and vendors, at Ksh. 30-50 per bag. The study indicates that if cess were charged on all the estimated 60 million bags of charcoal traded within the country, this would generate an additional Ksh. 1.8 to Ksh. 3.0 billion annually. A proportion of the revenue collected could be used to grow more trees and shrubs, to manage natural woodlands sustainably, and to streamline operations of the sector.

2.5 Environmental conservation

Unregulated, free or very cheap sourcing of trees and shrubs for charcoal production causes steady deforestation and environmental degradation. This has historically tilted the image of the charcoal industry, so that it is viewed negatively. Yet charcoal is produced from wood, which is a renewable resource. What is required is sustainable management of the available wood resources and planned new planting of fast-maturing tree species so that the supply of wood for charcoal can be higher than the demand. Demand may also be moderated by the adoption of more efficient charcoal-burning technologies – requiring investment on the part of producers or producer cooperatives. If this is achieved, the charcoal industry can contribute positively to environmental conservation and clean air, thus greatly minimizing the potential negative effects on climate.

3. Charcoal Policy and Legal Framework

3.1 Charcoal Policy Framework

Kenya has a number of policy instruments that recognize charcoal as an important source of energy. They highlight issues pertaining to charcoal production (tree growing and wood conversion to charcoal), transportation, trade and utilization. The key policy documents relevant to charcoal include the following:

- The Sessional Paper No. 4 of 2004 on Energy Policy.
- The Sessional Paper No. 9 of 2005 on Forest Policy.
- The Sessional Paper No. 6 of 1999 on Environment and Development.
- The Strategy for Revitalizing Agriculture of 2004.



Energy efficient kilns at Kakuzi, Thika (Photo credit: Fridah Mugo).

The above cited energy, forest and environmental policies, which are further discussed below, allow for production, marketing and use of charcoal. However, these policies require that the wood be produced sustainably to avoid deforestation and land degradation.

The wood should be converted into charcoal using modern kilns to reduce waste, and the consumers should use modern energy conserving cook stoves and other techniques.

3.1.1 Energy Policy: The Sessional Paper No. 4 of 2004

The energy policy paper seeks to:

- Promote cultivation of fast maturing tree species: This encourages any interested individual, company or institution to plant and manage fast growing tree species that could be harvested for charcoal production.
- Give 10-year tax holidays to producers: This allows those growing trees for charcoal a period of 10 years during which they are exempted from paying taxes. This will ensure that they make a good profit from their long-term investment in charcoal production.
- Issue 20-year leases on government land for commercial production: This provides an opportunity for any individual, company or institution that may want to invest in tree growing but has no land, to lease land from the government to grow trees for charcoal.
- License charcoal to encourage sustainable production: Trade in charcoal has been operating as a "semi illegal business". This policy statement therefore allows charcoal to be traded just like any other commodity as long as a license is obtained for the business.
- Promote private sector participation in charcoal production: This encourages the private sector to invest in the growing of trees or sustainable management of natural woodlands for charcoal production.

3.1.2 Forest Policy – Sessional Paper No. 9 of 2005

The forest policy paper seeks to:

- Empower local communities to manage forests through Community Forest Associations (CFAs): This means that local communities can organize themselves into CFAs and the government will allow them to participate in management of the forests and woodlands within their localities. They can also organize themselves to participate in creating new forests and planting woodlots within their localities so that they have a sufficient supply of wood resources for their needs and for selling.
- Promote sustainable production and efficient utilization of woodfuel:
 - i. For sustainable production of woodfuel, land owners are encouraged to plant many trees and shrubs to be harvested for woodfuel. The trees could be planted as a cash crop, and tree planting should exceed anticipated demand, so that when harvesting occurs, some trees will continue growing. Some of the wood harvested can be used for firewood and the rest can be converted to charcoal.
 - ii. For efficient utilization, charcoal producers/burners are expected to use modern kilns for converting wood to charcoal so that wood is not wasted. Modern designs for charcoal burning kilns are available at KEFRI. Households and institutions using charcoal for cooking are also expected to use modern energy efficient stoves such as the Kenya Ceramic Jiko (KCJ), and other energy saving methods such as soaking hard grains before cooking.
- Regulate production and marketing of charcoal: The government has allowed production and marketing of charcoal, but this has to be regulated by requiring that charcoal producers get a license to allow them to produce. The license helps the government to locate the origin of the charcoal. This can help in highlighting whether an area is over-producing. To get a license, the applicants have to show a management plan for the woodland where they are harvesting the wood. The plan is expected to facilitate sustainable harvesting of the wood. Marketing will also be regulated through the issuance of a certificate of origin and a transportation permit to show where the charcoal has been produced and where it will be sold.
- Encourage the creation of out-grower schemes for trees: These are schemes where farmers will grow trees on contract, either for private companies or for their own associations. Each scheme will have agreements appropriate for the tree growers and wood purchasers. A good example of an out-grower scheme is the Mumias Sugar Company Scheme that supports farmers to grow sugarcane; which the company then buys. Another model is the Kenya Tea Development Agency where farmers have formed cooperatives that own the factories to which they deliver their tea. Trees for production of charcoal can also be produced under such out-grower scheme arrangements and the tree farmers can sell all their trees/charcoal to their CFA or to any company they wish to trade with.
- Facilitate screening, control, management and utilization of invasive tree/shrub species through appropriate measures: No new trees or shrubs are allowed in the country without permission of the government through KFS. Invasive trees and shrubs that are already in the country for example *Prosopis juliflora* (Mathenge) may be harvested and used for charcoal production.
- Promote forest based industries that contribute to the national economy: An example of such industries is charcoal manufacture. Charcoal production can be operated at large scale as is the case in the manufacture of sugar and tea. Farmers through their CFAs, individuals and companies are encouraged to invest in sustainable charcoal production and marketing for the rural and urban market.

• Liberalize the production of tree seedlings: For a long time, the government used to produce and sell tree seedlings to tree growers at subsidized prices, thus dominating the tree seedling market. This policy has now liberalized production and selling of tree seedlings. Any individual, company, cooperative or association can raise tree and shrub seedlings and sell to any interested person or company at an agreed price. This also applies to tree seedlings that could be used for growing trees for charcoal.



Masanga women tree nursery in Rarieda, Nyanza (Photo credit: Fridah Mugo).

 Promote value addition of forest products: Wood is a forest product.
 When wood is converted to charcoal, value has been added. Charcoal usually generates more money than firewood. For example sale of one ton of wood will fetch Ksh. 1000.
 If the same quantity of wood is converted to charcoal in a modern kiln, it will produce 300 kilogrammes of charcoal. This will produce about 7.5 bags of charcoal each weighing 40 kilogrammes.

At the market price (2011) of Ksh. 500 in the rural areas, this will fetch about Ksh. 3,750. In urban areas, the price is about Ksh. 1,000 per bag. It will therefore fetch about Ksh. 7,000. Converting wood to charcoal and transporting charcoal from rural areas to urban areas adds value. In both cases there should be a higher income to producers. All individuals, companies, cooperatives and associations involved in the forest sector are encouraged to add value to all their forest produce in order to earn greater income.

• Encourage forest products certification and labelling for wider market acceptability: This policy requires that charcoal is certified wherever it is produced. This means that the forest or woodland from which it is produced and the method used for producing it is approved by KFS. This will give confidence to the consumers that they are not contributing to deforestation and environmental degradation. Labelling or branding of the charcoal is also encouraged so that in case of any problem concerning the quality of charcoal, it can be traced to the source.

3.1.3 Environmental Policy: The Sessional Paper No. 6 of 1999 on Environment and Development

Through this policy (chapter four section 4.5 on energy, page 62, paragraph 4.5.2. (b) to (e)), the government seeks to:

- Make Environmental Impact Assessment (EIA) a requirement for all projects and programmes, especially for hydro-electric, thermal and geothermal activities as well as those requiring wood: This means that any individual, company or institution interested in growing and/or harvesting wood for charcoal has to carry out an EIA to identify the negative and positive impacts of the project. This is to assist in planning how to minimize the negative impacts and maximize the positive impacts.
- Promote widespread adoption of energy efficient technologies: This encourages all energy consumers to use technologies that do not waste energy such as the traditional metal charcoal stove for cooking and the inefficient traditional earth kiln used for burning wood to produce charcoal. Instead they should use those that

require very little charcoal such as the KCJ for cooking and the modern charcoal kilns for converting wood to charcoal.

- Provide economic incentives for energy conservation and encourage private investments in energy developments including alternative sources of energy: This means that the government will:
 - i. Identify and implement ways of motivating energy consumers to use less energy including charcoal for cooking, baking, poultry rearing and so on, by using modern energy-conserving stoves.
 - ii. Encourage individuals and private companies to invest in energy projects that could include charcoal production, or
 - iii. Encourage individuals, companies or institutions to invest in energy projects (e.g. biogas) that could generate energy so as to reduce the demand for charcoal
- Encourage research in energy conservation and end use technologies: This will hopefully encourage individuals, companies and institutions to carry out research on ways to improve the efficiency of charcoal production and reduce the amount of charcoal used for cooking and other purposes.

3.1.4 Agricultural Policy: The Strategy for Revitalizing Agriculture 2004

The strategy aims at transforming subsistence agriculture into commercial and profitable business enterprises, and at attracting more private investors who will adopt modern farming methods. It encourages commercial tree growing as a business enterprise for energy purposes. This means that any farmer, cooperative, company or association can engage in commercial growing of trees for charcoal as a business enterprise.

3.2 Charcoal Legal Framework

Kenya has a number of legal instruments that recognize charcoal as an important source of energy. They highlight issues pertaining to charcoal production (tree growing and wood conversion to charcoal), transportation, trade and utilization. The key instruments are the Energy Act 2006, the Forest Act, The Environmental Management and Coordination Act (EMCA) 1999, the Local Government Act and the Traffic Act.

3.2.1 The Energy Act 2006

The Energy Act provides for the following:



Participants at the PMM workshop learn about tree management during a field trip to Musaki Enterprises, Kitengela (Photo credit: Practical Action Consulting).

- Part V section 103 (1) Allows for promotion, development and use of renewable energy technologies, which, among others, includes biomass, charcoal and fuelwood.
- Part V section 103 (2) (b) Allows for provision of an enabling framework for the efficient and sustainable production, distribution and marketing of charcoal.
- Part V section 103 (2) (c) Allows for promotion of the use of fast-maturing trees for energy production and the establishment of commercial woodlots including peri-urban plantations.

3.2.2 The Forests Act of 2005

The Act provides for the following:

- Part II section 5 (h) Requires the KFS to provide forest extension services by assisting forest owners, farmers and associations in the sustainable management of forests. This allows forest owners, farmers and charcoal associations to visit forest officers or invite them to their farms or in group meetings in order to learn from them the appropriate ways of managing forests, woodlands and individual trees for charcoal production.
- Part II Section 5 (i) Mandates the KFS to enforce the conditions and regulations pertaining to charcoal making and other forest utilization activities. The details on charcoal are contained in the charcoal rules in section 4 of this handbook.
- Part II Section 5 (j) Requires the KFS to collect all revenue and charges due to the government in regard to forest resources, produce and services. KFS is therefore required to collect revenue from the charcoal licenses and movement permits issued.
- Part VI Section 59 (r) Empowers the Minister to make rules for regulating the production, transportation and marketing of charcoal. According to the rules, to produce charcoal, one must have a license from the KFS. To transport charcoal, one must have a movement permit from the KFS, while to market charcoal, one must have a trade license, usually issued by the Local Authority in the County where the trade is to be undertaken.

3.2.3 Environment Management and Coordination Act (EMCA, 1999)

- Part V section 49 Provides for promotion of the use of renewable sources of energy by:
 - i. Promoting research in appropriate renewable sources of energy.
 - ii. Creating incentives for the promotion of renewable sources of energy.
 - iii. Promoting measures for the conservation of renewable sources of energy.
 - iv. Taking measures to encourage the planting of trees and woodlots by individual land users, institutions and community groups.
- Part V Section 58 (1), (4) Requires that clearance of forest areas, reforestation and afforestation should undergo an environmental impact assessment before the project or activities start, to determine the impacts associated with such production.

3.2.4 Local Government Act Cap 265

This Act empowers local authorities and administration to control destruction of trees, transportation of charcoal and other forest produce. Charcoal traders and vendors are required to apply for a single business permit to engage in the charcoal trade.

3.2.5 Traffic Act CAP 403

Consolidates the laws relating to traffic on public roads, which need to be observed during charcoal transportation. Traffic police at the check points are expected to verify the validity of all charcoal movement permits.

4. The Forest (Charcoal) Rules 2009

The Forest Act No. 7 of 2005 section 59 provides for formulation of rules for regulating the production, transportation and marketing of charcoal. These rules were gazetted in December 2009 as The Forest (Charcoal) Rules, 2009. The Regulations provide guidelines on the legal requirements for producers, transporters, and traders engaged in the charcoal business as highlighted in this section.

Legal Note: The Forest (Charcoal) Regulations, 2009

Section 7(1): No person shall undertake or engage in any activity relating to commercial charcoal production and transportation without a valid licence, issued by the Service under these regulations.

4.1 Charcoal Producers Associations (CPAs)

All commercial charcoal producers are required to organize themselves and form CPAs.

The role of a CPA is to:

- Facilitate sustainable production of charcoal by members.
- Ensure that members implement the reforestation and conservation plans.
- Develop and implement a code of practice for the purposes of self-regulation.
- Assist the KFS in enforcing the provision of the Forest Act relating to sustainable charcoal production, transportation and marketing.
- Do whatever else is necessary for sustainable charcoal production and transportation.

How to form a CPA

- 1. List all the members and their addresses.
- 2. Prepare a constitution and rules that will be followed (seek assistance from the nearest KFS office if required).
- 3. Register as an association with the Registrar of Societies.

CFA: A registered CFA is also eligible to engage in charcoal production. However, it requires modifying its constitution and to meet all the requirements for a CPA as stated above.

- 4. List all the places where the group will operate.
- 5. List the group's record of activities relating to charcoal production.
- 6. List the group's activities on transportation.
- 7. Give information relating to ownership of land.
- 8. Give a record of the present activities on the land.
- 9. Provide information on the technology that the group intends to use to convert wood to charcoal.
- 10. Provide information on the quantity of charcoal the group produces.
- 11. Provide information on how much money the group makes and how much they currently have.
- 12. Forward the application to KFS offices for review.
- 13. If all the information is satisfactory, a registration certificate is issued by KFS.

4.2 Charcoal production license

- Farmers, business persons, companies, cooperatives and associations producing charcoal for commercial purposes are required to have a production license from the KFS before engaging in any production, transportation and marketing of charcoal.
- Landowners producing charcoal for their own household use do not require a license.

How to obtain a charcoal production license

Step 1

Obtain an application form from the nearest KFS office or download from their website at www.kenyaforestservice.org

Step 2

Fill the form, giving the required details as follows:

- Where the charcoal will be produced.
- The approved charcoal collection points.
- The type of trees to be used to produce charcoal – (Note that the use of endangered tree species like sandal wood is prohibited.)
- The volume of wood to be used to produce charcoal.
- The type of technology to be used for converting wood to charcoal such as the traditional or improved efficiency technologies – the improved technologies are preferred for charcoal production so that wood is not wasted, as they produce more charcoal from the same volume of fuelwood than traditional production.



Example of the half orange kiln (28 - 30% efficiency) in Madiany, Nyanza (Photo credit: Fridah Mugo).

In addition:

- Obtain consent from the land owner(s) of the farm where charcoal will be produced.
- Seek a recommendation from the local environment committee. This committee has to assess the environment situation in the area to avoid land degradation.
- Develop a reforestation/conservation plan: This is an outline on how the cut trees/ shrubs will be replaced and managed.

Step 3

Submit all the information required in Step 2 to the Forest Conservation Committee (FCC) and pay the required fee. This fee will vary from time to time.

Step 4

The licensing sub-committee will review the application and give its recommendations to the FCC.

Step 5

KFS will issue a license depending on the recommendations from the FCC. The conditions of the license may be varied for different circumstances.

4.3 Charcoal rules on transportation

In order to transport charcoal, one is required to have:

- A valid charcoal movement permit (Annex 4).
- A certificate of origin for the charcoal issued by the charcoal producer.
- A purchase receipt from the charcoal seller or producer.

Legal Note: The Forest (Charcoal) Rules, 2009

Section 14(1): No person shall move charcoal or charcoal products from one place to another unless that person:

a) Is in possession of a valid charcoal movement permit

- b) Has a certificate of origin
- c) Has a receipt from the vendor

How to obtain a charcoal movement permit

Step 1

The transporter visits the nearest KFS office and fills an application form detailing:

- The number of bags of charcoal to be transported.
- The point of origin of the charcoal.
- The final point where charcoal is to be taken.
- Vehicle details indicated on the movement permit include the number plate registration, the make, and chassis number.

Step 2

KFS reviews and verifies the application and if satisfied with the information, a movement permit is issued. It is important to note that:

- Charcoal movement permit is not transferable, that is it cannot be given to someone else and one is required to transport the charcoal between 6.00 a.m. and 6.00 p.m.
- The permit should be obtained on time to make sure that it does not expire before the charcoal reaches its final destination.

Charcoal transporters are encouraged to join CPAs, through which they will participate in restoring the environment in line with the government policy and national afforestation and reforestation plans.



Charcoal bags on transit to the market. (Photo credit: Practical Action Consulting)

The DOS and Don'ts of a charcoal production license

- The production license is not transferable and should be renewed annually or as specified.
- An application for the renewal of a license should be made at least one month before the expiry date of the existing license.
- A person shall not unlawfully alter or endorse a license issued to him/her for the use of any other person.
- A person shall not engage in commercial production of charcoal on the basis of a license issued to another person.
- No person shall produce charcoal from endangered, threatened and protected plant species.
- KFS will publish, in the Kenya Gazette, a list of endangered, threatened and protected plant species
- KFS can suspend or revoke a license if the holder contravenes the conditions of the license.
- Whenever a license is suspended or cancelled, the charcoal producer has to cease producing charcoal until the suspension is lifted or a new license is issued.
- If a person is disqualified from holding a license under the Act, he/she shall not apply for another license without disclosing to the licensing sub-committee about the disqualification.
- If a person, a company or an association is aggrieved by a KFS decision not to grant a charcoal production license, they can appeal to the National Environment Tribunal.

4.4. Rules on Marketing of Charcoal

4.4.1 Local market

- A person engaged in wholesale or retail trade in charcoal is required to keep a record of the sources of charcoal, and copies of the certificates of origin and the movement permits.
- No person or association shall engage in trade in charcoal with an unlicensed charcoal producer.
- A KFS Forest Officer has the power to enter the premises in which wholesale or retail trade in charcoal is being undertaken to inspect the records.

4.4.2 Export of charcoal outside Kenya

- No person or association shall export charcoal or charcoal products from Kenya, unless that person has obtained an export permit from the KFS.
- A person wishing to obtain an export permit shall make an application to the Director KFS and provide a proper description of the source of the charcoal.

Penalty: Transporting charcoal without a movement permit is an offence liable to a fine of not less than Ksh. 10,000 or 3 months imprisonment. The Forest Act 2005 has an even higher fee for this offence, a fine of not less than Ksh. 50,000 or 6 months imprisonment.

- Upon approving an application, the Director will issue an export permit and a safety certificate after the applicant has paid the required amount of money.
- Before granting an export permit, the Director will consider the local supply and demand situation for charcoal.
- An export permit and safety certificate shall:
 - i. Be surrendered to the customs officer at the port of export or where the importer requires such export permit and safety certificate.
 - ii. The export permit and safety certificate shall be endorsed at the port of export.
 - iii. Expire either on the date specified on the two documents or when the consignment is shipped, whichever occurs first.

4.4.3 Importation of charcoal into Kenya

- No person or association shall import into Kenya charcoal or charcoal products unless he/she has obtained an import permit issued by KFS.
- A person who wishes to obtain an import permit shall make an application and provide a proper description of the source of charcoal and submit the application to the respective committee.
- The respective KFS committee shall consider the applications and forward them together with recommendations to the Director KFS, taking into account the supply and demand situation in the country.
- The Director shall upon approving an application, issue an import permit after payment of the required fees.

Forest (Charcoal) Rules 2009: Compliance requirements, roles and responsibilities

Requirements	Roles and responsibilities		
Production (Wood and Charcoal)			
 Environmental Impact Assessment (for charcoal projects and programmes) Reforestation/conservation plan Management plan for woodland where wood is harvested Use of efficient production kilns 	 Producer Obtain consent from the land owner(s) Obtain recommendation from the local environment committee Apply to KFS Zonal office for a production license Pay the specified license fee¹ Note: Farmers, businesses, associations and cooperatives producing charcoal for commercial purposes require a production license. KFS Zonal Manager: Verify all the requirements Issue charcoal production license 		
Transportation			
 Certificate of origin Purchase receipts from producer Charcoal movement permit KFS charcoal import/export permit 	 Transporter: Apply to KFS for charcoal movement permit (for any amount exceeding 3 bags) Pay KFS fee for the movement permit Note: The movement permit is valid for 3 days and issued by KFS at a specified fee per bag of charcoal. KFS Zonal Office: Verify all the requirements Issue charcoal movement permit Traffic police: Verify validity of charcoal movement permit(s) Customs Authorities (import/export) Issue export/import permit(s) Verify validity of charcoal import/export permit(s) and compliance with charcoal safety requirements 		
Selling			
 Copy of the Certificate of origin Copy of the Movement permit(s) Business license/permit from local authority 	 Charcoal seller: Keep a record of the sources of charcoal Keep a copy of the certificate of origin Keep a copy of the movement permit Display business license/permit from local authority and/or county government Note: "seller" includes wholesaler, retailer or vendor KFS Zonal Office: Inspect seller's records 		
End-use			
Energy conservation	 End-user Use improved cookstoves e.g. KCJ Apply energy conservation techniques e.g. soaking hard grains prior to cooking, using fireless (basket) cookers, and covering cooking pots, etc. Note: "End –user" includes households, small businesses, institutions etc. 		

¹ Seek information from the KFS Zonal Office on the amount of fee required for each type of license/permit.

4.4.4 Inspections by KFS

- A Forest Officer is authorized to carry out inspections at the premises of vessels used for charcoal production, transportation and trade:
 - i. Regularly.
 - ii. When non-compliance is suspected, i.e. when it is suspected that requirements have not been met.
 - iii. When it is required for the purpose of issuing a license or a permit.
- A licensee shall produce a license or permit issued under these regulations to a KFS Forest Officer on demand
- Whenever possible, a KFS Forest Officer will carry out inspection without prior notice.
- KFS may revoke the license or permit of any person who is convicted of an offence under these Regulations.
- Unless the KFS Board Directs otherwise, any person convicted of an offence under these regulations shall remain disqualified from holding a license or permit related to the provisions under which he/she has been convicted for a period of one year from the time of the conviction.

Penalty: Buying or selling charcoal from other countries (e.g. neighbouring countries such as Sudan, Tanzania, and Uganda, etc) without a permit is an offence liable to a fine of not less than Ksh. 10,000 or 3 months imprisonment.

• The holder of any license or permit that is cancelled shall within 14 days from the date of conviction surrender the license or permit to the KFS.

5. Way Forward for Effective Implementation of the Charcoal Rules

Implementation of the charcoal rules calls for collaborative action among all players in the charcoal sector, including charcoal producers, vendors, the government, civil society, consumers and the corporate sector, among others. Critical stages in the process of implementation include the following:

Promoting and supporting compliance with the charcoal rules

In order for the rules and regulations to be followed, various processes need to be put in place, including:

- Translation of the charcoal rules into Swahili, the national language, to ensure the information is easily accessible to as many people as possible.
- Ensuring that documents in the public domain, for example policy documents, the charcoal rules and KFS tools for compliance, are available and accessible so that people venturing into charcoal business are able to comply.
- Facilitating timely processing of applications for compliance licences/permits and ensuring that the revenue collected is properly accounted for and invested into streamlining operations of the charcoal sector.
- Coordinating activities between government agencies and strengthening existing forums for coordination between other stakeholders.
- Continuous monitoring and information sharing on on-going charcoal related project activities within the country.

Awareness creation

Continuous awareness creation about the charcoal rules will be undertaken by stakeholders, including government agencies (for example KFS (MoFW), MoE, ERC), CFAs and CPAs, Charcoal Working Group (CWG), civil society, the Media, FCCs, local administration, KEFRI, the private sector, intergovernmental organisations, charcoal experts and other development partners.

Awareness creation target groups include the following:

- Farmers and members of CPAs, CFAs and FCCs.
- County Administration and Local Government staff.
- Government officers including MOE Energy Centre Managers and staff of the Biomass Section of the Renewable Energy Department, KFS staff at the zonal level, forest guards, Departmental Heads in the Ministries of Environment, Agriculture and Education, among others.
- Police officers.
- Law courts.
- Environmental management agencies.
- Learning institutions including schools, tertiary and higher education institutions.
- End-users.
- Vendors.
- Financial institutions.

Capacity building of target groups on compliance requirements

Stakeholders in the charcoal sector, especially marginalized groups, require capacity building to equip them with skills for compliance with the charcoal rules. This includes:

- Capacity building of stakeholders involved in the charcoal sector, through training of trainers (for example for zonal officers), which will enable them to conduct follow-up training at other levels.
- Capacity building of grassroots organisations, for example CPAs, CFAs and ICS manufacturers, to equip them with skills in business management, proposal writing, energy conservation, development of conservation and environmental management plans, development of compliance tools such as certificates of origin, and so on.
- Capacity building of government officers (for example KFS zonal staff and MoE Energy Centre Managers) and members of grassroots organisations (for example CPAs, CFAs and ICS manufacturers) on the following:
 - i. Environmental conservation and planning for sustainable charcoal production in different ecological zones.
 - ii. Forestry technologies/tree growing: species selection, tree nursery establishment and management, tree planting and woodland management, wood production, harvesting and replanting techniques.
 - iii. Improved kilns, construction, maintenance and standards.
 - iv. Storage, packaging and labelling of charcoal.
 - v. Standards for ICS for household and institutional use.
 - vi.Environmental health, safety and proper handling of charcoal during transportation and storage.
- Capacity building of charcoal vendors and end-users on environmental health, safety and proper handling and storage of charcoal.

Research and development of regulations and standards for charcoal sector

To support compliance with the charcoal rules, there is need for continuous research and development of regulations and standards. This includes:

- Continuous research on:
 - i. Suitable species for charcoal production for different ecological zones.
 - ii. Efficient, energy saving technologies e.g., improved kilns and ICS.
- Development of standards for charcoal quality, packaging, transportation, handling, storage and vending.
- Development of standards for environmental health and safety for the charcoal sector, e.g., environmental health in charcoal production, transportation, handling and storage.

Monitoring and review of charcoal regulations

The charcoal rules can only be relevant if they are used as intended. The following are ways and means of ensuring that the rules remain relevant to the needs of stakeholders in the sector:

- Continuous collaboration, monitoring and review of charcoal rules and regulations to improve effectiveness based on field experience.
- Coordination of the activities of various government ministries and collaboration between all actors in the charcoal sector, for example through the CWG, to ensure effective implementation of the charcoal rules.

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Annexes: Forest (Charcoal) Rules 2009 - KFS Tools for Compliance

Tools for compliance with the Forest (Charcoal) Rules 2009, samples of which are annexed below, are available free of charge at KFS Offices.

Annex 1: Certificate of registration of association (sample)

FORM 1	(r. 5(2))
	Application Reference No
FORESTS ACT, 2005	
CERTIFICATE OF REGISTRATION OF ASSO	DCIATION
1. Name of Association	
2. PIN No	
3. Number of Members	
4. Full Address	
5: Location of Association	
Conservancy/Area	District
Location	Village
has been registered as a Charcoal Produce	rs' Association for purposes of engaging
in sustainable charcoal production in accord	dance with the provisions of the Forests
Act, 2005 and Regulations made there under	er and contingent to conditions specified
hereunder:	
Fees paid in words	Date of issue
Date of expiry: 31st December,	

.....

Director Kenya Forest Service

Annex 2: Application for Charcoal Producer License (sample)

FORM	M 2			(r. 7(2))
APPL PART A1. A2. A3.	ICATION FOR CHARCOAL A: DETAILS OF APPLICAN Name of Licensee (Associa PIN No Full Address	PRODUCER LI IT ation or Firm)	Application Reference No	
PART	B: DETAILS OF CURRENT	CHARCOAL L	ICENCE	
B1: B2:	Name of the current charce Locality and Date of issue	oal licence the current cha	arcoal licence	
PART	C: MATERIAL CONSIDER	ATIONS		
C1: C2: C3: C4: C5: C6: C7:	Place or places where cha Designated charcoal collec Consent from land owner a Tree species to be used fo Type of technology to be u A recommendation from lo Reforestation/conservation	rcoal is to be pr ction point(s) as prescribed in r charcoal prod used ocal environmen n plan for the ar	roduced n Form 3 luction nt committee rea	
	Name	Position	Signati	ure
On be	ehalf of			
Asso	ciation/Company name and	l seal	Date	
PART	D: DECLARATION BY APP	LICANT		
l here know varied or inc	by certify that the particula ledge and belief. I understa d, revoked or cancelled if an complete.	rs given above ເnd the that the ny information ູ	are correct and true to the be charcoal licence may be susp given above is false, misleadir	est of my ວended, າg, wrong
PART	E: FOR OFFICIAL USE ON	ILY		
Appro Comr Office	oved/Not Approved nents ersi	gnature	Date	
Fees	paid in words	In figures	Date of Issue	

Director, Kenya Forest Service

Annex 3: Consent from land owner (sample)

Fori Fori	VI 3 ESTS AC	T, 2005				(r. 7(4))
CON	SENT FR	OM THE LANI	O OWNER			
PART	A: CON	SENT HOLDE	7			
A1. A2. A3.	Consent PIN No Full Add	t holders' Nam	e (Association or	Firm)R	eg.Cert.No	
PA B1: B2: B3: B4:	RT B: CC Name o Locality PIN No. Full Add	NSENT GRAN f the land own (LR. No.) ress	NTOR er or authorized p	erson		
PART	C: DEC	_ARATION BY	LAND OWNER/A	UTHORIZED PE	RSON	
l here parce provi unde	by give t of land sions of t r and the	he association using indigend he Forests Act following cond	n/firm named above bus/farm forestry t, 2005, the Fores ditions:	ve consent to pr wood resources ts (charcoal) Reg	oduce charco in accordanc gulations mad	al on my e with the le there
Giver	n under n	ny hand				
	Name		Land Owner/Aut	horized Person	S	ignature
On b	ehalf of	firm				
		Association/C	Company name ar	nd seal	D	ate
PART	D: FOR	OFFICIAL USE	EONLY			
Appro Comi Office	oved/Not ments er	Approved	Signature	Date)	
				Direc	tor, Kenya Fo	rest Service

The Kenya Charcoal Policy Handbook Current Regulations for a Sustainable Charcoal Sector

Annex 4: Charcoal movement permit (sample)

FORM 4

(r. 14(3))

CHARCOAL MOVEMENT PERMIT

1. Conservancy	D	istrict	Station/Div/Loc
Name	(of (address)	
Nationality	I	DNo/Passport No	

is hereby authorized to transport charcoal/charcoal products named herein below:

CHARCOAL/CHARCOAL PRODUCTS	QUANTITY

FROM		ТО	
Conservancy	Place	Conservancy	Place

Reasons for movement		
Date of Transportation	Date of expiry	
Official Receipt No		
Name of Issuing Forest OfficerDesignat	on Signatui	re
Name of forest officer supervising removal	.DesignationSignatur	re
Fees paid in wordsIn figures.	Date of issue	

Director Kenya Forest Service

Contingent to any conditions as may be specified:

(a) The charcoal movement permit is not transferable.

(b) Transport of charcoal shall take place between 6 a.m and 6 p.m.

Annex 5: Application for Charcoal Import/Export Permit (sample)

FORM	5	(r.16, 17)
FORES	TS ACT, 2005	
APPLIC	CATION FOR CHARCOAL IMPORT/EXPORT PERMIT	
PART A A1. A2. A3. A4. A5.	x: DETAILS OF THE APPLICANT Name of Applicant (Association or Firm) Reg. Cert No PIN No Full Address Business Location: Name of Building/Place	

LR No. Street/Road..... Town..... District....

PART B: BUSINESS DETAILS

B1:Other than the business for which this application is made, are you involved in any other trade in the forestry

industry? YES/NO.....

B2: If answer to B1 above is in the affirmative, specify nature or type of business(es)

.....

Charcoal/Charcoal Products	Quantity	Value

B4:Name and Address of Consignee/Supplier.....

PART C:SAFETY REQUIREMENTS

- C1: Does the charcoal for export/import meet the safety standards? YES/NO...
- C2: Is the charcoal free from fire and safe for transportation?
- C3: If answer to C1 and C2 is in the affirmative, specify measures taken to render the charcoal free from fire and other

Annex 6: Charcoal import/export permit and compliance with charcoal safety requirements (sample)

FORM 6

(r. 16, 17)

CHARCOAL IMPORT/EXPORT PERMIT AND COMPLIANCE WITH CHARCOAL SAFETY REQUIREMENTS

To: The Collector of Customs Kenya Revenue Authority

.....

(Port/Airport of export)

This is to confirm that (Name).....of (address)..... has been authorized to Import/Export Charcoal/Charcoal Products mentioned herein below to/ from (country).....

Charcoal/Charcoal Products	Quantity	Value

Name and address of consignee.....

The validity of this permit expires on the date specified or immediately on shipment of the consignment whichever of the two occurs earlier.

Fees paid in words.....In figures.Date of issue.....

.....

Director, Kenya Forest Service

Made on the, 20.....

Minister for Forestry and Wildlife

31











For over 40 years, PAC has provided development consultancy services as the consulting arm of the international NGO, Practical Action, formerly ITDG. PAC provides high quality, independent and professional advice to governments, NGOs, aid agencies and the private sector. We work worldwide from regional offices in the UK, Eastern and Southern Africa, South Asia and Latin America. Our vision is of a sustainable world free of poverty and injustice in which technology is used for the benefit of all.

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ACTS is noted for being the first African independent think-tank on the application of science and technology to development. The founders of ACTS had the vision of an organization that would steer Africa from the depths of poverty and dependence on the West to ideas-based development, focusing mainly on development and influencing of policies that would help Africa assert itself in the various fora, that discussed emerging new technologies and issues to do with Biotechnology, Biosafety, Climate Change and the Environment.

A leader in forestry research, KEFRI is a public institution established under the Kenya Science and Technology Act, Cap 250 of the Laws of Kenya. KEFRI's mandate is to conduct research in forestry, co-operate with other research bodies within and outside Kenya carrying out similar research, liaise with other organisations and institutions of higher learning in training on matters of forestry research, and disseminate research findings. Its mission is to enhance the social and economic welfare of Kenyans through useroriented research for sustainable development of forests and allied natural resources.

The KFS is a public institution established under the Forest Act, 2005, with a mandate to contribute to the growth of the natural resource sector by enhancing development, conservation and management of all forest resources in Kenya. The KFS has five national level departments involved in activity implementation: Natural Forest Conservation and Management; Forest Plantations, Enterprise and Licensing; Forest Extension; Enforcement and Compliance; Corporate Division. Among other departmental activities the Service promotes community involvement in forest conservation and management through Community Forest Associations (CFAs), licensing of various activities and ventures, and conservancy management through 10 regional conservancies with one Forest Conservation Committee (FCC) each.

PISCES is a five-year research project funded by the Department for International Development of the United Kingdom (UK). Project implementation started in July 2007. The purpose of the project is to increase available knowledge and understanding of policy relevant trade-offs between energy, food and water security for livelihoods in relation to bioenergy. PISCES is a Research Programme Consortium whose members include African Centre for Technology Studies (ACTS, lead) Kenya; Practical Action Consulting UK, Eastern Africa, and Sri Lanka; the University of Dar es Salaam, Tanzania; M.S. Swaminathan Research Foundation (MSSRF), India; and the University of Edinburgh, UK.

For more information contact project manager Bernard O. Muok at b.muok@acts.or.ke and visit http://www.pisces.or.ke