



**REPUBLIC OF KENYA**

**MINISTRY OF ENVIRONMENT AND  
FORESTRY**

**DRAFT**

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**DRAFT NATIONAL FOREST POLICY, 2020**

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**MAY 2020**

## FOREWORD

Forest resources in our country are valuable natural endowment that must be sustainably managed for present and future generations. They offer a range of benefits and opportunities for local and national economic development, improved livelihoods and provision of environmental goods and services such as watershed protection, ecosystem services and carbon sequestration. Kenya's forest sector has experienced poor performance in the past, and improving forest governance has been an implicit objective in forest sector reforms over the past ten years. The Forests Act (2005) introduced participatory forest management, through the engagement of local communities, and the promotion of private sector investment in gazetted forest reserves, accompanied by concomitant institutional and organizational change, notably the establishment of the Kenya Forest Service (KFS), and the formation of Community Forest Associations.

The Forest Management Act was enacted in 2016 to implement forest-related provisions of the 2010 Constitution. Compliant with the objectives of the national development agenda, the constitution and emergent issues such as demands for green and climate smart growth, the forest sector will explore new measures to halt, and reverse the pace of deforestation and forest degradation in the country and increase forest cover. There are emerging opportunities for sustainable forest financing both at national and international level which the country needs to take advantage of and maximize the rate of social and economic development and secure optimum welfare of all citizens. In addition, the Civil Society Organizations, the local communities, the private sector and county governments need to be mainstreamed into the forestry sector decision-making and resource management processes. A revised policy is therefore necessary.

Forest conservation and management continues to face a number of challenges. These include increasing demand for land and forest resources resulting in deforestation and forest degradation, governance challenges and inadequate funding that constrains the provision of public services. These challenges have undermined sustainable forest management efforts. This Policy proposes a broad range of measures and actions responding to the challenges faced by the forest sector. It is based on the views and expert opinion of public and private sector actors and civil society organizations. A number of strategic initiatives have been introduced to improve and develop the forest resource base; integrate good governance, transparency, and accountability, equity and poverty reduction into the forest sector.

The Policy will provide the basis for governance, administrative and legislative reforms in the sector. It seeks to balance the needs of the people of Kenya with opportunities for sustainable forest conservation, management and utilization. It is also particularly informed by the Constitution, the national land policy, Transition to Devolved Government Act, 2012, Inter-governmental Relations Act, 2012, Land Act, 2016, the Physical Planning and Land Use Act 2019 as well as the National Climate Change Action Plan, Nationally Determined Contributions commitments, the National Land Use Plan, the National Forest Programme, the Green Economy Strategy Implementation Plan and the Sustainable Development Goals. These underscore the unique role of forestry development, the transition towards green growth and climate change mitigation and adaptation.

The main features of the revised policy framework for forest conservation and sustainable management include:

- (a) The enactment of a revised forests law to implement this policy.
- (b) Reconfiguration of forest governance and management arrangements for efficient

running of the forestry sector.

- (c) The mainstreaming of forest conservation and management into national land use systems.
- (d) The incorporation of natural capital and green accounting into the computation of the gross domestic product through the valuation of ecosystem services including carbon sequestration.
- (e) Clear division of responsibilities between public sector institutions where the Ministry responsible for forestry provides an oversight role in national forest policy formulation, and oversight function of the sector, thereby allowing the implementing agencies to focus on the management of forests on public and community lands; and the role of the County governments in implementing national policies, County forest programmes including the delivery of forest extension services to communities, farmers and private land owners, and management of forests other than those under state agencies.
- (f) The devolution of community forest conservation and management, implementation of national forest policies and strategies, deepening community participation in forest management through elaborate strategies for strengthening community forestry management, and the introduction of benefit-sharing arrangements.
- (g) The preparation of a national strategy to increase and maintain forest and tree cover to at least 10% of the total land area and for the rehabilitation and restoration of degraded forest ecosystems, and the establishment of a national forest resource monitoring system.
- (h) The adoption of an ecosystem approach for the management of forests, and recognition of customary rights, the vulnerable and marginalized groups, and user rights that support sustainable forest management and conservation.
  - (i) The establishment of national programmes to support community forest management and afforestation/reforestation on community and private land.
  - (j) The preparation of national standards for forest management and utilization, and the development of codes of conduct for professional forestry associations.
  - (k) The commercialization of forestry activities through the involvement of the private sector to invest in tree growing, wood processing and value addition.
  - (l) The introduction of a chain-of-custody system for timber and wood products, and legal origin and compliance certificates for exporters of timber and wood products.

This Forest Policy provides a framework for improved forest governance, resource allocation, partnerships and collaboration with the state and non-state actors and monitoring and evaluation to enable the sector contribute to the achievement of the country's growth and poverty alleviation goals within a sustainable environment.

Formulating policy is not sufficient to bring about the envisaged forestry reforms. There is need for commitment from all citizens to ensure that reforms are implemented and the necessary institutional changes carried through with success. The National and County governments have to play their part in providing enabling environment, effective extension service, forestry research and allocation of funds to the sector.

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Meaningful participation of stakeholders will continue to be sought through regular consultation and discussions, as we strive together to attain the most efficient, sustainable and equitable use of our forest resources.

**KERIAKO TOBIKO CBS SC**

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**ACKNOWLEDGEMENTS**

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## ABBREVIATIONS AND ACRONYMS

CBD	United Nations Convention on Biological Diversity
CFA	Community Forest Associations
CITES	Convention on International Trade in Endangered Species of Flora and Fauna
COMESA	Common Market for Eastern and Southern Africa
FLEGT	Forest Law Enforcement, Governance and Trade
FLR	Forest Landscape Restoration
FSC	Forest Stewardship Council
GDP	Gross Domestic Product
IGAD	Intergovernmental Authority on Development
IPPC	International Plant Protection Convention
ITTA	International Tropical Timber Agreement
KFS	Kenya Forest Service
KTDA	Kenya Tea Development Agency
KWS	The Kenya Wildlife Service
KWTA	Kenya Water Tower Agency
LDN	Land Degradation Neutrality
MEA	Multilateral Environmental Agreements
NDC	Nationally Determined Contribution
NEMA	National Environment Management Authority
NLC	National Land Commission
NTFP	Non-Timber Forest Produce
PELIS	Plantation Establishment and Livelihood Improvement Scheme
PES	Payments for Ecosystem Services
PFM	Participatory Forest Management
PLWD	Persons Living With Disabilities
REDD	Reducing Emissions from Deforestation and Forest Degradation
SCP	Sustainable Consumption and Production
SDGs	Sustainable Development Goals
SFM	Sustainable Forest Management
TIPS	Transitional Implementation Plans
TOF	Trees Outside Forests
UNCCD	United Nations Convention to Combat Desertification
UNFCCC	United Nations Framework Convention on Climate Change

# 1. INTRODUCTION

## 1.1 Background

**1.1.1** Kenya is endowed with a wide range of forest ecosystems ranging from montane rainforests; savannah woodlands; dryland forests; and coastal forests, which include mangroves and Kayas. The current forest cover of 7.4% of the land area of the country is still below the constitutional requirement of 10%. Kenyan forests have high species richness and endemism, which has made the country be classified as mega diverse. They rank high as the country's natural capital due to their environmental, life supporting functions, and the provision of diverse ecological and economic goods and services.

**1.1.2** Forests are dynamic ecosystems consisting of plants, animals and microorganisms. They play critical ecological, social, cultural, and economic functions and contribute directly and indirectly to the national, regional and local ecosystems and economies through climate stabilisation, revenue generation and wealth creation. It is estimated that forestry contributes 3.6% of Kenya's GDP, excluding charcoal and direct subsistence uses. Forests also support most productive and service sectors in the country, particularly agriculture, fisheries, livestock, energy, wildlife, water, tourism, recreation, trade and industry that contribute between 33% to 39 % of the country's GDP. Biomass comprises about 80% of all energy used in the country. Forests also provide a variety of goods, which support subsistence livelihoods of many communities.

**1.1.3** Forests comprise the country's water towers and catchments, where over 75% of the country's renewable surface water originates, and therefore serve critical water regulation roles, which are important for human livelihoods, irrigated agriculture, and production of hydroelectric power.

**1.1.4** The contribution of forestry to Kenya's ecology and economy has been grossly undervalued, leading to inadequate allocation of resources to the sector. There is a need for greater appreciation of the value of forests to the environment and the economy, which should be coupled with adequate resource allocation commensurate with the value of the sector from public resources and through other innovative funding mechanisms.

**1.1.5** The forestry services provided by the water towers include local climate regulation, water regulation, water purification, waste treatment and water pollution sinks. Forestry services such as carbon storage and sequestration have grown in value in a changing climate. Reducing emissions from deforestation and forest degradation (REDD) is a major intervention in climate change mitigation and adaptation. Other services provided by forests include atmospheric equilibrium, erosion control and natural hazard and disease regulation.

**1.1.6** Forests are critical for communities living around them. They benefit directly and indirectly through subsistence utilization of the forests and the ecosystem services that forests provide. There are also unrequited historical land injustice claims by indigenous and local communities to some gazetted forests which need to be addressed.

**1.1.7** Deforestation, degazettement of forests, climate change and related extreme weather events such as floods, droughts and landslides, make the need to address environmental issues urgent. With regard to forests, these phenomena have resulted in reversals in progress made. This needs to be addressed if Kenya's forest aspirations are to be realized. Deforestation in Kenya is estimated at 50,000 hectares annually, with a consequent yearly loss to the economy of over USD 19 million.

**1.1.8** The first formal forest policy was prepared in 1957, and revised in 1968 as Sessional paper

No 1 of 1968. This policy focused on management and conservation of forests on public land, and did not provide for stakeholder participation and involvement in forest management. Public land acreage is limited and the enhancement of the forest cover requires engagement of individuals and local communities who avail their land for forestry.

**1.1.9** Implementation of the 1968 policy was supported by the Forests Act Cap 385 of 1969. Due to emergent challenges facing the sector and growing concerns about sustainable development and specifically the conservation and sustainable management of biodiversity, a revised policy and legislation was prepared in the mid-nineties, which led to the enactment of the Forests Act No 7 of 2005, but the policy was not formally adopted. The Forests Act 2005 provided for management of forests outside public land, and also for community and private sector participation in forest management.

**1.1.10** The Forests Act 2005 was implemented from 2007, but constitutional changes and a variety of challenges facing the sector necessitated review of both the policy and legislative framework. These included decreasing forest cover arising from unsustainable utilization and conversion of forest land to other uses, and the promulgation of the Constitution of Kenya 2010, which introduced new governance structures and requirements for natural resource management. The Constitution entrenched sustainable development, equitable sharing of benefits derived from natural resources, stakeholder engagement and participation that the sector was obligated to internalize. It also introduced 47 devolved units (counties) as a new form of governance.

**1.1.11** Emerging issues such as climate change, payment for ecosystem services, green growth, distribution of functions between the national and county governments, rights of forest dependent indigenous communities and the need to encourage partnerships with communities and the private sector raise the need for a policy.

**1.1.12** The Kenya constitution and the economic blueprint Vision 2030 requires the country to work towards achieving a forest cover of at least 10% of the land area to ensure sustainable resource use, growth and employment creation. Subsequent development programmes such as the Big Four Agenda focusing on affordable housing, food security, manufacturing and affordable healthcare also have implications for the forest sector. The role of forests in the attainment of these programmes cannot be gainsaid. Forests are also at the core of the transition of the country to a green growth trajectory. Addressing drivers of natural resources' change; building the resilience of natural resources; and investment in environmentally friendly technologies are critical issues in the forestry sector.

**1.1.13** Kenya's annual population growth stands at 2.3%. Increasing population has brought immense pressure to bear on forests especially in high potential areas. This makes the realization of the 10% forest cover target difficult. It can only be achieved with the co-option and mobilization of communities and the private sector, who should be encouraged to invest in commercial forestry.

**1.1.14** Other issues that the policy needs to address are promotion of dryland and coastal forestry to expand forest cover to arid, semi-arid areas and the coast, investment in industry for enhanced processing of forest products, ensuring efficiency and value addition in the forestry industry, strengthening forest governance policies and institutions, and greater consideration of forestry in national and county development plans programmes in forest related sectors such as agriculture, wildlife, energy, tourism, and water programmes.

**1.1.15** The Constitution makes international environmental agreements, protocols and conventions that Kenya has ratified part of the law of Kenya. Kenya has ratified many international and regional treaties related to forests such as the Convention on Biological

Diversity; the United Nations Framework Convention on Climate Change; and the Paris Agreement. The treaties require parties to take certain actions to meet their obligations. For instance, Kenya has registered its Nationally Determined Contributions (NDCs) under the Paris Agreement. Moreover, Kenya is part of other initiatives and processes that have specific obligations that relate to the forest sector and has put mechanisms in place to meet these requirements. These include the United Nations 2030 Agenda for Sustainable Development under which seventeen sustainable development goals (SDGs) have been defined. A number of these goals relate to the forest sector. These include ensuring sustainable use of terrestrial systems (Goal 15); urgent action is taken to combat climate change and its impacts (Goal 13); availability and sustainable management of water and sanitation for all (Goal 6); access to clean and affordable energy (Goal 7) sustainable production and consumption patterns (Goal 12); and inclusive, safe, resilient and sustainable cities and communities (Goal 11); and strengthened partnerships for sustainable development (Goal 17). Kenya is also part of the Bonn Challenge; Africa's Agenda 2063: The Africa We Want; and the African Forest Landscape Restoration Initiative (AFR100).

**1.1.16** This Forest Policy provides a framework for improved forest governance, resource allocation, partnerships and collaboration with the national and county governments, and non-state actors to enable the sector to contribute in meeting the country's growth and poverty alleviation goals within a sustainable environment. The need to review and revise the Forest Policy is urgent taking into account changes that have taken place since Sessional paper No 1 of 1968.

**1.1.17** These include the enactment of a framework environmental law, the Environmental Management and Coordination Act 2000 (revised in 2015) and the establishment of the National Environment and Management Authority (NEMA) under it; institutional reforms in the 2005 Forests Act; and changes in national and forest governance, land and forest tenure in the 2010 Constitution. There is also a need to institutionalize monitoring, evaluation and reporting as required by national level policies and international agreements to which the country has subscribed.

**1.1.18** A draft National Forest Policy was developed in 2015 but was not adopted. However, the 2016 Forest Conservation and Management Act was passed. This Policy seeks to review the 2015 draft policy taking into account the provisions of the Act and other changes that have occurred since the draft was prepared.

## **1.2 Historical perspective**

**1.2.1** Colonial forest policy focused on extraction of forest resources leading to the clearing of large areas of the country's indigenous hardwood forest in the colonial period. Although attempts were made to grow indigenous trees in plantations, it was found that they took too long to mature compared with exotic tree species. Consequently, the large areas of indigenous and bamboo forests cleared were replaced with plantations of exotic species such as pine, cypress and eucalyptus. In the post-independence period, additional indigenous forest areas were allocated to farmers and communities for subsistence and cash crops such as tea and livestock grazing leading to clearing of large areas. Other forest areas were lost due to illegal excisions.

**1.2.2** Colonial forest policy excluded native Kenyans from access to forests and resources in them using criminal law, severing relations between people and the resources and denying them means of livelihood. The inequitable land and resource access and ownership patterns introduced through colonial settlements made communities hostile to forest authorities.

**1.2.3** Illegal excisions and allocation of forest land and insecure land rights for communities

neighbouring forests pit communities against forest authorities. Land is one of the most emotive issues in the country. Unresolved historical land injustices compounded by emerging contests over land plague natural resources' management in Kenya. In the circumstances, land use changes have resulted in conflicts and contributed to deforestation, degradation and loss of forestland.

**1.2.4** Forestlands provide an important resource base for rural people's livelihoods. Rapidly increasing populations, poverty, demand for fuel wood and grazing have put pressure on land forcing large segments of the rural poor to resort to poor land use practices. In addition, the expansion of agriculture into marginal areas and forests, degazettement of forests, climate change have been among the major driving forces behind land and natural resource degradation, and the loss of large areas of forests, water catchments and wildlife habitat.

**1.2.5** Global concerns about species and habitat loss prompted nations to institute measures for sustainable development of biological diversity and climate stabilisation in the 1990s. Concerns about involvement of all stakeholders in natural resource conservation and management were raised. In response to these developments, Kenya introduced participatory forest management and user rights for local communities in the 2005 Forests Act.

**1.2.6** Sustainable management of forests and forest resources continues to be high on Kenya's agenda and is reflected in the 2010 Constitution; the Wildlife Conservation and Management Act 2013; the Environment Management and Coordination Act 2015; the Forest Conservation and Management Act, 2016; the Climate Change Act, 2016; and the Physical Planning and Land Use Act 2019 among others.

### **1.3 Justification and Rationale**

**1.3.1** The 2010 constitution and laws and policies passed under it dealing with environmental management, climate change, water and energy, have necessitated the formulation of a new Forest Policy, cognizant of the new dispensation. The Constitution has national values and principles of governance, which include human dignity, equity, inclusiveness, equality, human rights, non-discrimination, integrity, good governance, sustainable development, participation of the people, protection of the marginalised, accountability and social justice. The Constitution also introduces a two-tier system of government and the devolution of services.

**1.3.2** A new forest policy and accompanying revised Forests legislation need to be aligned with the Constitution. It must be harmonized with Kenya's Vision 2030, the framework land and environmental policies and law, transition to devolved government, climate change and other natural resource policies. The forest policy needs to strengthen governance, public and private sector participation and to mainstream forestry in sustainable development.

**1.3.3** This policy will incorporate elements of climate change mitigation and adaptation, green growth, ecosystem security, forest hydrology, robust monitoring and evaluation framework, participatory forest management, and establishment of mechanisms to oversee multi-stakeholder convergence in forest management that is built on Kenya's rich cultural heritage of co-existence and which is dependent on our diverse forest resources. It will also incorporate measures for intense monitoring and reporting as required by national level policies and international agreements.

**1.3.4** The policy seeks to safeguard the ecological and livelihood security of the people, of the present and future generations, based on sustainable management of forests and the flow of ecosystem services. This will help in achieving the country's goal of 10% forest cover as well as ecological security.

## **1.4 The Problem**

Despite the recognition of the importance of the forest Sector to Kenya's ecological, economic and social well-being, there has been a lot of deforestation and land degradation leading to forest cover loss. This has affected the country's environment and the economy as the sector contributes significantly to livelihoods and is critical for the realization of Vision 2030 using a green growth model. Population growth, land use change and governance challenges have affected the sector's performance. It is against this background that there is an urgent need to review and revise the National Forest Policy.

## **1.5 The Formulation process**

In developing this Policy, the Ministry pursued a consultative approach that involved a series of discussions, workshops and review of earlier drafts of the policy in order to reach a consensus on a number of issues and themes which included the following:-

- (a) identification of key areas and issues in the Constitution against which the Policy must be aligned
- (b) definition of the Policy Goal and the Objectives for national forest management and conservation;
- (c) determination of synergies and areas of complementarity with other relevant sectoral policies to ensure consideration of cross-cutting issues; and
- (d) identification of relevant national, regional and international policies and laws in order to incorporate them in the revised policy.

## **1.6 Legal Frameworks, Policies and Initiatives**

### **1.6.1 International Legal Frameworks and Initiatives**

Kenya is a party to multilateral environmental agreements and initiatives relevant to forestry development. These include:

- The United Nations Convention on Biological Diversity (CBD) and its Cartagena, Nagoya Protocols and the Nagoya-Kuala Lumpur Protocol. The Aichi Biodiversity Target 5 under the Convention's 2011-2020 Strategic Plan sought to significantly reduce degradation and fragmentation of forests and to reduce the rate of loss of all natural habitats, including forests, by half or to close to zero by 2020. Target 7 seeks to ensure that areas under agriculture, aquaculture and forestry are managed sustainably while conserving biodiversity.
- The United Nations Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol and the Reducing Emissions from Deforestation and Forest Degradation (REDD+) mechanisms.
- The Paris Agreement
- The Convention on International Trade in Endangered Species of Flora and Fauna (CITES) is important for protecting endangered species in forests.
- The International Convention for the Protection of New Varieties of Plants is important in incentivizing the development of new varieties of trees.
- The International Plant Protection Convention (IPPC) which is critical in controlling pests and diseases of plants and plant products..
- The International Tropical Timber Agreement 2006 (ITTA)

- The Ramsar Convention on Wetlands of International importance as Waterfowl Habitat
- United Nations Convention to Combat Desertification (UNCCD) and its obligations under the Land Degradation Neutrality (LDN) and the Great Green Wall Initiative.
- The Sustainable Development Goal under the United Nations 2030 Agenda.
- Bonn Challenge provides for Forest Landscape Restoration (FLR) approach, which aims to restore ecological integrity at the same time as improving human well-being through multifunctional landscapes.

### **1.6.2 Regional Legal Frameworks**

Kenya is also party to regional and subregional treaties and initiatives that are relevant for forests. These include:

- African Convention on the Conservation of Nature and Natural Resources
- East African Community Protocol on Environment and Natural Resources which provides for basin-wide collaboration in forestry.
- The Common Market for Eastern and Southern Africa (COMESA) has a forest management strategy that outlines key investments in the forestry sector such as payments for environmental services, combating illegal trade and capturing the full value of forestry sectors in national economies.
- AFR100 (the African Forest Landscape Restoration Initiative) is a country-led effort to bring 100 million hectares of land in Africa into restoration by 2030.
- The Forest Law Enforcement, Governance and Trade (FLEGT) enshrines sustainable forest management and the rule of law in timber trade. An East African FLEGT strategy has been developed.
- International agreements on certification of sustainable forest management and products have various certification schemes. One is the Forest Stewardship Council (FSC) Principles and Criteria—the highest standards of forest management that is environmentally appropriate, socially beneficial and economically viable. Kenya has developed a draft strategy for FSC accreditation and standards.
- Intergovernmental Authority on Development (IGAD)
- Protocol for Sustainable Development of Lake Victoria Basin which seeks to protect and conserve the basin and its ecosystems.

### **1.6.3 National Policies and Legislation**

Kenya has a host of laws and policies dealing with forest. These include:

- Constitution of Kenya, 2010
- Environment Coordination and Management Act (Amendment) Act, 2015
- The Forest Conservation and Management Act, 2016
- County Government Act, 2012 (revised 2013)
- Intergovernmental Relations, 2012
- The Climate Change Act, 2016
- The Wildlife Conservation and Management Act, 2013
- The Water Act, 2016
- Agriculture, Fisheries and Food Authority Act, 2013
- The Energy Act, 2019
- The Mining Act, 2016
- The Land Act, 2016
- The Community Land Act, 2016
- The National Land Commission Act, 2016

- Public Private Partnerships Act
- Physical and Land Use Planning Act, 2019
- National Museums and Heritage Act, 2006
- National Land Use Policy, 2017

### **1.7 National Institutional Anchorage of the Policy**

The Ministry of Environment and Forestry is responsible for national policy making in the forest sector. It was created vide Executive Order No. 1 of 2018 on the organization of the Government of Kenya. It is responsible for among others: national environment policy and management; forestry development policy and management; development of reforestation and agroforestry; restoration of strategic water towers: protection and conservation of the natural environment; pollution control, conservation and protection of wetlands and climate change affairs.

### **1.8 The Scope of the Forest Policy**

The Policy applies to all government ministries, independent bodies, quasi-autonomous entities, and departments and agencies dealing with issues related to the forest sector in Kenya. It is also expected that the principles, strategies and approaches in the policy shall apply to the private sector and civil society. This Policy aims at promoting and facilitating good governance in the protection, restoration, conservation, development and management of forestry resources; equitable, sustainable and climate smart development. The Policy will facilitate legal and regulatory reforms that promote sustainability of the environment and forest resources, facilitate transition to green growth and chart ways of mitigating and adapting to climate change. More specifically, the Policy will:

- protect and restore the forest ecosystem for the benefit of the present and future generations.
- increase forest and tree cover to enhance social-economic benefits of the Kenyan people and a healthy environment.
- promote equity, ecological sustainability and economic growth for the overall goal of poverty reduction in tandem with other government policies and pronouncements.
- promote innovation and appropriate technologies for sustainable utilization of natural resources..
- strengthen the institutional framework for efficient management of forest resources and effective service delivery.
- promote research and innovations for enhanced environmental sustainability.
- enhance climate change resilience, water aquifer recharge and low emission development pathway in all economic sectors for sustainable development and posterity.
- prevent soil erosion

## **2. SITUATION ANALYSIS AND KEY ISSUES IN FORESTRY DEVELOPMENT**

The following are key issues and challenges in the sector which the policy needs to address:

### **2.1 Sustainable Management of Diverse Forests and Tree Plantations**

**2.1.1** A review of the current status revealed a number of key drivers of deforestation and degradation. The primary drivers of deforestation and forest degradation in Kenya are illegal extraction of timber and charcoal, encroachment, conversion of forestland to farmland and urbanization. These drivers vary depending on economic, social and environmental factors. For instance, dryland forests are mainly affected by charcoal production due to high demand for charcoal in rural and urban settlements. Kenya's forest cover is inadequate and reforestation and afforestation are needed.

**2.1.2** The county's arid and semi-arid areas which cover about 80% of Kenya's total land surface and hold 25% of the human population, are unique in nature and require special attention to strengthen not only the economic base of the inhabitants but also the national economy. They also offer the greatest potential for intensified afforestation towards achieving the national objective of 10% tree cover.

**2.1.3** More attention needs to be focused on dryland forests, which though stressed by drought are rich in biodiversity. They also have the potential to supply marketable commodities like gums and resins, aloe, charcoal, essential oils, silk, edible oil, fruits, honey and timber on a sustainable basis. Woody vegetation in the arid and semi-arid areas provides useful cover to the fragile and highly erodible soils, shelter for people and livestock in the harsh environment and habitats for wildlife.

**2.1.4** Coastal forests are of critical importance to Kenya and are situated in tourist destination areas, and tourism is a major foreign exchange earner. They provide a basis for economic activity for local, national and international consumption; are important water catchment areas for streams and rivers; are used for spiritual and cultural rites; and are centres of endemism of threatened fauna and flora. Most coastal forests are protected but the level of protection is weak because of the incapacity of the bodies tasked with protection to patrol. Some of the forests are managed by different bodies and are under diverse regulatory regimes. This raises the possibility of conflict between institutions with overlapping mandates. For instance, the Arabuko Sokoke forest is managed by both KWS and KFS and sacred forests are managed by local elders and protected under Antiquities and Monuments Act.

### **2.2 Demand for Forest Products**

**2.2.1** Population growth and increasing demand for forest products for economic and livelihood purposes leads to clearing of forests. Over 80% of Kenyans rely on wood biomass for their energy requirements, which exerts considerable pressure on the tree and forest resources. Unsustainable production of fuel wood, obsolete and wasteful wood conversion technologies for timber manufacturing and charcoal production lead to overharvesting of trees to meet the demand.

**2.2.2** Forests provide products and services that people depend on directly or indirectly such as nitrogen fixing, soil and water conservation, and provision of shade, fodder, fibre and materials for construction.

**2.2.3** Non-Timber Forest Produce (NTFPs) including medicinal and aromatic plants, oil seeds, resins, wild edibles, fibre, bamboo and grass provide food and livelihood benefits to forest

dependent communities. They account for a significant share of household incomes and expenditures. Some of the non- wood forest products that contribute to sustainable livelihoods include gums and resins, honey, essential oils, frankincense, myrrh, fibres, medicinal and aromatic plants, dying and tanning materials. In addition, many of these products have high potential for export. In times of food scarcity, some non-wood products are the main source of nutrition for many communities.

**2.2.4** Although exploitation of indigenous tree species was banned in 1986, illegal harvesting continues, affecting most forests, particularly in the mountain forests that are Water Towers. Available data points to massive logging of indigenous forests across the country, resulting in over-exploitation through selective logging of important timber trees. This has greatly reduced the canopy cover, modified the forest composition, and undermined the regenerative capacity of the forests.

**2.2.5** The high dependency on biomass energy exerts high pressure on indigenous forests. Studies indicate that 81% Kenyans use biomass (wood and charcoal) for cooking. There is a deficit in sustainable wood supply of approximately 16 million m<sup>3</sup>, which is projected to rise, exerting high pressure on the remaining indigenous forests. Meeting the demand for forest products in the future needs to be addressed through sustainable resource management.

**2.2.6** Illegal timber trade and overharvesting to meet demand for timber contributes to deforestation and loss of biodiversity. Illegal timber trade revenues worth millions of dollars are lost every year.

**2.2.7** The decade-long ban on timber and bamboo harvesting, and other policy decisions have had long-term effects, which are still being felt in the sector. The first is a great decline in investment in forest products' processing, which is partly the reason for low processing efficiency. This has hindered planning and investments for long-term growth.

**2.2.8** Further, the harvesting ban led to closure of industries, which in turn resulted in a mass exodus of workers to other sectors. The industry is thus facing a serious shortage in skilled workforce, to enable increased productive efficiency and value addition. There is therefore a need for a system of incentives to attract investments in forestry.

**2.2.9** Plantations have been established in the gazetted forest reserves to supply wood to meet the deficit. Most forest plantations are located in critical water catchment areas in indigenous forest areas. There is no clear zoning between indigenous and plantation forests and some plantation areas have residential cultivation and semi-permanent settlements. Moreover, harvested plantation compartments are left bare, with some having no trees planted for over 20 years making them open for illegal settlements.

**2.2.10** The Plantation Establishment and Livelihood Improvement Scheme (PELIS), established by KFS for forest adjacent communities, allows them to cultivate crops for three years during the early stages of forest plantation establishment. Participating farmers are supposed to get access to forest land and associated economic gains while ensuring success of planted trees. PELIS has, however been abused and resulted in loss of forestland and other illegal practices and encroachment. Indigenous vegetation has been destroyed to pave way for low quality forest plantations under the PELIS system. Resident PELIS farmers located deep inside the forest are entirely dependent on forest resources, leading to the depletion of wildlife and human-wildlife conflict in cases where the plantations are bordered by indigenous forests.

**2.2.11** The 2005 Forests Act introduced, and the 2016 Forest Conservation and Management Act maintained the Participatory Forest Management (PFM), a model where the management authority of a forest land invites local people to participate in certain forest management activities with various responsibilities outlined in participatory forest management plans

(PFMPs). The implementation of PFMPs through management agreements between KFS and Community Forest Associations (CFAs) has been slow. There are many CFAs operating without PFMPs as provided for in the law and KFS has not been effective in overseeing their activities. Participation should extend to community engagement in the management and utilisation of national gazetted forests through community forestry.

## **2.3 Land Tenure and Land Use**

**2.3.1** Land in Kenya belongs to the people of Kenya collectively and classified as public, community and private. There are forests in all land categories. The potential for forestry in private and community land remains untapped as most attention is focused on gazetted forests on public land managed by KFS. Management of all public land is the responsibility of the National Land Commission (NLC) which is tasked with management of public land on behalf of the national and county governments.

**2.3.2** Expansion of agricultural land into forests, illegal logging, overgrazing and increased infrastructure, urbanization and mining within forest areas has led to deforestation. Deliberate, accidental and poorly managed fires by communities living in or adjacent to forests also destroy forests. Overemphasis on agriculture, high prices for agricultural products and subsidized fertilizers result in unhealthy competition for land for agricultural purposes.

**2.3.3** A rapidly increasing population with few or no livelihood options and rising poverty have led to mounting pressure on and encroachment into forest lands leading to conflicts, which occur between different actors and at multiple levels. Activities of communities living around forests impacts forest regeneration. Some communities still practice traditional farming methods and overstocking of animals.

**2.3.4** To get to the 10% forest cover, public land is not sufficient. This calls for incentive measures to get private and community land owners to establish forests on their land. Agroforestry and farm forestry have taken root in the country and Trees Outside Forests (TOF) contribute to the increased tree and forest cover and enhanced ecosystem services, while supplying demand for wood. This calls for cooperation and collaboration between different land owners and synergy between land ownership and land use. At present tree cover on farms is increasing, especially in more densely populated areas with higher agricultural potential. This demonstrates that farmers recognize the benefits of tree growing in improving land productivity.

**2.3.5** Trees are an essential part of diversified farm production, providing both subsistence products and incomes while contributing to soil fertility and soil and water conservation. Products such as fuel wood or fodder from trees, shrubs or grass contribute significantly to the economies of the rural population. Given the growing population, it is not possible to meet all the demands of forest products from state forests and the main alternative source of these products is private and community lands.

**2.3.6** Planting of trees on the farms has several positive environmental effects, which include watershed protection, enhancement of the microclimate and carbon sequestration. Forests under private ownership play a significant role in the provision of forest goods and services to supplement supply from state forests while also generating substantial incomes to the households.

**2.3.7** Urban greens including woodlands, wetlands, parks, wood in institutional areas, gardens, avenue plantations, block plantations bring many aesthetic, recreational, environmental and economic benefits to cities and their dwellers. Establishment of arboreta, roadside tree planting,

botanical gardens, urban forests, recreational parks and mini-forests enhances environmental, social, and economic values. Trees provide a cool and serene environment, act as natural filters and contribute to the general wellbeing of society besides improving the microclimate of cities and towns.

**2.3.8** Trees planted along the boundaries of road reserves are important for aesthetic and shade effects to travellers along the highways and other public roads. A belt of amenity trees planted at the interface of road and private lands will improve the scenery on road reserves, contribute to carbon sequestration, mark the boundaries between the road reserves and private lands to avoid encroachment.

## **2.4 Climate change**

**2.4.1** Globally and nationally the climate is changing, and this has a direct impact on forest resources and ecosystems and on people and their livelihoods - through extreme weather events such as flooding, landslides, and drought. Climate change affects the growth, composition and regeneration capacity of forests, resulting in reduced biodiversity and capacity to deliver important forest goods and services. Sustainably managed forests can play an important role in both mitigation and adaptation to climate change, and towards green growth. However, there is at present inadequate data and limited research on the impacts of climate change on forest resources and biodiversity.

**2.4.2** Forest development and climate change are intimately linked. The projected rise in temperatures and long periods of drought lead to fires. Forest fires have affected Kenya's major forests. The rise in temperature also extends the range of pests and pathogens, which affects many trees' growth, survival, yield and the quality of wood and non-wood forest products.

**2.4.3** Forests serve as the ultimate climate regulators by serving as a carbon "sink". There is growing concern that deforestation is exacerbating the effects of climate change and climate change interventions focusing on reducing deforestation and forest degradation have been framed. Increased climatic hazards like floods and droughts have led to higher mortality of plants as a result of nutrient leaching and water stress.

**2.4.4** Kenya has contributed minimally to greenhouse gas emissions but is one of the countries that is most vulnerable to the effects of climate change. Most climate change models project that the dry parts of the world will become drier, while the humid areas will become wetter and with greater and more unpredictable hydrological fluctuations. As Kenya is already a water scarce country, this is a forecast with important national implications. Loss of soil organic carbon in Kenya is increasing, which is one of the principal signs of land degradation threatening sustainable development, biodiversity conservation, and mitigating and adapting to climate change.

**2.4.5** Forests influence the efficacy of Kenya's climate change law, policy and strategies in addressing climate change impacts, threats, vulnerabilities. This contribution is elaborated in Kenya's interventions, plans and programmes, including Kenya's Nationally Determined Contributions (NDCs) under the Paris Agreement.

## **2.5 Decreasing and low-quality water flows**

**2.5.1** One of the main benefits which forests bestow is their regulation of water flows, and in improving the quality of water. Kenya's forests comprise the country's water towers. The loss of forest cover has resulted in reduced water flows. There is therefore need to intensify the management of water catchments to enhance the conservation of water, regulation of river

flows, and to reduce siltation and sedimentation of water reservoirs.

**2.5.2** Degradation of water catchment areas has caused increased run-off, flash flooding, reduced infiltration, and erosion and siltation, which in turn degrade water resources. These factors threaten the hydrological functioning of forest–water interactions. Lack of an integrated approach and appreciation that forests and water are closely linked adversely affects life support systems, diminishing water availability and volume and causing receding of water bodies.

**2.5.3** The water problem is compounded by inadequate information, knowledge and understanding of the sustainable use of forests and water resources. Inventories, assessing and establishing an information management system will help define the current status of these resources and also lead to a better understanding of the factors, both internal and external, that contribute to negative trends.

## **2.6 High levels of soil erosion, siltation and land degradation**

**2.6.1** Soil is the largest natural reservoir of carbon-containing chemical compounds accumulated over an indefinite period of time than the planet’s biomass and atmosphere combined. The organic carbon sources in soil include fungi, invertebrates, microbes, root matter and decomposing vegetation. Soil erosion and soil fertility degradation is a major challenge in the country. Further, siltation reduces water quality and the capacity of reservoirs particularly for hydroelectric power production. Forests guard against soil erosion, arrest it where it has started, and assist in creating conditions for restoring fertility to the soil where erosion has already caused a deterioration of fertility.

**2.6.2** Clearing of forest cover, encroachment, poor agricultural practices and poorly designed roads aggravate soil erosion. Eroded material from cleared land surfaces is transported to downstream water bodies and deposited as sediment and silt. Silt and sediment reduce storage volume and life span of reservoirs, destroy and clog water supply facilities, reduce fertility of upstream farms and scour river beds. Degraded catchments intensify flooding and water logging in floodplains and river valleys.

**2.6.3** Loss of soil organic carbon in Kenya is one of the principal signs of land degradation threatening sustainable development, biodiversity conservation, and mitigating and adapting to climate change. More than 70% of natural disasters in Kenya are related to extreme climate events, such as prolonged droughts and floods.

**2.6.4** Forests conserve and enhance the soil’s ability to sustain diverse ecosystems by conserving the productive capacity of the land through reduced soil and nutrient loss. The forest vegetation and surface litter shelter the soil surface from wind and reduce surface water evaporation while increasing water percolation. Forests play an important role in production of clean water on a sustainable basis and reduce the severity of floods. Today, there is a better appreciation of the benefits that forests provide to soil and water conservation.

## **2.7 Governance**

**2.7.1** A coherent and coordinated regulatory framework is necessary for sustainable forest management. Governance in the forest sector has historically been bureaucratic and inefficient, obstructing competitiveness. The sector has been characterized by ineffective regulatory mechanisms and inadequate law enforcement. The Forests Act 2005 that became effective in 2007 was a milestone in forest governance and brought about considerable change.

**2.7.2** Weak forest governance and institutional overlaps have resulted in increased corruption, illegal logging and poor enforcement. It has also led to inadequate application of basic silvicultural

and ecological principles for forest management. Inadequate regulation has provided space for overgrazing and unchecked farming activities in forest reserves. Regulatory interventions have focused on water towers and neglected dryland woodlands and coastal forests.

**2.7.3** The promulgation of the 2010 Constitution brought new requirements for natural resource management such as public participation, community rights, gender, equity, benefit sharing, devolution and the need to achieve 10% tree cover among others. A comprehensive national forest policy is needed for sustainable management of all types of forests. It is also critical for guiding all actions in the sector, underpinning the legislative interventions aligning the sector to the Constitution and ensuring harmonious interactions between diverse stakeholders and actors. In addition, forest governance needs to take into account emerging issues and best practices at global, regional and national level.

**2.7.4** There is a need to strengthen the institutional framework for sustainable forest management. Relying on KFS alone to protect the forests has proved to be grossly insufficient. More specifically, inadequate integration of other stakeholders in the forest sector has resulted in lack of clarity on responsibilities over forest and weak conflict-management capacity. Lack of public awareness has led to diverse perceptions of the importance of forests, some of them misleading. Other stakeholders in the forest sector need to be involved. Linkages between KFS and research centres, universities and other institutions carrying out research relating to forests should be forged.

**2.7.6** Currently, the governance of the forest sector is centralised with KFS taking the lead role in conservation and management of forests. The exclusion of other actors in forest governance has resulted in the 'tragedy of the commons' that often arises when incentives to preserve common pool resources do not exist. The argument is that property held in common encourages a rush by all having access to it to appropriate as much of it as possible while it lasts because the negative effects of over-exploitation of the resource are not felt proportionately by any of the takers and none of them feels personally compelled to stem the over-exploitation. In the case of forests this is fuelled by historical land injustices leading to contests over tenure in some forest lands and lack of access to forest resources by communities living adjacent to forests.

**2.7.7** KFS has been blamed for the mismanagement of forests, lack of accountability, unethical behaviour and inability to stem systemized rampant corruption in the forest sector. The institution is accused of directly participating in and abating corruption and abuse of office, which have resulted in the destruction of forests, plunder and pillage of water towers. Corruption cartels have also targeted diligent officers who have not been afforded protection by the Service.

**2.7.8** There is no clear separation between forest protection and forest exploitation functions of KFS, which has made the institution's role of stewardship over forest resources ineffective. The fact that the Enforcement and Compliance Division of KFS is weak has not helped the situation. KFS has also contravened the law by not issuing timber licenses to the selected saw millers as required by the Forests Conservation and Management Act, opting to award letters without clearly stipulating terms or conditions as required under the law.

**2.7.9** Forest sector governance has been top down largely utilizing command and control mechanisms. The military posturing of the forest service has alienated many communities neighbouring forests whose relationship with and dependence on forests has been criminalised. Forest sector governance excludes women, youth, marginalised communities and persons with special needs in sustainable forest management activities.

**2.7.10.** Forest areas serve as wildlife habitat and water catchment areas. The Kenya Wildlife

Service (KWS) and the Kenya Water Tower Agency (KWTA) are responsible for managing wildlife and water towers respectively. There are also other actors in forest areas active in forests such as Kenya Tea Development Agency (KTDA), private sector actors and farmers under PELIS. The Forests Act 2005 introduced Participatory Forest Management (PFM) to engage local communities in management and conservation activities through Community Forest Associations (CFAs). With the passage of the Community Land Act 2016, institutions responsible for natural resource management on community land have been established. The existence of multiple institutions whose roles are not harmonized can result in conflicts as different actors seek to exercise their mandates or to use forest resources. Disputes have arisen in protected wildlife areas under the jurisdiction of KWS where isolated forest plantations are supposed to be converted to indigenous forest, once harvested, and KFS has reneged on the understanding, replacing harvested plantations inside the fence with exotic trees.

**2.7.11** With the growth of agroforestry and farm forestry, different ministries have responsibility for trees. These include the Ministries responsible for Environment and Forestry, Agriculture, Livestock and Cooperatives. This calls for coordination and synergy of the activities of the different agencies.

**2.7.12** The presence of different institutions and actors in forests and the engagement of diverse actors in forestry leads to different valuations of the annual contribution of forests to the national economy. There is a need to harmonize laws, policies and institutions dealing with the forestry sector. Appropriate laws, rules and regulations, need to be put in place and existing ones amended for effective implementation of this policy.

## **2.8 Devolution**

**2.8.1** The introduction of devolution in the 2010 Constitution has dispersed powers from the national government to the counties. County governments are now involved in the conservation and management of forests, particularly forests in counties. Counties are also critical actors in the quest to expand forest cover. Moreover, they are tasked by the constitution, together with the NLC, to manage public land, which includes forests. The KFS is an agent of the NLC and counties in managing forests. In instances where forests host other resources such as water towers and wildlife, the agency relationship should encompass the additional resources and responsible institutions.

**2.8.2** The Fourth Schedule of the Constitution of Kenya delineates functions of each level of government by creating three types of jurisdiction: exclusive, residual and concurrent. County governments have the responsibility of implementing specific national government policies on natural resources and environmental conservation. These include soil, water and forest conservation. The national state agencies are required to devolve their services to the lowest possible units. This applies to KFS. The intergovernmental relations framework provides the context for cooperation between the national and county governments. The governments are required to liaise with each other in exchange of information, policy implementation and administration. Transitional Implementation Plans (TIPS) are required in the implementation of devolved forestry governance.

**2.8.3** Gazette Supplement No. 116 dated 9 August 2013 provided for devolution of specified forestry functions including farm forestry, extension services, forests and game reserves formerly managed by local authorities, excluding forests managed by KFS, the Kenya Water Towers Agency and private forests. While the forest functions have been unbundled and TIPS prepared for all 47 counties, most Counties have not signed or operationalized the TIPS to facilitate the transfer of functions.

**2.8.4** Efforts to build the capacity of counties and to allocate adequate resources to undertake devolved functions have been inadequate. The requirement to cooperate goes beyond the national government and county governments and covers relationships between the counties. Where forests traverse counties, there is a need for cooperation to ensure sustainable management. There is however, no clear framework for cooperation and coordination between the two levels of government on the one hand and neighbouring counties on the other, in the management of natural resources including forests.

## **2.9 Private sector engagement**

**2.9.1** The private sector has become increasingly important in the forest sector. Private companies and individual land owners have expressed interest in establishing commercial plantations and taking concessions in public plantations, as provided for in the Forests Act, 2005. Activities of private actors in the forest sector include sawmilling, tea and bamboo plantations, conservation and tree growing. Low investment in wood processing has led to ineffective processing raising the need for innovation throughout the forest supply chain.

**2.9.2** Industries in the forest sector experience shortage of raw materials. Small and medium-sized enterprises are operating below capacity and the current wood deficit is about 10 million cubic meters due partly to sub-optimal plantation management. Private companies are interested in bridging this deficit through commercial plantations and concessions. To date, no concession arrangements have been agreed and regulations governing the same have not been finalised.

**2.9.3** There are inadequate financial mechanisms to support forestry investment. The available financial mechanisms are not well suited for forestry investments. Forest industries accessing funding from local banks pay very high interest rates charged and the repayment period provided is too short. Most private actors in the forest sector do not have the additional collateral required to cover loan facilities.

**2.9.4** Strategies to encourage private investment in forestry are needed to develop forest production and to bring more land under forest production. Incentives are needed to attract, catalyze and scale-up long-term private sector investment in the forestry sector and to close the gap in financing the national forest restoration program through commercialization of forestry and forestry resources.

**2.9.5** Public sector investments in forestry can generate larger benefits for private sector actors especially in commercial ventures through aligning the current institutional resources to serve private sector actors. There are opportunities for public-private partnerships that are unexploited. There is no clear system of benefit sharing, in the forestry sector and no mechanisms for linking communities with private sector actors as has been done in the development of conservancies for wildlife conservation.

## **2.10 Forestry Education, Training and Research**

**2.10.1** The forest sector suffers from low productivity of tree crops, low conversion efficiency and weak value addition schemes. These arise from climate change, small genetic base of crops, emerging pests and diseases, low investments in technology development, and poor investment in forest-based industry. Research and development is needed to refocus basic forestry disciplines to pertinent issues such as productivity, health, crop diversification, processing, value addition, intellectual property rights and indigenous knowledge. Further, global needs for certification require research in suitable criteria and indicators.

**2.10.2** Forestry industries face an acute shortage of qualified and experienced technicians and sawyers with the required technical skills. This has been aggravated by the movement of employees with technical skills in wood processing to other livelihoods after the ban on harvesting and the ensuing closure of sawmills and processing plants.

**2.10.3** Education, training and research on forestry has various challenges that impinge on building capacity for sustainable utilization and management. These include inadequate capacity for forest research and development, lack of integration of forestry education in the school curriculum, absence of a dedicated forestry training institute and lack of a harmonised curriculum for training in institutions and industry.

**2.10.4** Forestry practitioners also require continuous professional development to enhance their knowledge in emerging issues in forestry development. The role of professional bodies in advancing professionalism in forestry practice and standards cannot be gainsaid. Further there is great need to build the capacity of county governments and private actors to undertake forestry development on community and private lands.

## **2.11 Trade and industry**

**2.11.1** The forest products sub-sector plays an important role in national socio-economic development through provision of employment; supply of many industrial products, and also supports the subsistence needs of many households. The wood industry includes pulp and paper, sawn timber, transmission poles, composite wood products, furniture and joinery, building and construction and many others. The major subsistence product is fuel wood on which over 80% of Kenyan households and institutions depend. Key industries such as tea, tobacco, edible oils, soap and most cottage industries increasingly rely on fuel wood for their energy needs due to the high cost of electricity and fossil fuel. Although 30% of all wood fuel is consumed as charcoal, its production and marketing is not adequately regulated

**2.11.2** While most of the industrial wood is obtained from state-owned industrial forest plantations, the share of private and farm-grown wood is increasing. Most of the wood fuel is obtained from plantations, woodlands and shrublands on community and private land. A key challenge facing the wood products sub-sector is unsustainable extraction, which exceeds production, leading to degradation of forests particularly in community and private lands. Other challenges include inefficient conversion, low value addition methods leading to waste and thereby exacerbating the unsustainable wood supply scenario.

**2.11.3** Forest trade and industry sector is under-developed in Kenya. The forest sector has immense potential to contribute to the gross domestic product (GDP), which remains untapped. The area under public plantation forests remains static and yet there is an increasing dependence on imports, which must be addressed. Most forestry sector contribution is unrecorded and occurs mainly in the subsistence and informal markets. Kenya has the potential to expand its commercial forestry sector to address its wood supply deficit, contribute to the realization of Kenya's Green Growth Objectives and supply international markets. This expansion would be best delivered by co-opting the private sector and communities to grow trees on private and community land due to the limited public land hosting gazetted forests.

**2.11.4** Weak market structure and organization have so far limited an open and efficient market for forest products. Inadequate access to credible wood valuation services and market information by small-scale producers has also contributed to the distorted economic valuation of timber. Timber middlemen have exploited the ill-informed and desperate small-scale wood producers

through unfair pricing.

## **2.12 Indigenous and Local Communities**

**2.12.1** Three of the five main water towers of Kenya host indigenous communities. They are the Ogiek (Mt Elgon and Mau Forests Complex) and the Sengwer (Cherangani Hills). Their traditional way of life has changed and their livelihood activities now include livestock grazing and food crop production that are not compatible with forest conservation. These livelihood activities have compromised the integrity of ecosystems and the services they provide, such as water, to the communities in the lower catchment.

**2.12.2** Some of the livelihood activities of indigenous communities such as bee keeping are dependent on forests. The Ogiek and Sabaot reside in protected areas where they grow food crops, keep livestock, hunt for wild animals, and build temporary shelters. The activities of forest dwelling communities in forests need to be aligned with the ecosystem services provided by forests including water, carbon storage and wildlife habitat.

## **2.13 Resource Mobilization**

**2.13.1** Forest goods and services are largely public in nature and therefore depend largely on public funding. Forestry sector is financed mainly from budgetary allocations, income from forest revenues and support from development partners. The bulk of programmes in the sector are implemented with external support through technical cooperation arrangements.

**2.13.2** Public investment in forests has been inadequate owing to competing demands. Investment levels in the management of forest plantations and in the forest industry has been low and has been affected by the logging ban. Incentives to the private sector for forestry development have also been low partly as a result of low valuation of forestry goods and services leading to very slow growth of the sector. Since forest ecosystems play a key role in supporting various productive sectors of the economy, their contribution to the GDP needs to be re-evaluated.

**2.13.4** Payments for Ecosystem Services (PES) is a mechanism for providing incentives to land users to sustainably manage the natural environment in order to ensure the continued availability of ecosystem services. Forests are central to PES, and resources from PES can be used to protect and conserve forest ecosystems.

**2.13.5** PES includes the trade in carbon credits in response to climate change. Carbon financing mechanisms are a great opportunity for resource mobilization for sustainable forestry management. In this regard, global climate change threats have added an international dimension to forest conservation as forests provide greenhouse gas sinks. Emerging international funds for greenhouse gas reductions from forests can be a source of financing for sustainable forest management.

**2.13.6** Deforestation and forest degradation are significant causes of global warming, accounting for a minimum of 20% of global greenhouse gas emissions. Forests store most of the earth's carbon. Consequently, combating deforestation and forest degradation has been identified as one of the most cost-effective ways to lower carbon emissions. Incentives and market-based mechanisms for reducing emissions from deforestation, degradation and other forest land-use changes are available through REDD+.

## **2.14 Monitoring and Evaluation**

**2.14.1** A critical challenge in planning and managing forests in Kenya is the lack of information

on changes in the types and area of forests, in demand and supply of wood products, in changing uses and values of forests and accounting to the people of Kenya on advances towards achieving national forestry targets.

**2.14.2** KFS is the lead agency in the assessment and monitoring of the state of forests and forest resources in Kenya. KFS is also involved in the management and exploitation of forest resources raising a conflict of interest.

## **2.15 Intra-and Inter-generational equity**

**2.15.1** Inter- and intra- generational equity, calls for fairness in the utilization of resources between past, present and future human generations. It calls for balance between meeting the consumptive demands of existing societies and ensuring that adequate resources are available for future generations. Striking a balance between current consumption and future needs is critical in the forest sector due to growing threats of resource degradation and depletion.

**2.15.2** In both its "intra-" and "inter-"generational dimensions, the principle seeks to promote environmental justice in general and to include vulnerable and marginalised groups. Major operations in the forestry sector are dominated by men. Women, youth and persons living with disabilities (PLWDs) have limited access to land and forest resources, inputs, training and credit facilities, including information. They are also excluded in decision making on forests. Ensuring their participation and engagement in diverse segments of the forestry sector is important for sustainable forestry management and equitable sharing of benefits from forests.

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### **3. POLICY GOAL, OBJECTIVES AND GUIDING PRINCIPLES**

#### **3.1 Overall goal of the Policy**

The overall goal of this Policy is sustainable development, management, utilization and conservation of forest resources and equitable sharing of accrued benefits including the flow of ecosystem services for present and future generations of the people of Kenya. In order to achieve this overall goal, ten per cent of the land area in Kenya should comprise forest cover.

#### **3.2 Policy Objectives**

The objectives of this Policy are to:

- (a) Maintain environmental stability and conserve biodiversity through preservation and conservation of indigenous forests.
- (b) Reverse forest degradation and deforestation by rehabilitating forests without compromising the natural profile of the forest.
- (c) Increase substantially and maintain forest cover of at least ten percent of the land area of Kenya through afforestation and reforestation programmes on all denuded and degraded forest lands and areas outside forests.
- (d) Incentivize the establishment of forest plantations, agroforestry and farm forestry and promote public, private and community participation and partnerships in forest sector development.
- (e) Improve livelihoods for people based on sustainable use of ecosystem services.
- (f) Contribute towards achieving Kenya's Nationally Determined Contribution (NDCs) Targets.
- (g) Safeguard forest land by exercising strict restraint on non-forestry land uses in forests, and strict oversight over enforcement of and compliance with the conditions.
- (h) Maintain healthy forests for augmenting water supplies through recharge of underground aquifers and regulation of surface water flows.
- (i) Check denudation and soil erosion in water catchments through integrated forest management techniques and practices.
- (j) Enhance management of forest resources for conservation of soil, water, biodiversity, environmental stability and enriching other ecosystem services.
- (k) Conserve and sustainably manage mountain, dryland and coastal forests to ensure continuous flow of ecosystem services, including watershed, biodiversity, cultural and spiritual services to people living in or adjacent to the forests.
- (l) Integrate valuation of ecosystem services, natural resource capital and green accounting and climate change concerns into forest planning and management
- (m) Integrate climate change mitigation and adaptation measures in forest management through REDD+(Reducing Emissions from Deforestation and Forest Degradation plus) mechanisms to minimize the impacts of climate change.
- (n) Incentivize sustainability in private and community owned and managed forests by promoting investment in commercial tree growing, forest industry and trade and facilitate assured returns, with enabling regulations.
- (o) Manage and expand green spaces in urban and peri-urban areas to enhance citizens' wellbeing.
- (p) Promote devolution of forest planning and management.
- (q) Support forestry research, education, training, information generation

- and dissemination, and technology transfer and use for sustainable development.
- (r) Ensure effective translation of this policy into action through an implementation framework with periodic review; establishing a credible measuring, monitoring and evaluation framework; ensuring good governance through an enabling legislative and institutional framework; and providing commensurate financial support for the development of the forest sector.

### 3.3 Guiding Principles

Implementation of this Policy will be guided by the following principles:

- (a) **Public good:** Taking into consideration the multiple roles played by forests, all forests shall be taken to serve a common good interest irrespective of ownership. This implies that any action taken in any forest shall be regulated to safeguard public interest.
- (b) **Ecosystem approach:** An integrated ecosystem approach to conserving and managing forest resources will be adopted and enhanced to ensure that all forest ecosystems are managed in an integrated manner for the benefit of the people of Kenya.
- (c) **Sustainable Forest Management (SFM):** All forest resources shall be managed sustainably to yield social, economic and ecological goods and services for the current generation without compromising similar rights of future generations;
- (d) **Good governance:** The rule of law, effective institutions, access to information, transparency and accountability, professional ethics, respect for human rights, equity, non- discrimination and the meaningful participation of citizens will be integrated in forest conservation and management.
- (e) **Public participation:** Participatory approaches in forest conservation and management will be enhanced to ensure that the relevant government agencies, county governments, private sector, civil society and communities are involved in planning, implementation and decision-making processes.
- (f) **Polluter and User Pays:** The polluter and user of forest resources shall be responsible for paying for the full environmental and social costs of the damage done to the natural environment as a result of their activities.
- (g) **Commercialization of forestry activities:** Forestry operations shall be undertaken in a business manner focusing on result-based management. The Government will therefore invite the private sector to invest in tree growing, wood processing and value addition.
- (h) **Conservation of degraded and fragile ecological areas:** Special consideration shall be taken to conserve degraded and fragile ecological areas in order to conserve biodiversity, soil and water.
- (i) **Sustainable Consumption and Production (SCP):** Forestry activities shall be carried out in line with sustainable consumption and production principles, including eco-innovation.
- (j) **Research, education and knowledge:** Key decisions on forest management and conservation shall be informed by forestry science founded on appropriate knowledge derived from research, professionalism and international best practice.

- (k) **Livelihood enhancement:** Livelihood improvement with a focus on fighting poverty shall be a major consideration for all strategies and programmes in forest sector development.
- (l) **Indigenous knowledge and intellectual property rights:** Indigenous knowledge and intellectual property rights embodied in forest biodiversity and genetic resources will be harnessed and protected.
- (m) **International and regional cooperation:** Multilateral Environmental Agreements (MEAs) and other regional instruments will be domesticated and implemented for sustainable forest management in accordance with the Constitution and other established legal and regulatory mechanisms.

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## 4. SUSTAINABLE MANAGEMENT OF FORESTS

### 4.1 General

Sustainable forest management will result in enhanced output and return from forestry investments. Interventions will be tailored in a way that improves conservation of all types of forests while enhancing forest production through the development of a working plan for forest management.

#### *Policy Statements*

*The government shall:*

*(a) survey and document biodiversity of the forest areas in the country systematically, and conserve sites having exceptional taxonomic and ecological value.*

*(b) develop forest management plans in line with the National Land Use Plan to reduce threats to forests due to deforestation, degradation, encroachments, illegal logging, forest fires among others.*

*(c) ensure sustainable management of all reserved forests in accordance with approved management plans and ensure community participation in forest management.*

*(d) review and zone forest areas to provide for core conservation areas and multiple use buffer areas.*

*(e) ensure that the use of forest services and products responds to basic needs and brings a better quality of life while minimizing the use of natural resources and toxic materials as well as the emissions of waste and pollutants over the life cycle of the service or product so as not to jeopardize the needs of further generations.*

*(f) prevent forest fires by taking measures to safeguard ecosystems from forest fires, mapping areas vulnerable to fires and developing and strengthening early warning systems and methods to control fire, based on remote sensing and other technology and community participation.*

*(g) raise awareness on the causes and impacts of fire on forests, livelihoods and the economy.*

*(h) align land tenure categories with sustainable forest management and encourage and support landowners to sustainably manage natural and riverine forests.*

*(i) develop and adopt a national forest management standard ensuring stakeholder participation in forestry management as an anchor for national and county forest development programmes.*

*(j) put in place mechanisms to progressively phase out the Plantation Establishment and Livelihood Improvement Scheme (PELIS).*

*(k) Provide a regulatory framework based on participatory principles and institutional support for community forestry with equal rights and responsibilities for all actors, benefit sharing mechanisms and good governance.*

*(l) promote the protection and enrichment of water catchment areas through suitable soil and water conservation measures*

*(m) take legal and administrative measures to protect forest biodiversity against bio-piracy.*

*(n) promote modern ex-situ and in situ techniques for conservation of forest genetic resources and the preservation of rare endangered and threatened species.*

## **4.2 Indigenous Forests**

Indigenous forests represent some of the most diverse ecosystems found in the country. They supply important economic, environmental, recreational, scientific, social, cultural and spiritual benefits. However, many of these forests have been subjected to land use changes such as conversion to farmlands, urban centres and settlements, reducing their ability to supply forest products and serve as water catchments, biodiversity conservation reservoirs, wildlife habitats and carbon sinks.

The sustainable multiple use management and utilization of forests including biodiversity conservation, water-catchment functions together with ecotourism development and production of tangible benefits for forest adjacent communities is critical. Where appropriate, forest management should include adequate provisions for wildlife conservation.

Revenues accrued through commercial forest activities, wildlife conservation, ecotourism, climate change and other innovative financing should support the management and conservation of indigenous forests.

The Government will manage all indigenous forests for water and soil conservation, provision of forest goods, and services and for biodiversity conservation.

### ***Policy Statements***

*The government shall*

*(a) enhance the quality and productivity of indigenous forests by prioritising the protection, enhancement and enrichment of indigenous forests and rehabilitating and restoring degraded indigenous forest estates, water towers, catchment areas and other ecologically fragile forest areas.*

*(b) put in place strict protection measures and plant suitable indigenous tree species to assist regeneration and diversification.*

*(c) promote the rehabilitation, restoration, protection and management of water catchment areas and other ecologically fragile areas.*

*(d) monitor, assess and prepare periodic reports on the integrity of indigenous forests, including water towers.*

*(e) strengthen KFS and limit its role to management of indigenous forests in core conservation areas.*

*(f) streamline Participatory Forest Management (PFM) in indigenous forests and adopt community forestry as an alternative model for equitable and sustainable forest management while strengthening community rights and livelihoods.*

*(g) promote ex-situ and in-situ conservation of indigenous forest genetic resources.*

## **4.3 Plantation forests**

Forest plantations supply industrial wood and also play a crucial role in conserving biodiversity, providing habitat for wildlife, conserving soils and regulating water supplies and sequestering carbon dioxide. Apart from supplying wood products, forest plantations play an important role in reducing pressure on the

indigenous forests.

All forest plantations on public, private and community lands are managed with the primary objective of production of high-quality wood for industrial purposes. They also contribute to investment and business. Recognizing the narrow species range in forest plantations today, there is need to diversify the species and genetic base to improve ecological resilience and product diversification. In addition, areas reserved for plantation development in public forest reserves need to be zoned and mapped. In order to encourage investments in public forest plantations, there is need to establish long-term management arrangements such as concessions and joint management agreements and promote public/private sector partnerships in plantation development.

#### ***Policy Statements***

*The government shall*

- (a) promote the establishment and management of commercial forests on public, private and community land and increase the productivity of plantation forests through scientific management.*
- (b) promote private sector participation in establishment and management of plantations on public land.*
- (c) facilitate the management of plantation forests on a commercial basis through appropriate forest management arrangements and incentives.*
- (d) promote plantation species and genetic base diversification to improve ecological resilience and enhance product diversity.*
- (e) identify and invest in species that play a crucial role in conserving biodiversity, providing habitat for wildlife, conserving soils, regulating water supplies and sequestering carbon dioxide*
- (f) identify and invest in commercially viable exotic species with proven potential to supply quality industrial wood.*

#### **4.4 Dryland Forestry**

Over two thirds of Kenya's total land surface is arid and semi-arid, hosts about a quarter of the population and is unique in nature. This area requires special attention to strengthen both the economic base of its inhabitants and the national economy. It is also rich in biodiversity and has the potential to supply marketable commodities on a sustainable basis. The woody vegetation provides useful cover to the fragile and highly erodible soils, shelter for people and livestock and habitat for wildlife. Population pressure in the country has resulted in migration into the dryland areas leading to forest degradation. Improvement in the livelihoods of people living in the arid and semi-arid depends on alignment of land rights with the use of the land, availability of processing technologies and markets for the non-wood forest products and the provision of sufficient economic incentives tailored to the context.

#### ***Policy Statements***

*The government shall*

- (a) promote sustainable management of dryland forestry in arid and semi-arid areas*
- (b) support rehabilitation of degraded dryland forests and encourage tree planting in arid and semi-arid areas.*
- (c) promote the development of management plans for dryland forests with the participation of local communities and ensure implementation of the plans.*
- (d) promote commercial tree growing of suitable tree species in dryland areas.*
- (e) promote sustainable production of charcoal.*
- (f) promote commercial production of non-timber forest products such as essential oils, silk, edible oils,*

*fruits and honey in dryland forests.*

*(g) create a conducive environment for the establishment of forest-based enterprises.*

*(h) promote the conservation of genetic resources in dryland forests.*

#### **4.5 Coastal Forestry**

Coastal forests are of critical importance to Kenya and provide a basis for economic activity for local, national and international consumption. Local communities use them for spiritual and cultural rites. They are also important water catchment areas and provide habitat for threatened and endemic species of flora and fauna. Most coastal forests are protected but the level of protection is weak. Some of the forests are managed by different bodies and are under diverse regulatory regimes raising the possibility of conflicts and ineffective management.

##### ***Policy Statements***

*The government shall*

*(a) promote sustainable management of coastland forestry.*

*(b) support rehabilitation of degraded coastal forests and encourage tree planting in coastal areas.*

*(c) promote development of forest management plans for all coastal forests with the participation of local communities and ensure implementation of the plans.*

*(d) promote commercial tree growing of suitable tree species in coastal areas.*

*(f) promote commercial production of non-timber forest products such as honey and the development of sustainable tourism in coastal forests.*

*(f) create a conducive environment for the establishment of forest-based enterprises*

*(g) promote the conservation of genetic resources in coastal forests.*

#### **5. MANAGEMENT OF TREES OUTSIDE FORESTS**

Trees outside the forests (TOF) include trees in cities, on farms, along roads and in many other locations which are by definition not a forest. All trees make a contribution to the environment and to the social and economic well-being of humankind. Trees outside forests are important and need to be sustainably managed. A large number of these trees consist of planted or domesticated trees in urban areas, along roads, on farms and in agroforestry systems.

Trees are an essential part of diversified farm production, providing both subsistence products and incomes while contributing to soil fertility and soil and water conservation. Products such as fuel wood or fodder from trees, shrubs or grass contribute significantly to the economies of the rural population. Given the growing population, it is not possible to meet all the demands of forest products from public forests and the main alternative source of these products is private lands.

Planting of trees on the farms has several positive environmental effects, which include watershed protection, enhancement of the microclimate and carbon sequestration. Forests under private ownership play a significant role in the provision of forest goods and services to supplement supply from public forests while also generating substantial incomes to the households.

To achieve the national forest cover target of 10% of land area, the major afforestation effort will

have to be in community and private lands. At present tree cover on farms is increasing, especially in more densely populated with higher agricultural potential areas. This demonstrates that farmers recognize the benefits of tree growing in improving land productivity. While challenges in tree growing are greater in the lower rainfall areas, a variety of species have the potential to make tree growing in these areas profitable.

### **5.1 Urban Forests and Roadside Tree Planting**

Establishment of arboreta, roadside tree planting, botanical gardens, urban forests, recreational parks and mini-forests enhances environmental, social, and economic values. Trees provide a cool and serene environment, act as natural filters and contribute to the general well-being of society besides improving the microclimate of cities and towns.

Trees planted along the boundaries of road reserves are important for aesthetic and shade effects to travellers along the highways and other public roads. A belt of amenity trees planted at the interface of road and private lands will improve the scenery on road reserves contributing to carbon sequestration and marking the road reserve boundaries.

#### ***Policy Statements***

*The government shall*

- (a) promote the conservation and sustainable management of existing trees in urban areas and along road reserves*
- (b) promote the establishment and management of urban forests and roadside tree planting to enhance optimal urban forest cover and to nurture and sustain urban health, clean air and related benefits.*
- (c) promote the establishment and management of amenity belts of appropriate tree species along road reserves.*
- (d) establish and maintain arboreta, green zones, botanical gardens, recreational parks and urban forests for aesthetic and recreational values.*
- (e) prepare and implement management plans in consonance with the development plans of urban areas.*
- (f) promote the planting of suitable tree species during the development of plots in urban areas.*

### **5.2 Agroforestry and Farm Forestry**

Trees are an essential part of diversified farm production, providing both subsistence products and incomes while contributing to soil fertility and soil and water conservation. Products such as fuel wood or fodder from trees, shrubs or grass contribute significantly to the economies of the rural population. Given the growing population, it is not possible to meet all the demands of forest products from state forests and the main alternative source of these products is private lands.

Planting of trees on the farms has several positive environmental effects, which include watershed protection, enhancement of the microclimate and carbon sequestration. Forests under private ownership play a significant role in the provision of forest goods and services to supplement supply from state forests while also generating substantial incomes to the households. To achieve the national forest cover target of 10% of land area, the major afforestation effort will have to be in community and private lands.

Agroforestry, the interaction of agriculture and trees, including the agricultural use of trees and farm forestry and the management of trees for timber yields by farmers, are important for enhancing tree cover outside forests. It involves growing timber trees alongside keeping animals, growing crops or other trees for purposes other than timber production. Farm forestry can comprise small or large scale forest plantations. Farm forestry has potential to produce quality timber products, increase farm incomes and support community development through employment and other environmental benefits.

#### ***Policy Statements***

*The government shall:*

- (a) support agroforestry and farm forestry through a National Strategy and Action Plan to guide investment by government and all key stakeholders.*
- (b) create awareness of and encourage private and community land owners to invest in agroforestry and farm forestry as viable land uses.*
- (c) provide a coordination mechanism for development of agroforestry and farm forestry to avoid duplication and ensure sustainable utilization of available resources..*
- (d) align this Policy with agricultural policies to promote agroforestry and farm forestry for private and community owners or occupiers of agricultural land.*
- (e) promote agroforestry and farm forestry through partnerships with private and community landowners to increase on-farm tree cover and to reduce pressure on reserved forests.*
- (f) provide economic and non-economic incentives for investment in agroforestry and farm forestry.*
- (g) promote on-farm tree species diversification and systems for certification of improved planting material.*
- (h) facilitate inclusion of agroforestry and farm forestry in the agricultural crop insurance scheme.*
- (i) promote development of forest-based enterprises and facilitate pre-production agreements between the farmers and the forest-based industries.*
- (j) promote the processing and marketing of farm forestry products.*
- (k) promote agroforestry and farm forestry development through irrigation, forest extension and technical services.*

## **6. FORESTRY SERVICES, PRODUCTS AND INDUSTRIES**

### **6.1 Ecosystem Services**

Forests provide a range of ecosystem services ranging from serving as carbon sinks to providing water purification services, climate regulation, water regulation, waste treatment and water pollution sinks. Reducing emissions from deforestation and forest degradation (REDD) is a major intervention in climate change mitigation and adaptation. Other ecosystem services provided by forests include atmospheric equilibrium, erosion control and natural hazard and disease regulation.

### ***Policy Statements***

*The Government shall:*

- (a) develop and adapt scientific methods for appropriate valuation of forests and their services and find ways of integrating that in the gross domestic product (GDP).*
- (b) provide incentives for investing in ecosystem services and .develop Payment for Ecosystem Services (PES) Business models.*
- (c) create awareness of ecosystem services and build capacity for various PES options.*
- (d) quantify greenhouse gas emissions and develop mechanisms for reducing emissions from changes in forest cover.*
- (e) promote market-based mechanisms for reducing emissions from deforestation, degradation and other forest land-use changes*
- (f) provide incentives for reducing emissions from deforestation.*
- (f) integrate climate change mitigation and adaptation programmes in forest management taking into account the carbon stock in Kenya's forests to ensure the Nationally Determined Contributions (NDCs) are achieved.*
- (g) promote forest management for water recycling by preparing and executing scientific area treatment plans as part of forest management.*
- (h) develop and operationalise a national forest ecosystems management information system.*

### **6.2 Wood products and industries.**

The forest products sub-sector plays an important role in national socio-economic development through provision of employment, supply of many industrial products, and also supports the subsistence needs of many households.

### ***Policy Statements***

*The government shall:*

- (a) promote the sustainable supply of timber and wood for subsistence and industrial needs from all forests.*
- (b) promote investment in the wood industry to enhance efficiency in wood conversion and value-addition.*
- (c) develop globally acceptable indicators and standards for certification for trade in wood and wood products to enhance access to export markets.*
- (d) promote efficient production and utilization of wood fuel and adoption of alternative forms of renewable energy.*
- (e) promote forest-based value additions and integrated utilization of forest products*
- (f) support efficient forest-based enterprises for production and marketing of forest products for the local and export markets.*
- (g) develop and implement a national chain of custody system to track the movement of forest products for local and export markets.*
- (g) promote small, medium and large-scale investments in diverse forest-based industries and enterprises.*

*(h) encourage timber industry actors and commercial tree growers to enter into long term partnership arrangements for supply and marketing of forest products.*

### **6.3 Non-Timber Forest Products (NTFPs)**

Non-timber forest products are important to the livelihoods of the rural communities and account for a significant share of household incomes and expenditures. They also contribute to the national economy. Some of the non-wood forest products that contribute to sustainable livelihoods include gums and resins, honey, essential oils, frankincense, myrrh, fibres, medicinal and aromatic plants, dyeing and tanning materials. In addition, many of these products have high potential for export.

#### ***Policy Statements***

*The government shall:*

- (a) embed production of NTFPs in sustainable business plans.*
- (b) develop and adopt a climate-smart, market-oriented value chain approach to NTFPs.*
- (c) promote the sustainable production and utilization of NTFPs.*
- (d) support and build capacity for establishment of NTFPs enterprises and processing of NTFPs.*

## **7. FOREST EDUCATION, TRAINING AND RESEARCH**

### **7.1 Forest Education and Training**

The forestry sector faces challenges in building capacity for sustainable utilization and management. Formal and informal training in forestry is needed to build the human resources required for afforestation, management, utilization, protection, research and training. Curricula used in forestry studies need to adequately respond to emerging issues and technologies in the sector. Vocational training and continuous professional development should take advantage of emerging technologies. Awareness creation and information availability is important for effective participation of communities and other stakeholders in forestry conservation and management. This calls for a robust forestry extension, communication, information and awareness strategy to educate and share information with the public on forest technologies, potentials, opportunities and management techniques relevant for the sector.

#### ***Policy Statements***

*The government shall:*

- (a) support formal forest sector education programmes at different skill levels and regularly review them to encompass emerging issues and challenges*
- (b) develop harmonised curricula that take on board emerging issues such as climate change, entrepreneurship, resource mobilisation for forest education and new technologies for increased output in the forest sector.*
- (c) support forestry education and training institutions to offer responsive curricula and training to build capacity for development of the sector.*
- (d) strengthen the capacity of the forestry education and training institutions to offer diverse vocational forestry training in the sector.*
- (e) promote establishment and recognition of continuing training programmes for forestry*

*professionals to enhance sector standards.*

*(f) establish linkages between forestry education and training institutions and forestry industry to enhance practical skills of forestry graduates.*

*(g) establish a strong forest extension network to disseminate information on forestry across the country*

*(h) support and strengthen universities and technical colleges to facilitate the development of requisite professional, technical and managerial skills to drive the sector operations.*

*(i) encourage design of appropriate capacity development plans through continuous assessment of professional and technical capacity needs for achievement of the objectives of this policy.*

*(j) provide continuous professional development to forestry practitioners to enhance their knowledge in emerging issues in forestry development.*

*(k) develop mechanisms for engaging county governments and private research institutions in forestry research and development.*

*(l) forge linkages and cooperation between training and educational institutions, researchers and industry.*

*(m) build the capacities of stakeholders from national and county governments, civil society, communities and the private sector in technical and managerial aspects of forest management including understanding multiple value systems, world views, beliefs, cultures and perceptions concerning how forests should be used and managed and how people should be involved.*

## **7.2 Forestry Research and Development**

Forestry in Kenya can be improved through research on productivity, improved conversion efficiency and value addition. Investment in research and development focusing on basic forestry disciplines such as productivity, health, crop diversification, processing, value addition, intellectual property rights and indigenous knowledge is critical for improved performance of the sector. Further, global needs for certification require research in suitable criteria and indicators. Mechanisms are needed for engaging county governments in forestry research and development.

A vibrant and proactive forest sector requires a strong forestry research strategy for technology development and transfer. Appropriate tree technologies will be generated for different sites across the country and production of sufficient planting materials, efficient technologies for conversion and processing of forest products, methods of value addition and best management practices among others. This will ensure that sectoral activities are premised on a strong scientific base.

### ***Policy Statements***

*The government shall:*

*(a) support forestry research in critical areas to ensure generation of appropriate technologies for forestry development*

*(b) support improved wood-based technologies and diversification into high value products.*

*(c) invest in integrated and multidisciplinary research on forests and forest products for livelihood support and economic growth.*

*(d) prioritize research on methods of taking forest inventories including growth yield assessment of forest products and ecosystem services.*

- (e) prioritize intensive and need-based research for biodiversity conservation, reclamation of degraded forests for ecological security, integrated pest management, invasive alien species management, forest fires, forest hydrology and carrying capacity of ecosystems.*
- (f) prioritize research on enhancing the capacity of forest ecosystems to sequester carbon.*
- (g) develop mechanisms to link forest research findings to users, and encourage private sector participation, and the incorporation of indigenous knowledge systems.*
- (h) support counties' capacity to disseminate forest research for use by communities and individuals engaged in agroforestry and farm forestry through enhanced extension services.*
- (i) promote research in alternative species including indigenous trees to meet market requirements.*
- (j) intensify research, technology development, training and education in dryland forestry.*
- (k) promote research and training to improve uptake of wood processing technologies.*
- (l) promote NTFPs research and development.*
- (m) increase overall forest productivity through forest genetic resource management and tree improvement.*
- (n) develop the capacity of research institutions to disseminate innovative strategies for high productivity to meet national and international standards.*
- (o) support communication platforms between researchers, communities, county and central governments and other stakeholders to discuss forestry matters.*
- (p) develop a framework for engaging young volunteers and senior citizens in forestry management.*
- (q) encourage and strengthen collaboration with regional and international institutions carrying out multidisciplinary policy research on forests.*
- (r) support research in and encourage the use of traditional knowledge in forest management and development.*

## **8. LEGAL AND INSTITUTIONAL FRAMEWORK**

### **8.1 Institutional Framework**

The Ministry of Environment and Forestry is responsible for forests. Ministries responsible for Agriculture, Livestock and Cooperatives also deal with trees on private and community and agricultural land. The Constitution of Kenya classifies forests into three categories namely public, community and private forests. Public forests include all forests on public land; forestland lawfully held, used or occupied by any State organ; forestland transferred to the State by way of sale, reversion or surrender and forestland in respect of which no individual or community ownership can be established by any legal process. The national and county governments are responsible for all forests on public land. KFS is the national agency responsible for conservation and management of public forests. This role coincides with that of the NLC, which is responsible for managing public land; KWS in forests that have wildlife; KWTA; NEMA which supervises and coordinates environmental activities and implements environmental policies in all sectors within the country; CFAs; PELIS farmers; and County governments in which the forests are located. There are also private sector actors such as those involved in the timber industry. Due to the wide range of stakeholders, some of whose activities are incompatible, mechanisms detailing clear roles and responsibilities are needed to minimize the potential for conflicts and misunderstanding.

Counties are responsible for implementing specific national government policies on natural resources and environmental conservation including soil and water conservation and forestry. There is therefore a need for clear mechanisms of engagement between KFS and county governments to avoid conflicts between the two levels of government in forestry management. Counties are also responsible for agriculture and play a significant role in agroforestry. With increased attention to climate change adaptation and mitigation, this role will extend to sustainable agricultural production and reduction of food insecurity.

#### ***Policy Statements***

*The government shall:*

*(a) strengthen the policy, oversight, reporting and public sensitization function of the Ministry responsible for forestry.*

*(b) re-engineer forestry governance by putting in place a framework for restructuring KFS as recommended by the Taskforce on Illegal Logging and institutionalizing contemporary management processes such as results based management in the forest sector*

*(c) establish a framework for inter-agency cooperation and stakeholder engagement for sustainable forestry management in Kenya to ensure that they effectively deliver their mandate.*

*(d) clarify institutional mandates of the lead government ministries and agencies such as Ministries responsible for environment, forestry, agriculture, livestock and cooperatives, NEMA, KFS, KWTA and KWS for better cross-sectoral and intersectoral coordination and policy integration in the forestry sector.*

*(e) create linkages between KFS, NLC and County Governments to ensure sustainable management of public forests.*

*(f) require NLC to investigate present and historical land injustices in gazetted forests and recommend appropriate redress.*

*(g) devise ways of accommodating indigenous communities' livelihoods dependent on forests while sustainably conserving and managing forests.*

*(h) ensure equity and inclusivity in terms of ownership, control and access to forest resources, land and credit for vulnerable groups.*

*(i) put in place mechanisms to ensure the involvement of women, youth, marginalised communities and persons with special needs in sustainable forest management and adopt approaches that ensure all Kenyans participate in decision making and have agency in designing and implementing forest management interventions.*

*(j) enhance resource and human capacities in forest governance institutions.*

*(k) establish and support forestry management institutions at national, conservancy and ecosystem levels including local communities, landowners and other stakeholders.*

*(l) strengthen institutional linkages between forestry research, education, administration and resource owners.*

*(m) improve institutional knowledge management capacity and cooperation on issues of interest to forest management, such as REDD+.*

*(n) devolve KFS structures to correspond to the county structure operationalized under the Constitution of Kenya, 2010.*

*(o) put in place a clear framework for collaboration in forestry functions between the National Government and County Governments.*

*(p) fast track the signing and operationalization of TIPs with County Governments and support capacity building and resourcing for the efficient transfer and implementation of the devolved forestry management functions.*

*(q) support the development of management cooperation agreements between counties and the KFS and between counties where forests straddle different counties.*

*(r) support county governments to develop forest programmes for delivery of forest extension services to communities, farmers and private landowners, and management of forests other than those under state agencies.*

*(s) support county governments to develop a coordination mechanism for agroforestry development, to avoid duplication of work and utilize the available resources in a sustainable manner.*

*(t) Strengthen local-level forest governance institutions in terms of financial capacity and ability to influence policy decisions regarding forest governance.*

## **8.2 Legal Framework**

The constitution provides for the conservation and protection of ecologically sensitive areas, utilization of the environment and natural resources for the benefit of the people of Kenya, the right to a clean and a healthy environment including the right to have the environment protected for the benefit of the present and future generation through legislative and working towards achieving and maintaining at least 10% tree cover and its maintenance.

Over the years, the forest sector has undergone continuous reforms leading to the establishment of a semi-autonomous agency responsible for forest administration, development and management following the enactment of the Forests Conservation and Management Act, 2016. There is a need to continuously review relevant laws.

A review of the Forests Conservation and Management Act, 2016 will ensure that forest laws conforms to this policy.

### ***Policy Statements***

*The government shall:*

*(a) revise the Forests Conservation and Management Act, 2016 to implement this policy.*

*(b) harmonize the forest law with other sectoral laws in order to achieve national development objectives.*

*(c) regularly review forest legislation to ensure inclusion of emerging issues and to enhance sustainable management of forests.*

*(d) create awareness on forest policy and legislation among stakeholders.*

*(e) harmonise sectoral legislations on sustainable forest management between various sectors, and the two levels of government.*

*(f) clearly define the holders of legal rights to carbon rights/ REDD+ benefits*

*(g) develop a coherent and coordinated regulatory framework for sustainable forest management with rules for establishing and implementing Forest Management Agreements*

*between KFS and other actors.*

*(h) put in place mechanisms for resolving conflicts between different actors in the forestry sector.*

### **8.3 Funding Mechanisms**

Sustainable forest management and conservation requires adequate financial resources. Funding of forest activities has mainly been from the central government and development partners. Forestry development is an investment involving the establishment of trees, conservation and protection of forest ecosystems over long periods of time. This requires long-term funding. There is also a need to commercialize the forestry sector and explore innovative methods of financing.

#### ***Policy Statements***

*The government shall:*

*(a) provide adequate funds for the development, management and conservation of forests through annual budgetary allocations.*

*(b) leverage resources for forestry development by integrating forestry issues into other sectoral development programmes.*

*(c) promote investments in the forest sector by providing appropriate fiscal and economic incentives and developing value chains for forest products.*

*(d) create a more diverse business environment and make investments in the forestry sector more competitive.*

*(e) promote commercialization of forestry products and facilitate a better environment for investments.*

*(f) explore and adopt alternative innovative sources of funding.*

*(g) mobilise resources from multilateral development agencies, international environmental and carbon funds, development partners, private sector, and foundations to support forestry development.*

*(h) establish and raise financial resources for the Forest Management and Conservation Trust Fund.*

*(i) enhance resource mobilization strategies through carbon financing, payment for environmental services and other appropriate mechanisms.*

*(j) promote and facilitate access to market-based mechanisms for reducing emissions from deforestation, degradation and other forest land-use changes available through REDD+ initiatives.*

*(k) implement the Green Climate Fund in a manner that supports and strengthens communities and civil society participation in forest management.*

## **9. LINKAGES WITH OTHER SECTORS**

### **9.1 Mainstreaming forestry into other sectors**

Pressures and demands imposed on forest ecosystems and resources are often caused or influenced by factors outside the forest sector, regional and international agreements and treaties. The forest sector is closely linked to wildlife, agriculture, housing, national security,

water, tourism, industry, energy, education among others. In addition, the sector is closely intertwined with climate and is influenced by the private sector, communities, individuals and civil society.

To achieve the goals of sustainable forest management and conservation, a framework of public policies and strategies is needed, which incorporates national forest objectives in order to mainstream forestry in the national accounts system and the National Climate Change Adaptation Plan.

Cross-sectoral linkages between the forest sector and other related sectors need to be continuously strengthened to generate synergy in the broad environment sector for growth and development including stakeholder participation.

#### ***Policy Statements***

*The government shall:*

*(a) create a Forest Resource Account that accurately values the contribution of the forestry sector for inclusion in the National Accounts system.*

*(b) mainstream forestry conservation into the National Climate Change Adaptation Plan.*

*(c) mainstream cross-cutting issues like agriculture, water, wildlife energy in the forest sector.*

*(d) coordinate and promote collaboration among relevant institutions in exercising their mandates.*

*(e) Eliminate overlaps and conflicting roles in the various sectors related to forestry development.*

## **9.2 Partnership and Stakeholder Involvement**

The private sector, civil society, communities, private sector and other non-state actors play a vital role in forest management and conservation. Communities are responsible for community forests, which include forestland lawfully held, managed or used by specific communities; forestland lawfully held as trust land by the county governments and ancestral forestland traditionally occupied by indigenous and local communities. Private forests on the other hand include forestland held by any person under any freehold or leasehold tenure and any forest owned privately by an individual, institution or body corporate for commercial or non-commercial purposes. To ensure that all forests are sustainably managed and contribute to the attainment of the goal of 10 per cent tree and forest cover, comprehensive institutional reforms are needed to assign and clarify the roles and responsibilities of different players in the forestry sector.

Non-state actors have the advantage of being more independent of political pressures than governmental agencies and play a leading role in agenda setting, policy development and resolution of resource conflicts at the local level. Professional societies established to advance the science, technology, education and practice of professional forestry enhance the professionalism and the formulation and implementation of forestry policies and practices.

Participatory forest management and sound conservation practice has potential to improve forest protection, management and growth by involving relevant non-state actors and local communities in planning and implementation.

### ***Policy Statements***

*The government shall:*

- (a) promote stakeholder participation at all levels in forest sector planning, implementation and decision making.*
- (b) support non-state actors and local communities to undertake forest-related development activities and investments.*
- (c) develop and implement strategies for forest resource conflict resolution and management.*
- (d) strengthen linkages between forest research, education, industry and management institutions.*
- (e) develop an institutional framework and mechanisms for effective participation of stakeholders in forest management.*
- (f) develop and implement an equitable benefit sharing scheme in the forest sector.*
- (g) support communities, commercial tree growers and land owners to invest in forestry as a viable land use option*
- (h) promote partnerships between public, private actors and communities in afforestation and reforestation programmes on public, private and community lands.*
- (i) provide incentives to communities, commercial tree growers and landowners for forest management and conservation, and encourage voluntary conservation easements.*

### **9.3 Regional and International Obligations**

The effective management of trans-boundary environmental resources including forestry necessitates regional and international cooperation. Kenya is a party to a number of multilateral and regional agreements, protocols, and conventions that impact on forestry. Aspects of multilateral environmental agreements (MEAs) and other regional instruments and protocols need to be integrated into forestry programmes, strategies and plans.

### ***Policy Statements***

*The government shall:*

- (a) ensure integration and implementation of multilateral environmental agreements and other regional instruments and protocols into forestry programmes, strategies and plans.*
- (b) support the harmonization of regional forest resource policies, including trade in forest products.*
- (c) promote the establishment of trans-boundary forest resource management agreements.*
- (d) provide support to enable enhancement of participation of key stakeholders in all aspects of the implementation of relevant Multilateral Environmental Agreements (MEAs), including their incorporation into national delegations to international environmental negotiations.*

## **10. Monitoring and Evaluation**

Monitoring and evaluation (M&E) shall be an essential strategy in the implementation of this Policy. A monitoring and evaluation framework will be developed to track both the changing uses and values of forests and the progress made. This will include a set of performance indicators and

measures to assess progress towards the effective conservation and management of forest resources in Kenya. It will facilitate accounting to the people of Kenya on advances towards achieving national forestry targets. Outputs, outcomes, impacts shall be developed and key actors mapped to facilitate monitoring and evaluation.

To avoid conflict, the assessment, monitoring and evaluation will be carried out by an institution not directly involved in the management of forests. The institution should have national spatial data at its disposal, be able to deploy effective, innovative technology for effective monitoring, surveillance and tracking and be guided by clear monitoring and verification procedures to ensure compliance. Contemporary and emerging technologies and information will be deployed to ensure sustainable forest management. These include remote sensing, aerial surveillance, unmanned aerial vehicles (drones), community-based intelligence systems, forest fire alert and response systems, and technological applications (apps).

The Government, and all relevant stakeholders, shall ensure that conflicts in the implementation of the National Forest Policy are resolved in a manner aligned with the principles and values articulated in this Policy and in compliance with other relevant legislation and the Constitution of Kenya.

#### *Policy Statements*

*The government shall:*

*(a) Develop and implement a monitoring and evaluation framework for the forestry sector in line with this policy.*

*(b) Develop and institutionalize tools for effective monitoring and evaluation.*

#### **10.2 Policy Review**

This Policy will be reviewed after every five years or any such other period as may be determined by the Ministry responsible for forests.

### **11. IMPLEMENTATION PLAN**

The ministry responsible for forest conservation and management will be responsible for the coordination of the policy implementation plan. It shall develop an Implementation Plan for the Policy, with the participation of forest sector stakeholders. The Implementation Plan will designate the roles and responsibilities of all parties.