These are a set of Guidelines, not a set of Kenya Forest Service (KFS) Regulations

This booklet has been produced from the experiences of foresters, researchers, natural resource managers and others working within Kenya and neighbouring countries in the region. It is expected to guide all stakeholders working in the forest sector within the country whether they be government officers, non-governmental staff, religious groups, community based organisations or private sector investors. The steps outlined are not compulsory and you may find it easier to adapt these steps in some way. Some steps of the process are however a legal requirement and these are indicated at appropriate sections within the text.
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This is the second version of National Guidelines for the implementation of Participatory Forest Management in Kenya, the first having been launched in December 2007. Since the launch of the first version, a lot has happened in the sector. It is during this period that the new Constitution of Kenya 2010 was enacted, following which it become necessary to re-align all the laws under the new dispensation. To this effect, the Forests Conservation and Management Bill 2014 and the Forests Policy 2014 are lined for deliberation by Parliament. The guidelines must take cognisance of these new developments as they undergo revision.

The first batch of Participatory Forest Management Plans (PFMPs) were prepared in 2008 and expired in 2013. Since 2013, the number of expiring plans continues to increase and by the end of 2015 will total 44. The implementation of these PFMPs has given invaluable lessons that were tapped into to improve these new sets of guidelines. Over the same period, the number of Community Forest Associations has continued to increase and now stand at 325. These are the legal vehicles through which communities participate in forest management with the aim of improving their livelihoods, while also contributing to forests conservation.

The guidelines are addressed to all stakeholders working in the forest sector within the country, be they government officers, non-governmental organizations, religious groups, community based organisations or private sector investors. They have been produced as a set of guiding principles to assist all the stakeholders to sustainably manage and conserve our forests. Wherever possible within the guidelines, explicit linkage to forest policy and legislation is explained.

The guidelines have been prepared with financial support from Miti Mingi Maisha Bora programme. Many of the ideas and details presented have been collected and collated from government, government projects and programmes, non-governmental organisations and community groups who have already put Participatory Forest Management mechanisms in place in their counties. Experiences on PFM from the neighbouring countries such as Tanzania, Uganda and Ethiopia have also been taken into account.

It is therefore our considered opinion that operationalization of PFM in Kenya is now a reality and is expected to contribute to improved livelihoods of our people and to the economy of the country.

Emilio N. Mugo,
Director, Kenya Forest Service
ACKNOWLEDGEMENT

The process of reviewing this document was facilitated by the Kenya Forest Service (KFS) through support from the Miti Mingi Maisha Bora (MMMB) Programme, which has been funded by the Government of Finland and Government of Kenya.

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Special appreciation goes to the KFWG team who were involved in the review of this document including; Jackson Bambo, Volga Lipwoni, Dr. Thuita Thenya, Leah Gichuki, Joram Kagombe, Howard Akimala and David Kuria.

WE THANK YOU ALL
**Community forest**
Forestland lawfully held, managed or used by specific communities as forest area, grazing areas or shrines; or lawfully held as trust land by the county governments; or ancestral forestlands and forestlands traditionally occupied by hunter-gatherer communities; or such other forest that may be set aside as a community forest by the respective County Government.

**Community Forest Association**
A group of persons who are registered as an association under the Societies Act (Cap 108) and who are resident in an area close to the specified forest.

**County forests**
Forests on land which at the effective date was unalienated government land as defined by an Act of Parliament in force at the effective date; forests on land transferred to the State by way of sale, reversion or surrender; forests on land in respect of which no individual or community ownership can be established by any legal process; forests on land in respect of which no heir can be identified by any legal process; and forests on land lawfully held by a county government in trust for the people resident in the county.

**County Government**
Government established under article 176(1) of the Constitution of Kenya 2010.

**Forest Community**
A group of persons who
a) have a traditional association with a forest for purposes of livelihood, culture or religion;
b) are registered as a Forest Association or other organisation engaged in forest conservation;

**Forest Conservation Committee**
A committee established under the Forests Act, 2005 in each conservancy area or part thereof (ecosystem) to advice the Forests Board on all matters relating to the management and conservation of forests in that area.

**Forest Level Management Committee**
A committee initiated by the Service consisting of representatives from the Service, Community Forest Association and other relevant stakeholders to assist the CFA to implement the community forest management agreement.

**Forest Management Agreement (FMA)**
An agreement between the Service/County Government and a Community Forest Association. County Government, or any person or organisation for the purpose of managing a State, county or private forest.

**Forest Management Plan**
A systematic programme showing all activities to be undertaken in a forest or part thereof during a period of at least five years, and includes conservation, utilization, silvicultural operations and infrastructural developments.
Forest Stakeholder
Any person (including indigenous persons as per the 2010 Constitution), group of persons, or institution who for cultural, religious, economic, social or investment reasons is involved in, or associated with, management, research and utilization of the products or services from a forest area.

Indigenous Forest
A forest which has come about by natural regeneration of trees primarily native to Kenya, and includes mangrove and bamboo forests.

Operational Plan
A short-term forest management plan of upto 5 years that contains details for managing a forest area.

Participatory Forest Management
A forest management approach, which deliberately involves the forest adjacent communities and other stakeholders in management of forests within a framework that contributes to community’s livelihoods.

Private forest
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.

Public forest
All forests on public land; forestland lawfully held, used or occupied by any State organ, except any such land that is occupied by the State organ as lessee under a private lease; forestland transferred to the State by way of sale, reversion or surrender; forestland in respect of which no individual or community ownership can be established by any legal process; the forest reserves set out in the Act and any other forest reserves gazetted by the Cabinet Secretary responsible for forestry.

Responsible authority
Institution charged under law with the responsibility of managing a particular forest.

Service
The Kenya Forest Service established under section 4 of the Forests Act 2005.

Strategic plan
A medium to long-term forest management plan usually over 5 years that provides an integrated set of visionary objectives concerned with the conservation, management and use of a forest.

Sustainable forest management
The management of forests so as to yield a constant or increasing supply of forest products and services to meet the needs of the present and future generations, without intentionally limiting the options of future generations.

Sustainable use
Present use of the environment or natural resources which does not compromise the ability to use the same by future generations or degrade the carrying capacity of these ecosystems.

User group
Any group of individuals formal or informal who; collects, harvests or utilises any part or product from a forest for subsistence or commercial purposes.
LIST OF ABBREVIATIONS

CDC  County Development Committee
CEC  County Environment Committee
CFA  Community Forest Association.

EMCA  Environmental Management and Coordination Act

FC  Forest community

FCC  Forest Conservation Committee

FD  Forest Department

FMA  Forest Management Agreement

KFS  Kenya Forest Service

KWS  Kenya Wildlife Service

NGO  Non Governmental Organisation

NRM  Natural Resource Management

PFM  Participatory Forest Management
SUMMARY

With enactment of the Forests Act of 2005, Kenya embraced Participatory Forest Management (PFM) as an approach towards achieving sustainable forest management. This was out of realisation that involvement of the stakeholders would significantly contribute towards sustainable management of forests. In this approach, local communities and other stakeholders participate in management of forest resources as provided for in the Forests Act 2005. It’s against this background that these guidelines have been developed to provide details on how to operationalize PFM.

The guidelines review drew from the constitution of Kenya, 2010, the EMCA 2013, Land Act 2013. In addition guidelines took note of the ongoing review of Forests Act 2005 to make it be in line with constitution. The constitution introduced devolved governance and so the responsibility of implementing the guidelines will be shared among the national and county governments and other stakeholders. It also requires high standards in governance as well as equity in sharing natural resource benefits.

The stakeholders spearheaded by KFS, with technical support from Miti Mingi Maisha Bora, prepared these second generation guidelines. Most of the ideas presented in these guidelines were collected and collated from foresters, researchers, natural resource managers, non-governmental organisations and community groups previously involved in participatory forest management. The guidelines also capture lessons learnt from the Miti Mingi Maisha Bora programme as well as those from other African countries and developing economies. The fundamental objective of these guidelines is to provide a simple set of steps that stakeholders can easily understand and apply. It is envisaged that the guidelines will provide a more coordinated and efficient conservation of forest resources.

The guidelines have been presented in 8 basic steps that summarize the PFM process. These steps do not always have to be followed in a progressive manner due to the iterative nature of PFM process. The key steps include;

1. Identify community and resources
2. Facilitate formation/strengthening of CFA and other relevant community structures
3. Assessing forest area and community
4. Prepare and launch forest management plan
5. Negotiate and sign Forest Management Agreement
6. Implement the plan
7. Review and revise the plan on the basis of experience
8. Impact monitoring of PFM

Each of the above steps is expounded in sub steps. In addition throughout these guidelines explicit cross-reference is made to the legislative framework within which PFM is to be implemented. Help notes and additional useful information are provided in the guidelines to assist the implementer. Annexes and appendices to these guidelines provide detailed information for development of forest management plan, preparation of forest management agreement, establishment of a local forest association and preparation of annual work plans. These are revised guidelines and are subject to continuous review as new lessons are learnt.

In the past, management of forests in Kenya laid emphasis on protection through command and control system with minimal participation of other stakeholders. Consequently, communities were
alienated from the forest resources and participation in decision-making. Over time this created conflict between forest managers and communities neighbouring the resources. The previous legislation and policy had inadequate provisions for community participation in forest management. In view of the aforesaid, there has been a significant reduction of the forests' cover, unsustainable utilization of the forest resource and skewed distribution of benefits.

Reforms in the forestry sector led to the government adopting Participatory Forest Management as a strategy to sustainably manage Kenya’s forests and woodland areas for current and future generations. Indeed, it gave the authority to pilot PFM implementation in some parts of the country even in the absence of an enabling legislative framework. With the enactment of the Forests Act 2005, other stakeholders’ participation was provided for and hence development of the first generation of PFM guidelines in 2007. Since then, there have been many changes in the political, legislative and social landscape including: publishing of Forests (participation in sustainable forest management) rules, promulgation of the Kenyan Constitution of 2010 which established a devolved governance structure, enactment of the County Government Act, and proposed changes as contained in the Forest Conservation and Management Bill of 2014.

Additionally, there have been many lessons learnt during the initial implementation of PFM including from implementing the Plantation Establishment Livelihood Improvement Scheme (PELIS) and Payment for Environmental Services (PES). Further, lessons can be learnt from the new initiative on Reducing Emissions from Deforestation and Degradation (REDD+). In an effort to share experiences on PFM, two national conferences were held; one in 2007 and another one in 2014 where stakeholders, practitioners and researchers share experiences on PFM implementation.

The preparation of these guidelines was a joint effort between the KFS and other stakeholders, with facilitation from the Miti Mingi Maisha Bora. Most of the ideas presented in these guidelines were collected and collated from foresters, researchers, natural resource managers, non-governmental organisations and community groups previously involved in participatory forest management. The guidelines also capture lessons learnt from African countries such as Tanzania, Uganda, Ethiopia and Zambia.

**The main objectives of PFM are to:**

a) Conserve biodiversity while enhancing people’s livelihoods and;

b) Ensure the sustainable use of our forests.

The purpose of these guidelines is to facilitate positive interaction between interested stakeholders within the forest sector in order to minimize conflict in the sector through a process of negotiation and collaboration.

The fundamental objective, which these guidelines address is; to provide a simple set of steps for stakeholders in the forest sector in Kenya to use (and modify as necessary) so as to provide a more coordinated and efficient use of forest resources. These guidelines specifically address the questions; when, how and where do communities and other stakeholders become involved in the management of our forests.
Although the text below describes 8 basic steps in the PFM process, these do not always have to be followed in a progressive manner (i.e. from step 1 to step 8). Circumstances may dictate that some steps may be undertaken together at the same time, while sometimes it may be necessary to repeat, or go back over, an earlier step. There is nothing wrong with doing this so long as all the key players (stakeholders) agree on common objective(s) for the forest and that this remains the focus of their attention.

Throughout these Guidelines, explicit cross reference is made to the legislative framework within which participatory forest management is to be enabled. These Legal notes are highlighted in text boxes where appropriate.

Finally, it should be emphasised that these Guidelines can be used by many different stakeholders within the sector. Although they are written primarily with Community Forest Associations in mind, they can be adapted for use by NGOs, donors or other investors wishing to manage forests or parts thereof, local authorities who are now required to develop management plans for local forest areas, or new areas that are declared as; State, local or provisional forests under the Forests Act, 2005.

The Kenya Forest Service has developed a separate set of guidelines for private investors, saw-millers or plantation management businesses who seek through concessions of forest areas from the government for commercial purposes.

2.0 Policy and Legal Context
These guidelines have been prepared to be applicable under Section 69 of the Constitution of Kenya 2010, the Forests Act 2005 as well as the Draft Forest Policy. Reference has also been made to ensure that the content fits within the framework of the Environmental Management and Coordination Act 2013.

The 2010 Constitution supports management arrangements that ensure equitable sharing of benefits accruing from exploitation of natural resources. This is enshrined in article 69 (1) of the Constitution which provides that the State shall ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits. In addition the Fourth Schedule of the Constitution provides for the distribution of functions between the National and County Governments. Further it gives the County Governments powers to ensure and coordinate the participation of communities and locations in governance at the local level and assisting communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

It is the country’s development blueprint covering the period 2008 to 2030. It aims to transform Kenya into a newly industrializing, “middle-income country providing a high quality of life to all its citizens by the year 2030”. The Vision is based on three “pillars”: the economic, the social, and the political. Environment is quoted as part of the social pillar (“A just and cohesive society enjoying equitable social development in a clean and secure environment”).
**County Governments Act, (2012)**
There are three relevant objectives in this Act: (i) to give effect to the objectives and principles of devolution as set out in the Constitution, (ii) to prescribe mechanisms to protect minorities within Counties, and (iii) to enact County legislations, which may (or not) include specific legislation on benefit-sharing. The Act also promotes the following principles of citizen participation: (i) timely access to information, (ii) access to process of formulating and implementing policies, laws and regulations, and (iii) protection and promotion of the interests and rights of minorities, marginalized groups and communities and their access to relevant information.

**National Land Policy, (2009)**
Among others, the National Land Policy recognizes and protects the rights of forest dependent or other natural resources dependent communities and facilitates their access, co-management and derivation of benefits from the resources. The policy objective is to align, to the greatest extent possible, tenure to land based natural resources to the different land categories namely public, community, and private (instead of Government, trust, and private, as previously defined) and (ii) establish legal frameworks to recognise community and private rights over renewable and non- renewable land-based natural resources, and incorporate procedures for access to and sustainable use of these resources by communities and private entities.

**Land Registration Act (2012)**
It requires registration of Community land and issuing of a certificate of title to owners and upholds their rights or interest on the land (article 8 (3)). Overriding rights are also safeguarded for light, air, water and support for registered land including private land (article 28). But these rights or interest are not upheld on trust land that is not registered by County Government though the land is managed by the County Government on behalf of the Community (article 8(4)).

In line with the Constitution, any Community land that is not registered will be managed by the County Government in trust of the communities it is held on. Arising from this is the following question: who has carbon rights for unregistered Community forest land? It is however good to recognize that carbon rights are different from property rights and it can be urged that carbon rights can be guaranteed by the Constitution Bill of rights.

**The Land Act (2012)**
On conservation of natural resources (article 19), the Land Act states that the National Land Commission (NLC) will provide:

- Incentives for communities and individuals to invest in income generating natural resource management programmes,
- Measures to facilitate the access, use and co-management of forests, water and other resources by communities who have customary rights to these resources,
- Procedures on the involvement of stakeholders in management of land based natural resources,
- Rules and regulations as measures to ensure benefit sharing to affected communities.
Forests Act (2005)
It establishes the Kenya Forest Service (KFS). It stipulates that all forests in Kenya - be the State, local authority, private or provisional forests—are to be managed under the provisions of the Forests Act. The Forests Act strongly supports the participation of stakeholders in the conservation and management of the forest resources through collaborative management.

The recognition of forest adjacent communities as key stakeholders and users of natural resources is considered vital if successful management is to be attained. The Act provides for communities living adjacent to forests to enter into collaborative management agreements with KFS through Community Forest Associations (CFAs).

Section 47 (1) confers the CFA with the following forest user rights: collection of medicinal herbs, harvesting of honey, harvesting of timber or fuel wood, grass harvesting and grazing, collection of forest products for community based industries, ecotourism and recreational activities, scientific and education activities, plantation establishment through non-resident cultivation, contracts to carry out silvicultural operations and development of community wood and non-wood forest based industries.

The Act provides for preparation and gazettement of Rules to enforce the law. Currently, three Rules relevant to the engagement of local communities in forest management have been gazetted: the Forests (Participation in Sustainable Forest Management) rules - 2009, the Forests (Charcoal) rules - 2009 and the Forests (Harvesting) rules - 2009.

The Forests (Participation in Sustainable Forest Management) Rules, 2009 were gazetted via Legal Notice No. 165 of 2009. The Rules apply to participation of the private sector and forest communities in sustainable management of State forests and may, with the necessary modifications, be applied by a Local Authority, with the consent of the Minister responsible for Local Authorities, to the participation of the private sector and forest communities in the management of Local Authority forests.

Under the rules, KFS may issue authorisations for forestry activities in the form of a permit, timber license, special-use license, contract, joint management agreement or concession agreement of a specified forest area. A concession agreement is a long term agreement that may be issued for the management of a specified forest area at a price determined after forest valuation and bidding. Concessions are mostly applicable to eco-tourism or large-scale plantation management but may also apply to REDD+ projects. The procedure process include pre-qualification, offering and advertisement and bidding.

KFS may enter into a joint management agreement in the management of State forests. The primary purpose of a joint management agreement is to conserve the forest and allow non-consumptive uses. However, an agreement may also allow limited consumptive use of forest resources if sustainable.

For purposes of community participation, the rules provide management unit for a forest to comprise of the forest area under the jurisdiction of one forest station or where geographical factors make separation of the unit into blocks more practical, individual forest blocks within the jurisdiction of one forest station. Each management unit will be under a separate CFA.
This is therefore the most relevant rule for local community participation. It provides for preparation and enforcement of forest management agreements between CFAs and KFS once a forest management plan has been prepared and approved. Some of the KFS/CFA agreements have provisions in relation to REDD+.

In Kenya the completion of the Kenya Forestry Masterplan in 1994 was a milestone in analysing the status of the forest sector and various scenarios were modelled projecting the future. Currently the process of developing a National Forest Programmes (NFP) is ongoing and this will lay out strategic visions for forests which will enhance implementation of PFM.

The main change in the draft policy is a greater emphasis on involving stakeholders through participatory management mechanisms in the management and conservation of multi-purpose natural forest areas. One of the seven stated broad policy objectives is to:

“contribute to poverty reduction, employment creation and improvement of livelihood through sustainable forest management.”

In relation to indigenous forests, woodlands and bushlands, the proposed policy states;

“participation of communities and other stakeholders in the management of indigenous forests is to be promoted.”

And for county forests,

“close working relationship among local authorities, the Kenya Forest Service, regional authorities, local communities, NGOs, and other stakeholders will be promoted.”

And,

“All forests under the jurisdiction of the local authorities will be managed sustainably based on sound management plans and conservation”

**In relation to Rural Development:**
“the government will endeavour to promote forest-based industries that contribute to the rural economy.”

Institutionally;
“the Kenya Forest Service will provide for a self-supporting management structure for industrial plantations and indigenous forests on public land, as well as provide support and advice to farm forestry and a mechanism for inter-agency coordination.”

“the Forest Service will concentrate on policy matters, regulating Forests Activities, and monitoring the performance of the various executing bodies in the forestry sector.”

Participatory forestry development will be enhanced by involving; concerned individuals, NGOs, local communities, and the private sector in planning and implementing forest management activities.
Within the context of the Forests Act 2005:

Institutionally, Kenya Forest Service shall;

- Formulate for approval of the Board, policies and guidelines regarding the management, conservation and utilisation of all types of forest areas in the country;
- Collaborate with other organisations and communities in the management and conservation of forests and for the utilisation of the biodiversity therein;
- Promote the empowerment of associations and communities in the control and management of forests.

Section 59 allows for the Minister to make rules including those providing for measures that enhance community participation in the conservation and management of forests at the local level.

NB: The Forests Act of 2005 is being reviewed to align with the current constitution and capture emerging issues.

3.0 Main Steps in PFM Process
This chapter gives a summary of the eight main steps in the PFM process, followed by a detailed step-by-step description of the activities to be undertaken. A pictorial presentation of each step is also presented Figure 1 plus a flow diagram summarizing the whole process as shown in Appendix 1.

Figure 1: Main steps in PFM
Summary of the main steps

Step 1: Identify community and resources
Identify the forest area that is to be managed. Make initial contact and create awareness about PFM within the main stakeholders from the area – those who may be using or benefiting from the resources in this forest. These stakeholders may be formally organised into a group, company or association, but equally they may simply be forest adjacent households and individual farmers. Form a local planning team and agree on tasks.

Step 2: Facilitate formation/strengthening of CFA and other relevant community structures
Facilitate the development or modification of existing local organisational structures to form one that will be appropriate for PFM and in line with the legislation. Provide capacity development support to the Forest Association(s) and form a local level forest management committee where appropriate.

Step 3: Assessing forest area and community
Conduct a socio-economic survey and participatory resource assessment in the proposed forest area, analyse the data and present the results to the stakeholders.

Step 4: Prepare and approve forest management plan
The local planning team prepares a 5 year forest management plan. The plan must balance local needs with conservation measures and national priorities. Negotiate and agree the overriding objectives for the management of the forest. Discuss openly about the potential costs and benefits involved in developing the plan, identifying and negotiating around stakeholder expectations and assumptions.

Step 5: Negotiating and signing forest management agreement
Develop and sign a Forest Management Agreement (FMA). This is a legally binding document and must explicitly address the costs, benefits, expectations and assumptions of the parties involved as per existing legal framework.

This agreement must be publicly presented and discussed in the local area and submitted to the Forest Conservation Committee. Signing of the FMA “kick-starts” the implementation phase.

Step 6: Implementing the plan
Implementation begins using the management mechanisms which have been agreed upon. Regular progress and review meetings are held. Technical back-stopping support is likely to be required for both the forest level management committee (where this is deemed necessary), as well as members of the Community Forest Association(s).

Step 7: Review and Revision of the plan on the basis of experience
At the end of each year of implementation the local level forest management committee together with the Community Forest Association(s) & other stakeholders, will review and report on progress vis-à-vis the objectives of the operational plan. Data collected from each PFM area are to be recorded and catalogued by KFS headquarters and lessons learnt incorporated into subsequent years of implementation as part of the M&E process.
Step 8: Impact monitoring of PFM
The initial experiences from the first PFM areas will offer important lessons for subsequent applications of the approach in other forest areas. Outcomes from the initial forest management agreement areas should be documented and publicised through appropriate media channels. Based upon these experiences and others such as those of the Miti Mingi Maisha Bora programme, it may be necessary to revise the PFM process outlined here, with some of these revisions being specific to certain forests or geographical locations.

Help note

NB: Although the language used in this document implies that the facilitator of the PFM process will normally be an outsider, it is also clearly possible for a local opinion leader to initiate the process too. The facilitator will need to work in a transparent and consensus-building manner for the process to be successful.

Before discussing the main steps outlined in this booklet, readers are asked to keep in mind the following key principles, which should apply in PFM:

• This is a collaborative effort between two or more parties
• There should be a free flow of information
• There must be two way communication between stakeholders throughout the process
• A learning-by-doing approach should be used (which makes the process accessible to both literate as well as non literate people)
• Simple but effective monitoring and evaluation (review) mechanisms need to be introduced early and utilised
• It must be an inclusive process (e.g. don’t discriminate against people because they are hard to reach)
• Management plans should balance local needs with district and national priorities
• Actions and plans must be consistent with current policy and legislation
• Develop trust through consensus building
• Forest staff should facilitate, not try to control the process
• Discuss local expectations in the context of realistic roles, relationships, rewards and responsibilities
• The basic steps in the process can be followed whether you are a private investor wishing to manage a plantation area or, a community, wishing to apply for management of part of a plantation or indigenous forest.

Description of the Main Steps in PFM
Figure 1 provides a summary of the 8 main steps that may be followed. Each “downward facing arrow” depicts an activity that is to be completed before moving on to the next “arrow”. These eight “arrows” represent the basic steps you may need to complete in facilitating a PFM process.

Within each main step there are a number of sub steps or “supporting arrows”. These supporting activities may need to be undertaken to ensure all the stakeholders understand the objectives of the PFM process, as well as their roles and responsibilities at each point along the process. A summary diagram of the sub steps is presented at the beginning of each new step in the text.

Help Notes are also provided at points throughout the text to assist you to minimise unnecessary mistakes!
### 1.1 Feasibility assessment

National Government officers, county government officers, non-governmental staff, religious groups, community based organisations or private sector investors can initiate a PFM process. Whoever initiates the process should inform the Responsible Authority (e.g. Kenya Forest Service).

The first step is to identify the forest and nature of resource base in the area:
- Conduct an overview of the forest area and the forest adjacent community to appreciate the nature of the local ecology and community livelihood support systems
- Observe types of forest products used/removed from the forest

The second step is to identify the community:
- Visit the area and talk with local residents and opinion leaders
- Make note of any signboards or public notices which may indicate the nature of local businesses and organisations operating in the area
- Observe and record details on access, road infrastructure, communication facilities
- Observe and note the main activities taking place in the area

### 1.2 Build rapport with the forest adjacent communities

Spend some time talking with people from the area. These may include; government officials, researchers, vulnerable groups, faith based organisations and opinion leaders.
- Prepare a checklist for guiding your discussions. You will want to ask about; the history of the area, the main problems residents face, the main sources of livelihood, the main forest products that are currently being extracted, the main services (such as water) that residents obtain from the forest, any resource conflicts which may have arisen in the recent past.

### 1.3 Explain the nature of PFM with reference to GoK policy and legal statutes

*Explain to stakeholders the nature of participatory forest management with reference to:*
- Issues arising from changes in the local ecology as a result of; human population increase, land use changes, livelihood changes, climate change, market demands and the sourcing of forest related products
- National policies and legislation on Natural Resource Management (NRM)
• County government policies and legislation on NRM
• The need for local actions to be consistent with national policy and legislation
• The important role of local residents and the roles of other stakeholders in ensuring that resources available today remain available for future generations.

1.4 Form a local planning team
Having assessed the level of local interest in becoming more involved in the management and conservation of the forest, you can then move forward and form a local planning team from among the forest community and local opinion leaders so as to initiate the planning phase.

1.5 Agree on timelines for implementing PFM
In consultation with responsible body, the local planning team meets to agree on the following:
• What the main objectives will be
• Who will play what role (including documentation)
• Provide on-the-job training to those who may require support
• Agree on the plan area both inside and outside the forest to include the interest of forest communities as defined by the Forests Act
• Agree who will provide what resources
• Work out how many days it will take to complete this stage of the work
• Prepare field checklists, questionnaires, maps and have any necessary equipment available on site.

Help notes
The local planning team will have their own expectations on personal benefits that may arise from becoming involved in the process. You should discuss these openly during the work planning stage in order to avoid misunderstanding later on. Building local ownership of the process is very important, yet certain tasks may require a negotiated form of financial payment in the early stages (e.g. boundary clearance). You should also clearly indicate that the planning team is a temporary structure that will give way to an elected Community Forest Association once the preparatory work has been completed.
STEP 2 - Facilitate formation/strengthening of CFA and other relevant community structures

This step outlines the process of forming a Community Forest Association. It consists of five sub-steps as shown in figure 3 and described in details below.

Figure 3: Sub-steps in Facilitate formation/strengthening of CFA and other relevant community structures.

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</table>

2.1 **Identification of community structures**

Identify community associations (formal or informal) that can be transformed/become strategic partners in Community Forest Association formation.

- If there are, help the community to strengthen/re-structure this body so as to comply with the Forests Act and be capable of undertaking activities consistent with the objectives in the participatory forest management.
  - If there are no suitable existing local organisations, assist the community to form a Community Forest Association
  - Assist the community to draft a constitution and register the CFA
  - Develop membership recruitment criteria if none exists.
  - If the forest area is large, it may be necessary to form more than one Community Forest Association. Each management unit shall be under a separate forest association, and the Service may decide whether the parties shall develop individual community management plans for each management unit or combined community management plans covering more than one unit (Forest rules, 2009).
  - Where there is more than one association operating in an area, initiate process of merging which may result in an umbrella organisation being formed.

2.2 **Provide technical and management advice**

Provide technical and management advice to the community in order to help them establish local rules and regulations for the Forest Association and members thereof.
• Spend some time with the community explaining the Government policy and relevant environmental and forestry legislation.
• Assist the community to prepare rules and regulations that will govern the use of forest resources
• Assist the community on appropriate representation e.g. election or representation of user groups as members of the Forest Association Committee(s). The composition and election of the committee will be guided by the Constitution of the Association
• Decide and agree on criteria for elections. Make sure that the committee is representative of the main users, geographical coverage of the forest as well as interest groups within the community who are members of the CFA.
• Take into consideration gender and disadvantaged members of the CFA.

2.3 Conduct elections
Facilitate for a transparent and fair elections in line with the CFA constitution
• The Forest Association Committee will be responsible together with other named stakeholders for management and conservation of the forest or part thereof
• Prior to the elections, create awareness on the roles of each incoming committee member and minimum qualifications for each position.

2.4 Capacity building
Provide capacity building to incoming committee members on-site, where possible, specific to the tasks and activities they will be required to undertake.
• Some examples include; leadership & governance, team building, training in bookkeeping, monitoring and recording of activities, leadership training, public speaking and the presentation of information, conflict management and negotiation skills, communication, delegation and supervision.

2.5 Facilitate formation/strengthening of County Forest Conservation committees
A Forest Conservation Committee is established by the Forest Service in consultation with county government for proper and efficient management of forests within a given area (these areas will be defined using ecological criteria).

The functions of this committee are broadly to:
• Keep the Forest Service informed on ideas, needs and opinions of the general public on conservation and management of forest resources within the area
• Monitor implementation of the Forests Act, 2005
• Review and make recommendations on licences
• Assist local communities to benefit from royalties and other rights from flora or fauna traditionally used or newly discovered
• Identify new areas of government land or trustland to be set aside for forestry purposes
• Review and recommend to the board charges payable under the Act
• Recommend to the Board the establishment of Forest Division Conservation Committees
2. Each management unit shall be under a separate forest association, and the Service may decide whether the parties shall develop individual community management plans for each management unit or combined community management plans covering more than one unit.

3. Where more than one forest association makes an application in respect of the same management unit, the Service shall encourage them to consolidate themselves into one association for purposes of the application.

4. In cases where forest associations fail or refuse to consolidate into one, the Service may conclude an agreement with the forest association which-

   a) has the capacity to implement the activities set out in the community management plan; and
   b) is most representative of the interests of the wider forest community.

Section 46(3) of the Forests Act, 2005 states:

“The application referred to in subsection (2) shall be in the prescribed form and shall contain - a) A list of the members of the association and its address
   b) The constitution of the association
   c) The association’s financial regulations
   d) The area of the forest for which the association proposes to undertake conservation and management
   e) The association’s proposals concerning: I. Use of forest resources
      i. Methods of conservation of biodiversity
      ii. Methods of monitoring and protecting wildlife and plant populations and enforcing such protection; and
   f) Such other information as the Director may require-
   “That four persons knowledgeable in forest matters shall be nominated by Forest Associations operating in the conservancy area, at least one of whom shall be a woman and one shall be a youth sits in the Forest Conservation Committee”. [Section 13(4) (e) of the Forests Act, 2005]

Section 47(1) of the Forests Act, 2005 states:

That an Association approved by the Director under section 46 to participate in the management or conservation of a forest or part of such forest shall-
   a) protect, conserve and manage such forest or part thereof pursuant to an approved management agreement entered into under this Act and the provisions of the management plan for the forest;
   b) formulate and implement forest programmes consistent with the traditional forest user rights of the community concerned in accordance with sustainable use criteria;
   c) protect sacred groves and protected trees;
   d) assist the Service in enforcing the provisions of this Act and any rules and regulations made pursuant thereto, in particular in relation to illegal harvesting of forest produce;
   e) with the approval of the Board enter into partnerships with other persons for the purposes of ensuring the efficient and sustainable conservation and management of forests;
   f) keep the Service informed of any developments, changes and occurrences within the forest which are critical for the conservation of biodiversity;
   g) help in fire fighting; and
   h) Do any other act that is necessary for the efficient conservation and management of the forest.
STEP 3 - Assessing the Forest Area and Communities
This step outlines the process of assessing the forest area and communities. It consists of four sub-steps as shown in figure 4 and described in details below.

Figure 4: Sub steps in assessing the forest and the communities.

3.1 Awareness creation
One of the first tasks of the local planning team will be to keep the general public informed about the planned community socio-economic and participatory resource assessment.
- Inform the general public and the leadership through public meetings and other information channels
- Explain clearly the objectives and extent of these surveys, and team members’ roles and responsibilities in order to counter misinformation that may spread in the area and false expectations

3.2 Undertake socio-economic surveys
A socio-economic survey needs to be undertaken in each community that is to be included within the proposed area for participatory forest management.
- Focus on community-forest relationships in the forest and neighbouring community
- Compile a complete list of households in each community and sample a proportion of these households
- Identify key sources of indigenous knowledge
- Interview men, women, youth, and any observed special user groups separately where appropriate in order to obtain valid data.

3.3 Undertake participatory resource assessment
- Draw upon local knowledge and expertise as much as possible
- Undertake the work with on-the-job training for team members and explain how each task or activity will help to gain an overall understanding of the resource
• Make sure that all locally important products and services are assessed.
• Major, as well as rare or endangered, flora and fauna should be recorded (using both botanical as well as local terminology) in order to examine their distribution.

3.4 Analyse and write up the findings
Once this work has been completed organise public meetings at community level to share the main findings.
• The findings should be presented so as to link with major local needs and current use of the forest. Prepare for a discussion on identifying practicable objectives for the forest plan to address.

Help Notes
Sample Checklist for information to be collected:
• What use do men, women and youth make of the forest and how do they differ?
• What areas of the forest have communities traditionally used, - does each separate community use a different part of the forest?
• What historical trends and changes have occurred, or are still occurring in the area?
• Are there any seasonal users, or forest users who do not reside outside the plan area?
• What critical information do we need to collect for each of the prioritised forest products and services?
• What value do local people attach to these products/services?
• Seek to understand local systems of forest management and control where these occur. What are these, and how effective are they?

Some points on the process:
• Present the analysis and findings in a visual format so that these are understandable to non-literate members of the community.
• Seek community ideas on how to address specific protection and conservation needs.

STEP 4 - Preparation and approval of a Participatory Forest Management Plan (PFMP)
Strategic plans are mainly ecosystem based (the responsible body being the lead agency in a participatory process), while operational plans may be site specific and may be prepared by other stakeholders. Strategic plans are important element in PFM. In areas where strategic plans do not exist, preparation of operational plans can continue as the responsible authority and other stakeholders endeavour to develop a strategic plan. In places where a strategic plan already exists, reference should be made to this in the operational plan. For the purpose of these guidelines, more emphasis is placed on the process for PFMP.
The local planning team together with other supporting stakeholders will be required to formulate a draft management plan for the forest. The plan should be developed in line with national aspirations. Annex 3 provides further information on the likely content of this plan.

**Legal Note**

Section 35(1) of the Forests Act, 2005 states:

“Every state forest, private forest and community forest shall be managed in accordance with a management plan that complies with the requirements prescribed by rules made under this Act.”

This step outlines the process of preparing a forest management plan. It consists of seven sub-steps as shown in figure 4 and described in details below.
4.1 Review and collation of data
Review and collate data collected in step 3 and other additional data. Identify missing gaps that may require further data collection.

- Collect additional data as necessary
- Use current and historical photographs, maps, aerial photos or satellite images of the forest and work carried out under Step 3 to identify on specific forests which current forest uses are sustainable.

4.2 Vision and objectives
Develop and agree on a common vision and main management objective(s). Visioning work shops can be held by inviting the participation of relevant stakeholders:

- Common vision needs to be agreed upon
- Principles and values formulated
- Problem/threat analysis is conducted

4.3 Forest zonation
Zonation should be carried out by identifying clear external as well as internal physical boundaries.

- Zonation should be done based on available data and set criteria taking cognisance of international, regional, national and local considerations
- Where there are national reserves, national parks or nature reserves these will need to be maintained
- Consideration should also be given to non-consumptive uses of the forest for revenue generation purposes (e.g. eco-tourism)
- Set objectives, strategies and activities for each zone.

4.4 Drafting of Forest Management plan
Draft the management plan. This should be done by the local planning team. Comments are to be invited from other local or county-based stakeholders.

- The planning team produce a draft management plan for circulation to other stakeholders for comments including the County Environment Committee, Ecosystem conservator, Forest Conservation Committee and County Conservation committee.

Roles and responsibilities
Negotiate and agree on the main roles, responsibilities and benefits of each stakeholder. This is a critical step since it deals with the five practical questions: who, what, when, where, how?

- Who is to be responsible for the activity, who approves the launch and how will they be supervised, who will constitute the forest level management committee?
- What tasks will need to be undertaken and in what order, what are the milestones/benchmarks to be achieved?
- When will the activity and tasks be started and how long will the work take?
- Where, in what part(s) of the forest?
- How, what methods and techniques will be used, how will the benefits be shared (as per provisions of the National land commission)?
Priorities
After publicising the draft plan in various public platforms and obtaining written and/or verbal comments, the local planning team together with other supporting stakeholders should agree on prioritised activities for managing the forest. These will now form the basis for annual workplans.

Such activities will also help to define the roles and responsibilities of the Forest Association(s) and its committee members during Step 4 in the process.

• Who is responsible for approving the plan
• When will the launch take place

Legal Notes

Section 41(1) of the Forests Act, 2005 states:

“All indigenous forests and woodlands shall be managed on a sustainable basis for the purposes of:

a) Conservation of water, soil and biodiversity
b) Riverine and shoreline protection
c) Cultural use and heritage
d) Recreation and tourism
e) Sustainable production of wood and non-wood products
f) Carbon sequestration and other environmental services
g) Education and research purposes
h) Habitat for wildlife in terrestrial forests and fisheries in mangrove forests.”

Section 37 (1) of the Forests Act, 2005 states:

“All plantation forests owned by the state shall be managed by the Service on a sustainable basis with the primary objective being the production of wood and other forest products and services for commercial purposes.”

Section 37 (2) of the Forests Act, 2005 states

“Where the Board is satisfied that all or part of a state forest which is a plantation forest may be efficiently managed through a license, concession, contract, joint agreement, it may place an advert in two daily newspapers of national circulation calling for applications from interested persons for the management of the same.”

“That the Director may, with approval of the Minister, make rules to give effect to the provisions of management plans”.

4.5 Public presentation
Once the draft plan has been formulated it should be presented publicly at barazas and other public platforms so as to allow people to react and respond:
- The planning team will need to prepare in advance for these meetings, bearing in mind that some of their audience will be non-literate and therefore much of the information will need to be presented in a visual format
- Meeting dates should be planned well in advance so as to allow the information to be communicated throughout the area even where households are dispersed
- Meetings should be arranged so that neutral facilitators can manage the meetings
- Incorporating stakeholder views into the draft plan

4.6 Validation of the draft plan by key stakeholders
This plan should be presented to stakeholders to agree and own the contents. Minor corrections could still be made based on stakeholder inputs.

4.7 Submission and approval of the plan by responsible body
The plan should be submitted to the responsible body (KFS or the relevant County) for approval.

4.8 Distribution of copies to relevant stakeholders
A copy of the approval plan should be available at the forests station, CFA and the user group in addition to other offices as per the legislation.

STEP 5 - Negotiating and Signing Forest Management Agreement

The Forest Management Agreement is a legally binding mechanism for enabling multiple stakeholders to become involved in the conservation and management of a forest area. It covers activities in the approved management plans and amendments as per legal provision

This step outlines the process of drafting, negotiating and signing of a forest management agreement. It consists of five sub-steps as shown in figure 6 and described in details below

*Figure 6: Sub-steps in negotiating and signing a forest management agreement*
5.1 Draft management agreement
The CFA in consultation with responsible body prepares a draft agreement

- Awareness creation/Capacity building on management agreements negotiations
- The management agreement should have clear costs and benefits for the applicant beyond the user rights to other benefits which may from time to time be agreed upon between the association and the service (parties)
- The agreement will need to specify; parties to the agreement, the name and description of the forest, objectives and purpose, assignment of rights, duration, authorised activities, basic assurances, rights and obligations of the parties, risks and liabilities, assignment, termination or withdrawal of user rights and relationship of parties. See Annex 1 for more details.
- The agreement should also establish a clear dispute resolution mechanism

5.2 Public meeting discussion
The draft agreement should be presented and discussed locally at public meetings with the community.

- The agreement will have been prepared by members of the Forest Association committee together with other partners through a negotiated process. There is therefore a need to present the details to the members of the Association to comment on the draft and own the agreement.
- As much as possible, the agreement should be prepared within three months time from the period of completion of PFMP.

5.3 Recommendations to the responsible body
In case of State forests, the agreement should be discussed by the Forest Conservation Committee (FCC) while for County forests this will be done by the County Forest Conservation Committees. They will review and make recommendations to the responsible body.

5.4 Signing of agreement
Once approved, the management agreement shall be signed between the Responsible Body and the Community Forest Association.

- The agreement may be launched at a public gathering so that members of the association can be invited to witness the signing of the agreement. This event also offers the Forest Association Committee members the opportunity to inform the general public how the plan will be implemented.

Guiding note

The negotiation, drafting and signing of the Forest management Agreement should take place within 3 months of plan approval

That all registers maintained on agreements are open for inspection by members of the public at the office of the Director during official working hours.
Legal Note
Section 49(1) of the Forests Act, 2005 states:

“The Director may terminate a management agreement with an Association or withdraw a particular user right where-

a) an association grossly breaches the terms and conditions of the agreement
b) he considers such action as necessary for purposes of protecting and conserving biodiversity or,
c) the association itself so requests.”

STEP 6 - Implementation of the Plan

This step outlines the process of implementation of forest management plan. It consists of six sub-steps as shown in figure 7 and described in details below

Figure 7: Sub steps in implementing the plan.

6.1 Local management mechanisms
Key issues that will need to be discussed include:

• Formation of Forest level management committee: As appropriate, initiate formation of forest level management committee that will be mandated to assist the CFA in implementing the management agreement. This will help in creation of a sense of ownership while embracing the spirit of inclusion and participation.
• One or more members of the Forest Association committee may be a member of a forest level management committee. In State forests (e.g. national forest reserves) such a committee is likely to comprise; representatives of KFS and the CFA, and any other locally important stakeholders (e.g. a licensee, or eco-tourism company representative).
• Development of joint annual work plans and budgets with clear roles and responsibilities
• mechanisms for protection and conservation
• mechanism for utilisation
• mechanisms for the issuing of licences and permits
• mechanisms for the management of monies
• mechanism for sharing returns
• mechanisms for record keeping and monitoring (PFM monitoring tool)
• Roles and responsibilities as spelt out in the plan.

6.2 Mobilise resources
The signing of the management agreement “kick-starts” the implementation phase and allows the Forest Association to seek external funds and mobilize local resources to support implementation work.

• Details of operational procedures and product management prescriptions will need to be worked out. In practice there are likely to be changes in the annual workplans each year as lessons are learned and management practices improved.

6.3 Physical zone demarcation
Undertake all the necessary demarcation work in relation to the differentiated zones for protection, conservation and utilisation within the forest.

• Although these zones will have been well publicised and discussed at various forums during previous steps in the process, it is now that they will be physically demarcated on the ground
• It is at this stage that simple yet clear, maps, photographs and drawings of the zones and boundary markings will be useful and should be displayed for members to view in suitable public places.

6.4 Operationalization
Operationalize the management plan. Gradually adjust and improve on the following among others;

• Hold regular meetings for the Forest Association Committee in order to review developments and check that the proposed mechanisms are working.
• Special attention should be given to recording and monitoring mechanisms to ensure that these are working and producing the expected data for management purposes.
• Special focus should be given to regular reporting

6.5 Two-way communication
Ensure that there is a good flow of information and two-way communication throughout the local community so that ordinary residents are kept well informed on developments and changes.

Information will be required at two levels in the community:

• On a general level for all residents in the area whether they are members of the Association or not.
• And specifically for Association members, who will need to have access to more detailed information, particularly where the committee are recommending a change in conservation or management practices
• Conflicts of interest between members of CFAs and other community members who are not members of a CFA are likely to arise. The responsible body and CFAs will require to have staff skilled in conflict management.
6.6 Regular updates/reporting
Ensure that the FCC/CFCC is kept informed on progress including difficulties encountered, which may require their intervention or support.

- The CFA chairperson should prepare an annual report to the FCC/CFCC through the Ecosystem conservator and County Chief officer respectively. The report should include work completed during the year and a financial statement.
- CFAs will also be required to submit a work plan for the coming year.

6.7 Study tours
Conduct exchange visits and study tours to other PFM areas and provide technical back-stopping support to the Forest Association Committee members as required.

- The implementation stage of PFM is the most demanding in terms of the time inputs required by the Forest Association committee members. In the early years of implementation when revenue is likely to be minimal, it will be important to encourage CFA members – and particularly committee members – through training and exchange visits.
- Particular emphasis should be made on sharing experiences and exploring opportunities for income generation and, forest or tree-based enterprise developments.
- It is especially important to clearly and fairly state the likely costs and benefits to CFA members throughout the process.

Legal Note
That any activity within a forest area which is not included in the management plan shall only be undertaken with the consent of the Board granted in accordance with Section 45(1) of the Forests Act, 2005

STEP 7 - Review and Revision of the Plan
This step outlines the process of reviewing and revising of a forest management plan. The plan will be subjected to continuous monitoring, with an evaluation done at the mid-point and end-point which will lead to revision of the plan. It consists of four sub-steps as shown in figure 8 and described in details below.
7.1 Participatory evaluation
At the end of each year of implementation the Forest Management Committee together with other relevant Stakeholders should review progress towards achieving the plan objectives. A participatory monitoring system with clear indicators should be inbuilt based on the monitoring framework provided under annex 8.

- This review should focus on similar information as that presented to the FCC/CFCC, but should be undertaken with the objective of improving upon conservation and management activities at the level of the community.
- The outputs from the review should be threefold: data to provide to the KFS, data on specific changes and trends to improve local management and, information to provide to the general public in the forest adjacent area on the forest’s condition.
- It is important for the local level management to be proactive in assisting other neighbouring communities to observe first hand how PFM is working in an area. This is likely to require the facilitation of study tours and exchange visits.

7.2 Data analysis
Data collected during the year should be analysed to identify trends and changes within the forest area. These will be used to modify the plan as well as the conservation and management practices appropriately.
- Analysis of data collected is likely to require some technical input at least during initial period as local capacity and understanding are being developed.
- It will be important for the Responsible Body to provide such support in a timely manner so as to enable the Community Forest Association to draw out appropriate lessons from each completed year and feed these into the plans for the following year’s work.

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7.3 Data recording
Data from each PFM area are to be recorded and catalogued by KFS and in respective county offices.

This data can be used to monitor the impact of PFM at a regional (forest conservation area) as well as national level.
• The data may also help the KFS in the longer term to establish quality criteria and standards for multiple stakeholders’ involvement in the conservation and management of other forest areas within Kenya.

7.4 Publicise experiences and lessons
KFS, respective counties together with Forest Associations are encouraged to publicise and document lessons and experience from PFM using appropriate media.
• PFM is a new strategy that is being introduced by the Kenya government in order to improve the conservation and management of forests within the country. Experience from other countries has demonstrated that progress is most positive when lessons (both positive and negative) are documented and shared from early trials.
• Use of radio, TV, newspapers, magazines and other forms of public media should be considered to help inform the general public as well as those with more specific interest in participating in conservation and management of natural resources in their own locality.

Legal Note

Section 59(1) of the Forests Act, 2005 states:

a) The Minister may, on the recommendation of the Board, make rules for or with respect to any matter, which is necessary, or expedient to be prescribed for carrying out or giving effect to this Act.

7.5 Revision of the plan
Based on experiences, lessons learnt and challenges faced, major stakeholders should be involved in plan revision. The signing and launching of Forest Management Agreements (assuming the same CFA is continuing with the revised plan) needs not be a major event.

7.6 Consolidation and scaling up
Based on the experiences got during implementation. Consolidate and upscale the PFM activities in other areas. This will be guided by developing clear policies and indicators

STEP 8 – Impact Monitoring of PFM
This step outlines the process of impact monitoring of the plan. It consists of three sub-steps as shown in figure 9 and described in details below
8.1 Impact on forest conservation
Based on available data, assess if PFM is improving forest conservation, productivity and peoples’ livelihood.

- The data collected during the initial period can be used to evaluate impact on forest conservation and productivity.
- Monitoring, assessment and evaluation work needs to continue throughout the plan period and adequate resourcing should be allocated for these purposes in the design of the interventions.

8.2 Impact on resources
Assess impacts of PFM on other commonly held resources.
- It may be useful for the Local Level Forest Management committees to interact regularly with staff from relevant Ministries and share experiences on participatory forest management so that technical staff become familiar with participatory processes and community focused management mechanisms.

8.3 Impact on rural development
Assess the impact of PFM on rural development
- The scope may cover other areas of impact including accessing funds from devolved structures including CDF, revolving funds, SACCOs, community based financial institutions etc, increase in farm productivity, and improvement of marketing structures, employment rates and enterprise activities among others.
Help Note

That every citizen, and anyone ordinarily resident in Kenya, can use locus standi in the High Court to declare that the provisions of the Forests Act are being, have been, or are about to be contravened. He or she can obtain an injunction restraining any specified person from such a contravention and, can obtain a writ against any officer or person who has failed to perform any duty under the Act.

8.4 Impact on other sectors
Assess the value of expanding PFM into other areas

• The initial implementation period should allow Community Forest Associations and Forest Management committees to use innovative management approaches towards “adding value” in forest conservation and sustainable use. These need to be well documented, monitored and evaluated so as to provide lessons for other areas.
Annex 1: Forester’s introduction letter to support CFA registration
LETTER OF INTRODUCTION TEMPLATE LOGO

Responsible body P. O. Box Town, County Phone Number Email Address

Ref:

Date:

To the Registrar of Societies, NAIROBI.

Salutation:

1st Paragraph: Start with introducing the CFA in relating it the ongoing work within the proposed forest. Describe some steps you have taken or plan to take that will help you reach or partner with the community.

2nd Paragraph: Include sentence that introduces responsible body and why you are writing this letter as per relevant section of the law.

3rd Paragraph: End with a sentence or two requesting the Registrar to consider registering the CFA for Participatory Forest Management in your forest station.

Sincerely,

Annex 2: CFA sample constitution

CONSTITUTION AND RULES

1. NAME
The name of the Association herein referred to as .............................................................. (In this constitution referred to as “the Association”).

2. OBJECTIVES
(a) (b)
(c) etc.

NOTES
(i) The objectives should be as concise as possible, consistent with clear definition;
(ii) if the Association has non-political objects, this should be stated;
(iii) if it is intended that the Association should form branches, it should be so stated as one of the objects.

a) MEMBERSHIP
Any ........................................ over the age of eighteen years shall be eligible for membership of the
Association and shall, subject to the approval of the committee, become a member on payment of an entrance fee of Shs. .................................................................
b) Every member shall pay a monthly subscription of Shs............... not later than the 15th day of each month.
c) Any member desiring to resign from the Association shall submit his resignation to the secretary, which shall take effect from the date of receipt by the secretary of such notice.
d) Any member may be expelled from membership if the committee so recommends and if a general meeting of the Association shall resolve by a two-thirds majority of the members present that such a member should be expelled on the grounds that his conduct has adversely affected the reputation or dignity of the Association, or that he has contravened any of the provisions of the constitution of the Association. The committee shall have power to suspend a member from his membership until the next general meeting of the Association following such suspension but notwithstanding such suspension a member whose expulsion is proposed shall have the right to address the general meeting at which his expulsions to be considered.
e) Any person who resigns or is removed from membership shall not be entitled to a refund of his subscription or any part thereof or any moneys contributed by him at any time.
f) Any member who falls into arrears with his monthly subscription for more than six months shall automatically cease to be a member of the Association and his name shall be struck off the register of members. The committee may, however, at its discretion, reinstate such member on payment of the total amount of subscription outstanding.

4. OFFICE BEARERS
a) The office bearers of the Association shall be:
i.   The chairperson
ii.  The Vice-chairperson iii. The Secretary
iv.  The Assistant Secretary
v.   The Treasurer
   All of whom shall be fully paid-up members of the Association and shall be elected at the annual general meeting to be held in each year. (See also rule 6 (b) below).
b) All office bearers shall hold office from the date of election until the succeeding annual general meeting subject to the conditions contained in sub-paragraphs (c) and (d) of this rule but shall be eligible for re-election.
c) Any office bearer who ceases to be a member of the Association shall automatically cease to be an office bearer thereof.
d) Office bearers may be removed from office in the same way as is laid down for the expulsion of members in rule 3 (d) and vacancies thus created shall be filled by persons elected at the general meeting resolving the expulsion.
5. **DUTIES OF OFFICE BEARERS**
   a) Chairperson - the Chairperson shall, unless prevented by illness or other sufficient cause, preside over all meetings of the committee and at all general meetings.

   b) Vice-Chairperson - the Vice-Chairperson shall perform any duties of the Chairperson in his absence.

   c) Secretary - the Secretary shall deal with all the correspondence of the Association under the general supervision of the committee. In cases of urgent matters where the committee cannot be consulted, he shall consult the Chairperson or if he is not available, the Vice-Chairperson. The decisions reached shall be subject to ratification or otherwise at the next committee meeting. He shall issue notices convening all meetings of the committee and all general meetings of the Association and shall be responsible for keeping minutes of all such meetings and for the preservation of all records of proceedings of the Association and of the committee.

   d) Assistant Secretary - in the absence of the Secretary, the Assistant Secretary shall perform all the duties of the Secretary and such other duties as shall be assigned to him by the Secretary or committee whether the Secretary is present or not.

   e) Treasurer - the Treasurer shall receive and shall also disburse, under the directions of the committee, all moneys belonging to the Association and shall issue receipts for all moneys received by him and preserve vouchers for all moneys paid by him. The Treasurer is responsible to the committee and to the members that proper books of account of all moneys received and paid by the Association are written up, preserved and available for inspection.

6. **THE COMMITTEE**
   a) The committee shall consist of all the office bearers of the Association and other members elected at the annual general meeting in each year; such committee members shall hold office until the following annual general meeting. The committee shall meet at such times and places as it shall resolve but shall meet not less than once in any three months.

   **NOTE:** Where it is the intention of the Association to form branches, it may well be that some provision should be made for them to be represented on this committee. In which case the election of these representatives should be by the committee of the branch concerned.

   b) Any casual vacancies for members of the committee caused by death or resignation shall be filled by the committee until the next annual general meeting of the Association. Vacancies caused by members of the committee removed from office will be dealt with as shown in rule 4 (d).

7. **DUTIES OF THE COMMITTEE**
   a) The committee shall be responsible for the management of the Association and for that purpose may give directions to the office bearers as to the manner in which, within the law, they shall perform their duties. The committee shall have power to appoint such sub-committees as it may deem desirable to make reports to the committee upon which such action shall be taken as seems to the committee desirable.
b) All moneys disbursed on behalf of the Association shall be authorized by the committee except as specified in rule 12 (d).

c) The quorum for meetings of the committee shall be not less than …………………………. members.

8. GENERAL MEETINGS
a) There shall be two classes of general meetings - annual general meetings and special general meetings.

b)  
   i. The annual general meeting shall be held not later than …………………….. in each year. Notice in writing of such annual general meetings, accompanied by the annual statement of account (see rule 11 (b)) and the agenda for the meeting shall be sent to all members not less than 21 days before the date of the meetings and, where practicable, by Press advertisement not less than 14 days before the date of the meetings.
   ii. The agenda for any annual general meeting shall consist of the following:

   • Confirmation of the minutes of the previous annual general meeting
   • Consideration of the accounts
   • Election of office bearers and the committee members (and trustees where necessary in accordance with rule 10 (c))
   • Appointment of auditors in accordance with rule 11 (a)
   • Such other matters as the committee may decide or as to which notice shall have been given in writing by a members or members to the secretary at least four weeks before the date of the meeting
   • Any other business with the approval of the Chairperson.

c) A special general meeting may be called for any specific purpose by the committee. Notice in writing of such meeting shall be send to all members not less than 7 days before the date thereof and where practicable by Press advertisement not less than 7 days before the date of such meeting.

d) A special general meeting may also be requisitioned for a specific purpose by order in writing to the secretary of not less than ……………………. members and such meetings shall be held within 21 days of the date of the requisition. The notice for such meeting shall be as shown in rule 8 (c) and no matter shall be discussed other than that stated in the requisition.

e) Quorum for general meetings shall be not less than …………………………. of the registered members of the Association.
9. **PROCEDURE AT MEETINGS**
   a) At all meetings of the Association the Chairperson, or in his absence, the Vice-Chairperson, or in the absence of both these officers, a member selected by the meeting shall take the chair.

   b) The Chairperson may at his discretion limit the number of persons permitted to speak in favour of and against any motion.

   c) Resolutions shall be decided by simple voting by a show of hands. In the case of equality of votes, the Chairperson shall have a second or casting vote.

10. **TRUSTEES**
   a) All land, buildings and other immovable property and all investments and securities which shall be acquired by the Association shall be vested in the names of not less than ......................... trustees who shall be members of the Association and shall be appointed at an annual general meeting for a period of three years. On retirement such trustees shall be eligible for re-election. A general meeting shall have the power to remove any of the trustees and all vacancies occurring by removal, resignation or death, shall be filled at the same or next general meeting.

   b) The trustees shall pay all income received from property vested in the trustees to the Treasurer. Any expenditure in respect of such property which in the opinion of the trustees is necessary or desirable shall be reported by the trustees to the committee which shall authorise expenditure of such moneys as it thinks fit.

11. **AUDITOR**
   a) An auditor shall be appointed for the following year by the annual general meeting. All the Association’s accounts, records and documents shall be opened to the inspection of the auditor at any time. The Treasurer shall produce an account of his receipts and payments and a statement of assets and liabilities made up to a date which shall not be less than six weeks and not more than three months before the date of the annual general meeting. The auditor shall examine such annual accounts and statements and either clarify that they are correct, duly vouched and in accordance with the law or report to the Association in what respect they are found to be incorrect, non-vouched or not in accordance with the law.

   b) A copy of the auditor’s report on the accounts and statements together with such accounts and statements shall be furnished to all members at the same time as the notice convening the annual general meeting is sent out. An auditor may be paid such honorarium for his duties as may be resolved by the annual general meeting appointing him.

   c) No auditor shall be an office bearer or a member of the committee of the Association.

12. **FUNDS**
   a) The funds of the Association may only be used for the following purposes:

   (i) (ii) (iii) 

   (iv) etc.
NOTE: These purposes should be as concise as possible and must be consistent with the objects set out in rule 2.

b) All moneys and funds shall be received by and paid to the Treasurer and shall be deposited by him in the name of the Association in any bank or banks approved by the committee.

c) No payments shall be made out of the bank account without a resolution of the committee authorizing such payment and all cheques on such bank account shall be signed by the Treasurer or the Assistant Treasurer and two other office bearers of the Association who shall be appointed by the committee.

d) A sum not exceeding Shs. 100 may be kept by the Treasurer for petty disbursements of which proper account shall be kept.

e) The committee shall have power to suspend any office bearer who it has reasonable cause to believe is not properly accounting for any of the funds or property of the Association and shall have power to appoint another person in his place. Such suspension shall be reported to a general meeting to be convened on a date not later than two months from the date of such suspension and the general meeting shall have full power to decide what further action should be taken in the matter.

f) The financial year of the Association shall be from 1st January to 31st December.

13. BRANCHES
Branches of the Association may be formed with the approval of the committee and the Registrar of Societies and they will adopt the same constitution as that of the headquarters with the following exceptions:

a) The aims and objects will not include the formation of branches
b) Amendments to the constitution can only be made by the headquarters of the Association in accordance with the provisions of rule 14
c) The provisions of rule 15 shall apply to branches but, in addition, branches will not be dissolved without consultation with their headquarters.

NOTES:

a) This rule should only be included in the constitution of the Association if it wishes to form branches. See also note (iii) to rule 2 above.

b) All such branches are required to be registered under the Societies Act, 1968, in exactly the same way as the headquarters.

14. AMENDMENTS TO THE CONSTITUTION
Amendments to the constitution of the Association must be approved by at least a two-thirds majority of members at a general meeting of the Association. They cannot, however, be implemented without the prior consent in writing of the Registrar, obtained upon application to him made in writing and signed by three of the office bearers.
NOTE: The last sentence of this rule should not be included if the Association is applying for exemption from registration.

15. DISSOLUTION

a) The Association shall not be dissolved except by a resolution passed at a general meeting of members by a vote of two-thirds of the members present. The quorum at the meeting shall be as shown in rule 8 (e). If no quorum is obtained, the proposal to dissolve the Association shall be submitted to a further general meeting which shall be held one month later. Notice of this meeting shall be given to all members of the Association at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present.

b) Provided, however, that no dissolution shall be effected without prior permission in writing of the Registrar, obtained upon application to him made in writing and signed by three of the office bearers.

c) When the dissolution of the Association has been approved by the Registrar, no further action shall be taken by the committee or any office bearer of the Association in connection with the aims of the Association other than to get in and liquidate for cash all the assets of the Association. Subject to the payment of all the debts of the Association, the balance thereof shall be distributed in such other manner as may be resolved by the meeting at which the resolution for dissolution is passed.

16. INSPECTION OF ACCOUNTS AND LIST OF MEMBERS

The books of account and all documents relating thereto and a list of members of the Association shall be available for inspection at the registered office of the Association by any officer or member of the Association on giving not less than seven days notice in writing to the Association. (This rule applies to registered societies only).

Annex 3: Forest Management Agreements

Outline of a Forest Management Agreement

The agreement is a brief summary of the draft forest management plan, set within a context of establishing legal responsibility as pertains to both parties, for acts, which occur, or fail to occur, within the contents of this agreement.

Title:
Agreement made between the (responsible body) and the ...........................................(Name of the Community Forest Association) in respect to the management of...........................................forest

1. Parties to the Agreement:

This agreement is made this ............... day of ............... month in the year ........................

Between:
(Responsible body) of P.O Box ................., herein after referred to as “...........................”
and,…………………………………CommunityForestAssociation,ofP.OBox……………………………………
herein after referred to as the “Association”,

Whereas
The Service is a body corporate charged with the responsibility of forest management and conservation in the country and promoting the empowerment of Associations and communities in the control and management of forests and The Association is a group that is registered under the Societies Act (Cap108) interested in the management of ………………………………………………. forests.

Now the parties shall agree on the following:

2. Brief Description of the forest area:
This describes the extent and nature of the area to be managed. Where this is part of an existing Forest reserve, the nature of the forest and boundary demarcation identifiers should be stated.

A survey map should be attached with the agreement showing the extent of the area. If this map is unavailable, a sketch map should be attached showing visible & recognisable demarcation of the boundaries until such time as a survey map is available.

3. Purpose of the agreement:
This section lists the matters, which form the subject of the agreement. For example; the draft strategic plan for the forest area (which should be attached to the agreement) and, the conditions that will pertain to this area during the period of the agreement.

Below are a few examples of conditions, which may form part of the agreement:

a) No activities other than those specified in the approved management plan will be implemented
b) No encroachment or destruction of vegetation of any kind, by any means, will be done within the managed area
c) No wildlife will be killed or caught within the managed area. Association members will assist in catching culprits where able
d) No deviation from the planned activities allowed unless agreed formally between the two parties.

4. Objectives:
This lists more specific aims of the agreement, for example:

a) To bind each party to the commitments made in the agreement and to practice the management of forest area …………………… in strict accordance with the attached management plan –

These may state certain restrictions within certain zones

a) Certain uses or practices to be monitored using specified criteria b) Certain activities to cease within specified zones and time periods
c) Payments of certain specified levies or fees to specified parties
d) Reporting requirements, including public financial audits & reporting of activities on a monthly or periodic basis.
5. Management functions of the Community Forest Association

Certain general management functions (institutional & coordination) will need to be carried out by the Association. These may include for example:

a) A clear definition of who is responsible for management of the forest area specified in the agreement (it is likely in the case of a community forest association that overall management of the forest reserve will be with a forest level management team). The relationship between different levels of management where these occur.

b) Reporting requirements that the association will be required to abide by

c) Procedures for the calling of meetings between the association and forest management team
d) Technical support provisions during the period of the agreement

e) Procedures for dealing with conflicts both within the Association as well as between the Association and other community organisations or individuals.

6. Management activities to be performed by the signatories

The parties will carry out certain specified activities set out in the management plan in order to uphold the intent of the agreement. For example:

a) Protection against un-permitted access or use of the forest by establishing patrols, public notices, public meetings & management on the basis of specified and clearly demarcated zones of use as detailed in the strategic management plan

b) Monitoring and supervision of off-take levels

c) Rehabilitation work or management to allow natural regeneration to occur

d) Collection of monies, banking and re-investment as per the mechanisms set out in the CFA constitution

e) Maintenance of forest area boundaries

f) Fire control

g) Management of forest-based enterprises

h) Annual public reporting and auditing to members of the Association.

7. Rules pertaining to the specified forest area & penalties for non-conformity

A number of detailed rules will have been made in order to assist both parties undertake improved management and conservation of the area. This agreement will refer to the specified section of the forest management plan, which outlines these. Where such rules are not available Community Forest Associations will develop them taking cognisance of Customary rights as enshrined in the Forests Act, 2005 for the purposes of this agreement

8. Funds, revenues and subsidiary monies:

All monies whether these are from donations, gifts, revenue, fees, and licences or from any other source raised for the purpose of the management plan shall be used for that purpose. Such funds shall be managed following the procedures laid down in the associations’ financial regulations.

The Association will be required to provide an annual set of accounts related to the above funds to the Service within a period not exceeding six months from the end of the previous financial year.
9. Resolution of disputes:
Should either party to this agreement have cause to find the other partner negligent in upholding this agreement, it shall first report this matter to the Forest Conservation Committee, and request that an officer who is independent be appointed to mediate.

Legal Note
Section 63(2) of the Forests Act 2005 states:
“The provisions of Environmental Management and Coordination Act regarding reference to the tribunal established under that Act shall apply to the settlement of disputes arising under this Act.

10. Commencement of the agreement

This agreement shall come into effect on the date it is signed and witnessed by the signatories. It shall be valid for the period of years

11. Extension/Review of agreement

………………months prior to the last day of this agreement once signed, the Chairperson of the Association shall submit to the Service a request for an extension. Such an extension may be granted for a further fixed term as in the original agreement, or the agreement may be renewed with recommended amendments for a period of………………years.

In the event of no action being taken by either party of this agreement to extend, renew or modify the said agreement prior to the date of its expiry, the Service through the FCC will call for an independent review of the existing agreement. The review will ascertain whether the existing Association shall be expected to maintain management and conservation activities as specified in the agreement for a further specified period.

Revisions of this agreement by either party shall be presented in writing to be considered by the other partner first before being forwarded to the Forest Conservation Committee for consideration. The Forest conservation committee may subsequently advise the Board to approve or not approve these revisions (Section 13(3), Forests Act 2005.

Any amendment thus agreed should be attached to the original agreement, and dated and signed by the parties.

12. Termination of the agreement

Section 49 of the Forests Act 2005 provides for termination of management agreements. Where the Association, for whatever reason, shall cease to be a partner to the agreement, forest management responsibilities will be re-negotiated amongst the remaining parties at the forest management team level so as to ensure proper management and conservation of the forest area in the short term.

In the longer term, and where appropriate, a new Association, or newly elected committee of an existing Association, can be invited to sign a management agreement on behalf of a community that was previously represented by a non performing Association.
Signed:

For Community Forest Association: Chairperson………………………………….. Date: Secretary  
……………………………………………………. Date Witness……………………………………………….

Date: Date:…………………………………………………………

For the Service:

Director, ………………………………………………… Date: Witness …………………………………………

Date:…………………………………………………………

NB: Each page of this agreement, and the appended forest management plan for the area of the forest specified under this agreement is to be initialled by both parties.

Annex 5: Checklist for Developing Forest Management Plans

A forest management plan may be drawn by a number of stakeholders including a local planning team. This team will have carried out the initial survey work in villages and within the forest during the first steps in the PFM process. It is a legal requirement for all forest areas to have a management plan (Section 35(1) Forests Act, 2005).

The following key characteristics should be considered when drawing up this plan:

• Plans do not require a high level of detailed data initially – these plans are less data intense and more data diverse than annual operational plans
• The plan should be comprehensive covering a wide range of forest sector and related interests including for example; tourism, wildlife, biodiversity research and conservation, conservation education, small scale enterprise development, identification of new products, service provision, watershed protection and energy provision. But the plan should be developed around local needs as a priority.
• The plan should be prepared through a participatory process so as to allow all major stakeholders to have some representation in the process
• Where possible the plan should interpret international, national, regional and district requirements within a local context of livelihood needs and expectations
• The plan should categorise the forest into a range of uses through the identification of different zones for conservation and management purposes
• The plan should have local rules governing management and control appended.
• The plan should be descriptive and must include maps showing which parts of the plan area the various objectives are to be focused upon
• Detailed financial information should be presented where possible, but Annex 5 will contain detail of annual cost requirements and expected income.

The following more specific criteria should be considered where appropriate when developing a draft management plan:
• What are the overall goals and long-term objectives for the area? If possible develop these through a visioning workshop or meeting where key stakeholder groups are invited to consider the “best future” for the forest
• Prepare draft management objectives for each key theme which may have been identified, for example:
  ◆ Wildlife management
  ◆ Eco-tourism
  ◆ Education and research
  ◆ Infrastructure maintenance & development
  ◆ Human resource development
  ◆ Protection and the control of illegal activities
  ◆ Biodiversity conservation
  ◆ Sustainable use
  ◆ Policy and legal requirements – meeting local demands within a national policy context
  ◆ Environmental services and management
  ◆ Monitoring and supervision mechanisms
  ◆ Knowledge generation and adding value through combining local and scientific knowledge
  ◆ Any cross-cutting themes

• Zoning is an important concept in developing a plan for a forest. There are a large number of potential zone types, some of these include:
  ◆ Protection areas (non extractive uses only)
  ◆ Commercial utilisation areas such as plantations (both exotic as well as indigenous) for pole wood, fuel wood, charcoal, timber, and carving wood
  ◆ Community utilisation areas for subsistence use e.g. for collection of poles, fuel wood (deadwood), reeds, lianas, bark, fish, grass, basketry materials
  ◆ Areas for rehabilitation such as old quarries, sand pits, murram excavation sites, old rail-ways or roads.
  ◆ Tourism areas e.g. important wildlife viewing sites, picnic and camp sites, scenic beauty
  ◆ Interventions in the farmland bordering a forest area with particular focus on income generating activities and substituting forest products on farms

• The management plan also needs to analyse and consider the most appropriate organisational structure for management purposes. This structure will need to link with the existing government institutions and organisational forms for example; the District Environment Committee and Forest Conservation Committee, District Forest Office, and District Wildlife Office (KWS).
• The Forest Association may be one of a number of such Associations with management responsibilities in the area (and represented on a Forest level Management Committee).
• There are likely to be other local stakeholders too, such as; NGOs, timber licencees and private timber merchants.

All the key stakeholder relationships should be documented in the plan.
Annex 6: Checklist for Implementing a Forest Management Plan

The following key points should be considered when implementing a forest management plan:

- Clear demarcation of all external boundaries and internal zones boundaries within the plan area.
- For each theme or objective consider five key questions: how (which actions?), what, where, when and who?
- Consider the time period for each operation within the context of an annual planning and budgeting cycle. Develop more detailed work plans from these.
- Consider what methods of communication are to be used and how to support two way communication and efficient information flow.
- Keep planned activities simple and effective. Remember these should be Specific, Measurable, Achievable, Reliable and Time bound (SMART).
- For each product or service develop; specific objectives, locally agreed rules/regulations, indicators for monitoring changes, maps showing the exact locations of extraction areas, financial management rules.
- Determine maximum allowable harvest/offtake levels.
- Assess the current ecological status using data derived from community inventories.
- Prepare detailed budgets for all planned activities presented within the context of an overall business plan for the forest where available.
- Public displays prepared for product prescriptions and maps demonstrating which areas can be accessed, when, by whom, and for what, can all form part of the public signage that may require to be developed.
- Consider translating key information for Association members into the local language to ensure that procedures can be followed and understood easily.
- Pay particular attention to actions that may be required to maintain biodiversity or conserve certain species.
- Consider the need for marketing and supply chain improvements for forest-sourced products as part of the forest operational plan.
- Pay particular attention to the management of funds and finance o Include capacity building and training needs within the plan.
- Consider local community development priorities particularly in respect of the re-investment of any profits.
- Develop clear mechanisms for linking with the relevant locally represented government bodies, as well as other appropriate civil society or private organisations.
**Annex 7: PFM Annual Work plan**
An annual work plan should have detailed activities for each zone within a plan area. Other information to be provided for each activity include; outputs, indicators, estimated costs, timing of operation and responsible stakeholder. An example is given below

<table>
<thead>
<tr>
<th>Zone</th>
<th>Planned Activity</th>
<th>Output</th>
<th>Indicators</th>
<th>Estimated costs (Kshs)</th>
<th>Timing Operator (Quarter)</th>
<th>Responsible Stakeholder</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biodiversity</td>
<td>Ecotourism nature trails</td>
<td>6 km of nature trail</td>
<td>No. of Kilometres</td>
<td>6,000</td>
<td>X</td>
<td>Community Forest Association</td>
</tr>
</tbody>
</table>
Annex 6: M&E framework for PFM

a) Monitoring and Evaluation

Monitoring is the systematic gathering and analysis of information to determine if a phenomenon is changing (CIFOR, 2007). The analyzed information is critical for decision-making and action. Evaluation on the other hand is a form of disciplined inquiry that applies scientific procedures to the collection and analysis of information about content, structure and outcomes of programs, projects and planned interventions (Lincoln and Guba, 1996).

While monitoring and evaluation has been undertaken mainly without the involvement of all stakeholders, natural resource management including forests, water, pasture and fishing among others require that participatory monitoring and evaluation be all involving. These resources are faced with challenges that range from mismanagement, rivalry and competition, overutilization and threat of extinction.

Forests in Kenya are not any different, and this resulted in a change in policy with the enactment of the Forests Act 2005. Forest management has been decentralized to include forest adjacent communities and other stakeholders in an arrangement known as Participatory Forest Management (PFM).

b) Stakeholder roles and responsibilities in M&E

Participatory Forest Management involves many stakeholders that have different roles and responsibilities. A Stakeholder is a partner in the management of the forest with roles, responsibilities, rights, authority and benefits. A stakeholder does not always contribute positively. It’s any Person or Institution who has Socio-cultural, religious, economic interaction with the forest system.

The main Stakeholders in Forest Management are; Forest Service (Board, Director, Employees, FCC), Forest Adjacent Communities, Community Forest Associations, Other Government Agencies (Local Authorities, Water, Agriculture, KWS, Regional Authorities, Wood Industry (pulp, paper, sawmills), Private Sector (lending institutions, tea estates) and Civil Society organizations (NGOs).

The role of Kenya Forest Service as spelt out in section 5 of new Act include; at the outset, formulating policies and guidelines regarding the management, secondly, conservation and utilisation of all types of forest areas in the country. Besides these, its mandate entails management of State and provisional forests in addition to promotion of forestry education and training. Furthermore, it enhances drawing up of management plans with provision of forest extension services. Subsequently, collaborate with other organisations and communities in the management and conservation of forests promote the empowerment of associations and communities. It also promotes national interests in relation to international forest related conventions and principle as well as enforcing the provisions of this Act and any forestry or land use rules and regulations.

The role of KFS board as spelt out in section 7 of the Act includes: Efficient management of the Service, recommend for the establishment of state forests on un-alienated Government land as well as consider and recommend the determination and alteration of boundaries of state forests. To a larger extent, approve the policies of the Service affecting forestry practice and development. It also formulates policies for the administration and management of Kenya Forestry College. Likewise, it considers all management agreements, develop modalities and guidelines for joint management of forests and advise the Minister on all matters pertaining to the establishment, development, conservation and utilisation of forests in Kenya.
**Forest Conservation Committees** role as in section 13 (3) includes among others; informing the Board on the ideas, desires and opinions of the people within the forest conservancy areas in all matters relating to the conservation and utilisation of forests within such area. It also, monitors the implementation of this Act and other forest regulations within the area. Additionally, it reviews and recommend to the Board applications for licences and renewals and regulates the management of forests at the local level, including the setting of charges and retention of income, in consultation with the Board as well as assist local communities to benefit from royalties and other rights derived from flora or fauna traditionally used or newly discovered by such communities.

The role of **Forest Adjacent Communities** involves; Formation of Community Forest Associations, (section 46), application to participate in Forest Management (section 46), assignment of Forest user rights (48) and development and implementation of Forest Management Agreements.

**Functions of Community Forest Associations** (Section 47) includes: To protect, conserve and manage such forest or part thereof pursuant to an approved management agreement entered into under this Act and the provisions of the management plan for the forest. It formulates and implement forest programmes consistent with the traditional forest user rights of the community concerned in accordance with sustainable use criteria. In addition to, protecting sacred groves and protected trees It also, assist the Service in enforcing the provisions of this Act and any rules and regulations made pursuant thereto, in particular in relation to illegal harvesting of forest produce. With the approval of the Board enter into partnerships with other persons for the purposes of ensuring the efficient and sustainable conservation and management of forests.

**Other Government Agencies** task include; Management of Forests in their areas, Implementation of relevant legislation, Joint planning of programmes, Resource mobilization and Law enforcement,

A **Wood Industry** duty involves; Forest resource utilization, Mobilization of resources, Technology development and transfer, Infrastructural development and maintenance well as resource management including protection.

**Role of Civil Society Organisations (CSO’s)** entails resource mobilization. It also includes lobbying and advocacy as well as Capacity building and Community mobilization.

Role of Private Sector includes marketing outlets, Technology development and transfer, financial and other resource mobilization and Forest development (woodlots, forest estates).

c) **Sources of information for indicators**
- PFMP evaluation report

**PFM guideline**

d) **Purpose of M&E framework**
The purpose of this monitoring and evaluation framework is to
i) Guide data collection through a defined set of indicators for
   - advocating for action;
   - planning, revising and improving programs at national, regional, district and community level
   - and attributing change in the epidemic to interventions undertaken;

ii) Serve as a guide to role players (Ministries and Departments, Civil Service Organizations (CSO) including, Faith Based, Organizations (FBO), Local Government Authorities, Informal sectors and Private sectors on environments and forestry.

iii) Ensure consistency in the use of indicators and linkage between the different initiatives supported by different partners and stakeholders at the community and National levels.
iv) Ensure linkage between data collection efforts by different stakeholders and to promote appropriate upward and downward reporting and sharing of information.

v) Advocate for a national harmonized M&E system.

vi) Provide KFS with a practical framework that will be used to monitor & coordinate PFM activities in the country.

vii) Track progress on implementation of all components of the Project

viii) Plan, prioritize, allocate and manage resources;

ix) Monitor the impact (practices and lifestyle changes) of the Project activities in Target communities

e) Monitoring mechanisms

Monitoring will be performed on a regular basis and will be an integral part of PFM implementation. This will be carried out at community level and a national level through respective KFS officers at station levels. To facilitate monitoring, the tools outlined below will be used by the community to track progress while implementing any PFM activities. The outputs from those tools will be collected regularly for monitoring purposes. The respective officers should also give regular reports while on field visits to track progress and when helping CFAs. This information shall also be used to enhance data collection for monitoring purpose.

f) Evaluation methods

Evaluation makes use of a wide range of methods for assessing the value of a project. A variety of methods will be important in the mid-term and final evaluation of some of the PFM projects or activities. A Participatory Rural Appraisal approach is recommended to enable local people to be involved, team in gathering and analyzing the information. This appraisal may include beneficiary consultations through focus groups and key informant interviews, and direct appraisal of income, sales, and product diversification and conservation activities.

g) Baseline Evaluation

A baseline survey should be commissioned in the early stages to clearly give an indication of the status of implementation of PFM and progress made. This survey will seek to establish baselines for the agreed upon indicators by reviewing available processes and any documents. In addition, the baseline evaluation will also include a community survey.

h) Mid-term Evaluation

KFS should seek to undertake mid term survey to determine progress being made towards the achievement of outcomes and allow the officers/relevant institution to adjust project activities and improve implementation in case the expected outcomes are not being achieved. The evaluation will focus on the effectiveness, efficiency and timeliness of project implementation. Findings of this evaluation will inform the implementation of the remaining parts of the process.

i) Final Evaluation

It's worthy noting that PFM implementation should have a life till which its successes should be evaluated. It is this background that a final evaluation should be done to focus on the same issues as the mid-term evaluation as well as it will examine impact and sustainability of results and provide recommendations for follow-up activities. This shall also produce a good report card showing the success of PFM and help in initiating any other round of implementation.

j) Communication and data dissemination methods
In the course of implementing this framework, different methods of information dissemination will employed such as passive and active strategies to ensure the effective dissemination of data and information to meet the needs of all partners and stakeholders.

Passive dissemination of data and information involves making PFM data from different sources available and easily accessible to all key partners participating in the M&E system. KFS website will provide access for partners and stakeholders and make it possible for them to do monthly posting progress of PFM implementation.

Active dissemination will inform stakeholders on key issues and to enhance the strategic use of available data and information. This information will ideally serve influence and support evidence-based decision-making in specific areas of PFM activities, through the development of targeted information services and products.

Some recommended methods include the following:
Mid-Term and Final Evaluation Results can be made available in brochures, leaflets, posters, flyers and Newsletters for distribution to stakeholders who may not have access to electronic media
Monthly reports can be produced that are specific to the Forest Sector and said reports may be forwarded to Mailing list/E-mail Lists of all stakeholders to facilitate dissemination of data
Specific stakeholders may also be given targeted access to M&E data through

<table>
<thead>
<tr>
<th>Purpose/Objective of PFM</th>
<th>Objectively Verifiable Indicators</th>
<th>Means of Verification</th>
<th>When and by whom</th>
<th>How to report and use</th>
</tr>
</thead>
</table>
| Preserve biodiversity while at the same time enhancing people’s livelihoods | · Condition of forest  
· No of permits for produce % increase in income per household | · Inventory lists  
· Money from royalties  
· Impact socio-economic survey | · KFS foresters quarterly monitoring reports  
· CFA official reports | · Annual evaluation |

**Objective One: Establishment of Forest Governance structures**

<table>
<thead>
<tr>
<th>Formation of CFAs</th>
<th>· Number of CFA’s Registered</th>
<th>· Certificates held by the CFA’s</th>
<th>CFA, AG, and KFS</th>
</tr>
</thead>
</table>
| Formation of Forest level Committees | · Number of Committees formed  
· Record of resources contributed | · Records of Committee meetings | CFA and User groups  
Community and User groups meetings |
| Development of management plans | · Number of management plans signed  
· User groups guidelines | · Management plan records  
· Copies of User guidelines in circulation | CFA, KFS and User groups  
· Official letters, formation of local planning Teams (LPT) |
| Development of Forest User guidelines | · Complete guidelines booklet | · Guide book reports | CFA, MOA, Livestock and User groups  
· User group monitoring template |

**Objective Two: Establishment and operationalising of benefit sharing mechanisms**

| Benefit sharing operational | |
| Development and signing of management agreements | |

**Objective three: Conserving and rehabilitating forests and biodiversity**

| Established Joint patrols | |
Objective four: Establishment of alternative source of income through nature based enterprises

<table>
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<tr>
<th>Joint conservation activities</th>
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<tbody>
<tr>
<td>Established nature based enterprises</td>
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<tr>
<td>Establishment of Joint business ventures</td>
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<tr>
<td>Increased funding sources</td>
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