

# **FSC Working Group, Kenya**

Draft National FSC Standards

**Draft for FSC accreditation for public review**

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**Table of contents**

1.0 Preface.....	3
2.0 Background to development of the national standards.....	4
3.0 Purpose of the standards .....	5
4.0 Scope of the standards .....	5
5.0 Compliance with standards.....	5
6.0 Body of the Standards.....	8
PRINCIPLE 1: COMPLIANCE WITH LAWS AND FSC PRINCIPLES .....	8
PRINCIPLE 2: TENURE AND USE RIGHTS AND RESPONSIBILITIES .....	10
PRINCIPLE 3: INDIGENOUS PEOPLE’S RIGHTS .....	11
PRINCIPLE 4: COMMUNITY RELATIONS AND WORKER’S RIGHTS.....	13
PRINCIPLE 5: BENEFITS FROM THE FOREST.....	15
PRINCIPLE 6: ENVIRONMENTAL IMPACT .....	17
PRINCIPLE 7: MANAGEMENT PLAN.....	21
PRINCIPLE 8: MONITORING AND ASSESSMENT .....	23
<u>PRINCIPLE 9: MAINTENANCE OF HIGH CONSERVATION VALUE</u> <u>FORESTS</u> .....	24
PRINCIPLE 10: PLANTATIONS.....	26

## 1.0 Preface

Forest Certification is a process of inspecting a forest or plantation or farm with the aim of verifying whether proper management practices are being followed according to an agreed set of standards. To do this, a certifier who is usually an independent party accredited by Forest Stewardship Council (FSC) visits and verifies the management practices for a specific forest and assures an interested group that the forest management is adhering to agreed forest standards in compliance with the accredited FSC Principles and Criteria. FSC is an international non-governmental organization based in Bonn that administers the FSC certification system. The goal of the FSC certification system is to promote the environmentally responsible, socially beneficial and economically viable management of forests.

Forest certification is carried out by FSC accredited certified bodies because FSC itself does not certify forest operations or production processes. This maintains its independence between its standards, requirements, and institutions seeking certification.

The FSC Certification system is based on impartial, independent assessment and control and thus it is credible for consumers. As a marketing tool, the FSC trademark and logo serve as incentives to forest owners and timber enterprises to credibly demonstrate the high ecological and social level of their forest management. To the consumer, the logo helps both individuals and institutions to demonstrate ecological and social responsibility for forests by purchasing certified products.

The certification process is voluntarily initiated by the forest owners. FSC certification is open to all interested enterprises, regardless of their status. Forest certification focuses on evaluating forest management rather than the actual condition of a given forest. There are two types of certification: Forest Management (FM) certification and Chain of Custody (COC) certification. FM certification involves an inspection of the forest management unit by an independent accredited certification body to check that the forest complies with the internationally-agreed standards or principles of Responsible Forest Management. COC certification provides a guarantee about the certified production process. It ascertains the good practices employed in the production or the path taken by raw materials from the forest to the consumer, including all successive stages of processing, transformation, manufacturing and distribution. This is important if product originating from certified sources is to be eligible to carry the Certified Trademark. The certified logs or raw material has to be tracked, traced and identified from the forest through all the steps of the production process until it reaches the end user.

Forest certification is based on management concepts developed by the forest owner for the effective realization of the goals defined in the relevant forest management standard. The certification body will evaluate the implementation of these concepts and the fulfilment of requirements which can be met immediately.

## **2.0 Background to development of the national standards**

Forests are important sources of timber for construction and furniture, building poles, fuel wood, water catchment, medicinal plants and provide shelter to many animal species. Increased human population and rising poverty levels have catalyzed unsustainable forest exploitation. Continued destruction of the countries forest has resulted in a decline in the provision of their benefits to people and if this trend is allowed to continue, people's very survival will be threatened.

In an attempt to address the problem, representatives of over 300 countries of the world met in Rio de Janeiro in 1992 in what was referred to as the Earth Summit where the need for proper and sustainable management of forests was stressed. A forest convention was proposed but could not be agreed on at the summit. In absence of a forest convention, a meeting of 130 representatives from all over the world was convened in 1993 in Toronto, Canada where the Forest Stewardship Council (FSC) was founded. FSC has since come up with forest management standards referred to as the principles and criteria that are being used to verify or certify well managed forests. There are 10 principles and 56 criteria. These are defined at the international level, and are the same worldwide. The FSC Principles and Criteria require the development of indicators and their means of verification (verifiers). Indicators and verifiers differ in different regions, countries or provinces to account for differences in social, ecological and economic conditions. National FSC standard development process therefore involves domestication of FSC Principles and Criteria through development of indicators and verifiers relevant to the country.

The National Forest Certification Standards for Kenya was launched in April 2005 with support from the World Bank/WWF Alliance. FSC certification was adopted as forest certification scheme to be used in Kenya and as such the standards formulation process was to be done in line with FSC requirements.

The goal of the World Bank/WWF Alliance project is to develop capacity for independent certification of the social, environmental and economic performance of local communities and forest industrial companies in Kenya. The process of developing the standards involved establishment of a steering committee for policy directions, comprising chief executives of key institutions in the forestry sector; establishment of a technical committee to lead the certification standard development process in Kenya comprising of technical staff from the key institutions in the forestry sector chaired by the Kenya, Forest Service (KFS); development of a road map to guide the process; holding of regional workshops to create awareness among all forest sector stakeholders on the process that resulted in the to formation of a National Working Group with representatives from the FSC required three chambers (social, economic and environment); holding of eight regional meetings (covering the eight regions in the country namely, South Rift, North Rift, Central, Nairobi, North Eastern, Coast, Western and Eastern) between September and December 2007 to develop draft national standards for the eight regions; holding of a national workshop of the working group members

in December 2005 to further train the working group on writing, public review and testing of indicators as well as to consolidate the regional standards inputs into one national draft standards for public review and field testing before presentation to FSC for approval.

### **3.0 Purpose of the standards**

Standards are documented technical specifications or other precise criteria to be used consistently as rules, guidelines, or definitions of characteristics, to ensure that material, products, processes and services are fit for their purpose. The main purpose of these standards is to provide forest managers, landowners, forest industry, scientists, environmentalists and the general public with information on the aspects of forest management operations that can be evaluated to guide certification decisions in the FSC certification system.

### **4.0 Scope of the standards**

The scope of the current draft standards is Kenya.

### **5.0 Compliance with standards**

The Kenya FSC Standards is an integrated whole; the order of the principles does not reflect their importance. The standards are used in conjunction and combination with national and international laws and regulations. The ten principles and fifty-six clarifying criteria set up by FSC have been used as the basis for developing the national FSC Standards. The exact language of the FSC Principles and Criteria for FSC has been used. Indicators specifying the requirements of the principles and criteria with regard to the natural and socio-economic conditions of Kenya agreed on by stakeholders have been included. Potential source of information or evidence (means of verification or verifiers) that allows an auditor to evaluate compliance with an indicator have also been highlighted.

According to the FSC certification system, immediate perfection of the forest management in satisfying all the indicators at the time the certification evaluation is conducted should not be insisted on. More important are the steps taken by forest owners to continuously improve overall management with a view to achieving the prescribed goals. The improvement of the forest management practice must show that:

- a) Principles and Criteria are not subject to evaluation. In order to examine if a forest owner is complying with the principles and criteria, the fulfilment of each indicator of the forest management standard in question - the national Kenya FSC Standard - is assessed.

- b) All certification decisions are based on the identification of major incidents of non-compliance at the level of associated FSC Criteria. If a major incident of non-compliance at the level of an FSC criterion is identified, then the certificate cannot be issued.
- c) Major non-compliance in the fulfilment of any FSC criterion requirements is assessed on the basis of the accomplishment of all indicators of the associated criterion and also on the basis of the evaluation of the possible impact of all incidents of non-compliance:
  - All incidents of non-compliance with any indicator that is identified by the certification body during an evaluation shall be recorded in the evaluation report.
  - Non-compliance at the level of the indicator shall be evaluated to determine whether it constitutes an incident of minor or major non-compliance at the level of the associated FSC Criterion.
- d) An incident of non-compliance shall be considered minor if:
  - it is a temporary lapse
  - it is unusual/non-systematic
  - the impact of the non-compliance is limited in its temporal and spatial scale
  - prompt corrective action has been taken to ensure that it will not be repeated
  - it does not result in a fundamental failure to achieve the objective of the relevant FSC Criterion.
- e) An incident of non-compliance shall be considered major if it:
  - continues over a long period of time
  - is repeated or systematic
  - the impact of the non-compliance is not limited in its temporal or spatial scale
  - is not promptly corrected or adequately responded to, in spite of the fact that the management of the enterprise has been informed about it
  - it does or it may result in a fundamental failure to achieve the objective of the relevant FSC Criterion.

When evaluating whether non-compliance is minor or major (i.e. likely to result in a fundamental failure to achieve the objective of the relevant FSC Criterion), the certification body shall take into account the uniqueness of the given ecosystem.

The certification body's decisions on whether an identified incident of non-compliance at the level of any indicator is minor or major (resulting in fundamental failure to achieve the objective of the relevant Criterion) must be substantiated in writing.

- f) If any major non-compliance occurs, the certification cannot be issued until corrective action is taken.

- g) If a major non-compliance is identified after the certificate has been issued, the certificate holder shall correct it within three months of the non-compliance notification received from the certification body. If the holder does not comply with the requirements, the certificate can be suspended.

## 6.0 Body of the Standards

### **PRINCIPLE 1: COMPLIANCE WITH LAWS AND FSC PRINCIPLES**

**Forest management shall respect all applicable laws of the country in which they occur, and international treaties and agreements to which the country is a signatory, and comply with all FSC Principles and Criteria.**

1.1 Forest management shall respect all national and local laws and administrative requirements.

- 1.1.1 The forest owner or manager shall possess and apply relevant laws and any other administrative requirements of the Republic of Kenya (appendix 1).
- 1.1.2 The forest owner or manager (and relevant staff and employees) shall demonstrate awareness on the relevant laws and policies.
- 1.1.3 The forest owner or manager shall apply local laws, rules and regulations in management of forests and forest operations.
- 1.1.4 The forest management plan provides for enforcement of all applicable national and local laws.
- 1.1.5 There is no substantiated pattern of frequent recurring non-compliance with national and local laws, regulations or administrative requirements related to forest management.

Means of verification: i). Training documents ii). Copies of up to date laws, rules and regulations and other administrative requirements ( iii) evidence of training and stakeholder awareness)

1.2 All applicable and legally prescribed fees, royalties, taxes and other charges are paid.

- 1.2.1 The forest owner or manager shall provide evidence that all applicable and legally prescribed fees, royalties and taxes have been paid in accordance with laid down payment guidelines and on time.
- 1.2.2 In case of exported forest products, legal export documents and evidence of required export payments shall be provided.

Means of verification: Payment guidelines on forest produce revenues, receipts, permits, invoices and other relevant financial documents relevant to the forest, Such payments include payment for forest produce (timber, poles, posts, grazing, fuel, soil, seedlings), land rent, royalty and fines.

1.3 In signatory countries, the provisions of all binding international agreements such as CITES, ILO Conventions, ITTA, and Convention on Biological Diversity, shall be respected.

- 1.3.1 The forest owner or manager and relevant staff and employees shall demonstrate awareness of the relevant international conventions in applicable cases.
- 1.3.2 The forest owner or manager has implemented appropriate controls to ensure provisions of CBD, CITES and RAMSAR... are respected.
- 1.3.3 The forest owner or manager demonstrates measures taken to ensure that protected species of plants and animals identified as threatened, rare and endemic in Kenya in the IUCN red data book are protected.
- 1.3.4 The forest owner or manager adheres to Kenya's labour laws and ILO conventions applicable in Kenya and implements appropriate measures to ensure that their provisions are respected.

Means of verification: Awareness reports, copies of the international conventions and availability of relevant national laws, employment policies of forest manager and contractors and contracts of employment. ( Annual reports on forest management/ operations/practice)

1.4 Conflicts between laws, regulations and the FSC Principles and Criteria shall be evaluated for the purposes of certification, on a case by case basis, by the certifiers and the involved or affected parties.

- 1.4.1 Conflicts between laws, regulations and FSC Principles and Criteria are identified by forest manager, documented and brought to the attention of the certification body.
- 1.4.2 In cases of conflicts between laws, regulations and the FSC Principles and Criteria, conflict resolution mechanisms (including guidelines and committees) are established.
- 1.4.3 Solutions of the conflicts accepted by the stakeholders are applied and documented.

Means of verification: i) The conflict resolution document, ii) conflict resolution committee reports (iii) presence of a legitimate and effective conflict resolution committee)

1.5 Forest management areas should be protected from illegal harvesting, settlement and other unauthorized activities.

- 1.5.1 The forest owner or manager shall have a management plan providing mechanisms and systems (including personnel and equipment) to curb all illegal activities.
- 1.5.2 The forest owner or manager provides agreements between the management and stakeholders on measures to be taken on illegal activities.

- 1.5.3 The forest owner or manager shall take all reasonable measures to monitor and protect the forest from illegal harvesting or settlement.
- 1.5.4 The boundaries of the forest management unit are clearly defined on the ground and marked on a map.

Means of verification: i) The management plan, ii) agreement document, iii) forest boundary map, and, iv) beacons showing forest boundaries on the ground. (effective enforcement demand legitimacy of the systems ie a system or by-laws recognized by the courts)

1.6 Forest managers shall demonstrate a long-term commitment to adhere to the FSC Principles and Criteria.

- 1.6.1 The Forest Management plan and the managers' performance demonstrate long-term goal adherence to FSC Principles and Criteria.
- 1.6.2 The forest owner or manager shall put in writing a commitment to FSC Principles and Criteria.
- 1.6.3 Forest workers are aware of the owner or managers policy towards FSC Principles and Criteria.

Means of verification: i) Management plan document, ii) commitment statement, and iii) interviews. ( periodic return eg annual reports that reflect order of routine practice)

## **PRINCIPLE 2: TENURE AND USE RIGHTS AND RESPONSIBILITIES**

**Long-term tenure and use rights to the land and forest resources shall be clearly defined, documented and legally established.**

Clear evidence of long-term forest use rights to the Land (e.g. land title, customary rights, or lease Agreements) shall be demonstrated.

- 2.1.1 The forest owner or manager provides information on legal and customary rights associated with the forest. These may include: land title deeds (for alienated private land, individually or company owned), customary rights as listed in management plan (for private, gazetted forest reserves and trustland forests), lease agreements (for government, trust land and private rented forests), chief's letter, or local authority land allocation letter (for non alienated land).
- 2.1.2 The forest manager or owner provides evidence that they have long-term use rights to manage and use forest resources.
- 2.1.3 The boundaries of the forest are clearly mapped or demarcated.
- 2.1.4 The planned long-term use of the land includes forest management.

Means of verification: title deeds, lease agreement, Chiefs letter, local authority land allocation letter or minutes of council of elder meetings and survey maps.

2.2 Local communities with legal or customary tenure or use rights shall maintain control, to the extent necessary to protect their rights or resources, over forest operations unless they delegate control with free and informed consent to other agencies

- 2.2.1 The forest owner or manager ensures that the forest management plan provides clear description of the legal or customary tenure or use rights by the local communities.
- 2.2.2 The forest owner or manager ensures that the management agreements or contracts between the local communities and the owner or management and other agencies provides clear description of the legal or customary tenure or use rights by the local communities.
- 2.2.3 The management plan describes measures to protect legal or customary tenure or use rights.
- 2.2.4 Forest management operations respect legal or customary tenure or use rights.

Means of verification: i) Management plan, ii) Agreements/contract

2.3 Appropriate mechanisms shall be employed to resolve disputes over tenure claims and use rights. The circumstances and status of any outstanding disputes will be explicitly considered in the certification. Disputes of substantial magnitude involving a significant number of interests will normally disqualify an operation from being certified.

- 2.3.1 The forest manager and owner has an appropriate mechanism to resolve disputes over tenure and use rights.
- 2.3.2 The forest manager or owner has a policy providing that operations are halted when there is a dispute over tenure claims and use rights.
- 2.3.3 The resolutions for past disputes have been documented.

Means of Verification: guidelines on dispute resolution mechanisms, absence of disputes of substantial magnitude and dispute resolution reports.

### **PRINCIPLE 3: INDIGENOUS PEOPLE'S RIGHTS**

**The legal and customary rights of indigenous peoples to own, use and manage their lands, territories, and resources shall be recognized and respected.**

3.1 Indigenous peoples shall control forest management on their lands and territories unless they delegate control with free and informed consent to other agencies.

Note: This principle is applied to forest dwellers (i.e. people living and deriving their livelihood from forests) such as Ogieks as well as local communities living adjacent to forests.

3.1.1 Forest management shall be guided by participatory forest management plan or lease agreements that recognise and respect rights of indigenous peoples.

3.1.2 Rights of forest dwellers and local communities living adjacent to forests in forest management are documented and respected.

3.1.3 Procedures are developed to resolve disputes over their rights with forest dwellers and local communities living adjacent to forests.

3.1.4 The forest management plan shall provide information on forest dwellers and local communities living adjacent to forests including their identity, location and their population.

3.1.5 The forest management plan outlines mechanisms to provide forest dwellers and local communities the ability/ and or capacity to explore forest resources.

Means of verification: i) The management plan document, ii) field observation, iii) interviews, iv) reports and v) the lease agreements

3.2 Forest management shall not threaten or diminish, either directly or indirectly, the resources or tenure rights of indigenous peoples.

3.2.1 Forest management is guided by a management plan that outlines mechanisms of access and protection of the resources and tenure rights of the indigenous people

3.2.2 Management agreements negotiated between the responsible forest management body and community associations shall specify user rights of forest dwellers and local communities adjacent to forests as well as their roles and responsibilities.

Means of verification: i) The management plan document, and ii) management agreements.

3.3 Sites of special cultural, ecological, economic or religious significance to indigenous peoples shall be clearly identified in cooperation with such peoples, and recognized and protected by forest managers.

3.3.1 Sites of special cultural, ecological, economic or religious significance are zoned and mapped by forest managers in collaboration with indigenous people and documented in forest management plans.

3.3.2 Mapped or identified sites are well delineated on the ground.

3.3.3 The forest management plan and forest operations includes measures to protect sites of cultural, economic or religious significance. Such sites include, but are not limited to, Kayas, shrines and caves.

3.3.4 Appropriate measures are taken to mitigate the negative impacts of forest management on sites of cultural, economic or spiritual significance to forest dwellers and local communities with their participation.

Means of verification: i) Management plan document, ii) forest maps, iii) gazetted notice, iv) field observation.

3.4 Indigenous peoples shall be compensated for the application of their traditional knowledge regarding the use of forest species or management

systems in forest operations. This compensation shall be formally agreed upon with their free and informed consent before forest operations commence.

3.4.1 Indigenous traditional knowledge used in forest management shall be documented.

3.4.2 The forest owner or manager shall have clear guidelines stipulating the mode of compensation of the indigenous people for use of their traditional knowledge in forest operations. The guidelines shall be developed in a consultative process involving the indigenous peoples or their local communities.

Means of verification: i) Documented indigenous traditional knowledge, ii) compensation guidelines document (? Evedince of actual compensation)

#### **PRINCIPLE 4: COMMUNITY RELATIONS AND WORKER'S RIGHTS**

**Forest management operations shall maintain or enhance the long-term social and economic well being of forest workers and local communities.**

4.1 The communities within, or adjacent to, the forest management area should be given opportunities for employment, training, and other services.

4.1.1 Forests are managed by forest management plans that outline the mechanisms by which the community is involved in the management of forests.

4.1.2 The forest owner or manager shall maintain employment records and master roll/pay roll.

4.1.3 The forest owner or manager makes reasonable efforts to employ and provide training to forest workers from local communities before hiring workers from further afield.

4.1.4 The forest owner or manager shall support social welfare activities to forest workers. This may include supporting health facilities, education, infrastructure and other community facilities.

Means of verification: i) Management plan, ii) master payroll, iii) training reports/training manuals, iv) employment record, v) training certificates, and vi) interviews.

4.2 Forest management should meet or exceed all applicable laws and/or regulations covering health and safety of employees and their families.

4.2.1 The forest owner or manager provides employees with information about the remuneration and benefits due to employees.

4.2.2 The forest owner or manager provides training on occupational safety for the employees and provides information on potential health risks for all forest operations.

4.2.3 The forest owner or manager shall ensure all workers have all appropriate safety equipment and clothing such as helmets and boots.

4.2.4 The forest owner or manager keeps records of accidents and demonstrates a good record of safety.

4.2.5 The forest owner or manager has ascertained the risk to workers of particular tasks and equipment and taken all reasonable measures to reduce or eliminate such risks.

4.2.6 Forest workers have access to appropriate health facilities.

Means of verification: i) Management plan, ii) training procedure on occupational health, iii) safety records, iv) safety equipment, v) training records, vi) awareness among employees of safety procedures, vii) first aid kits, and viii) health facilities.

4.3 The rights of workers to organize and voluntarily negotiate with their employers shall be guaranteed as outlined in Conventions 87 and 98 of the International Labour Organization (ILO).

4.3.1 The forest owner or forest manager shall provide information to the employers' membership about the employees' rights in regard to membership in labour unions.

4.3.2 The rights of workers to organise and voluntarily negotiate through unions or other worker representative groups as defined above and in the relevant national legislation are recognised.

4.3.3 All relevant labour code/regulations that include prohibition of child labour are applied.

4.3.4 Wages and social benefits are comparable to national norms.

Means of verification: i) Membership records, ii) recognition agreements between labour unions and the employer, iii) labour codes and regulations, iv) payroll, v) labour laws, and vi) constitution.

4.4 Management planning and operations shall incorporate the results of evaluations of social impact. Consultations shall be maintained with people and groups directly affected by management operations.

4.4.1 The forest owner or manager shall have completed an evaluation of social impact of forest operations and shall undertake measures to mitigate negative impacts in the forestry operations.

4.4.2 The forest owner or manager provides opportunities for local community and affected parties to participate in the development, implementation and review of forest management plans.

4.4.3 The forest owner or manager shall prepare awareness programmes to ensure that stakeholders are aware of the key elements of policy and management of forest resource.

Means of verification: i) Forest management planning process, ii) management plan, iii) Evaluation reports document, iv) stakeholders awareness on policy and management.

4.5 Appropriate mechanisms shall be employed for resolving grievances and for providing fair compensation in the case of loss or damage affecting the

legal or customary rights, property, resources, or livelihoods of local peoples. Measures shall be taken to avoid such loss or damage.

4.5.1 Forest management plans shall provide for measures to be undertaken to avoid violation of legal or customary rights, damage to property, resources, or livelihoods of the local communities.

4.5.2 The forest owner or manager has developed appropriate mechanisms for conflict resolution in consultation with the local communities and has ensured that the mechanism is well understood by all parties.

Means of verification: i) Management plan document, ii) Conflict resolution guidelines. (? No of conflicts resolved)

## **PRINCIPLE 5: BENEFITS FROM THE FOREST**

**Forest management operations shall encourage the efficient use of the forest's multiple products and services to ensure economic viability and a wide range of environmental and social benefits.**

5.1 Forest management should strive toward economic viability, while taking into account the full environmental, social, and operational costs of production, and ensuring the investments necessary to maintain the ecological productivity of the forest.

5.1.1 A forest enterprise/investment business plan shall show a balance sheet which takes into account all benefits and costs.

5.1.2 The business plan shall include a list of all benefits indicating their respective optimal capacities.

5.1.3 An investment project must include a budget showing benefits and costs consistent with predictions used to justify the investment.

5.1.4 The investment budget shall demonstrate viability of the investment while taking into account the full environmental, social and operational costs of production.

Means of verification: i) managers investment budget, ii) copy of business plan, iii) interviews, iv) field inspection, and, v) list of benefits(? EIA on site and down stream)

5.2 Forest management and marketing operations should encourage the optimal use and local processing of the forest's diversity of products.

5.2.1 The forest owner or manager shall develop and implement an utilisation and/or harvesting plan that allows sustainability and optimal use of forests products.

5.2.2 The forest owner or manager shall develop and implement viable techniques that allow sustainability and optimal use of forests resources.

5.2.3 Where possible, forest products shall be processed locally.

5.2.4 The optimal harvesting of timber and non-timber forest products is demonstrated provided that harvesting does not exceed levels that are sustainable in future.

5.2.5 In absence of hard data to guide levels of forest product harvesting, the forest manager or owner demonstrates application of a conservative and precautionary approach to harvesting.

Means of verification: i) Copy of management plan demonstrating utilisation methods, ii) business plan, iii) Interviews, iv) field inspection, v) resource utilization plan with techniques recommended, vi) Baseline data of forest products, status and rates of harvesting. (? Investment in development of methodologies, tools on sustainable forest management incl product development, efficient valorisation and marketing

5.3 Forest management should minimize waste associated with harvesting and on-site processing operations and avoid damage to other forest resources.

5.3.1 The forest owner or manager shall organize training on techniques to be used in forest management to reduce waste.

5.3.2 The forest owner or manager shall possess and apply rules and regulations on waste management during harvesting and on-site processing.

5.3.3 The forest owner or manager shall meet the targets established in plans for waste reduction.

Means of verification: i) Training schedules and contents, ii) rules and regulations, iii) interviews, and iv) field inspection,

5.4 Forest management should strive to strengthen and diversify the local economy, avoiding dependence on a single forest product.

5.4.1 The forest management plan shall include options and uses of the forest products including non-timber forest products.

5.4.2 The forest manager or owner demonstrates measures taken to diversify the local economy.

Means of verification: i) Copy of management plan showing potential products from the forest, ii) business plans, iii) field inspections, iv) reports, and v) interviews

5.5 Forest management operations shall recognize, maintain, and, where appropriate, enhance the value of forest services and resources such as watersheds and fisheries.

5.5.1 Forest management shall possess and use harvesting zonation maps.

5.5.2 The forest owner or manager shall possess and apply recommended strategies for enhancing water catchment functions and biodiversity.

Means of verification: i) Copy of management plan, ii) field observations, and iii) interviews

5.6 The rate of harvest of forest products shall not exceed levels which can be permanently sustained.

5.6.1 The forest owner or manager has determined, through a rigorous analysis of available information, a sustainable level of harvest or level of utilization for the products to be utilized.

5.6.2 The forest management plan provides for harvesting practices and silvicultural systems that are consistent with the analysis of the sustainable level of harvest.

5.6.3 The forest owner or manager sets the harvest level on an annual basis using harvesting and inventory records.

5.6.4 The forest owner or manager does not exceed the established sustainable level of harvest, averaged over a five-year period, and does not exceed the established sustainable level of harvest by more than 100% in any one year.

Means of verification: i) inventory records, ii) harvesting records, and, iii) field visits.

## **PRINCIPLE 6: ENVIRONMENTAL IMPACT**

**Forest management shall conserve biological diversity and its associated values, water resources, soils, and unique and fragile ecosystems and landscapes, and, by so doing, maintain the ecological functions and the integrity of the forest.**

6.1 Assessment of environmental impacts shall be completed—appropriate to the scale, intensity of forest management and the uniqueness of the affected resources—and adequately integrated into management systems.

Assessments shall include landscape level considerations as well as the impacts of on-site processing facilities and down stream impacts.

Environmental impacts shall be assessed prior to commencement of site-disturbing operations.

6.1.1 For all site disturbing operations, the forest owner or manager shall conduct an assessment that includes, at a minimum, the impacts of proposed activities on soil, water quality and quantity, wildlife habitats and the general biodiversity of the area.

Means of verification: i) Assessment reports, and ii) field observation

6.2 Safeguards shall exist which protect rare, threatened and endangered (and migrant) species and their habitats (e.g. nesting and feeding areas). Conservation zones and protection areas shall be established, appropriate to the scale and intensity of forest management and the uniqueness of the affected resources. Inappropriate hunting, fishing, trapping and collecting shall be controlled.

6.2.1 The forest owner or manager shall identify the rare, threatened and endangered species which are found within the forest where they are planning or carrying out forest management operations.

6.2.2 The forest owner or manager shall develop and apply forest management plans with clear and mapped conservation zones and shall identify provisions for the protection of the rare, threatened and endangered species ( resident and migrant) and habitats found in the forest.

6.2.3 The forest owner or manager shall create awareness about measures to be taken to protect rare, threatened and endangered species and habitats.

Means of verification: i) Management plans, ii) awareness reports, iii) monitoring and evaluation reports, iv) interviews, v) field inspection, vi) list of rare, threatened and endangered species.

6.3 Ecological functions and values shall be maintained intact, enhanced, or restored, including:

- a) Forest regeneration and succession.
- b) Genetic, species, and ecosystem diversity.
- c) Natural cycles that affect the productivity of the forest ecosystem.

6.3.1 The forest owner shall conduct biodiversity assessments to determine the ecological functions and values that need to be maintained intact, enhanced or restored.

6.3.2 Forest management operations shall not significantly modify the diversity and density of indigenous forest species.

6.3.3 Measures are taken to promote natural regeneration

6.3.4 Forest management shall develop and apply forest management plans with clear strategies for maintaining or increasing indigenous forest cover.

6.3.5 Forest manager or owner identifies forest areas needing rehabilitation and demonstrates enrichment, regeneration or any other rehabilitation measures taken.

6.3.6 Forest rehabilitation programme shall utilise native or local species. ( ? strive to suppress invasive species and aliens)

Means of verification: i) Copy of management plans, ii) biodiversity reports, iii) zonation/compartments maps, and iv) field inspection.

6.4 Representative samples of existing ecosystems within the landscape shall be protected in their natural state and recorded on maps, appropriate to the scale and intensity of operations and the uniqueness of the affected resources.

6.4.1 Forest management shall ensure that representative samples of indigenous forest ecosystems are mapped and zoned in forest management plans.

6.4.2 At least 5% of intact indigenous forest area shall be preserved for conservation of biodiversity. When this is not possible, clear justification shall be presented.

Means of verification: i) Management plans showing representative areas mapped, ii) ii) field inspection and interviews

6.5 Written guidelines shall be prepared and implemented to: control erosion; minimize forest damage during harvesting, road construction, and all other mechanical disturbances; and protect water resources.

6.5.1 Assessment shall be conducted to ensure that mitigation measures are taken to minimise forest damage during site operations.

6.5.2 The forest management plan shall include clear written guidelines and measures for control of erosion and measures to minimize forest damage.

6.5.3 The forest owner or manager shall demonstrate that measures to reduce impact of forest mechanical disturbance operations have been undertaken.

Means of verification: i) Guidelines, ii) assessment reports, iii) field inspection

6.6 Management systems shall promote the development and adoption of environmentally friendly non-chemical methods of pest management and strive to avoid the use of chemical pesticides. World Health Organization Type 1A and 1B and chlorinated hydrocarbon pesticides; pesticides that are persistent, toxic or whose derivatives remain biologically active and accumulate in the food chain beyond their intended use; as well as any pesticides banned by international agreement, shall be prohibited. If chemicals are used, proper equipment and training shall be provided to minimize health and environmental risks.

6.6.1 Forest management shall adopt environmentally friendly non-chemical methods of pest management and strive to avoid the use of chemical pesticides.

6.6.2 The forest owner or owner maintains a list of all chemical pesticides used in the forest and in nurseries providing seedlings for use in the forest.

6.6.3 The forest owner or manager shall create awareness on environmentally friendly non-chemical methods of pest management.

6.6.4 Forest management shall not apply pesticides banned by international agreements and any pesticides that are persistent, toxic or whose derivatives remain biologically active and accumulate in the food chain beyond their intended use or included on the FSC List of Highly Hazardous Chemicals.

6.6.5 In situations where chemical pesticides are used, the forest owner or manager provides information to workers and local communities about their use, provides appropriate training and safety equipment to all workers, and supervises chemical application to ensure that off-site impacts on local communities and the environment is avoided.

Means of verification: i) Management plan, ii) awareness reports, iii) incidence report of compliance with WHO, iv) field inspection, v) list of chemical pesticides used.

6.7 Chemicals, containers, liquid and solid non-organic wastes including fuel and oil shall be disposed of in an environmentally appropriate manner at off-site locations.

6.7.1 Forest management shall develop and apply appropriate chemical waste disposal methods that ensures that chemicals, containers, liquid and solid organic wastes are disposed of in an environmentally appropriate manner at off-site locations.

6.7.2 The forest owner or manager shall create awareness on environmentally friendly waste disposal methods.

Means of verification: i) Waste disposal methods, ii) reports on awareness, iii) site inspection, and iv) interviews

6.8 Use of biological control agents shall be documented, minimized, monitored and strictly controlled in accordance with national laws and internationally accepted scientific protocols. Use of genetically modified organisms shall be prohibited.

6.8.1 In case of use of biological control agents, the forest owner or manager shall provide guidelines on how they are used and controlled. This shall be in line with national laws.

6.8.2 In case where an authorised organisation is allowed to use biological control agents, the forest owner or manager shall provide agreements or Memorandum of Understanding (MoU) on the use.

Means of verification: i) Copy of documents, ii) reports, iii) field inspection

6.9 The use of exotic species shall be carefully controlled and actively monitored to avoid adverse ecological impacts.

6.9.1 The forest owner or manager shall only use exotic species that are recommended by relevant authorities and on sites and in ways that are documented in forest management plans.

6.9.2 Forest management shall provide a monitoring and research system on use of new exotic species (apart from already well established exotic species that are part of plantation forest management in Kenya).

6.9.3 The forest owner or manager shall describe and implement measures to limit invasion of adjacent areas by exotic species.

6.9.4 The forest owner or manager shall conduct research on use of any new exotic species and assess ecological impact.

6.9.5 The forest owner or manager shall possess and apply guidelines on introduction of exotic species.

Means of verification: i) Copy of management plan, ii) monitoring and research reports, iii) copy of guidelines, iv) impact assessment reports.

6.10 Forest conversion to plantations or non-forest land uses shall not occur, except in circumstances where conversion:

- a) entails a very limited portion of the forest management unit; and
- b) does not occur on high conservation value forest areas; and
- c) will enable clear, substantial, additional, secure long term conservation benefits across the forest management unit.

6.10.1 The forest owner or manager shall strictly apply approved forest management plans that ensure that conversion of natural forest to plantations shall not occur.

6.10.2 If necessary, conservation of natural forests to non-forest use occurs only in respect of legal provisions related to management of the forest estate.

Means of verification: Copy of management plan

## **PRINCIPLE 7: MANAGEMENT PLAN**

**A management plan—appropriate to the scale and intensity of the operations—shall be written, implemented, and kept up to date. The long-term objectives of management, and the means of achieving them, shall be clearly stated.**

7.1 The management plan and supporting documents shall provide:

- a) Management objectives
- b) Description of the forest resources to be managed, environmental limitations, land use and ownership status, socio-economic conditions, and a profile of adjacent lands
- c) Description of silvicultural and/or other management system, based on the ecology of the forest in question and information gathered through resource inventories.
- d) Rationale for rate of annual harvest and species selection.
- e) Provisions for monitoring of forest growth and dynamics.
- f) Environmental safeguards based on environmental assessments.
- g) Plans for the identification and protection of rare, threatened and endangered species.
- h) Maps describing the forest resource base including protected areas, planned management activities and land ownership.
- i) Description and justification of harvesting techniques and equipment to be used.

7.1.1 Forest management plans are prepared and include the following components.

7.1.1.1 The forest management plan includes clear objectives and programmes of achieving these objectives.

7.1.1.2 The forest management plan describes how forest resources will be used and managed, environmental limitations, land use and ownership status, socio-economic conditions, a profile of adjacent lands and silvicultural and/or other management system.

7.1.1.3 Where relevant, the forest management plan describes rationale for rate of annual harvest and species selection.

7.1.1.4 The forest management plan has provisions for monitoring of forest growth and dynamics.

7.1.1.5 The forest management plan provides for environmental safeguards based on environmental assessments.

7.1.1.6 The forest management plan includes measures for the protection of rare, threatened and endangered species.

7.1.1.7 The forest management plan describes the forest resource base including protected areas, planned management activities and land ownership.

7.1.1.8 The forest management plan includes management zones, e.g., biodiversity conservation zones, utilisation zones, etc.

7.1.1.9 The forest management plan describes and justifies harvesting techniques and equipment to be used.

7.1.1.10 The forest management plan describes how local communities will be involved in forest management.

Means of verification: i) Copy of management plan, and ii) socio economic and biodiversity assessment survey reports ( meetings between stakeholders the govt, community and ? Private sector)

7.2 The management plan shall be periodically revised to incorporate the results of monitoring or new scientific and technical information, as well as to respond to changing environmental, social and economic circumstances.

7.2.1 The written forest management plan provides for regular revision to incorporate results of monitoring and new information.

7.2.2 The forest owner or manager monitors and evaluates the forest management plan as provided in a monitoring plan during its implementation.

7.2.3 The forest management plan revision shall be undertaken in consultation with all interested key stakeholders.

Means of verification: i) Copy of updated management plan, ii) monitoring and evaluation report (? Annual reports)

7.3 Forest workers shall receive adequate training and supervision to ensure proper implementation of the management plan.

7.3.1 The forest owner or manager conducts regular assessments of training needs of employees and contractors.

7.3.2 The forest owner or manager provides training to ensure existence of skilled and knowledgeable forest workers with ability to successfully implement the management plan and annual work plans.

7.3.3 The forest owner or manager develops and implements a training policy and training programmes.

7.3.4 The forest owner or manager conducts regular performance assessment to identify and correct poor performance.

Means of verification: i) Training policy, ii) records and reports, iii) personnel inventory (performance audit report)

7.4 While respecting the confidentiality of information, forest managers shall make publicly available a summary of the primary elements of the management plan, including those listed in Criterion 7.1.

7.4.1 The forest owner or manager develops a summary of the management plan indicating the primary elements therein and makes it available to the public upon request.

Means of verification: i) Summary of management plan, ii) publicity materials, iii) reports

## **PRINCIPLE 8: MONITORING AND ASSESSMENT**

**Monitoring shall be conducted—appropriate to the scale and intensity of forest management—to assess the condition of the forest, yields of forest products, chain of custody, management activities and their social and environmental impacts.**

8.1 The frequency and intensity of monitoring should be determined by the scale and intensity of forest management operations as well as the relative complexity and fragility of the affected environment. Monitoring procedures should be consistent and replicable over time to allow comparison of results and assessment of change.

8.1.1 The forest management plan shall outline how monitoring and assessments (including EIAs where applicable) will be conducted.

8.1.2 The frequency and intensity of monitoring shall be based on the size and complexity of the operation.

8.1.3 Monitoring procedures shall be documented in monitoring reports.

Means of verification: i) A management plan, ii) EIA report, and iii) monitoring reports

8.2 Forest management should include the research and data collection needed to monitor, at a minimum, the following indicators:

- a) Yield of all forest products harvested.
- b) Growth rates, regeneration and condition of the forest.
- c) Composition and observed changes in the flora and fauna.
- d) Environmental and social impacts of harvesting and other operations.
- e) Costs, productivity, and efficiency of forest management. (? Options for low-impact (reduced impact) harvesting methods and strategies, with guidelines for implementation)

8.2.1 The forest management plan implemented shall include provisions for research and data collection for purposes of monitoring.

8.2.2 Forest management includes systems to monitor yields of harvested products.

8.2.3 Forest management includes systems to monitor growth rates, regeneration and condition of the forest.

8.2.4 Forest management includes systems to monitor changes in the structure of the forest ecosystem – its flora and fauna.

8.2.5 Forest management includes systems to monitor environmental and social impacts of forest operations.

8.2.6 Forest management includes systems to monitor costs, benefits, productivity, and efficiency of forest management operation.

8.2.7 For plantation forests, the forest owner or manager shall keep compartment registers.

Means of verification: i) A management plan, research records and reports, compartment registers, inventory, baseline data, forest maps, remote sensing, aerial photography, annual reports and monthly reports.

8.3 Documentation shall be provided by the forest manager to enable monitoring and certifying organizations to trace each forest product from its origin, a process known as the “chain of custody.”

8.3.1 The forest owner or manager shall provide procedures or methods for the chain of custody system and documents to enable the tracking of forest products from the point of origin to the point of sale or point of conversion.

8.3.2 Products from certified forest areas are clearly marked for easy identification.

8.3.3 Documentation, invoices and receipts for all certified products are available and with details on certificate numbers, source of the product, date of sale, quantity, specifications and the point the buyer takes control of Chain of Custody.

Means of verification: A chain of custody report, physical marking and tagging of products and control systems in place.

8.4 The results of monitoring shall be incorporated into the implementation and revision of the management plan.

8.4.1 The forest owner or manager shall provide evidence that results of monitoring have been included in revised forest management plans.

8.4.2 The results of monitoring are included in revised forest management plans and demonstrated in the field.

8.4.3 Updated annual reports include results of monitoring.

Means of verification: i) A revised management plan, ii) monitoring report

8.5 While respecting the confidentiality of information, the forest owner or manager shall make publicly available a summary of the results of monitoring indicators, including those listed in Criterion 8.2.

8.5.1 The forest owner or manager develops a summary of the results of monitoring and makes it available to the public upon request.

Means of verification: i) Interviews, ii) summary of the results of monitoring, iii) copies of the monitoring report

## **PRINCIPLE 9: MAINTENANCE OF HIGH CONSERVATION VALUE FORESTS**

**Management activities in high conservation value forests shall maintain or enhance the attributes which define such forests. Decisions regarding high conservation value forests shall always be considered in the context of a precautionary approach.**

9.1 Assessment to determine the presence of the attributes consistent with High Conservation Value Forests (HCVF) will be completed, appropriate to scale and intensity of forest management.

9.1.1 The forest owner or manager shall identify all attributes of HCVF based on an assessment of the forest.

9.1.2 Forest manager or owner shall map out HCVF areas in forest management plans.

Means of verification: i) Maps, ii) assessment reports, and iii) forest management plans.

9.2 The consultative portion of the certification process must place emphasis on the identified conservation attributes, and options for the maintenance thereof.

9.2.1 The forest owner or manager has consulted with knowledgeable specialists, scientific authorities and interested parties in the preparation of the assessment of High Conservation values.

9.2.2 All interested stakeholder groups have been involved in the development of management options suitable for HCVF areas identified and presented in forest management plans.

Means of verification: i) A management plan, ii) reports, and iii) minutes

9.3 The management plan shall include and implement specific measures that ensure the maintenance and/or enhancement of the applicable conservation attributes consistent with the precautionary approach. These measures shall be specifically included in the publicly available management plan summary.

9.3.1 The forest management plan shall include specific measures to ensure high conservation value attributes are maintained or enhanced.

9.3.2 The forest owner or manager shall include a statement of the measures to ensure high conservation value attributes are maintained or enhanced, in the forest management plan summary.

Means of verification: i) Forest management plan, ii) Forest management plan summary, and iii) field visits.

9.4 Annual monitoring shall be conducted to assess the effectiveness of the measures employed to maintain or enhance the applicable conservation attributes.

9.4.1 Indicators for monitoring and assessment of measures to maintain or enhance conservation attributes have been determined.

9.4.2 Forest manager or owner shall conduct annual monitoring to assess the effectiveness of the measures employed to maintain or enhance the applicable conservation attributes of HCVF.

Means of verification: Annual monitoring report

## **PRINCIPLE 10: PLANTATIONS**

**Plantations shall be planned and managed in accordance with Principles and Criteria 1 - 9, and Principle 10 and its Criteria. While plantations can provide an array of social and economic benefits, and can contribute to satisfying the world's needs for forest products, they should complement the management of, reduce pressures on, and promote the restoration and conservation of natural forests.**

10.1 The management objectives of the plantation, including natural forest conservation and restoration objectives, shall be explicitly stated in the management plan, and clearly demonstrated in the implementation of the plan.

10.1.1. The forest owner or manager shall prepare a forest management plan with clear objectives on plantations, natural forests conservation and restoration.

10.1.2 The means of achieving plantation management objectives shall either be documented in forest management plan or annual work plans.

10.1.3 Plantation management objectives shall be demonstrated in forest management activities.

Means of verification: i) Management plan, ii) field visits, iii) reports, and iv) annual reports

10.2 The design and layout of plantations should promote the protection, restoration and conservation of natural forests, enhancement of scenic landscape view, especially along the main road and rail networks, and mitigate not increase pressures on natural forests. Wildlife corridors, streamside zones and a mosaic of stands of different ages and rotation periods, shall be used in the layout of the plantation, consistent with the scale of the operation. The scale and layout of plantation blocks shall be consistent with the patterns of forest stands found within the natural landscape.

10.2.1 The forest management plan shall include a map showing segments of natural forests and plantation forests.

10.2.2 The management of plantation forests demonstrates the owner or managers' commitment to protect, restore and conserve natural forests.

10.2.3 The design and layout of plantations shall be consistent with the patterns of the landscape and natural feature of the area.

10.2.4 Plantation layout shall establish suitably located riparian zones, transport routes and wildlife corridors in accordance with Kenya best practices.

Means of verification: i) Management plan, ii) maps, iii) plantation design and layout maps, and iv) field inspection.

10.3 Diversity in the composition of plantations is preferred, so as to enhance economic, ecological and social stability. Such diversity may include the size and spatial distribution of management units within the landscape, number and genetic composition of species, age classes and structures.

10.3.1 Forest owner or manager shall ensure that the management plan addresses the diversity and distribution of various species and age classes.

10.3.2 A diversity of species and/or provenances are used in plantations.

10.3.3 Forest management shall demonstrate distribution of several age classes in plantation design and layout.

Means of verification: i) Management plan, ii) field visits, and iv) plantation design and layout maps.

10.4 The selection of species for planting shall be based on their overall suitability for the site and their appropriateness to the management objectives. In order to enhance the conservation of biological diversity, native species are preferred over exotic species in the establishment of plantations and the restoration of degraded ecosystems. Exotic species, which shall be used only when their performance is greater than that of native species, shall be carefully monitored to detect unusual mortality, disease, or insect outbreaks, invasiveness and other adverse ecological impacts.

10.4.1 Species managed in forest plantations shall be based on their suitability to site conditions and plantation objectives.

10.4.2 Preference of native species is demonstrated whenever their performance is greater than the performance of exotic species.

10.4.3 Diseases, mortality, insect outbreaks and adverse ecological impacts related to use of exotic species are well monitored, recorded and documented.

Means of verification: i) Management plan, ii) monitoring reports, and iii) field visits

10.5 A proportion of the overall forest management area, appropriate to the scale of the plantation and to be determined in regional standards, shall be managed so as to restore the site to a natural forest cover.

10.5.1 The forest owner or manager shall identify and clearly describe forest areas requiring restoration to natural forests and document this in forest management plans.

10.5.2 The forest owner or manager shall maintain at least 5% of the forest management area in natural forest or shall have plans in place to restore areas of natural forest to meet that target.

Means of verification: i) Management plan, ii) plan of restoration, iii) site inspection, and iv) maps ? annual reports

10.6 Measures shall be taken to maintain or improve soil structure, fertility, and biological activity. The techniques and rate of harvesting, road and trail construction and maintenance, and the choice of species shall not result in long term soil degradation or adverse impacts on water quality or quantity, or substantial deviation from stream course drainage patterns.

10.6.1 The forest owner or manager shall emphasize and apply use of proper harvesting equipment and methodologies in forest management.

10.6.2 Plantation design and management activities shall not lead to soil and water quality degradation.

10.6.3 The forest owner or manager shall incorporate and apply measures to maintain and minimize adverse impacts on soil and biological diversity.

Means of verification: i) Management plan, and ii) site visits

10.7 Measures shall be taken to prevent and minimize outbreaks of pests, diseases, fire and invasive plant introductions. Integrated pest management shall form an essential part of the management plan, with primary reliance on prevention and biological control methods rather than chemical pesticides and fertilizers. Plantation management should make every effort to move away from chemical pesticides and fertilizers, including their use in nurseries. The use of chemicals is also covered in Criteria 6.6 and 6.7

10.7.1 The forest owner or manager shall take measures to prevent outbreaks of pests, fires, diseases and invasive plant introduction.

10.7.2 The forest management plan includes measures to prevent forest fires.

10.7.3 The forest owner or manager shall demonstrate measures to prevent and minimize fire outbreak in the field.

10.7.4 The use of chemical pesticide and fertilisers is avoided whenever possible.

Means of verification: i) Management plan, ii) surveillance reports, iii) field survey, and iv) monitoring plan and records.

10.8 Appropriate to the scale and diversity of the operation, monitoring of plantations shall include regular assessment of potential on-site and off-site ecological and social impacts, (e.g. natural regeneration, effects on water resources and soil fertility, and impacts on local welfare and social well-being), in addition to those elements addressed in principles 8, 6 and 4. No

species should be planted on a large scale until local trials and/or experience have shown that they are ecologically well-adapted to the site, are not invasive, and do not have significant negative ecological impacts on other ecosystems. Special attention will be paid to social issues of land acquisition for plantations, especially the protection of local rights of ownership, use or access.

10.8.1. The forest owner or manager shall conduct Environmental Impact Assessment (EIA) depending on scale of plantation operation to determine potential on-site and off-site ecological and social impacts.

10.8.2 Whenever an EIA is undertaken, the forest owner or manager shall document negative environmental and social impacts and design and implement measures to address the impacts.

10.8.3 The forest owner or manager shall prepare guidelines on land acquisition for plantations that ensures protection of local rights of ownership, use or access where applicable.

Means of verification: i) EIA report, ii) interview, and iii) reports

10.9 Plantations established in areas converted from natural forests after November 1994 normally shall not qualify for certification. Certification may be allowed in circumstances where sufficient evidence is submitted to the certification body that the manager/owner is not responsible directly or indirectly of such conversion.

10.9.1 The forest owner or manager shall document plantation establishment records and make them available upon request.

10.9.2 The forest management unit pursuing certification does not include sites where natural forests have been converted to plantation forest after November 1994.

10.9.3 In case the forest unit applying for certification contains sites where natural forests have been converted to plantation forest after November 1994, the forest owner or manager shows evidence that the enterprise was not directly or indirectly responsible for such conversion.

Means of verification: i) Plantation establishment records, and ii) field visits.

**Appendix 1: List of national relevant laws and policies applicable to forests in Kenya**

1. Forests Act No. 7 2005
2. Forest Policy
3. The Wildlife (Conservation and Management) Act 1985
4. The National Environment Action Plan (NEAP)
5. Partnership Arrangements
6. MOU between Kenya Forest Service(KFS) and Kenya Wildlife Service (KWS)
7. Environmental Management and Coordination (EMCA) Act of 1999
8. Trust Land Act
9. Water Policy- Sessional Paper No.1 of 1999
10. Water Act 2002
11. Agriculture/National Food Policy – (Sessional Paper No.2 of 1994)
12. Agriculture Act - Cap 318
13. National Energy Policy
14. Grass Fires Act
15. Timber Act Cap 386 of 1989
16. Fisheries Acts , Cap 378 of 1989
17. Constitution of Kenya
18. Chief's Authority Act (Cap 128)

**Appendix 2: List of binding international conventions and agreements**

1. Convention on Biological Diversity (CBD)
2. Kyoto Protocol
3. United Nations Convention for Combating Desertification
4. The East African Community (EAC)
5. Convention on International Treaty on Endangered Species (CITES)
6. United Nation Framework for Climate Change (UNFCC)