

**Natural Justice submission on the Wildlife Conservation Management  
Amendment Bill**

N o .	Cla use	Sub-heading	Proposed Changes	Rationale
1	3	Insertion of section 21A in No. 47 of 2013 (Provision of funds for County Wildlife Conservation and Compensation Committees)	The phrase “ <b>adequate funds</b> ” can be made clearer by substituting it with more definite terms stating the percentage of the budget that should be dedicated to the County Wildlife Conservation and Compensation Committees.	<p>The phrase “<i>adequate funds</i>” is ambiguous and may be subject to misinterpretation and sometimes provide an avenue for the abuse of discretionary powers.</p> <p>The other advantage of ensuring clarity is that it promotes transparency and accountability in the budgeting process, which will also help manage expectations.</p>

2 .	4	Amendment to Section 23 of No. 47 of 2013	We propose a corresponding amendment to section 23 (2) of the Principal Act to include a representative of indigenous and local communities in the governing body responsible for overseeing and managing the Wildlife Conservation Trust Fund.	<p>Since this amendment proposes to use the Wildlife Conservation Trust Fund to support local communities negatively affected by activities undertaken with respect to wildlife conservation and management, it is important to have a representative of such communities within the governing body.</p> <p>This will ensure that the interests of communities, who are often owners and managers of lands where biodiversity and wildlife occurs, are effectively involved and engaged in the management and conservation of biodiversity.</p>
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<p>3 .</p>	<p>7 (a)</p>	<p>Amendment of section 76 of No. 47 of 2013</p>	<p>We recommend the increase of the minimum percentage of benefits allocated to local communities to at least 15%.</p>	<p>Currently, Kenya’s laws on benefit sharing are fragmented, with some sector specific laws prescribing the benefit sharing ratios between the national and county governments on one hand and local communities on the other hand. However, it is important to ensure that communities, who bare the greatest burden from the impacts of resources exploitation, obtain equitable benefits from resources found within their territories.</p> <p>Our recommendation is based on the <i>Natural Resources and Benefit Sharing Bill</i> which attempts to harmonize Kenya’s legal framework on benefit sharing. This Bill prescribes the minimum percentage of benefits that should accrue to communities at approximately 13%.<sup>[1]</sup></p>
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Although it is still going through the parliamentary process, we urge the regulators to be persuaded by its provisions which may ultimately require a further amendment to the principal Act if it is assented to.[2]

Maryama Farah

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Senior Program Officer