



OVERVIEW: NATURAL RESOURCES BENEFIT SHARING BILL, 2018

Gladys Warigia

Policy Coordinator

gwarigia@kwcakenya.com

Kenya Wildlife Conservancies Association

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Purpose of the Act ?

Establish ***system of benefit sharing*** of
Natural Resources exploitation
between exploiters, the ***national***
government, county governments &
local communities

Which Natural Resources?

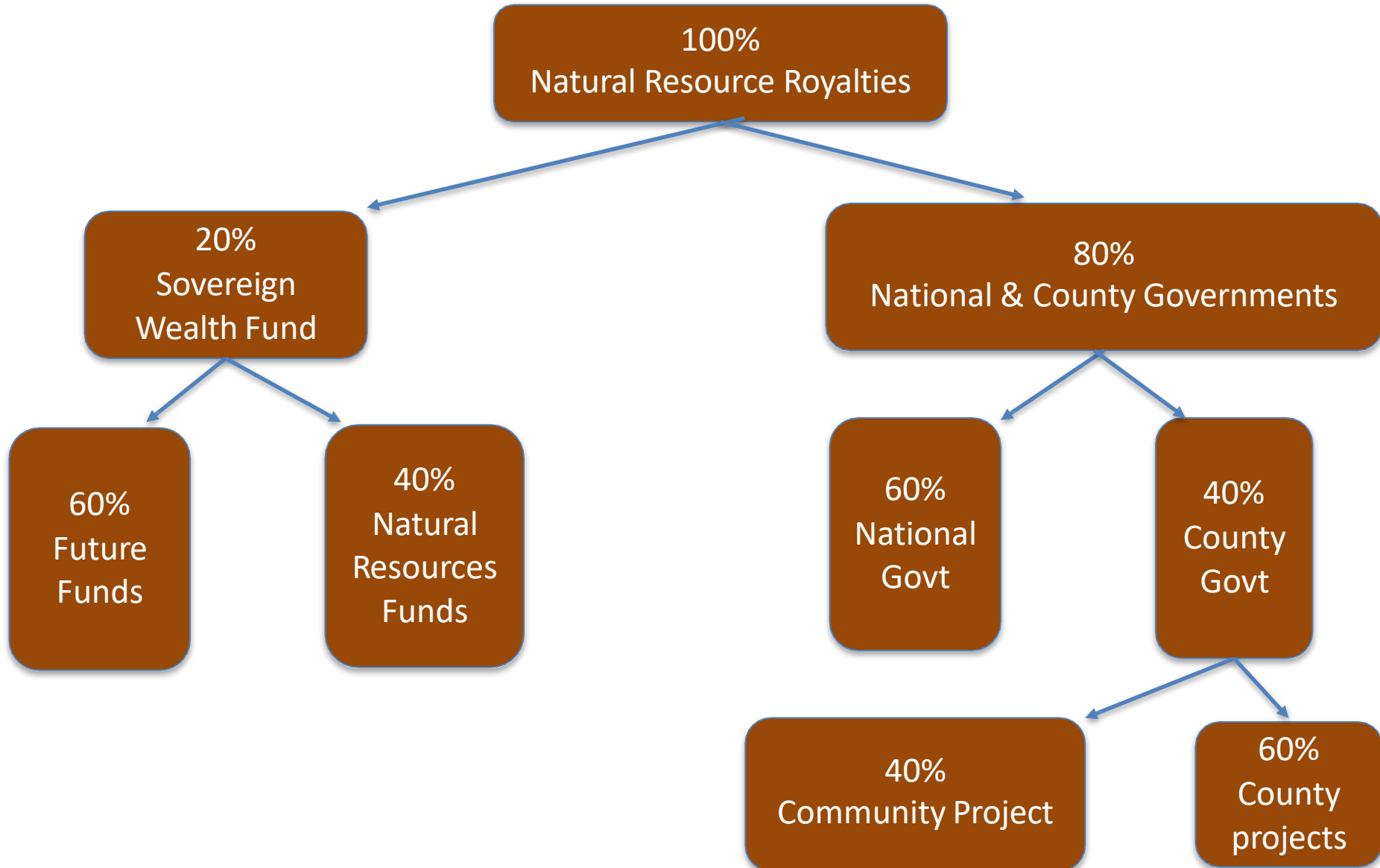
- a. Sunlight
- b. Water
- c. Forests, Biodiversity & genetic resources
- d. Wildlife
- e. Industrial fishing
- f. Wind

(Minerals, fossil fuels, surface and ground water excluded)

Institutions Involved

1. Ministry of Mining ??
2. Commission on Revenue Allocation
3. Kenya Revenue Allocation
4. County Benefit Sharing committees
5. Local community Benefit Sharing Forum

Benefit Sharing Ratio



Key Issues to Consider

1. Uncertainty on nature of exploitation/use of the NRs subject to benefit sharing (commercial, subsistence)
2. Some NRs considered private or community owned or managed e.g. forests, & wildlife
3. NRs benefit sharing management under the Cabinet secretary for mining
4. Functions of Commission on Revenue Allocation too broad

Key Issues to Consider (contd)

1. Silent role of national agencies managing and licensing NRs exploitation/ use
2. Process to develop benefit sharing agreements
3. Multiple institutions involved in the benefit sharing
4. Multiple funds at national level (Natural Resources Royalties Fund, Futures Fund, sovereign wealth fund, Natural resource fund)

Key Issues to Consider

9. Role of county government to develop benefit sharing agreements for NRs under national government responsibility e.g. wildlife
10. High benefit sharing ratio to national government
11. Very minimal benefit ratio to communities especially those involved in managing the natural resource
12. Communities minimal bargaining power on benefit sharing ratio
13. Limited independence of communities to develop and manage their local benefit sharing forum
14. Unclear and Inconsistent definitions with relevant natural resource laws e.g. affected entity, communities, exploitation,

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