

ISIOLO COUNTY COMMUNITY CONSERVANCIES BILL, 2023

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ISIOLO COUNTY COMMUNITY CONSERVANCIES BILL, 2023

**A Bill for
AN ACT of the County Assembly of Isiolo to provide the framework
for the establishment and management of community
conservancies, and for connected purposes.**

ENACTED by the County Assembly of Isiolo, as follows —

PART I—PRELIMINARIES

- Short title
1. This Act may be cited as the Isiolo County Community Conservancies Act, 2023
- Interpretation
2. In this Act—
- “Board” means the Isiolo County Community Wildlife Conservancies Board established under this Act;
- “community” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;
- “community participation” means active involvement of the relevant community in decision making processes through, among others, use of relevant consultative mechanisms and public hearings;
- “community wildlife scout” has the meaning assigned to it under as defined in section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“conservation area” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“county executive committee member” means a county executive committee member for the time being responsible for matters relating to wildlife;

“community wildlife conservation committee” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“fund” means the County Community Conservancies Fund established under this Act;

“land” has the meaning assigned to it under the Constitution;

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“national reserve” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“sanctuary” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“wildlife” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013;

“wildlife conservancy” has the meaning assigned to it under section 3 (1) of the Wildlife Conservation and Management Act, 2013.

Objects and Purpose

3. The object and purpose of this Act is to—

- (a) Manage and facilitate the establishment and recognition of community conservancies by the County;

- (b) provide for the recognition of existing community conservancies by the County;
- (c) establish community conservancies fund in the county;
- (d) provide an opportunity for collaboration with other partners to provide technical support to Community Conservancies;
- (e) support Community Conservation Committee in the performance of the functions as provided under the Wildlife Conservation and Management Act, 2013;
- (f) support conservation education awareness and capacity building; and
- (g) promote good governance in the management of Community Conservancies.
- (h) Developmental benefits including promotion of the livelihoods of the local communities.

Application

4. This Act shall apply to all community conservancies in Isiolo County.

PART II —MANAGEMENT AND ESTABLISHMENT OF COMMUNITY CONSERVANCIES

Management and
Establishment of
Community
Conservancies

5. The County Government shall in consultation with the Community Wildlife Conservation Committee, the Kenya Wildlife Service and other relevant conservation partners facilitate the management and establishment of Community Conservancies as a

measure of land use for communities within the County.

Recognition of existing
Community
Conservancies

6. The County shall —
- (a) recognise all existing conservancies within the County; and
 - (b) collaborate with the Community Wildlife Conservation Committee, the Kenya Wildlife Service, and other relevant conservation partners in the management of the existing conservancies.

Community
participation

7. The County shall ensure community participation in the establishment of community conservancies.

Support to
Conservancies

8. The County shall, in collaboration with the Community Wildlife Conservation Committee, the Kenya Wildlife Service and other relevant stakeholders, provide —
- (a) the necessary infrastructure to new conservancies;
 - (b) operational support to new conservancies; and
 - (c) support programs aimed at enabling sustainability to conservancies.

Management of
Conservancies

9. ((1) Each conservancy shall be managed by a Community Conservancy Management Committee

comprising of representatives of community land owners who established the respective conservancy in line with section 15 of the Community Land Act, No. 27 of 2016.

(2) The Community Conservancy Management Committee shall be elected into office at the Annual General Meeting of the respective community within which the community conservancy is situated.

(3) There shall be a Conservancy Manager who shall be responsible for the operations of the respective conservancy including the implementation of the resolutions of the conservancy management committee.

Term of Community
Conservancy
Committee

10. The Community Conservancy Committee members shall hold office for a period of three years and shall be eligible for re-appointment for one further term of three years.

Powers and functions
of Community
Conservancy
Committee

11. (1) The Community Conservancy Committee shall, in addition to the powers conferred on a community land management committee in section 15 of the Community Land Act, No. 27 of 2016—

- (a) establish a management plan for the conservancy;
- (b) run the accounts of the conservancy;
- (c) hire and fire staff;

- (d) undertake community engagements on matters of the conservancy;
 - (e) advise the Community Conservancies Board on the best management of conservancies;
 - (f) develop a road map for sustainability of the conservancy; and
 - (g) perform any other functions as may be advised by the Community Conservancy Board.
- (2) For purposes of greater accomplishment of its responsibilities, the Community Conservancy Management Committee may constitute other operational subcommittees as may be deemed fit or necessary.

PART III —ADMINISTRATION OF COMMUNITY CONSERVANCIES

Establishment of the Board

12. (1) There is established Isiolo County Community Wildlife Conservancies Oversight Board.
- (2) The Board shall be a body corporate with perpetual succession and a common seal and capable, in its corporate name, of —
- (h) suing and being sued;
 - (i) purchasing, holding and disposing of movable and immovable property; and
 - (j) doing all such other things as may be done by a body corporate.

Composition of the Board

13. (1) The Board shall be composed of the following members —

- (a) a chairperson appointed by the County Governor;
- (b) two representatives of the wildlife conservancies associations in the county being both male and female;
- (c) one representatives of the conservation partners; appointed by the CECM tourism
- (d) the County Director responsible for wildlife matters who shall be the secretary to the board.
- (e) the County Director responsible for land matters;
- (f) the County Director for the time being responsible for finance, or a designated representative;
- (g) a representative of the National Police Service
- (h) the County Director responsible for environmental matters;
- (i) Any other member coopted for any specific purpose that may be deemed necessary by the board.

Act No. 47 of 2013

Act No. 47 of 2013

(2) The Board in its first meeting shall appoint a vice chairperson who shall be of opposite gender to the chairperson.

Tenure of office

14. The members of the Board shall hold office for a period of three years and shall be eligible for re-appointment for one further term of three years.

Functions and powers
of the Board

15. The functions and powers of the Board shall be to —

- (a) oversee the effective implementation of the national wildlife policy in the county.
- (b) facilitate the establishment of community conservancies in the county;
- (c) Oversight of the Governance activities within the Conservancies including the conduct of elections
- (d) facilitate the process of legal recognition of existing community conservancies;
- (e) equitably subdivide the conservancies fund to the conservancies;
- (f) advise the county executive committee member on best practices in ensuring sustainable community conservancies;
- (g) advise on prudent use of community land and natural resources among pastoral communities;
- (h) support conservation education awareness and capacity building;
- (i) provide a platform for community conservancies to diversify their revenue sources;
- (j) facilitate provision of technical support to community conservancies;

(k) use community conservancies to foster peaceful coexistence among neighbouring communities; and

(l) perform such other functions as may be necessary for the fulfilment of its mandate under this Act.

Conduct of business and regulation of the affairs of the Board

16. The conduct and regulation of business and affairs of the Board shall be as provided for in the Schedule.

Remuneration of the Board

17. The County Public Service Board shall in consultation with the Salaries and Remuneration Commission provide a framework of remuneration of the Board members.

The Secretariat of the Board

18. The Department responsible for wildlife shall provide the board with secretariat services for purposes of supporting the activities and operations of the Board.
Appointment of the Fund Manager

Appointment of County Community Conservancies Fund Manager

19.(1) There shall be a County Community Conservancies Fund Manager who shall be competitively appointed by the County Public Service Board.

Duties and responsibilities of the County Community

20.(1)The County Community Conservancies Fund Manager shall —

(a) be the secretary to the Board;

(b) be an ex-officio member of the Board and shall have no right to vote at any meeting of the Board;

Conservancies Fund
Manager

(c) subject to the direction of the Board, be responsible for day today management of the affairs of the Board;

(d) keep all the records of the Board;

(e) Carry out any other function as may from time to time be assigned by the Board.

(2) A person shall qualify for appointment as a Community Conservancies Fund Manager if the person—

(a) holds a minimum qualification of a degree in accounting or its equivalent, from a university recognized in Kenya;

(b) has at least ten years' working experience in the relevant profession; and

(c) Meets the requirements of Chapter Six of the Constitution.

(3) The Fund Manager shall hold office for a term of three (3) years and shall be eligible for re-appointment for one further and final term of three (3) years.

PART IV — ESTABLISHMENT OF THE ISIOLO COUNTY COMMUNITY CONSERVANCIES FUND

21. There is established the Isiolo County Community Conservancies Fund.

Establishment of the
fund

22. (1) There shall be credited to the fund —

Revenue and
expenditure of the fund

- (a) such moneys as may be approved and allocated to the fund by the County Assembly of Isiolo as part of the budget process;
- (b) income from any investment made by the fund;
- (c) income from community contributions; and
- (d) any gifts, donations, grants and endowments made to the fund;

(2) There shall be paid out of the fund any expenditure approved by the Board and incurred in connection with the administration of the fund.

23. The fund shall be used to —

Functions of the fund

- (a) provide financial support to community conservancies;
- (b) facilitate development of infrastructure to community conservancies;
- (c) perform any other function that the Board may consider to facilitate sustainability of community conservancies;
- (d) meeting any expenditure related to administration of the fund:

Provided that not more than three per cent of the total monies consisting of the fund shall be utilized for administration of the fund.

Administration of the fund

24. (1) The fund shall be administered and managed by the Board;

(2) The Secretary to the Board shall be the Fund Manager.

Accounts and Audit of the fund

25. (1) The Board shall cause to be kept all proper books and other records of accounts of the income, expenditure and assets of the Board.

(2) Within a period of three months from the end of each financial year, the Board shall submit to the Auditor-General or an auditor appointed under subsection (3), the accounts of the Board in respect of that year together with—

- (a) a statement of the income and expenditure of the Board; and
- (b) a statement of the assets and liabilities of the Board on the last day of the year.

(3) The accounts of the Board and the Funds shall be audited in accordance with the Public Finance Management Act, 2012 (No. 8 of 2012).

Annual returns

26. The Board shall, at the end of each financial year, submit annual returns of the fund to the County Executive Committee Member who shall forward to the County Assembly.

PART V — FINANCIAL PROVISIONS

Financial year of the Board

27. The financial year of the Board shall be the period of twelve months ending on the thirtieth of June in each year.

Registration and annual subscription

28. The registration and Annual subscription shall be determined by the board.

Annual Estimates

29. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of revenue and expenditure of the Board for the ensuing year.

(2) The annual estimates shall make provisions for all the estimates of expenditure of the Board for the financial year and shall provide for —

(a) the cost of administration of the Board including payment of allowances, and other charges whatsoever payable to the staff and members of the Board;

(b) the payment or reimbursement to the members of the Board of monies in respect

of expenses incurred during the attendance of the meetings of the Board; and

(c) the development and maintenance of any property vested in the Board.

(3) Except with the approval of the County Executive Committee Member, no expenditure shall be incurred for other purposes except in accordance with the annual estimates approved under subsection (2).

Operations Expenses
of the Board.

30. The operation expenses of the Board shall be met by the department responsible for matters relating to wildlife.

PART VI — MISCELLANEOUS PROVISIONS

Offences and penalties

31. Part XI of the Wildlife Conservation and Management Act, 2013 shall apply in relation to offences and penalties.

Regulations

32. (1) The County Executive Committee Member may, on recommendation of the Public Service Board, make regulations for or with respect to any matter which is necessary or expedient to be prescribed for carrying out or giving effect to this Act.

(2) Without prejudice to the generality of the foregoing, rules and regulations may be made under this section for —

- (a) specifying the procedures for establishing community conservancies;
- (b) prescribing the procedure for the application of the fund by conservancies; and
- (c) specifying the administrative procedures of the community conservancies.

SCHEDULE

PROVISIONS RELATING TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE BOARD

This Schedule shall apply in accordance with the statutory obligations of the State Corporations Act.

1. Tenure of office and conduct of business of the Board

- (1) The chairperson of the Board shall hold office for a term of three years and shall be eligible for re-appointment for one further term of three years.
- (2) Other than ex officio members, a member of the Board shall, subject to the provisions of this section, hold office for a period not exceeding three years on such terms and conditions as may be specified in the instrument of appointment, and shall be eligible for re-appointment for one further term of three years.
- (3) The members of the Board shall be appointed at different times so that the respective expiry dates of their terms of office fall at different times.

- (4) A member other than the chairperson and ex officio member may—
- (a) at any time resign from office by notice in writing to the County Executive Committee member;
 - (b) be removed from office by the County Executive Committee member if the member—
 - (i) has been absent from three consecutive meetings of the Board without the permission of the chairperson; or
 - (ii) is adjudged bankrupt or enters in to a composition scheme or arrangement with his creditors;
 - (iii) is convicted of an offence involving fraud or dishonesty;
 - (iv) is convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding ten thousand shillings;
 - (v) is incapacitated by prolonged physical or mental illness;
 - (vi) is found to have acted in a manner prejudicial to the aims and objectives of this Act;
 - (vii) fails to comply with the provisions of this Act relating to disclosure; or
 - (viii) is otherwise unable or unfit to discharge the functions as a member of the Board.

2. Meetings of the Board

- (1) The Board shall meet not less than four times in every financial year, and not more than four months shall elapse between the date of one meeting and the date of the next meeting:

Provided that the chairperson may call a special meeting of the Board at any time where he deems it expedient for the transaction of the business of the Board.

- (2) Other than a special meeting, or unless three quarters of members agree, at least fourteen days' written notice of every meeting of the Board shall be given to every member of the Board by the secretary.
- (3) The quorum for the conduct of business of the Board shall be half of the members' and unless a unanimous decision is reached, decisions shall be by a majority vote of the members present, and in the case of an equality of votes, the chairperson or the person presiding shall have a casting vote.
- (4) The chairperson shall preside over all meetings of the Board in which he is present, but in his absence the vice-chairperson shall preside, and in his absence the members present shall elect one of their number who shall, with respect to that meeting and the business transacted thereat, have all the powers of the chairperson.
- (5) At the first meeting of the Board, the members shall elect a vice-chairperson, not being a public servant, from among its members.

3. Disclosure and conflict of interest

- (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Board and is present at the meeting of the Board at which the contract, proposed contract or matter is the subject of consideration, the person shall, at the meeting and as soon as practicable after the commencement thereof, disclose that fact and shall be excluded at the meeting at which the contract, proposed contract or matter is being considered.
- (2) A disclosure of interest made under this section shall be recorded in the minutes of the meeting at which it is made.

4. The Board may regulate its own procedure.

MEMORANDUM OF REASONS AND OBJECTS

The principal object of this Bill is to provide for the in Isiolo County, establishment of Isiolo County Community Conservancies Board, community conservancies fund, establishment and recognition of community conservancies in the County. This will provide a framework for sustainable community land use by community wildlife conservancies as well as generate revenue for Isiolo County.

The structure of the Bill is as follows: —

Part 1 of the Bill provides for preliminary matters. It provides for short title and commencement date, interpretation, objects and purpose and the application of the Act.

Part II of the Bill provides for the Establishment of Community Conservancies and recognition of existing community conservancies. In the establishment of the conservancies, it advocates for community participation and provision of the subsequent support to the conservancies.

Part III provides for the administration of community conservancies. It establishes the Board, its functions, composition of Board members, their tenure of office, powers, meetings and remuneration. It also establishes the office of the Community Conservancies Fund Manager and provide for their duties and responsibilities.

Part IV provides for the establishment of the Community Conservancies Fund. From the fund, it provides for its revenue and expenditure, use of the fund, administration of the fund and its annual estimates among others.

Part V contains the financial provisions. These include the financial year of the Board, registration and annual subscription, annual estimates and operation expenses of the board.

Part VI contains the miscellaneous provisions. These include the general penalty and the power by the County Executive Committee Member to make Regulations

The Enactment of this Bill shall occasion additional expenditure of public funds which shall be provided for in the county government of Isiolo estimates.