



REPUBLIC OF KENYA

**MINISTRY OF  
PETROLEUM AND MINING  
STATE DEPARTMENT FOR MINING**

**GENDER MAINSTREAMING  
STRATEGY AND ACTION  
PLAN FOR THE MINING  
SECTOR**

**2019 – 2023**



## **FOREWORD**

In Kenya, women have been working as miners for generations. Concentrating in the Artisanal and Small-scale Mining (ASM) sectors hence, at the economic level, they are therefore unlikely to benefit much from any structural transformation of the economy that results in meaningful economic development. This is largely because they lack access to knowledge and finance required to operate in the sector. For example, the benefits accruing from the exploration of the mineral discoveries in various parts of Kenya are unlikely to benefit women if they are not actively participating in the labour market where such activities are taking place.

It is imperative that knowledge of the laws that govern the extractive sector in Kenya should be disseminated at National, County and Community levels. This can be done through robust advocacy and public initiatives conducted by State and non-state actors to create awareness of the legislative, regulatory and policy frameworks. When communities at the local level, including Women, Youth and Persons with Disabilities comprehend the gaps that exist in the law, they can identify, define and claim their rights by demanding inclusion, consultation and participation to ensure that free, prior, and informed consent is an entrenched practice in the extractive sector.

Recognition, training and education of all stakeholders would ease governance challenges in the sector. In addition, all the vulnerable groups working in the extractive industry should be trained on how to establish and run micro-financing institutions and revolving funds amongst organized groups. This will assist such groups to save and also be able to secure loans to invest into their small-scale mining activities, access health care and be able to seek redress in cases of abuse or discrimination.

The reform of Kenya's extractive sector can only be complete when host communities and indeed women, youth and PWDs are provided with balanced and objective information in regards to the anticipated natural resource extraction and the large scale investment that will be set up in their locality. This will assist them in understanding the issues, alternatives, opportunities and/or solutions to arising issues.

The Ministry of Petroleum and Mining through the State Department of Mining has embarked on a process of reversing the disadvantages faced by women in the Mining Sector. The Gender Mainstreaming Strategy is a multi-agency effort that brings together the National Government, Constitutional Commissions, Civil Society Organizations, Private Sector and Communities to ensure mining activities' contribution to Gross Domestic Product is significantly increased.

This Strategy contains Gender Mainstreaming Approaches that recognize Women and Men's concerns, their experiences and priorities as well as needs. These approaches are an integral part of the design, implementation, monitoring and evaluation of projects and programmes undertaken within the Ministry and in particular, the State Department of Mining.

The Strategy further directs the manner in which the State Department shall regulate the Mining Sector. In this respect, women, men, as well as boys and girls will access opportunities equitably within our Kenyan society.

I am therefore confident that this strategy will enhance awareness on the gender issues in the Mining Sector amongst Staff and relevant Stakeholders. This will be accomplished by working towards attitudinal and behavioral change of the various stakeholders in their personal and professional capacities. In addition, the Strategy establishes structures towards addressing the gender inequalities in the mining value-chain.

**Hon. John Munyes Kiyong'a, EGH**

Cabinet Secretary

Ministry of Petroleum and Mining

## **PREFACE**

Gender mainstreaming with regard to sustainable management of the environment and Mineral resources remains imperative as a basis for the achievement of Kenya's Vision 2030 and compliance with Constitutional requirements. The Government of Kenya has therefore created opportunities for gender mainstreaming and women's empowerment through its development programmes and plans, including the development of the Gender and Development Policy (2018), the Women's Enterprise Fund (2006), the Youth Fund (2006) and the Uwezo Fund (2013).

Despite previous government efforts to promote Gender Equality in the mining sector, several challenges have been encountered. This strategy and the associated Action Plan is therefore an attempt at addressing these challenges which include;

- a) Limited comprehension and understanding of the concept of gender and gender mainstreaming and how they relate to development in general, poverty eradication and mineral resources management;
- b) Inadequate financial and human resources and technical capacities across public ministries, departments and agencies for gender mainstreaming;
- c) Weak coordination, harmonization and networking among actors;
- d) Poor enforcement of gender mainstreaming strategies and efforts at all levels in all sectors;
- e) Limited knowledge on the impact of investment in natural resources by local communities, especially women;
- f) Limited comprehensive research and gender disaggregated data for policy decision-making and planning, especially at sub-national levels, resulting in a lack of knowledge management and sharing of effective measures;
- g) Lack of established and comprehensive gender-based monitoring and evaluation systems;
- h) Limited or lack of women's involvement (being consulted) in negotiations on the use, sharing of benefits that accrue from Mineral resources; and
- i) Lack of adequate gender-specific budgetary allocations targeting gender activities at sector levels and in the national and county budgets;

The purpose of the strategy is therefore to further enhance gender mainstreaming and promote the equal participation of women and men in Mining while ensuring sustainable utilization of Mineral resources and protection of environment with the main focus being contribution to the Government's big 4 agenda. This has been summarized in the mission of the strategy, which is "*to Advance, promote and facilitate the achievement of gender equality and empowerment of women in the mining sector in Kenya by integrating gender perspectives in policies, laws and programmes*".

Stakeholders from the general public, Civil Society Organizations (CSOs), the Private Sector Organizations (PSOs) and development partners and other donors provided input in the development of this Strategy. The State Department of Mining is grateful to the Staff and all the stakeholders who participated in one way or another in the development of this Strategy and Action Plan. We shall provide the requisite support in ensuring that the proposed actions are fully implemented as we grow the sector together.

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Principal Secretary

State Department for Mining

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## **ABBREVIATIONS AND ACRONYMS**

<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>AMV</b>	African Mining Vision
<b>ANU</b>	Australian National University
<b>ASM</b>	Artisanal and Small-Scale Mining
<b>AU</b>	African Union
<b>CEDAW</b>	Convention on Elimination of all forms of Discrimination Against Women
<b>COO</b>	Chief Operations Officer
<b>CSOs</b>	Civil Society Organizations
<b>EAC</b>	East African Community
<b>EI</b>	Extractive Industries
<b>EIA</b>	Environmental Impact Assessment
<b>EIR</b>	Extractives Industries Review
<b>EMCA</b>	Environmental Management and Coordination Act
<b>ESIA</b>	Environmental and Social Impact Assessments
<b>FGM</b>	Female Genital Mutilation
<b>GBV</b>	Gender Based Violence
<b>GDP</b>	Gross Domestic Product
<b>HIV</b>	Human Immunodeficiency Virus
<b>ICCPR</b>	International Convent on Civil and Political Rights
<b>ILO</b>	International Labor Organization
<b>ICGLR</b>	International Conference of the Great Lakes Region
<b>LSM</b>	Large Scale Mining
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MDAs</b>	Ministries, Departments and Agencies
<b>MMSD</b>	Mining, Minerals and Sustainable Development
<b>MoE</b>	Ministry of Education
<b>MPM</b>	Ministry of Petroleum and Mining
<b>MTP</b>	Medium Term Plan

<b>NEMA</b>	National Environmental Management Authority
<b>NGEC</b>	National Gender and Equality Commission
<b>NLC</b>	National Land Commission
<b>PESTEL</b>	Political, Economic, Social, Technological, Ecological and Legal (analysis)
<b>PWD</b>	Persons With Disability
<b>SDGs</b>	Sustainable Development Goals
<b>SEA</b>	Strategic Environmental Assessment
<b>STI</b>	Science Technology and Innovation
<b>SWOT</b>	Strengths Weaknesses Opportunities and Threats
<b>UK</b>	United Kingdom
<b>UN</b>	United Nations
<b>UNCRC</b>	United Nations Convention on the Rights of the Child
<b>UNDHR</b>	United Nations Declaration on Human Rights
<b>UNDP</b>	United Nations Development Programme
<b>USA</b>	United States of America
<b>USAID</b>	United States Agency for International Development

## **EXECUTIVE SUMMARY**

Kenya has seen a surge of mining investor interest in the past decade due to the increased global demand for mineral deposits coupled with regulatory and business reforms. Like other sectors in Kenya, the Mining sector is governed and regulated through instruments including the constitution, policies, legal frameworks, regulations, as well as sector guidelines. With further exploration and development gaining pace, it is estimated that Kenya will soon position itself as a regional mining sector hub for Eastern Africa. Its contribution to Gross Domestic Product (GDP) is expected to increase to three percent by 2017 and 10 percent by 2030, making mining a key driver of economic growth and transformation<sup>1</sup>.

Despite the gains made in the sector, women continue to enjoy the least benefits accruing from mining. The Minerals and Mining Policy (2016) observes that women and children are increasingly getting involved in the Mining industry especially in Artisanal and Small-scale Mining (ASM). In particular, women are disadvantaged in access to, and control over resources, productive assets, participation in decision making processes, access to information technology and limited knowledge on enterprise development and regulations with regard to mining activities. The Minerals and Mining policy commits the Government to develop and implement frameworks, structures and mechanisms that ensure equitable participation, ownership and decision-making in value chains by women, youth and disadvantaged groups. Gender mainstreaming is one of the strategies that will ensure women not only benefit equally from mining activities but also do not suffer as a result of these activities.

The development of this strategy is anchored on a number of policy and legal instruments at international, regional and national levels in the mining and gender sectors. These include but are not limited to the Constitution of Kenya, Kenya Vision 2030 and its attendant Medium-Term Plan (MTP) III, Kenya's Minerals and Mining Policy, 2016, The African Mining Vision, the Maputo Protocol, the AU Agenda 2063, EAC Vision 2050 and Sustainable Development Goals (SDG's). International treaties and conventions under UN also informed the development of this strategy. Other legislative instruments include the Mining Act, 2016 and its attendant Regulations among other pieces of legislation.

The development of the strategy was also informed by findings of a rapid assessment on the place of women along the mining value chain that comprises the input stage, resource mobilization, production stage, market intermediaries, transportation, processing and value addition. The assessment covered various mining sites in Kenya and established that there is marginal participation of women in the value chain due to various barriers and challenges. To achieve equality in the sector, there is therefore a

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<sup>1</sup> Kenya's Mining and Minerals Policy, (2016).

need to increase the participation of women by addressing the barriers and challenges identified. Other factors considered during the rapid assessment of the mining industry included training of professionals in the sector and how the mining companies handle gender issues at the work place.

The Gender Mainstreaming Strategy and Action Plan will cover the Period 2019 – 2023 and it seeks to respond to the various strategic issues identified. The Vision of the Strategy is “*A vibrant and sustainable mining sector where men and women benefit equally*”. The guiding mission for the strategy is “*to advance, promote and facilitate the achievement of gender equality and empowerment of women in the mining sector in Kenya by integrating gender perspectives into policies, laws and programmes*”. The following guiding principles shall apply throughout the implementation of the Strategy and Action Plan: Gender-sensitive language; gender-specific data collection and analysis; social dimensions, such as age, ethnicity, income and level of education should also be reflected where possible; women and men being equally involved in decision making; equal treatment is integrated into all processes; sustainable use of the environment; equity; public participation; and the polluter pays principle.

The key strategic objectives of the strategy are: -

1. **Strategic objective 1:** Enhance capacity-building and knowledge management in respect of access to and use of the Mineral resources.
2. **Strategic objective 2:** Enhance gender responsiveness in environmental conservation, Mineral resource management and poverty reduction programmes.
3. **Strategic objective 3:** Strengthen policy analysis and gender-responsive research, data management and monitoring and evaluation systems.
4. **Strategic objective 4:** Promote partnerships, linkages and sharing of best practices on gender mainstreaming in the management and use of the environment and Mineral resources nationally, regionally and internationally.
5. **Strategic objective 5:** Establish and adapt financial mechanisms for gender mainstreaming programmes and innovations in the use and protection of the Mineral resources and environment respectively.

To achieve the above stated objectives, there is need for a robust implementation framework that will comprise of multi-stakeholder involvement and actions. The Ministry of Petroleum and Mining through the State Department for Mining shall spearhead the implementation of the Strategy and Action Plan. Successful implementation requires linkage of strategies to implementation framework which entails linking activities and resources to desired results. The Strategic Action Plan thus identifies the various activities that have been proposed for successful achievement of the strategic objectives.

The State Department of Mining's Gender Office shall be the focal point for implementation of the strategy and shall provide the secretariat services. There shall be established a National Technical Committee on Women in Mining that shall bring together the following actors: Ministry of Petroleum and Mining;; Ministry of Water; Ministry of Education; Ministry of Lands; Ministry responsible for Gender Affairs; National Land Commission; National Gender and Equality Commission; Attorney General Chambers & the Department of Justice; National Environmental Management Authority; Development Partners; Representatives from Civil Society Organizations (2); representatives from the Mining Companies (2) Council of Governors; Chamber of Mines; Representatives from Artisanal Mining Associations (2). The technical committee shall be responsible for providing oversight and monitoring of the implementation of the Strategy and Action Plan. This committee shall also provide the much-needed voice for women in the mining sector. Other relevant stakeholders may be coopted from time to time as the committee may deem fit.

Funding for implementation of the Strategy shall be provided through exchequer releases through the Ministry of Petroleum and Mining. Additional funding shall be mobilized from the mining companies, strategic partners (MDAs), development partners, County Governments and Civil Society Organizations. These partners shall be responsible for implementation of targeted areas of the Action Plan.



## 1.0 INTRODUCTION

### 1.1 Background and context

Kenya's mining sector has remained docile for a very long period of time. As a result, the Country's mining and minerals resources sector failed to attract adequate investments and its contribution to Kenya's economy has been minimal, standing at less than one percent in 2017. Because of its great potential to contribute to achieving high economic growth rates envisioned under Kenya Vision 2030, the mining and mineral resources sector has been included as a priority sector under the economic pillar of Kenya Vision 2030, its Second Medium Term Plan (2013-2017), and subsequently in the third MTP (2018-2022). Its contribution to GDP was expected to increase to three percent by 2017 and ten percent by 2030, making mining a key driver of economic growth and transformation.<sup>2</sup>

The recent heightened exploitation activities coupled with increased investor interest in the sector has put to sharp focus the role mining plays in national economic development. Kenya has therefore seen a burst of mining investor interest in the past decade, due to the increased global demand for precious metals and minerals as well as regulatory and business reforms. Like other sectors in the country, the mining sector is governed and managed through instruments which include policies, legal frameworks, regulations, and guidelines. With further exploration and development, it is estimated that Kenya will soon have the capacity to position itself as a regional mining sector hub for Eastern Africa. (UNDP, 2017).

However, empirical evidence reveals that the mining sector is the most gender biased among all the economic sectors with male domination being the norm and the rule.<sup>3</sup> Despite some gains having been made in the sector, women continue to enjoy the least benefits accruing from mining while bearing the largest burden associated with mining. The Minerals and Mining Policy (2016) observes that women and children are increasingly getting involved in the Mining industry especially in Artisanal and Small Scale Mining (ASM). In particular, women are disadvantaged in access to, and control over resources, productive assets, participation in decision making processes, access to information technology and limited knowledge of enterprise development in relation to mining activities. They are also often overlooked by initiatives and development programs directed at transforming the sector. Women and children working in ASM use rudimentary mining processing methods, which expose them to risk of injury and contact with hazardous materials. The analysis further indicated that child labour is

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<sup>2</sup> Kenya's Mining and Minerals Policy, 2016

<sup>3</sup> Lahiri-Dutt, Kuntala, 2004, *Mainstreaming Gender in the Mines:*

prevalent in ASM, hence the need to enforce the appropriate laws to curb this inhumane and unlawful practice.<sup>4</sup>

One of the strategies identified in the Minerals and Mining policy in order to enhance the participation of women and protect women and children from the negative impacts of mining is contained in the Policy's strategic objective 12. The objective provides for the development and implementation of frameworks, structures and mechanisms that ensure equitable participation, ownership and decision-making value chains by women, youth and disadvantaged groups. Gender Mainstreaming is one of the strategies to ensure women not only benefit equally from mining activities but also do not suffer as a result of these activities.

According to the UN Economic and Social Council, mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programmes, in all areas and at all levels. It is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.<sup>5</sup>

The Constitution of Kenya, 2010 in Article 69 provides for equitable sharing of the accruing benefits; public participation in the management, protection and conservation of the environment. It further states that all mineral resources belong to the people of Kenya and any benefit that may arise from these resources must be shared equitably. The new mineral discoveries will positively transform the livelihoods of some of these communities. Men and women in the communities will be expecting significant benefits from their exploitation. However, the regulatory framework for the sector needs to acknowledge that mineral resources need to benefit all, that is, all the citizens (men and women) in both current and future generations. Socially, women have been assigned certain roles such as childcare; this is related to their biological nature of child bearing but not necessarily a sex role. Men on the other hand have been given leadership roles in the home, and the responsibility of financial provision for their families, which arguably is unrelated to their biological nature. Consequently, women are unlikely to benefit explicitly from any structural transformation of the economy. The formulation of the Gender Mainstreaming Strategy and Action Plan is therefore a way of ensuring that the interests of both men and women are adequately addressed in legislation, policies and programmes and that the participation of women in the mining sector is enhanced.

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<sup>4</sup> Popular Version Pages 8-9

<sup>5</sup> United Nations. "Report of the Economic and Social Council for 1997". A/52/3.18 September 1997.



## **1.2 Rationale for the Strategy development**

The development of this Strategy and Action Plan is bound to realize the following benefits to the sector:-

1. Increased sector effectiveness and efficiency resulting from the development of a clear strategic direction through the formulation of goals and objectives in as far as gender mainstreaming is concerned. This practice will thus allow for prioritization of resource allocation for gender mainstreaming by making strategic choices;
2. Provide a framework for evaluating alternative strategies. Since the planning process includes participative discussions touching on all areas of the mining value chain, it gives stakeholders an opportunity for not only proposing alternative strategies but also evaluating existing strategies;
3. To provide an improved mechanism for stakeholder participation and motivation. This is achieved through effective internal and external communication that is used during the strategy analysis, formulation, implementation, and evaluation;
4. To provide a framework for effective monitoring and evaluation of gender issues across the sector and establish the extent to which men and women issues are integrated;
5. The mining sector needs to develop its own processes to ensure gender equity, and thereby turn the sector into one that benefits both women and men.
6. A gender mainstreaming strategy will ensure that the sector is engendered. Lahiri-Dutt (2006:216) identifies four reasons justifying gender mainstreaming in the mining sector. These are: -
  - a. Women are often the weakest and poorest in the local communities. In traditional cultures, women feel they should keep quiet and hide their opinions and feelings. Consequently, they become double victims, within the community and outside.
  - b. Women are the most affected by the adverse impacts of mining. Many multi-country studies have shown that women find it difficult to cope with the social, economic, and cultural changes brought about by mining expansion. Resettlement and rehabilitation often mean the loss of a livelihood base for the poorest families where women have the least power to stand up and express their difficulties.
  - c. Women in poor communities are often responsible for household survival by collecting food, fodder, and fuel for the family's subsistence as well as caring for children—roles that are usually not formally recognized.
  - d. The basic right to be heard, enabled, and empowered applies equally to women (ILO 2003). Planning processes have neglected this right, taking it for granted that planning for women by men would automatically improve the condition of women.

### **1.3 Process of developing the Strategy and Action Plan**

The development of this Strategy and Action plan was a consultative and participatory process and involved the following key activities:-

- a. The State Department for Mining representative (gender office) defined the scope and objectives of the strategy and Action Plan as well as collected baseline information on the current status.
- b. A review of policy and legislative documents at the national and International level including but not limited to policies and legislative frameworks related to mining, environment, water, gender, land and other related works.
- c. Review of national, regional and international studies and publications on mining and gender.
- d. Key informant interviews with representatives of selected institutions including the Ministry of Lands, Ministry of Water and Irrigation, Ministry of Environment, NEMA, the National Gender and Equality Commission, Taita Taveta University, Jomo Kenyatta University of Agriculture and Technology, Base Titanium Limited, Karebe Ltd, Acacia Mining Limited, Regional Mining Coordinators in Taita Taveta, Migori and Kakamega, County Gender and Youth Officers in Migori, Kwale and Taita Taveta.
- e. Interviews with selected Community members and miners in Nandi County, Kakamega County, Taita Taveta County and Kwale County.
- f. Sharing of the draft Strategy with a team of selected stakeholders and experts for technical input and validation.
- g. Internal Validation within the State Department of Mining to gather internal views and build consensus on the Action Plan.
- h. External Validation meeting with the Stakeholders to gather external views as well as build consensus on the Strategy and Action Plan.

### **1.4 Structure of the Strategy and Action Plan**

This Strategy and Action Plan is divided into six chapters. Chapter one presents the context, background and rationale. Chapter two presents an analysis of the current situation including policy and legislative framework, trends in gender, trends in mining, a rapid assessment of the place of women in the mining value chain, a SWOT analysis, risk analysis and stakeholder analysis. Chapter three presents the Strategic Model that includes the Vision, Mission, Values, Strategic themes, Issues and Objectives. Chapter four presents the Action plan and implementation framework, financial arrangements and institutional framework. Finally, Chapter five presents the Monitoring and Evaluation Framework for the Strategy and Action Plan.

## 2.0 SITUATIONAL ANALYSIS

### 2.1 Overview of Mining in Kenya

Mining is a process or system of excavations made for the purposes of or in connection with the extraction of minerals or mineral products and may include an open cast pit, quarry or any area where a mineral is won by dredging, brine pumping, evaporation or other means.<sup>6</sup> In Kenya, mining is categorized into - Large Scale mining; Small-scale mining and Artisanal mining. Large scale mining is often undertaken by big companies using a huge labor force. Where there are large mineral deposits, the company continues the operations until the mineral or metal is exhausted.

The term Artisanal & Small-scale Mining (ASM) broadly refers to mining practiced by individuals, groups or communities often informally. A common definition for this sector has not been adopted as its legal status, defining criteria, and local definitions vary from country to country. In the absence of a common definition, Artisanal and Small-scale Mining (ASM) is often characterized by its key features, which include: Minimal machinery or technology used; instead, ASM mining relies on simple techniques and physical labor; operates without legal mining titles (concession, claim) or a valid contract with the title holder; low productivity since ASM often takes place in very small or marginal plots, is limited to surface or alluvial mining; and uses inefficient techniques. (However, total recovery is improved by repetitive scavenging & reprocessing); Lack of safety measures, health care or environmental protections; May be practiced seasonally (e.g., to supplement farm incomes) or temporarily in response to high commodity prices; and economically insecure.

ASM activities often take place near or within the formal mining concessions of Large-Scale Mining (LSM) operations. ASM may take place in abandoned mining areas, in tailing dams, or in downstream areas. Interactions between LSM and ASM are increasing as both sectors expand; relations can range from violent confrontation to cooperative support.

The African Mining Vision (AMV) captures all the issues surrounding the extractive industries and points towards solutions for extracting value and beneficiation. Through the framework of the International Conference of the Great Lakes Region (ICGLR), to which all the EAC Partner States are signatories, a comprehensive approach has been developed to respond to illegal exploitation and use of natural resources. During the period of Vision 2050 it will be important that the AMV and the ICGLR frameworks are domesticated in Partner States, thus harmonizing the policy, legal and regulatory environment in which extractive industries function. It is important to note that the two visions have reiterated the important role played by women in ensuring sustainable development of the sector.

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<sup>6</sup> Mining Act 2016

Since the turn of the 20<sup>th</sup> century, Kenya minerals and mining activities have been concentrated around soda ash (Lake Magadi) and Flourspar (Kerio Valley), which have been contributing to the Country's GDP. Trona from Lake Magadi is used in the manufacturing of glass, chemicals, paper, detergents and textiles. On the other hand, flourspar is used in the manufacturing of aluminum, gasoline, insulating foams, refrigerants, steel and uranium fuel. However, the company closed the mine on 31<sup>st</sup> March 2018 due to lease expiry and did not apply for a renewal.

In 2015, the Government of Kenya recognized the important role played by the mining sector in the National Economy. This follows Kenya's entry into the minerals export market when 25,000 tonnes of ilmenite was exported to China from the Kwale Mineral Sands Project, owned by Base Titanium. Additionally, the exploration of oil and gas in Turkana yielded positive results. Other deposits of minerals discovered include titanium, gold, coal, niobium, gemstones among others. In response to this, mining was adopted as the seventh priority sector under the economic pillar of Vision 2030. The Government also developed the Mining and Minerals Policy and the Mining Act No. 12 of 2016. The Policy envisions the contribution to GDP to increase to three (3) percent by 2017 and ten (10) percent by 2030 according to the Medium Term Plan (MTP) II (2013-2017). This will contribute to the targeted ten (10) percent annual growth envisaged in the Vision 2030 that will propel the country into a newly industrializing nation.<sup>7</sup>

Overall, the Country earned more than USD 232 million from the mining sector in 2015 accounting for 0.4% of the GDP. With further exploration and development, it is estimated that Kenya could soon position itself as a Regional mining sector hub for Eastern Africa. (UNDP, 2017).

Kenya is endowed with 129 different types of minerals. The mineral resources can be categorized into three main groups, namely metallic minerals, non-metallic minerals and energy minerals with varied uses for each category (UNDP 2017). The mineral resources can be classified further into seven utility categories that include; i) 53 types of construction and industrial minerals, ii) 5 types of precious stones, iii) 8 types of precious metals, iv) 22 types of semi-precious stones, v) 35 types of base and rare metals, vi) 3 types of gaseous minerals and, vii) 3 types of fuel minerals (UNDP, 2017). These are summarized in the table below:-

**Table 1: Mineral Types in Kenya**

<b>Mineral Category</b>	<b>Sub - Category</b>	<b>Characteristics and Uses</b>
Metallic Minerals	Ferrous Metals	Minerals classified under this category include; iron ore, niobium, tantalum and titanium. They are used in the aerospace industry, construction, electronic engineering, manufacturing as well as steel

<sup>7</sup> Minerals and Mining Policy, 2016.

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<b>Mineral Category</b>	<b>Sub - Category</b>	<b>Characteristics and Uses</b>
		manufacturing
	Precious Metals	These include; gold, silver and platinum which are used for the manufacture of jewelry, minting currency as well as for industrial purposes
	Base Metals	These include; bauxite, aluminum, cobalt copper, lead, magnesium, molybdenum, nickel and zinc which are mainly used in construction, electrical and electronic engineering as well as in a wide range of manufacturing operations
Non-Metallic Minerals	Construction Materials	Minerals under this category comprise of; bricks, building stones, cement, clay, crushed rock, aggregate, gypsum, sand, gravel and slate
	Industrial Minerals	These comprise of; bentonite, industrial carbonates, kaolin, magnesia, potash, salt, sand, silica and sulphur. They are mainly used for the making of ceramics, chemicals, foundry casting, fillers, pigments, fuel, gas, iron, steel, and metallurgy
	Precious Stones	These include diamonds and gems which are mostly used for the manufacture of jewelry and for industrial purposes. Precious metals also include the rare earth metals which comprises chemical elements found in the earth's crust that are vital to many modern technologies including; consumer electronics, computers and networks, communications, clean energy, advanced transportation, health care, environmental mitigation and defense equipment
Energy Minerals		These minerals include coal, oil and gas and are generally used to produce electricity, organic chemicals, plastics, for process fuel, as well as for transportation. While they have other uses, they are predominantly used in the energy sector and the other uses are mainly as derivatives from their main use.

Source: UNDP, 2017

The occurrence of the Minerals is spread over 28 counties, a number which may grow once a comprehensive aerial geological survey is conducted and more deposits discovered. The current spread is summarized in table 2 below:-

**Table 2: Mineral Occurrence in Kenya**

<b>County</b>		<b>Minerals</b>
1.	Kwale	Gemstones, heavy mineral sands (Titanium minerals), Silica sand, Rare Earth Elements, Niobium
2.	Kilifi	Titanium Minerals, Manganese, Barytes, Gypsum and Gemstones
3.	Taita Taveta	Iron ore, Gemstones, Manganese and Granites
4.	Tana River	Gypsum
5.	Makueni	Vermiculite, Gemstones
6.	Kitui	Coal, Iron ore, Copper, Gemstones, Limestone, Magnesite, alumina clay and marble
7.	Machakos	Gypsum and Pozzolana
8.	Kiambu	Carbon dioxide and Diatomite
9.	Tharaka Nithi	Iron ore, Gemstones, copper
10.	Isiolo	Gemstones
11.	Garissa	Gypsum
12.	Mandera	Gypsum
13.	Isiolo	Gemstones
14.	Marsabit	Gold, Manganese, Chromite, Gemstones
15.	Elgeyo Marakwet	Fluorspar
16.	Baringo	Gemstones (Baringo Ruby), Diatomite
17.	Nakuru	Diatomite
18.	Kajiado	Soda ash, Feldspar, Limestone, Gypsum, Gemstones, Marble and Granite (dimension stones)
19.	Uasin Gishu	Carbon dioxide gas
20.	Turkana	Gypsum, Oil, Gold, Gemstones
21.	West Pokot	Gold, Gemstones, Chromite
22.	Samburu	Gold, Manganese, Chromite, Gemstone and vermiculite
23.	Narok (Transmara)	Gold
24.	Nandi (Kibigoni)	Gold

County		Minerals
25.	Kakamega	Gold, Dimension stone
26.	Siaya	Gold, Iron ore
27.	Migori	Gold, Copper
28.	Homa bay	Iron ore and Gold
29	Kisii	Soap Stone

Source: UNDP 2017

The mining value chain comprises six key stages namely: -

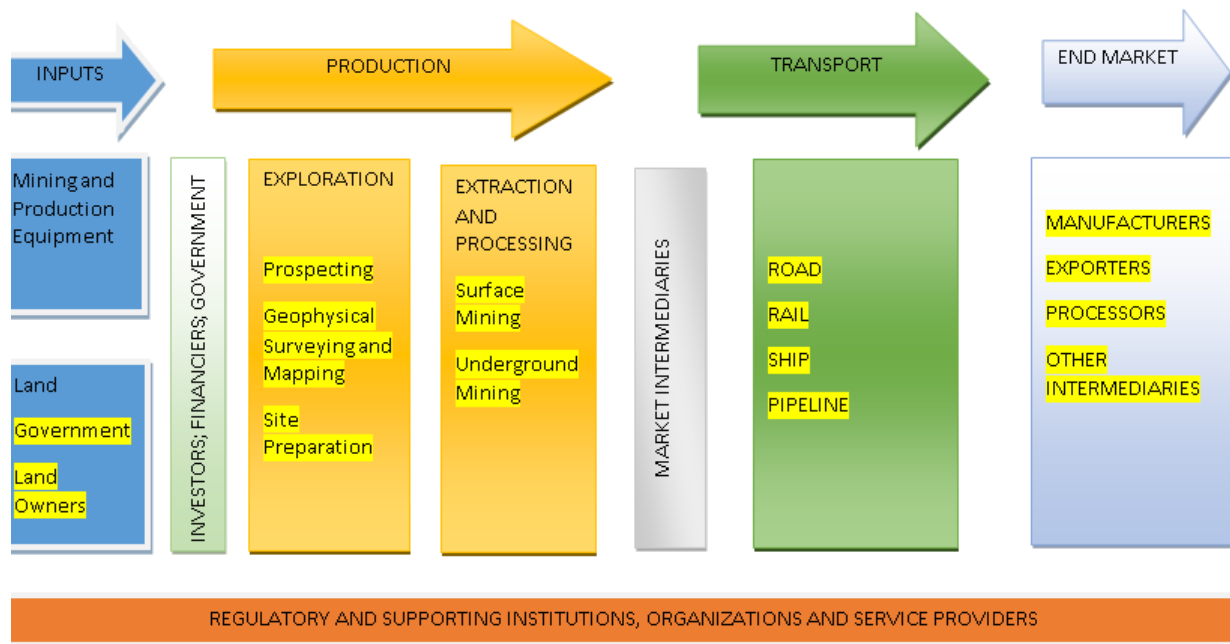
1. **Input Stage** – this is the stage where there are indications for mineral deposits in a given area. The finding could be accidental or as a result of government’s geological reports. In the case of Artisanal and Small Scale Mining, this could be an abandoned mine or an area close to the mine. At this stage, the miners put together equipment. The greatest input at this stage is land. The land could either be government owned or privately owned. The miner then starts the process of acquiring land and the necessary approvals.
2. **Resource Mobilization** – Once this is done, the miners then mobilize resources that will enable them undertake the mining activities. Large scale miners will seek necessary support from strategic investors and/or from their own capital reserves. Artisanal and Small Scale Miners will seek the support of *sponsors* for the project. This is an intermediary stage.
3. **Production** – The production stage involves exploration and extraction and processing of the minerals. Exploration entails prospecting, geophysical surveying and mapping and site preparation. This stage requires expertise of trained personnel and sophisticated equipment to determine the nature and extent of the minerals on the ground. At times the miners may find that the mineral deposits are not commercially viable and decide to terminate the project at this stage. In artisanal mining, exploration is a skill that has been passed down from generation to generation and the explorers have traditional means of determining presence of mineral deposits in a certain area. The extraction and processing stage involve surface mining and underground mining. Processing involves removal of the minerals from the rocks and can involve either crushing or chemical treatment among other processes.
4. **Market Intermediaries** – in ASM the cut mineral is then sold to market intermediaries who are mostly stationed at the sites or close to the sites. These intermediaries purchase in small quantities from various miners. In LSM the processed mineral has a designated market and the intermediaries hardly exist.
5. **Transport** – this mainly involves LSM operations where the minerals are transported to the target market. This includes transportation by road, rail, ship

and pipeline among other means of transportation. The mineral operations can either provide direct transportation or engage transport logistics service providers to move the minerals to the target markets.

- 6. End Market** – this is where the mineral is converted in to various useable forms including fuels, ornaments and jewelry, consumer electronics, computers and networks, communications, clean energy, advanced transportation, health care, environmental mitigation and defense equipment e.t.c.

Across the entire value chain there is a host of regulatory and support institutions including Government and Government Agencies, Suppliers of goods including mining equipment, organizations such as trade unions, CSOs and other service providers who provide services such as hotels, housing, household goods, medical services, entertainment services and food among others.

The entire value chain in shown in the figure below:



Source: Duke Center on Globalization, Governance and Competitiveness (modified to suit local context)



## **2.2 Policy and legal framework**

This section looks at the policy and legal framework governing the mining sector and also the policy and legal framework on Gender. These include the Constitution of Kenya, the Mining and Gender Policies and Laws, Sustainable Development Goals (SDGs) and Vision 2030.

### **2.2.1 The Constitution of Kenya**

The Constitution of Kenya, adopted in 2010, provides that not more than two thirds of the members of elective public bodies and public service employees shall be of the same gender. The Mining sector notwithstanding. The Constitution encourages equitable sharing among both men and women of the benefits accruing from the sustainable exploitation, utilization, management and conservation of the environment and natural resources (article 69, para. 1 (a)). For example, paragraph 1 of (Article 60 lays down principles governing the use of land. It calls not only for the “sustainable and productive management of land resources” but also for the “elimination of gender discrimination in law, customs and practices related to land and property in land”. Furthermore, under article 42, e, the right to a clean and healthy environment, including the right to have the environment protected for the benefit of present and future generations through legislative and other measures, is emphasized.

Additionally, the social impacts of mining, if not mitigated can lead to the destruction of the social fabric of the local communities. The table below summarizes the key provisions of the Constitution with regards to mining and its effects on gender and proposed strategies to enhance or mitigate the impact on gender.

Table 3: Constitution of Kenya 2010,

Article	Definition	Implications	Implications on Gender	Strategies for enhancing positive impacts on women
6	<b>Establishment of a Devolved system of governance</b>	Provision for management of certain functions at the county level. The Mining Act 2016 has provided for issuance of artisanal and small-scale mining permits at the county level.	Increased participation of women at the community level in mining activities. This provides an opportunity for women to venture into small scale enterprises and gain employment	Encourage the participation of women at the county level in mining activities either as investors, miners or employed in the value chain
10	<b>National Values and principles of governance including equity, equality, protection of the marginalized and sustainable development</b>	Safeguards for government and state officers to ensure that benefits from mining activities are enjoyed by all members of the community in perpetuity.	If not well managed, mining activities can lead to increased gender inequality and further marginalization of the vulnerable members of the community.	Continuous monitoring of the mining activities at the County level and ensuring that the ESIA reports are analyzed and implemented in large scale mining operations.
11	<b>Protection of ownership of indigenous seeds and plant varieties, their genetic and diverse characteristics and use by communities</b>	Some of these plant varieties are protected in their natural state. However, mining activities involve clearing of land, hence loss of some of these plants that are indigenous to local communities and are used for medicinal purposes and as	Indigenous knowledge, plants and seeds are known to be resilient and provide food and alternative medicine to many rural households. Women are involved in their harvesting. Loss of this reduces food supply and nutrition in the	Monitoring of ESIA's should ensure that women are provided with sustainable alternatives before mining operations commence. Lobby for the inclusion of NGEC and State department responsible for Gender Affairs in the process of approving ESIA

Article	Definition	Implications	Implications on Gender	Strategies for enhancing positive impacts on women
	in Kenya.	food.	households.	reports before mining licenses are issued.
27	<p><b>(3) Women and men have the right to equal treatment including the right to equal opportunities in political, economic, cultural and social spheres</b></p> <p><b>(6) The state shall take legislative and other measures including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups in past discrimination</b></p> <p><b>(8) Not more than two thirds of the members of elective or appointive</b></p>	<p>The mining sector is male dominated with little participation of women in policy, technical and investment spheres.</p> <p>The Mining Policy and Legislation has made specific provisions for the protection and promotion of women participation in the mining sector. However, there are no provisions for affirmative action. Additionally, the leadership and technical positions at the Ministry is male dominated with very few women occupying positions of decision making.</p>	<p>With little participation of women in decision making positions compounded with absence of clear affirmative action measures women will continue to be relegated to the periphery of the mining sector with few if any benefits.</p>	<p>Lobby for integration of Affirmative Action for women in the mining sector including employment, education and appointments to the various governance institutions.</p>

Article	Definition	Implications	Implications on Gender	Strategies for enhancing positive impacts on women
	<b>positions shall be of the same gender</b>			
35	<b>(1) Access to information held by the state</b>	Mining and minerals are not an everyday occurrence. To participate in mining there is need for adequate and reliable information. The Mining Act (section 29) and attendant regulations have made adequate provisions for availability of mining information on-line. This is through the cadastral and other publications available in the Ministry's website.	The form and manner in which this information is provided may be out of reach for a lot of women. Internet access is not available in the whole country and not many women have the skills to use the internet.	There is need to develop simplified information packages that women can access at the county level. This include information on value of minerals, location, potential markets, laws and regulations and even technical information packages on processing of small amounts of minerals especially gold and gemstones.  Translation of technical information in to Kiswahili and local languages where possible.
40	<b>(3) Protection from deprivation of property including provision for just compensation which</b>	Setting up large scale mining operations require acquisition of land. The National Land Commission has provided regulations concerning	Women have been greatly disadvantaged in compensation for land both in large scale, small scale and artisanal mining. Men	Work with CSOs to ensure that when there is acquisition of land, women are adequately represented in negotiations and

Article	Definition	Implications	Implications on Gender	Strategies for enhancing positive impacts on women
	<b>shall be paid in full.</b>	acquisition of land for mining purposes. However, communities are still not well versed with procedures and the value of their land leading to inadequate compensation. In artisanal and small-scale mining operations, it is the land owner (mostly male) who negotiates with the investors without any specific guidelines.	negotiate and receive all the compensation for land and most of the time the money gets misused. Even where community land is concerned women are not considered for compensation.	compensation. Additionally, where land is being leased, there should be adequate compensation for the women due to loss of livelihood.
41	<b>(1) Right to fair labour practices including remuneration, reasonable working conditions, union activities, strike e.t.c.</b>	Workers in the mining sector are still exposed to very low earnings and harsh working conditions. In small scale and artisanal mining, they handle dangerous chemicals without protective gear. Additionally, working in shafts exposes them to underground gases and risks of collapse. This is a hindrance to the attainment of this Right.	Women, because of their low levels of skills and education occupy the lowest positions in the mining sector exposing them to poor earnings and hazardous working conditions.	Advocacy action for fair remuneration for women. Skills enhancement programmes and education on alternative methods of processing minerals.
42	<b>(i)Right to clean and</b>	Mining activities are	Women bear the biggest brunt	Enhance regulations to

Article	Definition	Implications	Implications on Gender	Strategies for enhancing positive impacts on women
	<b>healthy environment</b>	destructive to the environment due to excavations, drilling and other extractive activities. These activities destroy forests, soils and lead to contamination of water bodies posing a real threat to the attainment of this right.	of environmental degradation ranging from loss of livelihoods and exposure to diseases. The dry river beds in Ukambani meant that women have to walk long distances in search of water. In other areas such as Kakamega, the loss of farmlands exposes communities there to threats of food insecurity.	provide for restoration of the environment upon completion of mining activity. Artisanal and small-scale mining need to be further regulated to safeguard small holder farmers against damage to the environment. There should also be monitoring to assess the impact of mining on women and take remedial action.
43	<p><b>1(a) Right to the highest attainable standards of health</b></p> <p><b>(c) Free from hunger and to have adequate food of acceptable quality</b></p> <p><b>(d) Right to clean safe water in adequate quantities</b></p> <p><b>(f) Right to education</b></p>	<p>Investments in mining have led to construction of health facilities and schools within the mining areas hence increasing access to health and education.</p> <p>However, destruction of agricultural lands, contamination of water sources, child labor and sexual exploitation of young girls negates these rights.</p>	<p>There is improved access to health services and education in areas with large scale and in some instances small scale mining operations.</p> <p>Young girls in these areas are also lured with money and gifts into sexual activities with those working in the mines. This negates their pursuit of education as some of them drop out due to truancy or early pregnancy or seeking employment in the mines</p>	<p>There is need to set up centers for GBV within mining areas for purposes of educating the young girls and providing other reproductive health services.</p> <p>Monitoring of child labor incidences within the mines and sensitizing communities on the same.</p>

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<b>Article</b>	<b>Definition</b>	<b>Implications</b>	<b>Implications on Gender</b>	<b>Strategies for enhancing positive impacts on women</b>
69	Encourages equitable sharing among both men and women of the benefits accruing from the sustainable exploitation, utilization, management and conservation of the environment and natural resources	Sharing of benefits from mining if not adequately addressed will lead to entrenchment of poverty in mining communities	Women most of the time benefit the least from sharing of proceeds from mining since they don't own property and are not part of decision making processes.	Through amendment of legislation and guidelines to provide for women to benefit from mining.

### **2.2.2 Vision 2030**

The Kenya Vision 2030 is the national long-term development blue-print that aims to transform Kenya into a newly industrializing, middle-income country providing a high quality of life to all its citizens by 2030 in a clean and secure environment. The Vision comprises of three key pillars: Economic; Social; and Political.

The Economic Pillar aims to achieve an average economic growth rate of 10 per cent per annum and sustaining the same until 2030. The Economic Pillar is premised on seven sectors namely, Tourism, Agriculture, Wholesale and Retail, Manufacturing, Business Process Offshoring, Financial Services and Mineral resources. While investments in mining support trade and manufacturing, if not well managed, they can be a hindrance to the achievement of agriculture goals since agricultural land is being converted to mining use. A negative effect on agriculture affects women negatively since a majority of women are employed in the agricultural sector.

### **2.2.3 Gender, Mining and Sustainable Development Goals**

Kenya is a member of the global compact on the 2030 Agenda for Sustainable Development and the Sustainable Development Goals agreed upon in 2015, with an objective of fulfilling them by the year 2030. Indeed, in terms of Article 10 of the Constitution, it is a mandatory requirement to take into account sustainable development as a consideration when making or implementing any laws and policies, as well as when making public policy decisions.

Sustainable development is often defined as “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.” Furthermore, it is commonly agreed that this must incorporate economic, environmental and social concerns. (Abrahamsson et al, 2014). The Sustainable Development Goals (SDGs), otherwise known as the Global Goals, are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity.

According to UNDP, Mining can be both a contributor (enhancer) and a hindrance to the achievement of SDGs. Poor management of the mining sector can lead to severe environmental degradation and exposure to risks associated therein. Mining can also lead to inequalities and poverty if the effects are not well mitigated. The impacts of mining on the various SDGs are summarized in tables 4 and 5 below. The tables have also indicated the impact on gender and possible mitigation and enhancement strategies. The tables have also been organized to show the level of contribution of mining in all the SDGs.



Table 4: Mining, Gender and SDGs -1- positive impacts.

IMPACT	SDG	Definition	Positive implication	Implications on Gender	Strategies for enhancing positive impacts on women
Very Direct	8	Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all.	Potential to create employment and provide decent work for communities in a sustainable manner. Artisanal mining can also be regulated and supported to provide decent work to poor communities.	Women are left out of opportunities in large scale mining due to limited capacity and in some cases discrimination. Artisanal mining providing employment for women but this is restricted to hazardous activities with low wages.	<p>Increase Training for women</p> <p>Affirmative action in employment.</p> <p>Continuous sensitization on hazardous work and decent pay in artisanal mining</p> <p>Provision of tools and equipment for women and men in artisanal mining.</p>
	7	Ensure access to affordable, reliable, sustainable and modern energy for all.	Mining investments lead to improved access to modern energy including electricity as mining companies set up infrastructure. Additionally, the extraction of gas and geothermal helps increase the country's energy sources and	Women in mining communities still continue to rely on wood fuel as their main source of energy. With increased degradation to pave way for mining, this commodity becomes scarce and out	<p>Review regulations to provide for benefit for local communities on the infrastructure</p> <p>Support women in mining communities access affordable, reliable and sustainable</p>

IMPACT	SDG	Definition	Positive implication	Implications on Gender	Strategies for enhancing positive impacts on women
			hence affordability.	of reach for many rural communities.	modern energy
	4	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all.	Investments in mining and the mining explosion has contributed to increased opportunities for education through schools put up by mining companies, introduction of academic programmes in mining and sponsorships by government, CSOs and mining companies among others	There are very few women mining professionals especially in the technical fields.	Review guidelines to support affirmative action for women in mining related courses.  Improve on career guidance and profile opportunities for women in the mining sector.  Remove stereotypes associated with women and mining.
	1	End poverty in all its forms everywhere.	People live in poverty if they lack basic services such as healthcare, security and education. They also experience hunger, social discrimination and exclusion from decision making processes. Mining has led to	Women may not benefit from the proceeds of mining due to exclusion from decision making process, lack of skills to undertake mining jobs and loss of livelihoods as a result of	Undertake training and skills development programmes for women in mining;  Lobby for regulations that enable women to be part of decision-making

<b>IMPACT</b>	<b>SDG</b>	<b>Definition</b>	<b>Positive implication</b>	<b>Implications on Gender</b>	<b>Strategies for enhancing positive impacts on women</b>
			creation of jobs and increased incomes in poor communities. There has also been an increase in provision of basic services.	displacement.	processes in mining from the policy level, mining level and at the community and household level.

On the other hand, mining activities are also a threat to sustainable development goals. These threats also affect women negatively. The table below shows the negative threats, implications on women and strategies for mitigating these negative threats.

**Table 5: Mining, Gender and SDGs – 2- Negative Impacts**

Impacts	SDG	Definition	Negative implication	Implications on Gender	Strategies for Mitigating the negative impacts of mining on women
Very Direct	15	Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss.	Mining activities destroy ecosystems and forest lands leading to the risk of desertification. Additionally, they cause land degradation making most lands unsuitable for life.	With fragile ecosystems and diminished forest cover, women who rely on forests and other nature-based enterprises such as honey production are greatly affected with massive loss of livelihoods	Legislation and Regulations that requires restoration after mining activities should be put in place.  Surveillance of artisanal mining sites to ensure there is minimum damage.
	6	Ensure availability and sustainable management of water and sanitation for all.	Mining activities pollute water sources including rivers and underground water. Additionally, mining sites have poor sanitation facilities	Women are exposed to water borne diseases; the scarcity of water means women have to spend more time looking for the scarce commodity. Mining sites hardly have sanitation facilities for women and this affects their dignity.	Promote alternative environmentally friendly alternatives to mercury and other harmful substances.  Introduce regulations that make sanitation facilities mandatory prior to issuance of permits;

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Impacts	SDG	Definition	Negative implication	Implications on Gender	Strategies for Mitigating the negative impacts of mining on women
					enforce compliance and monitoring of pollution of water sources.
Moderately Direct	16	Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.	Mining activities have led to conflicts and exclusion of members of society especially women children and persons with disabilities.	Women and children suffer the most during conflicts. Additionally, their exclusion and lack of access to justice during mining operations subjects them to further poverty and alienation.	Develop adequate dispute resolution mechanisms;  Establish institutions through regulations that can provide redress mechanisms for women and persons with disabilities;  Review regulations to provide for representation of women and vulnerable groups at all levels.
	3	Ensure healthy lives and promote well-being for all at all ages	Mining activities have caused health damages to the miners and those involved in mining activities. Exposure to dangerous metals, underground gases and sometimes water-logged	Women working in and living around mines face various health complications as a result of mining activities. Most women in gold mines are exposed to mercury while the noises	Initiate Campaigns against use of hazardous materials at work and sensitize them on the alternatives.  Regulations to control use of explosives within

Impacts	SDG	Definition	Negative implication	Implications on Gender	Strategies for Mitigating the negative impacts of mining on women
			shafts.	from the blasts and machinery poses a health risk to women.	certain radii.
	12	Ensure sustainable consumption and production patterns.	Most mining activities do not use eco-friendly production methods and the tailings generated cause severe damage to the ecosystem.	Tailings from mining activity can cause damage to water sources and land making productive activities by women especially in agriculture difficult.	Promote safer production methods and safer disposal methods for tailings.
	10	Reduce income inequality within and among countries	There are significant inequalities between members of the community with regards to earnings from mining. Mining activities lead to loss of livelihood in agricultural areas hence increasing inequalities.	In artisanal mining women undertake a lot of tasks yet their earnings are meagre. Most of the high paying jobs in large mining operations are also occupied by men leaving women with peripheral jobs further creating income inequalities.	Lobby for increased earnings for women through sensitization of women in mining and engaging investors  Affirmative action to ensure more women occupy high paying positions in the mining sector.
Indirect	14	Conserve and sustainably use the	Offshore mining and land based mining if not well	Loss of livelihoods and reduced incomes from	Enhance enforcement of regulations that will

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Impacts	SDG	Definition	Negative implication	Implications on Gender	Strategies for Mitigating the negative impacts of mining on women
		oceans, seas and marine resources for sustainable development.	managed contaminate (pollute) the ocean and inland waters leading to depletion of marine species. These include fish and other sea foods thus contributing to loss of income to fishermen, reduction in tourism among others.	marine related activities exacerbates poverty in these regions. Women are mostly affected by increased poverty in communities.	minimize pollution from mining activities
	2	End hunger, achieve food security and improved nutrition and promote sustainable agriculture.	Mining activities destroy agricultural lands for rural communities hence leading to reduced production of food. This affects the families' food security and nutrition status. Loss of livelihoods also leads to increased poverty incidences.	Women make up about 43% of the agricultural labor force in developing countries, and over 50% in parts of Africa, Kenya included. Reduced agricultural activities due to absence of land for cultivation increases poverty among women. <sup>8</sup>	Regulations on reclamation and controlled mining activities including promotion of sustainable mining
	5	Achieve gender equality and empower	Mining activities increase income inequalities between	The inequalities result in to poverty and exposes	Gender mainstreaming in the mining sector;

<sup>8</sup> <http://www.wfo-oma.org/women-in-agriculture/articles/the-role-of-rural-women-in-agriculture.html> accessed in April, 20<sup>th</sup> 2018

Impacts	SDG	Definition	Negative implication	Implications on Gender	Strategies for Mitigating the negative impacts of mining on women
		all women and girls.	men and women with men dominating.	women to gender based violence. Incidences of sexual abuse and girls exposed to underage sexual activity are common.	monitoring and reporting negative impacts on women; empower women through trainings and access to financial services; provide facilities and for response to GBV; increasing women's access to alternative livelihoods.



### 2.2.3 The Mining Sector Policy and Legal Framework

The Policy and legal framework governing mining in Kenya is summarized in the table 6 below:-

**Table 6: Mining Policy and Legal Framework**

FRAMEWORK	ROLE
Policy	
Minerals Mining and Policy 2016	The policy provides a firm foundation and basis for establishment of an enabling framework for accelerated and sustainable development of the country's mining and minerals resources sector. The policy is expected to ensure that benefits from the sector are shared by stakeholders, including investors, local artisanal and small-scale miners, national and county governments, local communities and the people of Kenya
Legal Framework	
Mining Act, 2016	The Act of Parliament to give effect to Articles 60, 62, (1) (f), 66 (2), 69 and 71 regarding minerals. It provides the terms and conditions for prospecting, mining, processing, refining, treatment, transport and any dealings in minerals
Regulations	
Mining (local Equity Participation) Regulations, 2017	The regulations require that the mineral right in respect of which mining license is issued shall have a component of local equity participation amounting to at least thirty-five per cent (35%) of the mineral right.
Mining (use of Local Goods and Services) Regulations, 2017	The purpose of these regulations is to:- promote job creation through the use of local expertise, goods and services, businesses and financing in the mining industry value chain and their retention in the country create mining and mineral related supportive industries that will provide jobs and sustain economic development achieve and maintain a degree of participation for Kenyans or companies incorporated in Kenya for the local supply of goods and the provision of services provide for a robust, transparent monitoring and reporting

FRAMEWORK	ROLE
	system.
Mining (Award of Mineral Rights by Tender) Regulations, 2017	The regulations are associated with award of mineral rights in order to ensure free and fair, open-market competition which encourages investment in the mining sector.
Mining (Community Development Agreement) Regulations, 2017	<p>The purpose of the regulations are to:-</p> <p>(1) provide a legal basis on which mining operations and mining-related activities are conducted throughout the entire life of the mine in order to ensure that:</p> <ul style="list-style-type: none"> <li>a. benefits of the mining operations or activities are shared between the holder and affected community;</li> <li>b. mining operations are consistent with the continuing economic,</li> <li>c. social and cultural viability of the community; and mining operations significantly contribute to the improved economic, cultural, and social welfare of the community;</li> </ul>
Dealings in Minerals Regulations, 2017	The purpose of the regulations is to give effect to section 223(1) of the Mining Act in so far as it relates to dealings in minerals by providing for the scope and procedures to be followed by a person who requires a mining license or permit including the renewal and revocation of such licenses and permits
Mining (Employment and Training) Regulations, 2017	<p>The purpose of the regulations is to:-</p> <ul style="list-style-type: none"> <li>a. promote job creation through the use of local expertise in the mining industry and across the entire mining value chain and retain the skills within the country;</li> <li>b. develop local capacities in the mining industry value chain through education, skills and technology transfer, research and development;</li> <li>c. achieve the minimum local employment level and in-country across the entire mining industry value chain;</li> <li>d. provide for the submission of the Employment and Training Plan in the mining industry which should include:</li> </ul>

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FRAMEWORK	ROLE
	a recruitment and training programme; and the supervision, implementation and monitoring schedule of holders of mineral rights to ensure that Kenyan nationals are employed and properly trained
Mining (Mine Support Services) Regulations, 2017	The purpose of the regulations is to provide the scope and procedures to be followed by a person who requires a mine support service license including the renewal and revocation of such licenses
Mining (National Mining Corporations) Regulations, 2017	The purpose of the regulations is the establishment of the National Mining Corporation as the investment arm of the national government in respect of minerals
Mining (Reporting of Mineral Related Activities) Regulations, 2017	The purpose of the regulations is to provide directions on the submission of relevant reports on mining activities by mining companies
Mining (use of Assets) Regulations, 2017	The purpose of the regulations is to ensure regular audit of all movable and immovable assets in mining activities
Mining (Licensing and Permitting) Regulations, 2017	The purpose of these regulations is to regulate the licensing and permitting of mineral rights and dealing permits in accordance with the Mining Act, 2016
Mining (Mineral Royalty) Regulations, 2017	The mineral royalty regulations apply to holders of mineral rights, dealers' licenses or permits under the Act and the former Act (Mining Act, 1940)
Mining (Strategic Minerals) Regulations	The purpose of the regulations is to provide clarity on the process through which strategic minerals are identified, declared as strategic and regulated based on a transparent and consultative process that includes technical review and expert consideration. Strategic minerals apply to all radioactive minerals
Guidelines	
Mining Guidelines for	The purpose of these regulations is to provide for State participation

FRAMEWORK	ROLE
Work Programmes and Exploration Reports, 2017	in prospecting or mining operations carried out by the holder of a mineral Right.
Other Legislation	
Environmental Management and Coordination (Amendments) Act of 2015	Provides for Health, Safety and Environmental Safeguards with regards to mining activities.
Water Act, 2016	
Occupational Health and Safety Act, 2007	
Land Laws (Amendments) Act, 2016	Management and use Land including for Mining and related purposes.
Community Land Act, 2016	
Land Registration Act, 2012	

Source: UNDP 2017

#### **2.2.4 The National Policy on Gender and development**

The National Policy on Gender and Development adopts gender mainstreaming and empowerment of women as policy and clearly states that it is the right of women, men, girls and boys to participate in and benefit equally from development. The Policy provides a framework for mainstreaming gender in all policies, planning and programming in Kenya and puts in place institutional mechanisms to ensure effective implementation. Gender mainstreaming is now part of public service performance contracting and the Ministry of Public service, Youth and Gender Affairs has posted Gender Officers to Government ministries to ensure that gender mainstreaming and women's empowerment are implemented as required by the Constitution and as articulated in Vision 2030.

### **2.3 Rapid Assessment of the place of women in the mining sector**

Within the mining value chain, there are opportunities for women to participate as prospectors, investors, onsite buyers, processors (crushers or grinders), panners, miners, suppliers and traders. However, their participation is restricted due to unavailability of financing to invest in equipment or lease land for mining; cultural beliefs that restrict women from entering shafts; lack of skills to participate in other technical aspects and their household work that restricts them from working in areas away from home. On the other hand, within mining sites women are exposed to hazardous chemicals and gender-based violence. Additionally, they are unable to negotiate for better wages in a male dominated occupation. “Mining is the worst sector for gender diversity – worse than the oil and gas industry – with just 5% of board seats held by women in the top 500 mining companies.” (PWC, 2013)

At the household levels additional income that is earned from non-agricultural activities have led to women improving the status of their families including access to education for children, better shelter and engagement in other small businesses outside of mining and farming. With increased household incomes, instances of gender-based violence in the home have reduced. However, the husbands, with increased incomes, have turned to vices such as alcohol abuse and child sex. Others have engaged in polygamous unions putting their wives at risk of contracting HIV/AIDS and other sexually transmitted diseases.

In Kenya ASM provides the best opportunities for women to advance economically and socially. The government has formalized the operations of ASM through the Minerals and Mining Policy of 2016 and the Mining Act of 2016. However, data on the sector is very scanty owing to the informal nature of previous operations.

During the preparation of this strategy, a Strengths, Weaknesses, Opportunities and Threats (SWOT) and gap analysis relating to gender mainstreaming in the mining sector was conducted. The analysis provided insights and direction that will enable the implementation of the strategy to take advantage of existing opportunities, build on existing strengths improve on existing weakness, and avert threats. The gap analysis indicates that despite government commitment and the existing legal and policy frameworks on gender mainstreaming and women’s empowerment, fundamental challenges persist. These challenges affect the achievement of Gender Equality across the country and threaten the gains that the country has made during the last decade. Currently, women in Kenya are not only under-represented in access to education and training, political decision-making and leadership but are also marginalized in decision-making, access and control of the benefits from investment in Mineral resources in their communities. In summary, the major challenges facing gender mainstreaming for sustainable development in Kenya include the following:

- a) Limited comprehension and understanding of the concept of gender and gender mainstreaming and how they relate to development in general, poverty eradication and mineral resources management;

- b) Inadequate financial and human resources and technical capacities across public ministries, departments and agencies for gender mainstreaming; Weak coordination, harmonization and networking among actors
- c) Poor enforcement of gender mainstreaming strategies and efforts at all levels in all sectors;
- d) Inadequate sensitization on gender mainstreaming in existing mineral resources policies and legal frameworks
- e) Limited knowledge on the impact of investment in natural resources by local communities, especially women
- f) Limited comprehensive research and gender disaggregated data for policy decision-making and planning, especially at subnational levels, resulting in a lack of knowledge management and sharing of effective measures;
- g) Lack of established and comprehensive gender-based monitoring and evaluation systems;
- h) Social and cultural attitudes, values, norms and traditional attitudes that do not support gender equality and equity;
- i) Misinterpretation of the concept of gender as referring to “women” only and trivialization of gender issues owing to a strong culture of patriarchy, with its gender bias, myths and practices;
- j) Limited or lack of women’s involvement (being consulted) in negotiations on the use, sharing of benefits that accrue from Mineral resources
- k) Limited consultation of women in situations of conflict resolution; an indication of demeaned leadership capabilities,
- l) Lack of adequate gender-specific budgetary allocations targeting gender activities at sector levels and in the national and county budgets; and
- m) Limited structural linkages at various levels (community to parliament) and horizontally across sectors and line ministries to facilitate translation of commitments in to action.

### **Gender mainstreaming issues with regard to Mineral resources in Kenya**

Literature review as well as consultations with various duty bearers and stakeholders from the public and private sectors, civil society organizations, development partners and gender experts during the preparation of this strategy assessed the status of Gender Mainstreaming with respect to environment and Mineral resources in Kenya at both national and county government levels as well as across development sectors. Several specific issues, highlighted below, emerged during consultations with the stakeholders:

#### **1. Socio-cultural factors**

Kenyan societies are still largely traditional and influenced by patriarchal myths, beliefs, attitudes and practices. Generally, women and girls are still accorded lower status

compared to men and boys. This is reflected in the way women and girls are socialized and treated. In many societies, women continue to be perceived as inferior to men and thus are discriminated against and are not considered able to be leaders or decision makers. Women are in many cases treated as men's property and as such can be mistreated, disposed of, even sold, at the whims of their male counterparts. Traditional practices such as female genital mutilation, early marriage, wife beating and sexual and other forms of gender-based violence, among other gender-related vices, continue unabated and perpetuate discrimination against women. Dismantling repugnant socio-cultural beliefs and practices and empowering both women and men are key to achieving gender equality and women's empowerment.

## **2. Women's disadvantaged position in access, ownership and participation in economic development**

Although women work and participate actively in the economic and social development of their households and communities, they are not rewarded accordingly compared to men. In fact, women have limited control (ownership) of resources and the benefits accruing from their work. Only 1 per cent of Kenyan women have title deeds to land and most have limited access to financial support. Women have limited access to goods and services in both the public and private sectors. Women's disadvantaged position in economics and business is the rationale for the establishment of the Women Enterprise Fund and the Uwezo Fund and the government directive that 30 per cent of procurement in the public sector should be reserved for women, young people and persons with disabilities.

## **3. Inadequate institutional and human capacities to mainstream gender**

The restructuring of Government ministries to 22 in number resulted in the merger of various sectors. Each ministry is expected to mainstream gender into its operations and programmes. The Ministry of Public Service, Youth and Gender Affairs, is mandated to, among other roles, to coordinate and supervise gender mainstreaming and women's empowerment across ministries, departments and agencies. The Ministry has posted gender focal points (officers), to all ministries. One key challenge, however, is that the ministries have limited or no institutional capacity, including limited financial resources and few qualified professionals with gender skills, to enable mainstream gender in their programmes and institutions. Gender mainstreaming in most cases is understood to be restricted to human resources issues and this calls for more women to be employed in leadership and decision-making positions. It is also true that women are also under-represented in managerial and decision-making positions in all the ministries. Even some of the women in managerial positions are not gender sensitive.

#### 4. Lack of gender/sex disaggregated data to support planning of programmes and projects

Data disaggregated by sex are critical for decision-making and planning for sustainable development and the empowerment of both women and men. The lack of such data is exacerbated by the fact that there has been little gender-responsive policy research on environment and mineral resource use and management. Such research and data would reveal gender concerns, issues and gaps and thus inform gender mainstreaming programmes. In addition, there is little or no information on best practices (knowledge Management) on gender management with regard to Mineral resources.

#### 5. Lack of comprehensive policy and strategic framework on gender, mining and poverty eradication

Currently there are isolated examples of policies, guidelines and strategies that relate gender, environment and Mineral resources to poverty eradication and sustainable development.

### 2.5 SWOT Analysis

As the government moves towards implementing a gender mainstreaming strategy in Mining, it is imperative to undertake an internal analysis. This will identify the strengths that the government can build on, opportunities that can be harnessed, the weaknesses that must be addressed and the threats that can be mitigated upon. These are summarized in the table 7 below.

**Table 7: SWOT Analysis**

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> <li>● Robust policy and legal Framework such as the constitution, national Gender and Equality Policy, mining Act, 2016, Mining and minerals Policy as well as Vision 2030</li> <li>● Presence of national institutions overseeing the implementation of Gender Equality and Women Empowerment (GEWE) such as the State Department of Gender Affairs and the National Gender and Equality</li> </ul>	<ul style="list-style-type: none"> <li>● Lack of proper coordination frameworks at National and County Level in the mining sector</li> <li>● Lack of gender mainstreaming guidelines for the sector</li> <li>● Lack of baseline data on sex/ gender in the sector</li> <li>● Low capacity on gender issues among practitioners including companies, employers, communities</li> </ul>



<p>Commission.</p> <ul style="list-style-type: none"> <li>• Commitment of the State Department of Mining to mainstreaming gender with regard to mining.</li> <li>• Devolution- Presence in the counties</li> <li>• Large pool of gender experts countrywide</li> <li>• Formalization of the ASM subsector</li> <li>• Presence of CSOs in Gender and Mining sectors</li> </ul>	<p>and women</p> <ul style="list-style-type: none"> <li>• Lack of budgetary allocations on gender mainstreaming issues.</li> </ul>
<p>OPPORTUNITIES</p>	<p>THREATS</p>
<ul style="list-style-type: none"> <li>• Sustainable Development Goals and Vision 2030</li> <li>• Political goodwill</li> <li>• Presence of development partners and CSOs willing to facilitate Gender Mainstreaming in the mining sector.</li> <li>• Goodwill from development partners with available funding for gender issues</li> <li>• Increased focus and attention on the mining sector by the government and development partners/ investors</li> </ul>	<ul style="list-style-type: none"> <li>• Retrogressive cultural practices</li> <li>• Silo mentality among government agencies</li> <li>• Resistance from practitioners in the sector</li> <li>• Incompetence among the practitioners</li> <li>• Conflicts between mining companies and the State Department of Mining.</li> </ul>

**2.6 PESTEL analysis**

The PESTEL Analysis looks at issues within the political, economic, socio-cultural, technological, ecological and legal environment which presents opportunities and/or threats to the mining sector. These are summarized in table 8 below:-

**Table 8: PESTEL Analysis**

PESTEL AREA	ISSUE	IMPLICATION ON STRATEGY
Political	<ul style="list-style-type: none"> <li>● Change in government</li> <li>● Political incitement at the grassroots</li> <li>● Change in Government Structure</li> <li>● Election related violence</li> </ul>	<ul style="list-style-type: none"> <li>● New government may not prioritize mining and gender</li> <li>● Incitement may lead to resistance among the communities</li> <li>● The current institutional arrangement in mining and gender may be altered midway implementation process</li> <li>● Violence disrupts programmes and projects in the community. Women suffer the most during these times.</li> </ul>
Economic	<ul style="list-style-type: none"> <li>● Increased economic growth</li> <li>● Reduced economic growth</li> <li>● Inflation</li> <li>● Falling global prices on minerals</li> <li>● Increased lending institutions</li> </ul>	<ul style="list-style-type: none"> <li>● More opportunities for empowering women</li> <li>● Reduced funding and opportunities</li> <li>● Increased stress on women hence less available money for development</li> <li>● Reduced mining activities</li> <li>● Improve access to credit for women</li> </ul>
Socio-cultural	<ul style="list-style-type: none"> <li>● Persistent cultural beliefs related to mining</li> <li>● Large proportion of women compared to men in the population structure</li> </ul>	<ul style="list-style-type: none"> <li>● Places women at the back seat of the development process</li> <li>● Need to focus on empowering more women</li> </ul>
Technological	<ul style="list-style-type: none"> <li>● Advancement in the telecommunication industry</li> <li>● Increased application of technology in mining</li> </ul>	<ul style="list-style-type: none"> <li>● Increased mobile based platforms for awareness, education, credit, monitoring and evaluation</li> <li>● Opportunities for women to gain skills that will improve their employability</li> </ul>

		<ul style="list-style-type: none"> <li>Improved working conditions for women</li> </ul>
Ecological	<ul style="list-style-type: none"> <li>Increased destruction on the environment including pollution of water sources</li> </ul>	<ul style="list-style-type: none"> <li>Reduction of commercial activities in agriculture. If alternative income from mining is not sufficient, women are further plunged into poverty</li> </ul>
Legal	<ul style="list-style-type: none"> <li>Changes in laws and policies</li> <li>Inadequacies in the existing policy and legal frameworks.</li> </ul>	<ul style="list-style-type: none"> <li>Opportunity to enhance women participation in the changes of laws</li> <li>Opportunity to lobby for review of inadequate laws and development of new laws/regulations/guidelines</li> </ul>

**2.7 Risk analysis**

The Risk analysis table describes the inherent risks that the State Department for Mining (SDM) may face during the process of implementing the Strategy and Action Plan. The risks are discussed from SDM's point of view. The risks are also categorized based on the impact on activities at SDM with accompanying mitigation measures. These are summarized in table 9 below: -

**Table 9: Risk Analysis**

Type of risk	Description of risk from SDM perspective	Rate/level of risk	Mitigation of risk
Market	Exposures arising from fluctuations in market rates of various parameters such as interest rates, tariff of the various mineral products	High	Minerals are produced based on the demand in the market. Mining operations may cease if there is no local and global demand. There is need for legislation to mitigate on closure of mining operations
Operational	Exposures that could arise as a result of failures or deficiencies related to or occasioned by systems, processes and people	Medium	Set up a robust implementation and accompanying institutional framework

Type of risk	Description of risk from SDM perspective	Rate/level of risk	Mitigation of risk
Technology	Exposures occasioned by reliance on technology for the purpose of carrying out transactions	Low	Technology can be employed as a supplementary means of providing credit, education and information to women and men.
Strategic	SDM may fail to achieve strategic objectives outlined in this strategy	High	Ensure that the gender mainstreaming strategy is integrated into the Ministerial Plan of Action and all actors are adequately involved in implementation.
Funding	There may be inadequate financial resources to implement the Strategy and Action Plan	High	Work with Stakeholders in the sector in the implementation of the strategy and Action Plan.
Governance	Failure to establish documented governance arrangements setting out clear organizational structures with well-defined transparent and consistent reporting lines and roles, responsibilities and accountabilities	High	Ensure the implementation framework is well documented and integrated into the plans of stakeholders.

## 2.8 Stakeholder Analysis

The stakeholder analysis looks at the different stakeholders, their roles and obligations of the SDM in the implementation of this Strategy and Action Plan. These are summarized in table 10 below: -

Table 10- Stakeholder Analysis

Stakeholder	Role/mandate of the Stakeholder	SDM obligations to the stakeholder
Mining Companies	Undertakers of mining activities including prospecting, site	Provide guidelines for gender mainstreaming; provide reporting

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	preparation, extraction and processing, employers, providers of CSR services	tools; build capacity on gender mainstreaming
Senate and National Assembly	Passage of policies, laws, regulations and oversight.	Accurate reporting. Engagement in passage of gender responsive laws and policies.
County Governments	Custodians of community land at the county level. Members of the ASM Committees at County level and Community Development Agreement Committees who approve issuance of mining permits and Monitoring of compliance.	Capacity development on gender and mining issues; engagement in other programmes for women empowerment
National Gender and Equality Commission/ State Department for Gender Affairs	Monitoring governments compliance with international and national laws; capacity development of actors	Engagement in capacity building; monitoring and evaluation. Submit reports on level of compliance.
National Environmental Management Authority	Enforcement of EMCA; Issue guidelines; Approves SEIA Reports	Engagement in advocacy and mainstreaming of gender issues in SEIA; Capacity building
National Land Commission	Custodian of public land. Manages compensation and resettlements	Capacity Building on Gender Issues; engagement in advocacy on gender related resettlement matters and compensation issues in the mining sector.
Civil Society Organizations	Defenders of vulnerable groups; provision of services to women; community mobilization	Engagement in community mobilization and capacity development. Support in monitoring of implementation of mainstreaming strategies
Artisanal Mining Associations	Mobilization of artisanal mining actors; provision of employment, protection of women and	Capacity development; active engagement in advocacy and capacity building of women and

	children from exploitation. Coordinate marketing of mineral products and protection of workers from poor wages as well as ensuring there are good working conditions at the mining sites.	men in the stated sectors.
Communities	Owners of land where mineral resources are found. Provide labor and other services to mining companies	Awareness creation; capacity development and mobilization around specific gender issues.
Banking and Financial Institutions	Provision of financial services to women and Youth. Capacity building of women entrepreneurs	Active engagement and mobilization of women, men and Youth.
Ministry of Water and Sanitation	Protection of water sources	Active engagement in capacity building and gender responsive protection of water sources
Ministry of Environment and Forestry	Environmental conservation and protection including forests and indigenous species.	Engagement in community capacity development. Mobilization of communities and women around conservation issues in mining areas.
Other Government Ministries, Departments and Agencies	Provision of various services to the public	Engagement on development and implementation of sector specific laws and policies relevant to gender and mining.
Academic and Research Institutions	Knowledge generation and training	Engagement in ensuring women are enrolled into mining disciplines and gender related research and documentation in the sector.

## 3.0 STRATEGIC MODEL

The strategic model provides the vision and mission of the Strategy as well as the Action Plan. It also outlines the core values and principles as well as the strategic issues and objectives for the next five years.

### 3.1 Vision of the Strategy

*A vibrant and sustainable mining sector where men and women benefit equally.*

### 3.2 Mission of the Strategy

*To advance, promote and facilitate the achievement of Gender Equality and Empowerment of women in the mining sector in Kenya by integrating gender perspectives into policies, laws and programmes.*

### 3.3 Values and Guiding Principles

#### Values

The Strategy shall be guided by the Values of the SDM, which include: -

1. Quality;
2. Self-drive;
3. Integrity;
4. Teamwork;
5. Courtesy;
6. Creativity and innovation.

#### Guiding Principles

The following principles shall guide the implementation of this Strategy and Action Plan.

1. **Gender-sensitive language:** Texts referring to or addressing both women and men must make women and men equally visible.
2. **Gender-specific data collection and analysis:** Data must be collected, analyzed and presented by gender, sex, social dimensions, such as age, ethnicity, income and level of education should also be reflected as applicable.
3. **Women and men are equally involved in decision making:** There are binding targets for a balanced gender or sex ratio at all levels of decision making.
4. **Equal treatment is integrated into all processes:** Steering instruments include gender monitoring tools, gender-responsive budgeting tools, amongst others. All targets related to people are defined in terms of full equality and the targets attained are therefore presented by gender or sex.
5. **Sustainable use:** Environmental resources will be utilized in a manner that does not compromise the quality or value of the resources or decrease the carrying capacity of supporting ecosystems.

6. **Equity:** The management of the environment and mineral resources will seek to secure the best interests of present and future generations.
7. **Public participation:** A coordinated and participatory approach to environmental protection and management will be enhanced to ensure that relevant government agencies, local authorities, the private sector, civil society and communities are involved in planning, implementation and decision-making processes.
8. **Polluter pays principle:** Polluters and users of environmental and natural resources will bear the full environmental and social costs of their activities.

### **3.5 Strategic issues and Objectives**

This strategy targets strengthening of gender responsive policy and legal frameworks, organizational and institutional capacity to deliver, gender-responsive services, strengthening of partnerships for gender mainstreaming, and the monitoring and evaluation of gender mainstreaming in respect of the Mineral resources.

To achieve these targets the following strategic direction and activities will be supported and undertaken during the strategy period (2019-2023):

The strategic objectives are:

**Strategic objective 1:** Enhance capacity-building and knowledge management in respect of access to and use of the Mineral resources.

**Strategic objective 2:** Enhance gender responsiveness in environmental conservation, Mineral resource management and poverty reduction programmes.

**Strategic objective 3:** Strengthen policy analysis and gender-responsive research, data management and monitoring and evaluation systems.

**Strategic objective 4:** Promote partnerships, linkages and sharing of best practices on gender mainstreaming in the management and use of the environment and Mineral resources nationally, regionally and internationally.

**Strategic objective 5:** Establish and adapt financial mechanisms for gender mainstreaming programmes and innovations in the use and protection of the environment and Mineral resources respectively.

The Table 11 below gives the strategic direction including Strategic issues, Strategic Objectives and outcomes (key results) The details of implementation are presented in a four-year action plan that will follow next.



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<b>No.</b>	<b>Strategic issue</b>	<b>Strategic Objective</b>	<b>Outcome (Key Result)</b>	<b>Key Performance Indicator</b>
1	Women's disadvantaged position in access, ownership and participation in economic development	Enhance capacity-building and knowledge management in respect of access to and use of the Mineral resources	Increased number of women accessing and owning the mineral resources and benefits there-of at the national and sub-national levels across economic development sectors.	Percentage increase in the number of women benefiting from the most productive sector mining value chain.
2	Lack of comprehensive policy and strategic framework on addressing issues of gender in mining and poverty eradication	Enhance gender responsiveness in environmental conservation, Mineral resource management and poverty reduction programmes.	Sustainable economic growth in the mining sector with equitable benefits to both men and women resulting in high living standards.	Adequate comprehensive policy and strategic frameworks addressing Gender issues in the mining sector Proportion of consultative meetings/consultations with women representation. Number of stakeholders consulting women on gender issues
3	Limited and insufficient gender responsive and gender/sex disaggregated data and lack of knowledge management systems	Strengthen policy analysis and gender-responsive research, data management and monitoring and evaluation systems	Credible sex/gender disaggregated as well as accessible knowledge management systems in place for use by public , private sector, CSOs and academic institutions for policy, decision making and planning across the sectors.	Number of Gender responsive programmes and plans. Documented research information available and accessible to inform planning and implementation. Proportion of women holding technical positions in mining related organizations and companies. Reduced proportion of women exposed to hazardous work in the mining sector.
4	Lack of adequate funding for	Establish and adapt financial mechanisms	Increased funding to Gender Mainstreaming activities in the	Budgetary allocations to Gender

	mainstreaming gender into the mining sector	for gender mainstreaming programmes and innovations in the use and protection of the environment and Mineral resources respectively.	sector.	Mainstreaming.
	Limited and non-functional partnerships and linkages of Gender Mainstreaming in development sectors in the public, private and CSOs	Promote partnerships linkages and sharing of best practices on gender mainstreaming in the management and use of the environment and Mineral resources nationally, regionally and internationally.	A well-coordinated Partnerships system established to support gender responsive management and use of the environment and mineral resources, nationally, regionally and internationally	Number of information exchange and partnership platforms established on gender responsiveness in the mining sector.

## **4.0 ACTION PLAN**

### ***4.1 Implementation Framework***

To achieve the above stated objectives, there is need for a robust implementation framework that will comprise of multi-stakeholder involvement and actions. The Ministry responsible for Mining, Gender Office shall spearhead the implementation of the Strategy and Action Plan. Successful implementation of a strategic plan requires linkage of strategies to implementation framework. Such a framework entails linking activities and resources to desired results.

The implementation of the Gender Strategy will take a three-pronged approach: -

1. **Program -based-** these will be long term interventions that will address a change in behavior, practices, policies or laws.
2. **Project -based** – these will be medium term, time-bound interventions that will address specific issues.)
3. **Activity -based** – these are interventions that will be integrated into the daily business of the various stakeholders and will be implemented on a continuous basis. These include but not limited to issues like production and dissemination of information, resource mobilization, trainings, networking and collaboration as well as awareness creation using various multimedia channels. (Short term).

### ***4.2 Strategic Action Plan***

The various strategic actions required to implement the strategy are outlined in table 12 below. The table also assigns responsibility to the various stakeholders and provides a time frame for implementation. Short term activities will be implemented within the first six months and will be sustained over the strategy period where necessary. Medium term activities will be undertaken within the first two years while long term activities will be undertaken within the duration of the strategy.

**Table 10: Action Plan**

Expected Outcome	Strategic Activities	Responsibility	Time Frame
Strategic objective 1: Enhance capacity-building and knowledge management in respect of access to and use of the Mineral resources.			
Percentage increase in the number of women benefiting from the mining value chain.	Undertake baseline survey to identify and analyze men’s and women’s different roles and responsibilities in extractives communities, including access to and control of resources and benefits;	MPM, SDGA, NGENC	2019 (PR)
<p>Availability of information and sex disaggregated data in the mining sector.</p> <p>Increased revenues in the sector from men and women miners.</p> <p>Change in mining methods to use of modern technology and personal protective</p>	<p>i. Conduct gender analysis and advocate for and support incorporation of gender mainstreaming targets in Laws and policies that are under review.</p> <p>ii. Develop a gender mainstreaming toolkit for effective gender mainstreaming in respect of the environment and natural resources management and use.</p> <p>iii. Undertake training and capacity needs assessments among gender focal points and planners in line ministries, various authorities and in all Counties and develop appropriate training programmes.</p> <p>iv. Develop and implement a gender mainstreaming capacity building program at national and sub national levels in collaboration with strategic partners</p> <p>vii. Strengthen the capacities of county structures to</p>		

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Expected Outcome	Strategic Activities	Responsibility	Time Frame
equipment.  Proportion of women holding technical positions in mining related organizations and companies.	mainstream gender in mineral management and environmental conservation.		
	Implement Affirmative Action measures to ensure women are promoted to decision-making and leadership roles in the mining sector.	MPM, NGEC, CSOs,	2020 (PG)
	Develop diversity programs to break down social and cultural stereotypes that discourage women from pursuing professions within the industry (this can be fostered by providing educational scholarships, mentoring and apprenticeship opportunities).	MPM, NGEC, CSOs	2020 (PG)
	Provide an enabling environment in procurement processes to engage women in SMEs within mining communities	CSOs, Mining Companies, MPM, SDGA, NGEC	2019 (PG)
	Provide capacity building programmes for women entrepreneurs in the mining value chain.	Mining Companies, CSOs	2018 (PG)

Expected Outcome	Strategic Activities	Responsibility	Time Frame
	Recognize companies that implement similar career advancements for women in mining;	MPM, NGEC, CSOs, County Governments	2019 (PG)
	Establish a National Technical coordination committee for women in mining to be the oversight body for women in mining issues;	MPM, NGEC, CSOs, County Governments	2018 (ACT)
	Support mining companies to mainstream gender issues in their policies and programmes.		
	Proactively support women and girls to study engineering, geology, and other topics to support their engagement in the oil, gas, and mining industries (affirmative action). Support the formation of women cooperatives within the mining areas that can foster savings and credit.		
	Advocate to companies to proactively encourage women in recruitment and hiring;		
	Lobby for the introduction of artisanal, craft, certificate and diploma courses in mining related fields especially at County level to make them accessible to both women and men.		

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Expected Outcome	Strategic Activities	Responsibility	Time Frame
	Develop guidelines to support employment of women in ASM		
	Support knowledge exchange about gender equality and social inclusion in the mining sector		
<b>Strategic objective 2: Enhance gender responsiveness in environmental conservation, Mineral resource management and poverty reduction programmes</b>			
Outcome 2.1 No. of engendered programmes and activities.	Sensitization campaigns on Environmental conservation and rehabilitation.	MPM, SDGA, NGEC, CSOs	2019 (PR)
	Tree planting campaigns at the closed mines by providing seedlings for re-forestation.	MPM, SDGA NGEC, CSOs	2018 (PG)
Outcome 2.2 Reduced proportion of women exposed to hazardous work in the mining sector.	Support women and miners to acquire energy saving and clean technologies.	MPM, SDGA, NGEC, CSOs,	2019 (PG)
	Support establishment of grassroots organizations if none exists to manage mining activities in the community;	MPM, NGEC, CSOs, NEMA	2019 (PR)
	Promote gender equality and mainstream environmental issues in existing economic empowerment programmes	MPM, NEMA, CSOs, County	2020 (PG)

Expected Outcome	Strategic Activities	Responsibility	Time Frame
	(e.g., Women Enterprise Fund, Youth Fund and Uwezo Fund), through sensitization and training.	Governments	
Strategic objective 3: Strengthen policy analysis and gender- responsive research, data management and monitoring and evaluation systems.			
3.1 Credible Sex/gender disaggregated data available and used by the public and private sectors, civil society organizations and academic institutions for policy, decision-making, planning and programming at all levels and across sectors.	Undertake periodic Gender Audits on the implementation of policies in the sector to ensure they are gender responsive.	CSOs, Mining Companies, County Governments.	2018 (PG)
	Develop and enhance internal monitoring and evaluation systems at the SDM at the counties and promote its use to track gender mainstreaming with regard to the environment and mineral resources;  iii. Initiate and support policy research on gender, environment and poverty reduction and building a sex/gender disaggregated data bank at the national and county levels;	CSOs, Mining Companies, County Governments.	2019 (PG)
	Establish and support research centers on gender sustainable	CSOs, Mining Companies,	2019 (PG)



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Expected Outcome	Strategic Activities	Responsibility	Time Frame
3.2 Increased number of donors and development organizations funding gender responsive research and dissemination of the same.	Mineral resource management.	County Governments.	
	Set up a database and repository on gender, environmental conservation and mineral resource management at the Gender Research and Documentation at the University of Nairobi.	SDM, CSOs, SDGA Mining Companies, County Governments.	2019 (PG)
	Community awareness programmes on the importance of keeping sex- disaggregated data.	CSOs, Mining Companies, County Governments.	2018 (PG)
Outcome 3.3 Gender sensitive monitoring and evaluation tools			
Outcome 3.4 Transparent and accurate data that is gender- / sex disaggregated.			
Strategic objective 4: Promote partnerships, linkages and sharing of best practices on gender mainstreaming in the			

Expected Outcome	Strategic Activities	Responsibility	Time Frame
management and use of the environment and Mineral resources nationally, regionally and internationally.			
Outcome 4.1: Partnerships and linkages established and functioning to support gender-responsive access to and use of the environment and natural resources at the national and subnational levels	Identify and develop partnerships with donors, development partners and the private sector for training, capacity-building, and research activities;	Mining Companies, MPM, CSOs, MoE	2018 (PG)
	Work with national and county-level civil society organizations, non-governmental organizations and research institutions on gender mainstreaming with regard to the environment and sustainable development;	Mining Companies, NGEC, MoE, MPM	2018 (PG)
	Coordinate information exchange activities for Women and Youth.	MPM, Mining Companies	2018 (PG)
	Launch and support a community of practice on gender mainstreaming with regard to the environment and natural resources and promote the sharing of best lessons on gender and mining.	MPM, CSOs, MoE, County Governments	2018 (PG)
Strategic objective 5: Establish and adapt financial mechanisms for gender mainstreaming programmes and innovations in the use and protection of the environment and Mineral resources respectively.			
Outcome 5.1: Adequate	Lobby to have a separate gender mainstreaming budget	MPM, NGEC,	2019 (PR)

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Expected Outcome	Strategic Activities	Responsibility	Time Frame
financial resources mobilized and made available to ministries, departments and agencies, civil society organizations and women and men for gender mainstreaming activities in respect of the environment and Mineral resources. 5.2 Effective and efficient use of financial resources for gender mainstreaming in the Mining sector.	line	CSOs	
	Support funds programs for women and Youth in extractives communities through Government Affirmative Action Funds	MPM, NGEC	2019 (PR)
	Allocating and using the fund to support gender-responsive innovations among young people (women and men);	MPM, NGEC	2019 (ACT)
	Allocating and using the fund for capacity-building and gender responsive research at national and county levels;	MPM, NGEC, CSOs	2019 (PR)
	Seek for funding from donors and the private sector for gender Mainstreaming of programmes and projects on mining.	MPM, NGEC, CSOs	2019 (PG)
KEY	PG= Programme PR = Project ACT= Activity		

### **4.3 Financial Arrangements**

Funding for implementation of the Strategy shall be provided by the Ministry responsible for Mining. Additional funding shall be provided by the mining companies, the strategic partners (MDAs), development partners, County Governments and Civil Society Organizations. These partners shall be responsible for implementation of specific action plans.

### **4.4 Institutional Framework**

The Ministry of Petroleum and Mining, Gender Office shall be the focal point for implementation of the strategy and shall provide the secretariat services. There shall be established a National Technical Committee on Women in Mining that shall bring together the following actors: -

- 1 Ministry of Petroleum and Mining
- 2 Ministry of Environment and Forestry
- 3 Ministry of Water and Sanitation
- 4 Ministry of Education
- 5 National Land Commission
- 6 National Gender and Equality Commission
- 7 National Environmental Management Authority
- 8 The development Partners
- 9 Representatives from Civil Society Organizations (2)
- 10 Representatives from the Mining Companies (2)
- 11 Council of Governors
- 12 Chamber of Mines
- 13 Representatives from Artisanal Mining Associations (2)

The technical committee shall be responsible for providing oversight and monitoring of the implementation of the strategy and action plan. This committee shall also provide the much needed voice for women in the mining sector.

## **5.0 MONITORING AND EVALUATION**

### ***5.1 Monitoring and Evaluation (M&E) Framework***

The following M&E framework will be adopted in order to ensure successful implementation of the strategy and action plan: -

- i. Establish M&E structures including M&E committees to champion implementation of the strategy's Action Plan both at the State Department level and the National Technical Committee level.
- ii. The M&E committee should hold regular meetings (preferably quarterly) to review the status of the strategy implementation as it relates to their respective roles. In addition, areas requiring strategy change should be identified.
- iii. The M&E Committee will avail progress reports regularly (preferably quarterly) to the National Technical Committee and the State Department on the progress made towards the attainment of the goals.
- iv. Annual Work plans shall be developed to guide the annual implementation of the strategy and Action Plan. The work plan shall highlight the annual targets and resources available and shall be linked to the State Departments work Plan and Performance contract..
- v. The strategy will be reviewed annually so as to ensure that necessary changes in the objectives, strategy, activities, etc. (informed by new information regarding the sector or the changes in global, regional and local environments) are effected.

The M&E Framework will be a results-based framework measuring results at the different levels in the results chain. At the initial stages of implementation of this action plan, baseline values shall be determined for all activities and expected results. A detailed monitoring and evaluation plan for the strategic plan shall then be developed to guide the implementation process.

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