JUKWAA LA MADINI 2018

FINAL CONFERENCE COMMUNIQUE
Held at Safari Park Hotel from 25th - 27th September 2018, under Jukwaa la Madini, Mafuta na Gesi. It was a convene to dialogue and call for action on “accountable and sustainable mining for improved livelihoods and lives of local communities in mining, oil and gas areas and all citizens.”
KEY CHALLENGES

1. Land Compensation
2. Environmental & Social Impacts of exploiting Natural Resources.
3. Artisanal mining & Small Scale Mining Revenue
4. Sharing & Management
1. LAND COMPENSATION RESETTLEMENT AND THE CONCEPT OF FREE, PRIOR AND INFORMED CONSENT (FPIC)

ISSUES

- Land is not surveyed and titled. This exposes local communities to vulnerabilities of exploitation by investors and interested parties.
- Limited public engagement during compensation and resettlement, which puts the affected communities at risk of losing their land.
- Indigenous communities living on ancestral land where mineral resources have been discovered are at a high risk of displacement by influential people.
- Deficiency in the current compensation model & inadequate mechanisms of addressing historical land injustices post compensation and resettlement.

RECOMMENDATIONS

- The enactment of policies, laws and regulations that protect the vulnerable groups such as indigenous communities from the threats of forceful displacement, eviction and haphazard sell of land.
- Fast-track development of a national compensation framework.
- Speedy adjudication of land in areas where mineral resources have been discovered and proper issuance of titles to legal owners of such lands.
The conference noted that mineral exploitation has both environmental and social impacts some of them hazardous to human life and the ecosystem. There is emerging evidence in some active and potential mining areas that have not had Environmental Social Impact Assessment and Audits (ESIAA) and even in areas where it has been done, there is little information and engagement with the local communities on the same.

Recommendation:
We recommend ESIAAs to be done with effective participation of all stakeholders followed with quarterly audits that shall ensure adherence to the mining contracts, standards and mitigation measures enshrined therein. The Ministry should work closely with the respective County Governments during mine closure.

2. ENVIRONMENTAL AND SOCIAL IMPACTS OF EXPLOITING NATURAL RESOURCES

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Observing that Artisanal and small scale mining is now recognized in law as an economic activity that citizens can benefit from.

Recommendations:
We call for the finalization of the artisanal mining strategy and fast tracking of the establishment and operationalization of County Artisanal mining committees; and
The Government should be open to the necessary amendment in the Mining Act, 2016 to allow for the support of modern technologies, finance, and access to the markets.
4. REVENUE SHARING AND MANAGEMENT.

We note that the Ministry has made provisions in law of revenue sharing between the national and county and mining communities. However, there is no mechanism to operationalize this and disclosure of revenue received for transparency and accountability.

Recommendations:
The Government should set and implement safeguard measures that protect the nation from illicit financial flows that will disenfranchise Kenyans from benefiting from royalties and revenue from mining, oil and gas. We call for greater accountability and transparency in the utilization of 1% set aside by mining companies and speedy implementation of community development agreement.
While appreciating efforts already put in by the Ministry in digitizing some of the information related to mining, such process should be given some sense of urgency by digitizing all the relevant documents not only related to mining but also oil and gas.

1. There is a need for inclusion and advancement of the vulnerable groups, including the youth, women and persons with disability in the value chain of the mining and petroleum industry.
2. The need for establishment of a Sovereign Fund for effective utilization of the resources that accrue from mining, oil and gas.

3. We call upon the government to put the people of Kenya particularly local communities at the center of any mining and petroleum negotiations and fast-track the implementation of agreements at all stages of the mining value chain for the betterment of the Kenyan citizens.

4. On our part, we ultimately commit to engage various actors among them Kenya Government, Kenyans and investors to constructively dialogue and take action for maximum benefits from mining, oil and gas for all.

Signed in Nairobi this ........day of .................2018 on behalf of the participants by:

Lucy Githaiga
Sign: ..........................

Haki Madini Kenya

Prof Winnie V. Mitullah
Sign: ..........................

Kenya Land Alliance