



## KCCB-CJPC 2016 ANNUAL REPORT

### PRELIMINARY

NAME OF ORGANIZATION	Kenya Conference of Catholic Bishops- Catholic Justice and Peace Commission
CONTACT DETAILS Email:	The Secretary General, Rev. Fr. Daniel Rono. P.O Box 13475 - 00800, Nairobi. Tel: 4441112 /4443133 Fax: 4441758/ 4442910 E-Mail: <a href="mailto:secgeneral@catholicchurch.or.ke">secgeneral@catholicchurch.or.ke</a> / <a href="mailto:national@catholicchurch.or.ke">national@catholicchurch.or.ke</a>
PROJECT TITLE	MADINI YETU WAJIBU WETU
PROJECT ID	4118

REPORTING PERIOD:	January 2016- January 2017
PROJECT BUDGET:	KSK 3,600,000

## **INTRODUCTION AND BACKGROUN**

The Catholic Justice and Peace Commission (CJPC) was formed in 1988 as the executive arm of the Kenya Conference of Catholic Bishops (KCCB) on matters of peace and justice. CJPC works to fulfil one of KCCB objectives, which is to promote justice and challenge oppressive structures in society. CJPC's broad aim is to sensitize individuals, communities, and the whole nation on justice, peace issues and their respective roles and duties in addressing peace development, human advancement and human rights. **In the Haki Madini Coalition**, KCCB-CJPC is the lead agency in influencing policies seeks to contribute to the result area no.1;-Policies, institutions and legislations to address community interests and incorporate regional and international best practices.

## **OPERATING CONTEXT**

KCCB-CJPC is engaged at the national level to help push for favorable laws and legislations that cater for the interest of the communities that are around mining areas.

2016 was a good year for the extractive industry. It was the year that saw the enactment of the new Mining Act which came into effect on May 27<sup>th</sup> 2016. This was a very progressive law that brought positive changes in the mining sector. Among the issues that the new mining act addressed were:

- **Mandate of Control of natural resources**-To control the clash of control of interest that might have resulted between the national and county governments by clearly stipulating that the management of natural resources are the mandate of the national government.
- **Legalizing Artisanal Miners** -Of great concern for HMK is the fact that the act recognizes artisanal miners and therefore it makes it legal for licensed miners to operate as artisanal miners.
- **Benefit Sharing**-Through this act, revenue sharing ratio between the National/County government and the host community is clearly stipulated which is 70:20:10.

- **Introducing the Community Development Agreements:** In the past, communities have always relied on the Corporate Social Responsibility projects that the companies do offer for them. Through the mining act, a company cannot start operations without establishing community development committees that are going to lead the way in planning for the projects that the holder can establish for the community.

KCCB-CJPC in the year 2016, did constitute a policy working group whose mandate was to be guiding the HMK consortium in analyzing any policies that are geared towards the extractive industry. Immediately after the new act was in place, the Ministry of Mining did prepare Mining regulations that are meant to help in enforcing the new act. The policy working group went through all the regulations and gave out recommendations through the HMK consortium in collaboration with other CSOs who work in the sector. The recommendations were compiled into a memorandum which was presented through a forum that the consortium had with the Ministry of Mining officials and other stakeholders. During this process of developing the Memorandum other Civil society organizations working in the Mining sector joined hands with the policy working group and gave out the contributions as well.

Other Bills that were very crucial in the sector are the **Local content Bill of 2016** and the **Natural resource sharing** bill which is going to clearly outline the mechanisms through which the revenues are going to be managed and utilized and the relevant bodies that are going to be in charge. The Local Content bill was widely discussed and subjected to a number of public participation forums and we are awaiting the final version of it after different stakeholders gave out their views including KCCB-CJPC on behalf of HMK.

Apart from legislation, Kenya through the Ministry of Mining had a plan of carrying out an aerial survey of the Minerals in the country during the 2016-2017 Fiscal year. Treasury had allocated the Ministry of mining 3b shillings to facilitate the process. However due to other emerging issues like the drought, treasury released a supplementary budget that affected a number of government ministries among them, the ministry of mining. This means that the aerial survey may be delayed and also there is a likely hood of it being carried out by a foreign entity who will fund the whole process which will impact negatively for our country. There is need to lobby in this space and try and see how the government will commit itself in ensuring that they support the Extractive Industry.

**IMPLIMENTATION STATUS**

Objective 1: To influence policy, legal and institutional framework development and implementation to ensure that community interests are secured.			
Result 1: Policies, institutions and legislations address community interests and incorporate regional and international best practices.			
Result Areas	Planned activity <i>(drawn from work-plan)</i>	Status of implementation	Reasons for variation
Result 1: Policies, institutions and legislations address community interests and incorporate regional and international best practices.	1.1The Kenya Conference of Catholic Bishops through National Justice and Peace Commission will convene a one day meeting with Clergy to create awareness on issues related to Artisanal Mining and Extractive sector	Not done (Rescheduled to the first quarter of 2017)	It was not possible to get a slot during the plenary assemblies. In the first assembly, the activity could not have taken place because of delay of funds (Contract was not signed yet).In the second assembly, the bishops requested that they be allowed to discuss more national pressing matters that needed urgent attention of the church.
	1.2The Catholic Justice and Peace Commission will constitute a Policy Working group on mining which will meet on a need basis throughout the year to among other issues finalize on the simplification of the Mining Act.	Done	
	1.3.Systematically monitoring of policies and sharing of bills related to ASM 1.3.1 Training of CJPC Diocesan Coordinators and sections of the Secretariat to aid in collecting information and monitoring in regard to Mining bills and policies at the various counties HMK is working and implementing projects.	Done.	

.	1.4 Convene an Inter-religious dialogue session in the first quarter of the year	Rescheduled	
	1.2 Quarterly breakfast meetings between Bishops and Mps.	Rescheduled	There was not a substantive agenda that would have necessitated this meeting.
Result 15: Enhanced ownership and sustainability of the Madini yetu Wajibu Wetu	15.1 Data collection, analysis and filling of the Baseline information for the Indicator Training Tool	Done	
	15.2 Establishment of Project Accountability teams	Done	
	15.3 Quarterly Project Steering Committee meetings	Done	

### **DETAILED IMPLIMENTATION STATUS.**

#### **1.1 Kenya Conference of Catholic Bishops through National Justice and Peace Commission will convene a one day meeting with Clergy to create awareness on issues related to Artisanal Mining and Extractive sector**

There is an upcoming training (22<sup>nd</sup> -23<sup>rd</sup> Feb) for the Catholic Bishops in regard to the Extractive Industry. The training intends to introduce the Catholic Bishops to the Haki Madini Agenda. The training was supposed to have taken place during the plenary assemblies that are bi annual (April and November). Due to the delay of funds, it was not possible to train them in April. As per the November Assembly, the bishops requested that they be allowed to discuss more pressing matters that were facing the country and that were threatening peace and cohesion in the country. We have rolled over this activity to 22<sup>nd</sup> -23<sup>rd</sup> of February 2017 targeting the Lenten Campaign Launch whose theme ***is Peaceful Elections, Leaders of Integrity***. The Church will be issuing her statement on the upcoming elections and at the same time call out on leaders and Community Members to continue preaching and advocating for peace especially where communities are fighting due to the new found Natural Resources.

We will also use this platform to sensitize the Clergy on the need of pushing the government to provide resources to ensure that the mapping of Mineral Resources in the country is driven by Kenyan Nationals. The government needs to understand that this is public wealth and Heritage and it needs to be protected at all costs.

**1.2 The Catholic Justice and Peace Commission will constitute a Policy Working group on mining which will meet on a need basis throughout the year to among other issues finalize on the simplification of the Mining Act.**

The Policy working group met five (5) times in the year 2016 as from its constituted date of 28<sup>th</sup> June 2016. After the new Mining act was out the Ministry prepared Mining regulations and after going through them as HMK, a memorandum with recommendations for changes in the regulations was prepared through the policy working group. It was submitted to the Ministry of Mining on 31<sup>st</sup> of August 2016 at Laico Regency. The Ministry was very impressed with HMK's contribution and they were positive, adopted at least 85% of HMK's recommendations.

For HMK to be in a position to achieve objective 2: (To create a critical mass of informed and organized local communities) there is need to have the communities trained and sensitized on the legislations governing the Extractive Industry. There is therefore need to break down the legal jargon in these laws to a simple language that the communities can understand easily just by reading. In this regard through the policy working group, HMK was in the process of preparing a simplified version of the Mining Act 2016. It did present its final work to the consortium and after a review, the group was advised to work on the language and as well try and minimize the size of the document so as to include pictorials. However, In the course of our work, we realized that the ministry was also working on the same. It was therefore agreed that we could put on hold our process to review what the ministry has done and see if it is in line with what we were hoping to achieve to avoid duplication of work.

**1.3. Systematically monitoring of policies and sharing of bills related to ASM**

**1.3.1 Training of CJPC Diocesan Coordinators and sections of the Secretariat to aid in collecting information and monitoring in regard to Mining bills and policies at the various counties HMK is working and implementing projects.**

The systematic monitoring of policies and sharing of bills required that we train our CJPC Diocesan Coordinators on the Extractive industry and introducing them to HMK's Agenda. During the Annual General Meeting for the CJPC Commission held at Mombasa on 21<sup>st</sup> -25<sup>th</sup> December 2016, the program officer introduced the present participants who comprised of the Diocesan Coordinators from all over the country and Three Bishops to HMK agenda and sensitized them on why the Church needs to play a critical role in the extractive Industry. They were reminded that Church as a stakeholder, plays a very key role in ensuring that Communities are not exploited and that there is peace and cohesion in Mining areas. They were also cautioned on the dangers that can result, if the Church, as a key player, keeps silent on matters of environmental degradation and pollution caused by negative activities of this industry. Another training targeting the diocesan Coordinators from Counties from all over the country where minerals have been discovered, took place on the 8-9<sup>th</sup> of December, 2016. After the training, they were able to visit the County offices and found that many of the counties have not developed any mining bills (and those that had already come up with legislations have shelved them) since the Mining Act clearly stipulates that Natural Resources management is the Mandate of the National Government and not the County government. CJPC is in the process of preparing a Monitoring Tool that the Diocesan Coordinators will be using for reporting and monitoring.

#### **1.4 Convene an Inter-religious dialogue session in the first quarter of the year**

There is no engagement regarding the mining that has taken place between the Inter religious leaders. The platform that we could have used (Inter religious group) has been busy mediating the political crisis that we had in regard to the IEBC issue.

#### **1.5. Quarterly breakfast meetings between Bishops and MPs.**

KCCB-CJPC had hoped that they would use this platform to lobby for the inclusion of HMK'S recommendations in the regulations, but as of now we are yet to get what was taken by the Ministry of Mining. Therefore there was no substantive agenda for the meeting.

## **RESULTS PROGRESS SUMMARY TABLE**

<b>OBJECTIVE</b>	<b>Indicator</b>	<b>Baseline</b>	<b>Progress towards target indicator</b>	<b>Variance/comment</b>
To influence policy, legal and institutional framework development and implementation to ensure that community interest are secured	Result 1; Policies, institutions and legislations address community interests and incorporate regional and international best practices		<ul style="list-style-type: none"> <li>➤ Through the Policy working group KCCB-CJPC submitted recommendations for the mining regulations to the Ministry of Mining through a Joint Memorandum with other organizations.</li> <li>➤ KCCB-CJPC through the Parliamentary Liaison Desk(PLD)was among the CSOs and FBOs that gave their submissions on the Local Content Bill to the Senate Committee at Nairobi and as well shared the input with Caritas Kitui</li> </ul>	
To enhance transparency and accountability in project implementation for ownership and sustainability	Result 10.Enhanced ownership and sustainability of the Madini Yetu Wajibu Wetu Project		KCCB-CJPC established two Project accountability forums which met quarterly.	
Gender Mainstreaming			CJPC is lobbying for fast tracking and release of KCCB'S gender policy from the relevant commission (Caritas Kenya)that was spearheading the development of the	

			policy.	
--	--	--	---------	--

**PROGRESS TOWARDS ACHIEVEMENT OF RESULTS**

**TO INFLUENCE POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK DEVELOPMENT AND IMPLEMENTATION TO ENSURE THAT COMMUNITY INTEREST ARE SECURED**

Through the Policy working group KCCB-CJPC submitted recommendations for the mining regulations to the Ministry of Mining through a Joint Memorandum with other organizations including Kenya Civil Society Platform on Oil and Gas (KCSPOG), Kenya Oil and Gas Working Group (KOGWG) and the Kenya Natural Resource Association (KENRA).As per the time of reporting, the Ministry of mining had not yet shared the final regulations to be able to analyse and see HMK’s input adoption percentage.

KCCB-CJPC through the Parliamentary Liaison Desk (PLD) was among the CSOs and FBOs that gave their submissions on the Local Content Bill to the Senate Committee at Nairobi and as well shared the input with Caritas Kitui which they added their input and shared the same with the Senate committee when they visited Kitui County to receive views from the community and other stakeholders.

**TO ENHANCE TRANSPARENCY AND ACCOUNTABILITY IN PROJECT IMPLEMENTATION FOR OWNERSHIP AND SUSTAINABILITY**

KCCB-CJPC formed two accountability forums. One comprised of 15 Bishops sitting at the Permanent Council for KCCB and the Secretary General, The second comprised of the Executive committee made up of 3 Bishops, Theologian advisor, Legal advisor, Catholic Men Association rep, Catholic Women Association rep, 2 female metro reps, 2 male metro reps, youth rep, National Executive Secretary, Programs manager, Program/project officers, AOSK rep and ROSK rep.

At the onset of the project, the proposal and budget was shared with the two Project Accountability forums and throughout the year they were being briefed on project implementation status. It is during one of the Accountability meeting forums that the Bishop Vice Chair did suggest that CJPC designs a plan of targeting the bishops in whose dioceses there are mining activities to be engaged by HMK. This is because he noted that it will be hard to convene all bishops all together especially because of the various national matters that need the church's attention including the incoming general elections and the looming drought. This came about after the Program Officer indicated that the bishops have been unavailable for training on the Extractive Industry and most of the activities that targeted the bishops were being rescheduled and the project was almost stalling since the training of the Bishops was a pre cursor for other activities.

### **GENDER MAINSTREAMING.**

In relation to gender mainstreaming, KCCB-CJPC participated in the Gender Mainstreaming workshop that was held in Maanzoni Machakos County on 17<sup>th</sup> -19<sup>th</sup> October 2016 and facilitated by Gender Links from South Africa. In the training, through the surveys and questionnaires filled it was found that KCCB being a Catholic Church organization, lacks Gender representation at the top level of management. The Chairman and General Secretary are both men by the virtue that these positions are only held by Priests. However, down the hierarchy there is gender balance.

As result of that training, CJPC has been pushing for KCCB's Gender Policy to be fast tracked and be released. Also during recruitment, the commission is Gender aware and there is a balance of both genders. As of now the total number of staff are 12 and women are 6 and 6 men.

As the policy working group was being constituted we were also gender aware. The group has an equal number of men as women. KCCB-CJPC plans to include and balance all genders in all upcoming initiatives in effort to supporting gender mainstreaming. It is also envisaged that all the policies advocated for by KCCB -CJPC within the project will be key in addressing specific challenges facing women and the marginalized in the society.

The second Project Status Accountability forum comprises of 10 Females and 13 males. The high number of men is because by virtue some these representatives who hold these offices are priests.

### **VALUE FOR MONEY**

CJPC engaged some members of existing Parliamentary Liaison Desk as working group members as opposed to sourcing for new members who would require logistical planning in terms of transport reimbursement. The venues of the deliberations was within the Catholic Justice and Peace Commission boardroom hence no Hall hire costs incurred. Additionally, the use of Haki Madini coalition members through assigning of duties saved the organization from incurring consultancy costs.

During the training for the coordinators, instead of training coordinators from the counties that HMK is actively working in (Kakamega, Kwale, Migori, Taita, Kitui and Elgeyo Marakwet County) we engaged coordinators from regions where there is any mineral deposit in Kenya. This meant that we used the same resources that we intended to spend on this activity and reached a wider coverage in regard to advancing HMK's agenda. This was also guided by the idea of forming A Kenya Catholic Committee that will bring on board 12 Dioceses that have mineral deposits. They include, **Kitui, Kakamega, Mombasa, Homabay, Kisumu, Maralal, Marsabit, Kitale, Isiolo, Marsabit, Garissa and Kitale.**

We also took advantage of the Annual General Meeting in Mombasa that had close to 60 members and as we were reporting about the projects, we introduced the participating members to HMK agenda and sensitized the present members on the role of the Church in the Extractive Industry.

## **NETWORKING EFFORTS WITHIN DIAKONIA THEMATIC CLUSTERS AND OTHERS**

**KCCB-CJPC has always worked closely with HMK members in order be able to deliver on our Mandate. In this regard we did incorporate Khrc, Econews, Groots, Ncck and Diakonia as members of the Policy Working Group.**

Inuka Kenya Ni Sisi trained HMK on local content and New Media. This training that was held at Diakonia offices on 23rd-24th of May enabled HMK understand the various new social media platforms that HMK coalition members can use to help in advancing HMK'S agenda on Mining and as well reach various target groups easily. The various social platforms that we were trained about included Twitter, Facebook, Instagram and use HMK'S website etc.

KCCB-CJPC used the services of Edgar Odari of Eco-news to train the Diocesan Coordinators on the Extractive Industry and introduced them to bills and policies that govern the industry.

KCCB-CJPC was among the HAKI MADINI representatives in the conference which was held by International Conference of Great Lakes Region (ICGLR) at Laico reGENCY where the team was trained on the Regional Certification Mechanism (RCM), i.e. The process of registration used to track the three Ts (Tin, Tantalum, Tungsten) and gold to prevent eruption of conflicts between communities and governments in the Great Lake region due to illegal smuggling of these minerals.

KCCB-CJPC also represented Haki Madini Coalition in the 2nd Extractive Sector Stakeholders engagement forum chaired by Institute for Human Rights Business (IHRB) where the team discussed on the importance of involving all relevant actors from the National level to the community levels in regard to mining and the Extractive Industry at large. In the meeting, which was held on 20th April 2016 at Amber Hotel-Nairobi. It was resolved that private companies and the government should engage all concerned groups including women, youth, older persons as well as local and international civil societies since their input would create a positive impact on the sector.

KCCB-CJPC participated in the 1<sup>st</sup> Africa Mining Vision Civil Society Forum (AMV-CSF) which was hosted in Kenya and planned for by Diakonia in partnership with AMDC and other CSOs. This was the first engagement between Africa Minerals Development Centre (AMDC) with Civil Society on the way forward to implementing the AMV which was adopted by African Union Heads of states and governments in the year 2009. The goal of the Vision which is **“to enhance transparency, equity and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development.”**

KCCB-CJPC also attended a meeting at World Bank offices on 9<sup>th</sup> Nov. 2016 to meet with Ms. Brigitte Bocoum- a World Bank representative who wanted to hear of HMK’s assessment on the Mining Sector Development and as well understand on community engagements and any emerging issues in the sector.

KCCB-CJPC also represented HMK in the review of the Petroleum Sector Strategic Environmental and Social Assessment Report that took place in Lukenya-Machakos County on 7<sup>th</sup>- 11<sup>th</sup> Nov 2016. After the four days review meeting we gave out recommendations to be forwarded to NEMA and other relevant bodies.

## **CHALLENGES AND RECOMMENDATIONS**

The biggest challenge that we have faced so far, is having to re schedule and also roll over a number of activities because many of the stakeholders that we were targeting were committed in other equally important areas and also this being an electioneering year, mining policy work is being neglected since every person is focused on the Political situation in the country.

During meetings, a number of participants did cancel their commitments to attend at the last minute. This is despite having being reminded of the meetings. This meant that a lot of adjustments in terms of logistics were affected especially for the policy working group.

### **LESSONS LEARNT**

It is easier to influence policies by working as a consortium and engaging other CSO's working in the same area for easier influence.

### **RISKS**

2017 being an electioneering year, HMK'S agenda and especially on policy work may be politicized. Also most of the elected leaders whom we are planning to engage might not appreciate the work we are doing now since they are more focused on campaigning and strategizing on how to clinch their seats come 8<sup>th</sup> August, 2017.



*Figure 1. THE POLICY WORKING GROUP IN SESSION*



Figure 2.KCCB - CJPC PROGRAM OFFICER TRAINING PARTICIPANTS AT AGM ON LEGISLATIONS GOVERNING THE MINING SECTOR