



NATIONAL COUNCIL OF CHURCHES OF KENYA

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Project name	Madini Yetu Wajibu Wetu
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Project Budget	KES 4,400,000
Thematic Area	Social & Economic Justice
Thematic Area of Focus	Extractives Industry

1.0 Introduction

The National Council of Churches of Kenya (NCCCK) implemented the Madini Yetu Wajibu Wetu project in Migori, Taita Taveta and Elgeyo-Marakwet Counties. The three counties are known for having 70% of Kenya's mining potential with a majority being of artisanal nature, artisanal gold mining and fluorspar mining respectively. Guided by the Haki Madini Coalition strategic objectives, this project sought to contribute to five result areas thereby responding to the following issues; mainstreaming ASM issues in county plans; organizing communities to engage specifically for licensing; building the visibility and credibility of the coalition; demanding the release of fluorspar mining community task force report; and entrenching accountability in project implementation. Implementation was enhanced through leveraging on the coalition partner's strengths and expertise.

2.0 Operating Context

The extractives sector in Kenya went through a vibrant season in 2016 which had a direct impact on the project implementation. The political environment was filled with the call for electoral reforms. This led to demonstrations that went violent in some areas but at the same time, the clergy were overly involved in mediation of the two parties thus unavailable for the extractive sector discussions. This was as a result of NCCCK mobilizing the religious fraternity to undertake mediation; this later led to amendment of the Elections Act that provided for 5 positions for the IEBC selection panel to be drawn from the religious formations. Better management of the election preparations process would mean confidence in the elections results and peaceful transition which provides an enabling environment for the extractive sector to thrive. Needless to say, any escalation of violence could have stopped further implementation of the project especially in areas where the major parties have massive following.

Kenya hosted its' first ever mining forum dubbed, 'The Kenya Mining Forum'. The forum was meant to showcase Kenya's vibrant extractive sector as a key economic driver in the region as well as Africa. Later, the online mining cadaster was launched which has the benefit of reduced the application period from 6 months to 90 days. The reduced time is an incentive for uptake by even the miners at artisanal and small scale levels.

The Ministry of Mining enacted the Mining Act, 2016 in May, which provided content for engagement in respect of community awareness raising, community organizing, artisanal miners licensing and influencing plans at county level. This further gave legitimacy in championing for the

rights of artisanal miners across the county, something that could not be attained in the previous law. The mining regulations which followed thereafter provided room for specific engagement on licensing, community development agreements, environment and safety, royalties and state participation. The Cabinet Secretary for Mining later pronounced through a public newspaper that state funding at county and national level would be availed to ASM community, for purchase of equipment for better efficiency of the extractive activities¹. This may influence artisanal miners to register and acquire licenses in order to access this financial support. The resumption of the Country mining vision process towards end of 2016, points to a resumed commitment to implementing the African Mining Vision and thus opportunity of engagement by Haki Madini Coalition. As part of the Environmental Management (Amendment) Act 2015 implementation, the counties country-wide embarked on a process of preparing the County Environmental Action Plan which seeks to link county development with environmental management. This is significant, especially for mineral-rich counties, because the extractive sector processes have potential harmful effects to the environment.

The Fluorspar Mining Company suspended its operations in the first quarter of the year, citing prolonged global slump in commodity prices. This led to termination of employment across all levels. Taita-Taveta County on the other hand saw an escalation of conflicts between mining companies and communities over mineral rights. The Kenya National Human Rights commission set up public inquiry sessions and asked the County government to ensure the rights of communities and companies are respected. Migori County reported incidences of loss of lives through mines that caved in even as the community sought to establish stronger pits.

3.0. Status of Implementation of planned activities

3.1. Status of activity implementation

The table below details the progress made in the project work-plan implementation across the 3 target counties. The activities implemented resulted in reaching out to over 300 miners in Migori and 30 in Taita Taveta on the Mining Act provisions for artisanal mining. This was further scaled up to the stakeholder's forum where licensing and land emerged as the most emotive issues that needed further closer engagement. There were also 24 groups serving different purposes in Migori that were activated through training of group leaders in order to have them serve the interests of the miners.

¹ <http://www.standardmedia.co.ke/business/article/2000204233/small-scale-miners-to-receive-state-funding-says-cs-mining>

An umbrella association for miners was also formed with a current interim leadership tasked to register the association before end of January 2017.

January- December 2016			
	Planned Activity	Status of implementation	Reasons for Variation
Objective 1: To influence policy, legal and institutional framework development and implementation to ensure that community interest are secured			
Result 2: Migori, Kakamega and Taita Taveta County plans and processes in-cooperate ASM issues contained in the Mining Bill	2.1 Hold 2 multi-stakeholder workshops in Migori and Taita-Taveta counties to unpack the ASM issues in the Mining Bill, construction and industrial minerals, and the preparedness for potential investors against the respective County Development Integrated Plans for the benefit of the local communities.	Done	None
	2.2 Support 3 working groups for bi-monthly meetings to consultatively develop actionable plans for the ASM with respect to the Mining Bill. (soon to be passed into law).	Done	None
	2.3 Print 2000 copies of simplified version of the Mining bill giving attention to the ASM issues.	On-going	The first draft was not agreed on by the Coalition, leading to initiating a second draft which is yet to be compiled.
Objective 2: To create a critical mass of informed and organized local communities (women, men, and youth) engaging meaningfully in and benefitting from the extractive sector			
Result 3: Informed & organized communities actively engaging among themselves and with stakeholders on extractives	3.1 Courtesy Visit to the County Government, Chiefs, community leaders and Ward Administrators in Mikei and Nyatike sub-locations in Migori County for support and buy-in to the proposed project.	Done	None
	3.2 Conduct 4 community awareness forums in Nyatike and Mikei sub-locations to sensitize them on the importance of community organizing, provisions for organizing of ASMs in the mining bill and collective action in the ASM sector.	Done	None
	3.3 Conduct a 2 day induction training for ASM champions on community organizing and mobilizing and mapping of	Done	None

	advocacy issues.		
	3.4 Facilitate a 6-day participatory mapping process and compilation of results at sub-location and ward level.	Done	None
	3.5 Conduct 2 community feedback meetings in 2 sub-locations; Mikei and Nyatike sub-locations on mapping results and pertinent ASM issues in the Mining Bill	Done	None
	3.6 Hold two (2) breakfast sessions with top NCKK clergy for sharing progress of HMK work and seeking support.	Rescheduled	-The intense engagement in the electoral reform processes meant that the timing was not right. - there were no concrete issues that the clergy were expected to engage
Result 5: Artisanal miners organized into welfare groups and able to articulate their issues of concern	5.1 Training of 3 group leaders from each of the 20 groups formed on group formation (constitution and registration, minute taking, management and financial skills, NHIF).	Done	None
	5.2 Purchase of a compressor for artisanal miners in Taita Taveta County	On-going	
Objective 3: To create a credible, strong and knowledge-driven network capable of responding to emerging violations in the extractive sector			
Result 9: HMK at county and national levels recognized as a key stakeholder in the ES	9.1 Facilitate finalization of the HMK strategic plan.	On-going	The current draft is being reviewed to generate the final draft for adoption by the National Steering Committee
	9.2 Facilitate finalization on the HMK operational framework	On-going	Final draft was prepared awaiting adoption by the National steering Committee
	9.3 Develop a resource mobilization strategy	Re-scheduled	

	9.4 Facilitate participation of NCKK members and staff in county and national level processes	On-going	None
Objective 5: To advocate for the enactment and implementation of the highest standards of transparency and accountability in the extractive sector			
Result 11: Right holders strengthen their direct relationship with extractive companies working in their area.	11.1 Conduct a 1 day roundtable of local clergy for a briefing on the on-going unresolved issues in fluorospar mining in Kerio –valley by a select taskforce member.	Done	None
	11.2 Hold a community forum in Kerio Valley to collectively chat a way forward for the release of the taskforce report.	Done	None
	11.3 Facilitate a courtesy meeting between the local clergy and the CS mining to request/demand for the release of the taskforce report.	On-going	Letter for appointment drafted and sent
	11.4 Facilitate a debriefing meeting between the local clergy and the taskforce after the visit to the CS	Rescheduled	-Waiting for the visit from the CS Mining
Objective 6: To entrench accountability processes in project implementation for ownership and sustainability.			
Result 15: Enhanced ownership and sustainability of the Madini yetu Wajibu Wetu	15.1 Establishment of Project Accountability teams	Rescheduled	-In Migori County where it was possible to form one, this was not done though principles of accountability were adhered to by sharing both the budget, work-plan and proposal with the beneficiaries.
	15.2 Quarterly Project Accountability Forums	Rescheduled	As above
	15.3 Quarterly Project Steering Committee Meetings	Rescheduled	As above
	15.4 Joint Monitoring Visit	Done	None
Monitoring and Evaluation	Inception workshop for implementing staff	Done	Savings anticipated for the inception workshop was

			used to facilitate staff to attend the other two trainings. -implementing staff were also facilitated to attend 2 other trainings namely; new media engagement, local content and ICGLR tools to fight illegal mining
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3.2. Details of activity implementation

Result 2: Migori, Kakamega and Taita Taveta County plans and processes in-cooperate ASM issues contained in the Mining Bill

2.1 Hold 2 multi-stakeholder workshops in Migori and Taita-Taveta counties to unpack the ASM issues in the Mining Bill, construction and industrial minerals, and the preparedness for potential investors against the respective County Development Integrated Plans for the benefit of the local communities.

The stakeholders in each of the 2 counties had opportunity to interact with the Mining Act, with special emphasis placed on the provisions for artisanal miners.

Taita Taveta: Two forums were held for one day; the first was held on 24th August bringing together 31(21 men, 10 women) persons including leaders of mining groups, dealers and clergy to understand the draft mining regulations. This was a follow up meeting after a public participation forum that was organized by UN-Women and the Ministry of Mining on the mining regulations.

The participants raised four main teething issues;

- Handling of land disputes.
- Licensing fee which they claimed was too high.
- The potential failures of the Online Cadastre System
- Constant conflict between ASM and large scale mining companies

In attempting to address the issues, the stakeholders resolved to undertake the following;

- Work together as a team to have one strong voice, the several local CBO who are also mining units have been weak because they have been disorganized.

- The miners resolved to make good use of the office of the Regional Geologist.
- Read through the Mining Act.
- Try to operate closely with the county government of Taita-Taveta.
- Requested to be provided with the simplified versions of the Mining Act.

The second forum was held on 14th December with participation of 32 persons, 18 male and 14 female, drawn from 6 CBOS. The participants gathered to take **stake** of progress made in the sector and challenges experienced. The miners said they were now aware of the provisions within the Mining Act that concern them, however, they felt the mining regulations were too long/too many for them to effectively engage.

Migori: There were two forums held; the first forum was held on 7th September with 19 male and 6 female participating from the Ministry of Environment, natural resources and disaster management, miners from across the county and NEMA at Maranatha Faith Assembly. The second forum held interrogated the mapping results from Mikei and Nyatike. The second was held on 8th December 2016, at Kids for Peace Academy in Mikei Central sub-location from 9.30am to 5.00pm. This attracted participation of 65 participants comprising of 41 male and 24 female. The forum was used to discuss citizen participation and present the mapping survey report. The county government pointed out recommendations on issues ranging from health, licensing and housing conditions. Of particular emphasis was the need for minimal interference by outsiders on the process as we wait for national government to start off. The challenges faced by miners were agreed on by the stakeholders for action; though the trained groups will follow up for action.

- **Health** - accidents and injuries, deaths, infections/outbreaks, breathing problems, burns, dry/rough skin and miscarriages occur in the course of duty while some are caused by contamination of water with heavy metals, unhygienic handling of food, poor disposal of wastes & long term exposure to lead and mercury The public health officer present confirmed these challenges and urged the miners to use PPG - personal protective gears.
- **Environment** – air pollution from dust, noise pollution from blasts/crushers, water pollution and soil erosion. An officer from the ministry of environment encouraged the miners to adhere to the occupational health guidelines and wear protective equipment while at work.
- **Social** challenges cited include divorce, drugs use and abuse, early marriages, family break ups, prostitution, family issues, fornication, insecurity, high HIV prevalence, rape cases and unplanned marriages.

On the social issues, they resolved that:

- Parents should sit down and discuss with their children on what is happening in their lives and challenged parents to create time for their children and help in guiding them in life
- He also urged husbands to have fruitful time and commitment with their wives
- Miners should create time for their families, allow the family members to open up and talk over to resolve issues.

These issues will form part of the technical paper analyses scheduled for 2017 that can inform the CIDP planning phase.

2.2 Support 3 working groups for bi-monthly meetings to consultatively develop actionable plans for the ASM with respect to the Mining Bill. (soon to be passed into law)

Taitat Taveta: Following a joint visit by NCKK and Diakonia to Taita-taveta County, three artisanal mining groups were engaged with a view of finding out their challenges in the sector. The regional geologist was present. These three groups were later supported to meet once and discuss the status of their groups. The following members were elected as an interim committee.

1. David Zowe
2. Renson Shake
3. Edward Mwamburi
4. Beatrice Mjomba
5. Sammy Muganga
6. Raymond Mwadime
7. Editha Lewela

Mandate and Responsibility of the Committee

- Mining Site for ASMS: Follow up and ensure a transparent and smooth process in the allocation of Mining site for the ASMs in Taita Taveta
- Addressing Conflict: In liaison with the relevant offices (County Geologist, County assembly Committee in charge of Mining and CEC in charge of mining address all ASM conflict related cases
- Information sharing: Be the link between various stakeholders, government officials, dealers and investors to ensure that ASM are well informed and their interests covered
- Community Negotiations: Advise the community and safeguard the interests of the ASMS and community members during formulation and signing of community development agreements especially in relation to mining.

- Cadaster and Reporting: Follow through challenges experienced by ASMs on the Cadaster and advise ASMs on reporting as stipulated on the bill
- Tools of Trade: In consultation with other stakeholders, seek for a way of supporting the ASM by providing machines that will aid their work.

Progress report of the Committee

So far the committee has been able to carry out the following activities

Machines for ASMs:

- The committee has held various consultations with the ASM groups on the issue of Machines. They proposed that a compressor could support those groups that are established and have a working structure. For Most ASMs that are starting up, drillers could be the best option.
- The committee has had a meeting with the CEC in charge of mining in Taita Taveta County to raise concerns on the budget allocations for the mining sector.
- The committee has had a meeting with the County Assembly committee in charge of mining to address the following issues;-
- Lobby for the increase in the budget allocation for the mining ministry in the county
- Follow up on the mining bill that the committee had table to the Taita Taveta County Assembly (Domesticating the Mining Act in the county)
- Follow through whether the County Assembly has begun the process of developing guidelines on the 20% allocation of royalties to the County

Migori: After the stakeholders' forum in Migori, a team of seven composed of 2 women and 5 men was formed to follow up the issues identified in the stakeholders' forum. Issues of deliberation included; functions of the county representative the director of mines; establishment of Migori county artisanal mining committee; and provision of a permit for an artisanal mining operation. They agreed to form an umbrella organization for ASMs in Migori for the preparation of the establishment of the ASM committee. The team observed that Micodepro had made great strides in their progress and would form great learning lessons for the other groups as well. To this end, they requested to have the Microdepro team to train other associations and network with them.

2.3 *Print 2000 copies of simplified version of the Mining bill giving attention to the ASM issues.*

Following an update on the Haki Madini whatsapp platform on 23rd May 2016, coalition members learnt of the gazettelement of the Mining Act. The members present (representing all the coalition members) during the capacity building session at the Diakonia offices, had a general consensus on the need to purchase a few copies of the Mining Act by NCKK. NCKK thus purchased 15 copies of the Act and distributed 7 to the coalition members and 8 to its regional and national office staff. KCCB later constituted a working group that began working on simplifying the Mining Act, 2016 with membership from NCKK, Diakonia Country office, Groots Kenya, KHRC and Eco-News. The first draft was released but members felt it needed further simplification, and this work is currently on hold after the long Christmas but will resume shortly. Kenya Natural Resource Alliance injected KES 100,000 into the printing of the Simplified Mining Act, and this will enable the Coalition to have at least 1000 copies of the Act. These popular versions will be distributed among the target groups in the mining areas.

Result 3: Informed & organized communities actively engaging among themselves and with stakeholders on extractives

3.1 Courtesy Visit to the County Government, Chiefs, community leaders and Ward Administrators in Mikei and Nyatike sub-locations in Migori County for support and buy-in to the proposed project.

The courtesy visits took place at two levels; the local leadership in Mikei and Nyatike sub-location and the county-level leadership on the 12th and 13th July respectively. The forums were used to share the project proposal and budgets; with members getting print-out copies of the same.

The meeting at the local level was hosted by the ward administrator for Kanyarwanda ward, bringing together the sub-chief of Mikei sub-location and 3 other members drawn from the community. The leaders underscored how their efforts to engage the miners had not borne fruit especially in the area of environmental degradation. They however welcomed and pledged to support the project; and this support was demonstrated through-out the project period.

At the county level, the meeting attracted 10 representatives comprising of 6 male and 5 female; 3 members of Migori County Assembly who are members of the committee in charge of Environment and Natural resources, 2 officials from NEMA, 1 from the directorate of natural resources and 4 staff from the ministry of environment. The team appreciated the initiative and welcomed the process. They requested for the project to be scaled up to other sites that have mining activities ongoing in the County.

3.2 Conduct 4 community awareness forums in Nyatike and Mikei sub-locations to sensitize them on the importance of community organizing, provisions for organizing of ASMs in the mining bill and collective action in the ASM sector

There were 4 community awareness forums held in Maclader market, Mikei Market, Osiri PEFA church and Godkwach primary school on the 26th, 27th, 28th and 29th July 2016 respectively. There were a total of 274 members reached which was above a target of 200. Each of the forums recorded attendance of men of at least 60% with the attendance of women varying between 29% and 33%. The budget, proposal and work-plans were shared with the community. NCKK integrated an approach where the communities were facilitated to dream about their desired community and assess their current community. This was meant to stir action from within the community (please refer to annex 4 for the report).

3.3 Conduct a 2 day induction training for ASM champions on community organizing and mobilizing and mapping of advocacy issues

The induction training was conducted on 8th and 9th August 2016, at the Maranatha Faith Assemblies guest house in Migori town. All the 24 (50% male, 50% female) ASM champions attended the meeting which covered a variety of issues including; Mining Act, 2016; First aid and safety while mining; investment; and mapping process in Mikei and Nyatike sub-locations. Some of the emerging issues that required follow-up include:

- ✓ Land issues – some community members live in government trust land while those in private land do not have title deeds
- ✓ Uncoordinated efforts by the miners to form strong lasting associations/groups
- ✓ In-efficiency in the mining process.
- ✓ Increased cases of injuries and physical deformities due to unsafe mining practices

3.4 Facilitate a 6-day participatory mapping process and compilation of results at sub-location and ward level

The 24 ASMs having undergone a rigorous training, carried out a mapping exercise for 5 days from the 29th August to 2nd September 2016. Data entry was done at the regional office where data clerks were identified for the same. Further compilation of the findings was done by the NCKK M & E department (*See report in Annex 2*). The survey revealed that mining and its related activities was the main economic activity in the area, of which only 1% of those engaging had been trained on the same. Majority of the respondents at 52 % live in mud houses; 36% use bush/thickets as a latrine;

and 80% use water from the rivers for domestic use. This directly points to the low benefits accrued from their mining ventures and the increased risk of mining waste being carried to the rivers.

3.5 Conduct 2 community feedback meetings in 2 sub-locations; Mikei and Nyatike sub-locations on mapping results and pertinent ASM issues in the Mining Bill

Upon completion of the mapping survey report, there were 4 feedback meetings held in Osiri PEFA church, Kids for Peace Academy, Kowuor primary School and Nyatike WorldVision Centre from the 24th, 25th, 26th and 27th October respectively. A total of 312 community members attended comprising of 139 female and 173 male, a 13.9% increase in attendance compared to activity 3.2. The community members listened affirming a majority of the sections, while raising areas that needed correction and elaboration. Some of the recommendations from the meeting included:

- i. Host a bimonthly meeting with associations/group leaders to deliberate on ASM issues in Migori county
- ii. Supply the simplified mining act 2016 soonest
- iii. Conduct training for the group leaders and include: NHIF registration, group constitutions, minute taking, record keeping and mining act 2016.
- iv. Fast track the streamlining of the miners associations in the two sub-locations and capacity building for the group leaders

Result 5: Artisanal miners organized into welfare groups and able to articulate their issues of concern

5.1 Training of 3 group leaders from each of the 20 groups formed on group formation (constitution and registration, minute taking, management and financial skills, NHIF)

The training was conducted at Marantha Faith Assembly mission Centre in Migori from 3rd to 4th November 2016. The training targeted 3 group leaders drawn from the 24 groups that were already existing. The forum presented an opportunity for reflection where the group leaders cited a number of challenges to growth of the groups; lack of unity; lack of working constitutions; poor record keeping and *everlasting* leaders within the groups. Consequently, an interim team was elected to lead for 3 months: up to the end of January 2017 in spearheading the formation and registration of an umbrella association for ASMs in Migori. Of those selected, 2 were women while 8 were men as shown in Table 3.2.1;

Position	Name	Group/Site
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Chairman		Kephas Ujuka	Osiri/Matanda
Vice chairman		Kennedy Ogono	Nyatuoro
Secretary		Stephen Ayaka	Copper Hill (Macalder)
Vice secretary		George Otieno	Mikei (MICA)
Treasurer		Rosemary Omollo	Macalder
Coordinator		Bishop Bismarck Onyando	Masara (MICODEPRO)
Committee reps	Youth	Ochieng' Johnson Alwar	Ayiego
	Women	Rosemary Ong'ong'a	Mikei (MICA)
	Elders	Peter Sure	Macalder elders
	PLWD		
Co-opted member		Boniface Kaso	Osiri/Matanda

Result 9: HMK at county and national levels recognized as a key stakeholder in the ES

9.1 Facilitate finalization of the HMK strategic plan.

The National Steering Committee (NSC) held their first meeting on 8th March 2016 at the NCKK lounge. All the coalition members were represented with a total participation of 9 members. The NSC was informed that the objectives had been reviewed by the Project Steering Committee and reduced to five which were then adopted. The coalition's chair was therefore tasked to do final review before sharing the draft to other coalition members. The next NSC rescheduled to early 2017 will therefore focus on adopting the strategic plan.

9.2 Facilitate finalization of the HMK operational framework

This was combined with activity 9.1 above on 8th March 2016. Since the working draft needed more work, the NSC gave this priority and reviewed the entire operational framework. The team was able to agree on the coalition's identity, core values, objectives, leadership, working groups among other key areas. This document awaits the next NSC for adoption.

9.4 Facilitate participation of NCKK members and staff in county and national level processes

The NCKK staff and members had the privilege of participating in a number of events in the extractive sector in Kenya.

- The Vice-Chair of the Kitui County Co-ordinating Committee was facilitated to attend the Alternative Mining Indaba from the 8th to 10th February 2016 in South Africa. FECCLAHA

facilitated his conference costs including air travel, while NCKK took care of his local travel costs.

- The regional Coordinator for Coast region who oversees work in Taita-Taveta County, attended the International Conference on extractive industries in Africa on the 4th and 5th October 2016 in Nairobi. The conference was organized by Hekima College and brought together actors in the sector across Africa. The conference deliberations included; how communities from the Coast region have engaged in the sector; the role of county governments in enforcing policies within the sector; profits within the extractives sector: a case of South Africa; and the role of the church in the extractives sector.
- Prior to the inception meetings, 3 staff participated in the partners training on the use of the new media and local content. This has enhanced their confidence in use of platforms like twitter, appreciated the need to engage your audience on social media among other things; but will continue to seek support from Inuka during implementation.
- Further, 2 of the staff attended the training organized by the Ministry of Mining on the regional certification mechanism using the ICGLR tools in the effort of fighting illegal trade in mining. The knowledge gained will be integrated in the 2017 proposal design.

Result 11: Right holders strengthen their direct relationship with extractive companies working in their area.

11.1 Conduct a 1 day roundtable of local clergy for a briefing on the on-going unresolved issues in fluorspar mining in Kerio –valley by a select taskforce member

This was done in a forum at the Reformed Church of East Africa (RCEA)Guest House in Eldoret on the 19th July 2016. Participants were taken from NCKK member churches clergy in the area and those from the Catholic Church. Eighteen (18) participants attended, 16 males and 2 were female. The main presentation was done by David Seurei a member of the Task Force formed by former Cabinet secretary Ministry of Mining- Hon. Najib Balala to investigate the issues affecting the residents of the area in relation to fluorspar mining by the Kenya Fluorspar Company. Some of the historical issues include disagreement on the compensation model; while the government was will to compensate the communities at KES 45 per acre of land, the community preferred to be resettled on other pieces of land. The government later increased the compensation rate to KES 400 per acre, after some community members accepted the offer. This led to forceful eviction of the community in order of the mining processes to take place. The taskforce report highlighted impacts of the

mining operations as: water sand and land pollution; open mining quarries that lead to loss of livestock; and rise of IDPs as a result of forced displacement among other issues. The overall recommendation is that the community be compensated for the many years of suffering due to the fluorspar mines and are further resettled to other places by the government.

11.2 Hold a community forum in Kerio Valley to collectively chat a way forward for the release of the taskforce report
NCKK organised the forum to have the community come up with home grown ways of reaching out to the government to get the findings of the report made public and implemented. The forum was held at the Kimwarer Community Hall on the 26th October, 2016 from 2:00pm bringing together 6 women and 36 men. There was a refresher on the issues affecting the community relations with the Fluorspar Mining Company. There were proposals on strategies to use in order to have the task force report made public as discussed below;

a) Picketing

Some members of the community thought to go the demonstration way as it had proved to be successful casing example of the trek by the Makonde to State House in Nairobi. After much deliberation, it was agreed that it was a strategy but would be the last resort.

b) Courtesy visit to the Cabinet Secretary

Since the community had already had an initial visit to the Hon. Dan Kazungu, they proposed to have another visit to the Minister to find out the progress of the report and when it would be made public.

c) Involvement of National leaders and the County Government

It was noted that there were prominent leaders who are affiliated to the community and therefore would be engaged to represent the community's agenda in the national platform. However, they were weary of involvement of some of the politicians from the area as they were not representing their constituents but their own interests and could use the issue to gain political mileage especially in next years' elections.

d) Petitions, letters and Memorandums to the concerned parties

On this, the members vowed to continue issuing petitions and memorandum on the issues affecting them as they have previously engaged in.

The members present in the community agreed to request for an appointment with the cabinet secretary as a follow up to their previous visit in July. This would be the first of a series of engagements listed above to ensure that the task force report is made public. The visit to the cabinet secretary would done by local community (clergy, youth, women). The community proposed the Kimwarer Sugutek Community Trust to be in the frontline of selecting three (3) individuals from the community to attend the meeting. Also in the delegation will be a local catholic priest/catechist and

a clergy from NCKK totalling to 5 individuals. They proposed for the visit to be held in November 2016.

Result 15: Enhanced ownership and sustainability of the Madini yetu Wajibu Wetu

15.4 Joint Monitoring Visit

There was a joint monitoring visit conducted by the Diakonia Country Office staff and the NCKK Nyanza regional staff in September 2016. There were meetings held at both the community and county leadership level in early October 2016. Two action points proposed were; one was the training of the members of county assembly in charge of mining on the Mining Act and mobilization of miners beyond Mikei and Nyatike. The County assembly Committee of environment and natural resources held a capacity building session at Joventure hotel in Kisumu from 18th to 21st September 2017 bring together 7 women and 8 men. ECONews provided support by discussing the Mining Act with emphasis on the artisanal mining and the role of the County government. Since the 2016 work-plan and budget could not incorporate the participation of communities in Kuria, NCKK deferred this to 2017.

Monitoring and Evaluation

Inception workshop for implementing staff

The three target counties send 4 staff for an inception workshop that was held on 9th and 10th June 2016. The focus of the workshop was on narrative proposal and budget, reporting requirements, accountability framework and understanding the Haki Madini coalition. The North rift region which already was implementing the accountability framework in Bungoma County through the democracy programme, shared their experience and challenges that enhanced understanding by the other staff.

There was continuous project monitoring which was done alongside implementation of the on-going activities. For-instance the joint monitoring visit to Migori with Diakonia Sweden was done alongside the induction training for ASM champions hence cost cutting on the event.

4.0 Progress towards achievement of results

This project was contributing to 5 result areas.

Result 2: Migori and Taita Taveta County plans and processes in-cooperate ASM issues contained in the Mining Bill

The County leaders and other stakeholders had minimal awareness on the presence of the Mining Act as well as its provisions. The stakeholders' forums therefore targeted raising awareness on the law thus increasing their understanding on artisanal mining licensing, general administration, health and safety and marketing. Though the mining sector is housed under the departments of Lands & Mining and Environment, Natural resources and disaster management in Taita-taveta and Migori counties respectively, there was no indication to the sector being a priority except for revenue. In Taita taveta, there was no budgetary allocation for staffing that could support artisanal mining; while the machines that were bought were lying idle at the county offices. The geologist, however had played a critical role in supporting artisanal miners. This knowledge will be useful in 2017 for more intensive engagement on CIDP role, wider implementation of the Act and participation of the miners. A technical paper will be developed to inform learning on how counties can engage to support artisanal and small scale miners.

Result 3: Informed & organized communities actively engaging among themselves and with stakeholders on extractives

&

Result 5: Artisanal miners organized into welfare groups and able to articulate their issues of concern

The above 2 results were combined after review of the Madini yetu indicator tracking tool by the coalition members.

Towards achieving this outcome, two strategies were employed including; awareness raising and community mapping. The artisanal miners in Nyatike and Mikei sub-locations are now more aware of the Mining Act provisions for artisanal mining on licensing, environmental protection and land allocation for artisanal mining. Twenty four groups that were already existing but dormant, as revealed by the mapping report, have now been activated towards action on mining issues. The three leaders from each of the group trained, resolved to form an umbrella association for artisanal miners in Migori. The interim team that was identified to ensure registration takes place will give a report by end of January 2017. There was a deliberate plan to raise awareness on the Mining Act, which was done in each forum that was convened. The miners were able to interrogate the mining law against the Cap 1940 law and appreciated the recognition and protection of artisanal miners by the Mining Act 2016.

Open sharing of the project budget and proposal with the community leaders during the courtesy call at the local level in Migori County opened up support and good will for the project. The turnout during the meetings exceeded the target and there was high enthusiasm to participate in the project witnessed by a decision to have a secret ballot process to elect the 24 ASM champions in the forums. The importance of the sector to the target community was evident by the consistency in questions asked during the forums; on registration and the likelihood of relocation from the trust land.

2017 will then invest in building the capacity of the association to respond to the needs of the miners; licensing, marketing, skill development and safety and health; and engage other stakeholders in the sector including financial institutions and the county government for support.

Result 9: HMK at county and national levels recognized as a key stakeholder in the ES

Haki Madini coalition is now among the most recognized coalitions in Kenya on extractives courtesy of the efforts of each coalition member. This was made possible because of clear objectives, commitment of members and unity of purpose. Members now have a general consensus on the identity of the coalition, the strategic objectives and strategies to be employed. 2016 saw the creation of a national coordination for community platforms; and CJPC Kitui has so far delivered on a guideline for formation of these platforms. Issues surrounding coalition's spokesperson and leadership cycle have not been fully addressed and therefore the conclusion of the coalition's strategic documents will be done by end of February 2017. NCCK will also be paying a courtesy call to Trocaire on 27th January 2017 to share the coalition's work and seek opportunities for resource funding.

Result 11: Right holders strengthen their direct relationship with extractive companies working in their area.

The clergy drawn from the catholic and NCCK membership are now more aware of the issues surrounding the community discontent with the Flourspar mining Company disputes on land compensation. They are open to pursuing a number of strategies to ensure that the report is released and the recommendations implemented. The Community affirmed the role of clergy by setting aside two positions for clergy for the visit to the CS Mining. One the visit is effected, the project will use

this existing good will to follow up on implementation and support the community to rebuild their lives.

Table 4.1: Results Progress Summary table

Objective 1: To influence policy, legal and institutional framework development and implementation to ensure that community interest are secured and			
	Indicator	Baseline	Progress towards target indicator
<p>Result 2: Migori, Kakamega and Taita Taveta County plans and processes in-cooperate ASM issues contained in the Mining Bill</p> <p>Reviewed to read;</p> <p>Result 1: Policies, institutions and legislations address community interests and incorporate regional and international best practices.</p>	<p>1(c) Target Counties prioritizing ASM issues and community engagement in their plans</p>	<p>Yet to be collected</p>	<p>-The miners in Migori and Taita-taveta have had an opportunity to engage the county leaders in forums as well as beyond the forums.</p> <p>-the minister for Mining in Taita-taveta promised to push for staffing of geologists who can then give technical support to the artisanal miners.</p>
<p>Result 3: Informed & organized communities actively engaging among themselves and with stakeholders on extractives & Result 5: Artisanal miners organized into welfare groups and able to articulate their issues of concern</p>	<p>2(a) No. of organized community groups actively engaging their respective stakeholders</p> <p>2(b) The Enhanced knowledge and skills to engage in extractives</p> <p>2(c) The outcome of engagement of communities with relevant stakeholders</p> <p>2(d) Community's capacity to mitigate and manage conflicts emanating from the ES</p>	<p>Migori-1 cooperative</p>	<p>-1 umbrella association of miners was formed currently undergoing registration</p> <p>-24 groups were activated, with three of their leaders trained on types of groups, Constitution harmonization, minute taking, facilitating meetings, the need for NHIF and the Mining Act.</p> <p>-Mr. Ayaka having attended 3 previous forums offered to make the presentation on the Mining Act. This enhanced his confidence on the knowledge of the Act and capacity to engage.</p>
<p>Result 9: HMK at county and national levels recognized as a key stakeholder in the ES</p>	<p>9(a) No. of processes influenced by HMK at the county and national level</p>	<p>Memo to the Ministry of Mining on the Mining Act</p>	<p>-NCKK participated in the policy working group which presented a memo on the draft mining regulations</p>

			- The miners in Taita-taveta were facilitated to understand the mining regulations though were unable to prepare a memoranda because of the voluminous nature of the regulations and the limited time
Result 11: Right holders strengthen their direct relationship with extractive companies working in their area. Reviewed to read; Result 4: Enhanced accountability and transparency by companies	4(a) Existence of functional communication and grievance mechanism 4(b) Gender responsive work-place policies and practices	Yet to be collected	-There was no engagement with the Flourspar Mining Company in 2016 -Efforts were targeted at having a task force report released in order for follow up on the recommendations to commence

5.0 Remarks on progress made from Diakonia’s monitoring log action points

Diakonia Sweden together with NCKK Nyanza regional team visited Migori County on 10th -12th August 2016. They paid a courtesy call to the County government office and later held meetings with miners in Nyatike. Diakonia’s feedback to NCKK noted that there was awareness of the Mining Act at the community level and support of leaders to the process. There were two actions agreed upon; one was the training of the members of county assembly in charge of mining on the Mining Act and mobilization of miners beyond Mikei and Nyatike. The training for the Committee on Environment and natural resource management was held on 18th-21st September with participation of 15 members of the committee. The project supported ECONeWS to be the lead facilitator while the accommodation and transport costs were catered for by the County government of Migori.

In regard to mobilizing participants beyond Mikei and Nyatike, NCKK picked it as action which would be incorporated in the 2017 work-plan.

6.0 Report on progress and efforts in Mainstreaming Gender

Gender mainstreaming remained a key component in planning and implementation of the project. This was considered in mobilization of participants in all the project forums. Additionally, identification of ASM champions was done with a deliberate requirement that women and youth be

included. Going forward, however, NCKK has in its work-plan singled out 2 activities targeting women empowerment in Migori County.

7.0 Downward accountability and beneficiary feedback and a summary

NCKK made efforts to nurture beneficiary accountability by openly sharing the budgets and work-plans with all the stakeholders at the beginning of the project. This led to a successful completion of all the activities planned for in Migori County; while in Elgeyo-Marakwet, there were constant calls from the community in regard to the progress made in submitting the letter to the CS Mining.

8.0 Value for Money Efforts

The project endeavoured to ensure that the money ploughed in every activity gives results of a higher value. Selection of Taita –taveta, Migori and Elgeyo Marakwet counties for project areas was a measure of cost-effectiveness that the project employed. Selection was informed by a fact finding mission conducted in January 2016 and an honest evaluation of the Coalition’s reach and impact in 2015 hence ensuring that this support reaches the most needy target and where capacity and resources can produce results.

To enhance economy, NCKK’s policy on procurement of services and goods was followed. Three quotations were sourced while planning to do a printout for the Simplified Mining Act, 2016 and the tender awarded to the lowest bidder with good quality. NCKK also welcome the request by KENRA to contribute KES 100,000 to the pool, thus allowing for production of at least 1000 copies. The project regional staff also combined trips to the project area, by holding related activities back to back, to reduce on transport and fuel costs. In organizing the inception workshop for implementing staff, the dates were scheduled to succeed the NCKK program staff meeting where all the staff were expected to attend. The target staff were advised to stay a day longer in order to familiarize with the project documents, NCKK obligations within the project period and the accountability framework. The costs for their travel was therefore co-shared with the other project cutting down costs by 65%.

To enhance efficiency, the project facilitated selection of ASM champions from the target area in Migori County to take lead in the mapping process. Training of these ASM champions has increased local capacities to engage in the mining sector and provide a platform for continuous engagement for change. This was also replicated in Elgeyo-Marakwet where a local resident shared the status of

the Fluorspar Mining Company and community with the clergy. Engaging of the County government and national government officials in Migori and Taita-taveta enhanced interaction of the miners with the government officials. Additionally, the Migori County MCAs were trained on the Mining Act upon their request.

Finally, the deliberate targeting and use of the Mining Act, 2016 and contributing to the mining regulations was a measure of effectiveness. This is so because these documents have a lifeline beyond the project that provide a framework for the communities and other stakeholders to engage.

9.0 Networking Efforts

NCKK closely collaborated with the HMK coalition members throughout most of the implementation period. All the coalition members were mobilized during the NSC meeting to review the strategic plan and the operational framework where all the members attended. NCKK worked closely with CJPC Kitui in drafting and editing the guidelines for formation of community platforms in the effort of consolidating Haki Madini coalition at the grass root level. This guide was finalised and ready for use in 2017.

The policy working group that was constituted by KCCB, was ably supported through participation of NCKK in more than three quarter of its meetings. NCKK compiled a mini-brochure for artisanal miners that was distributed in Migori County and shared with Groots Kenya. Additionally, NCKK has been represented in almost all the forums that the coalition has been invited thereby enhancing her capacity in the extractive sector.

10.0. Challenges & Recommendations

Challenges

- ✓ There was a general delay in the start-up of the project caused by delayed disbursement of funds and lack of adequate preparation of project items before commencement. For instance the mapping tool took a while to design thereby delaying the entire project. Special attention was given to other activities except formation of the PAFs.
- ✓ Extreme dragging of essential project activities led to non –completion of processes that had already began: For instance the letter to the CS was to secure a visit in November was delayed due to lengthy consultations internally and at the coalition level on the best strategy to deliver results. It was later agreed in January that a memorandum by the GS would deliver more than a

cover letter to the letter written by the community. The memorandum is being developed to be sent before end of January.

Recommendations

- ✓ **Future project planning be deliberate on preparatory phase planning:** Planning for the preparatory phase enables one to deal with non-cost processes that are essential for effective project implementation.
- ✓ The coalition should invest in setting up a team of strategists who can quickly brainstorm on a bi-monthly basis on the emerging issues that need urgent action. Scenario building and planning can help in thoughtful and quick strategy formulation.

8.0 Lessons Learnt

- **Licensing and land legitimacy are the most important issues to the artisanal miners:** In all of the community forums scheduled, miners did not fail to ask of their fate on the existing land upon commencement of registration. In fact, some of the reasons given for having mud housing and no toilets, as from the mapping results, is uncertainty of their ownership of the land. During a validation meeting of the mapping results in Migori, the stakeholders carefully stated the need for outsiders to take precaution on matters of registration.
- **The coalition's group engagements receive more attention in the first half of the year:** Since most of the implementation occurred in the second half of year, it was very difficult to get full participation of the coalition members for meetings as well as a common activity. The Mining Act simplification process for instance witnessed dwindling numbers from the 1st to the last. The first draft that was generated did not receive adequate feedback on email, until a joint partners capacity building session on gender, where a decision was made to further simplify it.

Annex 2: Story of Change

REALIZATION OF UNITY AMONG MIGORI ARTISANAL MINERS

Introduction

Migori County is located in the south-western part of Kenya. It borders Homa Bay, Kisii and Narok counties and the United Republic of Tanzania. The county has 8 sub-counties: Suna East, Suna West, Nyatike, Kuria East, Kuria West, Awendo, Uriri and Rongo. The county has a huge endowment of mineral resources: these are Gold in Masara, Macalder, Masaba, Kehancha, Kitere, Kimwango (Rongo), Carlos mines in Kehancha and Francis mines in Kuria-Transmara border.

Equally Copper, Zarite and Silver are also found in Macalder. Migori County has been doing ASM mining of Gold and other minerals for a long period of time.

Project interventions

NCKK – Nyanza region began implementing the project dubbed “MadiniYetu, WajibuWetu” in Nyatike sub-county – Mikei and Nyatike locations. This project was initiated in the two locations in July 2016. The aim of the project is to promote community participation and responsible stewardship of extractives for equitable and sustainable development in Kenya. A number of activities cutting across from community forums, feedback meetings, sensitization/awareness for and stakeholders’ forums have been conducted so far.

Prior to “MadiniYetu project”

The first encounter with the Migori artisanal miners was in January 2016 through a reconnaissance visit. Before meeting the miners, there was a courtesy visit made to Migori county officials under the Ministry of Environment and Natural Resources. This meeting with the county leadership was ‘unfruitful’ since the report we got was that miners were “*volatile people*” and very difficult to deal with. We however “risked” to meet the miners to find out for ourselves about the assertions by the County officials who had informed us that the mining work and areas were highly controlled by ‘goons’(quoting the words of the county officials.) We were suspiciously received by a team of miners at Osiri/Matanda mines with representatives from across the board.

Support and enthusiasm

Through the initiatives of this project, we met over 24 groups of miners and a wide range of stakeholders in the sector within Migori County. Over time, we discovered that all these groups were working in isolation. Each undertaking their own activities and at some point, elements of rivalry emerged to control some of the mines. A case in example is the Macalder copper mines where the original dominant group split to many smaller associations with the aim of controlling the treasurable resources.

Thankfully, through the MadiniYetu, HakiYetu project, the miners in these areas have come together and formed one association, the Migori County Artisanal Miners Association. By November 2016, the Migori artisanal miners had formed an umbrella association for all the groups/saccos. In all our activities, artisanal miners have shown support for the process and commitment to see their lives changed.

Conclusion

This project has brought light in the mining sector of Migori County. The awareness created on the new Mining Act 2016 and its operationalization was the turning point for the artisanal miners in Migori. With continued support and mentorship, we will see much more transformation in the lives of the miners in Migori County.

Annex 3: NCKK-Madini yetu Wajibu Wetu Work plan – 2017

	Q1	Q2	Q3	Q4
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.				
1.1 Develop a technical paper on county government engagement in the sector at the county level	-			
1.2 Hold 2 multi-stakeholder workshops in Migori and Taita-Taveta counties to take stoke of the Mining Act implementation and support of the County government to the sector.				
1.3 Support 3 follow up meetings between the Migori and Taita-taveta advocacy groups and stakeholders on issue that emerge in the stakeholder sessions				
OBJECTIVE 2: To create a critical mass of informed and organized local communities (women, men, youth) engaging meaningfully in and benefitting from the extractive sector				
Result 2: Informed & organized communities actively engaging among themselves and with stakeholders on extractives				
2.1 Conduct 3 introductory community conversation on the project and the Mining Act 2016 in Mwatate, Wundanyi and Kasigau locations in Taita-Taveta Counties.				
2.2 Facilitate mapping of ASM communities in Taita Taveta County				
2.3 Conduct 3 community feedback meetings in Mwatate, Wundanyi and Kasigau sub-locations on mapping results				
2.4 Hold 2 training sessions with the Migori Association group leaders				
2.5 Hold quarterly community level dialogues with the miners and group leaders in Migori County.				
2.6 Facilitate peer mentorship between already organized groups in Nyatike and 2 other areas in Migori County for more miners to be organized				

OBJECTIVE 3: To demand corporate accountability and responsibility by the investing company in the extractive sector				
Result 5: Right holders hold extractive companies accountable for human rights violations and environmental harms caused by the mining operations in their area.				
5.1 Hold 4 community forums on the Mining Act and Mining regulations				
5.2 Facilitate 2 dialogue sessions between the community leaders and the Flourspar Company on the task force report awareness and implementation.				
OBJECTIVE 4: To engender the extractive sector in Kenya through women socio-economic empowerment and safeguarding of women's rights				
Result 6: Women able to organize, participate equally in decision-making processes and advocate for gender responsiveness in the ES				
6.1 Capacity building and mentorship of women groups formed in Migori County in diversified forms of livelihood.				
6.2 Host a Women conference targeting 50 women in the extractive sector in Migori County				
OBJECTIVE 5: To create a credible, strong and knowledge-driven network capable of responding to emerging issues in the extractive sector				
Result 8: An accessible and growing knowledge base on extractives and knowledgment management platform established				
8.1 Facilitate the Coalition to make timely submission to on-going national and county level processes in the sector				
8.2 Participate in national and regional forums in the ES				
Result 9: HMK at county and national levels recognized as a key stakeholder in the ES				
9.1 Facilitate formation of HMK platforms in Migori and Elgeyo Marakwet Counties				
Monitoring and Evaluation				

Annex 4: Report for Community awareness forums held in Nyatike and Mikei

Dates: 26TH to 29th July 2016

Introduction

The recent past, has occasioned Kenya with the experience of massive exploration and discovery of minerals including oil, titanium, coal etc on large scale, on small scale and on artisanal scale. This has therefore necessitated different stakeholders to have a discussion around it putting in mind the multifaceted angles that minerals can potentially lead to. NCCK under the haki madini coalition began a five year project dubbed “Madini Yetu wajibu wetu”. Through this project, NCCK is engaged in this process both at national level and grassroots level. The main objective of this project is to promote community participation and responsible stewardship of extractives for equitable and sustainable development in Kenya.

In light of this, NCCK Nyanza region conducted 4 community awareness forums in Nyatike and Mikei sub-locations to sensitize them on the importance of community organizing, provisions for organizing of ASMs in the mining Act 2016 and collective action in the ASM sector. The objective of the forums was to support communities acknowledge the current gaps in ASM and resolve to organize in order to address the prevailing challenges. This was largely hinged on the mining Act 2016 provisions on ASM. These forum were also expected to rally communities towards nominating persons (ASM champions) who could spearhead the process of mapping advocacy issues and organizing communities in groups. Each community was to nominate 6 persons (2 female, 2 men, 2 youth of from both gender) totalling to 24 ASM champions.

We targeted bringing together 50 community members in each forum who were from the two sub-locations where miners are concentrated. The forums targeted the participation of both women, men, clergy and youth in proportionate measure. Our program was running from noon to 4pm each day since this is the optimum period of time where miners and community members can be found to attend meetings in Nyatike. The forums were moderated jointly by Mr. Zack Gaya (NCCK Nyanza regional coordinator) and Mr. Athiambo John (Ward admin Macalder ward). Other key players in the forum included; NCCK staffs – Augustine Wanjala, Jeremiah Sao and Anthony Ngachira, Bishop John Okinda and Madam Joyce Akinyi who is the area chief. Its worth to note that in the forums, the project proposal was shared inclusive of its goal, objectives and activities.

Macalder community awareness forum

Our first community forum was on the 26th July 2016 at Macalder/Nyatike market at the ward administrator's boardroom. Macalder is the hosting market and headquarters for Nyatike Sub-County. It's the heart of Nyatike mining activities having two major mining sites: Macalder copper hill and Matanda gold mines. A total of 48 participants were present: 67% were men while 33% were women. Key community representatives were inclusive of the Nyatike sub-county administrator, Macalder/Kanyarwanda ward administrator, community elders, macalder local miners welfare association, Copper hill Sacco, Copper hill committee, Osiri undermining society, macalder/kanyarwanda women sacco, Macalder primary school, Macalder district hospital, youths, Nyatike women for change and the catholic church.

Bishop John Okinda, who ministers with PEFA Migori church which is an affiliate church to NCKK took the participants through the envisioning session. The aim of this session was to help trigger the community to think broadly on artisanal mining and how it would benefit them holistically.

“At times problems open our eyes. Unless you reach the point you are satisfied and say enough is enough there is no change you can bring.” This was his opening statement. After lengthy deliberations these were the contributions made by the community.

Desired Macalder/Nyatike community:

- ✚ A community with sufficient and efficient social amenities ie schools, churches and hospitals
- ✚ Good roads, a modern market and a university offering courses that are relevant to the mining community
- ✚ Enough job opportunities from the mining industry based in Nyatike
- ✚ Improved economy and reduced poverty
- ✚ Quality education
- ✚ A society with an industry that can process all the products at ago/Finished products
- ✚ Have technocrats of mining from Nyatike and lifting the mining sector in Nyatike to global standards
- ✚ Automated and efficient mining processes

Current Macalder community:

- ✓ Misuse of proceeds from mining exemplary through alcoholism
- ✓ Miners have no mining gears
- ✓ Unsafe mining ie processing using mercury with bare hands
- ✓ Unplanned roads and some are in a bad shape
- ✓ Have no local university in the area
- ✓ The mining holes are not safe since many miners die in the process
- ✓ Women involved in the sector are not benefiting
- ✓ Low gold prices
- ✓ Youths are positively engaged in the mining sector
- ✓ Less criminal cases in the areas
- ✓ The area is blessed to have minerals that have brought sources of livelihood for many.

The Macalder community agreed that it was possible for them to transform the negative things of their current status to the desired one.

The NCKK Nyanza regional coordinator then took the participants through the simplified mining act majoring on the artisanal mining. There was an in-depth discussion on the issue on licensing especially for artisanal miners. The community proposed to form a joint union of miners in Macalder that will articulate their issues with one voice. Since it was not clear whether the existing entities of the miners were really associations or not, the participants were asked to get organized and form them.

The following ASM champions were then nominated to represent the miners from Macalder;

Name	Representation	Contact
1. Pamela Dudi	Women rep	
2. Mrs Beatrice Achieng'Ojowi	Women Rep	0710231556
3. Ayaka Stephene Oloo	Youth rep. (Male)	0717291245
4. Florence Anyango	Youth rep. (Female)	0717417765
5. Albert Michura Otota	Men rep	0723587874
6. Achieng' Michael	Men rep	0703923558

The community then moved to have a consensus in supporting the ASM champions.

Mikei community awareness forum

The second community awareness forum was conducted at Mikei market. Mikei is the second largest area where gold mining is done. This is also the meeting point for Mikei sub-location and the second largest market after Macalder. The area Chief, Madam Joyce welcomed the team to the meeting and flagged off the meeting. 59 participants were present 17 women and 42 men a percentage representation of 29% and 71% respectively. These participants were representing the following groups of community members: the catechist Catholic Church, Maranatha Church, Roho Israeli church, business community at Mikei market, elders of the area chief's baraza, ODM party, Mikei market committee, youth, Migori county artisanal miners cooperative, miners, farmers and teachers.

Through the facilitation by Bishop Okinda, Mikei community described their desired and current community status as follows:

Desired Mikei community

- ✚ Presence of medical facilities and hospitals
- ✚ Community with enough schools and training institutions thus increasing the number of educated people in the community
- ✚ Have experts and technocrats in the mining industry
- ✚ Community fully benefiting from the minerals
- ✚ Have a resource centre
- ✚ Well-equipped and advanced mining processes
- ✚ Spiritual nourishment going hand in hand with development

Current Mikei Community

- ✓ No health centre in the community
- ✓ Lack of clean drinking water
- ✓ Low education standards
- ✓ Death cases resulting from injuries during mining
- ✓ Lack of mining machineries
- ✓ Alcohol and drug abuse among young people
- ✓ People are not involved in spiritual/church issues
- ✓ Environmental degradation

- ✓ High HIV/AIDS cases
- ✓ Lack of proper market facilities

Through the community input session, it was clear that there were no formal mining associations in the mining sector and the community was urged to form them. It emerged that most private land owners did not have title deeds for their lands. Thus a discussion on compensation of land may be difficult to handle during the implementation of the new mining act. The chief and ward admin urged the participants to get their own legal land owning documents. They then nominated the 6 ASM champions.

Osiri Community awareness forum

The third community forum was held at Osiri market in Osiri PEFA church on Thursday, the 28th July 2016. Osiri market, neighbors Matanda gold mines. It serves miners in the mining site and is under the Mikei sub-location. Rev. Lameck Ouma, a PEFA church overseer from Nyatike welcomed the team to his hosting church and pledged his support for the work done by NCKK. A total of 56 participants were present in the forum. Having 17 women and 39 men a percentage representation of 31% and 69% respectively.

The community representation in attendance was as follows; youths, churches – Global church, Ruwe Holy ghost church, Seventh Day Adventist, PEFA Church, Maranatha Faith Assemblies and catholic church, village elders, community health workers, Osiri boda boda operators, area MCA, Osiri development committee and matanda miners.

The community then described their situation currently and the future;

Desired Osiri community

- | | |
|------------------------------------------------|-------------------------------------------|
| ✚ A well developed town | ✚ Enhanced Godly values in the community |
| ✚ Have clean water | ✚ Well-coordinated efforts of development |
| ✚ Good roads | ✚ Increased employment opportunities |
| ✚ Well educated people | ✚ Good sanitation and hygiene |
| ✚ Industrialization of the areas | ✚ Improved processing of minerals |
| ✚ Good health and education facilities | |
| ✚ Be food secured through improved agriculture | |

Current Osiri Community

- ✓ Poor hygiene and sanitation
- ✓ Poor infrastructure
- ✓ Lack of adequate health facilities
- ✓ Use of local and unskilled mining methods
- ✓ High school drop outs
- ✓ Early marriages
- ✓ Lack of recreational facilities ie playing fields
- ✓ Lack of clean water
- ✓ Few employment opportunities
- ✓ Lack of experts in different fields
- ✓ Sketchy buildings
- ✓ Squatter land tenure systems – community members do not have title deeds and national identity cards
- ✓ Poor utilization of available resources
- ✓ Few homes are connected to electrical power
- ✓ Poor gold and copper prices

After discussion the mining Act depicting the ASM issues led by Anthony Ngachira who is an NCKK staff, the community was charged into getting organized to benefit more from the mining process. It was clear that there were no existing mining associations of miners in Osiri. The existing groups need some form of streamlining to capture the real ASM issues moving forward. The challenge the community undergoing mining at Matanda mines was that it is on government land yet the licenses they currently hold were long invalidated.

The community agreed moving forward to streamline the existing ASM associations. They also elected the following champions to represent them in this course;

Name	Representation	Contact
1. Mrs Tobby Ang'awo	Women Rep	0716081621
2. Phoebe Auma	Youth Rep. (Female)	0732378341
3. Jane Nyawaju	Women rep	0718664250
4. Fred Sira	Youth Rep (Male)	0716858401
5. John Odera	Men Rep.	0728008257
6. David Ouma	Men Rep.	0726253519

God kwach community awareness forum

The fourth forum was held at God Kwach primary school on Friday the 29th July 2016. God kwach is one of the villages of the larger Nyatike sub-location; it borders the Macalder copper hill as well as areas with artisanal gold mines. The head teacher to the school, welcomed participants to the venue.

There were 111 (One hundred and eleven) participants present in the meeting, 43 were women while the men were 67 this was a percentage representation of 39% and 61% respectively. The number of participants more than doubled in this site since it was the last forum were holding and thus the community had been briefed by their neighboring miners about what we had been doing and thus they came to hear for themselves instead of being told by their representatives These participants were representing the following categories: Maranatha church, Nomiya church, Nazarine church, catholic, village elders, school committee members, Luo council of elders, ministry of health, ODM party, boda boda operators and gold miners.

Bishop Okinda took the participants through the envisioning process based on the development trends. In the current 21st Century era development is by empowering people to do it for themselves. An emphasis was made on empowerment instead of relief.

Quote from the Luo words “ji ema gero piny to piny ok ger ji” meaning “*people build places, places don’t build people*” by Bishop Okinda. He challenged participants to work towards building God Kwach area rather than waiting for other people to come and do it for them.

Desired God kwach community

- Education for the children
- Improved infrastructure – road network and electricity to every home
- Improved health facilities
- Cleanwater
- Building new schools for children to learn
- Improved agribusiness ventures
- Good housing
- Wonderful churches propagating the gospel

Current God Kwach community description

- Poor roads
- No clean water
- Illiteracy
- Poor health facilities
- Food insecurity
- Bad market infrastructure
- Poor agricultural storage facilities
- Improper housing

Participants concluded that with the available resources, they can translate their current status to the desired status. The ASM issues in the mining act were isolated based on articles 92-100 of the Kenya mining act 2016. The community appreciated the issues raised especially on the county artisanal mining committee that shall be established, the issue on licensing and compensation. They highlighted a challenge on land compensation since many do not have land title deeds. The issue of having mining associations in place at God Kwach and the neighborhood proved as in the other areas that ASMs need to organize themselves to gain more from mining.

The community through this forum, moved to elect the following ASM champions to represent their area:

Name	Representation	Contact
1. Pamela Ouko	Women rep	
2. Euchabeth Achieng' Odhiambo	Women Rep	
3. Daudi	Youth rep (Male)	
4. Agnes Zachayo	Youth rep (Female)	
5. Richard Ogoye	Male rep	
6. Soldier	Male rep	

Conclusions

The discussions were jointly led by NCKK and full support of the local community leaders. The key leaders who played a key role in the success of the meetings were the ward administrator for macalder/kanyarwanda ward and the acting chief from miki sub-location. They mobilized the communities and moderated discussions as well. The local community welcomed the initiative of the project warmly and expressed a deep desire to partner with NCKK. All venues were identified by the local leadership ie chief, church pastors, village elders, teachers and we only paid for only one venue at miki though it is a community hall. The forums attracted 274 (two hundred and seventy four) participants in total. Of these, averages of 34% were women while 66% were men.

The following emerging issues popped up during the awareness forums;

- ✓ A number of community members in Nyatike, do not hold national identity cards
- ✓ It was clear that community members had land numbers but are without title deeds
- ✓ There exists some form of groups for miners in form of support groups, self help groups, cooperatives and committees. However the groups are not coordinated and have no form of connection or relation to each other

- ✓ Miners cry foul on the poor copper and gold prices ie a gram of gold is bought by a middle man from a miner at kshs 3000 and sold to one exporter (An Indian called Bansi) at kshs 5000.
- ✓ Increased cases of injuries and physical deformities due to unsafe mining practices
- ✓ The disharmony in the running of mining activities has contributed immensely to unproductiveness in the community developments from mineral proceeds.
- ✓ High level of ignorance on the mining act 2016.
- ✓ High levels of voter apathy and clanism

Recommendations

- A. During the stakeholders' forum, we need to have the following stakeholders on board so that we have a holistic approach on the mining issues in Nyatike; NEMA, County government, ministry of lands, miners, inspector of mines, national government, clergy, ministry of health, departments of environment and natural resources
- B. Supply the simplified mining act 2016 soonest
- C. During the induction training, include first aid and safety skills, HIV/AIDs counseling services, investment, NHIF registration and mining act 2016.
- D. We urge NCCCK to urgently look for resources to conduct civic education in Nyatike
- E. Fast track the formation/streamlining of the miners associations in the two sub-locations and capacity building for the group leaders

Lessons learnt

“Ji ema gero piny to piny ok ger ji” – “people build places but places don’t build people” by Bishop Okinda.

People have a way of resolving their own problems however hard they may be. It’s only a defeated person that gives up.

The orientation by the early government systems made people believe that only the government carried the answer for their problems. This made many not to think out of their individual problems.

Best Practices: Use of local leadership for community entry was effective.

Report By Augustine M. Wanjala