



*Empowered lives.  
Resilient nations.*

## **MINISTRY OF MINING**

### **DRAFT NATIONAL EXTRACTIVE POLICY**

**Venue: Naivasha**

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## Abbreviations and Acronyms

### Definitions of Terms

Extractive industry is any process that involves the extraction of raw materials from the earth to be used by consumers. It consists of any operations that remove metals, mineral and aggregates from the earth and includes oil and gas extraction, mining, dredging and quarrying.

“**mineral**” means a geological substance whether in solid, liquid or gaseous form occurring naturally in or on the earth, in or under water, in mine waste or tailing and include petroleum, hydrocarbon gases and groundwater;

**Extraction** is the removal of raw material from the land or water Raw materials are basic substances or mixtures of substances in an untreated state Material, which is then processed to add value.

Examples of extractive industries are, mining, oil and gas drilling, and forestry. Include oil and gas extraction, mining, dredging and quarrying.

]

**Gender** – Refers to socially constructed roles of women and men ascribed to them on the basis of their sex.

**Sex** – the biological and physical characteristics

**Gender mainstreaming** – an acceptable strategy for making women and men concerns and experiences an integral part of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and social spheres such that inequality between men and women is not perpetuated.

**Survey and Mapping** involves knowing what where quality and quantity of these resources (data)

**Local content** means the quantum of composite value added to or created in the Kenya economy by a systematic development of capacity and capabilities through the deliberate utilization of Kenyan human and material resources and services rendered in the extractive industry value chain.

## Foreword

# 1 CHAPTER ONE -

## 1.1 INTRODUCTION

The constitution of Kenya 2010 is the overarching law that governs natural resources of Kenya. Article 69 confers the state the responsibility to ensure sustainable exploitation, utilization, management and conservation of the environment of natural resources and ensure equitable sharing of the accruing benefits.

Article 63(3) vests all natural resources including those in the extractive sector to the National Government to be held in trust for the people of Kenya.

The overarching policy direction on the extractives sector is contained in the second Medium Term Plan (MTP) of Kenya's Vision 2030. Kenya's Vision 2030 has included oil, gas and other mineral resources as the seventh priority sector with a high potential of spurring the country's economic growth and development. In the vision's Medium Term Plan (MTP), covering the period 2013-2017, key flagship

Progress has been made in the review of the legal and regulatory frameworks and institutional restructuring in the extractive sector such enactment of the Mining Act 2016, Mining and Minerals Policy 2016 and drafting of the Energy Bill and Energy and Petroleum Policy that proposes several institutions for the management of oil and gas. However, there is need for an overarching extractive policy that bring the entire sector together in the management of extractives.

Experience in other parts of the world such as Nigeria, the Democratic Republic of Congo (DRC), South Sudan, Liberia, Sierra Leone, Angola and the Central African Republic (CAR), suggest that extractives if not well managed can be a curse leading to violent conflicts, volatile economic growth due to fluctuating commodity prices; limited job creation; corruption; environmental degradation; gender violence; relocation of families to make way for extraction of natural resources; and spread of HIV and AIDS among communities impacted by extraction activities among others.

[Add more details] However, in Africa, countries such as Botswana, Morocco and Namibia has successfully managed sustainably their extractive industry, created a sovereign wealth fund and it's a biggest driver of their economies and Chile in Latin America has successfully transformed its economy through extractives. In Norway, the oil sovereign wealth fund is the most successful and it has invested for the future.

Functioning governance structures, legal and policy instruments as well as institutional capacity for implementation and enforcement area requisite for effective management of the extractive. It's important to recognize existing institutional and legal frameworks and consider ways and means by which coordination and cooperation can be enhanced through good governance.

Add paragraph on regional

## **1.2 SCOPE OF THE POLICY**

The Constitution of Kenya in 260(d) defines natural resources as the physical non-human factors and components whether renewable or non-renewable including rocks, mineral, fossil fuels, and other sources of energy.

For the purpose of this policy, resources under the extractive are **found on land** and therefore encompasses, but not limited to all classes of soils, sands, rocks, minerals (precious and precious), oil and gas being extracted for various **own use** or commercial purposes.

## **1.3 STATUS OF THE EXTRACTIVE INDUSTRY IN KENYA**

Kenya's extractives sector is characterized by a wide range of rocks and minerals and has recently discovered coal, oil and gas deposits. The sector's contribution to remain marginally at less than one per cent of the country's gross domestic product (GDP) and **three percent of total export earnings**.(Source:)

To establish the net worth of extractable natural resource continuous mapping of resources is required in the Extractives sector to generated data and information. The effective acquisition, management, and dissemination of geodata are key to facilitating investment in mining, as well as in the oil and gas sector.

It is expected that once these natural resources are exploited the extractive sector will contribute more than ten per cent to GDP by 2030. In addition, the sector will accelerate industrial growth, increase trade and investment thus earn foreign exchange and spur economic growth through infrastructural development. All this could lead to employment creation and sustainable economic growth and development.

## **2 CHAPTER TWO -**

### **2.1 PILLARS OF THE NATIONAL EXTRACTIVE POLICY**

#### **2.2 GUIDING PRINCIPLES**

Recognizing that extractives are National resources for the benefit of the present and future generation of Kenya, the following **pillars** underpin Kenya's National Policy on Extractives:

- a) Optimization of benefits to the Government and the people of Kenya through strategic participation, interventions and equitable benefit sharing;
- b) Development and strengthening of institutional, legal and regulatory frameworks and human capacity to ensure an efficient and sustainable extractive sector;
- c) Development and strengthening human capacity to ensure an efficient and sustainable extractive sector;
- d) Ensuring a transparent and accountable system is in place towards sustainable management and development of the extractive sector;
- e) Ensure systems to prevent adverse impact and protect people's health, safety and environment;
- f) Promote the integration of extractive sector and ensure linkages with other economic sectors in order to accelerate broad based growth and socio-economic transformation.
- g) **Foster a stable and predictable fiscal regime for the extractive sector**

#### **2.3 VISION AND MISSION**

##### **Vision**

A vibrant and competitive extractive industry contributing significantly to broad based growth and socio-economic transformation of Kenya.

##### **Mission**

To create enabling conditions for the supply and effective utilization of natural gas to all market segments across the entire value chain in a reliable, transparent, effective, safe, sustainable and environmentally friendly manner.

## **2.4 OBJECTIVES OF THE NATIONAL EXTRACTIVE POLICY**

The objectives of the national Extractive Policy are to ensure:

- 1) a sustainable, coordinated and coherent approach to investments in the extractive sector so as to accelerate socio-economic growth;
- 2) beneficial outcomes pertinent to the economic, environmental and social wellbeing of communities;
- 3) the extractive sector adheres to set standards and best practices on the environment, health, safety and human rights;
- 4) protection of key cultural heritage sites, ecosystems, biodiversity, various property rights, communities, ground water, surface water and prime agricultural land are not compromised from the impact of the extractive sector;
- 5) a multi-agency framework for wider stakeholder participation and inclusivity;
- 6) capacity development, innovation, technology transfer and knowledge management
- 7) research and integrated data capture on extractives
- 8) support artisanal and small scale extractive activities

### **3 CHAPTER THREE - FUNDAMENTAL POLICY ISSUES AND STATEMENTS**

#### **3.1 EXTRACTIVE RESOURCE OWNERSHIP**

Article **61 and Sub article** (1) defines all land in Kenya belongs to the people of Kenya collectively as a nation, as communities and as individuals. Article 62 defines land 62(3f) defines Public Land as all minerals and mineral oils as defined by law; vests all minerals and mineral oil on the national Kenya go

##### **Policy issue**

- i. Land ownership is found in multiple legislative instruments, resulting in conflicting and uncertainty on ownership thus affecting investment in the extractive sector.
- ii. The law on land acquisition is inadequate making compensation and relocation with regard to extractives costly and lengthy if not impossible. This is a disincentive to investors, increasing the cost and time of actualizing projects.
- iii. Multiplicity of consent to access land for extraction.
- iv. Lack of overarching and coordinated policy leading to some extractives being left out in rems of management and regulation.

##### **Policy Statement**

The Government will:

1. Develop a coordinated approach on land access, compensation and consent issues and establish linkages between various institutions and relevant stakeholders in the extractive sector.
2. To place any and all extractives under extractives policy.
3. **establishing and defining ownership rights regarding sub soil wealth and assignment of the rights to the subsequent revenues.**
4. Formulate resettlement action plans.

#### **3.2 RESOURCE MAPPING AND DATA MANAGEMENT**

To establish occurrence of extractable natural resource require mapping exploration Mapping for Natural Resources in the extractive is ongoing, however there is need to fast track it to realize the economic benefits expected in the Vision 2030. The effective acquisition, management, and dissemination of geodata are key to facilitating investment in extractives.

Additionally, a government with a good understanding of the country's geological potential can use this informational base to better manage the country's subsoil resources. The high returns on the collection, storage, and public availability of geodata are linked to the following:

##### **Policy Issues**

- i. Kenya has not comprehensively mapped its extractive resources.
- ii. Data and information on extractive held by different agencies and institutions are in formats that cannot be easily shared and used.



### **Policy statement**

- i. Strengthen capacities for data acquisition, packaging, and dissemination of extractive sector data and information by Government.
- ii. Comprehensive mapping of resources through increased investment in exploration.
- iii. Establishment of a central repository for data and information.

### **3.3 LOCAL CONTENT**

Though laws have been developed for local content, they do not adequately provide opportunities for local companies and community to participate fully in the extractive sector due to standard of service required by industry and lack of funding to be able to provide these services.

#### *Procurement requirements*

*Preference must be given to at least 40% of materials and products made in Kenya and service agencies located in Kenya and owned by Kenya; or companies registered in Kenya or company that is in joint venture with a local company (where Kenya holds 40%) when those goods are not available locally in Kenya. every investor should provide a procurement plan.*

#### *Technology transfer requirements*

*The investor need to ensure that their training program result in transfer of technology and know-how.*

*Establish management and technical capabilities, and if need be, any necessary facilities for technical work, including interpretation of data.*

*Government shall enhance collaboration with regional and international organizations in research, transfer of technology, training and exchange of information.*

#### *Capacity development*

*Increased activities in the extractive industry have resulted to high demand for knowledge and skills. Extractive industry growth is constrained by insufficient ability in the field of research; inadequate funding for Research, Development and Dissemination; limited research activities; and inadequate linkage between markets and academic institutions.*

### **Policy issues**

- i. Inadequacy of existing policy and legal framework on local content leading to Fragmented government directives on local content.
- ii. Inadequate capacity of local entities to service the industry.
- iii. Lack of capacity in extractive sector to enforce, monitor and audit local content requirement.
- iv. Lack of coherent development plan for local capacity in all aspects of the extractive industry value chain through education, skills, expertise development, technology transfer, and knowhow
- v. **Employment**

## Policy statement

- i. Development plan for local capacity in all aspects of the extractive industry value chain through education, skills, expertise development, transfer of technology, and knowhow
- ii. Establish a training fund for the purpose of training persons in the extractive industry where investors will contribute into the training fund an amount which shall be specified in the extractive agreements.
- iii. Annual employment of locals (Local and national) and replacement of expatriates report
- iv. Preference to local communities
- v. Reports on employment be part of annual reports
- vi. Plan to replace expatriates with local
- vii. Remuneration parity must be addressed and audited – to go to thematic group
- viii. *This Policy will promote education, vocational training, research and development in the extractive industry to generate new ideas and technologies.*
- ix. *build the capacity of compliance enforcement authorities for them to carry out their mandate*
- x. *Develop a National Extractive Education Curriculum at the Training Institute.*
- xi. *investors must submit an annual local content plan, which must be submitted along with the annual work program and budget*
- xii. *for extractive operations and must include:*
- xiii. *Details of the procurement of Kenyan goods, materials and services;*
- xiv. *A detailed plan and program for recruitment, employment and training of Kenyan citizens; and*
- xv. *A plan for the transfer of skills, knowledge, competence and know-how to Kenyan citizens(to be moved to M&E chapter)*
- xvi. *To develop a register of local suppliers and services from which investors shall access for the contracting of goods and services.*
- xvii. *Develop an extractive sector strategy which is strong on local content, implementation and monitoring*

## 3.4 GOVERNANCE, TRANSPARENCY AND ACCOUNTABILITY

Good governance is required throughout the entire decision chain. This policy will critically examine the areas that require interventions to ensure governance. Therefore the chain of decisions can be difficult to monitor providing corruption opportunities and a smoke screen of poor management.

Article 35 of the constitution requires access to information as a measure to ensure transparency and stake holders provide effective oversight. All contracts pertaining to extractives must there for be made public by the respective ministries departments and agencies (MDA's).

## Policy issues

- i. Kenya does not have adequate auditing capacity in the extractive sector.
- ii. Lack of up-to-date information and information asymmetry in the extractive sector making it vulnerable to weak governance and transparency in the sector.
- iii. Weak enforcement of existing laws.

- iv. Private Sector commitment to undertake extractive resources assessment for eventual exploitation is slow due to high initial costs and perceived political and other risks.

### **Policy Statements**

- i. Establish a multi-agency coordinating committee
- ii. Review and realign existing laws and regulations to reduce conflicts and overlaps.
- iii. Enhance auditing capacity in the extractive sector.
- iv. Publish all extractive sector contracts and annual reports in the extractive industry in the relevant websites.
- v. Domesticating the Africa Mining Vision.

## **3.5 MANAGEMENT OF THE ENVIRONMENT, HEALTH AND SAFETY**

Chapter 5 of constitution mandates the government to protect and conserve the environment and natural resources for sustainable development.

### **Policy Issues:**

- i. weak enforcement environmental laws
- ii. weak capacity to monitor, evaluate and audit extractive operations safety
- iii. **poor environmental risk assessment and management of extractive projects**
- iv. lack of comprehensive valuation of natural resources
- v. conflicting of existing environment laws and overlaps of mandates
- vi. **human well being**
- vii. lack of a central repository for EIA and EA reports
- viii. lack of countrywide environmental report leading to different EIA recommendations in one zone.

### **Policy Statement**

- i. zone environmental areas based on possible land use for sustainable development.
- ii. carry out baseline vegetation assessment surveys to inform future ecological restoration/rehabilitation of extraction sites.
- iii. investors should secure environment bond in the initial stage of investment to cater for remedial measures for the adverse effects on the environment.
- iv. adopt a coordinated approach in applying the legal instruments in the extractive sector to address conflict and overlaps.
- v. document and value natural capital and provide periodic assessments to support national accounting and planning.
- vi. **enhance Natural Capital Value through enhanced conservation activities and capacity building.**
- vii. engage with the industry and community to promote sustainable environmental compliance and standards.
- viii. Develop and implement a strategy to contain, control and mitigate risk, accidents and hazards.

### **3.6 FISCAL REGIME**

Revenues from the Extractive Industry have major macroeconomic implications. The Extractive Industry often account for over 50 percent of government revenue in petroleum-rich countries, and for over 20 percent in mining countries. Dependence on Extractive Industry revenues in resource-rich countries has increased, and this seems set to continue.

**Add paragraph on Kenya Scenario on revenue contribution and potential**

#### **Policy issues**

- i. Stability of fiscal regime Kenya will strive to have a stable fiscal regime that will drive investment.

#### **Policy statement**

- i. Transfer pricing
  - The commodity price used in calculation of mineral revenues will be based on highest given prices in the International market.
  - Arm's length trading. (No relationship between two trading companies).
  - KRA to verify the market price of capital goods used in extractives.
- ii. Royalty
  - Royalty rates chargeable on extractives will be periodically reviewed based on participatory approach and must be gazetted.
  - A fair, consistent and appropriate value of extractive resources must apply when calculating royalties due regardless of where or how the commodity is sold.
- iii. Fees, levies and charges
  - Consultative approach between National and County Government and relevant stakeholders to streamline charges on fees and levies.
- iv. Corporate income tax
  - Corporate Income tax to apply as prescribed by Finance Act.
- v. Tax holidays
  - Government will put in place measures to ensure there are no Tax holidays for all contracts in the extractive industry.
- vi. Assets on termination
  - Designated agencies will put in place mechanism to ensure that all assets whose value has fully been depreciated will revert to either the National or County Government.
  - The government shall have the first right of refusal on disposal of any other asset that has not fully depreciated.
- vii. State participation
  - The state will have a right to participate in any extractive industry concern as per applicable laws.

- viii. Project financing arrangement
- The Government will gazette sector specific Debt/Equity ratio, but at any one time the debt should not be above 40% of the estimated cost of the project.

### **3.7 REVENUE MANAGEMENT**

Extractive resources belong to the people of Kenya, and the people expect a fair return for the loss of its non-renewable extractive resources. (Take to chapter 1)

There is need to have equitable revenue sharing amongst the Governments and the communities. Revenue from the extractive sector shall be used to benefit current and future generation. In resource rich areas the national and county government should develop long term structured plans for sustainable use of extractive revenues.

#### **Policy issues**

- i. Extractives are non-renewable resources.

#### **Policy statements**

- i. Sovereign wealth fund
- National and County Governments will establish Extractive Industry Sovereign fund.
- ii. Equitable revenue sharing framework
- A there shall be a benefit sharing framework for National and County Governments and the Community.
  - Develop elaborate frameworks for revenue disbursement and utilization.

### **3.8 LICENSING AND CONTRACTING**

#### **Introduction**

Things/items to be licensed????? Things are licensed differently

#### **Policy Issues**

- i. Licensing regime.
- ii. Lack of Capacity in negotiations.
- iii. Poor enforcement of contractual obligations.
- iv. Inadequate financial and technical capacities.
- v. Weak dispute resolution mechanisms.

#### **Policy statements**

- i. Licensing regime
- Need for simple, transparent, clear, stable and efficient licensing regime.
  - Develop digital licensing process.
  - Strengthening and development of monitoring, compliance and enforcement capabilities.
  - Develop an integrated one-stop shop for the license issuance.
  - Publish contracts and annual reports in the extractive industry in the relevant websites (carry to contract/governance) ??.
- ii. Lack of Capacity for Negotiations
- Strengthen government capacity to assess, negotiate and monitor investments, contracts,

- leases and concessions used for sustainable resources management
- All contractual obligation will be public documents as per the provision of the constitution (Article 71).

iii. Contractual obligations

- Contractual obligations (liabilities, mitigation of environmental impact, capacity building and technology transfer etc.) must be clearly spelt and made public.
- Create and manage a central depository information system with access right to relevant government agencies.

iv. Financial and technical capacities

- Investors required to submit a statement of financial and technical capabilities as per guidelines published from time to time by the relevant agency.
- Evidence of progressive employment of local workforce.
- Set debt/equity ratio must be adhered to.
- Any Joint Venture to be approved by the relevant authority.
- License ownership transfer must be approved by the relevant agencies and all obligations transferred. All taxes due must be paid prior to effective transfer of such ownership.

v. Dispute resolution mechanisms

- Utilise amicable dispute resolution mechanism.

### **3.9 WORK PROGRAMMES AND OPERATIONS**

#### Introduction

#### **Policy Issues (explain)**

- i. Work programme and budget.
- ii. Periodic reports on extractive operations.
- iii. Annual employment of locals (local and national) and replacement of expatriates report.
- iv. Compliance and enforcement.
- v. Performance guarantees.
- vi. Transparency and Public disclosure.
- vii. Financial accounting and auditing.

#### **Policy statements**

i. Work programme and budget

- Initial work plan and budget submitted and approved by relevant agencies within set timelines.
- A multi-agency coordination framework shall be established to ensure seamless implementation of the policy.

ii. Periodic reports on extractive operations

- Submitted according to and guidelines issued by respective agencies.

- Periodic reports and approval shall be submitted and shall incorporate updated work plans for the subsequent year.

iii. Performance guarantees

- Specific agencies to provide regulatory framework for the Investor to deposit performance bond as appropriate.

iv. Financial accounting and auditing

- Investors shall provide their accounting and audit reports in accordance with recognised international and national standards.

### 3.10 INCLUSIVITY

It is the obligation of government to have an inclusive approach in the development of a country's extractive sector for the benefit and protection of all populations, from artisanal to large-scale modern extractive businesses, starting with an inclusive approach to developing extractive policy and legislative frameworks. **Marginalised peoples are often subject to social exclusion, with the roots of that exclusion throughout the world resulting in large part from the taking of indigenous land and resources.** As such, Marginalised people are particularly impacted by extractive activities since natural resources rich areas are often located on indigenous lands.

The investor must also ensure that the transfer of management and operation functions to Kenyan citizens. These programs need to take into account gender, equity, persons with disabilities, host communities and succession plan in accordance with the Employment and Labour laws existing in Kenya. The investor should ensure that the training of employees is done locally and where more skills are required they employees should be taken to a country where the skills are available.

#### Policy issue (Expand)

- i. Gender Mainstreaming
- ii. HIV/AIDS
- iii. Marginalized and minority groups
- iv. Youth
- v. Persons with disability
- vi. Artisanal and small scale activities

#### Policy statements

- i. Mainstream Gender, Youth and Vulnerable Groups to ensure equity in extractive industry.
- ii. Create awareness and preventive measures on HIV & AIDS in extractive activities.
- iii. Facilitate formation of women, youth and PWD groups to participate in provision of goods and services required in the extractive industry.
- iv. Facilitate and support artisanal and small scale activities.

### 3.11 STAKEHOLDER PARTICIPATION

The Constitution of Kenya makes citizen participation a central part of Kenya's governance system. Article 10 identifies public participation as a National Value and principle of governance;

Article 232(d) guarantees the involvement of the people in the process of policy making in the public service. The Fourth Schedule to the Constitution allocates county governments the role of ensuring and coordinating the participation of communities in governance at the local level.

Fully successful and sustainable EI sector management depends upon the participation of all key stakeholders. Identification of stakeholders, their consultation, and participation in reform or good governance agendas across all links of the EI value chain has proven critical to the successful management of the EI sectors and their impacts.

### **Policy issues**

- i. Inadequate engagement of stakeholders.
- ii. Inadequate knowledge in extractive industry by various stakeholders.
- iii. Inadequate communication strategy including sensitization.
- iv. Environmental impact of extractive industries.

### **Policy statement**

- i. Create an environment for effective stakeholder dialogue such as:
  - Develop and implement communication strategy.
  - Using transparency and accountability to build trust.
  - Measuring impact of extractive activities on social, economic and environmental.
- ii. Foster positive dialogue and partnership.
- iii. Capacity building.



## **4 EXTRACTIVE SECTOR GOVERNANCE FRAMEWORKS**

The success of an extractive industry depends on the institutional, legal and regulatory frameworks put in place to develop tools for coordination, operationalizing, enforcing, monitoring and evaluation to ensure desired outcomes.

### **4.1 INSTITUTIONAL FRAMEWORK**

The institutional framework articulates major roles of key institutions direction towards a transformed economy and sustainable growth and development. The key institutions are spread in the National Government agencies, County Government agencies and other agencies.

#### **4.1.1 National Government Agencies**

The extractive sector requires the involvement of the Government in directing resources and leading other players towards a desired development direction. Therefore, in addition to traditional roles of facilitation and regulation, the Government shall also participates in investment and ownership of strategic infrastructure.

These agencies have roles to:

- i. Protect and conserve the environment and natural resources.
- ii. Attract investment and technology in the sector;
- iii. Formulate and overseeing implementation of policies, laws and regulations;
  - (i) Negotiate contractual agreements related to extractive;
  - (ii) To participate strategically in extractive industry;
  - (iii) To support Kenyans to participate actively in the extractive industry;
  - (iv) To strengthen the capacity of Government's institutions responsible for the extractive industry;
  - (v) Managing the national extractive data base.

#### **4.1.2 County Governments Agencies**

County Governments Agencies are important link between National Government, Investors and Communities. Thus, the role of County Governments Agencies in extractive industry activities shall be:

- (i) Support coordination of public participation on extractives at County level.
- (ii) Implement national policies and regulations on extractives.
- (iii) Support the development and implementation of the Community Development agreements/Corporate Social Responsibility Action Plans.
- (iv) Participate in monitoring and evaluation

### **4.2 LEGAL AND REGULATORY FRAMEWORK**

Legal and Regulatory Framework in the extractive industry value chain will, among others, comprise of licensing, fiscal regime, environment, health and safety issues, third party access to common infrastructure and services, revenue management and related aspects of extractive industry administration and regulation. Therefore, the role of the Government shall be to:

- (i) Formulate legal and regulatory frameworks to govern the extractive industry to maximize benefits.
- (ii) Ensure compliance and enforcement with accepted international standards for extractive industry; and
- (iii) Ensure sustainable development of extractive resources.

## **5 FRAMEWORK FOR POLICY IMPLEMENTATION AND LINKAGES**

### **5.1 COORDINATED APPROACH**

This policy will be implemented through a coordinated process by multiagency steering committee drawn from:

- 1) The Executive office of the Presidency - Chair
- 2) Ministry of Mining – Joint Secretary
- 3) Ministry of Energy and Petroleum – Joint Secretary
- 4) National Treasury
- 5) Commission of Revenue Allocation
- 6) Office of the Attorney General
- 7) Ministry of Environment and Natural Resources
- 8) Ministry of Water
- 9) Ministry of Lands
- 10) Council of Governors

The committee will be meeting at least once in a year.

Terms of Reference are:

1. Ensure the policy is fully implemented
2. Ensure disputes arising from the extractive sector are solve

### **5.2 FINANCING OF POLICY**

The activities to be undertaken under this policy will be financed by the resources sought from the Government of Kenya, development partners and private partnership

### **5.3 MONITORING AND EVALUATION**

The monitoring and evaluation committee will be comprised of:

- 1) The Executive office of the Presidency - Chair
- 2) Ministry of Mining – Joint Secretary
- 3) Ministry of Energy and Petroleum – Joint Secretary
- 4) National Treasury
- 5) Office of the Attorney General
- 6) Ministry of Environment and Natural Resources
- 7) Ministry of Water
- 8) Ministry of Infrastructure
- 9) Ministry of Lands
- 10) Ministry of Industrialization
- 11) Ministry of Planning and Devolution
- 12) Commission on Revenue Allocation
- 13) Ministry of Trade
- 14) Council of Governors

The committee will meet at least twice a year

Terms of Reference are:

1. Monitor and evaluate the implementation of the policy

#### **5.4 REVIEW OF THE POLICY**

This policy will be reviewed after every three years