



# SIRD Bulletin

Supporting Inclusive Resource Development in East Africa



Global Affairs  
Canada

Affaires mondiales  
Canada



page 1  
**Foreword**

## Foreword

By Alnoor Meghani (SIRD Canadian Regional Field Manager)

page 2  
**Supporting Inclusive Resource Development (SIRD) in East Africa- Statement on COVID-19 Response**

page 3  
**SIRD Conducts COVID-19 Awareness in Kwale, Distributes Masks, Essential Support Commodities**

page 4  
**Gender Dimensions in the EAC Extractive Sector: Will the EAC Gender Policy Cure Persistent Disparities?**

page 7  
**SIRD Conducts Training for Pro-bono Lawyers Working In Communities Affected by Mining and Extractive Industry Activities Across East Africa**

page 9  
**SIRD Conducts Public Legal Education across East Africa, Hosts Radio Talk Shows and Distributes Public Legal Education Materials**

page 13  
**Progress through Partnership: SIRD TLS and Partners Successfully hold the 2019 Tanzania Extractive Industries Conference, "Jukwaa la Uziduaji"**

**SIRD is funded by Global Affairs Canada**



*SIRD Group Photo During the Visit of Global Affairs Canada Delegation at the Law Society Kenya Offices in Nairobi, Kenya. From Left to Right Is Collins Odhiambo (LSK Deputy CEO), Suzy Kimutai (Project Manager), Daniel Muraguri (Project Accountant), Alnoor Meghani (Canadian Field Regional Manager), Mercy Wambua (LSK CEO), Ibrahima Sakho (Project Team Leader, Global Affairs Canada), Joseph Ssekyewa (Monitoring And Evaluation Officer), Kelly Thompson (Canadian High Commission), Jennifer Johnson (SIRD Director) And Job Mati (Project Assistant)*

The SIRD project in East Africa implementing team is excited to bring to you the 4th edition of the SIRD in East Africa Bulletin. The Bulletin covers news of the SIRD in East Africa project and seeks to update our readers with current SIRD initiatives and activities, activity outcomes and plans for future activities.

This edition comes at a time when the world is battling the novel Corona Virus disease (COVID - 19), a pandemic that has ravaged the world and led to the loss of thousands of lives. The disease has also halted normal conduct of business with several countries across the globe imposing travel restrictions, closing down businesses and reducing social interactions to a minimum. The disease has impacted project activities with officers now forced to work from home and activities requiring physical gatherings halted.

While there has been a relative scaling down of activities, several activities are still ongoing and this edition will update you on activities that had already been implemented before the outbreak of the virus and those that are ongoing even as the disease persists. The edition explores among others our regional consultation efforts that look to streamline extractive industry laws from all EAC Partner States. It also captures our various conferences and meetings held over a period of four months without forgetting our legal reform efforts at the national level. Our activities at community level are also captured with activities going on in Kwale (Kenya), Geita (Tanzania) and Buliisa (Uganda).

We thank all our partners for their contribution to the success of the project with special appreciation reserved for Global Affairs Canada for its immense financial contribution. Special appreciation also goes to project implementing partners in East Africa including the East Africa Law Society, Law Society of Kenya, Tanganyika Law Society and Uganda Law Society as well as the Canadian Bar Association and Canadian technical experts.

[Turn to Page 2](#)



**SIRD Gender Advisor Engaging The Community In Geita, Tanzania**



**Conference on "Jukwaa La Uziduaji" at Morena Hotel in Dodoma, Tanzania**



**Essential Support Commodities to Support Communities During COVID-19 In Pandemic**

# Supporting Inclusive Resource Development (SIRD) In East Africa Statement on COVID-19 Response

*The impact of the novel coronavirus disease (COVID-19) has been intense and far reaching. Early in March, CBA's senior management made the difficult decision to temporarily suspend all travel related to the SIRD program. Days later the World Health Organization characterized the outbreak as a global pandemic. In the weeks that have followed, international activity has ground to a halt. Borders in many countries were recently closed to non-essential travel and vigorous efforts are being made by governments to bring their citizens home.*

We know that you are worried about your health and that of your family, colleagues, clients and businesses. You may also have questions about the SIRD program in the new reality of a virtually unprecedented global shutdown. CBA International Initiatives is closely monitoring the pandemic as well as Canadian and international responses. Our top priority remains the health, safety and well-being of CBA members, staff and our volunteers.

Here are some of the measures that CBAII has been and will continue to take to ensure the safety of SIRD staff and volunteers, as well as the continuity of our international development initiatives beyond the COVID-19 crisis:

- Fortunately, with the exception of the Canadian Regional Field Manager who is based in Kenya, there were no other Canadian SIRD program staff in East Africa at the time travel restrictions went into effect. Other Canadian volunteers who were overseas on CBAII programs at the time restrictions went into effect have all been safely repatriated home.
- All program related travel is temporarily suspended in both in terms of the field and by Canadian officials to the East African region. Approvals for future travel will be in line with governmental directives in each of the countries and following consultation with the SIRD project director, CBA's senior management and the Global Affairs Canada (GAC) desk officer in charge of the SIRD program.
- We are in daily contact with SIRD program staff in Uganda, Kenya and Tanzania. At present they are under similar work from home orders from their national governments.
- CBAII staff have been and will continue to work from home. We will remain engaged with the situation and continue to receive updates from GAC and Law Societies as these become available.
- Program activities which are not dependent on travel or large conferences will proceed in the coming weeks. These include law reform (review of legislation, developing and reviewing policy submissions, etc.), planning and fine-tuning women's advocacy actions for implementation as soon as gatherings are allowed, support to community development committees, and support to legal aid cases.

As the pandemic abates and global travel resumes, we anticipate a cautious return to field activities. We are still some distance from this eventuality but will be engaging GAC on measures to allow the project to run its course and achieve full results within the constraints that have been imposed by the global shutdown.

We will continue to monitor the situation and update this post as new information becomes available. For questions about the SIRD program's responses to COVID-19, please contact **Jennifer Johnson, Project Director** at: [jenniferj@cba.org](mailto:jenniferj@cba.org) or **Alnoor Meghani, Canadian Regional Field Manager** at [alnoorm@cba.org](mailto:alnoorm@cba.org)

# SIRD Conducts COVID-19 Awareness in Kwale, Distributes Masks, Essential Support Commodities

By Suzy Kimutai, LSK

Following the outbreak of the COVID-19 pandemic which has ravaged the entire world and which continues to pose a huge challenge to the health, livelihood and wellbeing of citizens, it is in marginal communities and vulnerable groups such as those found in villages and communities in Kwale County where this impact is severely felt. Kwale County was identified as one of the hotspots for the virus and has been under containment leading to the prohibition of movement into and out of the County. The LSK SIRD project felt that it was prudent to stand with community members in the villages of the County, many of whom have had little or no access to information in as far as the pandemic is concerned.

Many Households in the villages do not have access to television or radio through which they could receive basic government directives and updates from the Ministry of Health briefings, many more families lack the means to purchase basic protective gear such as nose masks and liquid soap due to the tough economic situation prevalent in the area. All these factors go towards compounding and exacerbating their vulnerability during this pandemic.

The LSK SIRD Project provided this support through the preparation and distribution of a care package while at the same time took the opportunity to share with community member's basic knowledge on available preventative and protective measures that they can take to protect themselves and their families during this period.

A total of 10 villages were earmarked for the support with phase one of the support and sensitization activities being undertaken from the 22nd to the 28th of March 2020. LSK- SIRD representative in Kwale County distributed the care package to 90 households in Miembeni, Fingirika, Vingujini, Nguluku and Mafisini Villages of Kwale County. The care package which was distributed per household, consisted of reusable/washable masks;



Essential Support Commodities to Support Communities During COVID-19 in Pandemic in Kwale County, Kenya

5 Liter jerrycans of hand-wash liquid soap; Maize Meal 5 Kilogram bags; Sanitary towels and Umbrellas.

Additionally, the project also provided Masks, hand washing water bins, umbrellas and liquid soap to the Msambweni Police, Sub County headquarters; Msambweni County Sub-County office and the Chief's Office.

During the distribution exercise in each of the five villages, Government officials including the Public health officer, Nurse, Police - Gender Desk, Police – Crime Desk and the Assistant County Commissioner were present and assisted in coordinating the distribution of the care package to community members. The officials participated tremendously in sensitizing the community on – Covid-19 preventative

measures, government directives in place to prevent the spread of the virus, preventative measures, reporting mechanisms and informed them of the organizations and helpline numbers available to assist them in instances where community members face cases of gender based violence or sexual gender based violence.

The SIRD Project representative also informed community members that they can reach out to the project should they require pro-bono legal assistance and support during this period.

The activity is set to continue to reach five more villages of Vumbu, Kibwaga, Nora, Bumamani and Bwiti in the coming days.



Creation of Community Awareness on COVID-19 in Kwale County, Kenya

# Gender Dimensions in the EAC Extractive Sector: Will the EAC Gender Policy Cure Persistent Disparities?

By David Sigano, EALS

**Women constitute about 60% of the EAC population. This numerical superiority has however not translated to other areas with women still highly marginalized in various aspects across the region. Decision making for instance is highly skewed in favour of their male counterparts and most women have limited access to education, finance, and information and communication technology among others.**

The extractive sector is one of the areas where this couldn't be clearer. Throughout the entire mineral extraction value chain, we see disparities. These disparities can be categorized into exclusion in decision making where women in the EAC remain primarily excluded from most of the benefits arising from extractive industry activities to abuse of women's rights to land and property in host mining communities (including indigenous communities), to structural discrimination and exclusion in assuming leadership and critical decision-making roles attendant to the extractives sector to failure to effectively implement affirmative action policies where they exist and the lack of access to opportunities where women generally receive fewer and lower-value contracts, and enjoy low employment quotas, if any.

The region has come up with various attempts to remedy this situation starting with the Treaty for the Establishment of the Community. Article 5(e) of the Treaty covers issues of mainstreaming gender into all EAC endeavors, while Article 121 and 122 emphasizes the role of women in socio-economic development. Further the EAC has enacted and implemented the EAC Gender and Community Development Strategic Plan and the 4th EAC Development Strategy (2011-2016) that provided guidelines for mainstreaming gender in EAC policies and programmes.

Recently the EAC adopted the more progressive EAC Gender Policy. The policy looks to promote equitable participation of women and men, boys and girls in mining and extractive sector activities at different levels of the extractive industry value chain. It makes the following recommendations to both Partner States and the EAC Secretariat.

## **“Partner States shall:**

- a) *Develop and implement framework, structures and mechanisms that shall ensure equitable access, control and ownership at different levels of the value chain;*
- b) *Establish measures to curb environmental degradation and occupational /health hazards in the mining and extractive sectors;*
- c) *Develop and implement a sector specific gender strategy for mining and extractives; and*
- d) *Establish gender responsive infrastructure for mining and extractive industries.*

## **The EAC Secretariat Shall:**

- a) *Engender the regional mining and extractive industry legal and policy frameworks; and*
- b) *Establish a regional database on mining and the extractive industry for participation of men and women.”*

## **SIRD Project Support**

The SIRD project, in line with the Canadian International Feminist Assistance Policy has been supporting more inclusion of women and other vulnerable groups in the extractive industry value chain and has so far supported women in communities across the region to understand their rights, conducted gender sensitive

policy trainings and lead gender sensitive awareness campaigns as well as to undertake high level advocacy for law reform in the extractive sector. At the regional level, the project has worked closely with the EAC gender department, submitting to the department various policy briefs recommending strategies from regional law reform and more women inclusion.

In a recent paper prepared by gender expert, Dr. Erick Komolo who was engaged by the SIRD Project, the project made several recommendations on implementation of the gender policy. In the area of women and beneficiation in EAC Extractives, the project recommended that:

## **In the area of women and beneficiation in EAC Extractives, the project recommended that:**

- i) *The EAC Secretariat should coordinate advocacy campaigns aimed at encouraging remaining EAC Member States to join the United Republic of Tanzania in signing-up and piloting/implementing extractives'-specific global transparency and accountability initiatives like the Extractives Industry Transparency Initiative (EITI).*
- ii) *To address underlying gender biases in extractives ownerships and local value addition, the EAC Secretariat, regional professional bodies including the East Africa Law Society (EALS) and development partners like GAC should launch sustained targeted campaigns to lobby EAC governments for review extractives' contracts going forward whilst preserving the rule of law.*

**In terms of land and property rights for women; the project recommends:**

- i) The EAC Secretariat should implement a deliberate law reform program on extractives and land matters generally aimed at compelling Member States to implement progressive extractives-related legislations that are already in place.*
- ii) As the extractives gain economic traction in the EAC, serious policy consideration should be given to establishing a few regional educational centres of excellence that will lead the way in providing training and developing requisite capacity building. Such educational centres could be hosted in existing tertiary institutions to leverage on institutional support and fast track actualisation, and should admit students on regional basis with clear-cut gender quotas.*
- iii) The EAC Secretariat and other regional bodies in the EAC should develop a well-coordinated advocacy plan that will compel EAC governments to leverage on existing administrative networks and alternative justice mechanisms like the Provincial Administration in extractives' areas to undertake sensitization and awareness campaigns for targeted women, and implement and monitor guaranteed employment quotas for women.*

**In terms of women and leadership/decision-making in the EAC extractives industry:**

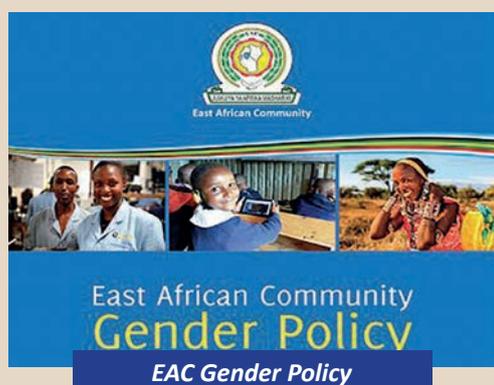
- i) The Secretariat and regional professional bodies like EALS and their national partner organisations should invest in advocating for the governments to proactively guarantee participation in Land Control Boards and Mineral Licensing Board in extractives' regions.*
- ii) Drawing from lessons learned from Tanzania's case study, EAC secretariat should work with EAC governments, national civil society groups and development partners to facilitate formation of national women in extractives associations or bodies that will serve to sustain gendered advocacy in the sector at national level.*
- iii) Local and regional civil society groups should be empowered to implement capacity building of grassroots women in the extractives industry, for example, through lessons sharing and cultural exchanges and general public awareness campaigns. Interventions such as sessions with other women facing similar challenges will bring synergy and help advocate for greater inclusion of women in the sector.*
- iv) To address underlying gender biases in extractives ownerships, the EAC Secretariat, regional professional bodies including the East Africa Law Society (EALS) and development partners should launch sustained targeted campaigns to lobby EAC governments for review of company and business ownership laws. For example, compulsory gender quotas in company shareholdings for both listed and non-listed extractives'-based businesses would be an important start for gendered-experimentation.*

**In terms of women and affirmative action (Contracts and Employment) in the EAC extractives industry:**

- i) As already successfully experimented in Kenya with the AGPO Program (<https://agpo.go.ke/>) which preserves 30 percent of public procurement opportunities to enterprises specifically owned by youth, women and persons living with disabilities, the EAC Secretariat and other regional institutions should address themselves to affirmative action in the extractives.*
- ii) Through regional lobbying, EAC governments should be mobilised to work with host communities in extractives' areas to negotiate firm gendered fixed term whilst gradually conditioning renewal on attainment of gender inclusion objectives.*
- iii) EAC Secretariat should also work with governments and development partners to develop a medium-term roadmap for engagement of local host communities in extractives as part of plan to reverse patriarchy, nepotism and corruption endemic in the sector at the moment.*

**In terms of women and the supply chain in the EAC extractives industry:**

- i) EAC governments should coordinate and escalate their campaigns against contraband goods in the extractives as part of ongoing policing efforts against counterfeit and illicit trade.*
- ii) Using existing models such as Women Enterprise Fund in Kenya (<https://www.wef.co.ke/>) and similar gendered financial products, EAC Secretariat should lobby governments in the region to proactively innovate on financial products that eliminate barriers for women to access capital and target women-led enterprises in the extractives.*
- iii) In partnership with local civil society groups, the private sector and development partners, EAC governments should also immediately map out extractives supply chain with a view to creating meaningful quotas for women-led businesses in the value chain.*



Submitted to the EAC in January 2020, the recommendations add to the sustained advocacy around women inclusion in the extractives industry. This will change the narrative from passive to significant players in the growth of one of the most important sectors in the economy of East African nations.



## How Shakila's Involvement With SIRD Expanded Her Contribution To Gender Equity And Equality At A National Level

Shakila Mayumana currently works with Tanzania Gender Networking Programme (TGNP) as a Senior Programme Officer responsible for Policy Engagement and Movement Building cum Acting Head of Programs. In 2017, Shakila accepted a position with the Tanganyika Law Society to support the SIRD project as the Gender Equality Advisor. Consequently, she has been informed and consultatively involved in all project activities and this has expanded her knowledge and skills in ensuring that gender lens and related aspects, especially in the legal aspects relating to the extractive sector and activities, are incorporated. "I also consider the opportunity of being a gender advisor to the project a plus to me as I have an opportunity to get experience on what other countries do, through experience shared by gender experts from Canadian Bar Association (CBA) hence giving me an ability to make the best out of that and help Tanzanian women and other marginalized groups such as vulnerable men and women, people with disability and children who live in mining areas and further share their experiences with other stakeholders out of Geita, hence somehow, scaling the knowledge and experience base."

Her involvement and experience(s) with the SIRD project that exposed her to development initiatives in the extractive sector combined with her role at TGNP, a hub advocating for gender equity, equality and social justice in Tanzania enhanced her credentials to potentially be part of the Civil Society Organizations (CSOs) Tanzania Extractive Industries Transparency Initiative (TEITI) -Multi-Sectoral Group (MSG) in 2019 for a period of three years (i.e. 2019 – 2022). Upon receipt of information about the forthcoming elections in early September 2019, TGNP management fronted Ms. Shakila to apply for the representation of the organization in the fourth CSO MSG-TEITI representation for the year 2019/2022 in accordance to the TEITA Act of 2015 section 5(4). As a hub advocating for gender equity, equality and social justice in Tanzania, TGNP had a representative in the outgoing Civil Society Organisations



*SIRD Gender Advisor Carrying Out Training*

(CSOs) Multi-Sector Group (MSG) of the Tanzania Extractive Industries Transparency Initiative. Ms. Shakila completed and submitted the online application. Candidates were shortlisted based on the criteria set, one being that the applicant must have experience working in the Extractive Sector. Being a Gender Advisor to the SIRD project, this was a plus to the application hence was shortlisted, campaigned to the voters and finally emerged a winner. (See: <http://www.hakirasilimali.or.tz/wp-content/uploads/2019/09/REPORT-ON-THE-CSO-ELECTIONS-FOR-THE-4TH-TEITI-COMMITTEE-REPRESENTATIVES-2019-2022.pdf>)

TEITI-MSG is composed of 15 representatives from CSO, Government and Mining companies each having 5 sub constituencies. In Tanzania, this is enforced by the TEITA Act of 2015. The Act also stipulates that CSO representation is made up of the following sub-constituencies: Publish What You Pay, Interfaith, Conventional NGOs, Gender and Disability and Trade

Union. Although the mandate of the MSG varies across countries, the MSG is the main decision-making body responsible for setting objectives for EITI implementation linked to wider national priorities in the extractive sector, producing EITI Reports, and ensuring that the findings contribute to public debate and get turned into reforms. While the MSG has a mandate to determine the scope of the EITI in its country, the EITI Standard contains some minimum requirements including those related to the role, rights and responsibilities of the MSG. This includes the full, free, active and effective engagement by government, companies and civil society.

As a matter of procedure, names of the newly elected CSO MSG representatives were officially announced on the public gazette by the Permanent Secretary, Ministry of



*SIRD Gender Advisor Addressing Members of the Community in Geita, Tanzania*



*SIRD Gender Advisor Engaging the Community in Geita, Tanzania*

Minerals in February 2020.

The work cut out for the CSO MSG – TEITI is still in its infancy but has started going through orientation through meetings and undertaking review and validation reports following the outbreak of the global pandemic (COVID-19). That notwithstanding, Shakila continues to support the implementation of the SIRD activities and an ardent trainer for all project target groups. Drawing from her continuous experience with the SIRD project, we hope that she will be to make impactful contributions in the CSO MSG – TEITI in furthering the gender equity and gender equality agenda in the extractive sector in Tanzania during her tenure.

# SIRD Conducts Training for Pro-bono Lawyers Working in Communities affected by Mining and Extractive Industry Activities across East Africa

*By Gabriel Acaye, Suzy Kimutai and Nelson Frank*

***Upon the successful completion of training of lawyers involved in policy making processes in the extractive industry in East Africa, the SIRD project embarked on training lawyers working in communities affected by extractive industry activities.***

The lawyers who mostly provide pro bono legal services to vulnerable community members were carefully selected using the following criteria:

- Gender considerations – Both female and male advocates
- Interest in Pro-bono work, community empowerment and/or community advocacy work.
- Commitment to undertake pro-bono work as part of areas of practice and to assist the project in identifying and addressing any areas of public interest matters through litigation.

The trainings were spearheaded by SIRD implementing partners in Kenya (Law Society of Kenya), Uganda (Uganda Law Society) and Tanzania (Tanganyika Law Society) with technical support from the Canadian Bar Association. The

training targeted lawyers who ordinarily work with communities in Kwale County (Kenya), Bulissa District (Uganda) and Geita, Tanzania.

To facilitate the delivery of the trainings, SIRD selected East African Advocates who are specialised in the fields of pro-bono advocacy, extractive laws/oil and gas/ADR/gender/policy development and community engagement to collaborate with CBA selected Canadian Experts to design and develop the curricula for the Pro-bono Advocates training. This ensured that participants got holistic training on best international practice, as well as practical knowledge and skills in tackling recurring and emerging issues in the area of pro-bono advocacy. Gender mainstreaming was also considered a key part of the training.

The trainings' key goal was to equip lawyers offering pro bono legal services East Africa (Uganda, Kenya and Tanzania) with pragmatic legal knowledge and best practice (skills) to enable them to provide inclusive and gender responsive legal assistance to host communities affected by the operation of extractive industries.

The ultimate objective of the whole exercise was to reduce harms and maximize positive outcomes for women and communities affected by mining, oil and gas industries.

The training examined the following core areas:

- The current state of mining, oil and gas industries in Uganda, Kenya and Tanzania.
- Intersecting gender issues in key areas of the extractive industry (Community engagement; land acquisition; environment; health and safety; local content and procurement).
- Discussions on national laws and policies governing community consultation, engagement and decision making and Identifying key issues and challenges on community engagement in the host community.
- Land Rights and Impacts on Women, Communities, and Marginalized Groups.

- Types of extractive sector conflict and community grievance resolution mechanisms. Judicial and non-judicial approaches to community dispute resolution with extractive industries and government.
- Historical and present-day issues affecting host community members, that may be causing inter-generational and direct trauma.

In all countries, on the first day the following topics were handled: review of the mining, oil & gas industry; gender affected issues in the extractive industry; community consultation & engagement; community consultation and engagement, international and Canadian perspectives; land acquisition, resettlement and compensation; land rights and best practices in land acquisition; grievance resolution mechanisms in the extractive sector and Canadian and international perspectives on grievance resolution mechanisms in extractive sector.

On day two, the participants were taken through trauma informed lawyering; interviewing and communication skills when dealing with vulnerable clients; professional responsibility and ethical standards and tips for effective advocacy. The training included the use of participatory, role play exercises and group exercise throughout . Its delivery.

## Briefs from Each Law Society

### Law Society of Kenya

In Kenya, the training was conducted over a period of two days (Thursday 28th and Friday 29th November 2019) at the Leisure Lodge Resort, Ukunda, Kwale County. A total of 17 Advocates underwent the training (42% female advocates and 58% male advocates).



*SIRD Trainer, Addressing Pro Bono Lawyers During the Training in Leisure Lodge Ukunda Kwale County, Kenya*



*SIRD Group Photo During the Pro Bono Lawyers Training at Leisure Lodge Resort, Ukunda Kwale County, Kenya*

LSK wishes to thank the following technical experts who facilitated the training: -Martin Oloo, Patricia Nyaundi, Dorcas Endoo, David Njoroge and John Chigiti (Kenya) as well as Janet Fishlock, Laura Faryna, Aaron Ogletree and Tina Parbhakar (CTA).

### Uganda Law Society

In Uganda, the training was conducted on 3rd and 4th of December 2019. A total of 16 people were trained (8 male and 8 female) at the Rafiki Hotel in Hoima District, Uganda.



*SIRD Group Photo During Pro Bono Lawyers Training at the Rafiki Hotel in Hoima District, Uganda*



*SIRD Group Discussion Photo During Pro Bono Lawyers Training at the Rafiki Hotel in Hoima District, Uganda*

SIRD ULS would like to thank the following experts who facilitated the training: Daniel Omara, Caroline Kanyago and James Muhindo (Uganda) and Janet Fishlock, Laura Faryna, Aaron Ogletree and Tina Parbhakar (CTA).

## Tanganyika Law Society



**SIRD Trainers During a Session of Pro Bono Lawyers Training at the Malaika Beach, Resort in Mwanza, Tanzania**

In Tanzania, the training took place on 29th to 30th January 2020 at the Malaika Beach Resort in Mwanza Tanzania with 21 (12 male and 9 female) being trained.

SIRD TLS would like to thank the following Tanzanian experts: Aisha Sinda, Raphael Magaya & Shakila Mayumana, Elizabeth Karua, Flaviana Charles, Bashir Paul Muhoja and Caroline Briand, Cameron Hughes, Amita Vulimiri as Canadian experts.

# SIRD Conducts Public Legal Education across East Africa, Hosts Radio Talk Shows and Distributes Public Legal Education Materials

*By Suzy Kimutai, Gabriel Acaye and Nelson Frank*

**Lack of information has been identified as one of the greatest challenges to communities in which mining and extractive industries occur. The lack of information means that communities are unable to effectively demand respect for their rights and what is rightfully due to them. They are also unable to raise complaints whenever breaches occur.**

Public legal education has therefore been identified as core and ideal in enhancing transparency and accountability and ensuring inclusivity especially of women in the natural resource value chain.

SIRD and its partners across the region has put up an elaborate public education plan with more emphasis on the project areas of Kwale, Geita and Buliisa. Among the public legal education initiatives put in place include:

- i) Development of Public Education Manuals/Guides and training to various groups working with SIRD project on these manuals;
- ii) Radio Programs/Talk Shows
- iii) SIRD information materials (T-shirts, Posters etc)

Each project implementation partner is at different levels in the implementation of the program as illustrated below.

## Law Society of Kenya

Working closely with communities in Kwale County, Kenya, LSK has undertaken the following public legal awareness initiatives:

### i. Public Legal Education and Sensitisation Posters

These were produced and disseminated to members of the public in Kwale County. The dissemination of the developed infographics was undertaken by the Kwale Youth and Governance Consortium and by members of the Project's Referral Pathway. The developed infographics conveyed important information which was used to sensitise the community on their rights and obligations.

The selected messaging was on the following topics: -

- Environmental protection – Obligations to prevent and report
- Women land rights with regard to their right to being consulted, involved and be part of the decision during conveyance of family land.
- Community Development Agreements- The importance for the community to know their CDA committee members for the sake of accountability and so that they can give views on which projects they wished undertaken in the CDA's.
- Community obligations and rights to attend public participation forums.

The printed infographics took the following forms: -

- a) A6 Size Posters – For display in public spaces such as markets, community halls, poles etc
- b) A5 size Flyers – Handed out to community members and referral pathway leaders to take to their homes/offices to distribute to other community members so as to spread the dissemination of the messages to as many people as possible.
- c) Stickers – Handed out to community members and referral pathway members who were encouraged to disseminate widely. The stickers could be stuck on bodaboda motorcycles, helmets, jerricans, doors etc and would a long way in spreading the important messages.

## ii. SIRD T-Shirts

T-Shirts – Bearing the project’s message of Supporting Inclusive Resource Development were designed, printed and disseminated to advocates who participated in the project’s training programmes; to the project’s referral pathway leaders and to women leaders and community members in Kwale County.

## iii. Radio Programs

On Sunday 3rd November 2019, the Project hosted a radio talk show presentation on the topic - Mining, Business & Land Rights. The show was aired live on Kaya FM, a local radio station that broadcasts from Kwale County.

The main objective of the show was to sensitize the local communities in Kwale County on Mining, Business and Land Rights.

The talk show had 4 participants (2 male and 2 female) as follows.

- Achero David – Kenya Land Alliance Program Manager (LSK specialist consultant)
- Christine Mutua- Community Member and Women Leader

- Elizabeth Mackenzie – Community Member and Women leader.
- Yusuf Jobwe - Kwale Youth and Governance Consortium (LSK-SIRD CBO Partner)



*SIRD Team in a Radio Talk Show at Kaya FM Promoting Awareness on Issues of Land Rights in Kwale County, Kenya*

On Sunday 8th December 2019, the Project hosted another radio program to sensitize the public in Kwale on the topic – Community Development Agreements. The program was once again aired live on Kaya FM.

The points for discussion were grounded on the fact that there are laid down legal and normative procedures and practices that license holders and the community undertake when entering into CDAs. Additionally, there are requirements that stakeholders must meet when entering into CDAs during consultations and negotiations. This brings the stakeholders obligations in line with the laws and policies governing the extractives sector.

The following experts participated in the radio Program: -

- Achero David – Kenya Land Alliance Program Manager (LSK specialist consultant)
- Christine Mutua- Community Member and Women Leader
- Yusuf Jobwe - Kwale Youth and Governance Consortium (LSK-SIRD CBO Partner)

## Tanganyika Law Society

TLS has similarly undertaken widespread Public legal education with the following having been undertaken:

### i. Radio Talk Shows

TLS organized two radio talk shows at Storm FM (a local radio in Geita). The Objective of the show was to inform the public



*SIRD Team in a Radio Talk Show Creating Awareness on Matters of Land Acquisition at STORM FM in Geita, Tanzania*

on the SIRD project and its activities in Geita and promote awareness on issues of land acquisition, compensation, rights of women and men and their duties as they relate to the extractive industry as well as child rights.

The first radio talk show was held on 23rd October 2019 with three panelists. During the radio talk show, listeners were informed about the ongoing SIRD Project (objectives, activities already implemented, project plans in term of Public Legal Education Materials and training of lawyers). Listeners were also informed of ongoing pro-bono services provided to the communities and informed on their rights.

Additionally, the public was informed on how the project will benefit the host community and updated on the ongoing law review program which is designed to bring positive changes in the sector.

Women's land rights and the engagement of women in the extractive industry was also discussed during the radio talk show. Listeners were informed on the rights of compensation when one's land or property is taken, acquired or required by the government for public use or by an individual. Furthermore, amount of compensation to be paid including assessment for compensation was also clarified to the listeners. Additionally, the relevant laws governing the subject matter (Land Acquisition & Compensation procedures) were clarified to the public.

The second radio talk show was held on 19th December 2019 at the same FM station (Storm FM) with four panelists. The public was trained on child rights as well as child labor under the Employment and Labor Relations Act of 2004. Mechanisms for reporting of child rights violations were also clarified to the Public.

SIRD Gender Advisor in her concluding remarks clarified on Women's rights and their engagement in the extractive industry. Listeners were cautioned of the prevailing negative belief that exists in Geita and the neighboring areas that when an area is discovered to have gold, women should not get close because if they do, the minerals will not be seen anymore. This has been entrenched to stop women from actively and fully participating in EI activities.

Generally, both radio talk shows were interactive and while on line a number of radio listeners stated that they were satisfied with the project and topics covered as these were the most pressing issues that most of them have been facing.

## ii. Project Posters and Flyers

A total of one thousand two hundred (1,200) posters and fliers have been printed and distributed in Geita. The contents of the posters included information on women land rights, environment, corporate social responsibility and matrimonial issues including spousal consent.

The posters included contacts information which was aimed at assisting community members in Geita to channel their grievances to the responsible department/ institutions. A further one thousand (1,000) community champions referral pathway/system posters with contacts information were printed



**SIRD Poster on Referral Pathway Printed and Distributed in Geita, Tanzania**

and distributed in Geita. The following institutions and contacts were included in the printed referral pathway posters:

1. Police Gender Desk, (0754664340 )
2. GELAO and GELAC Paralegal (0766743483/0755274485)
3. TLS sub office (representative) in Geita (0785226322)
4. Town and District Community Development officers( 0756447242)
5. Town and District Environmental Management officers (0756206519, 0762428228 )
6. Town Health Secretariat ( 0767878854)
7. NELICO( 0800751030/0788077779)
8. Faith Based Organization(s) (Sheikh and Priest)( 0756342848/ 0767200213)
9. Energy and Water Utility Regulatory Authority- Consumer Consultative Council (075405304/ 0756885424)

All posters and fliers were printed in Swahili Language.

## Uganda Law Society

ULS also undertook public legal education in Bulissa District. The following activities were undertaken:

### i. Radio Programs

ULS held several radio programs with a focus on the project, its objective and how the community was set to benefit.



**SIRD Team in a Radio Program Session Creating Awareness on Land Rights in Bulissa, Uganda**

The Radio programme was attended by ULS SIRD project manager, Gabriel Acaye, women group leaders, a representative from a community-based organization working in Bulissa and a lawyer.

Panelists indulged the listeners to key issues with regard to the following topics;

1. Women's Rights and the engagement of women and marginalized in the Extractives Industry,
2. Land Rights and Land Acquisition,
3. Children's Rights,
4. Family and Succession, and
5. Domestic violence.

## Public Legal Education Manuals/User Guides

The SIRD project has developed Public Legal Education (PLE) materials and training packages with a particular focus on extractive industry and community development for use in Kenya, Tanganyika and Uganda. There are separate manuals for training women leaders; referral pathway group; and duty bearers for each of the project areas namely, Bulissa, Geita and Kwale.

The development of these Public Legal Education materials and training packages has been envisioned as a three-step process, namely: (1) Collaboration with stakeholders to identify reference/training materials and development of training manual. This involved seeking consent of the organizations whose materials will be utilized in the PLE materials and training packages and permitting these organizations to also use the manual; (2) Development of facilitators guide utilising the collected materials from collaborating stakeholders; and (3) Training of facilitators and community groups.

In Kenya and Uganda, SIRD engaged David Arach from NAMATI and for Tanzania, the project collaborated with Dr. Rugmela Nshala of LEAT.

The training manuals were tailored to accommodate each of the target audiences and designed to provide a practical, human-centered approach to facilitation of trainings including step-by-step explanation of activities during the training sessions.

The PLE training packages materials includes:

- a) **“Take-aways”**: These are sets of materials to be taken away following the training by the trained Local Authorities, women and referral pathway members.
- b) **Methodology for delivery of training**: Development of a facilitator guide and training materials which included methodology and schedule for delivery of the training and has gender sensitive recommendations on the methodology (for example women leaders will not be able to take full days due to traditional responsibilities and as such the training schedule is adjusted to take into account these gender related barriers).

Each PLE training materials and facilitator guides has two cross cutting themes (Gender and Dispute Resolution) which have been mainstreamed throughout all materials.

In Kenya, Uganda and Tanzania, the project undertook a Training of the Trainers, where Pro bono lawyers, some members of the referral pathway, local district and women leaders were trained using the developed manuals. In Uganda, Kenya and Tanzania, 15 participants were trained on the effective utilization of the above manuals.

In Kenya and Uganda, the above training was immediately followed by training of duty bearers (30 in Uganda and 28 in Kenya). Comments received from



*SIRD Trainer Carrying Out Training of Trainers Session in Buliisa, Uganda*



*SIRD Trainer Carrying Out Training of Trainers Session at the Leisure Lodge Resort In Ukunda, Kwale County, Kenya*



*Duty Bearers Training Session at the Leisure Lodge Resort Kwale County, Kenya*



*Training of Trainers Session in Geita, Tanzania*



Training of Trainers Participants in Geita, Tanzania

the Trainers and duty bearers were used to finalize the manual. It is anticipated that the training of referral pathway group, the women leader and duty bearers (in Tanzania only) will take place as soon as governmental directives permit meetings with larger groups.

# Progress through Partnership: SIRD TLS and Partners Successfully hold the 2019 Tanzania Extractive Industries Conference, “Jukwaa la Uziduaji”

By Nelson Frank, TLS

*The Tanganyika Law Society and other members of HakiRaslimali successfully held the 8th Jukwaa la Uziduaji, a conference that is organized annually the principle space for stakeholders to critically discuss, exchange experiences, and learn from one another on extractive industry related matters in Tanzania and the East African region. The space brings together participants from the government, private entities (companies), Civil Society Organizations (CSOs), academia, media, community members and other like-minded individuals from the national, regional and international level.*

The 2019 edition of the Conference was held between the 6th and 7th November, 2019 at the Morena Hotel, in Tanzania’s capital, Dodoma. The theme for the conference was “Progress through Partnership: Collaboration as Driver for Sustainable Development”. With a growing reputation, the Conference that is part sponsored by SIRD through TLS brought together more than 250 people from government, parliament, civil society organizations, media, religious leaders and communities.

Conference discussions were based on several underlying issues including achieving the desired development goals and improved governance in extractive industries, strong partnership and collaboration creation and the enhancement of transparency and accountability in the sector.

The conferences focused on building voices for the implementation of laws and policies and understanding citizen’s priorities in strategic sector linkages. The discussion was centered on building strategic collaborations among key stakeholders in Tanzania and within the East African region and enhancing support for the advancement of the extractive sector by recommending and influencing better laws and policies, efficient extractive industries revenue mobilization and mobilization of community voices.

Speaking at the Conference, the Canadian High Commissioner to Tanzania H.E. Ms Pamela O’Donnel noted that Canadian companies are expected to obey local laws, act responsibly in all areas of the operation, follow international best practices with respect to ethics, human rights, labor and environmental protection and engage in no corruption.

On their part the Tanzania Minister of Energy Hon. Dr Kalemani and Deputy Minister for Minerals Hon. Stanslaus Nyongo promised more cooperation from the government to all stake holders working around extractives, ensuring that necessary information is provided by the government. This will go hand in hand with ensuring that where necessary extractive laws are reviewed in order to stimulate increase in transparency, gender sensitivity and accountability in the sector.

A number of key issues emerged during the two-day panel discussions, plenaries, workshops and presentations; highlighting major areas of participants’ concerns and calling policy makers, government and citizens to address them as such. The following were the key emerging issues which were presented

as part of the communique during the conference.

1. **Revenues, Transparency and Accountability in Expenditure:** EITI standards in which Tanzania is part of provides for the importance of transparency by governments and companies in the extractive industries and the need to enhance public financial management and accountability. This includes publishing reports in user friendly languages and formats which can be accessed by citizens. Civil Society Organizations are advised to organize and form small social groups which will help in setting priorities on how funds from extractive sector will be used, monitored and how responsible institutions be held accountable while ensuring transparency in the process.
2. **Gender and Extractives:** Women participation in the extractive sector remains a challenge despite the fact that they bear more risks compared to their male counterparts in case of irresponsible investment. The unequal and oppressive patriarchal system coupled with untimely access to information is cited among the major challenges facing women's participation. Participants called for the Tanzania Women Parliamentary Group (TWPG) (Umoja wa Wabunge Wanawake wa Bunge la Jamhuri ya Muungano wa Tanzania) to put aside their political affiliations and advocate for the wider women needs and wants and presenting gender issues in line with key development agenda. Also, in a bid to increase the number of women in extractive sector in key decision-making spaces, policies, laws and regulations should expressly provide for specific numbers of women to be a mandatory part of those spaces.
3. **Local Content:** In implementing local content policies, laws rules and regulations, the government should ensure sufficient, effective and relevant training for citizens which will enable them to produce goods that meet market standards. Also, the government should create enabling environment both social and financial which will enable Tanzanians to participate in the local content processes and outcomes. For example, the government should put in place mechanisms to enable women to have access and control over land, easy access to financial resources and control over what they produce. Moreover, local content should not focus on financial benefits only, but extend into citizens participation in decision making.
4. **Ownership and Benefit from Resource in Tanzania:** Article 9 (1) (c) of the Constitution of the United Republic of Tanzania places an obligation on the part of the state and its agencies to ensure that the national resources and heritage are harnessed, preserved and applied toward the common good. The constitutions and its applied legislations further provide that natural resources belong to Tanzanians; therefore, they have the rights to equally benefit. Participants in the 2019 Extractive Conference called upon for government and its agencies to ensure that Tanzanians are equally benefiting with the revenues, benefits and incomes from the sector despite their geographical location, gender, position, power, political affiliation or class.
5. **Enactment and Amendments of Laws, Policies and Regulations related to Extractive Industries.** Between 2015 and 2017, the government of Tanzania enacted and amended several laws and policies related to extractive industries. The aim of these processes was to ensure that Tanzania resources are benefiting both the government and all citizens in general. Despite being passed under certificate of urgency limiting citizen's engagement and discussions, experience shows that these laws are not serving the intended purpose; benefiting both government and citizens. This has been evidenced by a recent agreement between the Government and Barrick Gold where the government waived a number of clauses from the law including uplifting of a ban and value addition contrary to Mineral Policy of 2009 and S 9(1) of the Natural Wealth and Resource (Permanent Sovereignty) of 2017. The Mineral Policy of 2009 provides for the government to collaborate with private sector, regional and international organizations to strategically invest in smelting and refinery industries of its gemstone and metals while S 9 of the NRW (Permanent Sovereignty) 2017 prohibits exports of raw resources.
6. **Creating Linkage between Extractive Industries and Industrial Economy:** There are several regional and global efforts which aim at promoting and developing extractive industries and creating linkage with other sectors for the growth of industrial economy example, Africa Mining Vision (AMV) which address issues such as resource base industrialization. These efforts can only be fruitful if the government and its agencies will ensure participatory processes while making and implementing the policy and law which will cater for the linkage in the sector. Participants called upon the government and other political representatives to allocate sufficient funds in domesticating and implementing these instruments and developing mechanisms in which plans, processes and outcomes benefit citizens.
7. **Building Partnership:** CSO, government and other stakeholders are striving to build the one unified country albeit through different sectors, hence a need for partnership. In building sustainable partnership, it is important to consider mutual respect and trust between the parties on the grounds of timely and relevant information sharing, joint strategic thinking, planning and executions, capacity building and understanding.
8. **Revenues from Extractive industries:** Revenues from extractive industries are characterized by being huge sums but trickling into government coffers in a short period of time. As a nation, Tanzania may need to opt for areas of investment such as payment of outstanding debts, invest in the development projects, or save for future generations. In choosing the sector to invest these revenues, it is important to consider citizens development priorities. If revenues from the sector are invested in the construction of infrastructure, the government should ensure that they have direct linkage with other sectors which employ majority of population such as agriculture while putting in place a mechanism to ensure accountability and rule of law.



*Group Photo on the Conference on "Jukwaa La Uziduaji" at Morena Hotel in Dodoma, Tanzania*

Overall, the conference was a huge success and it will be imperative for the various stakeholders to implement the various commitments made to fully realize the benefits of the huge natural resource potential of Tanzania and East Africa.



# SIRD Bulletin

Supporting Inclusive Resource Development in East Africa



THE CANADIAN  
BAR ASSOCIATION



Global Affairs  
Canada

Affaires mondiales  
Canada



**Chief Editor: Alnoor Meghani**

**Editors: David Sigano and Jennifer Johnson**

## Contributors

Suzy Kimutai (LSK), Nelson Frank (TLS), Gabriel Acaye (ULS) and David Sigano (EALS)