



## **Kenya National Commission on Human Rights**

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### **Public Inquiry on the Impact of Mining Activities on the Enjoyment of Human Rights in Taita-Taveta County**

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For the last one year, the Kenya National Commission on Human Rights (KNCHR) has received and documented complaints from individuals and groups in the larger Taita Taveta County in relation to mining activities and the attendant violation of human rights. In response to the complaints received, the Commission deployed several investigative missions to ascertain the veracity of the complaints as a first step to address the issues and concerns that had been shared with the Commission. From the preliminary findings of our investigative missions, a number of cross-cutting and systemic human rights issues came to the fore. Some of these include:

- Land issues: Key issues here include dispossession, lack of titling and generally speaking, poor governance in the land sector. There are also cases of conflict between ranchers, miners and the local community
- Environmental degradation: This is evident through cases of open pits, dust, and deforestation
- Poor working conditions for mine workers
- Police harassment and brutality at the behest of powerful individuals
- Poor market access, especially for the small-scale artisanal miners
- Sexual and gender based violence
- Deteriorating education standards: largely due to child labour, which is exacerbated by the lure of quick money for school going children
- Insecurity: The Commission was informed about cases of criminals hiding in the open pits left behind by miners and using the same as safe havens for carrying out criminal activities.

- Conflict between the County government and the National government: There is little or no consultation going on between the two levels, especially on matters to do with benefit sharing.
- Lack of community participation in decision making in regard to access to land, mining and how the revenues generated from the mines should be utilized for the benefit of the community.

The KNCHR has a constitutional mandate of ensuring the observance, the protection, and the promotion of human rights in Kenya; and Section 8 of the KNCHR Act 2011 bestows the Commission with the responsibility of monitoring, investigating and reporting on the observance of Human Rights in the Republic. Further, on its own initiative or on the basis of complaints received, the Commission has constitutional powers to investigate and research on Human Rights matters and make necessary and relevant recommendations to the relevant MDAs as well as non-state actors. Pursuant to the foregoing, the Commission will conduct a public inquiry from **August 22<sup>nd</sup>** to **September 2<sup>nd</sup> 2016** in the Taita-Taveta Sub-Counties of Voi, Mwatate and Wundanyi. Through the upcoming inquiry, the Commission will also be responding to one of its key strategic objectives, which is enhancing the enjoyment of Economic, Social and Cultural Rights for Kenyans.

The main purpose of the upcoming inquiry is to unearth the human rights violations in the mining sector in Taita Taveta with a view to promoting a progressive and all-inclusive debate in order to address existing and emerging human rights violations in the region. The public inquiry also seeks to promote the enjoyment of fundamental freedoms as envisioned in Chapter 4 of the Constitution of Kenya. The public inquiry will incorporate participation of the public, investors and other key government and non-governmental stakeholders working in the Taita Taveta County. The Commission is encouraging these actors to appear before the inquiry and give oral evidence or make written submissions on the impact of mining activities on the enjoyment of human rights violations in the County. The findings, results and recommendations of this inquiry will be published and

shared with key players in both public and private institutions for remedial action. The Commission will also use the opportunity presented by the inquiry to start a conversation aimed at empowering the local communities so that they can effectively participate in the decision-making process, especially on various aspects that touch on the enjoyment of human rights in the mining sector. The ultimate goal is to encourage the community to demand for accountability and redress for human rights violations from the relevant authority or authorities in the mining sector.

Ladies and Gentlemen, you are invited here today as the key duty bearers, policy makers and implementers in the mining sector. Therefore, the purpose of inviting you to this breakfast meeting is to, as I have already done, share with you some of our preliminary findings on the upcoming inquiry. But more importantly, we have invited you here today because we want you to walk this journey with us. We are fully aware of the fact that if we do not work together or keep you informed about what we are planning to do upfront, then it will be very difficult for the Commission's findings and recommendations of the inquiry to be implemented. We look forward to partnering with you so that together we can make mining a human rights compliant economic sector, in Taita Taveta County, and indeed, the country at large. Finally Ladies and Gentlemen, as we embark on this public inquiry, we call upon the public in the three Sub-counties of Voi, Mwatate and Wundanyi to come and fully participate in the inquiry. We also call on the members of the fourth estate, our media, to work closely with the Commission to so as to help us publicize the public inquiry hearings, the findings and the recommendations of the final public inquiry report.

I thank you.

**GEORGE MORARA,**  
**VICE CHAIRPERSON**