Draft Final Report

Gender Assessment in the Oil & Gas Sector in Kenya

Prepared for

National Environmental Management Authority (NEMA)

October 2017
## Abbreviations and Acronyms

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<th>Description</th>
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<tr>
<td>AA</td>
<td>Affirmative Action</td>
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<tr>
<td>ACRWC</td>
<td>African Charter on the Rights and Welfare of the Child</td>
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<td>AEZ</td>
<td>Agro-Ecological Zones</td>
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<td>AIDS</td>
<td>Acquired Immunity Deficiency Syndrome</td>
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<td>ASAL</td>
<td>Arid and Semi-Arid Land</td>
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<td>BP</td>
<td>British Petroleum</td>
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<td>CBO</td>
<td>Community Based Organisation</td>
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<tr>
<td>CEDWA</td>
<td>Convention on the Elimination of all forms of Discrimination Against Women</td>
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<td>CESCR</td>
<td>Committee on Economic Social and Cultural Rights</td>
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<td>CIDP</td>
<td>County Integrated Development Plan</td>
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<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<td>CSO</td>
<td>Civil Society Organisation</td>
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<td>DFID</td>
<td>Department of Foreign International Development</td>
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<td>DOHS</td>
<td>Directorate of Occupational Health and Safety</td>
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<td>EAETDN</td>
<td>East African Energy Technology Development Network</td>
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<td>ECOSOC</td>
<td>Economic, Social and Cultural</td>
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<td>EF</td>
<td>Energy Foundation</td>
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<td>EIA</td>
<td>Environmental Impact Assessment</td>
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<td>EMCA</td>
<td>Environmental Management and Co-ordination Act</td>
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<td>ENERGIA</td>
<td>International Network on Gender and Sustainable Energy</td>
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<td>EPA</td>
<td>Environmental Protection Agency</td>
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<td>ERC</td>
<td>Energy Regulatory Commission</td>
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<td>ESIA</td>
<td>Environmental and Social Impact Assessment</td>
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<td>EU</td>
<td>European Union</td>
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<td>FDI</td>
<td>Foreign Direct Investment</td>
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<td>FGD</td>
<td>Focus Group Discussion</td>
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<td>GA</td>
<td>Gender Assessment</td>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<td>GFP</td>
<td>Gender Focal Person/Point</td>
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<td>GOK</td>
<td>Government of Kenya</td>
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<td>HH</td>
<td>House Hold</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>HR</td>
<td>Human Resources</td>
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<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
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<td>IFAD</td>
<td>International Fund for Agricultural Development</td>
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<td>IFC</td>
<td>International Finance Corporation</td>
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<td>IGAD</td>
<td>Inter-Governmental Authority on Development</td>
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<td>Incorporated Landowner Groups</td>
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<td>ILO</td>
<td>International Labor Organization</td>
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<td>KEPTAP</td>
<td>Kenya Petroleum Technical Assistance Project</td>
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<td>KEMFR</td>
<td>Kenya Marine and Fisheries Research Institute</td>
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<td>KGEN</td>
<td>Kenya Gender and Energy Network</td>
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<td>KII</td>
<td>Key Informant Interview</td>
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<td>KMFRI</td>
<td>Kenya Marine and Fisheries Research Institute</td>
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<td>KNCHR</td>
<td>Kenya National Commission on Human Rights</td>
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<td>KOGA</td>
<td>Kenya Oil and Gas Association</td>
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<td>KPC</td>
<td>Kenya Pipeline Company</td>
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<td>KPLR</td>
<td>Kenya Petroleum Refineries Limited</td>
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<td>KRA</td>
<td>Kenya Revenue Authority</td>
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<td>KSG</td>
<td>Kenya School of Government</td>
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<td>KWS</td>
<td>Kenya Wildlife Service</td>
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<td>LLG</td>
<td>Local Level Government</td>
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<td>LNG</td>
<td>Liquefied Natural Gas</td>
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<td>LPG</td>
<td>Liquefied Petroleum Gas</td>
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<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<td>MOAL&amp;F</td>
<td>Ministry of Agriculture, Livestock and Fisheries</td>
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<td>MDAs</td>
<td>Ministries, Departments and Agencies</td>
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<td>MOENR</td>
<td>Ministry of Environment and Natural Resources</td>
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<td>MOPS&amp;YGA</td>
<td>Ministry of Public Service, Youth and Gender Affairs</td>
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<td>MOEP</td>
<td>Ministry of Energy and Petroleum</td>
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<td>MoH</td>
<td>Ministry of Health</td>
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<td>MDGs</td>
<td>Millennium Development Goals</td>
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<td>NAFFAC</td>
<td>National Fossil Fuels Advisory Committee</td>
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<td>NEMA</td>
<td>National Environment Management Authority</td>
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<td>NCEA</td>
<td>Netherlands Commission for Environmental Assessment</td>
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<td>NGEC</td>
<td>National Gender and Equality Commission</td>
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<td>NOCK</td>
<td>National Oil Corporation of Kenya</td>
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<td>NLC</td>
<td>National Land Commission</td>
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<td>NMK</td>
<td>National Museums of Kenya</td>
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<td>NGOs</td>
<td>Non-Governmental Organizations</td>
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<td>PIGEA</td>
<td>Petroleum Institute of East Africa</td>
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<td>PRSPS</td>
<td>Poverty Reduction Strategy Papers</td>
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<td>PS</td>
<td>Primary Stakeholders</td>
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<td>PSC</td>
<td>Public Sharing Contract</td>
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<td>SCE</td>
<td>Senate Committee on Energy</td>
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<td>SEP</td>
<td>Stakeholder Engagement Plan</td>
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<td>Acronym</td>
<td>Description</td>
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<tr>
<td>SEGOM</td>
<td>Sustainable Energy, Gas, Oil, and Mining</td>
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<td>SESA</td>
<td>Strategic Environmental and Social Assessment</td>
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<td>SGBV</td>
<td>Sexual and Gender Based Violence</td>
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<td>SIDA</td>
<td>Swedish International Development Cooperation Agency</td>
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<td>SMP</td>
<td>Statistical Master Plan</td>
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<td>SME</td>
<td>Small Medium Enterprises</td>
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<td>STD</td>
<td>Sexually Transmitted Disease</td>
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<td>SPE</td>
<td>Society of Petroleum Engineers</td>
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<tr>
<td>TOR</td>
<td>Terms of Reference</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNCTAD</td>
<td>United Nations Conference on Trade and Development</td>
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<td>UNDP</td>
<td>United Nations Development Program</td>
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<tr>
<td>UPRA</td>
<td>Upstream Petroleum Regulatory Authority</td>
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<tr>
<td>USIU</td>
<td>United States International University</td>
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<tr>
<td>WARMA</td>
<td>Water Resources Management Authority</td>
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<td>WBG</td>
<td>World Bank Group</td>
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Executive Summary

Objective of the Study

This report provides a detailed and comprehensive Gender Assessment study of Kenya’s Oil and Gas sector to determine the impacts of the growth of the sector, and to make recommendations on how to mainstream gender into the project and sector. The report identifies gaps, risks, and mitigating factors that present a threat or challenge as relates to gender in the sector, as well as opportunities that serve as recommended solutions on the way forward.

The objective of the Gender Assessment (GA) is to conduct a strategic assessment of the current and likely impacts of the oil and gas sector on women and men, their gender roles and relations, in Kenya. The study also aims to support the adaptation of Kenya’s policies, programs and plans in the oil and gas sector to the needs and ability of the target group and to guide the implementation of KEPTAP in a gender-informed manner.

The GA is a qualitative study and not one based on random sampling as required under quantitative methods. Key informant interviews were held with a wide range of stakeholders in Nairobi, Kisumu, Turkana, Isiolo and Lamu counties to provide a representative view of the oil and gas value chain and indicate the different sections of the oil and gas sector in Kenya. The study sought to satisfy the TOR’s requirement to include at least two communities per area, including one closer and one further from any potential sites and to include participatory social assessment approaches to identify current or anticipated impacts of the oil and gas sector on women and men, and on gender roles and relationships in those communities. Participatory research in each community was undertaken using focus groups separately with men and women (and with rural men and rural women, and urban men and urban women as applicable), and youth.

Whilst there is an ethical case and rights based approach to support development of gender equality in oil and gas industry in Kenya, this GA is premised on World Bank Gender study findings that supporting men and women to achieve equity and equality is both the right and smart way forward. Potentially the oil and gas industry can mitigate risks of negative impact and support sustainable, gender equitable development.

The GA’s thematic areas of enquiry aimed to identify issues that may require redress and attention from relevant Authorities, Institutions and CSO’s, and to identify gaps and make targeted key recommendations to influence the oil & gas sector. These included:

i. Legal, Policy and Cultural Context

ii. Gender Dimensions of Impacts of oil and gas development on Livelihoods including:

iii. Sexual and Gender Based Violence (SGBV), Sex Work and Conflict

iv. Gender Dimensions of Environmental Impacts of oil and gas development of

v. Information, Transparency and Accountability

The GA provides clear recommendations in its thematic areas. The Gender Assessment of the legal and policy context relevant to the oil and gas sector in Kenya assessed the extent to which relevant legal and policy frameworks address gender issues throughout the petroleum value chain towards ensuring these issues are more than a “tick the box” exercise but are instead adequately mainstreamed. It provides a historic comprehensive and detailed overview of actions and activities within the legal and policy aspect of the oil and gas sector especially those that address gender

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issues. It highlights specific provisions within these legal and policy documents and actions that address issues of gender.

The report goes further to provide legal and policy recommendations to ensure gender mainstreaming in the oil and gas sector of Kenya under three broad areas identifying and requiring the pertinent stakeholders of their responsibilities towards; i) reducing the gender asset gap ii) reducing the gender information gap, and iii) reducing the gender vulnerability gap.

These recommendations include:

> Enact legislation on equitable sharing of petroleum revenues to benefit all local community stakeholders, including men, women, and youth
> Develop a Local Content Policy and enact local content legislation that is gender smart
> Enforce legal provisions that accord women equal rights to land, credit, and property
> Develop and implement a national public engagement model for the petroleum sector.
> Adopt robust legislation on public participation – with gender-sensitive provisions on community engagement/consultation and contract disclosure
> Amend the existing EMCA legislation to consider the following:
  a. Integrate gender issues in the Environmental Social Impact Assessments
  b. Define the term “Environmental Social Impact Assessment” (ESIA) to include gender-specific impacts of projects
  c. The application of the Precautionary Principle should be gender sensitive
  d. Enforce strict environmental compliance
  e. The composition of the National Environment Management Authority Board should be gender sensitive
  - Develop gendered occupational safety and health regulations
  - Implement the HIV and AIDS Prevention and Control Act, 2006
  - Develop regulations that protect children from child labour and exploitation in the oil and gas sector
  - Ensure implementation of laws that protect women from sexual and gender-based violence
  - Incorporate gender sensitive indicators in the implementation of labour policies and practices in all oil and gas activities.

While women make up 51% of the population in Kenya, gender disparities still persistent in most sectors. Gender equity has been promoted in Kenya through legal and policy interventions including enactment of the National Commission on Gender and Development Act in 2003; establishment of the National Commission on Gender and Development in 2003; introduction of gender desks in key parastatals and police stations; the introduction of the women’s enterprise fund; National Policy on Gender and Development in 2006, later called National Gender and Equality Commission.

A socio-economic profile of women in Kenya shows that there is low female representation in post primary education, formal employment, enterprise ownership outside wholesale and retail trade, and political decision-making processes. Gender inequalities can be attributed to limited access and control over productive resources, access to financial services, insufficient access to education, lack of skills, limited access to technology, cultural impediments and other constraints limiting employment options and participation in decision making. All these serve to seriously constrain women’s ability to effectively participate in and benefit from economic development. Rural women...
are at a bigger disadvantage when compared to their urban counterparts because even access to information is a major challenge (IEA, 2008).

The report discusses the important of environmental impacts of oil and gas development from a gender perspective. It also makes recommendations that include:

- Ensure inclusivity in public consultation
- Ensure climate change adaptation programmes to build resilience among women
- Develop gender and youth sensitive stakeholder engagement and grievance mechanisms
- Undertake disease pattern analysis and baseline studies
- Establish Waste Management Infrastructure:
- Promote coexistence of economic activities with petroleum development

Finally, the report assesses gender equity in employment in the oil and gas industry noting that inequality in the field is the result of socio-economic rather than technical barriers. It further provides recommendations on strengthening this through:

- Alleviating poverty through: Greater support to NDMA for cash transfer systems since some families need empowerment through cash transfer systems. This will act as an incentive to let their children stay in school and this will benefit the girl child.
- Increasing incomes to households through support to alternative sources of livelihood.
- Sensitizing community to the importance of girl child education or education in general. Such sensitization should include discussion about cultural norms that suggest the uneducated girls are more valuable in terms of attracting bride price. The value of a girl should increase with investment in her level of education. The value of education should be appreciated by communities and NGOs should be supported financially to do that sensitization and use media such as radio to sensitize the communities.
- Investing in the education of girls e.g. through mobile schools in ASALs.
- Supporting vernacular radio programs since this will enable more people access information. Support with information dissemination operations will reduce dependency of people on county government for information.

The report concludes that

- Cultural perceptions about education, resource allocation, and livelihood activities directly influence how communities relate with the oil and gas industry and limit rural communities from accessing formal education and consequently professional jobs within the sector.
- While oil and gas activities can have positive impacts on local economies, they increase pressure on natural resources and this increases the economic burden to rural communities, especially women. Rural communities consequently develop high expectations from oil and gas companies as well as a high dependency syndrome towards the industry.
- Gender disparities because of cultural norms increase poverty levels in rural communities and disproportionally to women and female headed households. This contributes to high risk sexual behaviour which can result in increased incidences of sexually transmitted diseases.
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1 Introduction

The Gender Assessment (GA) in the Oil and Gas sector in Kenya was commissioned by The National Environmental Management Authority (NEMA) to identify potential gender-specific impacts and opportunities of the Oil and Gas sector including how men and women may differentially experience risks and benefits of the sector. The study focuses mainly on gender dimensions of the oil and gas sector about access to assets, information, and social and environmental capitals. The GA study is part of the larger “Kenya Petroleum Technical Assistance Project” (KEPTAP) funded by the World Bank Group (WBG), whose objective is to strengthen the capacity of the Government of Kenya (GoK) to manage its petroleum sector and wealth for sustainable development impacts.

Oil and gas discoveries in Kenya, after 50 years of exploration, have increased national and private sector interest for onshore and offshore exploration and production. This has a transformational impact on the Kenyan economy, environment and society, and triggers new developments which require a re-design of the institutional framework to effectively govern the oil and gas sector with clearly defined roles and responsibilities. The discovery of oil and gas resources in Kenya presents great socio-economic opportunities, as well as various challenges for social and environment safeguarding, particularly in areas of high social context vulnerability and high ecological and biodiversity with natural resource use significance. A Strategic Environmental and Social Assessment (SESA) was undertaken by NEMA in 2016 to consider social and environment opportunities and challenges. The Project Appraisal Document states “A dedicated gender assessment will be conducted to identify any potential gender-specific impacts and opportunities of the oil and gas sector including how men and women may differently experience risks and benefits of the sector.”

The study’s objective is to conduct a strategic assessment of the current and likely impacts of the oil and gas sector on women and men, and gender roles and relations, in Kenya. The study also aims to support the adaptation of Kenya's policies, programs and plans in the oil and gas sector to the needs and ability of the target group to guide the implementation of KEPTAP in a gender-informed manner.

The report is structured as follows:

**Section 1:** Introduction. The section introduces the scope and objectives of the report, providing a background of the oil and gas sector, and comments to gender aspects of its current institutional set up. Gender development context in Kenya is presented, as well as introduction to linkages between gender and the oil and gas sector.

**Section 2:** Gender Assessment Approach and Methodology, presents the conceptual framework that guides the GA, a gendered stakeholder analysis of the sector and the criteria for the selection of sites, organizations and focus groups to be interviewed. Tools developed, profile of respondents and description of the field work are presented. Limitations of the assessment are listed at the end of the section.

**Section 3:** Gender Assessment of the Legal Framework, Policy and Cultural Context. This starts with the analysis of the international and regional laws and policies on gender and the Kenyan constitutional legislative and policy framework in gender relevant to this assessment. A table summarises the response of Kenyan law and policies to the key gender issues elicited during the field visits in Isiolo, Lamu, Turkana and Kisumu. Finally, legal and policy recommendations are presented to address gender gaps in relation to assets, information and vulnerability.
Section 4: Gender Assessment of Oil and Gas Industry Impacts on Livelihoods starts with a description of livelihoods and gender norms in the GA areas, where numerous ethnic groups are present. Current and potential impacts of oil and gas activities on gender division of labours, control over assets, access to livelihoods, compensation and employment are described, based on findings from document review, key informant interviews and field work. Finally, gender dimensions of impacts of oil and gas developments on information, transparency and accountability are described.

Section 5: The section on Gender Assessment of Environmental Impacts of Oil and Gas Developments includes a summary table where key environmental impacts, prioritised according to the Strategic Environmental and Social Assessment and field work findings, are briefly described and analysed in terms of social and gender implications for the communities in the GA areas. Recommendations for government, oil companies and environmental organizations are provided at the end of the section.

Section 6: In the section on Gender Equity in Employment in Oil and Gas Industry, the following aspects are analysed: oil and gas industry’s human resourcing for women’s equity in Kenya, women’s employment conditions, support and challenges and identification of barriers to women’s employment in the oil and gas industry. Recommendation for support for gender equity by Government and oil and gas industry are proposed at the end of the section.

Section 7: The final section presents the recommendations and conclusion of the GA with a proposed action plan for the upgrade of legal instruments to be implemented by the government, oil and gas companies and other key stakeholders of the oil and gas sector in Kenya.

1.1 The Petroleum Sector in Kenya: Background and Institutional Set Up

Petroleum exploration in Kenya began in the 1950s within the Lamu Basin. British Petroleum (BP) and Shell began exploring hydrocarbons in 1954 in the Lamu Embayment which resulted in the drilling of ten wells over the period 1960-1971. Between 1985 and 1996, Amoco and Total drilled another ten exploration wells with no significant success though minor oil and gas shows were encountered in some of the wells. Interest in the offshore Lamu Basin in the decade 1970s-1980s resulted in the drilling of three wells. A Lamu basin study by National Oil Corporation between 1991 and 1995 led Kenya to subdivide the basin (both onshore and offshore) into 10 exploration blocks. Before the 1980s, there was little exploration activity in the Tertiary Rift. However, in 2012, Tullow Plc made the first commercially viable oil discovery in this basin (Lokichar sub-basin). To date, more than 80 wells have been drilled with a majority within the Tertiary Rift and reports indicate an estimated recoverable resource of around 750 million barrels of oil. Exploration in the Mandera and Anza basins has not led to any positive results.

In 1981 the National Oil Corporation of Kenya (NOCK) was incorporated and this was followed in 1984 by the enactment of Petroleum (Exploration and Production) Act; and in a revision in 1986, royalties were replaced by production sharing contract (PSC). Following the award of offshore PSCs, exploration was reinvigorated post the year 2000. The Kenya Petroleum Refinery Limited was originally set up by Shell and the British Petroleum Company BP in 1959 to serve the East African region in the supply of a wide variety of oil products. KPRL refines imported crude oil in Changamwe, Mombasa.

The state corporation Kenya Pipeline Company (KPC) was established on 6th September 1973 under the Companies Act (CAP 486) and started commercial operations in 1978. The Company transports petroleum products from Mombasa to Nairobi, Kisumu and Eldoret through pipelines.

Following the operationalization of the Energy Act, 2006, with effect from July 7, 2007, the Electricity Regulatory Board (ERB) became Energy Regulatory Commission (ERC) established under the
Energy Act, 2006. The ERC regulates the downstream sector as it regulates the petroleum pump prices.

The Ministry of Energy and Petroleum (MOEP) was formed under the Executive Order No. 2/2013 of May 2013 on the Organisation of the Government of the Republic of Kenya. The MOEP oversees formulating and implementing policies to create an enabling environment for efficient operation and growth of the sector. It sets the strategic direction for the growth of the sector and provides a long-term vision for all sector players.

The Kenya Petroleum Technical Assistance Project (KEPTAP) was formulated following the Government of Kenya’s request for a Credit from the World Bank to support the development of its petroleum sector in May 2013.

Table 1 bellow presents the current institutional actors of the petroleum sector in Kenya, and a summary of gender observations.

**Table 1-1 Current Institutional Setup of The Petroleum Sector in Kenya**

<table>
<thead>
<tr>
<th>Institution</th>
<th>CROSS-CUTTING INSTITUTIONS</th>
<th>Gender observations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ministry of Energy and Petroleum</td>
<td>MOEP has been at the focal point of creation of the Petroleum master plan.</td>
<td>A literature review shows many Petroleum and Petroleum related institutions are at different stages in implementing the one-third gender rule as prescribed by the Constitution. Some face challenge of not having adequate plans and funding for gender mainstreaming in terms of training, etc.</td>
</tr>
<tr>
<td>National Oil Corporation Kenya</td>
<td>NOCK has mandate to participate in all aspects of the Kenyan petroleum industry (upstream, midstream and downstream activities).</td>
<td></td>
</tr>
<tr>
<td>Kenya Oil and Gas Association (KOGA)</td>
<td>KOGA brings together oil and gas companies in Kenya. Companies become eligible to join the association upon signing a Production Sharing Contract with the Government of Kenya. KOGA’s main objective is to support its members to address the challenge of sustainability i.e. delivering value to shareholders, while providing economic and social benefits to impacted communities and minimizing environmental footprint.</td>
<td></td>
</tr>
<tr>
<td>Petroleum Institute East Africa (PIEA)</td>
<td>PIEA is the professional body for the oil and gas industry in the EA region with a mission to provide a forum for expertise and excellence in the oil industry, promote professionalism and free enterprise in the petroleum business supported by the highest operations and business standards. As of 2014 PIEA was certified to offer training though its School of Petroleum Studies.</td>
<td>Through inputs from a Gender Assessment commissioned in 2017, NEMA intends to strengthen the ESIA process and Strategic Environmental and Social Assessment for the petroleum sector.</td>
</tr>
<tr>
<td>National Environmental Management Authority</td>
<td>NEMA is mandated to exercise general supervision and coordination over all matters relating to the environment and to be the principal instrument of the Government of Kenya in the</td>
<td></td>
</tr>
<tr>
<td>MIDSTREAM INSTITUTIONS</td>
<td>DOWNSTREAM INSTITUTIONS</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>--------------------------</td>
<td></td>
</tr>
<tr>
<td><strong>Kenya Pipeline Company Limited</strong></td>
<td><strong>Oil Marketing Companies</strong></td>
<td></td>
</tr>
<tr>
<td>This is a state corporation which was set up to provide efficient, reliable, safe and cost-effective means of transporting petroleum products from Mombasa to the hinterland.</td>
<td>These companies market and distribute oil and gas in Kenya</td>
<td></td>
</tr>
<tr>
<td><strong>Kenya Petroleum Refineries Limited (KPRL)</strong></td>
<td><strong>Ministry of Public Service, Youth and Gender</strong></td>
<td></td>
</tr>
<tr>
<td>The refinery processes imported crude oil for marketing companies <em>(Refinery Users)</em>.</td>
<td>A major component of the mission and vision statement of the Ministry is gender equity and equality for a high quality of life for all Kenyans”</td>
<td></td>
</tr>
<tr>
<td><strong>National Gender and Equality Commission</strong></td>
<td><strong>The Commission’s mandate is to coordinate and facilitate mainstreaming of issues of gender and other marginalized groups in national development and to advise the Government on all aspects thereto</strong></td>
<td></td>
</tr>
<tr>
<td>The Commission is the lead agency in the promotion of gender mainstreaming in Kenya.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1.2 Linkages between gender development context and the petroleum sector

Women make up 51% of the population in Kenya but gender disparities still persistent in most sectors. Gender equity has been promoted in Kenya through legal and policy interventions including:

- Enactment of the National Commission on Gender and Development Act in 2003;
- Establishment of the National Commission on Gender and Development in 2003;
- Introduction of gender desks in key parastatals and police stations;
- The introduction of the women’s enterprise fund; and
- The National Policy on Gender and Development in 2006, later called National Gender and Equality Commission, among others.

A socio-economic profile of women in Kenya shows that there is low female representation in post primary education, formal employment, enterprise ownership outside wholesale and retail trade, and political decision-making processes. Gender inequalities can be attributed to limited access and control over productive resources, access to financial services, insufficient access to education, lack of skills, limited access to technology, cultural impediments and other constraints limiting employment options and participation in decision making. All these serve to seriously constrain women’s ability to effectively participate in and benefit from economic development. Rural women are at a bigger disadvantage when compared to their urban counterparts because even access to information is a major challenge (IEA, 2008).

Kenyans with no or limited access to energy are generally poorer than those with energy access; they do not cook with modern cooking fuels and they lack a bare minimum of electric lighting to read and do other household and productive activities after sunset; and they are less productive, face heavier work, are more exposed to health risks and lack the benefit of modern technologies and communication (Picolotti & Taillant 2010). Women are generally the people who interact most with energy. Poor women especially in rural areas rely on fuelwood and charcoal for cooking. Thus, women are the most impacted in the energy sector since they are the ones who source for these types of fuel. In the rural areas, electricity is not used for cooking and does not significantly substitute for polluting and time-consuming traditional cooking technologies and fuel sources. Particularly for women and children, there are significant potential health gains, from switching from fuelwood and charcoal to cleaner forms of energy such as gas, electricity and solar energy. The Government of Kenya is expected to roll out an LPG enhancement project that will help in promoting LPG use in Kenya and in rural areas. This will be a safe, affordable, accessible and environmental friendly cooking fuel that will be better for women as compared to options currently available in the rural areas.

1.3 Linkages between gender and the oil and gas sector in Kenya

The SESA and other literature indicate that the oil and gas sector exposes individuals and communities to risks and negative impacts with gender differences (for example, pollution has

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specific implications for pregnant women and/or influx of workers has increased risk of displacement of traditional women’s economic activities). The socio-economic component of this report thus investigates different abilities of men and women to mitigate risks and benefit from economic assets, free voice and information, social capital, and environmental security taken together as the prerequisites for sustainable development in oil-rich areas. Relationships between community members, the Government of Kenya, and extractive companies are also examined, and recommendations presented for key stakeholders to implement development, in ways that minimizes gendered risks and promotes equality of opportunity for women.

Economic activities: The introduction of new economic activity around the oil and gas activity areas in Kenya may increase women’s burdens and heighten dependence on men. In contexts such as Turkana, Isiolo and Lamu, where patterns of household decision making are customarily dominated by men, the literature suggests that influx of money from oil related benefit streams may further undermine the ability of women to assert agency given their dependent, contingent access to capital and the devaluation of their traditional work relative to cash income. This, in turn, devalues women’s traditional land-based work or pastoral activities and leads to loss of status. Increased male income also changes household consumption patterns, often leading to spending on alcohol, cigarettes and other disposable items that do not benefit women and children. The construction of roads and pipelines in oil rich areas of Turkana and Lamu, and the arrival of migrant workers in these previously isolated areas, may be associated with a rise in forced prostitution, the trafficking of women (particularly young women), acceleration of sexually transmitted disease (STDs), and local prevalence of alcohol and narcotics. These dynamics heighten the vulnerability of women leading to increased poverty, domestic violence, family breakdowns, antisocial behaviours, and a rising burden on female caregivers as the health of household members deteriorates. Changes of livelihoods and associated life style may be difficult to discern; the cumulative impacts on habits can take time to manifest and therefore may be missed by conventional tools like Strategic Environmental Social Assessments (SESAs) and ESIAs, which measure only anticipated impacts before development takes place. Therefore, this part of the GA will use the SESA as a baseline guide to the primary data collection (and ESIAs where/if access is available) to try to assess if such gender differentiated impacts are manifested.

Environmental Concerns:
Table 1-2  Key Environmental Concerns of Petroleum Sector in Kenya

| ▪ Land acquisition and displacements       | ▪ Pollution and limited access of marine resources |
| ▪ Agro Ecological Zones (AEZ)/ Agriculture (Crops and Livestock/ Impacts in ASALs) | ▪ Waste management pollution/ Land pollution |
| ▪ Land use changes                        | ▪ Gas flaring and environmental concerns |
| ▪ Clearance of forestry resources/ wood fuel Energy | ▪ Negative climate change impacts |
| ▪ Degradation of wildlife habitats and biodiversity hotspots | ▪ Air pollution/ emissions |
| ▪ Pollution and limited access to ground and surface water and rainwater resources | ▪ Occupational health and safety concerns (e.g. Noise pollution/ Occupational accidents) |
| ▪ Pollution of inland fishery resources | ▪ Public health (disease outbreak) concerns |


When addressing gender in the context of the environment, studies show that it is important to recognise that women and men are not homogenous groups. Where women and men live, their age, social class, ethnicity, religion, and other variables, interact in shaping the links between gender and the environment (SIDA, 2016). This complexity must be accounted for in participation, needs analysis and programme design. On the other hand, gender equality is a development objective, and sustainable development strategies must aim to foster women’s empowerment and effective participation.

Consultation, Community Investment and Women’s Access to Decision Making (The Information Gap):

At the early stages of exploration and development of the oil and gas industry in Kenya, community expectations peak. However, expectations may turn to tension as oil/gas discoveries frequently occur in remote rural areas with sparse government services and good governance (and security) presence. For example, Turkana, Lamu and Isiolo, are particularly impoverished with a population virtually ‘cut off’ from access to capital, infrastructure, health services, education and other prerequisites to development growth. Early and constant engagement with communities is therefore vital to ensuring sustainability of operations. However, as in many communities, women tend to be excluded from equal participation in making decisions, a conscious effort on the part of Government of Kenya and oil and gas companies is required to promote women’s involvement and to incorporate their preferences in designing community-investment projects. The inability of local women, particularly in Turkana and Isiolo, to communicate in languages other than native dialect, as well as literacy and time constraints, makes them harder to reach and can work against equal participation in consultations and access to project-related information unless specific gender needs are addressed. While community leaders often hold a “sidebar” with women before consultations to represent their views, these discussions are often held with a smaller (better-connected) minority. In general women are frequently excluded from information on the outcome of discussions. This gender exclusion and other discrepancies in gender parity discussed in this preliminary (planning) literature review are considered in the GA Methodology Development and in Stakeholder Engagement Planning in sections 3 and 4 below.
2 Gender Assessment: Approach and Methodology

2.1 Qualitative Approach

The GA was a qualitative study and not one based on random sampling as required under quantitative methods. Key informant interviews were held with a wide range of stakeholders in selected counties. The study sought to satisfy the TOR’s requirement to include at least two communities per area, including one closer and one further from any potential sites and to include participatory social assessment approaches to identify current or anticipated impacts of the oil and gas sector on women and men, and on gender roles and relationships in those communities. Participatory research in each community was undertaken using focus groups separately with men and women (and with rural men and rural women, and urban men and urban women as applicable), and youth. Details of the application of key informant interviews and focus group discussions are reported in relevant sections of this chapter.

2.2 Gender Specific Approach

Whilst there is an ethical case and rights based approach to support development of gender equality in oil and gas industry in Kenya, this GA’s Inception Report is premised on World Bank Gender study findings that supporting men and women to achieve equity and equality is both the right and smart way forward. Potentially the oil and gas industry can mitigate risks of negative impact and support sustainable, gender equitable development by learning from successful men and women leaders and entrepreneurs in the industry, developing gender inclusive business practises and upholding social and environmental rights. Thus, learning from these lessons the Kenya oil and gas sector’s gender assessment’s overall approach is to focus on gender-differentiated manifestations of oil and gas industry issues at a variety of levels in different regions of Kenya affected by the industries upstream, midstream and downstream stages of development in order to support recommendations for gender equality.

Accordingly, the GA’s gender specific approach is qualitative and iterative with method adaptations matching: a) the dynamics of the socio-economic and environment context; and b) lessons learned as the different studies progress the findings of which feed back into the iterative participatory process.

The areas of enquiry, set out below, are all examined through a “gender” lens to achieve gender disaggregated data.

Finally, whilst the various perceptions of a diverse range of communities’ men and women are to be captured in the community level consultation, analysis focused on consensus opinions that tested the approach hypothesis that: despite widely differing contexts of oil and gas sector development in Kenya, there are patterns of gendered experiences of opportunities and risks that can be identified to inform policy, government and company good practise and sustainable development for the mutual benefit of all.

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6 The draft GA’s approach to sustainable development refers to Sen’s political freedoms and transparency, economic facilities, equitable social opportunities and security-Sen, A 1999.
2.3 Thematic Areas of Enquiry

These aim to identify issues that may require redress and attention from relevant Authorities, Institutions and CSO’s, and to identify gaps and make targeted key recommendations to influence the oil & gas sector. These include:

- **Legal, Policy and Cultural Context**
  > Gender equality legislation
  > Gender and development policy
  > Culture, traditions and sexual and gender based violence (SGBV)
  > Gender in Kenya’s oil and gas policy and legislation

- **Gender Dimensions of Impacts of Oil and Gas Development on Livelihoods**
  > Division of labour
  > Women as caregivers for their husbands and older children who might fall victim of HIV/AIDS
  > Control over assets (including land and other natural resources)
  > Access to livelihoods
  > Compensation
  > Access to employment
  > Women’s’ access to information
  > Local content

- **Sexual and Gender Based Violence (SGBV), Sex Work and Conflict**
  > Sex work
  > Domestic violence
  > Female and youth
  > Oil, gender and natural resource conflict.

- **Gender Dimensions of Environmental Impacts of Oil and Gas Development**
  > Women
  > Men
  > Across different age groups (i.e. inclusive of boys and girls as well as older women and men).

- **Information, Transparency and Accountability**

As part of institutional/legal set up 3 levels of governance should be examined namely:

  > Local governance
  > County governance
  > National governance

As well as location specific, engendered social impact issues, topics of enquiry included:
> Whether women and men in urban areas perceive that oil and gas revenues increase the gender inequality gap of economic assets;

> Whether women and men in rural areas perceive that oil and gas revenues increase the gender inequality gap;

> If women and men perceive that there is a gap in access to benefits between the well-educated and well connected to government, especially between genders;

> If in each case study area women and men perceive that risks are most significant for those located near the oil and gas activities e.g. production of the resource, pipeline and other infrastructure development while benefits and revenues flow elsewhere and if women are vulnerable to most risks (and why);

> If local benefits are available, is it men or women who largely capture them, replicating (and potentially reinforcing) existing patterns of gender inequalities in communities (prior to oil and gas development); and

> If in social contexts where existing gender inequalities are pronounced, whether the impacts of oil and gas industry widens any disadvantaged status of women in a) the community overall and b) at Household level within their families.

2.4 Selection of Study Sites

Nairobi, Kisumu, Turkana, Isiolo and Lamu Counties were selected to provide a representative view of the oil and gas value chain and indicate the different sections of the oil and gas sector in Kenya. Kenya has 4 prospective sedimentary basins: Mandera (51,441.98Km²), Anza (76,107.63Km²), the Tertiary Rift (116,619.13Km²) and Lamu (252,297.65Km²). The Lamu basin being the largest extends offshore.

It is important to mention that the study also considered information available from the SESA and whether an additional location would yield significantly different information. It was agreed with NEMA and KEPTAP that Mombasa (with the oil & gas downstream activities such as refinery, pipeline, oil storage, and LPG terminal) was well covered in the SESA, and it was more productive to concentrate on Lamu for upstream activities and Nairobi for downstream activities.

More details are shown in Table 2.1 below.

Table 2-1 Participatory Planning Tool for Socially Inclusive Targeting of Oil and Gas Community Level of Impact Enquiry Results from Multi-Specialism ‘Brainstorming Session’ 27 March 2017
<table>
<thead>
<tr>
<th>Where</th>
<th>Who/What Institutions</th>
<th>Rationale/Why</th>
<th>How/Outline SE</th>
</tr>
</thead>
<tbody>
<tr>
<td>National level - majority Nairobi based</td>
<td>WBG, DfID, GA partners, National Government Ministries/ oil &amp; gas companies, National Gender and Equality Commission, Ministry of Public Service, Gender and Youth Affairs, International NGOs, Research institutions</td>
<td>• To assess national gender policies and strategies</td>
<td>• Workshops&lt;br&gt;• Meetings&lt;br&gt;• Key Informant Interviews</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Assess gender aspects of oil and gas distribution (e.g. petrol and gas stations)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Downstream segment of the oil value chain (storage and transportation)</td>
<td></td>
</tr>
<tr>
<td>Kisumu</td>
<td>Fisher folk, traders, NGOs, County Government, Research Institutions</td>
<td>• Downstream segment of the oil value chain (storage and transportation)</td>
<td>• Key Informant Interviews&lt;br&gt;• Community Visits/Direct Observation of Impacts&lt;br&gt;• Community Meetings (Men, Women, Old &amp; Young)&lt;br&gt;• FGD Men; FGD Women</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• To collate offshore gender specific issues related to exploration</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Socio-cultural &amp; economic aspects of fisher folk (Islam cultural issues)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Assess gender aspects of oil and gas related infrastructure to be developed (e.g. women and land issues)</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Gender assessment of construction and exploration of oil &amp; gas</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Offshore gender &amp; environment/ natural resources issues.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Transport workers’ issues e.g. STDs/HIV,</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Risk of increased, Gender Violence?</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Economic aspects of it e.g. equity in access of business opportunities</td>
<td></td>
</tr>
<tr>
<td>Lamu (Exploration Upstream offshore issues)</td>
<td>Fisher folk, traders, landowners, hoteliers, Traders associations teachers, NLC, county land board, professional Saccos,</td>
<td>• To collate offshore gender specific issues related to exploration</td>
<td>• Key Informant Interviews (Phone and email)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Socio-cultural &amp; economic aspects of fisher folk (Islam cultural issues)</td>
<td></td>
</tr>
</tbody>
</table>

7 According to Scope of Work/ToRs exact communities selected were to be determined by NEMA/Stakeholders. This ‘Rough’ Assessment Tool is a transparent guide to the processes of and ‘thinking’ behind the Oil and Gas Areas selected.
<table>
<thead>
<tr>
<th>Region</th>
<th>Stakeholders</th>
<th>Activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGOs, fishers CSOs, oil and gas companies’ local offices</td>
<td>Assess gender aspects of oil and gas related infrastructure to be developed (e.g. women and land issues)</td>
<td>Key Informant Interviews</td>
</tr>
<tr>
<td></td>
<td>Gender assessment of construction and exploration of oil &amp; gas</td>
<td>Community Visits/Direct Observation of Impacts</td>
</tr>
<tr>
<td></td>
<td>Offshore gender &amp; environment/natural resources issues.</td>
<td>Community Meetings (Men, Women, Old &amp; Young)</td>
</tr>
<tr>
<td>Turkana (Exploration Upstream onshore issues)</td>
<td>Pastoralists, Women &amp; Men County/Local government CSOs - women groups, CBOs, youth groups, council of elders/kraals, villagers, FBOs (catholic church) local govts (oil gas companies’ local offices)</td>
<td>Land issues (displacement of pastoralists, gender aspects of loss of pasture; Water access issues; Vulnerability-drought and famine and fragile to risks of drought and famine (unsustainability) link to climate change issues and sustainability; Gender/Ethnic issues conflict and instability &amp; risks of increased gender based violence</td>
</tr>
<tr>
<td></td>
<td>Upstream segment of the oil value chain (exploration and production)</td>
<td>Key Informant Interviews</td>
</tr>
<tr>
<td></td>
<td>Socio-cultural issues (Christian and traditional) of Pastoralists; Gender issues of Pastoralists (women and children) Livelihoods-Women goats men cows</td>
<td>Community Visits/Direct Observation of Impacts</td>
</tr>
<tr>
<td></td>
<td>Assess gender aspects of onshore upstream issues on pastoralists.</td>
<td>Community Meetings (Men, Women, Old &amp; Young)</td>
</tr>
<tr>
<td></td>
<td>Assess gender issues of different cultural groups e.g. Bantu vs Cushite’s/Nilotic in terms of impacts of oil and gas</td>
<td>FGD Men; FGD Women</td>
</tr>
<tr>
<td>Isiolo (Midstream onshore)</td>
<td>Pastoralists, Women &amp; Men County/Local government CSOs - women groups, CBOs, youth groups, council of elders/kraals, villagers, FBOs (catholic church) local government (oil gas companies’ local offices)</td>
<td>Potential midstream oil and gas sector, potential downstream activities from the proposed Vision 2030 (LAPSSET) projects which include a proposed oil refinery at Isiolo and an oil pipeline; and the fact that, the Anza basin (Marsabit, Wajir) is not far from Isiolo</td>
</tr>
<tr>
<td></td>
<td>Socio-cultural issues (of Muslim/Christian communities)</td>
<td>Community Visits/Direct Observation of Impacts</td>
</tr>
<tr>
<td></td>
<td>Gendered Impact issues of oil and Gas industry on pastoralists, Agro-pastoralists</td>
<td>Community Meetings (Men, Women, Old &amp; Young)</td>
</tr>
<tr>
<td></td>
<td>Assess gender aspects of onshore mid-stream issues on farmers;</td>
<td>FGD Men; FGD Women</td>
</tr>
<tr>
<td></td>
<td>Assess gender issues of different cultural groups e.g. Bantu vs Cushite’s/Nilotic in terms of impacts of oil and gas</td>
<td></td>
</tr>
</tbody>
</table>
2.5 Data Collection and Analysis

2.5.1 Data Collection Tools and Specific Gender Issues Considered in Method Planning

The following methods and tools were used to collect data:

- Preliminary secondary data desktop searches for initial literature review;
- Partner and secondary stakeholder meetings—at which literature is collected for final literature review;
- Primary data collection including site visits to upstream, midstream and downstream communities;
- Stakeholder group meetings e.g. with CSOs, NGOs, Researchers (e.g. ESIA study leads in Kenya);
- Individual meetings with key informants (Key Informant Interviews-KII);
- Community meetings including both women and men, old and young inclusive of (dis)abilities;
- Separate women and men focus group discussions.

Meetings/ consultations were guided by the questionnaires/discussion checklists which were designed to be applied according to stakeholder engagements conducted at several levels:

- National level (e.g. ministry/parliament) with focus on policy developments, interventions and capacity;
- Management level of aspects of oil and gas company e.g. HR and gender focal points;
- County and local (community) government level and other representatives;
- Private sector energy advisers/consultants, research institutes (national and county); and
- CSOs, NGOs and women and men-primary stakeholders (at national, county and local level).

**Primary Data Collection:** Primary research was collected from national, county and community members. It was qualitative in nature and in the communities, facilitated by the stakeholder engagement consultant supported by technical experts and, where appropriate, by a (gender and instability/conflict risk) gender balanced SEP team who speak local and swahili languages. In Turkana, Lamu, Isiolo and Nairobi, women and men from impacted communities were invited to participate in KII s and/or focus group discussions at least two weeks before meetings. They were given sufficient opportunity in decision making on best times and dates for these meetings with particularly reference to gender responsibilities of reproductive and productive labour. As aforementioned, communities consulted included onshore, offshore, upstream, midstream and downstream areas of respective oil or gas projects, located adjacent to or within walking distance of production infrastructure.

**Key Informant Interviews and Focus Group Discussion:** KII s and FGD s were a key primary data collection method, supported by the specific checklists of environmental and social impact and other questions developed by the technical expert area leads. These tools were used to provide a semi-structure for organising discussions and as interview guide/checklists more suited to capture qualitative data and not per say questionnaires.

At least three FGD s were group. All groups were of mixed age and mixed (dis) ability for attainment of social inclusion. Each FGD started with a research and team introductions and ended with validation, agreement and
disclosure of next steps. Key informant interviews were conducted with oil and gas experts, government officials, civil society leaders and NGOs as well as community level key informants. The discussion method approach was to encourage all people to naturally reveal their perceptions of the oil and gas industry to avoid raising expectations. The findings from these discussions were typed up daily in a consultation record which was shared with the rest of the team with the research seeking to capture the most consistent issues raised by men and women in each location to enable company and government decision makers to understand the context of life in oil and gas production areas.

Considering the above approach, an aspect of data collection method planning (specifically tool/questionnaire construction) was to be aware of potential issues that may be raised - Initial issues considered in tool design are set out in Table 3.3.

<table>
<thead>
<tr>
<th>3.3 Potential Gender Differentiated Impacts-A Guide for KII and FGD Planning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Participation in economic opportunities-equitable access? Barrier for women? Enabling factors?</td>
</tr>
<tr>
<td>Community Development -gender issues of Improved social services: education, health, roads</td>
</tr>
<tr>
<td>Training and skills development</td>
</tr>
<tr>
<td>Safety of environment – e.g. travel to collect firewood and water for reproductive labour and for productive labour e.g. farming, trading, marketing etc.</td>
</tr>
<tr>
<td>Support for health/first aid/education skills training/STDs</td>
</tr>
<tr>
<td>Environmental &amp; Social Issues</td>
</tr>
<tr>
<td>Access to water/irrigation; Sanitation</td>
</tr>
<tr>
<td>Company acting as a catalyst for in-migration issues-specific risks to community gender dynamics?</td>
</tr>
<tr>
<td>Environmental Issues; Environmental degradation (waste)</td>
</tr>
<tr>
<td>Loss of access to resources (in specific areas); land, energy, water- gender disaggregated impacts of men and women who provide HH level energy, water etc.</td>
</tr>
<tr>
<td>Job opportunities; Local Business Development; Training and education</td>
</tr>
<tr>
<td>Benefits Sharing Agreement; Equitable share</td>
</tr>
<tr>
<td>Company acting as a catalyst for in-migration issues; increased gender based violence risk</td>
</tr>
<tr>
<td>Increase of access to resources (in specific areas)-access to new pastures or loss of etc.</td>
</tr>
</tbody>
</table>

In total, the following numbers of key informant interviews and focus group discussions were held (Tables 2.2 and 2.3):

<table>
<thead>
<tr>
<th>Table 2-2 Key informant interviews</th>
</tr>
</thead>
<tbody>
<tr>
<td>County</td>
</tr>
<tr>
<td>Nairobi</td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Kisumu</td>
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<td></td>
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<td></td>
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<tr>
<td>Turkana</td>
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<td></td>
</tr>
</tbody>
</table>

See Section 4 below for draft Stakeholder Lists and Preliminary Stakeholder analysis which can progress when the research starts.
Table 2-3  Focus Group Discussions (FGDs)

<table>
<thead>
<tr>
<th>County</th>
<th>Number of FGDs</th>
<th>Number of participants</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men FGDs</td>
<td>Female FGDs</td>
</tr>
<tr>
<td></td>
<td>Rural</td>
<td>Urban</td>
</tr>
<tr>
<td>Kisumu</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Turkana</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Isiolo</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Lamu*</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>3</td>
<td>2</td>
</tr>
</tbody>
</table>

* Security challenges could not allow travel to the county during the relevant period. There were no FGDs held in Lamu County.

Guided by the scope of work, key issues and the above methodology framework, each specific study theme area had method adaptations. A preliminary outline method of these studies is introduced below.

2.6  Analysis-Overall Organisation of Findings

The findings of each area of enquiry were organised and analysed according to the following 5 step framework:

> An overview of the impacts of oil and gas production on men and women as identified in KIIs and FGDs nationally and in each community;
> Findings on access to economic assets;
> Findings on access to information and ability for free voice;
> Findings on impacts on social capital;
> Findings on impacts on environment security/sustainability.

Discussion is structured around 3 key engendered gap analysis:

**Gender Asset Gap**- discussion highlights if men and women in each area (and nationally) have equal access to income generating economic assets such as waged jobs, the ability to start business linked to oil and gas industry as well as oil and gas project related income e.g. royalties from land rights.

**Gender Information Gap**- discussion explores if men or women face different challenges in accessing free voice, participating in consultations and accessing transparent information from oil and gas companies.

**Vulnerability Gap**- gender specific vulnerabilities namely the different threats/risks that men and women face to their social capital and environmental security.

For each ‘gap the analysis overviews any relevant barriers to gender equality that was presented in the KIIIs and FGDs (and/or found in secondary data). These are qualified by triangulation of data across the different study locations.

Conclusions include recommendations for how any gender inequalities found can be addressed by government, oil and gas companies and other stakeholders such as donors. As these are designed to feedback into policy development, support for good governance and if necessary institutional/organisational change the gender assessment report leads with an inclusive and engendered legal, governance and institutional assessment.

2.6.1 **Legal, Governance, Institution Assessment’s Specific Data Collection and Analysis**

For a comprehensive analysis of governance, legal and policy framework regarding gender in the Kenyan oil and gas sector the GA collects data through desk-based review and key informant interviews. This data is qualitatively processed and analysed by textual exposition, identifying key institutions (upstream, midstream and downstream) and their role in gender mainstreaming, relevant provisions of existing and proposed laws and regulations. Using the same approach, the GA identifies law and policy gaps in gender and the impacts on gender mainstreaming in the petroleum sector both at national and county levels (Isiolo, Meru, Turkana, Nairobi and Lamu counties). The secondary data collection entails an index review of international, regional and domestic laws within four key tenets of sustainable development (as defined by the World Bank Lessons on Gender Research): economic assets (that is land, employment, education, and royalties); freedom of expression and access to information; social capital (reflecting on culture, traditions, sexual and gender-based violence); and environmental capital.

The focus is on national policies, national legislation, bills which are pending before parliament, county integrated development plans, county legislation, Model PSC 2015, oil and gas contracts, BIPs, international agreements and local institutions that deal with gender issues. Various ministerial documents on gender and reports obtained from relevant ministries e.g. the Ministry of Energy and Petroleum, trade and industry, finance etc. were reviewed consistent with the goals and objectives of this study.

Primary data collection by key informant interviews conducted to draw on the views of purposively sampled key informants, including legal experts, the National Gender and Equality Commission, the Senate Committee on Energy and Petroleum, Kenya Petroleum Technical Assistance Project (KEPTAP), Petroleum Business Opportunities, GIZ, SOGA and key persons in the selected County areas. For issues pertaining to gender based violence the GA’s Legal Team are supported by the

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9 World Bank. 2013. Extracting Lessons on Gender in the Oil and Gas Sector: A survey and analysis of the gendered impacts of onshore oil and gas production in three developing countries. World Bank, Washington, D. C.
GA’s Gender Specialist to ensure mainstreaming of gender across the research, a gender lens on analysis and for the gender recommendations.

A key objective of analysis was to establish whether the existing institutions, laws, regulations and policies provide a conducive environment for the realisation of the gender equality principle in the Kenyan petroleum sector as well as for women’s rights to protection. The legal, governance and institution part of the GA therefore questions whether:

> The current legal and institutional framework give women and men equal or differing opportunities in terms of access to benefits;
> The regulatory framework results in unequal gender impacts between men and women;
> Local levels of implementation of laws/legal frameworks offer sufficient protection for women from violence (or other risk issues) particularly considering societal changes affected by the impacts of the oil and gas industry.

2.6.2 Socio-Economic and Environment’s Specific Data Collection and Analysis

There are many overlaps of the environment and socio-economic study for the GA both of which will assess the participation of men and women in ESIA screening, scoping, baselines surveys, public meetings, and in decision making specifically in the identification of alternatives and mitigation measures. There will also be an overview of how women are included in the ESIA/SEA team composition and other gender relevant aspects of ESIA and SEA processes in Kenya oil and gas development to date.

Socio-economic and environmental impacts and their gender implications were discussed in focus groups discussion (FGD) led by the stakeholder engagement team. This participatory approach was supplemented by field observations from study sites in Lamu, Isiolo and Turkana. These primary data findings were triangulated with the secondary data findings of the lead socio-economists and environmental expert’s desktop review and key-informant interviews in Nairobi in key Government of Kenya ministries and agencies that manage the environment and natural resources in Kenya. The analysis by the lead socio-economists and environment expert were aimed at identifying the key agencies that implement the final recommendations expected from the GA to address gender, socio-economic and environment aspects and include key stakeholders.

2.6.3 Approach for Oil and Gas Company Employment Equity Assessment and other Income Related Issues, Environment in Oil and Gas Sector

For equity analysis, in terms of income opportunities, the following were specifically considered:

**Gender Equity in Oil and Gas Related Income Opportunities:** Experiences from elsewhere in Africa (and globally) suggests that oil and gas companies can improve income generation, particularly workforce gender parity given supporting directives. This is thus an important aspect of the GA as, according to the global gender balance scorecard, women make up only 8% of the executive committee members of top extractive companies surveyed. Income from oil and gas development can be generated from several sources:

> Direct employment (initial literature review indicates this may be limited as focus is on technical functions for which skilled immigrants are required);

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10 Details of the socio-economic and environmental data collection methodology are included in the stakeholders’ engagement section 4 below.

Industry associated employment (contracting opportunities in the supply chain of the oil and
gas industry for goods, services, and construction and maintenance of project
infrastructure);

> In direct employment (i.e. an expanded potential for local people to start new businesses not
necessarily related to oil and gas industry; and

> Land and other compensations and royalty payments.

Community level KI interviews and FGDs assessed if men and women have equal
access to income related opportunities and compensations. These KIIIs and FGDs were triangulated with a) the
secondary data and b) the primary data collected in group meetings and KII with the oil and gas
industry.

In total, the following numbers of key informant interviews and focus group discussions were held
(Tables 2.3 and 2.4):

Grievance Management and Direct Observations: Careful consideration was given to mitigate
potential oil and gas, famine and drought exacerbating tensions, and/or existing conflict within
communities. Consultations were analysed in context of direct observational data of the atmosphere,
tensions, and quality of life structures and other conditions, as well as developing community
dynamics. By asking questions in specific communities’ language/vocabulary this aimed to ensure
greater equality in gender outreach which is particularly important for the most information
marginalised women. Posing questions grounded in the way women speak about, share, and
experience their lives and livelihoods was more likely to capture gender issues and perspectives that
are challenging to access without gender sensitivity planning made according to an understanding
of gender relations in different ethnic/cultural groups.

2.7 Stakeholder Engagement Consultations-Framework Stakeholder
Engagement Plan (SEP)

2.7.1 Introduction, Purpose and Preparatory Tasks for SEP
The purpose of drafting a Stakeholder Engagement Plan (SEP) for the GA as a live document was
for it to guide primary data collection by Stakeholder Engagement (SE); to collate public consultation
disclosure tasks, tools, meetings and outcome PCD; to ensure proactive and strategic
communication. Strategic engagement included the use of outreach tools to achieve clear,
measurable outcomes. Due to the evolving capacity and iterative process, updates of the draft SEP
were necessary across the GA’s iterative process.

Another important part of the SEP was to co-ordinate with the stakeholders. Consistent messages
were required for strategic communication.

A detailed stakeholder engagement plan including a framework and principles used are included in
Annex 1

2.7.2 Fieldwork Timing
As aforementioned, the initial workplan (prepared in 2016) had not foreseen possible timing conflict
with the August 2017 General election. It is not advisable to conduct community consultations too
close to general elections for fear that the exercise could be misconstrued to be part of the
electioneering process. Therefore, field works was undertaken as early possible.

Field work was undertaken in the Counties of Nairobi, Kisumu, Isiolo and Turkana as follows
### Table 2-4 Timing of fieldwork

<table>
<thead>
<tr>
<th>County</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nairobi</td>
<td>April-May, August-September 2017</td>
</tr>
<tr>
<td>Kisumu</td>
<td>May 2017</td>
</tr>
<tr>
<td>Isiolo</td>
<td>June 2017</td>
</tr>
<tr>
<td>Turkana</td>
<td>July 2017</td>
</tr>
<tr>
<td>Lamu</td>
<td>July/August 2017</td>
</tr>
</tbody>
</table>

#### 2.8 Limitations of the GA

The following limitations were experienced during the study.

- Non-responsiveness: many offices were approached for information and interviews but did not respond despite repeated follow up visits, calls and emails.

- Insecurity: Because of the general sensitivity of communities about the oil and gas sector, ideally the field aspects of the study should not have been held within one or two months of the General Election. Therefore, the heightened political activity in the country was an important issue to consider in planning fieldwork to avoid getting caught up in potential conflicts. One of the precautions that was deliberately taken was to limit field visits to relatively secure areas. Another precaution was to keep visits short to avoid attracting too much attention from villagers who were not invited to focus group discussions. These precautions proved worthwhile at various junctures. Security warnings from qualified security information providers and the general media provided sufficient proof of the need to avoid travelling to the Lamu region due to the prevailing insecurity in the region\(^\text{12}\). On this account, key informant interviews for Lamu were conducted on phone where this was possible. However, community interviews could not be undertaken.

3 Gender Assessment of the Legal and Policy context relevant to Oil and Gas in Kenya

For Kenya to realize the full potential and equal benefits of natural resource extraction, there is need to ensure that gender perspectives inform our petroleum policies and regulatory frameworks. This chapter will assess the extent to which relevant legal and policy frameworks address gender issues throughout the petroleum value chain towards ensuring these issues are more than a “tick the box” exercise but are instead adequately mainstreamed. Recommendations for supporting development of Gender Equality in the legal framework are provided at the end of the chapter.

3.1 International and Regional Laws and Policies on Gender

Kenya has ratified many international and regional instruments that prohibit discrimination on any ground, including sex, gender, disability, race and age, among others. The instruments to which Kenya has committed itself are discussed below.

3.1.1 International Laws and Policies on Gender

The Universal Declaration of Human Rights (UDHR), inter alia, underscores the dignity and worth of the human person, and equal rights of men and women. The UDHR, therefore, creates a fundamental platform upon which women’s practical and strategic gender needs for equality in the oil and gas sector can be recognized.

Additionally, Article 1 of the Convention on the Elimination of All Forms of Discrimination against Women, 1979 (CEDAW) defines discrimination against women as the distinction, exclusion or restraint based on sex which is calculated to impair or nullify the recognition, enjoyment or exercise by women of political, economic, social, cultural and civil rights and freedoms. As a State party to CEDAW, Kenya has the obligation of ensuring that women and men have equal rights to land and land-related benefits, including compensation in the case compulsory acquisition.

The International Covenant on Economic, Social and Cultural Rights (ICESCR), enshrines rights to adequate housing, health, social security and insurance, work and education. The ICESCR can help to prevent petroleum-related health risks from affecting women, or at least to obligate the state to provide mitigation measures.

Regarding sexual and gender-based violence (SGBV), the UN Declaration on the Elimination of Violence against Women, 1993, recognizes it as a manifestation of historically unequal power between men and women, which subordinates women and make it difficult for them to advance fully. Although non-binding on Kenya, the Declaration enjoins States to condemn SGBV and exercise due diligence in preventing, investigating and punishing acts of violence against women. In its work under the Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against

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Women, the Committee on the Elimination of Discrimination against Women also obliges States to enact, implement and monitor legislation to combat SGBV.\textsuperscript{17}

The Convention on the Rights of the Child, 1990 (CRC)\textsuperscript{18} provides for the rights of the child, and requires all State Parties to take appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation.\textsuperscript{19} Like women, children are particularly vulnerable to risks caused by upstream petroleum operations. The CRC is domesticated in Kenya under the Children Act.\textsuperscript{20}

The United Nations’ Sustainable Development Goals (SDGs) create an important policy environment for the realization of the principles of equality in the oil and gas sector. SDG 5 aims to achieve gender equality and empower all women and children. Together with the international laws, the SDGs provide an important framework for gender mainstreaming in the petroleum sector. Moreover, the Women’s Empowerment Principles (Developed by the UN Women and the UN Global Compact) 2015 urge governments to adopt affirmative action measures to promote women empowerment in all spheres. Kenya should, therefore, support and promote compulsory representation for women in the petroleum sector.

3.1.2 Regional Gender-Related Laws and Policies

Regionally, the African Charter on Human and Peoples’ Rights recognizes equality and provides that all people are equal and should enjoy the same respect and have the same rights, including equitable and satisfactory working conditions, and equal pay for equal work.\textsuperscript{21} Article 9(1) provides that everybody has the right to receive information, which can be used to address the information gap that characterizes the petroleum sector. These provisions imply that nothing should justify the domination of a gender group by another.

The Principles and Guidelines on the Interpretation of Economic, Social and Cultural (ECOSOC) Rights in the African Charter on Human and Peoples’ Rights, 2010, recognize the obligation of African States under Article 16(1) of the African Charter to ensure that water resources are protected from pollution caused, for instance, by upstream oil and gas activities. This should be achieved by paying attention to members of vulnerable and disadvantaged groups to ensure effective equality in the enjoyment of economic, social and cultural rights.

Kenya is also a party to the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, 2003 (hereinafter referred to as “Maputo Protocol”),\textsuperscript{22} which heavily borrows from CEDAW. The Protocol enjoins member States to adopt appropriate measures to ensure equality and gender mainstreaming.\textsuperscript{23} It also recognizes the experience of women regarding stereotypes, inferiority and other forms of discrimination as envisaged under Articles 2(f) and 5(a) of CEDAW. Article 9 (2) of the Protocol requires States parties to ensure increased and effective representation and participation of women at all levels of decision-making. State Parties are obliged to take appropriate measures to protect women from being marginalized, and promote and respect their right to property, health, access to clean water, adequate housing with acceptable living

\textsuperscript{17} AT v Hungary, communication No 2/2003, adopted 26th January 2005.
\textsuperscript{19} See also CEDAW, Article 11(1) (c).
\textsuperscript{20} Cap 141 Laws of Kenya, Preamble.
\textsuperscript{22} Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa, adopted 1 July 2003, entered into force 24 November 2005. The Government of Kenya signed the Protocol on 17th December 2003 with reservations that it did not consider as binding upon itself the provisions of Article 10(3) and Article 14(2) (c) which is inconsistent with the provisions of the Laws of Kenya on health and reproductive rights.
\textsuperscript{23} Article 2.
conditions, and healthy and sustainable environment.\textsuperscript{24} Crucially, the Protocol urges States to promote women empowerment through entrepreneurship, education and training.\textsuperscript{25} This should be done by creating synergies that promote and support the occupation and economic activities of women.\textsuperscript{26} The Protocol is comprehensive and, thus, has the potential of addressing gender-specific barriers and threats that affect women including in the petroleum sector.

In relation to children, Article 14 of the \textit{African Charter on the Rights and Welfare of the Child} (ACRWC), 2009, provides that every child has the right to enjoy the best attainable state of physical, mental and spiritual health. This includes the provision of adequate health care, nutritious food and safe drinking water; and protection from all forms of economic exploitation, hazardous work, torture, inhuman or degrading treatment, neglect or maltreatment.

From a policy perspective, Africa Union Gender Policy, 2009, encapsulates decisions and Declarations of the Assembly of Heads of State and Government of the AU and other global commitments on gender equality and empowerment of women. The \textit{Intergovernmental Authority on Development Gender Policy and Strategy}, 2004, is aimed at facilitating gender mainstreaming with a view to making IGAD activities gender responsive and achieving sustainable socio-economic development in the African region.

The above regional instruments have enabled the AU Member States, including Kenya, to pursue their own legal, administrative and institutional frameworks to promote women rights and gender equality.

### 3.2 The Kenyan constitutional, legislative and policy framework on gender

The Kenyan Government has shown its commitment for gender equality by taking several strides in the form of policy developments and enactment of key legislation in the recent past geared at gender equality and protection.

#### 3.2.1 Constitution of Kenya, 2010

Kenya’s Constitution, passed on August 27\textsuperscript{th}, 2010, provides a powerful framework for addressing gender equality. The Constitution guarantees equal rights regardless of gender and further recognizes the importance of having legislation and other measures to implement the principle that not more than two-thirds of the members of elective or appointive bodies shall be of the same gender.\textsuperscript{27} Article 10 (2) (b) sets out the national values and principles of governance to include, among others, human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalized. Importantly, under Article 27(3), women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.\textsuperscript{28} Article 27(4) of the requires the State not to discriminate directly or indirectly against any person on any ground, including, \textit{inter alia}, sex, disability, conscience, belief, and culture. The State is also required to take legislative and other measures, including affirmative action, redress any disadvantages arising from past discrimination, such as those that relate to gender relations.\textsuperscript{29} Theses constitutional provisions on equality provide a sound platform upon which women and other vulnerable groups can benefit equally from economic and educational opportunities, including those created in the oil and gas sector.

Article 43 of the Constitution safeguards every person’s economic and social rights, which include the rights to the highest attainable healthcare, accessible and adequate housing, and to reasonable

\textsuperscript{24} Articles 13, 14, 24, 15, 16, 18(2) (e), 19.
\textsuperscript{25} Article 12.
\textsuperscript{26} Article 13(e).
\textsuperscript{27} Article 27(8).
\textsuperscript{28} See also Article 232(1) of the Constitution, 2010; Employment Act, 2007.
\textsuperscript{29} See Articles 27(6) and Article 56 of the Constitution, 2010.
standards of sanitation, to adequate and quality food, and to clean and safe water in adequate quantities. The relevance of this provision is that oil and gas companies should ensure that their upstream operations do not destroy crops or livestock, pollute the environment, and affect the water reserves relied upon by the local communities and that the Government should be vigilant to ensure that their rights are protected, and if violated, then there are adequate mitigation or redress measures as well as avenues for dispute resolution.

Overall, the foregoing Constitutional provisions are commendable on four limbs. First, they state explicitly that men and women should be treated equally and accorded equal opportunities in political, economic, cultural and social spheres. Second, the grounds on which the state is not to discriminate are quite broad and they include pregnancy, marital status, health status, disability and dress. Third, the prohibition of discrimination applies horizontally among all persons, including the State. Lastly, there is a ‘novel’ constitutional provision for the principle of affirmative action, to ‘give full effect to the realization of the rights guaranteed under this Article’ (Article 27).

3.2.2 Kenya Vision 2030

The Kenya Vision 2030 acknowledges and appreciates that women are disadvantaged in accessing labour markets and productive resources and are under-represented in social and political leadership reason being that capabilities of women have not been developed to full potential due to limited access to capital, education, training and restrictive cultural practices. The Vision aims at specific policy measures that will be taken to correct the glaring gender gaps in access to and control of resources, economic opportunities, and in power and political voice.30 Some of the initiatives proposed under the Vision for which oil and gas stakeholders should take note include: gender mainstreaming in Government policies, plans, budgets and programmes and affirmative action for 30 per cent representation of women at all decision-making levels.

3.2.3 Gender-Specific Laws and Policies

Kenya has also enacted a number of laws and adopted policies to mitigate gender inequality and at the same time promote gender parity.

The National Gender and Equality Commission Act, 2011, was enacted to provide for the establishment of the National Gender and Equality Commission (NGEC) pursuant to Article 59(4) of the Constitution. The NGEC is mandated to promote gender equality and non-discrimination pursuant to Article 27 of the Constitution; and monitor and facilitate gender mainstreaming in all national and county policies, laws and administrative regulations in all public and private spheres.31 Thus, the powers of the NGEC extend to oil and gas companies, which are private entities. The implication of the NGEC Act is to promote gender mainstreaming in all sectors, including oil and gas. The only challenge, as it were, remains implementation.

The National Youth Council Act, 2009, provides for gender inclusion in appointments of the National Youth Council and the Board.32 This ensures that there is gender balance in the decision-making processes and management of the Council.

The National Youth Employment Authority Bill, 2015 is meant to give effect to Articles 55(c) and 56(c) of the Constitution, 2010, provide for the establishment and powers of the National Youth Employment Authority. Section 19(2) of the Bill provides that in appointing members of the Board, the National Youth Employment Authority shall afford adequate and equal opportunities for appointment and advancement at all levels, of youth, men and women, members of all ethnic groups, gender and persons with disabilities. Should the Bill come into law, there shall be gender balance in the decision-making processes and management of the Authority and Board.

30 Kenya Vision 2030,133.
32 National Youth Council Act, 2009, sections 5(1) (h) and 16(2).
The main gender-specific policy is the *National Gender Policy, 2011*, which mandates the Ministry of Gender to promote gender mainstreaming in national development processes, and to engender the national budget. The overall goal of the Policy Framework is to work towards ensuring gender equality and women's empowerment and mainstreaming of needs and concerns of women, men, girls and boys in all sectors of development in the country so that they can participate and benefit equally from development initiatives. The Policy recognizes that inequitable gender relations cannot be addressed by focusing on women in isolation. The practical needs and strategic interests of both women and men must be considered, as do the opportunities and constraints emanating from the local, national, regional and international context in which they live.

Additionally, the *Education Gender Policy, 2007*, recommends the prevention of SGBV at all education levels. It contains modalities for combating SGBV and coordinating the institutions that provide safe environment for learning. However, the implementation of the policy has not been effective as evidenced by the low levels of gender sensitization in the education sector and the high levels of sexual exploitation of children (girls and boys). Effective implementation of the policy can promote gender mainstreaming in schools, particularly in communities around the oil and gas areas.

Overall, the above gender-specific legal and policy provisions are quite robust and underpinned by a powerful framework embedded in the Constitution. But merely providing for equality formally, while important, is not sufficient. More practical measures need to be effected if this formally recognized equality is to be meaningful.

### 3.2.4 Gender Perspectives in Petroleum Related Laws & Policies

Gender mainstreaming is a pertinent issue in the petroleum industry. Thus, this section provides a comprehensive analysis of Kenya's legal, policy and institutional framework governing and/or touching on the petroleum sector and advances, if any, in promoting gender parities.

#### 3.3 The Petroleum (Exploration and Production) Act 1986 and the Energy Act 2006

The major legal framework for the upstream petroleum sector in Kenya is currently the Petroleum (Exploration and Production) Act, 1986. The Act covers several issues including property in petroleum, petroleum operations, powers of the minister, regulations, constitution of blocks, etc, financial and technical ability of contractors, general terms and conditions of petroleum agreements, access to private land and the training fund.

The Energy Act, 2006 governs the mid-stream and downstream petroleum sector. It provides for the establishment of the Energy Regulatory Commission and the consolidation and amendment of the law relating to energy. Section 116 of the Act provides that: "While discharging its functions and exercising its powers under the Act, the Commission shall ensure that no particular person is given undue preference or subjected to any undue disadvantage." The Commission should, therefore, ensure that the downstream and midstream petroleum operations (that is importation, exportation, transportation, refining, storage and sale of petroleum and petroleum related products) are inclusive of all genders.

Our analysis reveals the above Acts have no provisions that directly address or promote gender inclusiveness and therefore the Acts cannot be meaningfully critiqued from a gender perspective. However, a draft Petroleum (Exploration and Production) Bill, 2015, and a draft Energy Bill 2015, have been prepared and will replace the existing framework in due course. These are discussed below.

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3.4 The Petroleum (Exploration, Development and Production) Bill, 2015

The Bill has two key gender provisions: (i) that in the composition of the Board of Directors for the National Petroleum Upstream Authority, no more than two thirds of the members shall be of one gender;\(^{34}\) and (ii) that for the submission of a Development Plan and Annual Work Programme and Budget, in which the development plan shall include a contractor's proposal for stimulating local content, it should include identification of specific skills' training programs and technical courses that shall directly translate to the employment of citizens of Kenya and shall ensure fairness in gender practices.\(^{35}\) These provisions ensure the development of skilled men and women in an equitable measure.

The Bill also provides for benefits sharing of petroleum resources in a designated ratio between national government, county government and local communities. However, the provisions are too basic and blanket and cannot be said to be adequate in promoting gender parity as there is no demarcation of funds for use by women or controlled by women. Even at the local level, the Bill is silent as to whether the Cabinet Secretary will draw regulations to define the details of distribution at the community level i.e. between men, women, youth and persons with disabilities.

3.4.1 Energy Bill, 2015

The Energy Bill, 2015, seeks “to consolidate the laws relating to energy, to provide for National and County Government functions in relation to energy, to provide for the establishment, powers and functions of the energy sector entities…regulation of midstream and downstream petroleum activities”\(^{36}\) The proposed Energy Bill is anticipated to bring in changes in respect of, among others, the establishment of a Consolidated Energy Fund, and local content requirements in energy undertakings and regulations. Importantly, the Bill provides that the composition of the Energy Regulatory Authority, Energy and Petroleum Tribunal, Rural Electrification and Renewable Energy Corporation and Energy and Petroleum Institute should reflect gender balance as well as regional and ethnic diversity of the people of Kenya.

3.4.2 Sessional Paper No 4 of 2004

The main aspiration of the Sessional Paper No 4 of 2004 is to lay the policy framework upon which cost-effective, affordable and adequate quality energy services will be made available to the domestic economy on a sustainable basis over the period 2004-2023.\(^{37}\) The Paper recommends that to deal with challenges faced by women in the energy sector, it will be imperative to mainstream gender issues in policy formulation and in energy planning, production and use and undertake public education and awareness creation on the cultural structures.\(^{38}\)

3.4.3 Draft National Energy and Petroleum Policy, 2015

The overall objective of the above referenced Policy is to ensure affordable, competitive, sustainable and reliable supply of energy and petroleum products to meet national and county development needs at least cost, while protecting and conserving the environment. The Policy sets out some challenges in the industry such as imbalances in gender, youth and persons with special needs in various positions in energy and petroleum institutions as well as inadequate implementation of policy on gender, youth and persons with special needs mainstreaming. The Policy sets out as its strategy to fill this gap by mainstreaming gender, youth and persons with special needs issues in energy and petroleum policy formulation, planning, production, distribution and use.

\(^{34}\)Clause 19.
\(^{35}\)Clause 29 (3)(g)(ii) of the Model Production Sharing Contract
\(^{36}\)The preamble to the Energy Bill, 2015
\(^{37}\)Sessional paper No. 4 of 2004 on Energy, pg. viii.
\(^{38}\)Ibid pg. 34.
3.5 **Kenya’s Production Sharing Contracts**

Under Kenya’s Model Production Sharing Contract (PSC) of 2015, gender is only provided for under clause 29 which states that, on considerations of employment of local people, the operator should not engage in discriminatory practices on grounds of gender in the conditions of service provided for personnel. This cannot be said to be sufficient and more should be done to ensure gender equality and mainstreaming in the contracts. A review of publicly available Production Sharing Contracts revealed that none of the agreements provide for any gender equality or equity issues; they focus mainly on scientific, technical and economic aspects.\(^{39}\)

3.6 **County Integrated Development Plans**

The County Governments Act, 2012 obligates each county in Kenya to develop a County Integrated Plan (CIDP), designate planning units at all county administrative levels, and promote public participation and engagement by non-state actors in the planning process. This section explores the extent to which the CIDPs of Kisumu, Turkana, Isiolo, Lamu and Nairobi counties promote gender mainstreaming.

3.6.1 **Kisumu County First Integrated Development Plan (2013-2017)**

The Kisumu CIDP requires the County Government to integrate equality concerns in the analysis, formulation of policies, programmes and projects with the objective of ensuring positive impact from both women and men in bringing gender disparities.\(^{40}\) The CIDP contains a Gender Inequality Index (GII), which reflects gender-based disadvantages in three dimensions: (a) reproductive health, (b) empowerment and (c) the labour market. It proposes the improvement of gender equity and reduction of gender disparities as a means of addressing the above challenges and ensuring sustainable economic growth, poverty reduction and social injustices in the County. Additionally, the CIDP recognizes the Millennium Development Goal (MDG) 3, which underscores the need to promote participation in economic, political and social life by ensuring that there is gender parity at all levels, and in the improvement of the position and condition of women. Overall, the Kisumu CIDP sets out a robust framework for gender mainstreaming in the County.

3.6.2 **Turkana County First Integrated Development Plan (2013-2017)**

The Turkana County CIDP acknowledges the fact that women are not recognized and represented in the County’s development programs, county committees, as well the national politics. The main reason could be cultural practices, where women are not majorly involved in decision making processes.\(^{41}\) The CIDP requires the County Government to enhance institutional efficiency and effectiveness in implementation and service delivery with a view to ensuring that all the people of Turkana County have equitable access to affordable, quality, essential and personalized services. The CIDP recognizes flagship projects started by the County Government of Turkana to mainstream gender issues and prevent SGBV.\(^{42}\)

The Turkana County Public Participation Bill, 2014 provides for public engagement and matters of public interest in relation to policy formulation processes, legislative processes in the Turkana County. One of the principles of public participation under this Bill is the protection and promotion of the interest and rights of minorities, marginalized groups and communities and their access to

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\(^{40}\) *Kisumu County Integrated Development Plan 2013-2017, 45.*

\(^{41}\) *Turkana County Government County Integrated Development Plan 2013-2017, 36.*

\(^{42}\) Ibid, p.189.
relevant information. The Bill sets out the alternative methods of public participation, namely surveys, interviews, focus group discussions, and workshops.\textsuperscript{43}

Overall, the Turkana County CIDP widely underscores the need to mainstream gender equality in socio-economic and political spheres. However, there is need of gender-specific framework to address the unique cultural practices that undermine the position of women in the County. Should the Turkana Public Participation Bill be passed, it will establish a foundation for inclusion of groups in the affairs of the County Government pursuant to the provisions of the Constitution, 2010.

### 3.6.3 Isiolo County First Integrated Development Plan (2013-2017)

The CIDP characterizes Isiolo County as a semi-arid area, which explains why it experiences high Gender Inequality Indices.\textsuperscript{44} The CIDP acknowledges that women in Isiolo County are more vulnerable than their male counterparts and are more disadvantaged since they do not own or control assets like livestock and rarely take part in decision making as it is a preserve of men. Although the County government has moved to popularize the advocacy for all genders, much is yet to be done in terms of enactment of legislation towards that end. The County Government, therefore, undertakes to prioritize capacity building initiatives and take deliberate efforts at empowering women to enhance their status.\textsuperscript{45}

The Isiolo County Climate Change Fund Bill 2016 is aimed at financing, facilitating and coordinating Climate Change Adaption and Mitigation projects, and connected purposes. Clause 26(1) of the Bill requires the County Planning Committee to develop and publish an eligibility criterion for Climate Finance projects based on, among other parameters, the need to benefit many people including vulnerable groups, and have clear considerations for gender representation.

In a nutshell, the Isiolo County CIDP sets out a robust blueprint for gender mainstreaming in the County. However, more needs to be done to ensure gender representation in all aspects in the County, including by passing gender-specific legislation at the county level, or developing a gender-specific policy that is geared towards eliminating cultural practices that thwart the position of women and other vulnerable groups.

### 3.6.4 Nairobi County First Integrated Development Plan (2013-2017)

The Nairobi County's CIDP recognizes the fact that women's political positions and control of resources within the County are affected by gender inequality. It calls for the County government to empower women through training. However, according to the CIDP, achieving gender balance has proved difficult because of increased gender-based violence, and increased side-lining of women.\textsuperscript{46} Thus, the CIDP requires the County Government to develop and implement a gender policy to guide gender mainstreaming activities. However, no such policy has been developed to date. Thus, more practical steps need to be taken to ensure representation of men, women, persons with disabilities and the youth in the County Government's activities.

### 3.6.5 Lamu County Integrated Development Plan (2013-2017)

The Lamu CIDP acknowledges the fact that gender inequality is one of the cross-cutting issues that affect the County’s development.\textsuperscript{47} The CIDP obliges the County to take deliberate efforts to overcome the inequality challenge and establish a women's affairs department within the County to reduce gender inequality gaps.\textsuperscript{48}

\begin{flushleft}\textsuperscript{43} Turkana County Public Participation Bill, 2014, clause 25. \\
\textsuperscript{44} Isiolo County Integrated Development Plan 2013-2017, 31. \\
\textsuperscript{45} Ibid, p.31. \\
\textsuperscript{46} Nairobi County Integrated Development Plan 2013-2017, 46. \\
\textsuperscript{47} Lamu County, First County Integrated Development Plan 2013-2017, p.24. \\
\textsuperscript{48} Ibid.\end{flushleft}
Gender equality and empowerment of women are one of the areas under the implementation of MDGs at the County level. One of the goals is to promote gender equity and empower women. Thus, in order to ensure gender inclusiveness, the Lamu County government undertakes to achieve 30% female representation in senior management positions by 2018, and 30% government contracts shared between women, youth and people with disabilities. It also acknowledges the need to enforce affirmative action programmes as per the provisions of the Kenya Constitution, 2010. The CIDP, therefore, creates an effective framework for gender mainstreaming in the County in line with the provisions of the Constitution, 2010, the MDGs and other gender related policies in Kenya.

3.7 Gender Mainstreaming Aspects in Petroleum Related Laws and Policies

This section comprehensively analyses the above laws and policies based on three limbs as provided by the World Bank as the key measures upon which to determine or ascertain mainstreaming of gender concerns in the petroleum sector. These are gender asset gap; gender information gap; and gender vulnerability gap.

3.7.1 Gender Asset Gap

This part seeks to assess if and how the legal framework governing the petroleum industry in Kenya and other related subjects ensures that women have access to and control over assets that may position them to benefit from the petroleum industry. The discussion will include local content considerations, benefit sharing, and land.

3.7.2 Local Content – Employment and Procurement Opportunities

Local content laws and policies are principally driven by the challenge of how to accelerate national economic development while also developing local capacity, work force, financial structures and supply chains. The Petroleum (Exploration, Development and Production) Bill, 2015 defines local content as “the added value brought to the Kenyan economy from petroleum related activities through systematic development of national capacity and capabilities and investment in developing and procuring locally available work force, services and supplies, for the sharing of accruing benefits.” The Petroleum (Exploration and Production) Act provides the general terms and conditions of a petroleum agreement which imposes an obligation on a contractor to give preference to the employment of and training of Kenyan nationals in petroleum operations and give preference to the use of products, equipment and services locally. The Act also establishes a training fund for the purpose of training Kenyan nationals in petroleum operations.

Under the Petroleum Bill, 2015, the Cabinet Secretary is required to draft regulations in relation to local content development, capacity building and development in the upstream petroleum sector whereas Part IV of the Model PSC espouses that local content should cover employment and training of Kenyans, establishes a training fund, and mandates a preference for Kenyan goods and services, and technology transfer to Kenyans. Considering the shortage of local experts in the upstream operations, the Bill acknowledges the importance of training Kenyan citizens to take up jobs in the oil and gas sector.

There also exists a Local Content Bill, 2016, which aims to facilitate the local ownership, control and financing of activities connected with the exploitation of gas, oil and other mineral resources. Section 2 of the Bill defines local content as “maximizing the level of usage of local goods and services, people, businesses and financing.” The Bill uses a variety of tools to reach its goal of benefiting the...
local economy through extractive projects, including requiring companies to submit local content plans that provide for, among others,

- The procurement and utilization of locally produced goods and services available in the country, and preferably from the locality where the resources are found;
- The employment of local persons to be engaged in the extractive activities;
- Workforce development strategies in relation to local persons including training plans, on-the-job internships, granting scholarships and succession plans;
- Research and development requirements for foreign companies to build the skills of the domestic workforce through investing in research activities in Kenya; and
- Transfer of technology initiatives by entering into technology transfer agreements with locals to provide credible and measurable plans on incremental transfer of technological know-how to locals.

However, in so far as the training and skill development of local people is concerned, there is no explicit stipulation in the Local Content Bill 2016, Energy Bill 2015 and the Petroleum Bill 2015 of how men and women will benefit. The ripple effect of such a gap will then be translated into employment uptake of both men and women within a specific oil or gas operation. The Local Content Bill only provides that when it comes to considerations of employment of local people, the operating company shall not engage in discriminatory practices on grounds of gender in the conditions of service provided for personnel.  

3.7.3 Benefits Sharing

The Constitution of Kenya, 2010 firmly entrenches the principle of equitable benefit sharing and requires Parliament to enact enabling legislation. This is fortified by Article 69 (1) (a) which directs the State to ensure the sustainable exploitation, utilization, management and conservation of our natural resources, and ensure the equitable sharing of the accruing benefit. The Natural Resources (Benefits Sharing) Bill, 2014 defined benefit sharing to mean “the sharing of any benefits arising from the utilization of natural resources in a fair and equitable manner.”

The benefits being shared accrue from oil revenues earned by the national government. The Petroleum Bill, 2015, provides for the sharing of benefits derived from upstream petroleum operations as follows: National Government (80%); County Government (20% of the national government’s share; and local community (5% of the Government’s share). County governments are required to establish through legislation a board of trustees that will manage the share apportioned to the local communities. The creation of an independent board is a positive aspect because it will ensure prudent management of the funds received.

The Petroleum Bill 2015 provides for sharing of petroleum revenues and the establishment of a Sovereign Wealth Fund to provide endowment to support development for the benefit of future generations and to enhance the development of Kenyan infrastructure among other purposes.

The Bills canvassed above are also silent as to the actual mechanisms that will be applied once the benefits trickle to the community and particularly the role of women in controlling or benefiting directly as a constituent group. The Bills should reflect the spirit of the Constitution as highlighted in Articles 10 and 27 on the principles of governance and equality respectively.

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54 Clause 26 (2) (b).
55 Article 66 (2).
56 The Natural Resources (Benefits Sharing) Bill, 2014 Clause 3.
57 Petroleum (Exploration, Development and Production) Bill, 2015, section 85(4).
3.7.4 Women and Ownership of Land in Kenya

The Constitution creates a legal avenue for developing extensive jurisprudence on the land rights of women. In particular, Article 60 (1) (f) of the Constitution includes "elimination of gender discrimination in law, customs and practices related to land and property in land" as one of the principles of land policy. Article 40(3) and (4) of the Constitution, 2010, provides that prompt, full, and just compensation should be paid to any person who losses land, including occupants who may not hold title to that land.

The National Land Policy, 2009, is an important guide towards efficient, sustainable and equitable use of land in Kenya. It addresses issues that call for special intervention, such as historical land injustices, and gender equality in land use, management and ownership. Importantly, the Policy recognizes the fact that women play diverse roles in pastoral systems, yet they lack access to land use rights. The Policy, therefore, underscores the need to protect land rights of women (including divorcees and widows, and to develop a matrimonial framework that articulates the equal rights to land for men and women during marriage and upon the dissolution of marriage. These provisions are replicated in the Constitution 2010, the new land laws, and the Marriage Act, 2014.

Section 30 of the Community Land Act, 2016, provides that "every member of the community has the right to equal benefit from community land. Women, men, youth, minority, persons with disabilities and marginalized groups have the right to equal treatment in all dealings in community land." This effectively underscores the principle of non-discrimination. Further, in its consideration of applications for allocation, the registered community should have regard to the principles of equality and equal treatment of men and women, and non-discrimination on the basis of gender, disability, marginality, culture or marital status.

Section 2 of the Matrimonial Property Act, 2013 recognizes indirect or non-monetary contribution. The Act lists spousal rights over matrimonial property as one of the overriding interests and, therefore, all registered property is subject to these rights. The provision will undoubtedly prevent clandestine dealings that dispossessed women of their matrimonial homes. The Act also provides for the presumption of joint and equal tenancy where property is registered in the names of both spouses. Section 12 of the 2013 Act provides for spousal consent. Section 14 of the Matrimonial Property Act, 2013, provides for a rebuttable presumption that property acquired during marriage and registered in the name of one spouse is held in trust for the other spouse. The legal implication of this trusteeship upon the demise of one spouse is unclear, as the Law of Succession, 1981.

The Law of Succession Act, 1981, provides for the equal inheritance between men and women. It also provides for the equal treatment of the female and male children of the deceased or married and unmarried daughters. To this extent, the Law of Succession Act promotes gender equality. However, the Act does not apply to inheritance of agricultural land and livestock in some areas. Under section 33 of the Act, such properties shall be governed by the law or custom of the community or tribe of the deceased. If the community’s custom or law is patriarchal, women in those areas cannot benefit from or seek protection under the provisions on intestacy. Under section 35(1) of the Act, a widow’s life interest terminates upon remarriage, but the same does not apply to the widower. Moreover, where the deceased is the woman, the widower is considered a dependant entitled to apply for an additional portion of the estate only if she used to maintain him financially before her death. Thus, the Law of Succession Act does not provide an adequate restraint against cultural practices that bar women from inheriting ancestral property and related benefits (e.g. compensation).

58 National Land Policy, 2009 at ix.
59 Ibid, para 223.
60 Ibid para 182.
61 Ibid, para 225.
The legal framework enshrined in the Constitution, 2010, provides strong support for mechanisms to challenge the discriminatory provisions of the Law of Succession Act.

Section 4(2) of the Land Act, 2012, provides for the elimination of gender discriminatory practices and customs related to land and property in land. This provision is in line with Articles 21(3) of the Constitution, 2010, which obliges all State organs and public officers to address the needs of vulnerable groups, such as women, children, older people, persons with disabilities, and youth. The Land Act further requires spousal consent for the execution of any charge on a matrimonial home.\textsuperscript{65} In situations where land is compulsorily acquired, section 134(4) of the Land Act requires that the beneficiaries of the settlement programme are identified by a sub-county selection committee which must include a women’s representative elected by a local women’s organization.

This Land Registration Act, 2012, provides for a unified land title registration system in Kenya. It includes strong protections for land rights of spouses by allowing for joint tenancy and a presumption of joint tenancy for any land obtained for ownership and use by both spouses.\textsuperscript{66} Section 93(2) of the Act grants spouses a legal interest in land that is held in one spouse’s name where the other has contributed to it through his/her labour. The aspect of spousal consent for the disposition of any land or dwelling is also entrenched in the Act.\textsuperscript{67}

This National Land Commission Act, 2012,\textsuperscript{68} establishes the National Land Commission in line with Article 67 of the Constitution of Kenya, 2010. One of the functions of the Commission is to develop criteria and guidelines for compulsory acquisition and regulation on compensation. The Act encourages gender equity in the appointment to the Commission. Under section 12 of the First Schedule, no more than two-thirds of the members of the Commission should be of the same gender.

In conclusion, the current land laws have provided a legal platform for equal ownership of land in accordance with Article 60(1) (f) of the Constitution. However, significant efforts need to be taken to ensure these laws are effectively implemented to eliminate patriarchal customary rules that continue to limit women from exercising and enforcing their land rights.

\subsection{3.7.5 Concluding Observations}

The Constitution of Kenya, 2010, has created equal opportunities for all Kenyans to flourish in all aspects of life. However, the legal framework governing the petroleum industry as it stands currently is not robust. Many of the legislations that would safeguard or advance women’s rights and interests so as to make a tangible impact towards gender equality are still in draft form i.e. the Petroleum (Exploration, Development and Production) Bill, 2015, Local Content Bill, 2016, Natural Resources (Benefits Sharing) Bill, 2014 and the Energy Bill, 2015. Even so, the proposed petroleum laws, though a great improvement from the existing legislation, should explicitly be engendered to ensure involvement of women in decision making processes, employment, training, entrepreneurial opportunities and enjoyment of benefits accruing from the petroleum industry.

\subsection{3.8 Gender Information Gap}

Access to information is key to public participation, transparency and accountability in the oil and gas sector. Key stakeholder interviews and focus group discussions held among various stakeholders during this research reveal that women do not access information at the same level as men. Long-standing obstacles such as illiteracy, overwhelming household responsibilities, notions of patriarchy and the double burden of sustaining income generation while caring for their families, have played a role in creating gender asymmetries in the exercise of the right to information.

\textsuperscript{65} See also Land Act, 2012, section 106 (1) (c) (ii).
\textsuperscript{66} Land Registration Act, 2012, sections 91(8), 92, and 93(1).
\textsuperscript{67} \textit{ibid} section 93(3).
\textsuperscript{68} Revised Edition 2016 [2015].
Paradoxically, it is arguable that while women are the least likely to demand and receive access to information, they are perhaps the most in need of this potent tool.

The Constitution, 2010, provides for the national values and principles of governance, such as democracy and participation of the people, inclusiveness, transparency and accountability, which can only be fully achieved if access to information is streamlined. Article 35(1) of the Constitution, which states that, "Every citizen has the right of access to information held by the State and information held by another person and required for the exercise or protection of any right and fundamental freedom." Every person also has freedom of expression, which includes freedom to seek, receive or impart information or ideas. Similarly, Article 232(1) provides for the values and principles of public service, which include "transparency and provision of the public of timely, accurate information." These provisions affirm the value of access to information at the national and county levels.

Under Article 69 of the Constitution, the Government has the obligation of ensuring public participation in the management, protection and conservation of the environment. In connection to this, section 9(2) (n) of the Environment Management and Coordination Act (EMCA), 1999 mandates the National Environment Management Authority (NEMA) to develop, publish and disseminate manuals, codes or guidelines relating to environmental management and prevention or abatement of environmental degradation. NEMA is also required under section 59(1) of EMCA to ensure that an Environmental Impact Assessment (EIA) study report is published in at least two newspapers circulating in the area or proposed area of the project and over the radio. However, in practice, not all people in remote areas are able to access these information tools avenues.

The Access to Information Act, 2016, enacted to give effect to Article 35 of the Constitution; provides a framework for public entities and private bodies to proactively disclose information that they hold; promote routine and systematic information disclosure by public entities and private bodies on constitutional principles relating to accountability, transparency and public participation and access to information; and provide a framework to facilitate public education on the right of access to information. Section 5 of the Act provides for proactive disclosure, which is directly applicable to the oil and gas sector, by requiring public entities to facilitate access to information held by them. The dissemination of information should consider the need to reach persons with disabilities, the cost, availability and accessibility of information free or at cost, local language, and the most effective method of communication in that local area. Although the Access to Information Act advances the rights of access to information, it remains gender neutral, thus ignoring existing gendered information asymmetries.

The County Government Act, 2012 contains provisions on citizen participation and access to information. Section 87 thereof recognizes timely access to information, data, documents, and other information regarding policy formulation and implementation as one of the fundamental principles influencing public participation in the management of county governments. The Act also obliges county governments to enact access to information legislation.

The Public Participation Bill, 2016 aims to enhance, promote and facilitate public participation in governance processes as provided for in the Constitution, 2010. Section 4 thereof provides for the principles that will guide public participation, namely

71 See also Article 174 of the Constitution of Kenya, 2010.
72 Access to Information Act 2016, section 3.
73 Access to Information Act, 2016, section 5(2).
74 See also section 96 of the County Government Act, 2012.
75 See Articles 1(2), 10(2), 35, 69(1)(d), 118, 174(c) and (d), 184(1)(c), 196, 201(a) and 232(1)(d) of the Constitution, 2010.
that the public, communities and organizations to be affected by a decision shall have a right to be consulted and involved in the decision making process; provision of effective mechanisms for the involvement of the public, communities, organizations and citizens that would be affected by or that would be interested in a decision; participants' equitable access to the information they need to participate in a meaningful manner; development of appropriate feedback mechanisms; and promotion of sustainable decisions recognizing the needs and interests of all participants, including decision makers.”

Should the Bill be passed, these principles will enhance public participation through prior consultation of the communities concerned by petroleum companies.

In addition, Section 112 of the Energy Act, 2006, obliges every licensee to furnish to the Energy Regulatory Commission such information as it may require. However, section 114 provides that “No information relating to any matter obtained under section 112 shall be published or otherwise disclosed to a third party without prior consent in writing from the person from whom it was obtained” unless the disclosure is to the “Minister responsible for energy or any officer or authority having functions in relation to energy, policy development or economic planning of petroleum business.” This provision arguably limits access to information held by the state in relation to petroleum dealings.

While the law requires an open and competitive bidding process pursuant to Part V of the Public Procurement and Disposal Act, 2005, there is no compulsory contract disclosure as well as the disclosure of beneficial ownership information in the petroleum sector. Clause 37 of Kenya’s Model PSC under the Petroleum (Exploration and Production) Regulations, 1984, restricts the disclosure of all information supplied to the Government by the Contractor. The confidential clause technically limits public participation in the petroleum decision making processes.

This Petroleum (Exploration, Development, and Production) Bill, 2015, contains provisions on access to information regarding upstream petroleum operations. Section 49(5) of the Model PSC under the Bill states that the petroleum contract is a public document and the Government shall have a right to publish it and keep it publicly available. Further, investors are required to submit to the Petroleum Authority reports on all surveys, exploration and production, and any other information in line with the petroleum agreement and regulations.

Overall, access to information has robust recognition in the Constitution, and national statutes as discussed above. However, consistent throughout all the laws canvassed above is the lack of a clear provision for gender mainstreaming efforts. Indeed, while the law advances access to information by “communities” impacted by petroleum activities, the same is silent when it comes to ensuring the inclusion of women and men by addressing the main obstacles facing them. More efforts therefore ought to be placed on women's ability to exercise their fundamental right to information fully and effectively including through gender-sensitive policy making.

3.8.1 Gender Vulnerability Gap

This section explores the legal-social asset aspects (such as HIV/AIDS, sexual and gender-based violence, succession, and labour-related issues), resettlement and compensation, and environmental aspects that create gender disparities and vulnerability in the petroleum sector.

3.8.2 Sexual and Gender-Based Violence

Studies conducted globally indicate a correlation between SGBV and expanding petroleum activities particularly in the geographical regions where the resources are found. This is because the sector

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76 Energy Act, 2006, section 102.
77 Also see sections 74 and 75 of the Bill.
78 Petroleum (Exploration, Development, and Production) Bill, 2015, section 72.
creates so-called “man camps,” places where (mostly) male workers often work long hours and are socially isolated for weeks or months at a time. These man camps then become centres for drugs, violence, prostitution and the sex trafficking of women and girls.79 Here in Kenya, the field research in Kisumu revealed that women who are qualified to work in the petroleum sector avoid it altogether as they perceive it as male dominated and therefore an opportunity for sexual offenders to exploit them. Cases of sexual harassment were also reported in Lokichar, including sexual advances to access jobs in the petroleum sector.

Kenya has successfully enacted laws and designed policies to combat SGBV. The Constitution, 2010, provides for non-discrimination and the right of every person to freedom and security of the person, which includes the right not to be subjected to any form of violence or torture (whether physical or psychological).80 Further, no person should be treated in a manner that is cruel, inhuman and degrading.

The Sexual Offences Act, 2006 provides for the definition of sexual offences (defilement, rape, sexual harassment, and sexual exploitation), their prevention and protection of victims of sexual violence. Other offences under the Act include sex tourism, child trafficking and sexual exploitation of the mentally impaired. The Children Act, 2001, also prohibits acts which subject children to child marriages and sexual exploitation.

One of the policy documents for SGBV is the National Policy for Prevention and Response to Gender-based Violence, 2014. The Policy aims at providing guidance for coordination among the various actors in combating SGBV. Additionally, the National Framework toward Response and Prevention of Gender Based Violence in Kenya provides guidance for coordination among the actors and emphasizes the need for an aggressive and multi-dimensional strategy to combating SGBV in Kenya consistent with the Constitution and international law. The National Guidelines on the Management of Sexual Violence, 2009, spell out essential procedures and services for the management of victims of sexual violence and stresses that the vice should be dealt with as a serious human rights and health issue to minimize the harm caused to the victims.

Kenya has a robust regime guarding against SGBV. Serious SGBV issues are likely to arise if the law is not effectively implemented and thus fails to provide adequate protection or redress for women who are working in the oil and gas sector or from the surrounding communities.

3.8.3 HIV and AIDS

In our field research, a high HIV/AIDS prevalence was reported in Kisumu, caused by high prostitution around petroleum stations and stopovers for oil and gas tankers. Very young, impoverished and vulnerable girls are lured by oil and gas tanker drivers’ due to their economic superiority, leaving them pregnant, HIV positive or both.

The legal framework providing for HIV and AIDS prevention is entrenched under the HIV and AIDS Prevention and Control Act, 2006. The Act provides measures for the prevention, management and control of HIV and AIDS, the protection and promotion of public health and for the appropriate treatment, and counselling, support and care of persons infected or at risk of HIV and AIDS infection.

The HIV/AIDS Policy, 2009, identifies HIV/AIDS as a global crisis that constitutes one of the most formidable challenges to development and social progress. Similarly, the Kenya AIDS Strategic Framework 2014/15-2018/19, is the Strategic guide for the country’s response to HIV at both national and county levels. The framework addresses the drivers of the HIV epidemic and builds on the

previous country strategic plans to achieve its goal of contributing to the country’s Vision 2030 through universal access to comprehensive HIV prevention, treatment and care.

The provisions of the above Act and policies are robust. In our view, these instruments provide an adequate framework for the prevention of HIV and AIDS. Nonetheless, we posit that more focus needs to be put on the implementation of the Act particularly in areas dominated with oil and gas activities. Efforts to prevent increases of HIV/AIDS prevalence need to start before the mobilization of exploration and construction teams. In terms of implementation, there is need for coordination of efforts between different actors where cumulative impacts may occur.

3.8.4 Resettlement and Compensation Frameworks

International law recognizes the protection of land rights, emphasizing the right to just, fair and prompt compensation for damages caused by extraction of resources and development projects.81 This right is also recognized under Article 40(3) (b) of the Constitution of Kenya, 2010. Further, section 111(1) of the Land Act, 2012, provides that where land has been compulsorily acquired, just compensation shall be paid promptly in full to all parties whose interest in land has been affected.82 The term “interested parties” is broadly defined in the Act as including any person connected to or occupying the land, as well as spouses of those persons.83 Crucially, the Land Act, 2012 provides that all evictions should include special measures to ensure effective protection of vulnerable groups, such as women, children, the elderly, and persons with disabilities.84 Similarly, section 8(1) of the Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012, requires the Government to put in place measures for assistance and protection of internally displaced persons (IDPs) with particular attention to their dependency on and attachment to their lands and the protection of women, children, persons with disabilities and other vulnerable persons.85 Thus, effective implementation of this Act can lead to the protection of women and other persons with special needs during displacement from potential oil and gas blocks.

In conclusion, the above laws bear two points of importance to this gender study. First, they are progressive in their support of compensation and resettlement of men and women whose economic and land rights are affected by the oil and gas projects. Second, they emphasize the assistance and protection of those who are displaced because of oil and gas projects, considering their dependency on and attachment to their lands and the special needs of vulnerable groups. However, it is recommended that compensation provisions should be implemented with a gender lens, ensuring all those physically and economically displaced, including those who may not have title to the lands they were using (most women fall in this group) are compensated for loss of their assets, occupational rights, access to water resources, and disturbance of economic activities. Compensation frameworks need to include livelihood restoration measures that are designed in consultation and agreement with women, provides them with control of the assets and benefits, and measures to ensure food security until livelihoods are restored. Special support needs to be provided to vulnerable groups of both sexes, which may include, among others: mono-parental or child headed households, households with HIV/AIDS members, handicapped or chronically ill, and communities previously displaced due to conflict or climate related crises.

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81 ICCPR, Article 17.
82 See also Community Land Act, 2016.
84 Land Act, 2012, section 152G (1) (e).
85 Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012, section 22(4).
3.9 Gender-Related Issues under Labour Laws

3.9.1 Unequal Access to Job Opportunities in the Petroleum Sector

The Constitution of Kenya, 2010, unequivocally prohibits social and cultural practices that are prejudicial to women, but the government is doing little to actualize this. Under Article 27(3) thereof, women and men should be treated equally and accorded equal opportunities in political, economic, cultural and social spheres. The Employment Act, 2007, requires the relevant government officials and institutions to promote fair labour practices in all sectors of employment. Further it bars discrimination of employees based on any of the grounds listed in Article 27(4) of the Constitution. The Act also proscribes acts of sexual harassment against women recognizing that this is a problem that has continuously dogged women at the workplace.

Protection of the rights of persons with disabilities is guaranteed under the Constitution, 2010, and the Persons with Disabilities Act, 2012. The employer has an obligation to subject persons with disabilities to equal terms and conditions of employment and the same compensation and other employment benefits and privileges as qualified able-bodied employees. Thus, a qualified job seeker cannot be denied access to employment opportunities in the oil and gas sector by disability.

The above provisions are aimed as there has been pro fair labour practices in both public and private bodies, such as fair remuneration and non-discrimination. Some government institutions have mainstreamed gender in their activities, and recognized the need to protect women and persons with special needs and appreciate their contribution to national development. For instance, the Kenya Wildlife Service (KWS) has established an Employee Wellness Office, which comprises five units: HIV/AIDS; gender mainstreaming committee; disability mainstreaming; physical and psychological sport; and alcohol and drug abuse. Similarly, the Ministry of Energy and Petroleum has a gender component chaired by a gender focal person, whose roles include in-house gender sensitization and training. However, although the Ministry’s gender component is guided by the Constitutional provisions on gender and other gender-related laws and policies, it lacks a gender mainstreaming plan of action which has made it difficult to have a budget for its activities.

These examples evidence positive strides towards gender mainstreaming, but the same should be reflected in petroleum companies. Further, full implementation of the laws in the petroleum sector will promote the inclusion and equal treatment of women, and persons with disabilities in the sector.

3.9.2 Unfair Termination of Employment

Section 46 of the Employment Act, 2007, protects employees from unfair termination of employment based on, among others, sex, HIV status, disability, marital status, political opinion or affiliation, pregnancy or any reason connected to a woman’s pregnancy, membership to a trade union, and an employee’s proposal to take leave. This provision protects men and women from unfair termination of employment in the petroleum sector. Although there is no particular incident from the field research that shows unfair termination, existing case law evidence unfair termination in some petroleum companies in Kenya. For instance, in James Cox Kibunga v National Oil Corporation Limited, the Industrial Court of Kenya found that the termination of the employment of the Claimant by NOCK was substantially unlawful and procedurally unfair in that no reasons were given for the termination and the claimant was not given a hearing either alone or with a representative of choice before the decision to terminate was made.

In a nutshell, petroleum companies in Kenya should comply with the provisions of the Employment Act and other relevant laws before deciding to terminate one’s employment. Any company that ignores this Act particularly section 41 of the Act does so at its own peril.

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86 Employment Act, 2007, section 3(3) (a).
87 Cause No. 1470 of 2010, Industrial Court of Kenya at Nairobi.
3.9.3 Occupation Health and Safety Issues

Upstream and downstream petroleum operations often cause health and safety risks which affect men and women differently because of their different physical and other vulnerabilities. Article 41 of the Constitution, 2010, recognizes reasonable working conditions as one of the fundamental employment rights. The Kenyan Occupational Safety and Health Act, 2007 (OSHA), provides for the safety, health, and welfare of workers. Under section 6(1) thereof, every employer has a duty to ensure the safety, health welfare of all persons working in his or her workplace (men and women). Section 8(1) of OSHA prohibits an employer from dismissing, injuring, or discriminating against an employee, or altering the employee’s position only because the employee has made a complaint about a matter which he or she considers unsafe or is a risk to his/her health. To ensure compliance with this provision, OSHA makes it an offence punishable to a fine not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding three months or to both. Importantly, section 52 of the OSHA is gender sensitive as it requires workplaces to have sanitary conveniences that afford separate accommodation for male and female employees.

The Petroleum Bill, 2015, also contains relevant provisions on occupational health and safety. Section 92 of the Bill requires petroleum companies to conduct upstream operations in a manner that exhibits a high level of safety in line with the OSHA and any other applicable laws, technological advancement, and best petroleum industry practices. Petroleum companies are also required, under section 93 of the Bill, to ensure the safety of all workers. Should the Bill be passed, it will provide an important framework for the prevention of occupational health and safety risks that may affect female workers in the petroleum sector.

It is clear from the above legal provisions that petroleum companies have an obligation as employers to ensure safe and decent work for women and men, considering their different reactions to occupational conditions. However, while the OSHA provides for separate sanitary conveniences for men and women, there are no guidelines or regulations that articulate specific occupational health and safety standards for women who engage in upstream oil and gas operations, such as safety goggles suitably designed for women (not oversized goggles designed for men) considering their unique physique, and overalls that are convenient for toilet breaks. The standards should also consider the psychological, physiological, and reproductive vulnerability inherent among women that may predispose them to health and safety risks.

3.9.4 Child Labour in the Petroleum Sector

The Constitution, 2010 explicitly provides for the protection of children from abuse, harmful cultural practices, inhuman treatment and hazardous or exploitative labour. The Children Act defines child labour to include where a child is used as an assistant for payment, their labour is used for gain by any person and the services being provided under a contract for services are being provided by a child. Further, under section 53(1) of the Employment Act, 2007, children should not be engaged in any work that constitutes worst form of child labour. Any person, natural or legal, who subjects children to the worst forms of child labour, commits an offence punishable under section 64 of the Employment Act. Employers are also prohibited from employing children who have not attained the age of thirteen years.

90 Occupational Safety and Health Act, 2007, section 8(2).
91 Petroleum (Exploration, Development and Production) Bill, 2015, section 95(1).
93 Cap 141 Laws of Kenya.
Although the Constitution and the Children Act provide an adequate framework for the protection and fulfilment of children rights, there is need to undertake proactive sensitization on the rights of children in petroleum dominated areas.

3.9.5 Gender Vulnerability and Environment

Different social groups are impacted differently by oil and gas, necessitating a gender-sensitive approach to environmental conservation and protection. Under Article 42 of the Constitution, 2010, “every person has the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures” as contemplated in Article 69 and 70. Article 69(1) (a) obilges the State to ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits.

The National Environment Policy, 2013, recognizes the unique roles played by different social groups in managing the environment and enjoins the Government to provide invectives to attract the under-represented gender and other vulnerable groups into environmental management careers, occupations and programmes; and mainstream gender and equity in all sustainable development policies.

The Relevant provisions on gender mainstreaming under the existing petroleum-related and environmental laws and policies are discussed below.

3.9.6 Gender under the Kenya Environment Management and Coordination Act, 1999

The Environment Management and Coordination Act (EMCA) of Kenya was enacted in 1999 and although revisions have been made from time to time, with the most recent amendment done in 2015. The table 3.1 below focuses on gender sensitivity of the Environment Management and Coordination Act, 1999 and related Regulations.

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>OBSERVATION FROM A GENDER PERSPECTIVE</th>
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<tbody>
<tr>
<td>Non-inclusion of definition of social impact assessment either as a standalone definition or within the context of the definition of environment impact assessment (EIA)</td>
<td>EIA is defined under section 3 of EMCA as “a systematic examination conducted to determine if a programme, activity or project will have any adverse impacts on the environment.” There is no inclusion of definition of social impact assessment either as a standalone definition or within the context of the definition of environment impact assessment (EIA); it neither captures the social aspect, nor is there an independent definition that connects the EIA to social impact assessment. This approach limits the consideration of social/gender impacts as a core component of EIAs.</td>
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<tr>
<td>The composition of the National Environment Management Authority Board is not gender sensitive</td>
<td>While there is a gender focal committee under NEMA’s human resource department, senior cadres are still not representative of all genders.(^\text{95}) NEMA is governed by an 11-member board. Although the Act is not a post-2010 Constitution law, the Amendment Act of 2015 ought to have revised explicitly facilitate the participation of women in governance given the existing trends where Boards are dominated by men.</td>
</tr>
<tr>
<td>Composition of National Environmental and County</td>
<td>Section 29 of the EMCA provides for the establishment of County Environment Committees, which will be responsible for the proper management of the environment at county level, and</td>
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</table>

\(^95\) Interview with NEMA, 23rd June 2017.
Environmental Committees members are gender sensitive

the development of county strategic environmental action plans every five years. Importantly, the Governor, in constituting the Committee, is required to “ensure equal opportunities for persons with disabilities and other marginalized groups; and that not more than two-thirds of the members are of the same gender.” Additionally, under section 125(5) of the EMCA, the Chairperson and Vice-Chairperson to the National Environment Tribunal should be of opposite sex. These provisions were introduced by the Environmental Management and Coordination (Amendment) Act, 2015, to align the EMCA with the Constitution, 2010. The provisions therefore are consistent with the two-thirds gender rule envisaged in the Constitution.

Gender Sensitivity of Environment Impact Assessment & Audit Regulations

The EIA Regulations 2003 in the second schedule provides that among the social issues that may be considered in the making of environmental impact assessments include economic impacts; social cohesion or disruption; effect on human health; immigration or emigration; communication - roads opened up, closed, rerouted; and effects on culture and objects of culture value.

A major gap in Kenya’s EIA process is the lack of an engendered social impact assessment which involves the analysis, monitoring and managing of social consequences of oil and gas projects. The application of such assessment in the Kenyan EIA process should bear in mind that the purpose is not to generate stand-alone gender impact assessments, but to improve the quality and depth of EIAs so that they have a strong gender component.

Social impact audits are not required.

Whereas the EMCA provides for conduction of Environmental Audits and annual submission of audit reports, social impact audits are not required. This means that any suggested measures to address social impacts including gender impacts may hardly be accounted for.

Gender sensitive application of the Polluter Pays principle

Section 2 of EMCA defines the “polluter-pays principle” as “the cost of cleaning up any element of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost because of an act of pollution and other costs that relate to or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law”.

However, this is not enough unless there is certainty that payment will not just be for the oil related pollution, but also challenges that women and men will encounter differently because of the pollution.

### 3.9.7 Gender Provisions under the Climate Change Act No. 11 of 2016

Oil production and use have made significant contributions to global greenhouse gas emissions, increases in carbon dioxide concentrations in the atmosphere and the consequent changes to our

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96 The current EIA process has a gap because there is no provision for factoring of potential socio-cultural, gender specific impacts and opportunities of the oil and gas sector including the various risks and benefits that may accrue to men and women.
climate. The Climate Change Act, 2016, provides for a regulatory framework for enhanced response to climate change. The Act establishes the Climate Change Council to provide an overarching national climate change coordination mechanism and shall approve a national gender and intergenerational responsive public education awareness strategy and implementation programme. Section 9 requires the membership of the Council to reflect the two thirds gender principle.

A Climate Change Fund is created under section 25 of the Act to create a financing mechanism for priority climate change actions and interventions approved by the Council. The section further provides that in administering the Fund, the Council shall set out procedures to ensure gender and intergenerational equity in access to monies from the Fund.

In conclusion, the Climate Change Act, 2016, provides an adequate framework for ensuring mainstreaming of intergenerational and gender equity in all aspects of climate change responses, public education and awareness strategy, access to monies from the Climate Change Fund and decision-making processes.

3.9.8 Analysis of Petroleum Laws from an Environmental Perspective

Environmental impact assessment is a vital requirement that petroleum companies should comply with as provided for under the EMCA. Section 9 of the Petroleum (Exploration and Production) Act, 1984, provides for an implied obligation in every petroleum agreement on the contractor to adopt measures necessary for the conservation of petroleum and other resources and the protection of the environment and human life. In addition, Clause 9 of the Model PSC under the Petroleum (Exploration and Production) Regulations, 1984, requires the contractor to “cause as little damage as possible to the surface of a contractor area and to trees, crops, buildings and other property thereon, shall forthwith repair any damage caused, and shall pay reasonable compensation for any loss suffered.” The contractor is also obliged to protect and restore the environment to its original state in the event of damage. These provisions seem to focus largely on the need for petroleum companies to preserve the environment while considering the social aspects of local communities, such as gender.

This gap is likely to be circumvented should the Petroleum Bill, 2015 be enacted into law. Clause 16(5) of the Bill’s Model PSC requires petroleum contractors to conduct a strategic environmental and social impact assessment (SESIA) and submit the report thereof to NEMA. The Model PSC requires the contractor to take reasonable precautions and measures in line with the Kenyan laws and best petroleum sector practices to prevent any pollution arising directly or indirectly from the upstream operations and to protect the environment (fauna and flora), water sources and any other natural resources. Contractors should also comply with all laws relating to environmental protection, health and safety.

In general, the Bill has widely entrenched social aspects that can be considered to make environmental impact assessment processes gender responsive. It also bridges the legal gaps arising from the current petroleum legislation.

Table 3-2 Response of Kenyan Laws and Policies to Women’s Wish List Elicited During Research Field Visits (Isiolo, Kisumu, Turkana, Lamu) May–July 2017

<table>
<thead>
<tr>
<th>What Women in Oil and Gas Areas Want and Why</th>
<th>Legal/Policy Responses and/or Observations</th>
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<tr>
<td>1. Equal Land Rights</td>
<td>National Land Policy, 2009, obliges the Government to, “enact appropriate legislation to ensure effective protection of women’s rights to</td>
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97 http://www.davidsuzuki.org/issues/climate-change/science/energy/oil/ accessed on 19th July 2017 at 2040 hours
98 Climate Change Act, 2016, section 6.
entitlement to land resources during inheritance. They recommended for proactive sensitization of communities to eliminate cultural practices that exclude the female child in the succession process. 

land and related resources; outlaw regulations, customs and practices that discriminate against women in relation to land; enforce existing laws and establish a clear legislative framework to protect the rights of women in issues of inheritance to land and land-based resources; make provision for joint spousal registration and documentation of land rights, and for joint spousal consent to land disposals, applicable for all forms of tenure; secure inheritance rights of unmarried daughters; carry out public education campaigns to encourage the abandonment of cultural practices that bar women from inheriting family land; and Ensure proportionate representation of women in institutions dealing with land at all levels."


Observation: The law has made great strides in providing for equal land rights. It is now simply an issue of rigorous implementation.

2. Women from pastoralist areas such as Isiolo recommended that the Government should take measures to resolve land conflicts arising as a result of proposed projects. They felt insecure because they did not have title deeds to present as evidence of ownership.

Article 67(2) of the Constitution, 2010, requires the National Land Commission “to initiate investigations, on its own initiative or on a complaint, into present or historical land injustices, and recommend appropriate redress.” The NLC should therefore expedite its efforts to address the land question in pastoralist areas and other parts of country where land-related conflicts are prevalent.

3. Compensation for land

Women recommended that compensation should be negotiated from a gender lens, ensuring all those evicted including those whose names do not appear in the land title deed (mostly women) are compensated for loss of their assets, occupational rights, and disturbance of businesses. The determination of the compensation should be participatory to avoid conflicts arising from lack of sharing of information.

The Constitution of Kenya, 2010, provides for non-discrimination and just compensation for loss of land as a result of compulsory acquisition. The National Land Policy, 2009, requires the Government to “devise and implement participatory mechanisms for compensation for loss of land and related non-renewable natural resources; and loss of land where this is deemed important in the public interest for the sustainable management of renewable natural resources.”

Section 111(1) of the Land Act, 2012, provides that where land has been compulsorily acquired, just compensation shall be paid promptly in full to all parties whose interest in land has been affected. The term “interested parties” is broadly defined in section 107(7) Land Act to include “any person whose interests appear in the land registry and the spouse or spouses of any such person, as well as any person actually occupying the land and the spouse or spouses of such person.”
4. Resettlement plans should look at gender considerations.
Women (especially pregnant ones) and children should be guaranteed preferential treatment (e.g. in the distribution of relief food) because of their vulnerability.

**Observation:** No legal or policy provision exists for compensation for loss of access to water, health services and infrastructure, and disturbance of businesses during compulsory acquisition. The NLC, however, stated that it addresses some of these issues as and when raised by interested parties (through its valuation department).

Section 152G (e) of the Land Act, 2012, provides that all evictions should include special measures to ensure effective protection of vulnerable groups, such as women, children, the elderly, and persons with disabilities.

Similarly, section 8(1) of the *Prevention, Protection and Assistance to Internally Displaced Persons and Affected Communities Act, 2012*, requires the Government of Kenya to put in place measures for assistance and protection of internally displaced persons with attention to the protection of women, children, persons with disabilities and other vulnerable persons.

**Observation:** Effective implementation of the above provisions can lead to the protection of children, women and other persons with special needs during displacement from potential oil and gas blocks.

5. Empowerment through training, education and direct giving (financial support)
- Women reported that they lacked the skills and capital necessary to pursue ventures in the petroleum sector. They noted that they rarely interacted with individuals from the sector since they are not a significant part of their customer base.

**Their Recommendations:**
- They felt that they should be empowered through business skills training, education and soft loans (through CSR investments) so that they are able to access jobs and business opportunities in the oil and gas sector. The women believe that increasing educational infrastructures will be beneficial to their children and would increase their employability in the oil and gas sector.
- Pastoral communities should be encouraged and supported to invest in the education of their children. Parents should support the girls to advance their education and encourage them to

The Gender Policy, 2011, is constructed on, *inter alia*, the principles of “economic empowerment for women; affirmative action interventions targeting women as a corrective measure to equalize opportunities and access; and provision of appropriate and relevant training to improve knowledge, skills and attitudes towards gender equality.

Section 9 of the Petroleum (Exploration and Production) Act, 1984, requires petroleum contractors to give preference to the employment of and training of Kenyan nationals in petroleum operations. The Act also establishes a training fund for the purpose of training Kenyan nationals in petroleum operations. However, no *gender-specific provision on training and employment under this Act*.

The Local Content Bill, 2016, provides for transfer of technology and workforce development strategies in relation to local persons including training plans, on-the-job internships, granting scholarships and succession plans. However, the Local Content Bill is silent as to gender uptake in training and skill development.
take up technical subjects aligned to the oil and gas sector.
- A free training program for the youths in regions dominated by oil and gas activities, enabling them meet prequalification requirements for recruitment in the sector.
- Women consider education as the main tool that can change the cultural view (e.g. among the Cushitic communities in Isiolo) that a woman is a child with no authority.

6. Women recommended that petroleum companies should provide employment opportunities to local people including women, youth and persons with special needs.

7. Additionally, petroleum companies should support the capacity building of the youth (men and women) to gain skills and access to capital to undertake businesses and create a market for their products.

The Draft National Energy and Petroleum Policy, 2015, sets out some challenges in the industry such as imbalances in gender, youth and persons with special needs in various positions in energy and petroleum institutions as well as inadequate implementation of policy on gender, youth and persons with special needs mainstreaming. One of the Policy responses is to “mainstream gender, youth and persons with special needs issues in energy and petroleum policy formulation, planning, production, distribution and use.”

The Local Content Bill 2016 provides for employment of local persons in the extractive industry, procurement and utilization of locally produced goods. This is also reflected under the Petroleum (exploration, Development and Production) Bill 2015.

Observations:
Gaps can be bridged by the passage of the Local Content Bill, 2016, and the Petroleum Bill, 2015, which provides for capacity building and development in the upstream petroleum sector and espouses that local content should cover employment and training of Kenyans, establishes a training fund, and mandates a preference for Kenyan goods and services, and technology transfer to Kenyans. These Bills however should be revised further to ensure they are gender sensitive.

8. The government should formulate a local content policy that requires oil and gas companies to procure local goods and services.
- The oil and gas sector, through CSR gendered programs can empower women, youth and persons with disabilities though developing affordable business platforms that will enable them exploit business opportunities emanating from oil and gas activities e.g. development of market centers at stop-by stations for Section 9 of the Petroleum (Exploration and Production) Act, 1984, requires petroleum companies to give preference to the use of local products, equipment and services.

However, the Draft National Energy and Petroleum Policy, 2015, recognises following challenges: absence of local content development policy; inadequate legislation for technology and knowledge transfer; inadequate development of local skills and know-how in the exploitation of natural resources and infrastructure development; inadequate legislative requirements for collaboration between foreign investors in the...
tankers on transit. Women from pastoralist areas, such as Isiolo County, wanted access to alternative markets (e.g. in the petroleum sector) since the market for livestock trade is currently not lucrative.

- Female youth should also be empowered to engage in agribusiness and other SMEs (e.g. beadwork in Isiolo County).

**Observation:** Local Content Bill, 2016, that is meant to address some of the above issues is pending in Parliament. Efforts should therefore be made to make the Bill gender smart.

9. **Government should formulate labor policies that will protect the rights of mother employees during maternity leave in terms of remuneration and protection from victimization that leaves them unemployed due to their pregnancy state.**

- Employers to provide affordable child care services to women who have infants.

**Observation:** Section 46 of the Employment Act, 2007, protects employees from unfair termination of employment on the basis of, among others, sex, pregnancy or any reason connected to a woman’s pregnancy, and an employee’s proposal to take leave. **Observation:** The law is clear on the grounds for termination of employment. Issues arising may be due to (lack of) implementation of the law.

10. **It is the wish of women that petroleum companies should provide institutional complaint avenues for job seekers exposed to sexual offences. The women claimed that some senior employees in oil and gas companies take advantage of female youths who are otherwise qualified for employment and exploit them sexually because of their vulnerability.**

The Industrial Courts Act, 2011, underscores the use of alternative dispute resolution mechanisms in the resolution of labor related disputes. Section 15(1) of this Act states that no provision of the Act should be construed in a manner that restrains the court’s power, either on its own motion, or at the request of the parties, to adopt and implement any other alternative forms of dispute resolution in line with Article 159(2) (c) of the Constitution, 2010.

**Observations:** Given the wide recognition of ADR mechanisms under the Constitution, 2010, and the labor laws, petroleum companies should establish internal dispute resolution mechanisms to address all labor complaints (including gender-based issues) in the first instance. Lessons can be drawn from the Kenya Wildlife Service, which has a Gender Mainstreaming Committee that deals with gender-related disputes.

11. **Proactive HIV/AIDS sensitization and training programs initiated in the upstream and midstream petroleum areas, reaching out to parents, girls, boys and youths.**

Section 4(1) of the HIV and AIDS Prevention and Control Act, 2006, obliges the Government to “promote public awareness about the causes, modes of transmission, consequences, means of prevention and control of HIV and AIDS through a comprehensive nationwide educational and information campaign conducted by the Government through its various Ministries, Departments, authorities and other agencies.”

Section 7 of the Act also requires the Government to ensure provision of basic information and instruction on HIV and AIDS prevention and control to employees in both Government and private institutions or bodies.

**Observation:** These provisions are robust. The National and County governments should take proactive measures to implement the Act.
12. **Women in business and those who are employed need good will from their husbands and men generally to reach their optimum potentials. The women recommended sensitization of men on the socio-economic benefits that come with empowering a woman.**

The Constitution, 2010, provides for affirmative action and equal treatment of men and women. Article 27(3) provides that “women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural and social spheres.”

**Observation:** The above provision creates a foundation for men to support women in the social, economic and political spheres.

| 13. **Wide consultation with the local communities before exploration commences will reduce conflicts.** Information barriers for women include: (i) delay in receiving information as it does not reach them directly but through other stakeholders; and (ii) the lack of information about oil and gas opportunities in terms of education or employment. They recommended that there should be good planning for community sensitization well before projects are put in place. Families should be sensitized about the impact of the projects, e.g. that adequate time and resources should be deployed to explain to the pastoralists the full implications of the LAPSSET projects and compensate them. Information should be conveyed through channels that are more accessible to women. The women believe administrative structures within the county and communities such as the public relations officers and community barazas can be used to relay information to them directly. Moreover, the rise of several women and youth organizations provides avenues for information flow. Access to information by livestock producers and traders can be increased through deliberate efforts targeting women. Professionals who work in oil and gas should be strongly exposed to community engagement procedures. |
| Section 3 of the Access to Information Act, 2016, provides for routine and systematic information disclosure by public entities and private bodies on constitutional principles relating to public participation and access to information; framework to facilitate public education on the right to access information. The aspect of prior consultation is reflected in the Public Participation Bill, 2016, which is still pending in Parliament. Section 4 provides that “the public, communities and organizations to be affected by a decision shall have a right to be consulted and involved in the decision making process; provision of effective mechanisms for the involvement of the public, communities, organizations and citizens that would be affected by or that would be interested in a decision; participants’ equitable access to the information they need to participate in a meaningful manner; development of appropriate feedback mechanisms; and promotion of sustainable decisions recognizing the needs and interests of all participants, including decision makers.”

**Recommendation:** The Public Participation Bill should be passed to enhance public participation through prior consultation with communities concerned by petroleum companies. |

| 14. **Women believe that increasing the number of women in leadership positions (e.g. in the County Assembly, Parliament, Governor, etc.) will help since the men have failed to take care of their interests adequately.** Article 81(b) of the Constitution, 2010, provides that not more than two-thirds of the members of elective public bodies shall be of the same gender. However, the implementation of this provision has been a challenge given the failure of Parliament to pass the Two-Third Gender Rule Laws (Amendment) Bill, 2015. |

4 Gender Assessment of Oil and Gas Industry Impacts on Livelihoods and Information Context

In this chapter, the following two thematic areas are addressed:

- **Livelihoods**: This includes division of labour, control over assets, access to livelihoods, compensation, access to employment, women access to information, and local content.
- **Information, Transparency and Accountability**: the discussion is focussed on assessment of governance structures that ought to promote active community participation in decision-making and establish bonds of accountability between government, communities and oil companies. Three levels of governance are discussed: Local governance, County governance and National governance.

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Three levels of governance are discussed: Local governance, County governance and National governance.

The Gender Assessment literature overview underscores the importance of supporting interventions that are cognisant of women’s socio-economic status including health, education, and literacy. The inability to read and write limits social inclusion, has specific poverty implications and limits economic and life choices including access to basic oil and gas (and other) business information, technology development, credit and the like. Examination of literature and partner’s activities to date, specifically drawing on experiences of working with SESA, indicated wide inequality in communities with apparent gaps in socio-economic status, exposure to risks, benefits, and opportunities for:

- **Different socio-economic groups**;
- **Different cultural circumstances (ethnic related gender context/issues)**;
  - Those educated and those less educated; and
  - Those ‘local’ to the resource area and those who migrated.

This section includes a generic overview of ethnic groups and their key livelihoods, which is necessary to understand the variety of responses to impacts of the oil and gas industry on women and men in Kenya.

### 4.1 Livelihoods and gender norms of ethnic groups in the GA areas

Responses to impacts are influenced by the social vulnerability context. The gender aspects of the social vulnerability context are affected by status of women in different societies/ethnic. There are more than 40 ethnic groups in Kenya divided into 4 linguistic groups: Bantu, Nilotic, Cushite and Arabic.

The **Bantu group** (Kikuyu, Meru, Gusii, Embu, Akamba, Luyha Swahili and Mijikenda) make up about 70% of Kenya’s population but occupy less than 30% of the land. Rural Bantu are predominantly agriculturalists and grow much of Kenya's cash crops, including coffee, tea, maize, beans, rice and sugar. In the areas targeted for the Gender Assessment Bantu are found in the mid-

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99 Supported by recommendations in the wider literature on Gender.
stream, Isiolo area (as well as downstream in Nairobi area). Bantu women do most of agricultural work and market much of the food produced, yet earn only a fraction of income generated and own a nominal percentage of (land and other) assets. Whilst around 30% of Bantu women earn a formal wage, a significant percentage work in the informal sector with limited Government support and limited (basic) education. Although many Bantu women own their own property, majority of Bantu women are limited from owning, acquiring, and controlling property, regardless of social class, religion. Furthermore, the GA does not assume that the situation is static or improving. For example, the practice of disinheriting ‘seems to be on the rise, particularly in areas hit hard by poverty’. Nonetheless, in downstream areas targeted for the GA i.e. Nairobi, the image of the urban Bantu woman represents one who is determined to defy retrogressive social norms and assert herself as equal to men in societal organization. She is liberated and no longer willing to remain in the restrictive inferior cocoon which society expects of her.

The Nilotic group (Luo, Maasai, Turkana, Samburu, and the Kalenjin) are included in the GA in the upstream on-shore (Turkana/Lake Victoria region). The Luo are the second largest ethnic group in Kenya and originally, were pastoralists until rinderpest decimated herds and they became fishers and farmers. The Maasai constitute about 2% of the population but are arguably one of the most well-known groups outside Kenya partly because, despite pressure from the Kenyan government to modernize, the Maasai maintain much traditional culture which appeals to tourism. Like the Turkana, they are nomadic cattle and goat herders with cattle important for social, economic, and political reasons being a sign of wealth, social standing as well as a food source with disputes settled by (male) elders, payments in cattle. The Turkana, related to the Maasai and the Samburu (who practise cattle rustling), have a reputation as warriors. Although they also keep goats, sheep and camels, cattle are the most important component of Turkana life in the arid lands of Northern Kenya, near Lake Turkana targeted for the GA. Most pastoralists in Samburu and Laikipia counties were historically nomadic but have adopted a semi-nomadic lifestyle. Even when ‘settled’, some family members, mainly men, move livestock seasonally for water and pasture. Such movements currently have security implications for Kenya in general, and for local communities of the GA specifically. With the culmination of three years of drought and onset of famine Kenya has declared many of these areas to be in a National State of Emergency. There are also other indicators of social stress and even conflict of which the GA process must be cognisant. In times of such stress, women may be particularly vulnerable which may affect both GA process and outcomes. For planning, there are also resourcing implications.

Women make major contributions to pastoralist livelihoods, but do not generally participate in decision-making. Pastoralist societies are patriarchal, and pastoralist women have limited access to and control over, productive assets including livestock and land. In many patriarchal societies, the health and education status of women is poor, particularly in those communities where women’s decision-making abilities and control over money is most limited. In Turkana and Pokot communities for example, women are targeted as the mothers of future generations of ‘enemies’ and, as retribution, they are victims of abduction, rape and murder. Furthermore, when casualties occur, the burden falls on women to support the household; a difficult task as the household may have already been impoverished by livestock raids. As well as livestock raiding, partly fuelled by the drive to secure bride-wealth payments (currently exacerbated during a time of increasing environmental stress and consequent poverty), concerns over land and natural resources have been major factors in increased conflict in the downstream areas of Turkana. This further impacts the burden on, and vulnerability of these women. Currently it is unclear whether oil and gas activities in this area have intensified gender based violence. However, conflicts in pastoralist areas are inevitably complex, involving regional,

100 Isiolo has a cosmopolitan population which includes a sizeable Meru segment.
102 Broune, G. St. Jude 1925. The Vanishing Tribe of Kenya. Philadelphia JB Lippincot
national and even international forces. Moreover, it should not be assumed that oil and gas activities lead to increased risk of women’s gender based violence.  

**Cushitic speaking people** comprise a small minority of Kenya’s population and include: Somali, El Molo, Boran, Burji Dassenich, Gabbra, Orma, Sakuye, Boni, Wata, Yaaka, Daholo, Rendille, and Galla. For the GA study, they are targeted for mid-stream community level assessment, in Isiolo. They tend to large herds of cattle, goats, sheep, and camels in the dry, arid lands of Northern Kenya and some produce woven and carved artefacts. They are politically/institutionally organized by both family allegiances and political treaties which will be explored as part of the GA’s local level legal/institutional assessment. However, Cushitic women are not necessarily empowered by this institutional set up, being particularly vulnerable as they pass between households and clans when married and thus often not regarded as permanent members of either. Marriage is an important part of Cushitic kinship relations but women (and men) have little say in who they marry. Early and forced marriages are common and bride-wealth, as well as discriminatory inheritance, means it is difficult to divorce. Following the death of a husband, wife inheritance occurs in certain Cushitic communities. Increasing bride-wealth payments seems to have transformed the role of women as mediators of social relations to mere commodities - i.e. the greater the ‘value’ a woman possesses the less autonomy she has. This vulnerability is reinforced by women’s access to education. In the pastoralist areas of Isiolo, for example, there is a significantly lower chance of a girl/woman being educated than Kenya’s national average. In describing Cushitic gender relations, many assert women are unable to own and dispose of livestock - the main economic asset of Cushites which also serves as a sign of prestige and social status. However, the situation is complex; for example, a man may need his wife or mother to access livestock, with the ownership of and access rights to a household’s herd being consequently poorly understood by social scientists (let alone oil and gas companies who rely on oft rapid SIA ‘one off’ studies). Additionally, women have more rights to access and dispose of livestock products e.g. butter, cheese despite owning no livestock and value of women’s work (production, let alone reproductive) labour is not appreciated. Women spend more time tending goats and sheep around the homestead, collecting water and fodder for sick animals and have extensive knowledge of animal health. In many cases, girls accompany boys and men when they trek their livestock to pasture their main role being to cook and clean for the men and boys. While commercialization of meat or milk economic assets accrues to men women are often overwhelmed by heavy workloads, lack of mobility (as well as the patriarchal/family based institutional set up). Men also have authority over the location of the household, which is determined by access to markets. With the argument that livestock can be trekked to markets but livestock products cannot, men easily establish control over economic activities of all household members. Neither Cushitic men nor women are recognized as the owners of their own lands, which are declared as belonging to the state. Agricultural biases on the part of planners have in turn promoted the expansion of settled crop cultivation in pastoralist regions, despite its incompatibility with arid and semi-arid lands.  

The principal non-indigenous ethnic minorities in Kenya are Arabs and Asians. They were included in the GA study in the on and offshore community and country level consultations in Lamu where almost all Kenyan Arabs live, 99% of whom have Kenyan citizenship, speak Swahili rather than Arabic, and generally see themselves as Africans. Women among Kenya Arabs are often treated as second-class citizens and, despite the amount of productive (economic) labour women do, men... 

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103 For example, the success of the Total/Hunt LNG project’s SMP in Yemen meant whilst the country spiralled into conflict, the area supported by the LNG plant and pipeline activities were more robust. Goat projects for girls supported education and health and education projects targeted at women (as well as other successes with the security aspects of the SMP) meant that whilst on initial start of the current war all international operations/companies had to leave, the project protected (all the) people and the people protected the project. This is despite the general (low/vulnerable) status of women in Yemen -note M. Molyneux first termed ‘practical and strategic gender needs’ based on experiences in Yemen in the 1970s. 


105 Non-Kenyan Arabs, mainly petty traders from Yemen, are called Shihiri.
usually control the financial assets and property in a family. Wife beating is common, and women have little legal recourse\textsuperscript{106}. However, unlike the other groups whereby climate change, drought, conflict and other stress factors indicates worsening gender context for women, as more Kenyan Arab women gain access to education, their economic and thus social status in Kenya’s coastal society, is increasing. Unfortunately, because insecurity in the County during the fieldwork phase, communities could not be consulted on the ground.

4.2 Gender Dimensions of Impacts of oil and gas development on Livelihoods

4.2.1 Impacts on Division of Labour

Division of labour is generally culturally determined. In rural Kenya, for example Turkana, it is the men who oversee allocating tasks and supervising them.

In \textit{pastoralist communities}, the main source of wealth is livestock and these belong to the men. Men are primarily in charge of grazing larger livestock that have higher value. By denying women access to livestock, women are left in a relationship of financial dependency.

> Climate crisis is already putting pastoralist economies and lifestyles under pressure in Turkana and Isiolo. Upstream and middle stream oil and gas activities in Kenya are likely to further affect pastoral economies due to displacement and reduced access to water, grazing lands and livestock corridors. Men, but also women interviewed in Isiolo work in charcoal production and sale as a way of complementing the income. Ensuring that the children go to school seems to be a shared responsibility. Long distance to schools, like evidenced in Isiolo, seems to affect not only education, but also economic possibilities and the well-being of the whole family.

> In Isiolo and Turkana, youth (particularly young men) are likely to feel attracted to gas-related jobs and activities, both for either transitioning away from pastoralism, or to invest the gains in cattle, which will strengthen their social and economic position. If opportunities for livelihood diversification are not available for women as well, the situation of pastoralist women may become relatively worse, perpetuating their economic and social dependency and vulnerability.

> Interviews in Lockichar show the clearest influence of oil and gas operations: more women are engaged in production of vegetables and farm produce, some of them with contracts from Tullow. Education opportunities for girls are improved through oil companies support to schools’ buildings, improved learning conditions and scholarships, provided to both girls and boys. On the other hand, drop out of girls’ due to increased pregnancy rates since oil operations started was constantly reported during the interviews. According to the interviews, boys also drop out of school and opt to pursue casual employment opportunities, but most of these opportunities are very short-term. Being that most young men are either unemployed or out of business they are therefore under high risk of engaging in unhealthy behavior and criminality.

> In Kisumu, women reported an increase in tendering of small trade and shops like beauty parlors and food in the last years, due to increased demand.

In \textit{coastal communities} in Lamu, 80% of livelihoods are in fisheries. While fishing boats and gears are owned by men, women practice sea product harvesting at the beaches, and have an active administrative and commercial role in Beach Management Units (BMU) and village VICOBAS or Village savings and loan associations and they participate in decision making process, particularly adult women\textsuperscript{107}. While fisheries livelihoods are under severe threat due to cumulative impacts of

\textsuperscript{106} Interview with Kenya Arab women from Lamu County

\textsuperscript{107} WWF, Review of Gender, Livelihood and Human Rights aspects of the WWF Coastal East Africa Glocal Initiative, Country report Kenya, September 2014 (not published)
LAPSSET and oil and gas activities, it is possible that existing organizational and administrative skills of the community in general and women, and existing mechanisms to access to capital may allow a smoother transition to alternative livelihoods for both men and women.

Traditional water and fuel wood fetching roles of women in rural communities are unlikely to change, but impacts of oil and gas activities may imply longer distances and more effort, therefore limiting the possibilities of access to leisure and resting time, training and income generation opportunities. On the same lines, social investments of oil companies and public investment in infrastructure and services for water provision and access to energy in areas affected by oil and gas activities will have a direct contribution to the well-being of and opportunities for women and girls.

4.2.2 Impacts on control over assets (social, financial capital etc.)

Pastoralist societies like the Turkana and Samburu are patriarchal, and pastoralist women have limited access to and control over productive assets including livestock and land. As in many patriarchal societies, the health and education status of women is poor, particularly in those communities where women’s decision-making abilities and control over money is most limited. The council of elders within communities are primarily comprised of men, and therefore the voices, interest and priorities of women and youth of both gender are barely considered in negotiations and agreements related to land and natural resources with oil companies and government.

Pastoralist lifestyle is under severe pressure in the GA study area. Transition from traditional livelihoods and food provisions may be a big challenge to the communities due to the lack of role models, and for women, as they are hindered by lack of access to capital. Girls are reserved as assets for wealth during marriage while boys are used to secure or protect assets such as livestock. Youth and women have little access to capital because they lack collateral. Lack of organized groups among pastoralist youth and women in upstream and midstream affected areas limits their ability to access trade capital.

In all the sites interviewed during the GA, lack of start-up financial capital was mentioned as the key barrier for both men and women to diversify and strengthen their means of livelihoods. Women interviewed who have received training and start-up capital and training support from NGO programs consider it extremely useful and the base of their current business. More women than men interviewed declare to have received business skills training, mainly from NGOs and USAID programs. Men interviewed, especially in Turkana and Isiolo declare that they do not receive information on available skills development or job opportunities. Analysis of interviews indicate a perception that skills and business training opportunities provided by NGOs has decreased rather than increase since the start of oil operations, but this has not been verified.

The process and outcome of the resettlement of coastal communities because of LAPSSET needs to be closely monitored and evaluated to understand gendered impacts on control over social, cultural and financial assets for coastal communities in Lamu. Lessons learned should correct unwanted inequities and undesired outcomes, as well as improve planning and impact management in future oil and gas related activities in the area. Also in this area, gendered impacts of oil and gas activities in access to financial capital can be monitored through the evolution of Village Saving and Loans Associations and similar initiatives in affected areas.

Gender studies in the energy sector in East and Central Africa and international best practice community investment indicates that ensuring women’s access and control of energy and water assets translates in improved health, education and income generation outcomes for the community as whole, and women and girls. Therefore, if in consensus with local women at each site, making this a priority in compensation packages and development plans should be considered.
4.2.3 Impacts on Access to Livelihoods

> Affected communities predominantly rely on farming or pastoralism as their main source of livelihood. Pastoralists face several issues such as land and resource tenure insecurity, poor service delivery, poor political representation, discrimination and exclusion from political process. Moreover, the situation seems to be heightened each year, due to increasing competition for land and resources in their areas,\(^{108}\) and accelerated land degradation.\(^{109}\) Land reserves usually used by rural pastoralist communities during drought (as dry season grazing lands) can become inaccessible once taken up by oil and gas projects. Complaints like these have been made in the case of the LAPISSET project in Isiolo/Meru and in the case of oil drilling in Lokichar basin in Turkana. In Lokichar due to oil activities, some community claimed that livelihoods of entire families may have been affected. Currently, Isiolo County faces limitations to its pastoral resources base i.e. rangelands, which is central to support its herds. According to the SESA report, Isiolo’s carrying capacity for livestock is likely to be weakened further with development of the LAPSSET Corridor and the Resort city at Kipsing Gap.\(^{110}\)

> While pastoralist women do not own livestock, they do have control over livestock produce, like milk, cheese, etc. Below-average livestock condition is associated with reduced livestock productivity levels. Food security in upstream and midstream GA assessment areas is also under pressure. In some counties, like Isiolo, household milk production is as much as 90 percent below the five-year average in 2017\(^{111}\). Household purchasing power remains low as high staple food prices and below-average livestock prices continue to constrain trade, with pastoral households purchasing less maize with the sale of each goat (referred to as “livestock-to-cereals” ratio, as illustrated in Figure bellow.

![Figure 4-1 Livestock-cereal terms of trade. Source: NDMA](image)

According to the same FAO report, notable consumption-based coping strategies employed by the majority of poor households in the northwestern pastoral zone included reduced meal portion

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\(^{109}\) SEA report, p. 98

\(^{110}\) Land has already been lost to the Isiolo Town, Military Installations, the Shaba and Buffalo Springs Game Reserves, Livestock Holding Grounds, among others (SEA Report, 98).

\(^{111}\) Food Security Outcome Monitoring (FSOM) exercise carried out by the World Food Programme (WFP) in May 2017. Source Kenya food security outlook, June 2017
sizes, reliance on less preferred/less expensive foods, purchasing food on credit, skipping meals, charcoal burning, petty trade, and reliance on gifts, relief food, and remittances. Impact assessments in rural areas indicate that normally adult women and girls are the ones first affected by skipping meals or getting reduced portions of food in cases of scarcity, but no information is provided on the FAO report on potential gender gaps. Gender sensitive monitoring can help identifying potential gender gaps in relation to food security impacts generated or exacerbated by oil and gas related activities.

Threats to access and livelihoods related to oil and gas infrastructures are also seen for those living near Lamu Port. There is the potential of closing the Mkanda Channel and Faza waterway to small boats, which would cut Lamu and other islands off as well as impact fishing, which provides income for 80% of Lamu residents. Moreover, there are issues related to the decline in fishing yields. According to the Resettlement Action Plan (RAP) for the 3 berths and causeway of Lamu, 3170 fishermen (out of a total of 4111 fishermen in Lamu) are directly affected, as well as 47 fish traders and 150 land owners on the terrestrial part. Compensation packages and livelihood restoration plans for the affected fishermen and their families were not reviewed as part of this report and therefore gender gaps and opportunities have not yet been identified. Other impacts of oil and gas activities to fisheries may include reduced access to fish stocks due to oil spills and off shore pollution. In the case of Kisumu County, oil tanker drivers have been reported to wash their tankers at the edge of the lake, as well as use poor waste disposal mechanisms.

The majority of residents living in the town centres in the GA study regions engage in small-scale businesses. The businesses range from jua kali (artisanship), retail, wholesale, catering, distribution, and rental housing. Others are kiosks, hardwares, bars, private clinics and chemists, entertainment establishments (pool halls and video shows), carpentry, and tailoring workshops. Income generating strategies in Isiolo, other than pastoralist and small trade, are charcoal production, sand mining and transport. All activities these are likely to increase in volume and demand with midstream oil activities. In Lokichar, women are engaged in selling vegetables and farm produce to Tullow Oil, while men provide water and meat. While increased and better production and trade of produce in relation to oil operations has been mentioned in the interviews, women also mentioned concerns of impacts of pollution from oil operations, affecting water, air and soil quality, resulting in poor soil fertility, livestock deaths and health problems.

Unlike in Turkana where youth was characterised as unempowered, unemployed and at risks of engaging unhealthy behaviour, interviews in Kisumu show a remarkably empowered youth. All young people interviewed in Rabour had bank accounts, some were young men had started their own companies and young women partnered with their male peers on small scale farming to support their mothers. None of the young people interviewed in Kisumu were either a member of a youth organization or interested in joining one.

The SESA report indicates that small business perceives a range of benefits to urban livelihoods in relation to the oil and gas sector, but no information is provided that allows further assessment of gender gaps. Impact assessments from oil developments in Uganda, for example, show many female food vendors along the roads, who are displaced by enlargement of roads for oil trucks and equipment. In the mentioned case, reallocation of vendors to markets has resulted in loss of income for the clear majority. This impact needs to be further explored on impacted transport routes in Kenya.

4.2.4 Impacts on Compensation

There are different forms of land tenure in Kenya, and in general the land acquisition process is considered challenging for both project proponents and communities. Allegations of corruption, poor

112 SEA Report, 161.
consultation practices, insufficient and/or inadequate mitigation measures and compensation, overlapping compensation schemes being used in the same area, community conflicts and court cases are common issues associated with land acquisition processes in Kenya.

There are gaps between international standards and the current regulatory framework for land acquisition and resettlement in Kenya, but international standards have been applied when required by financing organizations. Nevertheless, evidence suggests that men have been the primary beneficiaries of compensation for land that has been made available to oil companies for oil and gas development purposes. Land access efforts in pastoralist areas have generally been poorly managed in Kenya and worldwide. Land access process in Turkana wind project, Olkaria IV and other energy projects have and resulting in escalation of inter-tribal violence and loss of livelihood for women’s groups, but there are also positive processes and outcomes, for example in Lamu and to certain extend in Turkana oils fields, that need to be systematised to inform policy reform and future Resettlement Action Plans, RAPs and Livelihood Restoration plans.

The World Bank is financing the development of a resettlement framework and policy for the oil and gas sector in Tanzania and Kenya. In Tanzania, the framework has been developed and the policy is out for consultation. In Kenya, the government issued a call for expressions of interest for consultancy services for the development of the “Resettlement Policy Framework for Petrol sector in Kenya” in February 2017. It is likely that a draft will be developed within the next 1-2 years, and it will be determinant to ensure that is gender sensitive and adequately applicable to the types of livelihoods in areas affected by oil and gas activities.

According to the field interviews, in Turkana the community receives compensation to undertake community projects, the money benefits men, women and children. However, where it is individuals who are compensated, women and children may not benefit since there is no requirement that they be present when the payment of the money is made. It would therefore make sense to ensure that during payment, at least some portion of the compensation is allocated directly to the women and to ensure that this happens without any hitches. The information about compensation should also reach everybody within the family in a community especially women and children. Such information should include compensation amounts and timelines.

4.2.5 Impacts on Access to Employment

At the professional and management levels, women are increasingly attaining equal status with men. This is true of downstream, midstream and upstream segments of the oil value chain. Many organizations are gender neutral in terms of their employment policies and men and women with the same level of qualifications receive equal pay for equal work. Depending on individual organizations, in some departments, some may have more men than women in professional and management levels, others may have more women than men. This is an indication that in those cases there are no real barriers against either gender. Overall, however, the main barrier has been the fact that in the past, not many women enrolled to study engineering and related technical subjects at university and the lack of technical skills in such fields has prevented them from accessing jobs requiring such skills.

At the lower levels, there are significant differences between access to job opportunities between men and women. In retail operations, in general, there are more women than in upstream. It is predominantly the working conditions that make it literally uncomfortable or physically inconvenient for women to work in the oil & gas field in mostly remote and weather exposed locations as oil & gas fields are located (not office) within upstream/downstream sector.

In the midstream and downstream segments and especially in the distribution of oil and gas, men and women have relatively equal access to job opportunities; the only major issue is that for those distributors who require their workers to work at night, many women would find this requirement
difficult to live with since as wives and mothers their presence at home would be interfered with. Moreover, there are very few employers who have working environments that are friendly to children.

In the upstream segment, and especially in field based activities, women do not enjoy equality with men. This is because the industry has defined some manual work as being suitable for men and do not consider women for such posts; and women on their part, coming from a culture that defines them as the weaker gender, will also not apply for such heavy manual tasks. Women suffer from continuing poverty when they are denied access to jobs and lack financial stability. They therefore continue their dependency when they cannot access jobs. Their stability in the workplace is also threatened by sexual harassment and corruption. These impacts are similar for men and the youth. Even though these challenges may be found anywhere within the industry, the fact that in oil and gas field camps there is a concentration of large numbers of men and very few women seem to make them worse. Although the issue of sexual harassment (from teachers and older school boys) was not raised by respondents in the study target communities, it is probably one that affects many school going girls which thus affects their education sometimes forcing them out of school (WHO, 2005)\textsuperscript{113}.

4.2.6 Local Content

Definition of Local Content

In the context of the Petroleum (Exploration, Development and Production) Bill, 2015, “local content” means the added value brought to the Kenyan economy from petroleum related activities through systematic development of national capacity and capabilities and investment in developing and procuring locally available work force, services and supplies, for the sharing of accruing benefits. In the Kenyan oil and gas sector context, local content can be defined at three levels; these are the local area level, county level and national level. Local content is thus the proportion of total skills and supplies used in the oil and gas industry that is provided by the local community; the county; or the nation. The non-local content is brought from other parts of the county, other counties in the country, or from outside the country, as the context may dictate.

Local Content in Oil and Gas sector at National level

The proportion of skills and supplies, used in the oil and gas industry within the national context varies depending on specific skills and materials. For highly specialized skills, the country replies on external sources (for both long-term and short-term experts) and there is need to continue the training of local experts for exploration and production activities. In these technical areas, there are very few women experts, from Kenya or even from outside. In the national context, no discrimination against women exists. However, many barriers against women exist because they lack skills to compete competitively in the job market. In terms of management of the sector, women are well entrenched e.g. in NOCK, Ministry of Energy, Shell, Tullow Oil, etc. There are few foreigners employed in departments such as HR, finance, etc. The challenge is mainly in the highly technical fields where available local experts may lack adequate experience and skills. Examples of expertise areas without many local experts include petrochemical geologists, social performance, etc. There are relatively few foreigners who work within the oil and gas sector. They are primarily engaged in exploration, production, consultation activities and other areas that require special expertise. In the case of supplies, a high proportion of engineering equipment used in the exploration and production must be brought from outside the country; likewise, some of the specialized inputs in production. For some inputs, there is scope for developing local suppliers through development of local manufacturing standards to attain the quality parameters demanded by the oil and gas sector.

Local Content in Oil and Gas sector at County level

According to stakeholder sentiments, about 70 percent of people working within the oil companies within Turkana come from other counties in Kenya. This situation is not at variance with the constitutional rights of Kenyans who are free to work anywhere in the country. However, it does

\textsuperscript{113} World Health Organization (2005): Addressing violence against women and achieving the Millennium Development Goals.
reduce the local content of professional services and supplies arising from Turkana County, a situation that needs to be addressed. County governments should prioritize and promote the training of local people to acquire skills that could empower them and enable them to access employment opportunities in the oil and gas industry by being competitive within the job market. It should be accepted that companies will only employ persons with the skills they require. As an illustration of the dire need for skills, NEMA admitted to not having any Turkana professional among its ranks.

Local Content at Site Specific/Local Level
An area such as Lokichar with major oil and gas activities is perceived by the local people as “ours”. Local people expect the Tullow Oil to provide benefits to them first before they open the door to others. In the understanding of the community at that level, local content is the proportion of skills, supplies, used in an industry that is sourced from that specific community. Company policy should be to employ local workers as far as possible and this is feasible for most manual jobs that do not require major skills. This is what Tullow says it does. Notices for job opportunities are posted in its offices and in other public places for interested persons to read and apply. Women are at a disadvantage compared to their male colleagues in that more women may not be able to read.

4.3 Gender Dimensions of Impacts of oil and gas development on Information, Transparency and Accountability

In the case of “Information, Transparency and Accountability,” the discussion is focussed on assessment of governance structures that ought to promote active community participation in decision-making and establish bonds of accountability between government, communities and oil companies. A transparently managed oil and gas sector, where important information can be accessed by all levels of society, is essential for ensuring that oil revenues are not mismanaged and contribute to the sustainable development and improvement in people’s welfare. Accountability, transparency and information are also the foundations for building trust between communities, government and the oil companies. Three levels of governance are discussed: Local governance, County governance and National governance.

4.3.1 Impacts on Women’s’ Access to Information

How information is spread: Information is posted on websites, sent to national and county governments, and spread through radio media. Accessing media within different communities: there are local differences in how communities access information in Kisumu, Lamu, Turkana, and Isiolo, depending on cultural aspects, access to resources such as radio, literacy levels within the county, available infrastructure, etc. In Kisumu, both men and women access information easily. But in Lamu, different meetings are set up for men and women due to existing cultural constraints. In Turkana, women are rarely included in meetings and information is passed only on a need basis with the men determine the need. In some cases, the County government has forums in which officials inform communities on what goes on in the oil and gas sector. In Turkana, for example, officials undertake outreach meetings to meet the public. The County Government together with stakeholders also organize an annual Oil and Gas Conference in which the public is invited although the main participants in such forums are professionals. Women may thus be denied access to information if as is the case, not many of them are professionals, and given their household chores, they may not manage to attend such forums, and even if they do, language barriers may prevent them from benefitting. Cultural attitudes that promote the idea that women should access information through the husband may also contribute to lack of empowerment. Such an attitude stops women from participating in public meetings, as was mentioned in Isiolo.

4.3.2 Transparency and Accountability

Local governance
Women suffer more than men from lack of local governance. Men form the majority of members of councils of elders as well as chiefs employed by the national government. One of the areas in which
women suffer is in accessing public information that is channelled through local leadership structures. Further, because few women can read, dissemination through newspapers is also discriminative. To improve access to information by women it is necessary to support dissemination of information through media such as radio, meetings with women only or (mobile or permanent) that can be visited freely, with staff that can answer question in the local language, supported by graphic material, videos, etc. Female staff in the field can increase the possibilities of participation of women in engagement and consultation activities, Communities detest when outsiders come to undertake tasks in their areas without prior information. Project staff and consultants, as well as working teams need to show respect to local tradition and leadership, provide adequate prior information about their intended operations. To enhance community participation and especially by women, such arrangements are extremely important. Professionals such as surveyors, EIA experts, etc. need to be adequately trained to appreciate community engagement dynamics. Additionally, communities would like to receive feedback about studies undertaken in their areas. Project owners normally object this community feedback due to cost and time implications. If the business case for adequate community engagement and social license is not a powerful enough argument, NEMA could consider including this step as a mandatory one in the ESIA process.

**County governance**
Communities have voiced their concerns about how the elite capture and deny women information about opportunities in the oil and gas sector. Inadequate representation of women in the county government structures could be part of the problem. The County Government should develop proactive gender mainstreaming strategies that will promote women participation in the oil and gas sector both in terms of employment and in terms of accessing business opportunities as well as dealing with the issue of sexual harassment. The County Government should also support the education of boys and girls with a view to addressing the high school dropout rates.

**National governance**
Trust between the key stakeholders in the oil and gas industry with the national government, county government, communities and the oil company is critical for effective development of the resource. One of the indicators of this trust is the level of disclosure of information. According to some observers, the fact that the national government has not disclosed its PSC with the oil company implies lack of transparency in terms of information flow to residents of Turkana. But on the other hand, one needs to wait and see how the petroleum law will turn out and be implemented. That law should spell out how some of the gender constraints in the oil and gas sector will be addressed. Our detailed gender assessment of livelihood issues makes it clear that there are impacts associated with oil and gas development that are directly affecting women. **The conclusions and recommendations section of this report outlines detailed strategies to support the management of these impacts.**
5 The Gender Assessment of Environmental Impacts from Oil and Gas Development in Kenya

5.1 Environment Overview and Approach

Kenya has significant biodiversity and enjoys a unique tropical climate with varying weather patterns due to differing topographical dimensions. The country has a wide variety of ecosystems namely mountains, forests, arid and semi-arid areas (ASALs), freshwater, wetlands, coastal and marine areas, all offering many opportunities for sustainable human, social and economic development. These ecosystems are natural capitals which provide important regulatory services (such as forests and mountains which regulate water flow and sustain biodiversity), provision services (for example forests providing timber and fuel wood), cultural services (such as aesthetic, recreational or spiritual values and uses) and supporting services (like soil formation, nutrient cycling and primary production).

The survival and socio-economic wellbeing of Kenyans is ultimately intertwined with the environment. Most Kenyan citizens depend directly or indirectly on environmental goods and services. In addition, Kenya's environmental resources contribute directly and indirectly to the local and national economies through revenue generation and wealth creation in sectors such as agriculture (including fisheries and livestock), water, energy, forestry, trade, tourism and manufacturing.

Impacts associated with the oil and gas sector vary by phase of the value chain, and include direct, indirect, and cumulative impacts. Oil and gas impacts may occur on land, offshore, on continental shelves, deep sea, in Arid and Semi-Arid Lands (“ASALS”), wetlands, forests, animal parks and other fragile ecosystems.

Developing the oil and gas upstream and mid-stream industry is a challenge, considering the sensitivity of environmental issues in the country. The on-going and planned upstream activities (exploration, production, decommissioning and restoration), mid-stream (transportation by pipeline, rail, oil tanker or truck, storage, and wholesale marketing of crude or refined petroleum products), and downstream activities (refining, distribution by tankers, retailing, and consumer networks for various petroleum products) are important for development of the country's petroleum industry value chain. In discussing the environmental concerns these activities address different issues. Since commercial production of petroleum onshore is envisaged and offshore exploration is on-going, the environmental concerns to be faced are terrestrial, atmospheric and marine in nature.

This section presents an overview table with social and gender implications of prioritised environmental impacts, followed by recommendations for governments, industry and environmental and gender equality organizations.

5.2 Impacts on Division of Labour

Division of labour is generally culturally determined. In rural Kenya, for example Turkana, it is the men who are in charge of allocating tasks and supervising them.

In pastoralist communities, the main source of wealth is livestock and these belong to the men. Men are primarily in charge of grazing larger livestock that have higher value. By denying women access to livestock, women are left in a relationship of financial dependency.

> Climate crisis is already putting pastoralist economies and lifestyles under pressure in Turkana and Isiolo. Upstream and middle stream oil and gas activities in Kenya are likely to further affect pastoral economies due to displacement and reduced access to water, grazing lands, and livestock corridors. Men, but also women interviewed in Isiolo work in charcoal production and
sale as a way of complementing the income. To ensure that children get to school seem to be a shared responsibility. Long distance to schools, like evidenced in Isiolo, seem to affect not only education, but economic possibilities and wellbeing of the whole family.

**Traditional water and fuel wood fetching roles** of women in rural communities are unlikely to change, but impacts of oil and gas activities may imply longer distances and bigger effort, therefore limiting the possibilities of access to leisure and resting time, training, and income generation opportunities. On the same lines, social investments of oil companies and public investment in infrastructure and services for water provision and access to energy in areas affected by oil and gas activities will have a direct contribution to wellbeing and opportunities for women and girls.

### 5.3 Gender Dimension of Environmental Impacts of Oil and Gas Development

The following table summarises areas of key environmental concern, selected and prioritised for detailed studies during SESA or identified as concerns during GA field work. The order of the impacts listed does not imply importance or priority by communities or sector stakeholders.

Known or potential implications in terms of social and gender impacts have been included for discussion for each environmental impact. The list is not exhaustive, especially for coastal communities and communities affected by downstream operations, where interviews were limited or could not be performed. When relevant, areas for further exploration and consideration in future ESIAS and management plans are proposed.

The environmental risk and impacts were listed based on prioritizations as per SESA report and issues raised during GA consultations in Turkana, Kisumu and Isiolo. Short description of each impact was summarized from SESA report, LAPSSET SEIA, GA consultations, diverse secondary sources. Analysis of social and gender implications was systematized from SESA report, LAPSSET SEIA and GA consultations, as well as findings form ESIAS of on shore and off shore oil and gas developments in Africa and secondary sources.

**Table 5-1 Potential social and gender implications of key environmental impacts of Oil and Gas Development in Kenya**

<table>
<thead>
<tr>
<th>Environmental Risk and Impact*</th>
<th>Risk and Impact description (**)</th>
<th>Potential Social and Gender implications (***)</th>
</tr>
</thead>
</table>
| Impacts of oil and gas activities on water resources | Risk for aquifer pollution and over abstraction, especially critical in Turkana and Isiolo. Risks of aquifers at Rift Valley, Lake Victoria North and Ewaso Ng’iro North Catchment Areas not fully understood | - Threats to pastoralist livelihoods  
- Water scarcity for personal use and livestock  
- Reduction of food security and income generation for women related to livestock (milk, cheese, etc.) and agricultural produce and trade  
- Impacts on livestock production and trade, resulting on reduced income and social status/influence for men  
- Reduced food security and nutritional status of households, women and girls more exposed  
- Increased time and effort for water collection, affecting women wellbeing, security, and girl’s education opportunities. |
| Water pollution | |

- **Table 5-1**
### Public Health Concerns

<table>
<thead>
<tr>
<th>Influx of workers or job seekers</th>
<th>- Risk of increased incidence of water borne diseases, miscarriages,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased masculinization of population around oil and gas operations</td>
<td>- Water requirements of LAPSSET developments to threaten competing needs, including livelihoods. Water issues were identified as one of the key concerns by LAPSSET community stakeholders during SEA consultations, especially women, and it was highly recommended for the pace of LAPSSET development to be pegged to development of water storage infrastructure.</td>
</tr>
<tr>
<td>Increased volume of light and heavy traffic, including tankers.</td>
<td></td>
</tr>
<tr>
<td>Deterioration of air quality due to upstream, midstream and particularly downstream oil and gas operations</td>
<td></td>
</tr>
</tbody>
</table>

114 LAPSSET SEA report, 158, ix, and xxxiii
115 Hurtig and Sebastián (2005), perception expressed during interviews in Lockichar (2017)
| Land use changes | Loss of pasture land (mostly communal), and ecosystem services, community land, ranches/conservancies, wildlife migration corridors acquired for upstream and midstream oil and gas activities and infrastructures and LAPSSET. High impact on resettlement in urban areas; | - Food insecurity through loss of productive land creating cash dependency, reducing household income and leaving women to provide with fewer resources  
- Commodity of land and land grab by speculators, affecting women and youth in particular  
- Compensation for community land being negotiated by local authorities and discussed with Elders and men  
- Women and youth excluded from discussions on compensation for community and decision making on community development plans.  
- Some groups of women can own land inherit land (if widow or head of households), others are not.  
- Appropriate compensation for economic displacement, support for livelihood restoration and food security  
- Loss of jobs and business opportunities related to wildlife conservation and tourism (men and women) |
| Reduced access/availability to range lands needed to support livestock, aggravated by poor rainfall. | - Need for pastoralists to migrate further to find dry season grazing areas resulting in conflicts between different pastoralist groups and wildlife, resulting in the loss of livestock and human lives\(^1\), mostly men |

| Impact of the oil and gas activities on forestry resources, wildlife habitats and biodiversity hotspots | Disruption of wildlife migration routes (elephant), fragmentation of habitats, impact on several biodiversity hotspots and important bird areas of high conservation value.  
Destruction, degradation, and fragmentation of terrestrial protected wildlife habitats due to upstream oil and gas exploration and production activities  
Pollution of coastal and marine ecosystems with sensitive migratory species, such as coral reefs, mangrove forests and beaches | Areas of unique flora, fauna and abundant wild animals are in Kenya’s four basins with petroleum prospects and areas proposed for midstream infrastructure like pipelines and LAPSSET corridor  
Oil development impacts may conflict not only biodiversity but opportunities for jobs and income generation opportunities compatible with pastoralist and fishing livelihoods and cultures, especially for women. |

\(^{1}\) Kenya Food Security Outlook, June 2017
especially in the Lamu area due to offshore petroleum activities.

Destruction of native trees, unique coastal forest and dryland forest of high livelihood significance due to logging, soil contamination, impact on water resources and degradation of ecosystem functions.

Increased food and water insecurity and risk of pandemics and outbreaks, affecting particularly vulnerable groups (ethnic groups, elderly, small children, pregnant, sick).

Increase wild animal and community conflicts, and likely exacerbation of conflicts between conservationist and pastoralist groups.

Reduced access and increased effort/time to water, fuel wood, wood for charcoal (Turkana) and non-timber products, impacting mainly women.

Reduced access to traditional medicinal resources.

**Impacts of oil and gas activities on water and fisheries resources**

- Depletion of fisheries and decline of fishing yields in coastal areas and lakes affected by oil operations and port infrastructures.
- Impact on mangrove ecosystems (clearance, impacts of pollution, etc.)
- Pollution of marine and lake ecosystems due to oil spills, exploration activities, inadequate waste disposal, etc.

Important water resources with likely impacts from the ongoing oil and gas explorations in Kenya include:

- The flood plains/wetlands of the northern Kenya
- Lamu basin, which may impact the Athi river delta, the Tana River and Delta
- Rift Valley lakes
- The Turkwel river drainage basin into the Lake Turkana on Lake Turkana and its ecosystems
- The river catchments areas of central and central rift Valley and their drainage system towards the Lake Victoria and the Indian Ocean

- High vulnerability in livelihoods (fishing for men, cleaning and trade of fish by women) given the dependency on fishing in Lamu and
- Threats to access and livelihoods for those living near Lamu Port: potential for closing waterways to small boats, which would cut Lamu and other islands off as well as impact fishing, which provides income for 80% of Lamu residents.  

- 3170 fishermen (out of a total of 4111 fishermen in Lamu) are directly affected, as well as 47 fish traders and 150 land owners on the terrestrial part.

- Compensation packages for Lamu fishermen include capacity building, construction of a fishing port, modern fishing storage and processing zone as well as fishing gear.

- It is unclear, how women with previous leading roles in Beach Management Units and which livelihood depend on fishing processing, trade, etc. will be compensated. RAP and Social Impact Management Plans need

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117 SEA Report, 161.
| Impacts of offshore oil and gas activities | The oil and gas exploration and production activities offshore may negatively influence the coastal wetlands, coastal forests, mangrove swamps, coral reefs, tidal flats, beach/dunes, and marine fishery resources. There are serious environmental impacts associated with each stage of offshore drilling. Main environmental concerns include:  
- Seismic exploration activities, affecting fishing grounds and marine mammals  
- Air and water pollution from drilling activities  
- Oils spills with the potential of damaging entire ecosystems | Threaten to recreational, coastal and fishing based livelihoods for men and women  
Food insecurity, specially related to reduced income and increased price of fish, affecting women  
In other jurisdictions in Africa, hot spots of HIV/AIDS transmission around boat landing areas in regions impacted by oil and gas operations, due to exchange of sex for fish as coping strategies for food insecurity and lost income. Apparently, this has not yet been explored in Kenya.  
Compensation for loss of fishing grounds and assets mainly targeted to men needs and priorities  
Resettlement Action Plans in Lamu and lakes off shore operations need to be reviewed to ensure that women livelihood and food security strategies are compensated and supported until alternative livelihoods are restored. |
| Gas flaring and other air pollutants | - Gas flaring from well testing and production produce atmospheric contamination, including oxides of nitrogen, carbon and sulphur (NO₂, CO₂, CO, SO₂.) which can lead to acidic rain precipitation, acidification of soil and depletion of available nutrients.  
- Gas flaring causes burning and defoliation of forest cover and can affect crops growth.  
- Light and noise pollution affects presence of game and fish reproduction. | Contaminants may cause serious health problems to the people living near gas flaring sites, including cancer, asthma, blood disorder, and respiratory illness, reduced life expectancy with the risk higher among pregnant and lactating women.  
In most cases, men are the ones who access employment opportunities in oil and gas development operations and are the victims of poor working conditions such as excessive noise, vibrations, heat, and accidents.  
Gas flaring in areas where well testing and production takes place results in extreme heat that may causes destruction of the vegetation as well as discomfort to humans and livestock.  
Destruction of mangrove forests and pollution of water bodies due to gas... |
flaring affects fishing and farming activities increasing the levels of poverty among men and/or women whose source of livelihood are directly tied to these activities.

Potential destruction of medicinal plants used by men or women.

<table>
<thead>
<tr>
<th>Waste management from onshore and offshore petroleum developments</th>
<th>Potential destruction of medicinal plants used by men or women.</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Solid and liquid wastes generated during the exploration, development and production of crude oil and gas include: drilling fluids, muds, produced water, cuttings, wastewater, sewage and sanitary waste and domestic waste.</td>
<td></td>
</tr>
<tr>
<td>- Upstream, midstream, and downstream waste differ and need different facilities and management systems.</td>
<td></td>
</tr>
<tr>
<td>- Poor managed waste may lead to water and environmental pollution in general.</td>
<td>Pollution from poor waste management may affect the limited productive lands and water sources, mainly managed by women.</td>
</tr>
<tr>
<td>- Pollution risks for communities located close to temporary storage facilities (Turkana, Kisumu), disposal in Machakos County and substandard waste oil treatment facilities in Mombasa and Nairobi.</td>
<td></td>
</tr>
<tr>
<td>Gendered impacts of waste management are not fully understood, but concerns were reported during interviews with women in Turkana and Kisumu.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Climate change impacts and the oil and gas activities</th>
<th>Pastoral communities are particularly vulnerable to climate change. Communities in ASAL regions already under pressure of climate change induced droughts:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenya faces the uncertainty and potential risks of climate change due to the ever increasing vulnerability. Oil extraction and other activities in the upstream and downstream both lead to increases in the levels of greenhouse gas emissions instead of reducing it as per the COP21.</td>
<td></td>
</tr>
<tr>
<td>- Pastoral communities are particularly vulnerable to climate change. Communities in ASAL regions already under pressure of climate change induced droughts:</td>
<td></td>
</tr>
<tr>
<td>- Pastoral men to travel longer distances in search of pasture, causing temporary separation, potential encounter with hostile communities.</td>
<td></td>
</tr>
<tr>
<td>- Dead of livestock leading to poverty since men in a pastoral community view livestock as a sign of wealth or as a main economic activity.</td>
<td></td>
</tr>
<tr>
<td>- Poor agricultural and livestock produce yields leads to lack of food, malnutrition, and prenatal health complications, being women more affected, as agricultural or produce work becomes more labour intensive, alternative sources of food and income need to be found, the burden of additional work often falls on women.</td>
<td></td>
</tr>
<tr>
<td>- Climate and disaster related health risks as well as water and</td>
<td>SESA report, December 2016</td>
</tr>
<tr>
<td></td>
<td>fuel scarcity, further add to women's unpaid care work.</td>
</tr>
</tbody>
</table>
Gender Equity in Employment in Oil and Gas Industry

6.1 Introduction and Approach
There is definite inequality in access to employment between men and women in the oil and gas sector. However, the inequality is the result of socio-economic rather than technical barriers. Opportunities tend to favor men, and women are disadvantaged by many factors discussed within this report. Stakeholders were asked about their views on, and experience about access to employment by men and women in the oil and gas sector. Organizations were also asked about their gender policy and implementation. Most organizations had a good feel for the gender ratio in the staff and the challenges that women faced in getting employed in their organization as well as the interventions the organizations were undertaking to address the challenges.

6.2 Gender and Energy Human Resources Capacity in Kenya
Practical Action-Eastern Africa (PE-EA) became the national focal point (NPF) for ENERGIA in 2002 and has demonstrated considerable achievements in embedding gender approaches into the national energy sector and through ENERGIA seed funding, in building the national network Kenya Gender and Energy Network (KGEN). The network KGEN, was registered as an independent NGO under the name ENERGIA-Kenya Network in 2012; its activities have been decentralized to focal points in four counties to influence gender mainstreaming in energy planning and delivery at the county and sub-county level in line with Kenya’s decentralized national energy policy (Joy Clancy, et. Al. 2016). ENERGIA’s experience suggests a slow learning curve by designers and implementers of large scale energy projects. Initially they failed to see the value of gender mainstreaming or they did not have the resources or expertise to mainstream gender; or they thought there were more important areas of focus than energy.
ENERGIA has been able to support projects of a range of energy forms and technologies, including cook-stoves, renewable energy (e.g. biogas, biofuels and hydro), LPG and grid extension, with (a) technical advice from ENERGIA’s international and regional experts on gender methodology, tools and techniques for energy projects, including field visits and participating in-country meetings; (b) financial assistance to support the development of a gender action plan, including for baseline surveys, training, workshops, providing in-country gender experts, and dissemination of results; (c) project implementation (using ENERGIA’s Mainstreaming Gender in Energy Projects Handbook); and (d) developing funding proposals.

6.3 Oil and Gas Industry’s Human Resourcing for Women’s Equity
Equity between men and women has not been achieved in the oil and gas industry, not even in the more advanced markets such as the United States. The industry globally is still male-dominated. But women are gradually making inroads. Deliberate gender mainstreaming is helping in this process. Women have been kept out of the industry by working traditions in the sector that are unattractive to women and because few women in the past studied technical subject matter. These are changing. In principle, in Kenya oil and gas companies are equal opportunity employers.
However, these companies define some jobs to be more suitable for men, and therefore pick men. It seems that the oil and gas sector lacks any situation that favours women over men. Most women

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are employed in HR and Administration and this is the result of many women preferring to study non-
technical courses at college and university. Deliberate efforts at gender mainstreaming are needed
to break this self-reinforcing situation that works against the interests of women in the oil and gas
sector.

Most oil companies use contractors, but do not impose conditions on gender or other human
resource policies on them e.g., employment of women. Most public institutions follow the national
gender policy and NGEC. They implement it and are ensuring compliance. They are at different
levels of compliance. Sometimes their compliance is handicapped by the lack of female candidates
with the needed technical expertise. They have active gender activities and reporting because there
is gender monitoring done annually. NGOs in Turkana and elsewhere want to employ women but
they find that few women are either technically qualified or willing to work in challenging areas. In
general, public organizations are ahead of NGOs in their gender mainstreaming.

Two important drivers of change in the oil and gas sector that will promote gender equity are: (a) the
recruitment of a more gender-diverse workforce in the sector, and (b) opening all jobs in the
organization to women. To encourage women to work in the sector, sensitization of girls early in their
education will be important. To attract future female talent, women working in the sector can
volunteer their stories to high school and college students still trying to decide what career to pursue
and mentor degree and college students those who are interested to pursue careers in the sector.
Once the status of local content in the sector is known, then it is also important to target training
women in those areas with larger deficits of local skills, e.g. drivers. It is also important for women to
organize themselves to get better access to employment and business opportunities. For example,
in Lodwar, male drivers are organized into a local association which can maintain networks that
enables members to continue accessing opportunities.

6.4  Women’s Oil and Gas Company Employment Conditions, Support and
Challenges

At the professional level, there are very few barriers to women employment. Some managers believe
that women employees are more productive. Feedback from Tullow Oil, Shell International
Exploration, NOCK, Ministry of Energy and Petroleum indicated that these organizations have many
women in management positions and other than professional qualifications which apply to both men
and women there are no barriers against women.

There are some statutory rights given to women employees such as maternity leave and most
employers provide this right to women employees. There are very few organizations that go beyond
the legal requirements. The high standards in HSE set by the oil and gas industry are in general
supportive to women.

The main challenges in employment are found at the field level. Lack of technical expertise among
women is one of the key barriers. Cultural inhibitions also play a part. For example, men do not want
their women to work in the kind of environment that is found in work camps in oil and gas industry.
For men and women without skills, most of the work available in the field is manual and may not pay
very well. Living conditions are Spartan. In some locations, there are limitations in terms of
entertainment, sports facilities or the freedom to bring visitors. Working sometimes goes on seven
days a week for a month before one is entitled to some form of leave. And besides when the number
of women in such camps are much fewer than the numbers of men, there are inherent social risks.

6.5  Barriers to Women’s Employment in Oil and Gas Industry

At the professional levels, the main barriers to women employment is lack of technical education and
associated skills that are required by the industry. Women tend to prefer “softer” subject matter at
university and in colleges compared to the men. But at the local community level, the challenges are
different and include poverty, lack of education, early marriages, cultural norms that require women
to be home makers rather than bread winners. In some communities, cultural barriers do not prioritize
girl education adequately and some of the girls do not go to school.

Young girls are kept being a source of wealth when they are married off as is the case in Turkana,
Lamu and Isiolo counties. Lack of role models within the community to indicate alternative sources
of livelihoods and importance of education are also challenges. Overall, however, it is a pleasant
surprise to see that the stakeholders in the oil and gas sector together have met the one-third gender
requirement, but only just as can be seen from the table below. Out of a total employee base of 1001
in 39 organizations, the number of men employed is 664 compared to 337 women. The ratio of men
to women is 66% to 34%.

Table 6-1  Gender ratios in employment

<table>
<thead>
<tr>
<th>Stakeholder/Organization</th>
<th>Total Number of</th>
<th>Male</th>
<th>Female</th>
<th>Ratio of Men:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil Companies</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tullow Oil Kenya</td>
<td></td>
<td>60:</td>
<td>40:</td>
<td></td>
</tr>
<tr>
<td>National Oil Corporation of Kenya</td>
<td></td>
<td>45:</td>
<td>55:</td>
<td></td>
</tr>
<tr>
<td>Shell International Exploration</td>
<td></td>
<td>50:</td>
<td>50:</td>
<td></td>
</tr>
<tr>
<td>International Civil Society Organizations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>World Vision Lodwar Office</td>
<td>3</td>
<td>18:</td>
<td>1:</td>
<td>58:</td>
</tr>
<tr>
<td>WWF-Nairobi</td>
<td></td>
<td>67:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>WWF-Nairobi (Board)</td>
<td>7</td>
<td>4:</td>
<td>3:</td>
<td>57:</td>
</tr>
<tr>
<td>WWF-Nairobi Office (Senior Management)</td>
<td>4</td>
<td>3:</td>
<td>1:</td>
<td>75:</td>
</tr>
<tr>
<td>Local NGOs and CBOs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Friends of Lake Turkana (Total Staff)</td>
<td>1</td>
<td>4:</td>
<td>6:</td>
<td>40:</td>
</tr>
<tr>
<td>Friends of Lake Turkana (Board Members)</td>
<td>8</td>
<td>3:</td>
<td>5:</td>
<td>37:</td>
</tr>
<tr>
<td>Isiolo Peace Link (Total Staff)</td>
<td>6</td>
<td>3:</td>
<td>3:</td>
<td>50:</td>
</tr>
<tr>
<td>Isiolo Peace Link (Senior Management)</td>
<td>5</td>
<td>3:</td>
<td>2:</td>
<td>60:</td>
</tr>
<tr>
<td>Gender Watch Isiolo</td>
<td>3</td>
<td>1:</td>
<td>2:</td>
<td>33:</td>
</tr>
<tr>
<td>Voice of Pastoralist Communities Isiolo</td>
<td>1</td>
<td>1:</td>
<td>0:</td>
<td>10:</td>
</tr>
<tr>
<td>Waso Trust Land</td>
<td>3</td>
<td>1:</td>
<td>2:</td>
<td>33:</td>
</tr>
<tr>
<td>Ecological Conservation and Community Development</td>
<td>7</td>
<td>6:</td>
<td>1:</td>
<td>85:</td>
</tr>
<tr>
<td>Livestock Marketing Association (LMA)</td>
<td>1</td>
<td>1:</td>
<td>0:</td>
<td>10:</td>
</tr>
<tr>
<td>Maendeleo ya Wanawake (Shununa)</td>
<td>1</td>
<td>0:</td>
<td>1:</td>
<td>0:1</td>
</tr>
<tr>
<td>Sauti ya Wanawake (Total Members)-Lamu</td>
<td>5</td>
<td>0:</td>
<td>5:</td>
<td>0:1</td>
</tr>
<tr>
<td>Sauti ya Wanawake (Board Members)-</td>
<td>1</td>
<td>0:</td>
<td>1:</td>
<td>0:1</td>
</tr>
<tr>
<td>Save Lamu</td>
<td>4</td>
<td>2:</td>
<td>2:</td>
<td>50:</td>
</tr>
<tr>
<td>Lamu Youth Alliance</td>
<td>1</td>
<td>8:</td>
<td>5:</td>
<td>61:</td>
</tr>
<tr>
<td>Lamu Beach Management Unit (BMU)</td>
<td>3</td>
<td>260:</td>
<td>4:</td>
<td>86:</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catholic Diocese of Lodwar (CDOL) (Justice and Peace Programme)</td>
<td>1</td>
<td>6:</td>
<td>6:</td>
<td>50:</td>
</tr>
<tr>
<td>Contractors</td>
<td>2</td>
<td>50:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Almal Company Lokichar</td>
<td>3</td>
<td>3:</td>
<td>0:</td>
<td>10:</td>
</tr>
<tr>
<td>Petrol stations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kobil Petrol station (Total staff)</td>
<td>6</td>
<td>4:</td>
<td>2:</td>
<td>66:</td>
</tr>
<tr>
<td>Kobil Petrol station (Management staff)</td>
<td>2</td>
<td>1:</td>
<td>1:</td>
<td>50:</td>
</tr>
<tr>
<td>Lodwar Fuel Station-Diocese of Lodwar (Total Staff)</td>
<td>1</td>
<td>8:</td>
<td>5:</td>
<td>42:</td>
</tr>
<tr>
<td>Lodwar Fuel Station-Diocese of Lodwar (Management Staff)</td>
<td>3</td>
<td>0:</td>
<td>2:</td>
<td>0:1</td>
</tr>
<tr>
<td>Government Institutions</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy Regulatory Commission (Nairobi)</td>
<td>3</td>
<td>16:</td>
<td>2:</td>
<td>44:</td>
</tr>
<tr>
<td>KPC Board (Nairobi)</td>
<td>9</td>
<td>4:</td>
<td>5:</td>
<td>45:</td>
</tr>
<tr>
<td>Ministry of Energy and Petroleum(Nairobi)</td>
<td>106</td>
<td>57:</td>
<td>49:</td>
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</table>
### Gender Assessment in the Oil & Gas Sector in Kenya

<table>
<thead>
<tr>
<th>Organization</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
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<tbody>
<tr>
<td>Water Resources Authority (WRA)</td>
<td>3</td>
<td>1</td>
<td>50:</td>
</tr>
<tr>
<td>KNCHR (Kisumu)</td>
<td>1</td>
<td>2</td>
<td>33:</td>
</tr>
<tr>
<td>KMFR (Kisumu)</td>
<td>120</td>
<td>6</td>
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<tr>
<td>Department of Public Health (Public health officers) (Kisumu)</td>
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<td></td>
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<tr>
<td>KWS (Kisumu)</td>
<td>70:</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Organization</th>
<th>Male</th>
<th>Female</th>
<th>Total</th>
</tr>
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<tr>
<td>Regional Pastoral Livelihoods Resilience Project (RPLRP) (Turkana County)</td>
<td>11</td>
<td>9</td>
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</tr>
<tr>
<td>NEMA (Turkana)</td>
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<td>NDMA (Turkana)</td>
<td>20</td>
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<tr>
<td>KWS (Turkana)</td>
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<td>60:</td>
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<td>State Department for Fisheries (Turkana)</td>
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<td>9</td>
<td>90:</td>
</tr>
<tr>
<td>NEMA (Isiolo)</td>
<td>5</td>
<td>3</td>
<td>60:</td>
</tr>
<tr>
<td>Water Resources Authority (WRA) (Isiolo)</td>
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<td>23:</td>
</tr>
<tr>
<td>Ombudsman Office (Isiolo)</td>
<td>1</td>
<td>1</td>
<td>10:</td>
</tr>
<tr>
<td>Agricultural Sector Development Support Programme (ASDSP) (Isiolo)</td>
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<td>Centre for Training and Integrated Research in ASAL Development</td>
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<tr>
<td>Ewaso Ng'iro North Development Authority (ENNDA)</td>
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<td>74:</td>
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<tr>
<td>Ombudsman office Mombasa</td>
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<td>1</td>
<td>33:</td>
</tr>
<tr>
<td>Kenya Forestry Research Institute (KEFRI) (Lamu)</td>
<td>12</td>
<td>9</td>
<td>75:</td>
</tr>
<tr>
<td><strong>TOTALS</strong></td>
<td>10</td>
<td>6</td>
<td>66:</td>
</tr>
</tbody>
</table>

Source: Fieldwork.
7 Summary of Findings, Recommendations and Conclusions

a) Cultural perceptions about education, resource allocation, and livelihood activities directly influence how communities relate with the oil and gas industry and limit rural communities from accessing formal education and consequently professional jobs within the sector.

b) While oil and gas activities can have positive impacts on local economies, they increase pressure on natural resources and this increases the economic burden to rural communities, especially women. Rural communities consequently develop high expectations from oil and gas companies as well as a high dependency syndrome towards the industry.

c) Gender disparities because of cultural norms increase poverty levels in rural communities and disproportionately to women and female headed households. This contributes to high risk sexual behaviour which can result in increased incidences of sexually transmitted diseases.

d) For as long as the working conditions for the jobs in the oil and gas sector remain unattractive in terms of the benefits that come with it such as paid maternity leaves, normal leave and daycare centres for breastfeeding mothers amongst others, women will forever avoid taking them up. This then boils down to an even lesser representation of female workers in the industry both at normal employment levels and decision-making positions. Worse still, women are the most affected by the various impacts that come with oil and gas activities. With very little or no representation at the decision-making levels on matters related to this sector, their concerns continue to remain unresolved since there is no one to table them where key decisions are being made with regards to the oil and gas industry.

e) Failure to impose conditions that will ensure gender equality in the operations of contractors working for the oil and gas companies means that gender mainstreaming may be difficult achieve as it will hinder the implementation of gender inclusion in the business and employment opportunities that present themselves to these contractors.

f) Because some of the job opportunities in the oil and gas industry are unattractive to women employees, premature resignation from employment by women takes place due to family and community pressures. Lack of ethics and professionalism, inadequate training and inadequate supervision may contribute to a challenging work environment with issues such as corruption in accessing jobs; sexual harassment, long working hours, being required to work for weeks in camps; lack of facilities e.g. for women with babies.

g) There appears to be challenges of inadequate stakeholder engagement with companies not being consistently successful in involving communities through public participation and leading to challenges in their social license to operate.

h) Nepotism, regionalism, clannism; corruption in accessing jobs; sexual harassment may lead to risk for companies in that their reputation may be tarnished.

i) There are instances of failure to achieve social license to operate for professionals seeking to undertake professional studies in communities because of lack of appreciation of basic stakeholder engagement methodologies.

j) Merely providing for equality formally in a legal framework, while important, is not sufficient. More practical measures need to be effected if this formally recognized equality is to be meaningful. Despite the recognition of women’s right to gender equality within international human rights law and Kenya’s domestic laws, women in the petroleum sector or affected.
communities face some barriers to accessing these rights (including asset gaps, information gaps and vulnerability gaps). This means that women constantly are unable to gain from the benefits generated from the oil and gas exploration activities and thus remain dependent on the decisions made by the men in this matter with no or very little if any autonomy to stand on their feet and have their voices heard.

k) The current EMCA legislation does not incorporate language that affirms commitment to gender equality. There are huge gaps in adopting gender equality measures by the relevant stakeholders and therefore women and men alike are left behind in matters that should benefit them as there is no firm commitment to embracing gender inclusion and equality in Kenya such as EIAs. Integrating gender issues in the EIA process implies considering the differences between men and women in roles, rights, priorities, opportunities and constraints and incorporating that so as to improve their situation. Failure in this regard leads to having policies in place that do not suit the needs of the different genders hence making them ineffective towards improving the current situation.

l) Due to the increasing rate at which women and young children are exposed to the side effects of oil and gas activities, there is continuous exposure to severe risks and negative impacts such as high rates of schools drop outs, exposure HIV/AIDS and other STIs, increased dependency, erosion of the culture as well as unwanted pregnancies coupled with broken marriages. All this is because of the high poverty levels that continue to face the men and women living in these areas.

m) Although designed within a social context, environmental laws, policies, and regulations lack a gendered approach. This could be due to a historical lack in the consideration of gender in the designing of laws, policies, and regulations. There is persistence of imbalanced distribution of environmental risk, impact, and benefits across gender. The lack of a definition of social impact will increase the burden felt from both environmental and social impacts of the oil and gas activities. The status quo also reduces the feasibility of impact mitigation since any implementation of mitigation measures is biased and does not address the differences that different genders face in terms of risk and impact.

n) The exposure of communities to pollutants from oil and gas activities has detrimental effects on health. If the impacts of pollutants from oil and gas activities are not mitigated, they can increase household expenditure on health, thereby increasing the economic burden within the family. The health impacts of toxic exposure can also result in increased morbidity and mortality rates in communities within the direct area of impact of oil and gas activities. Given that women are culturally perceived as caregivers, health impacts within the community increase the burden on women.

o) Oil and gas activities increase strain on environmental resources such as land, water, and pasture. The scarcity of natural resources can be a source of conflict, especially between pastoralist communities whose search for pasture and water may drive them further away due to land use changes in communal drought/dry reserves.

7.1 Priority Recommendations

a) Public sector entities need to plan and budget specific gender mainstreaming activities; the presence of a gender focal point is not enough.

b) Oil and gas companies, government and other employers need to proactively provide attractive working conditions for women e.g. provide facilities for women with children; provide accommodation facilities or transport within reach of the industry. Suitable policy and legal framework should be developed by the Ministry of Public Service, Gender and Youth. The
framework should also articulate a sexual harassment policy, grievance mechanism and incentives to get people to report on regular basis.

c) Companies in oil and gas need to develop and implement very thorough protocols for stakeholder engagement; provide adequate technical and work place training to workers and potential employees; and provide adequate supervision and mentoring at the work place. There is also a need to enforce disclosure requirements for kinship relationships and friendships in the work place to stem conflict of interest. Government both national and county, NGOs and other partners should mount programmes to support alternative sources of livelihoods for communities. Additionally, poor vulnerable households need support with cash transfers to enable them to send their children to school and keep them there until they are able to complete their education. It is also useful to provide greater support to NDMA for cash transfer systems since some families need empowerment through cash transfer systems. This will act as an incentive to let their children stay in school and this will benefit the girl child.

d) Government both national and county, should invest in the education of girls e.g. through mobile schools in ASALs and support the sensitization of communities about the importance of girl child education or education in general. Such sensitization should include discussion about cultural norms that suggest the uneducated girls are more valuable in terms of attracting bride price. The value of a girl should increase with investment in her level of education. The value of education should be appreciated by communities and NGOs should be supported financially to do that sensitization and use media such as radio to sensitize the communities.

e) Government, private sector and donors should support vernacular radio programs since this will enable more people access information. Support with information dissemination operations will reduce dependency of people on county government for information.

f) There is need for government and other authorities to clamp down on the misuse of facilities such as night clubs to protect the youth.

g) Government, private sector and donors while implementing projects to address local content issues, also need to support community sensitization about human rights for all citizens.

h) There is need to continue community sensitization about GBV since it is a barrier to gender equity in employment. Training of professionals (surveyors, engineers, etc.) on basic stakeholder engagement methods and security training in the field.

Table 7-1 Proposed Recommendations to address gender gaps in relation to the Legal and Policy Issues

<table>
<thead>
<tr>
<th>No.</th>
<th>Recommendations</th>
<th>Comments</th>
<th>Implementing Institution/BODY</th>
</tr>
</thead>
</table>
| 1   | Enact legislation on equitable sharing of petroleum revenues to benefit all local community stakeholders, including men, women, and youth | • The legislation should clearly delineate how various groups will benefit from petroleum revenues allocated to communities. The guidelines should reflect the principle of equality enshrined in Article 27 of the Constitution, 2010.  
• The legislation should entitle both men and women from the affected communities to become shareholders | Parliament                    |
in the petroleum project, thus combining the social license to operate with the regulatory license to operate. A separate fund may be created under the legislation to be managed by women, for spending on businesses/projects that will benefit women and their children.

- The legislation should ensure that women also have access to community-wide benefit streams by requiring women to co-sign when payments are distributed.

### 2. Develop a Local Content Policy and enact local content legislation that is gender smart

- The Government should develop a Local Content Policy and enact a local content legislation with aggressive targets for gender equality, and provide business-development support as an integral component of community affairs.

- The legislation should require petroleum-related bids to meet minimum gender targets. Further, there should be provisions requiring petroleum companies to commit to gender-smart local recruitment; and to procure local goods and services, and develop affordable business platforms that will enable men and women to competitively exploit business opportunities arising from the oil and gas sector.

- Once the legislation is in place, the Ministry of Energy and Petroleum (MOEP) should develop a policy to facilitate the implementation and continuous monitoring of local content strategies and plans with a view to limiting conflicts particularly during upstream petroleum operations. This should be gendered and accompanied with nationhood sensitization programmes organized by the MOEP in collaboration with the National Cohesion and Integration Commission (NCIC).

- Additionally, there is need to develop strategies for the actualization of the
<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Enforce the legal provisions that accord women equal rights to land, credit, and property</td>
<td>• The Constitution, 2010 and the new land laws have made great strides in providing for equal land rights for women, men and other marginalized or minority groups. It is now simply a question of implementation. The Government should show its commitment towards eliminating cultural practices that undermine women’s succession rights. Women should be fully informed of their land rights and accorded the opportunity to participate in all stages of compulsory acquisition, and give consent.</td>
</tr>
<tr>
<td>2. Develop clear compensation policy or guidelines</td>
<td>• The government should develop compensation and resettlement guidelines to augment the provisions of the Constitution, 2010, and the new land laws. The policy or guidelines should consider the different interests of women, youth and other persons with special needs. It should contain procedures for participation of all gender groups in the negotiations leading to compensation, step-by-step identification of persons that should be resettled, and the inventory of affected assets. It is strongly recommended that compensation provisions should be implemented with a gender lens, ensuring all those evicted, including those who may not have title to the lands they were using (most women fall in this group) are compensated for loss of their assets, occupational rights, and disturbance of businesses.</td>
</tr>
<tr>
<td>3. Develop and implement a national public participation model</td>
<td>• The public engagement model should consider the interests of various</td>
</tr>
</tbody>
</table>

**Recommendations to Reduce the Gender Information Gap**

- Public Participation,
- Community/Stakeholder Engagement,
- Awareness Creation,
- Grievance Mechanisms

<p>| 5. Develop and implement a national public | MOEP |</p>
<table>
<thead>
<tr>
<th><strong>6</strong></th>
<th><strong>Adopt robust legislation on public participation – with gender-sensitive provisions on community engagement/consultation and contract disclosure</strong></th>
<th><strong>Adopt robust legislation on public participation – with gender-sensitive provisions on community engagement/consultation and contract disclosure</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Engagement model for the petroleum sector.</strong></td>
<td>Stakeholders - women, men, youth, persons with disabilities, etc,</td>
<td><strong>Parliament, &amp; National Land Commission</strong></td>
</tr>
<tr>
<td></td>
<td>• Legislation enhancing public participation should be passed to ensure consultation with all gender groups in communities affected by oil projects, and that information is available in multiple accessible formats and communicated through trusted channels to all community members, including women.</td>
<td><strong>MOEP</strong></td>
</tr>
<tr>
<td></td>
<td>• Further, a provision should be introduced in the petroleum legislation requiring the MOEP to disclose information by publishing on its website, annually, records, reports, petroleum agreements and any other relevant information. The extent and level of information disclosure should be agreed upon to consider the interest of the government, investors and the concerned communities.</td>
<td><strong>Petroleum Companies</strong></td>
</tr>
<tr>
<td></td>
<td>• Petroleum Companies should be required to consult widely with all stakeholders, including local communities, before exploration commences to reduce conflicts, promote transparency, and ensure the projects have community support, acceptance, and prior informed consent as part of their foundation. Emphasis should be placed on women's ability to exercise their fundamental right to information fully and effectively.</td>
<td><strong>Petroleum Companies</strong></td>
</tr>
<tr>
<td></td>
<td>• Consultation processes should not only be held before a project, but also at regular intervals to give company, government, and community representatives an opportunity to review the terms of the social and regulatory license to operate and make changes where necessary. Women should be allowed to give voice in the negotiation process through a mandatory quota for their participation.</td>
<td><strong>Petroleum Companies</strong></td>
</tr>
<tr>
<td></td>
<td>• Stakeholder engagement should take into consideration the interests of various players, such as community members (women, men, youth, persons with disabilities, etc), national</td>
<td><strong>Petroleum Companies</strong></td>
</tr>
</tbody>
</table>
and county governments, and employees. In addition to mixed-sex engagements, there should be separate engagement meetings with men and women because of their different concerns/needs.

| 7 | **Delineate clear grievance mechanisms to address investor/community conflicts** | • Given the wide recognition of alternative dispute resolution (ADR) mechanisms under the Constitution, 2010, land laws and the labor laws, the government should encourage the use of ADR mechanisms to resolve investor/community conflicts arising from oil and gas projects. The government can mandate an independent body to mediate between communities and private companies (an equivalent of the ombudsman, but for the private sector), and encourage communities to use this avenue.  
• Further, petroleum companies (including NOCK) should establish internal dispute resolution mechanisms to address all labor complaints (including gender-based issues) in the first instance. Lessons can be drawn from the Kenya Wildlife Service, which has a Gender Mainstreaming Committee that deals with gender-related disputes |

| 8 | **Amend the existing EMCA legislation to consider the following:**  
(a) **Integrate gender issues in the Environmental Social Impact Assessments**  
(b) **Define the term “Environmental Social Impact Assessment”** | • Legislation revisions should incorporate language that affirms commitment to gender equality in the following ways:  
• There is need to engender Environmental Social Impact Assessments (ESIAs) to improve the quality and depth of the social component of the EIAs so that they have a strong social assessment and gender component. This validates the need for EIAs to be supported by a legal framework requiring EIA reports to include an adequate social baseline and assessment, that can highlight the need of identification of vulnerable groups (based on gender, ethnicity, |
### (ESIA) to include gender-specific impacts of projects

(c) The application of the Precautionary Principle should be gender sensitive

(d) Enforce strict environmental compliance

(e) The composition of the National Environment Management Authority Board should be gender sensitive

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<tr>
<td></td>
<td>socio economic situation, dependency to natural resources, etc.) This should include gender specific impacts of oil and gas and corresponding mitigation measures. Consolidating the social assessment and integrating gender issues in the EIA process implies considering the differences between men and women in roles, rights, priorities, opportunities and constraints. SIA Guidance of the International Association for Impact Assessment(^\text{122}) and ECOWAS Regional Directive on Gender Assessment of Energy Projects(^\text{123}) can be used as reference</td>
</tr>
<tr>
<td>NEMA &amp; Petroleum companies</td>
<td>There is need to provide a clear definition of ESIA either as a standalone definition or within the context of the definition of EIA to capture gender aspects that can be considered to make environmental impact assessment processes gender responsive. The implementation of the Precautionary Principle enshrined under the EMCA should consider the different gender vulnerabilities encountered as a result of oil-related pollution.</td>
</tr>
<tr>
<td>NEMA</td>
<td>NEMA should ensure strict compliance with Environmental laws, and participatory monitoring of environmental (air, water and soil) quality in the mid and upstream petroleum areas. It can impose penalties or revoke the regulatory license in the event of non-compliance.</td>
</tr>
<tr>
<td>NEMA</td>
<td>A quota for women’s representation in the NEMA Board should be guaranteed consistent with the Constitutional provision on the two thirds gender rule.</td>
</tr>
</tbody>
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<thead>
<tr>
<th></th>
<th>&quot;Develop gendered occupational safety and health regulations&quot;</th>
<th>- There is need to develop regulations that articulate specific occupational health and safety standards for women who engage in upstream oil and gas operations, such as safety goggles suitably designed for women (not oversized goggles designed for men) considering their unique physique, and overalls that are convenient for toilet breaks. The standards should also consider the psychological, physiological, and reproductive vulnerability inherent among women that may predispose them to health and safety risks.</th>
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<tbody>
<tr>
<td>10</td>
<td>&quot;Implement the HIV and AIDS Prevention and Control Act, 2006&quot;</td>
<td>- The National and County governments should take proactive measures to implement the Act, particularly in areas dominated by upstream and downstream petroleum operations. This can be done through proactive HIV/AIDS sensitization and training programs initiated in the upstream and midstream petroleum areas, reaching out to the whole population and identified more vulnerable groups. Funds (public and form companies in the area) should be allocated to the strengthening of local health services and NGOs working in HIV AIDS prevention, including support to outreach and testing capacity. It needs to be recognized that timing is essential for effective HIV AIDS prevention, and that preventive measures need to be implemented before the mobilization of exploration and construction crews. Oil and Gas companies should develop a code of conduct for oil and gas tanker drivers and operators of petroleum stations to curb sexual exploitation of women and young girls as a means of reducing the spread of HIV and other sexually transmitted infections. - It is strongly recommended that coordination and supervision of HIV/AIDS preventive actions should align with national strategies, ensure</td>
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<tr>
<td><strong>11</strong></td>
<td><strong>Develop regulations that protect children from child labor and exploitation in the oil and gas sector</strong></td>
<td>• Although the Constitution and the Children Act provide an adequate framework for the protection and fulfilment of children rights, there is need to provide clear guidelines on what amounts to &quot;light work&quot; by virtue of section 56(2) of the Employment Act, 2007.</td>
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<td></td>
<td>MOEP; Ministry of Labor</td>
</tr>
<tr>
<td><strong>12</strong></td>
<td><strong>Ensure implementation of laws that protect women from sexual and gender-based violence</strong></td>
<td>• Kenya has enacted a robust legal framework to fight SGBV. However, SGBV is prevalent in the country because of implementation setbacks. Thus, the government should put in place mechanisms for effective implementation of the laws and policies to provide adequate protection or redress for women who are working in the oil and gas sector and its supporting industries and services. The same applies for communities affected by oil and gas related activities, at all phases of the projects. For instance, law enforcement officers should be trained adequately on the law to ensure no sexual offender escapes conviction. The government should require that all oil companies and its providers develop and enforce zero-tolerance policies on sexual harassment and violence in the workplace and community affected, to be applied to all personnel and contractors. This should, include awareness campaigns among the work force and adequate avenues for grievance redress.</td>
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<td></td>
<td></td>
<td>Petroleum companies; National Gender and Equality Commission; and Ministry of Public Service, Youth and Gender Affairs</td>
</tr>
<tr>
<td><strong>13</strong></td>
<td><strong>Incorporate gender sensitive indicators in the implementation of labor policies and practices in all oil and gas activities</strong></td>
<td>• The government should develop and incorporate gender sensitive indicators in its policies and practices to which companies commit to ensure gender diversity by for example adopting quotas for female recruitment at every level of the workforce, ensuring equal pay for men</td>
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<tr>
<td></td>
<td></td>
<td>MOEP</td>
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</tbody>
</table>
and women who perform the same jobs, offering subsidized child care, maternity and leave, and practicing gender-sensitive promotions.
## Short and Long-Term Recommendation for the Legal and Policy Area

<table>
<thead>
<tr>
<th>SN</th>
<th>Gender Asset Gap</th>
<th>Implementing Body/Agency</th>
<th>Estimated Budget &amp; Source of funding</th>
<th>Financial Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Enactment of a robust legislation on equitable sharing of petroleum revenues to benefit all local community stakeholders, including men, women, youth and persons with disability (i.e. Natural Resources (Benefits Sharing) Bill, 2014)</td>
<td>Parliament &amp; MOEP</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Enactment of the Petroleum (Exploration, Development and Production) Bill, 2015, the Local Content Bill, 2016, and the Energy Bill, 2015 with amendments to make them gender smart.</td>
<td>Parliament, MOEP</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Development of a gendered Local Content Policy to facilitate the implementation and continuous monitoring of local content strategies and plans with a view to limiting co</td>
<td>MOEP, Development Partners</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Implementation of the legal provisions that accord women and men equal rights to land, credit, and property</td>
<td>NLC, Ministry of Land &amp; NGEC</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Development of gender-sensitive compensation policy or guidelines to augment the provisions of the Constitution, 2010, and the land laws</td>
<td>NLC &amp; Ministry of Lands</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Implementation of compensation provisions with a gender lens</td>
<td>NLC</td>
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## Gender Information Gap

<table>
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<th>SN</th>
<th>Gender Information Gap</th>
<th>Implementing Body/Agency</th>
<th>Estimated Budget &amp; Source of funding</th>
<th>Financial Year</th>
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</thead>
<tbody>
<tr>
<td>7</td>
<td>Enactment of robust legislation on public participation – with gender-sensitive provisions on community</td>
<td>Parliament</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>Key Action</td>
<td>Legislative/Regulatory actions</td>
<td>Policy recommendations</td>
<td>Implementation Measures</td>
<td>Public Engagement Model and Grievance Mechanisms</td>
</tr>
<tr>
<td>------------</td>
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<td>-----------------------------------------------</td>
</tr>
<tr>
<td>8</td>
<td>Development and implementation of a national public engagement model for the petroleum sector that takes into account the interests of various stakeholders, women, men, youth, persons with disabilities, etc,</td>
<td>MOEP &amp; Petroleum Companies</td>
<td>KEPTAP &amp; Development partners</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Development of clear grievance mechanisms to address investor/community conflicts in oil and gas areas</td>
<td>Judiciary, MOEP, CSOs</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Amendment of the EMCA and related regulations to incorporate language that affirms commitment to gender mainstreaming in the EIA processes</td>
<td>Parliament &amp; NEMA</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>Development of gendered regulations articulating specific occupational health and safety standards for women who engage in upstream oil and gas operations</td>
<td>MOEP &amp; DOSH</td>
<td>GOK</td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>Development of measures to effectively implement laws and policies that protect women from sexual and gender-based violence</td>
<td>NGEC &amp; Ministry of Public Service, Youth and Gender Affairs</td>
<td>GOK, Development partners</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Development of proactive measures to implement the HIV and AIDS Prevention and Control Act, 2006 particularly in areas dominated by upstream and downstream petroleum operations.</td>
<td>GOK, CSOs, MOEP, Petroleum companies</td>
<td>GOK, Development partners</td>
<td></td>
</tr>
</tbody>
</table>
Table 7-2  Proposed Recommendations to address gender gaps in relation to Livelihoods and Governance

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>Comments</th>
<th>Actions</th>
<th>Person/Institution Responsible</th>
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<tbody>
<tr>
<td>1</td>
<td>Promote the development of alternative or complementary livelihood strategies for both men and women</td>
<td>Strategies to support livelihoods should be differentiated per region, and training tailored to specific cultural settings, needs and opportunities/barriers. Biggest challenges identified include lack of skills training (business or other) and start-up capital for business, as well as limited information on training and job opportunities in Isiolo and Turkana. Access to water needs to be prioritised in ASAL communities impacted by oil and gas operation, both as impact mitigation and as a mean of facilitate time and opportunities for women and girls to engage in productive activities Access to clean and reliable energy can be determinant to the inclusions and success in both education</td>
<td><strong>Promote business skills training</strong>  Systematise lessons learned from experiences of NGOs in each region Promote the implementation of training complemented with financial schemes. Consider the possibility of running courses for men and women separately in Isiolo and Turkana, if required by participants. Consider business skills training programs and start-up initiatives in schools and/or tailored to young people, also as an incentive to stay in school. Align with Local Content policies and strategies</td>
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<td>and businesses, especially for females</td>
<td>Identify realistic, feasible, cultural acceptable and environmentally friendly livelihoods alternatives to promote Investigate gendered impacts of recent developments in Lamu on VICOBAs, BMU and other production organizations and credit schemes. Careful gendered monitoring and evaluation of use of compensation and livelihood restoration initiatives in Lamu and Lokichar.</td>
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<tr>
<td>Support the education of boys and girls</td>
<td>Education is the single most important intervention that can bring about desirable changes in Turkana and similar communities. It is important not to make the mistake of supporting only one gender in education as this will have other negative impacts like has happened in some instances where the girl child has been supported exclusively. Coordinated interventions to prevent teenage pregnancy and school dropout among girls. Development of attractive courses, like business skills development, language, etc. to encourage teens and youth, specially boys, to stay at school in Turkana and Isiolo General strengthening of access to education in areas impacted by upstream, mid-stream and downstream oil and gas operation, including distance to school, cultural considerations, need or convenience of boarding schools, etc.</td>
<td>National Government; County Governments, CSOs, NGOs, FBOs, Private Sector, Development Partners</td>
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<td></td>
<td>Evaluate with education authorities' challenges for male and female teachers training and recruitment in ASAL areas, to develop sound strategies for the promotion and support.</td>
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<td>3</td>
<td>Strengthen access to water and clean energy in all ASAL communities impacted</td>
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<td></td>
<td>All communities in the ASAL areas impacted by oil and gas are challenged in terms of access to water, and this will be further worsened by LAPSSET and oil activities.</td>
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<td></td>
<td>Time and effort of water fetching activities limit access of women and girls to education and livelihood opportunities</td>
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<td>Resettlement planning can be an opportunity for improving access to water.</td>
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<td></td>
<td>Prioritise for government and community support, projects and initiative related to access to water (personal use, irrigation, livestock, etc.) in ASAL communities. Ensure that gender, cultural and health considerations well imbedded, and that WHO recommendations are followed for drinking water.</td>
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<td></td>
<td>Ensure access to water as per WHO quantity, quality availability and accessibility standards to all communities displaced by oil and gas activities and LAPSSET.</td>
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<td>Ensure that water resources, its uses and users (male and female, ethnic groups) are well mapped and assessed in terms of oil and gas activities in ESIAS.</td>
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<td>Ensure that gender sensitive measures related to protect and monitor water resources are included in Management and National Government; County Governments, CSOs, NGOs, FBOs, Private Sector, Development Partners</td>
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<td>Support dissemination of information through media such as radio</td>
<td>Radio is likely to reach more women.</td>
<td>Support production of programmes</td>
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<td><strong>Support dissemination of information through media such as radio</strong></td>
<td>Radio is likely to reach more women.</td>
<td>Support production of programmes</td>
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<td>4</td>
<td><strong>Strengthen community engagement and gender skills of ESIA, community investment and community liaison professionals</strong></td>
<td>Communities detest when outsiders come to undertake tasks in their areas without prior information. Outsiders need to understand the need for being considerate of such communities and provide adequate prior information about their intended operations. To enhance community participation and especially by women, such arrangements are extremely important.</td>
<td>Promote capacity building initiatives on: community engagement, gender, social impact management, resettlement, human rights of company staff, independent ESIA professionals, academia and government staff in charge of revise and monitor implementation of ESIA and management plans, resettlement action plans, local content initiatives and County development plans.</td>
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<td>5</td>
<td><strong>Provide communities with timely, complete and accurate information about studies undertaken in their areas, impacts</strong></td>
<td>In keeping with their rights, communities would like to receive prior information about intended studies and their rationale as well as</td>
<td>Ensure work plans of studies include activities for gender sensitive community engagement; and budgets cover costs for community engagement</td>
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<td>likely to be experienced, mitigation proposed and opportunities available to them</td>
<td>feedback about studies undertaken in their areas. Community engagement planning need to consider the need of meeting for women only, planned in days and times of the day when they can attend, eventually child care and transport arrangements.</td>
<td>prior, during and after the studies and other interventions. Ensure that information reach the intended target populations and is provided in languages and means that men and women can understand Promote the use of radio for providing key information.</td>
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<td>6</td>
<td>Ensure transparency in making compensations to families</td>
<td>It would make sense to ensure that during payment, at least some portion of the compensation is allocated directly to the women and to ensure that this happens without hitch the information about compensation should reach everybody within the family in a community especially women and children. Such information should include compensation amounts and timelines.</td>
<td>Provide regulatory guidelines in settling compensations for land and other assets to families</td>
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### 7.2 Key Institutions in Kenya’s Petroleum Sector and their Gender Interventions

This section provides a mapping of the role, if any, that key government institutions and other stakeholders that are actively involved in petroleum sector and related interventions, are playing in addressing gender issues in their operations. The purpose is to identify gender interventions that are in place, gaps that exist, and possible opportunities for greater integration of gender in petroleum industry institutional programming.

#### Table 7-3 Key Institutions in Kenya and their gender Interventions

<table>
<thead>
<tr>
<th>Institution (Kenya)</th>
<th>ROLE</th>
<th>Efforts Towards Gender Mainstreaming</th>
<th>Observations</th>
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<tbody>
<tr>
<td>Ministry of Energy and Petroleum (MoEP)</td>
<td>Formulates and enforces policies for efficient operation and growth of the energy and petroleum sector. Oversees and facilitates upstream, midstream and downstream petroleum operations. Sets the strategic direction for the sector and provides a long-term vision for all sector players.</td>
<td>Gender mainstreaming at MoEP is guided by the Constitution 2010 and the National Gender Policy. There also exists a ministry gender policy, and a ministry GBV policy (which aims to mitigate SGBV within the MoEP). MoEP has a gender focal person whose activities include gender sensitization and in-house training about gender equality.</td>
<td>There is no action plan to actualize and no budget to run its programmes such as sensitization workshops etc. The ministry has to conduct gender assessment and targeting for all its projects which could act as a base-line survey to inform interventions.</td>
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<tr>
<td>National Oil Corporation of Kenya (NOCK)</td>
<td>This is a state corporation that is mandated to do oil exploration, importation and sale of petroleum in order to provide stability in the market.</td>
<td>NOCK has a number of initiatives that address gender issues, such as HR manual, performance contracting, and sex desegregation data. NOCK’s procurement process is guided by the Public Procurement and Disposal Act, 2005. Some tenders have prequalification clauses stating that the tender is specifically for women, persons with disabilities or the youth. NOCK has a gender-neutral pay structure and an HR-based disciplinary procedure for its employees.</td>
<td>There is no specific legal office for the resolution of gender-related disputes at NOCK apart from the HR-based disciplinary process.</td>
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<td><strong>National Environmental Management Authority</strong></td>
<td>NEMA is mandated under the EMCA to supervise and environmental management activities. It also promotes the integration of environmental considerations into development policies, plans, and programmes. NEMA's role in the regulation and management of the oil and gas sector includes approval of Environmental and Social Impact Assessment (ESIA) and Environmental Audit reports, licensing under different management and coordination regulations, including solid waste management and water quality.</td>
<td>NEMA has an internal gender policy and gender committee under the HR department. There is a gender focal person who coordinates the activities of the gender committee. NEMA complies with the Government circulars that require 30% of tenders to be awarded to women, youth and persons with disabilities (Public Procurement and Disposal Act 2005) EIAs are made available for public scrutiny through NEMA website.</td>
<td>Waste management has been devolved to county governments as a result of the 2015 amendment of EMCA that established County Environment Committees. Licenses are not accessible to the public, but photocopying is allowed on request. NEMA coordinates with other institutions – DOSH, National Gender and Equality Commission. Gender aspects are not captured in the EIAs. NEMA should consider including social aspects in the EIA – there should be guidelines on this.</td>
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<td><strong>Kenya Wildlife Service (KWS)</strong></td>
<td>This is a state corporation that is charged with conserving and managing wildlife in Kenya, and enforcing related laws and regulations. Some oil blocks may fall within National Parks, wildlife migratory and dispersal routes; hence upstream petroleum operations may have negative impacts on the wildlife due to destruction of habitats. Migration of animals as a result of oil activities may in turn cause human-wildlife conflict, leading to economic losses.</td>
<td>KWS has an internal gender policy. It has an Employee Wellness Office, which comprises five units: HIV/AIDS; gender mainstreaming committee; disability mainstreaming; physical and psychological sport; and alcohol and drug abuse. The gender mainstreaming committee was appointed by the KWS Director General to mainstream gender, address sexual harassment issues, undertake gender sensitization programmes, and develop a gender-specific curriculum for training. Training is done in collaboration with the Human Capital unit within the KWS. The Employee Wellness Office usually The Employee Wellness Office is centralized at the KWS headquarters. However, the Coordinator reported that they intend to devolve their activities to the county levels. There already exists an employee programme unit in the Rift Valley region. The KWS gender strategy provides a typical framework for gender mainstreaming in both government and private institutions.</td>
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<tr>
<td>Entity</td>
<td>Description</td>
<td>Gender Mainstreaming and Policy Initiatives</td>
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<tr>
<td>Shell Company, Nairobi</td>
<td>This company markets and distributes oil and gas in Kenya</td>
<td>Shell Kenya has no internal policy initiatives for gender mainstreaming, except the Global Gender Policy that all Shell companies must comply with. As currently constituted, Shell’s management body is not gender balanced – it has only one woman. Shell mainstreams gender through deliberate CSR projects that are either gender sensitive or aim to empower women – e.g. funding of the Kenya Youth Trust and the Palm House Foundation, offering training opportunities at Ukunda Youth Polytechnic.</td>
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<td>Petroleum Institute of East Africa (PIEA)</td>
<td>The PIEA is a professional body for the oil and gas industry in the EA region. The mission of the PIEA is to provide a forum for expertise and excellence in the oil industry, promote professionalism and free enterprise in the petroleum business supported by the highest operations and business standards.</td>
<td>The PIEA has an internal policy for promoting equal opportunities for all genders, including persons with disabilities. The Institute has more female students and employees than men. The PIEA is committed to ensuring that women can compete with men when it comes to employment opportunities in the upstream petroleum. The Institute therefore sets an example for other learning institutions to repackage their policies in a way that promotes equal access to education opportunities, particularly on the petroleum-related subjects.</td>
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<td>National Land Commission (NLC)</td>
<td>Charged with the role of managing public land on behalf of the national and county governments;</td>
<td>The NLC is guided by the Constitution 2010, the Land Act, 2012, the Land Registration Act, 2012, and the National Land</td>
<td>Despite the absence of an internal gender policy, NLC considers gender considerations in its activities, including</td>
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<td><strong>Energy Regulatory Commission (ERC)</strong></td>
<td>The ERC is an independent agency established under the Energy Act, 2006. It is charged with the regulation of the energy sector agencies. It formulates, enforces and reviews environmental, health, safety and quality standards for the energy sector in collaboration with other agencies.</td>
<td>The ERC is guided by the provisions of the Constitution, 2010, on gender equality. There is also an internal gender equality policy under the ERC Human Resource (HR) Department. The department ensures the recruitment of new employees is gender-balanced.</td>
<td>The ERC is committed to ensuring that contractors engage communities before approving any project. It was observed that, before issuing licenses, the ERC requires the contractor/investor to engage NEMA and local communities (for instance through EIAs). The ERC also encourages investors to ensure that their meetings with communities are gender-representative. However, it was noted that the ERC does not monitor community engagement programmes to ensure they are gender representative.</td>
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<td>recommending national land policy to the government; initiating investigations into present or historical land injustices; monitoring and overseeing land use planning throughout the country; and assessing tax on land and premiums on immovable property</td>
<td>Commission Act, 2012, among other laws. Section 12 of the First Schedule to the National Land Act encourages gender equity in the appointment to the NLC. The NLC staff is representative of all the gender, but there is no internal policy on gender mainstreaming. According one of the HR representatives interviewed in this study, the NLC is in the process of drafting a gender policy based on the provisions of the Constitution and other gender laws in Kenya.</td>
<td>determination of interested parties for purposes of compensation. It was clear from the interviews that the NLC conducts community engagement forums through the local administration, village barazas, and community associations when dealing with issues of compulsory acquisition. Women are also invited during these forums to air their views.</td>
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<tr>
<td>Group</td>
<td>Summary</td>
<td>Notes</td>
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<td>KPC</td>
<td>KPC is a state corporation with the mandate to own and operate a multi-product pipeline network and facilities for transportation, storage and distribution of refined petroleum products across/throughout Kenya. It provides product movement infrastructure, including oil pipeline services.</td>
<td>KPC complies with the constitutional provisions on gender equality. Following the formulation of an internal Gender Policy, 2013, KPC established a Gender Committee to oversee the implementation of the Policy and handle gender awareness programmes within the company. Additionally, KPC has a Sexual Harassment Policy which provides for a structured way of dealing with sexual harassment cases internally. This Policy has been approved by the board of directors and is accessible to every employee of the company. KPC relays information to the public through its Corporate Communication Department. The department was previously in charge of CSR programmes, but this mandate was transitioned to the newly established Corporate Social Foundation. The Foundation recently drafted a Stakeholder Engagement Policy which is yet to be approved by the KPC's Board. This Policy is aligned with the IFC Standards. A communication platform is currently being developed for the public.</td>
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<td>NGEC</td>
<td>The Commission’s mandate is to coordinate and facilitate gender mainstreaming in national development and to advise the Government on all aspects thereto. The overarching goal for NGEC is to contribute to the reduction of gender inequalities and the discrimination against all; women, men, persons with disabilities, the youth, children, the elderly, minorities and marginalized communities.</td>
<td>NGEC generally oversees the implementation of gender provisions. In achieving this, NGEC introduced performance contracting, where public and private bodies report on their compliance with the two-third gender rule. Presently, only public bodies are required to report to the NGEC. The NGEC conducted an audit on access to property (including Equalization Fund) by older persons, and other vulnerable persons at the county level. Notable, NGEC has not set any gender-specific guidelines for the extractive sector.</td>
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<td>Ministry of Public Service, Youth and Gender Affairs</td>
<td>The Ministry’s fundamental goal is to manage public services, promote youth empowerment, and advance gender equity.</td>
<td>A major component of the mission and vision statement of the Ministry is gender equity and equality for a high quality of life for all Kenyans. The ministry’s gender policy was developed in 2011. The ministry in conjunction with the government is developing an equality bill that aims to ensure equality between regions and genders. It was reported that, while</td>
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emancipation of women.

and 45% of its current staff are women. Other than the existing legal framework, The Government of Kenya is introducing new regulations to better improve the work environment. Some of the regulations are that organizations should provide lactating corners to nursing mothers and sick babies for its staff. There exists the Access to Government Procurement Opportunities (AGPO) policy and the Public Procurement Act of 2015 that gives women and youth 30% (each) (approximately 271 billion shillings annually) access to government tenders, uptake of this by the special interest groups especially women have been below 30% mainly because of lack of awareness and knowledge to access the tenders.

7.3 Proposed Recommendations to Address Environmental Impacts

7.4 Recommendations to Government

1. **Strengthen environmental and social impact assessment** and management plans requirements, including:
   - Scoping of issues identified as relevant for men, women and youth,
   - Development of gender sensitive baseline studies, selection of indicators, gender sensitive assessment criteria and management measures.
   - Identification of vulnerable groups in alignment with human rights principles.
   - Identification of ecosystem services and its users, indicating services used by women, ethnic and vulnerable groups.
   - Focus on access to water, on baseline studies, impact assessment, management plans and benefit sharing agreements.
   - Undertake specific gender assessments.
   - Increase focus on oil and gas operations impacts on community health and social determinants of health.
   - Consider environmental, social and gendered cumulative impacts.
   - Develop gender sensitive grievances mechanisms, which are appropriate to the context and lifestyle of affected communities, for example pastoralism. Vs urban or island based communities.

2. **Inclusivity in public consultation:** Environmental and Social Impact Assessment in different communities focuses on men and this deprives women and children opportunity to air their concerns or fears. It is necessary to put in place gender sensitive public/community consultation guidelines. The guidelines should outline procedures for consultation of men, women, children, marginalized communities, and people living with disabilities. Given that some cultures prohibit women from sharing meetings or speaking in presence of men and elders, guidelines should be developed in a manner that is sensitive to existing cultures and
traditions. The guidelines should promote inclusivity in the consultation of the different groups at different levels as per cultural or traditional demands.

3. **Land acquisition and displacement:** Women are generally more vulnerable because they are not considered as beneficiaries of land royalties because in most cases they do not own land or have a voice in decisions regarding communal lands. Physical and economic displacement also interrupts their livelihood in terms of income generation and feeding their families. To cushion women from effects of land acquisition and displacement, legislation granting women equal rights to land, property ownership should be enacted. These laws, without overlooking children, should have provisions ensuring that women are equal beneficiaries of compensation with men and should also have consideration for children. Resettlement actions plans need to be consulted with women, regardless of the cultural practices, and measures that support livelihood restoration, access to water and support to food security during the transition needs to be guaranteed. Gender review of RAPs already developed and implements strongly recommended to identify and correct gender gaps and inequalities.

4. **Sector wide health impact assessment.** Given the health implications of environmental and social impacts, such as project induced influx and changes in livelihoods, it is strongly recommended to develop a health impact assessment for the oil sector, with focus on upstream and downstream operations and areas of impact. This will allow to properly assess the impact, propose adequate and coordinated mitigation measures and inform required strengthening efforts in the health services for prevention and response of health impacts catalysed by oil and gas operations.

5. **Climate change adaptation programmes to build resilience among women:** The National and county government should establish climate change response strategy, to counter negative oil and gas sector environmental impacts associated with climate change. This would promote establishment of gendered programmes/projects to enhance community resilience and help communities adapt to climate change. Climate change is highly associated with drought and therefore the government in partnership with local and international organizations should put in place measures to fight drought and provide food during drought periods and train women on alternative sources of livelihood. For example, pastoral communities should pro-actively be introduced to initiatives like insurance cover for Livestock. Every effort should be employed to cushion communities from the impacts of climate change like flooding, drought, and rise in sea levels hindering fishing among others.

The NGEC has made impeccable gains in developing strategic initiatives that address and mainstream gender and environmental issues. During the KIIs, the NGEC having been involved as a Secretariat in Climate Change Africa is in the best position and willing to partner with NEMA in strategic mainstreaming of gender into all aspects of Environmental and Socio-economic development.

6. **Promote strategic and sustainable corporate social responsibility activities:** The National Government should put in place strategic and sustainable CSR policy for the petroleum sector. All contracted International Oil Companies should put the policy into practice through implementation of programmes and projects which are beneficial to the communities. Existing legislative provisions on benefits sharing shall also apply, ensuring oil and gas sector. CSR programs are proportionate to or beyond investor revenue gains. CSR programs need to be participatory developed and consulted with men, women and youth of the intended beneficiary communities, and ensure that potential gender gaps are addressed, benefits are maximised and impact mitigations are supported.
7.5 Recommendations to Oil and Gas Industry

1. Gender and youth sensitive stakeholder engagement and grievance mechanisms that provide information necessary for access to opportunities, compensation rights and remedial actions, and to develop coping mechanisms for deal with changes induced by oil and gas activities in the areas of residence.

2. Women's rights and gender responsive land tenure: It is important for actors to implement gender responsive tenure guidelines on land, fisheries and forests by ensuring some human rights-based approach to land and natural resource governance, ensuring equal tenure rights and access to land for women in the extractive industries and preventing forced evictions and the repression of land rights defenders.

3. Ensure policies prioritize the needs and rights of women and communities and are properly implemented including employment policies that are responsive to women's needs- We recommend that trade and investment rules in the extractive industries comply with human rights and environmental, social and labour standards. Actors in the industry must prioritize public investment in human-rights based and environmentally focused approaches. It is advisable that guidelines for oil and gas development in forest areas are established to ensure that communities which depend on the forests for their living are not affected when oil and gas development activities take place in forests.

4. Programmes for protection and conservation of Forests: Forests are beneficial to both men and women for different reasons. Oil and gas upstream operations leads to destruction of dry land forests, mangrove, coastal and tropical forests. Oil companies should have gender sensitive programmes for protection of forests resources.

5. The KILs revealed remarkable institutional initiatives aiming at protecting forest resources through Impact Mitigation Programs and Trainings. The MEOP has embarked on ambitious renewable and non-renewable energy conservation trainings and product developments such as the Energy Centres, Agro Forestry Practices and the Eco-Friendly stoves Project. However, there was no clear definition of how these Impact Mitigation strategies and activities were gender mainstreamed. These programs ought to ensure women are pro-actively involved throughout the mitigation cycle as well as taking part in forestry management.

7.6 Recommendations to Environmental Organisations

1. Strengthen environmental and social impact assessment and management plans requirements, including:
   - scoping of issues identified as relevant for men, women and youth,
   - development of gender sensitive baseline studies, selection of indicators, gender sensitive assessment criteria and management measures.
   - Identification of vulnerable groups in alignment with human rights principles.
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7. **Recommendations to Oil and Gas Industry**

1. **Gender and youth sensitive stakeholder engagement and grievance mechanisms** that provide information necessary for access to opportunities, compensation rights and remedial actions, and to develop coping mechanisms for deal with changes induced by oil and gas activities in the areas of residence.

2. **Women’s rights and gender responsive land tenure:** It is important for actors to implement gender responsive tenure guidelines on land, fisheries and forests by ensuring some human rights-based approach to land and natural resource governance, ensuring equal tenure rights and access to land for women in the extractive industries and preventing forced evictions and the repression of land rights defenders.

3. **Ensure policies prioritize the needs and rights of women** and communities and are properly implemented including employment policies that are responsive to women’s needs. We recommend that trade and investment rules in the extractive industries comply with human rights and environmental, social and labour standards. Actors in the industry must prioritize public investment in human-rights based and environmentally focused approaches. It is advisable that guidelines for oil and gas development in forest areas are established to ensure that communities which depend on the forests for their living are not affected when oil and gas development activities take place in forests.

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5. The KIIIs revealed remarkable institutional initiatives aiming at **protecting forest resources through Impact Mitigation Programs and Trainings**. The MEOP has embarked on ambitious renewable and non-renewable energy conservation trainings and product developments such as the Energy Centres, Agro Forestry Practices and the Eco-Friendly stoves Project. However, there was no clear definition of how these Impact Mitigation strategies and activities were gender mainstreamed. These programs ought to ensure women are pro-actively involved throughout the mitigation cycle as well as taking part in forestry management.
7.8 Recommendations to Environmental Organisations

1. **Disease pattern analysis and baseline studies:** Previous research indicates that many diseases arise after long-term exposure to pollutant emissions from oil and gas operations. These are cumulative impacts which necessitate baseline studies to monitor spread of such diseases and infections over time and to enable the implementation of effective preventive care options. Available medical data can be used for analysis and establishing a baseline in environmental monitoring systems. Radiation Baseline surveys should be established for reference of future monitoring of best practices and radiation levels.

2. **Establishment of waste management infrastructure:** Different Gender groups are affected by waste from different oil and gas operations in varying extents. Since exposure to such waste can also lead to health effects there is need to ensure proper management and disposal of solid and liquid waste from oil and gas development fields. County Governments, National Governments, with assistance from international development partners should establish waste treatment and disposal sites within oil fields areas to handle all types of wastes including waste oil and resulting hazardous waste. Liquid waste from oil fields should also be contained adequately before treatment and ensure pre-treatment before discharge to water bodies to avoid pollution of this essential and scarce resource.

3. **Promote compliance inspection:** In most cases, gender specific impacts of oil and gas development which affect both men and women including children are caused either through operational accidents and human error. It is recommended that regulatory Authorities especially those dealing with environmental and social issues undertake regular monitoring and inspection of Oilfield operations to arrest such impacts before human population exposure and exposure to other fauna and flora. It is worth noting that only internationally accepted technologies which are environmentally sound, safest and socially acceptable should be allowed. This way, control of local environ air and soil quality impacts, global effects of greenhouse gas emissions, surface and ground water pollution, treatment of waste to permissible standards will be achieved.

4. **Application of community based/indigenous natural resources management:** This approach recognizes that local communities in areas where there is exploitation of natural resources are the custodians of the resources. In this case, the community members are engaged and involved at all stages of development. In oil and gas development, application of this approach will ensure that all gender groups are consulted in recognition of their human rights. Community members can offer rich traditional knowledge that can be useful in conservation of protected areas, habitats, forests avoid negative cultural influences, and understand the community livelihood, economic aspects and culture. This also promotes project sustainability because when the communities are involved, there is a sense of ownership and belonging.

5. **Demand and supply analysis:** Many countries engaged in oil and gas development formulate Local Content policies and regulations but without considering gender issues. There is need to do demand analysis for example for skills or products requirements to establish the extent at which men and women can be absorbed proportionately. Supply end analysis will help establish what men or women can afford to supply to meet the demand. It is from these studies that the level of involvement and the extent of benefits that can be accrued for all sets of gender divide will be established. Local content initiatives should therefore observe gender segregation.
6. **Promote coexistence of economic activities with petroleum development:** In many countries, local communities have been seen to abandon their traditional economic activities to full reliance of benefits from the oil and gas share. This results to what is commonly called resource curse. All members of a community considering gender divide cannot be direct beneficiaries of the community oil and gas share especially in terms of employment. It is necessary to manage community expectations and encourage them to improve their economic activities and avoid over reliance on oil. For example, petroleum development should be managed in a manner that it allows activities like pastoralism and dry land farming to continue and governments should use revenue generated from oil export to promote other economic activities.

7.9 **Recommendations for Government of Kenya and Oil and Gas Industry to Improve Gender Equity in Employment**

- **Alleviating poverty through:** Greater support to NDMA for cash transfer systems since some families need empowerment through cash transfer systems. This will act as an incentive to let their children stay in school and this will benefit the girl child.
- **Increase incomes to households through support to alternative sources of livelihood.**
- **Sensitize community to the importance of girl child education or education in general.** Such sensitization should include discussion about cultural norms that suggest the uneducated girls are more valuable in terms of attracting bride price. The value of a girl should increase with investment in her level of education. The value of education should be appreciated by communities and NGOs should be supported financially to do that sensitization and use media such as radio to sensitize the communities.
- **Invest in the education of girls e.g. through mobile schools in ASALs.**
- **Support vernacular radio programs since this will enable more people access information.** Support with information dissemination operations will reduce dependency of people on county government for information.

7.10 **Conclusion**

Overall, the analysis conducted reveals that the existing legal and policy frameworks have a high potential to facilitate gender mainstreaming in the petroleum industry in Kenya. However, despite the recognition of women’s right to gender equality within international human rights law and Kenya’s domestic laws, women in the petroleum sector or affected communities, face some barriers to accessing these rights (including asset gaps, information gaps and vulnerability gaps).

As a result, legal frameworks related to oil and gas should create an enabling environment for women to thrive as asset owners, entrepreneurs and employees within the oil and gas value chain, taking into consideration their unique roles as individual community members, mothers and wives. A framework for appropriate gendered responses or redresses to socio-economic impacts of petroleum on men and women needs to be developed. In addition, existing legal frameworks should be strengthened or efforts made to solicit a commitment by diverse stakeholders to rigorously implement the provisions of the law.

Finally, there is need to ensure that legally mandated EIA frameworks comprehensively take into account social, economic and health impacts that could be suffered by women and men due to their specific gender roles, needs, concerns and cultural contexts. In this regard, ESIAs must comprehensively cover all gendered impacts on health and livelihoods that may result from oil and gas industry projects. Additionally, to prevent women being left worse off by oil and gas projects, frameworks related to involuntary resettlement and compensation, benefit sharing, local content, occupation health and safety, among others, must be sensitive to women, youth and persons with special needs to safeguard their interests. Across all frameworks, there is resounding need for
safeguarding women’s place in decision-making structures that are driving aspects of extractive petroleum industry governance.
8 Annex 1: Stakeholder Engagement Guidelines

8.1 Stakeholder Engagement Preparatory tasks (April 2017)
These included productions of:

- Finalisation of the overall work plan and schedule;
- Completion of community consultation and field activity schedule;
- Completion of the draft stakeholder identification and stakeholder mapping;
- Finalisation of questions/discussion checklists;
- Construction and training of the SEP team in use of the consultation recording tools - i.e. CR template.

The consultation tools included a project information document/GA leaflet production distributed in Kiswahili and English. All field staff were trained on the tools so they did not consult ad lib but followed the information set out in the documents.

8.2 Stakeholder Engagement Goals and Principles
A first task in planning was to agree stakeholder engagement goals. For Kenya’s oil and gas GA these were based on, and guided by, overarching principles of:

- Building constructive relationships with identified key stakeholders through personal contact;
- Providing clear, factual and accurate information in an open and transparent manner to stakeholders to facilitate free, prior and informed consultation;
- Providing appropriate opportunity to ALL stakeholders to raise issues, to make suggestions and to voice concerns and expectations with regards to gender issues of oil and gas industry in Kenya;
- Providing stakeholders with feedback making special provisions for women in communities where they are usually excluded from feedback/meeting outcomes and support their ability to interpret the information provided to them;
- Treating all stakeholders with equal respect regardless of gender, age, socio-economic status\textsuperscript{124};
- Issuing of meeting requests in good time-minimum of two weeks’ notice and in communities to make sure that these times and timings are cognisant of both women’s productive and reproductive labour responsibilities;
- Responding in good time to information requests;
- Ideally complete key sensitive/fragile context engagements at least one month prior to elections.

These goals required several measures to be included in the consultation and stakeholder engagement process. Specifically, consultation was:

- “Free” (free of intimidation, manipulation or coercion to say what is expected according to those present i.e. women should be free to talk without men but a high-level gender specialist

\textsuperscript{124} Consultation Code of Conduct covered in April 2017 GA SEP Team Training Workshop
on the SE team should ensure that in so doing risks of backlash against women due to the consultation are not incurred);

> “Prior” (timely disclosure of information with enough time for stakeholders to understand and absorb the information-this may take longer for women with poor literacy levels and the team building should ensure that there are enough members on the SE team to explain any literature/key messages distributed to illiterate women in);

> “Informed” (relevant, understandable and accessible information).

As well as supporting gender impacts data collection, stakeholder engagement was a social risk management tool that enabled interests, concerns and areas of potential conflict to be identified early. Getting people engaged in consultation in the right way in a gender sensitive, socially inclusive and socio-cultural appropriate manner from the start made them more supportive of the GA. Gender aware engagement reduced risks of women’s exclusion and other potential gender bias issues.

Principles of Information Disclosure and Information Gathered during Public Consultations

To achieve these consultation and GA goals, the following was planned and achieved:

> Inclusive participation of government and oil and gas companies nationally and locally, affected communities and landowners, as well as consultation with secondary stakeholders;

> Consultation started early in the GA process i.e. in April with multi stakeholder engagement on the Inception Report/GA planning as part of participatory, iterative approach;

> Consultation and disclosure activities were culturally and gender appropriate;

> Stakeholders had ready access to information at all stages;

> Consultation took place in a highly participatory manner with feedback to stakeholders;

> Good record-keeping of consultation and disclosure activities.

**Constraints** considered in consultation planning for attaining above goals and upholding quality principles included:

> Legacy issues of the oil and gas development

> Security issues, famine and drought

> Dynamic and diverse social, economic, cultural and political context
The timing of the study during the election period affected attendance and response of stakeholders. Due to the upcoming elections, the team could not spend much time in each study area to avoid creating unnecessary attention to the study.

Some stakeholders were unhappy about the lack of feedback to the stakeholders from previous activities such as the SESA. This appeared to be an indication of respondent fatigue particularly due to the lack of feedback from studies. The view of stakeholders was that after the study is over the consultant should return to site and inform stakeholders about the results of the study.

Detailed information on the following sub topics are in Annex 1

- stakeholder Identification and Analysis,
- Stakeholder Mapping for Gender Inclusive Respondents Profile
- Identification of stakeholder groups
- Principle stakeholder groups
Background of KEPTAP’s Gender Assessment of Oil & Gas Sector

Oil and gas discoveries in Kenya have increased interest for exploration and production. This has a transformational impact on the Kenyan economy, environment and society, and triggers new developments which may require a re-design of frameworks to govern the oil and gas sector.

The discovery of oil and gas resources in Kenya presents socio-economic opportunities and challenges, particularly in areas of high social and environmental risk.

A Strategic Environmental and Social Assessment (SESA) has been undertaken over 18 months to consider social and environment opportunities and challenges of oil & gas in Kenya.

Due to vulnerabilities of some men & women and gender equity issues in general, the outcomes of Kenya’s SESA are now supported by a 2-3-month study of gender inquiry for an environment & socially inclusive Gender Assessment supported by NEMA.

What is Gender Assessment in Oil & Gas Sector?

This KEPTAP Gender Assessment is an exploration of experiences of women and men who live and/or work in areas affected by the oil and gas industry in Kenya.

A Gender Assessment (GA) investigates any ‘gender gaps’ in distribution of assets and risks in order to make recommendations to reduce any inequalities found, increase operational efficiency and support equal sustainable development for women and men in oil and gas affected areas, and across Kenya in general.

The Assessment includes the evaluation of the position of men and women, and the specific strengths and needs of each, to access equality.

The Gender Assessment findings should be applied in planning, management, monitoring and evaluation of oil and gas projects and programs in order to ensure equal participation of men and women in accordance to different gender strengths and needs.

What is The Gender Assessment Approach?

The approach is to support adaptation of Kenya’s policies, programs, plans and oil and gas projects/company organisation to needs and ability of stakeholders and to guide KEPTAP to be gender-informed. The research includes meetings with stakeholders at National and County Level.

There is also participatory research with men, women and youth in affected communities to:

- Strengthen transparency including addressing any gender information access gap
- Conduct assessment of impacts of oil & gas sector on women and men, and gender roles and relations, in Kenya & make recommendations how to mainstream gender into oil & gas projects & operations
- Identify gender equitable local content development opportunities to support equity in access to economic opportunity
- Identify education and skills development needs of men and women to bridge any economic opportunity access gaps, if identified.
How & Where is the Gender Assessment Research conducted?
The GA research consists of:
❖ Studies of published documents as well as search and assessment of documents not yet published
❖ Series of meetings with stakeholders at National, County and Community Level
❖ Focus group discussions with men and women, older and young in affected communities
❖ Analysis & sharing of findings for multi-stakeholder comment

The Counties selected for research include Kisumu, Lamu, Turkana & Isiolo with focus on upstream oil & gas activities but also includes women & men in midstream & downstream activity areas.

Who is conducting the Gender Assessment Research?
The GA research is conducted by Cardno, services company that works to promote and deliver innovative solutions for sustainable development. Cardno’s Team of Independent Legal, Social, Environmental, Livelihood & Consultation Scientists will be engaging with key stakeholders according to the good practise guidance of the World Bank Group’s Environment and Social Performance Standards.

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Meetings occur in June-July 2017. The GA Report is drafted, shared & evaluated in August with comments from stakeholders included in the final GA Report to be completed by mid-September 2017.
9 REFERENCES


11. World Bank. 2013. Extracting Lessons on Gender in the Oil and Gas Sector: A survey and analysis of the gendered impacts of onshore oil and gas production in three developing countries. World Bank, Washington,


