



MINISTRY OF MINING,
BLUE ECONOMY AND
MARITIME AFFAIRS



Artisanal Mining Committee Manual



SWEDISH ENVIRONMENTAL
PROTECTION AGENCY



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Foreword



The Mining Act 2016 made permissible artisanal mining which was not recognised under Cap 306 of 1940. The Act also establishes an Artisanal Mining Committee which is tasked with advising the representative of the Director of Mines on permit grant, renewal and revocation. This manual is intended to provide guidance on formation of the committee as per the prescribed membership composition in the Act, the roles of the committee as a whole and the respective roles of the chairperson and the secretary. It outlines how the committee members ought to conduct themselves in the course of their duty with the aim of ensuring efficiency in service delivery.

The manual gives the procedures for grant, renewal and revocation of an Artisanal Mining Permit which are under the purview of the Artisanal Mining Committee. It aspires to bring uniformity in the procedures and operations as well as ensure adherence to the guiding laws and regulations.

It is my hope that this manual will make great contribution towards the formalisation of artisanal mining so that the miners can perform their mining activities sustainably, within the law and have them participate fully in the economic development of our country. By doing so, it will also contribute to good governance of the mining sector through meaningful stakeholders' consultations, community empowerment, gender and human rights considerations and adoption of best practices in the sector.

I urge the policy makers, Ministries, Departments, Agencies, and Counties (MDAC), mining and environmental experts, private sector, artisanal and small-scale miners, academia, civil society organisations, communities, and mass media to make good use of this Artisanal Mining Committee Manual in ensuring sustainable operations in the mining sector.

Hon. Hassan Ali Joho, EGH.

Cabinet Secretary
Ministry of Mining, Blue Economy and Maritime Affairs.



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Elijah Mwangi, CBS


Principal Secretary
State Department for Mining.

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Acronyms

AM	Artisanal Mining
AMC	Artisanal Mining Committee
AMP	Artisanal Mining Permit
CEC	County Environment Committee
CEJAD	Centre for Environmental Justice and Development
CoG	Council of Governors
CS	Cabinet Secretary
CSO	Civil Society Organisations
DoGS	Director of Geological Surveys
DoM	Director of Mines
DoSHS	Department of Safety and Health Services
ELC	Environment and Land Court
EMCA	Environmental Management and Coordination Act
KCM	Kenya Chamber of Mines
KFS	Kenya Forest Services
KNCHR	Kenya National Commission on Human Rights
KWS	Kenya Wildlife Services
MDAC	Ministries, Departments, Agencies and Counties
MRB	Mineral Rights Board
NECC	National Environment Complaints Committee
NEMA	National Environment Management Authority
NET	National Environment Tribunal
NLC	National Land Commission
NMC	National Mining Corporation
NMI	National Mining Institute
SEPA	Swedish Environmental and Protection Agency
SIDA	Swedish International Development Agency
UNDP	United Nations Development Programme
WRA	Water Resources Authority

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Definition of Terms

In this Manual, unless the context otherwise requires—

“Act” means the Mining Act, 2016;

“Applicant” means a person who submits an application for grant or renewal of an artisanal mining permit;

“Artisanal Mining” has the meaning assigned to it in Section 4 of the Act;

“Artisanal Mining Permit” means a permit issued under Section 95 of the Act;

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for mining;

“Chairperson” means the chairperson of the Artisanal Mining Committee as per Section 94(2)(a) of the Act;

“Committee” means the Artisanal Mining Committee established under Section 94 of the Act;

“Director of Mines” mean the Director of Mines appointed under section 18 of the Act;

“Holder” in respect of a mineral right, licence or permit under the Act, means—

- a) a person to whom a mineral right is granted; or
- b) the person to whom a mineral right is transferred or assigned.

“Inspector of Mines” means a public officer who has been appointed in accordance with section 196 of the Act;

“Inspectorate Division” means a division in the Directorate of Mines in charge of monitoring and enforcement of compliance with the Act and Mining Regulations;

“Permit” means Artisanal Mining Permit;

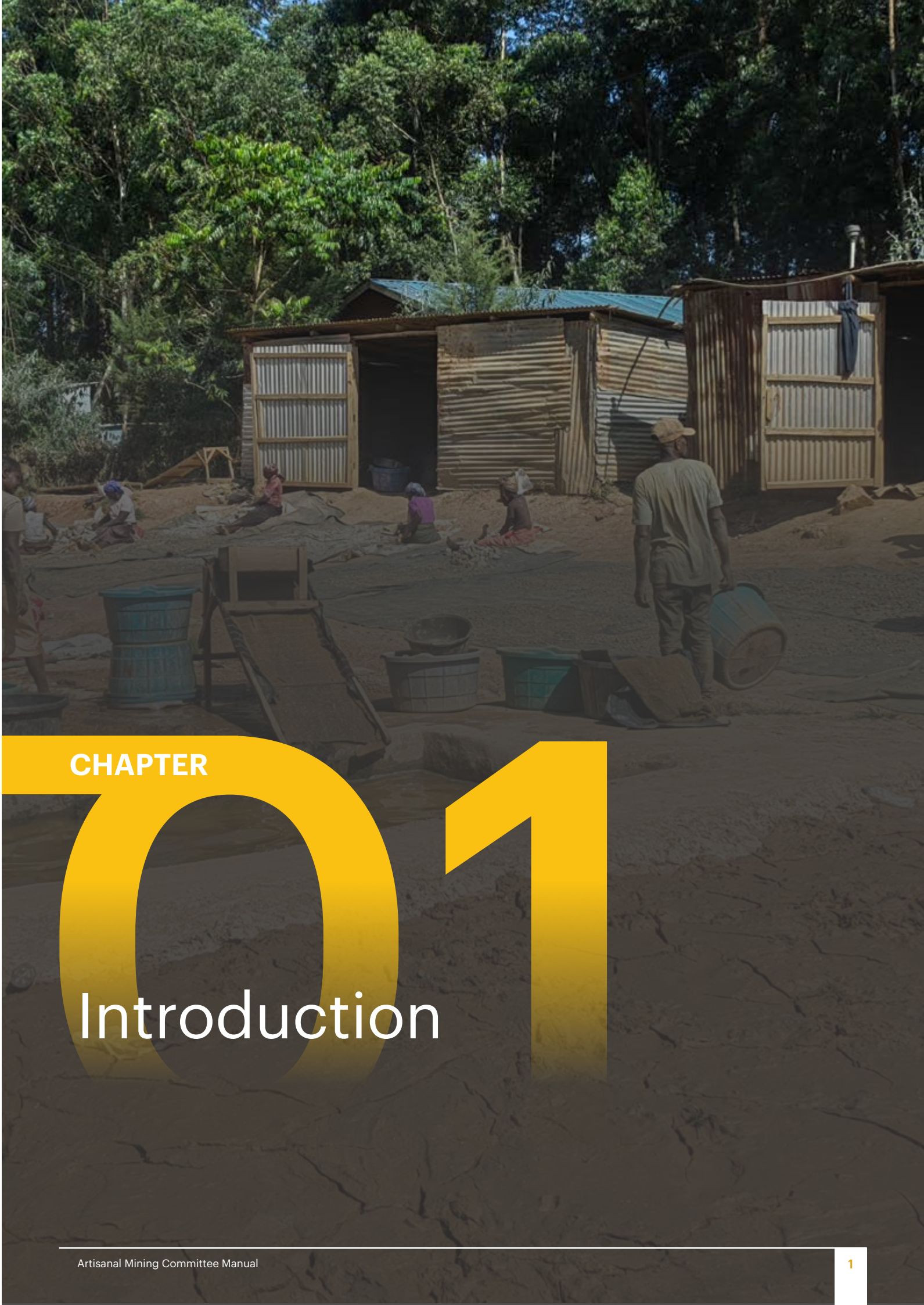
“Regulations” means the Mining (Licence & Permit) Regulations, 2017;

“Representative of the Director of Mines” means the head of the county office as designated in Section 93(2) of the Act;

“Secretary” means the secretary of the Artisanal Mining Committee as per Section 94(2)(b) of the Act;

“Umbrella County Artisanal Mining Association” means a duly registered entity representing artisanal miners in their duly registered groups, association, cooperatives in the county

“Won Minerals” means any mineral obtained from any process of exploiting/extracting any mineral deposit.



CHAPTER

01 Introduction

1.1 Background

The Mining Act 2016 (the Act) replaced the former Mining Act (Cap. 306) which had been in force since 1940, which was not only outdated but also posed a significant hurdle to investment in Kenya's mining sector. It never recognized artisanal miners yet they existed and were therefore operating illegally. The Act brought in a modern, predictable and transparent legal regime. It ensured the provisions of the Constitution of Kenya 2010 were brought into effect by introducing greater public participation in the exploitation, management and conservation of the environment and natural resources for current and future generations. These reforms were expected to pave the way for a new era of mining in Kenya.

In 2021, the Mining and Quarrying sub-sector contributed 0.8% to GDP (Economic Survey, 2022). However, the contribution of artisanal mining, being largely informal, is not captured within this contribution. Artisanal mining has an estimated labour force of 140,000 miners supporting 800,000 people (Barreto et al, 2017). Notwithstanding

the AM sub-sector's contribution to rural incomes and livelihoods, a number of challenges have limited its economic impact. These challenges include low access to credit facilities, use of hazardous chemicals in mineral processing, poor health and safety standards, inadequate geological data and exploitation by middlemen.

The Artisanal Mining Committee Manual seeks to assist the Committee in addressing the challenges by implementing the Mining and Minerals Policy (2016) and the Mining Act with the main focus being formalisation of artisanal mining.

This manual was developed through a consultative approach that involved major stakeholders. These stakeholders included; government departments/agencies, county governments, artisanal miners, mining communities, Kenya Chambers of Mines and civil society organisations.

1.2 Guiding Principles

The following guiding principles informed development of this manual:

- i. Adherence to the rule of law;
- ii. Objectivity and impartiality in decision making, bearing in mind the complex nature of artisanal mining;
- iii. Participatory approach and inclusivity of all stakeholders in decision-making and implementation;
- iv. Gender inclusivity in the elected members of the Artisanal Mining Committee;
- v. Clarity and predictability in the management of artisanal mining operations;
- vi. Transparency and accountability in regulating operations and compliance by artisanal miners.

1.3 Objectives of the manual

The objectives of this manual are to outline the:

- i. Criteria for the appointment of Committee members as per the Act;
- ii. Operational procedures for the Committee;
- iii. Roles of the Committee which shall include but not limited to: procedures for grant; renewal, revocation of artisanal mining permit and appeal;
- iv. Financial provisions for the Committee;
- v. The code of conduct of the Committee.

1.4 Justification

The Mining Act provides for the issuance of artisanal mining permits by the Artisanal Mining Committees established pursuant to Section 94. However, despite this provision, there has been difficulty in formation of AMC in some counties. Where committees have been formed, they have found difficulties in working efficiently due to lack of clarity in their roles/functions. Additionally, there has been inadequate awareness by artisanal miners on provisions of the law concerning permitting and adherence to conditions therein.

In response to these challenges, this manual has been developed to:

- i. Assist in operationalization of the Committees;
- ii. Facilitate the artisanal miners to apply and renew permits within the realm of the law;
- iii. Sensitize and facilitate the artisanal miners to comply with all requisite permits.

1.5 Scope of the Manual

The manual seeks to expound on the appointment, responsibilities, obligations and code of conduct of the Committee members, financial provisions of the committee, the appointing authorities and stakeholders.

It outlines the procedures for:

- i. Guidance on the formation of the Committee;
- ii. Meetings of the Committee;
- iii. Permit Grant, Renewal and Revocation;
- iv. Dispute/Conflict resolution and Appeal.



CHAPTER

2 Policy, Legal and Institutional Frameworks

This chapter highlights the legal, policy and institutional frameworks governing the broad aspects of artisanal mining.

2.1 Constitution of Kenya, 2010

Article 62(1)(f) of the Kenyan Constitution defines all minerals as public land, while Article 69(1)(a) provides for sustainable exploitation, utilisation, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;

2.2 Policy

The Mining and Minerals Policy, 2016 provides for mainstreaming of artisanal and small-scale mining to create safer, healthier and more environmentally compliant standards in mineral exploitation, and creation of synergies with a formal large scale mining sector. There are also other policies, legal and institutional frameworks that regulate the artisanal mining sector.

The matrix below highlights the relevant statutes.

Table 1: Policy, Legal and Institutional Frameworks Matrix

Policy and Legal Frameworks	Key Applicable Provisions	Regulations	Institutions
Policy			
Mining and Minerals Policy, sessional paper no 7 of 2016	Mining Act 2016 and the Mining Regulations		• Director of Mines • Director of Geological Surveys • National Mining Corporation, National Mining Institute
National Environment Policy, Sessional Paper No. 10 of 2013	Chapter 4 also covers minerals in Kenya which encourages sustainable mining		• Ministry of Environment and Forestry • NEMA
Laws			
Mining Act 2016	The entire Act is applicable	Mining (Licence and Permit) Regulations, 2017. Mining (Work Programmes and Exploration Reports) Guideline, 2017 Mining (Dealings in Minerals) Regulations, 2017. Mining (Strategic Minerals) Regulations, 2017. Mining (Mine Support Services) Regulations, 2017. Mining (Award of Mineral Rights by Tender) Regulations, 2017.	• State Department for Mining • National Mining Corporation, Minerals and Metals Commodity Exchange • Mineral Rights Board, • AMC • National Mining Institute

Policy and Legal Frameworks	Key Applicable Provisions	Regulations	Institutions
Environmental Management and Coordination Act, 1999	Section 9, 29, 31, 58, 68, and 69	Environmental (Impact Assessment and Audit) Regulations, 2003 Environmental Management and Coordination (Waste Management) Regulations, 2006 Environmental Management and Coordination (Water Quality) Regulations, 2006	• NEMA • National Environment Tribunal • National Environment Complaints Committee • County Environment Committee
Sustainable Waste Management Act, 2022	Section 12, 18, 20,		• Waste Management Council • NEMA • County Governments
Land Act, 2012	Section 11, 19,		• National Land Commission
Environment and Land Court Act, No. 19 of 2011	Section 4, 13, 14, 16		• Environment and Land Court
Community Land Act	Section 29, 32,33, 34, 35, 36, 37,38, and 39	Community land Regulations, 2017	• Ministry of Lands • National Land Commission • County Government • Environment and Land Court
National Land Commission Act, 2012	Section 5, 6	National Land Commission (Review of Grants and Dispositions of Public Land) Regulations, 2017	• National Land Commission
Water Act, 2016	Section 22, 23, 36	Water Resources Management Rules, 2007	• Water Resources Authority • Water Appeals Tribunal, Environment and Land Court • Basin Water Resources Committee • Water Resource Users Associations
Physical and Land Use Planning Act No. 3 of 2019	Section 15, 17,	Physical and Land Use Planning (Development permission and control) (general) Regulations 2021	• County physical and land use planning consultative forum

Policy and Legal Frameworks	Key Applicable Provisions	Regulations	Institutions
Wildlife Conservation and Management Act, 2013	Section 26, 45, 46, 47, 48	Wildlife Conservation and Management (Protection of Endangered and threatened ecosystems, habitat and species) Regulations, 2017 Wildlife Conservation and Management (Joint Management of Protected Water Towers) Regulations, 2017	Kenya Wildlife Service
Forest Conservation & Management Act, 2016	Section 8, 20, 21, 30	Forest (Participation in Sustainable Forest Management) Rules, 2009	- Kenya Forest Service - County governments
County Government Act, 2012	Section 102, 103, 104, 105, and 110		County Government

CHAPTER

03

Artisanal Mining Committee Structure

3.1 Overview of AMC

An Artisanal Mining Committee is comprised of the following in accordance with Section 94(2) of the Mining Act: -

- a) A representative of the Governor, who shall be the chairperson of the committee;
- b) The representative of the Director of Mines who shall be the secretary;

- c) Three persons not being public officers and elected by the association of artisanal miners in the county;
- d) A representative of the inspectorate division of the Ministry;
- e) A representative of the National Environment Management Authority; and
- f) A representative of the county land board.

3.2 Appointment of Members

- 1) A representative of the Director of Mines designated by the CS will be the secretary of the Committee as per Sec. 93(2) and Sec. 94(2)(b) of the Act.
- 2) The CS writes to the Governor of the respective County requesting for an appointee who shall be the chair of the Committee. The desirable qualifications of the appointee to include the following:-
 - a) Meets requirements of Chapter 6 of the Constitution;
 - b) Demonstrate knowledge and experience in the mineral and mining sector of not less than five (5) years;
 - c) Minimum secondary school level certificate and tertiary education;
 - d) Demonstrate leadership and have experience in governance.
 - e) Be an employee of the respective county government department at the time responsible for mining
- 3) The Director of Mines appoints an Inspector of Mines who is the representative of the inspectorate division of the Directorate of Mines as per Sec 94(2) (d) of the Act.
- 4) The CS writes to the Director General, National Environment Management Authority requesting for a representative to the Committee in the respective County.
- 5) The CS writes to the Cabinet Secretary responsible for Lands requesting for a representative to the Committee in the respective county.
- 6) The Representative of the Director of Mines writes to the Chairperson of the umbrella artisanal mining association in the county requesting for election of three persons while observing two-thirds gender rule to be their representatives in the Committee.

- a) The associations, groups or cooperatives to have:-
 1. A valid certificate of registration by the relevant state agency;
 2. Mining as one of the principal objectives of formation;
- b) The elected persons are expected to meet the following qualifications:-
 1. Be a member of an association, group or cooperative in the county;
 2. Have secondary level certificate;
 3. Have a valid certificate of good conduct
 4. Be an adult Kenyan citizen of sound mind.
- 7) Upon receipt of the letter requesting for nominees to the Committee, each appointing authority is expected to act promptly.
- 8) The representative of the Director of Mines upon receipt of the names of representatives of the artisanal mining association compiles and forwards to the CS through the Director of Mines promptly.
- 9) Upon receipt of the names for the Committee, the CS publishes the names in the gazette notice except for government office holders, where the respective office is gazetted.
- 10) The persons elected in 6 above shall serve for a term of three (3) years with effect from the date of gazettment and may be renewed once.
- 11) Where there is a vacancy in the committee membership, the replacement by the appointing authority to be done as soon as practically possible.
- 12) The Ministry responsible for mining will induct the Committee members on their responsibilities and any other role relevant to the working of the Committee.

3.3 Roles and Functions

This section outlines the functions of the Committee, the Chairperson and the Secretary.

3.3.1 Roles of the Committee

The Committee advises the representative of the Director of Mines on permit Grant, Renewal and Revocation.

3.3.2 The Roles of the Chairperson

The roles of the Chairperson include: -

- a) Provide overall leadership to the Committee;
- b) Encourage Committee members to participate fully in deliberations;
- c) Arrange for the new Committee members induction on their roles,
- d) Writing correspondences coming from the Committee including recommendations, notifications and disciplinary matters;

- e) Promote a positive image of the Committee;
- f) Harness the collective skills of the members to carry out Committee functions effectively; and
- g) Any other role assigned by the Cabinet Secretary.

3.3.3 The Roles of the Secretary

The roles of the Secretary include: -

- a) Documenting decisions and actions of the Committee in accordance with the government records management practice;
- b) Maintaining confidentiality of the Committee business where necessary, ensuring confidential records are subject to appropriate storage and access procedures;

- c) Timely and adequate communication to the Committee members regarding Committee meetings, minutes and agenda;
- d) Prudent use of the resources for running the Committee operations in accordance with Public Finance Management Act, the National Treasury circulars, Salaries and Remuneration Commission circulars and any other order from the government.

3.4 Meetings of the Committee

This section guides the committee on the conduct of its meetings as follows:

- 1) The Committee may hold such a number of meetings of business to be transacted, keeping in mind the prudent use of resources and other Government circulars on committees as issued from time to time.
- 2) The quorum for a Committee meeting will be five members.
- 3) The meetings will be conducted in official languages, English and/or Kiswahili.
- 4) Committee meetings will be held at a venue to be agreed upon within the county.
- 5) Notice and agenda of Committee meetings will be communicated by the Secretary at least ten (10) days prior to a meeting. Members should

review these materials in advance of the meeting to enhance effectiveness.

- 6) A member who is unable to attend a meeting will inform the Chairperson of their absence and notify the Secretary for the purpose of recording the apology.
- 7) In the absence of the Chairperson of the Committee, the members will appoint, for the purposes of that meeting, a Chairperson from amongst the committee members, to chair the meeting;
- 8) In the absence of the secretary in a meeting, the inspector of mines assumes the responsibilities thereof.
- 9) Non-attendance of three (3) consecutive meetings of the Committee without reasonable cause may lead to grounds for degazettment of the said member.

- 10) Any contentious matter before the Committee will be decided by a majority of the members present through a vote.
- 11) The chairperson or the person presiding at a meeting of the Committee will in the event of equality of votes have a casting vote.

- 12) The Committee may co-opt a person to act as an adviser at any of its meetings but a co-opted person is not entitled to vote at the meeting.

3.5 Code of Conduct for Members

This section aims to promote good practice including effectiveness of the Committee, transparency and disclosure, accountability, ethical leadership and guide members on their obligations. It spells out the code of conduct for members to adhere to but not limited to:

1. The conduct of the members in transacting the business of the Committee will be guided by Chapter 6 of the Constitution and the Public Officer Ethics Act.
2. Members of the Committee to be committed to the implementation of the functions of the Committee.
3. Members of the Committee have a responsibility to ensure efficient and effective operations to deliver value to Kenyans.
4. The Code of Conduct requires members of the Committee to:-
 - a. Understand and internalise the roles and responsibilities of the Committee;
 - b. Attend all the Committee meetings or where attendance is not possible, submit an apology;
 - c. Participate actively and cooperate with other Committee members;
 - d. Prepare for the Committee meetings by reading and considering the agenda items, minutes and other relevant documents;
 - e. Make decisions that are consistent with any statutory and legal requirements;
 - f. Not to improperly influence other Committee members;
 - g. Openly declare any matters of private interest and record any issues with potential conflict or perceived conflict of interest.
 - h. Declare interest and disqualify themselves from the Committee discussions and decisions where a conflict of interest occurs;
- i. Maintain confidentiality of discussions and deliberations of the Committee and not misuse any information obtained through the business of the Committee; and
- j. Discharge responsibilities in a professional manner.
5. A member of the Committee is required to:-
 - a. Carry out his/her duties in a manner that protects the integrity of the Committee;
 - b. Treat members of the public and other Committee members with respect;
 - c. Not discriminate against any person;
 - d. Make efficient, effective and economic use of resources in his/her charge;
 - e. Be accountable for his/her administrative acts;
 - f. Maintain an appropriate standard of dress and personal hygiene;
6. Disciplinary
 - a. A member of the Committee who is in contravention of the Code of Conduct or knowingly misconducts himself/herself will:
 - i. In the first instance, be issued with a verbal warning.
 - ii. Be issued with a written warning, if the misconduct is persistent (failure to adhere to (i) above), and copied to the member's appointing authority.
 - iii. In the absence of change in conduct, then the Committee writes to the appointing authority to have the member recalled and replaced.
 - b. Where the chairperson is the subject of the disciplinary process, the members will elect a chairperson for the purpose of the processes in (6)(a) above. For action in (iii) above, the Committee will inform the CS for action.

3.6 Financial Provisions

- 1) The financial provisions of the Committee are subject to the Constitution of Kenya, the Public Finance Management Act, Salaries and Remuneration Commission, and Circulars from the National Treasury.
- 2) Facilitation of the Committee is as follows: -
 - a) Financial resources for running the Committee will be provided by the Ministry responsible for mining; and
 - b) The members of the Committee are entitled to such allowances as determined by the Salaries and Remuneration Commission.





CHAPTER

04

Procedures Of Performing Artisanal Mining Committee Functions

In order to effectively discharge its mandate, the AMC will be guided by the following procedures:

4.1 Procedures for Grant of Artisanal Mining Permit

- 1) Application for an AM permit is done through the online mining cadastre system as per Section 192(3) of the Act and Regulation 4(2) of the Mining (Licence and Permit) Regulations, 2017.
- 2) The Representative of the Director of Mines receives checks for accuracy and completeness of the application document as prescribed and submits it to the Committee for evaluation.
- 3) The evaluation is based on the criteria provided in the Act and the regulations which includes: –
 - a) Proof of payment of the prescribed application fee;
 - b) Copy of registration certificates for cooperatives/groups, place of registration and registered address or identification documents for individuals as per Sections 11 and 95(5) of the Act;
 - c) List of members for cooperatives/groups with names, ID numbers, nationality, contacts and list of the elected officials as per Section 95(5) of the Act certified by the State agency responsible for regulating the entity or in case of an individual a certified copy of the national identification card;
 - d) The minerals of which the permit is sought;
 - e) Description, coordinates and sketch of the area in respect of which the permit is sought;
 - f) Land owners consent where the land is not designated as artisanal or small scale mining area as per Sections 95(5)(e) of the Act;
 - g) Proposed permit duration for a term as per Section 96(1) of the Act;
- 4) The Committee will advise/make recommendations to the representative of the Director of Mines based on the evaluation to approve, request for more information from the applicant or reject the application. This communication will be made in writing.
- 5) The Representative of the Director of Mines upon receiving the Committee's advice/recommendations will by notice inform the applicant either;
 - a) of the approval to grant,
 - b) to submit more information within a specified period where the Committee requested for such information, or,
 - c) of the rejection of the application with grounds for such rejection.
- 6) The committee will reach a decision in respect of a permit application within 60 days after receipt of the application as per Regulation 74 of the Mining (Licence and Permit) Regulations, 2017.
- 7) Where the Committee finds that an applicant gave false information or altered documents with an intention to mislead the process, it will recommend rejection of the application.

4.2 Procedures for Renewal of Artisanal Mining Permit

- 1) Application for renewal of an AMP is done through the online mining cadastre system as per Section 192(3) of the Act and Regulation 4(2) of the Mining (Licence and Permit) Regulations, 2017.
- 2) The Representative of the Director of Mines receives, checks for accuracy and completeness of the application for renewal (as prescribed in the Mining (Licence and Permit) Regulations 2017, Part ix, Regulation 75) and submits to the Committee for evaluation.
- 3) The evaluation criteria is based on the Act, which includes: –
 - a) Proof of payment of the prescribed renewal application fee;
 - b) Environmental impact assessment licence, and/or environmental audit as per Sections 98 and 176(1) of the Act;
 - c) Proposed permit duration in years for the renewal term as per Section 96(1) of the Act;
 - d) Report summarising mining operations by the holder since mining commenced that will include development works, ores extracted and processed, minerals produced and sold, equipment and labour.

- e) Report summarising operations performance by the inspectorate division of Directorate of Mines, including submission of periodical reports, payment of annual rents, fees, royalties, and statement of status on mine safety and environment.
- 4) The Committee will advise the Representative of the Director of Mines on their evaluation for renewal of an artisanal mining permit.
- 5) The Representative of the Director of Mines will either;
 - a) Inform the applicant to submit more information where the Committee requests for such information or,
 - b) Communicate to the applicant on approval or rejection of the application for renewal.
- 6) The Committee will reach a decision in respect of permit renewal within 60 days after receipt of the application for renewal as per Regulation 76 of the Mining (Licence and Permit) Regulations, 2017.
- 7) Where the Committee finds that an applicant gave false information or altered documents with an intention to mislead the process, it will recommend rejection of the application for renewal.

4.3 Procedures for Revocation of Artisanal Mining Permit

- 1) An Artisanal Mining Permit which has been granted can be revoked if:
 - a) The holder does not abide by the conditions attached to the permit;
 - b) The holder used false information in acquiring the permit;
 - c) The holder is convicted of any offence related to mineral rights and/or dealings;
 - d) The ownership of the mineral right ceases to be 100% Kenyan, or,
 - e) There is any other ground that the Committee finds lawfully justifiable for revocation of the permit.
- 2) The Inspector of Mines will submit to the Representative of the Director of Mines a report on an artisanal mining permit which would render a permit liable for revocation based on the criteria in (1) above.
- 3) The Representative of the Director of Mines will forward to the Committee a brief on the artisanal mining permit considered liable for revocation as per (2) above.
- 4) The Committee will evaluate and give the holder a chance to show cause why the permit should not be recommended for revocation.
- 5) The Representative of the Director of Mines writes to the holder a show cause letter as in (4) above with instructions to respond within 21 days from the date of the letter.
- 6) If a response is received from the holder within the set timeline of 21 days as requested, the representative of the Director of Mines submits to the Committee the response for deliberation.
- 7) If the holder does not provide a response within the 21 days, the representative of the Director of Mines will submit to the Committee a no response report. The Committee proceeds and makes a recommendation on the revocation of the artisanal mining permit.
- 8) The Committee may summon, where necessary, a holder to present their defence of the artisanal mining permit under review for revocation.
- 9) The Committee will advise the Representative of the Director of Mines on their deliberation on the revocation of an artisanal mining permit.
- 10) The Representative of the Director of Mines communicates by notice to the holder, the decision on revocation of the artisanal mining permit which may include either;
 - a) A decision to uphold the permit.
 - b) Actions mitigating against revocation.
 - c) Revocation of the permit.

4.4 Surrender, Assignment, Transfer, Mortgage and Trade of an Artisanal Mining Permit, Dispute and Conflict Resolution.

Any surrender, assignment, transfer, mortgage and trade of an Artisanal Mining Permit, dispute and conflict resolution will be referred to the CS and be dealt with as

prescribed in Sections 51, 144, 154, 155, 156, and 157 of the Mining Act as read together with Regulations 25 and 28 of the Mining (Licence and Permit) Regulations, 2017.

4.5 Appeal

Any person aggrieved by any decision of the Committee may appeal in writing to the CS stating the reasons as

to why the decision should be reconsidered.

Annexes

Annex 1

AMP Application Form

Form AMP1

(r.72)

1. Applicant's identity and contact information

a. Full Name

:

b. Physical Address

:

City/Town

:

County:

Postal Code

:

Country

:

c. Other required contact information:

Phone number

:

Mobile Phone

:

Fax number (if any)

:

E-mail address

:

2. Duration of artisanal mining permit applied for (tick appropriate option)

o 1 years

o 2 years

o 3 years

3. Mandatory attachments (tick each item attesting that the required document is attached to this application)

o Proof of payment of application fee;

o Where the applicant is a body corporate, cooperative or association, attached all incorporation documents;

o Environmental licence;

o Consent from the landowner.

4. Declaration

(Note: when any Declaration provided in this form is found to be false, the person shall be guilty of an offence and subject to penalty in accordance with the Act).

Annex 2

Artisanal Mining Permit

Form AMP2

(r.73)

[Artisanal Mining Permit]

Artisanal Mining Permit Registration No. AMP

Term of: years

Term commences on: day month year

Term ends on: day month year

1.Subject to the conditions set out in the Mining Act, in the regulations made under the Act and in this mining permit,

Name:

(Hereinafter referred to as the "holder") whose registered office in Kenya is at

Address: Postal Code:

City: County:

is by this artisanal mining permit granted the exclusive right to mine (name of minerals) within and over the mineral right area specified in Annex 1 of this permit.

DATED THIS DAY OF 2

Representative of Director of Mines (name)

(signature)

In the presence of:

(signature)

(signature)

Inspector of Mines (name)

(signature)

Holder/Authorised Representative (name)

(signature)

In the presence of:

(signature)

- (1) Rights conferred by this permit

The holder of a mining permit may –

(a) enter the area specified in the permit and take all reasonable measures to carry out mining operations;

(b) erect on the area buildings and equipment necessary to carry out the mining operations; and

(c) subject to the payment of royalties, use or dispose of any minerals recovered.
- (2) Obligations under this permit

The holder of this permit shall–

(a) conduct mining operations in compliance with Mine Safety and Environment Regulations and guidelines

(b) demarcate and keep demarcated the mining area in the prescribed manner;

(c) take all measures necessary to protect and restore the environment within the mining area;

(d) submit quarterly returns on mine development and mineral production;

(e) comply with any prescribed record keeping obligations;

(f) stack or dump any minerals or building materials or waste products in the manner provided for in the Mine Safety and Environment Regulations

(g) not use such equipment as may be prescribed or chemicals such as cyanide and mercury; and

(h) pay royalties, fees, mining taxes and charges.

ACCOMPANYING ANNEXES

Annex 1. Map of artisanal mining permit area

Annex 3

Application to Renew Artisanal Mining Permit

(r.75)

Form AMP3
[Application to renew artisanal mining permit]

1. Applicant's identity and contact information

a. Full name : _____

b. Physical Address : _____
City/Town : _____ County: _____
Postal Code : _____
Country : _____

c. Other required contact information:

Phone number : _____

Mobile Phone : _____

Fax number (if any) : _____

E-mail address : _____

2. Duration of artisanal mining permit applied for (tick appropriate option)

☐ 1 years

☐ 2 years

☐ 3 years

3. Mandatory attachments (tick each item attesting that the required document is attached to this application)

☐ Proof of payment of the application fee;

☐ a report summarising mining operations undertaken since the permit was granted;

☐ an updated environmental audit report.

4. Declaration

(Note: when any Declaration provided in this form is found to be false, the person shall be guilty of an offence and subject to penalty in accordance with the Act).

Annex 4

Application Summary

(For use by the Representative of Director of Mines)

Applicant's name and address: (individual, group or cooperative)	
Agent name and contact details: (details of the contact person registered in Cadastre System)	
Application no.	
Date applied:	
Minerals of interest:	
Size of the area of interest:	
County:	
Sub-County:	
Ward:	
Location:	
Land Reference:	
Map: (as appears in the Mining Cadastre System. Should be clear and showing surrounding details such as land use, natural features, infrastructure, etc.)	

Annex 5

Application Checklist

(For use by the Committee)

Requirements		SUBMITTED		Comments/Summary
		YES	NO	
1.	Proof of payment of application fee.			
2.	National ID/Passport/registration certificate.			
3.	List of members (for cooperatives/groups) with names, ID numbers, contacts and certified list of the elected officials.			
4.	Landowner consents.			
5.	Has specified permit duration.			
6.	Mineral of interest			
7.	Environmental Licence			

TECHNICAL EVALUATION: (attach a signed verification report from an Inspector of Mines which shall include: date of site visit, location and coordinates of the proposed mining site, status of land ownership and consent if known, proposed mining operations, sketch of proposed site plan, recommendation on granting of permit, any other relevant information).

FOR OFFICIAL USE ONLY

ARTISANAL MINING COMMITTEE RECOMMENDATION:

Date of meeting:

Date meeting minutes were confirmed:

Meeting no./Minute no. /

Chairperson's Signature Date

REPRESENTATIVE OF DIRECTOR OF MINES' DECISION:

Signature.....

Date.....

Annex 6

Renewal Summary

(For use by the Representative of Director of Mines)

Holder's name and address: (individual, group or cooperative)	
Agent name and contact details: (Details of the contact person registered in Cadastre System)	
Permit no.	
Date of grant:	
Date of application for renewal:	
Minerals of interest:	
Size of the area of interest:	
County:	
Sub-County:	
Ward:	
Location:	
Land reference:	
Map : (as appears in the Mining Cadastre System. Should be clear and showing surrounding details such as land use, natural features, infrastructure, etc.)	

Renewal Checklist

(For use by the Committee)

Requirements		SUBMITTED		Comments/Summary
		YES	NO	
1.	Proof of payment of renewal fee.			
2.	Environmental audit.			
3.	List of members (for cooperatives/groups) with names, ID numbers, contacts and certified list of the elected officials.			
4.	Report summarizing mining operations by the holder since mining commenced that will include development works, ores extracted and processed and minerals produced and sold, equipment and labour.			
5.	Has specified permit duration.			
6.	Performance report from Inspectorate Division (operations performance by holder including: submission of periodical reports, payment of annual rents, fees, royalties, and statement of status on mine safety and environment).			

TECHNICAL EVALUATION :(attach a signed verification report from an Inspector of Mines which shall include: date of site visit, location and coordinates of the pits, recommendation on renewal of permit, any other information).

ARTISANAL MINING COMMITTEE RECOMMENDATION:

.....

.....

.....

.....

.....

.....

.....

Date of meeting:

Date meeting minutes were confirmed:

Meeting no./Minute no. /

Chairperson’s Signature Date

REPRESENTATIVE OF DIRECTOR OF MINES’ DECISION:

.....

.....

.....

.....

.....

Signature..... Date.....

Map :(as appears in the Mining Cadastre System. Should be clear and showing surrounding details such as land use, natural features, infrastructure, etc)



References

Barreto, M. L., Schein, P., Hinton, J., & Hruschka, F. (2017). *Economic contributions of artisanal and small-scale mining in Kenya: Gold and gemstones*. Pact & ARM.

Kenya National Bureau of Statistics. (2022). *Economic Survey 2022*. KNBS Nairobi.







**MINISTRY OF MINING,
BLUE ECONOMY AND
MARITIME AFFAIRS**