

## Women in the Extractive Industry in Kenya: Opportunities and Challenges

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### Abstract

*The discovery and subsequent extraction of a wide range of extractive resources in Kenya has propelled the country's extractive industry to prominence. In anticipation that this industry would be an enabler for the country's economic growth and development, it has now been included in the country's development blueprint, the Kenya Vision 2030, as the seventh pillar. However, despite the potential that the industry has for economic growth and development, the same come with attendant social and economic risks as well as environmental harm both at the level of the local communities and at the national level. Whereas both men and women participate in the extractive industry in Kenya, they have very different experiences of the abovementioned impacts. They both have access to benefits from the industry by way of employment and income opportunities, however, evidence increasingly demonstrates that women are often more at risk of harmful social and environmental impacts of the extractive industry with little or no access to justice. It is against this background that this article undertook an assessment of the impact of the activities in the extractive industry on women particularly in Kenya. The study established that the gender gap in the EI in Kenya does not favor the female gender. This is attributed to the lack of adequate financial resources, low awareness and limited legal and institutional frameworks. The article also recommends policy solutions to enhance women's participation in the industry. These recommendations are also aimed at improving the development outcomes and the economic and social sustainability of the extractive industries.*

**Key words:** *Extractive Industry, Women, Kenya*

### Introduction

Women are the linchpins of their communities, and they play pertinent roles in ensuring the well-being of their families. Therefore, investing in women and guaranteeing their participation in development is not only critical for their development but it is also important for the socio-economic development of their families and communities. When in control of financial resources, women are more likely to devote resources to food, children's health care and education (Ward and Strongman, 2011).

However, sometimes, sustainable development initiatives in certain sectors can fail to have the desired effect on women and families. For instance, according to World Bank Report 2005, it was initially assumed that development was gender neutral and would address the needs and

preferences of both men and women. On the contrary, empirical evidence from various studies conducted by the World Bank suggested that development might actually benefit men more than women or have a negative impact on the status of women (World Bank, 2005). The extractive industry which forms the basis for this paper is one such sector where such disparities exist. A survey carried out in 2016 by the World Bank Group indicates that globally, women make up only 10% of employees in the large scale operations in the EI. The report further indicates that globally, women occupy only 5% of the positions in the boards of the mining companies (World Bank, 2016). Additional data from the Kenya Labor market profile indicated that there were 53,000 employees in the extractive sector in 2002 and 94,000 in 2013 (GOK, 2014). An analysis of this growth in terms of gender showed an increase in male participation by 81% from 2002, thereby making male employment in the sector to be around 76000 males. This leaves only about 18000 females in the sector being representative of around 64% growth (Ibid.). Furthermore, according to Dlamini (2018), varied studies have been able to establish that even though the EI has given women an opportunity to improve their livelihoods through enterprise development, the sector still remains largely male dominated.

This paper examined the extent to which women's engagements with the extractive industry operations increases their vulnerability to disproportionate risks to their security including harassment, gender based violence, disease and extreme levels of violence. Due to such exposure or vulnerability to security risks, the women are unlikely to optimally participate and extract full benefits from the EI.

### **Problem statement**

The overall management of EI reserves and revenues is critical to the economy of any resource-rich country and for this reason, the EIs are often under heavy government control thereby limiting the public's insights into their resource activities. In this regard, the Kenyan government has put in place several measures in an effort to promote best governance practices and benefit sharing mechanisms, of the gains made from the EI, between the National and County Government, investors and the host community.

However, despite the existence of various legislative and institutional mechanisms aimed at addressing a number of challenges that the extractive industry portends to the peoples' livelihoods and security in general, the place of women's security in this industry has not received sufficient attention. This has often resulted in a situation whereby women are disenfranchised and dispossessed at the onset of most or all extractive projects. This lacuna therefore provides the impetus for this article that sought to carry out an assessment of the impact of the activities in the extractive industry on women in Kenya. The article also explored ways and means through which such issues can be adequately addressed.

### **Objectives**

The general objective of this article was to delineate the extent to which gender has constrained the presence of women in the EI in Kenya. Specifically, the article examined how gender was used to deny or allow women to access employment opportunities in the EI and the nature of such opportunities. The article further explored the challenges that women face in the EI. It also explored the legal and policy mechanisms on gender equality in Kenya and their efficacy in

addressing women's participation in the EI. Finally the article made recommendations on how to address the plight of women in the EI.

### **Women in the EI: A Global Context**

The EI has often been associated with masculinity to the extent that masculinity has become the natural order of the industry. According to the United States Department of Labor, a male dominated sector is one in which women constitute less than one fourth of the total workforce (US Department of Labor, 2006). The EI has traditionally often fallen within this category. According to a research conducted by an organization known as CATALYST, women constitute only 7.9 percent of board positions in the top 500 mining companies out of which 94 percent of women represented are in non-executive positions (Catalyst, 2016). Subsequently, women's labor in the industry has been minimal and is constrained by their gender which defines the roles that they are permitted to perform. As a result, besides the labor force in the industry being described in numbers, it is also to be explained from the perspective of the gender division of labor which consigns women to performing lower cadre roles.

Empirical evidence from a survey carried out in 2016 by the World Bank Group indicates that globally, women make up only 10% of employees in the large scale operations in the EI. The report further indicates that globally, women occupy only 5% of the positions in the boards of the mining companies (World Bank. 2016). In Africa, against a background of the large scale discovery of valuable extractive resources such as oil, gas and minerals in Eastern and Southern Africa, evidence points to a gender bias in the extractive industry. Unless adequately addressed, such biases could widen the gender gap in access to resources and resource related opportunities (Ibid.).

Several scholars have engaged in studies to try and explain the phenomenon of gender within the EI. Moyo (2013) analyzes the low participation of women in the EI from a historical perspective in which she posits that the colonial era institutionalized discrimination against women in the mining sector. The colonial administrators employed males and introduced laws that prohibited spouses from living together in the mines. Subsequently, the men went to work in the mines, whilst women remained in the rural areas to work on the farms, a strategy that demonstrates how women's labor was exploited to subsidize mining operations. At independence, some of these policies were maintained but in a few instances when women attempted to get jobs in the mines they were constrained by the colonial legacies, as well as negative cultural and paternalistic attitudes towards them.

Women in the EI bear the victimhood tag from different perspectives thereby undermining their participation. Hayes and Perks (2012), observe that women in the Democratic Republic of Congo (DRC), who make up about 50% of the labor force in the Artisanal and Small Scale Mining (ASM), bear the legacy of being victims of Sexual and Gender Based Violence (SGBV) including rape, early marriage and forced prostitution which are associated with the conflict in the DRC. Therefore, women in the ASM are at double risk of becoming victims: one, because they are residents of rural or semi-urban areas that are emerging from war and two as informal workers in the ASM, who are subject to the precarious, social, economic and environmental conditions.

In many communities where extractive operations take place, women have often borne the brunt of the negative social and environmental impacts. Given that for the longest time the EI has been

widely regarded as an occupation that is unsuitable for women, its effects on the women has received little attention. Subsequently, women have often been left on the margins of the EI thus making them vulnerable to exploitation and abuse. The specifics of such exploitation may vary from one context to another, but in most instances women are recruited on contract or through labour brokers, are paid less than their male counterparts or are treated as elastic and expendable (Jenkins, 2014).

Within certain African set ups of the EI, women are barred from engaging in the operations in the industry based on a belief that they are bearers of bad luck and are incapable of carrying out the EI operations. For instance, a study carried out in the extractive sites of Migori, Kwale and Turkana counties established that women who are expectant or are experiencing menstruation were not allowed to go into the sites and carry out mining activities as they are believed to be unclean and as obstacles to efforts towards getting to the mineral ore (Ochieng, 2022). Additionally, women's desire to be part of the labour force in the EI, like in any other industry, is often at conflict with their responsibilities as caregivers and home managers. This to an extent compromises on their ability to fully commit to their occupation. For instance, whereas the male laborers or mine workers can get accommodation at mining sites, their female counterparts often have to commute because they are also responsible for the childcare and household duties. This means that they spend a considerable amount of their hard earned resources on transport costs. Women headed households are also vulnerable to additional burdens (Jenkins, 2014).

### **The Kenyan Context**

Kenya has made a number of discoveries of minerals, oil and gas in the recent past, a situation that has had a positive impact on employment opportunities in general. However, according to the Kenya Labor Market Profile Survey conducted in 2016, the labor market in general has a wide range of gender gaps that mostly favor men, a situation that is also evident in the EI. According to the Report, men have higher employment rates than women (Danish Trade Council, 2017). The World Bank Databank of 2018 indicates that in the last decade, unemployment among Kenyan women has remained constantly higher than Kenyan men. At the same time, the female labor force participation has been on the decline, thereby indicating that women have been exiting the labor market more rapidly (World Bank, 2018).

More specifically in the EI, a survey conducted by the Government of Kenya in 2014 indicates an increase in the job creation within the extractive sector, yet despite this increase, women still remain marginally placed. Data from the survey indicates that there were 53,000 employees in the extractive sector in 2002 and 94,000 in 2013 (GOK, 2014). An analysis of this growth in terms of gender shows an increase in male participation by 81% from 2002, thereby making male employment in the sector to be around 76000 males. This leaves only about 18000 females in the sector being representative of around 64% growth (GOK, 2014). Subsequent data, does not indicate much variance. For instance according to the Kenya Economic Survey 2020 male employment in the sector in 2018 and 2019 stood at 13.6 and 13.3 percent respectively. For the female gender, the same stood at 1.7 and 2.6 percent in the respective years (KNBS: 2020).

Besides, the above phenomenon of gender imbalance, there exist a number of legal and policy frameworks at global and national levels aimed at addressing the imbalance in the global economy in general. In 1979, the United Nations (UN) established the 1979 Convention on the Elimination of all forms of Discrimination against Women (CEDAW) (United Nations, 1979) aimed at providing women with equal representation in all sectors of the global economy. Equally, African States have embraced several legal instruments that demonstrate their commitment to addressing gender equality. These include the 2015 Sustainable Development Goals (SDGs), the Protocol of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Furthermore, The African Mining Vision advocates for a sustainable and well governed mining sector that is both gender and ethically inclusive.

In the same breath, Kenya has put in place legal and policy frameworks to address issues pertaining to gender inequality and outlawing discrimination on the basis of gender. As a dualist legal state, Kenya has acceded to and domesticated international treaties and obligations that advocate for gender equality. Similarly, on the local scene, legal and policy frameworks, *inter alia*, the Constitution of Kenya 2010, Elections Act, National Gender and Equality Commission Act, Vision 2030, National Policy on Gender and Development and the National Land Policy have in them engrained provisions that advocate for gender equality. Subsequently, in law, women and men have equal access to political participation, property ownership, health, employment and education. However, despite the existence of the above measures, women still remain marginally represented in the labor market in general and in the EI specifically thereby limiting their capacity to derive maximum benefits from the sector.

According to Winnie Ngarbiiwe of the Global Rights Alert (GRA) if the EI is a blessing then the women stand to be great beneficiaries. Their children will be able to go to better schools, healthcare is likely to be improved and so will their livelihoods in general. But if we go by the adage of the resource curse, then women may be the greatest losers as their land is likely to be polluted or destroyed, their children could fall sick from emissions, and because of loss of land they may end up living in slums in deplorable conditions. Given the two-sided impacts of the EI on women it becomes prudent that women are brought on the table when the discussion is about the EI (GRA, 2013).

Traditional gender roles have tended to exclude women from decision making on land ownership, choice of land or location for resettlement and management of family finances (Global Rights Alert, 2013). There is also the issue of women's property rights which still remains inconclusive in the EI especially where compensation for land is concerned. Kenya has made some stride in this by having a section for "spousal consent" in the event of any transaction involving marital property such as land and houses. The absence of such a provision has often accorded undue advantage to the men allowing them to set up bank accounts for the receipt of compensation monies in their names only (Global Rights Alert, 2013).

According to the Kenya Civil Society Platform on Oil and Gas (KCSPOG) report of 2014, women have often been left out during the exploration stage of the development of the EI. It therefore becomes highly unlikely that they would be included at the later stages (KSCPOG, 2014). Equally important is the level of representation of women working in the EI, from unskilled workers in indirect jobs right up to the top level of management in MNCs. In some way this represents

opportunities for the women to engage in small businesses that include the provision of food to camps and local hotels and also an opportunity to advance, given an opportunity for training into catering and general hospitality.

Alongside the above, there is also the risk of increased occurrence of incidences of Gender Based Violence thereby increasing perceptions of insecurity given women's changing economic roles and status. For instance, the inclusion of women in the sector threatens the roles of the men as providers and constitutes a significant threat to their sense of masculinity (GRA, 2013). Additionally, there is also the risk of women and girls getting into prostitution and the dangers associated with increased sexual activity taking place in bars associated with workers employed in the EI.

Michel Ross argues that the EI is often portrayed as a man's world, at least from the outside. There often seems to be little attraction and generally few role models for women (Ross, 2012). In Kenya, giving the example of the oil sector, only 29 percent of Tullow Oil's total workforce is female and only 6 out of the 49 senior managers are women. There has been an argument advanced that the lack of women in the EI is directly linked to the small numbers of women who choose to pursue academic courses related to engineering, geology and geophysics at higher levels of education.

Within the mining sector, there has been a notable increase in the involvement of women as well as children in the artisanal and small scale mining. Within this sector just like in the oil and gas sector, women have no control over resources such as land payments made in lieu of displacement, are not actively involved in the decision making processes, have little access to information technology and limited knowledge of enterprise development in relation to mining activities. Women and children working in the ASM use rudimentary mining processing methods which make them vulnerable to injuries and contact with hazardous materials. Child labour is prevalent in Kenya's ASM thereby occasioning the need for appropriate legislation to curb the vice.

### **Women in the Extractive Industries: The Challenges**

In developing countries such as Kenya, most women make a livelihood by tilling the land. However, when the land is given to an extractive company to mine a natural resource such as gas, oil or titanium, then their livelihoods are lost. The entry of the extractive company results in the arrival of transient workers, mainly men, who can find jobs in the mines and this leads to or reinforces gender imbalances.

This section illustrates the point that projects in the extractive industry in Kenya are not achieving the positive effect that they should where women are involved. With specific reference to the host communities where resources are extracted, it is apparent that apart from the host community being generally disadvantaged, women are often further disadvantaged. In areas like Taita Taveta, Migori and Kakamega, the women who work as small scale miners or as casual labourers, mine the various extractives at a small scale, process the raw extracted minerals and sell it at very meagre prices due to lack of the requisite capacity to negotiate for better contractual deals (Alubbe, 2015).

The other challenge stems from the fact that the women's health is always put in harm's way since they engage in the small scale processing using manual intensive processes that expose them to harmful chemicals such as mercury that have devastating effects on their health (Ibid.). The other

challenge faced by women in the extractive industry is with regards to their role in decision making process largely manifest in their absence during the drafting of benefit sharing agreements. Due to the largely patriarchal backgrounds that women are accustomed to, and where their voices are rarely heard, women's input in the drafting of policies and procedures that guide sharing of the benefits from the extractive resources is rarely sought (Scheyvens and Lagisa, 1998). This brings to the fore the aspect of lack of a free, prior and informed consent that is masked in customs and traditions that give prominence to the male figure in the society. Subsequently, the failure to involve women in such key consultation processes results in the displacements of families and communities to pave way for an extraction process, without due consideration to a woman's role in meeting the subsistence needs of her family. Furthermore, the payment of compensation and royalties is often directed to men ostensibly on behalf of their families which include the women. Arguably, this denies women access to and control over the financial benefits of an extractive project, thereby disempowering them or exacerbating existing inequalities. Indeed in households where women are the sole breadwinners and heads of their households, then they would not be entitled to receiving, such payments, due to the lack of a male representative.

The late Wangari Maathai, the 2004 Nobel Peace Laureate in her book *Unbowed* pointed out that:

“In Kenya, women are the first victims of environmental degradation, because they are the ones who walk for hours looking for water, who fetch firewood, who provide food for their families”.

From the above quote, it is imperative to note that women in the rural areas are often solely responsible for providing food and clean water to their families. However, due to the damaging effects that extraction of minerals has on the environment, this capacity is often undermined thereby leading to an increase in the workload for the rural womenfolk who then have to walk greater distances to access water, fuel/wood, forest products and land to plant food crops.

Finally, women in the extractive industry also suffer from different forms of violence such as gender based violence. Studies estimate that 70% of women have experienced rape or assault within the extractive sector and that nearly 60% of men reported that they had participated in rape. On the island of Bougainville, one in five women's first experience of sex is rape and one-third of men had experienced sexual abuse as children. And this takes place in an environment where 80% of people live in remote rural areas, where medical, police, and judicial services are difficult to access, and survivors of abuse often have few alternatives to staying in their communities and homes where the abuse occurs (Heller, 2015). Similarly, in Kwale for instance, there have been cases where women who access the mining tunnels are often subjected to sexual violence whilst those women who may not be able to get into the tunnels have to 'pay' a male colleague using sex to draw for them sand deposits from where they can extract the minerals (Daily Nation, 2016). Consequently, there is an increased risk and vulnerability of women in the extraction sector to HIV/ AIDS and other sexually transmitted diseases, sexual abuse and trafficking of women as a result of both the influx of a transient male workforce or the need to find money to feed families.

An additional challenge pertains to the lack of a monitoring and regulatory framework on management of the EI in Kenya and on women's rights in the industry to be specific. The commonly cited global tool is the Extractive Industry Transparency Initiative (EITI) which was

established in 2003 as a global initiative that advocates for best practices and provides guidelines to assist countries in implementing measures that foster openness, accountability and transparency in the management of oil, gas and mineral resources. Globally, 54 resource endowed countries have signed up for participation in the EITI process. Out of these, 24 African countries, which is almost half of the global total, have also committed to participation in the EITI (EITI 2005). The EITI seeks to have information along the extractive value chain fully disclosed. This would include everything starting from the point of extraction, revenue generation from the sector and outlining how the same would benefit the public (Ibid.).

The EITI recently added another layer of monitoring to its framework, and this new layer pertains to gender. In February 2019, the EITI Board amended the EITI standard to include new requirements on gender reporting by the signatory or participating countries. According to this new requirement, participating countries now have to provide employment figures disaggregated by gender, project and role. The reporting should also include information on how the countries intend to implement gender equality and social inclusion (Park, Metzger and Foreman, 2019).

However, from the Kenyan context, the country has not yet become a member of this global mechanism. In 2015 Kenya made a commitment to join the EITI, a global initiative that advocates for best practices and provides guidelines to assist countries in implementing measures that foster openness, accountability and transparency in the management of oil, gas and mineral resources. The government at the time pledged to establish a government focal point for EITI implementations within six months (Gary, 2015) It also made a commitment to adopt a transparent policy and legislative framework for the oil and gas sector including the adoption of a transparent process for the award of licenses of oil and gas blocks as well as publication of contracts between oil companies and the government (Ibid.). Despite such commitment, to date, Kenya still remains neither compliant nor a candidate country of the EITI implementing process (Muigua, 2019). This is despite calls by varied stakeholders in the extractive sector for a comprehensive and consolidated framework to help track revenues accrued from the sector and enable the general Kenyan populace to understand its contribution to the economy.

### **Findings/Discussion, Recommendations and Conclusion**

The lack of inclusive clauses in the country's legislative framework to deal with women related issues in the extractive industry is a pointer to the ever widening gap between the community, governments and the companies in the extractive industry and the reality of the challenges that women face in this sector. It is incumbent upon the above mentioned entities to engage with gender issues in order to ensure that sustainable development projects relate adequately to women's empowerment. It is against this background that this article makes the following recommendations:

i. **Capacity building:**

There is need to train women working in the extractive industry on how to establish and run micro-financing institutions and revolving funds amongst organized women groups. This would go a long way in assisting the women to pool together their resources and secure major loans to invest in their small scale mining activities, access healthcare and seek redress in the event of abuse or discrimination. Indeed such organized bloc groups would also be important when the women want to engage in negotiations for agreements on benefits sharing as well as in the event of displacement.

ii. **Information awareness:**

In line with the country's determination to achieve set development targets such as Kenya's Vision 2030, it would be imperative to include the participation of both genders and for emphasis to be placed on gender equity in every sphere of sustainable development in Kenya. Consequently, this article recommends the need to provide women in the extractive industry with balanced and objective information on anticipated natural resource extraction projects as well as the attendant large scale investments and what impact these would have on their lives and that of their households. This exposure would go a long way in enhancing women's understanding of the issues around the extractive industry, the alternatives, opportunities and solutions to the emerging issues.

iii. **Displacement and compensation:**

Taking into account the fact that the bulk of the extractives are found in poor and marginalized areas, where even the effects of the current land bill that increase women's access/ownership to land has not taken root and therefore women cannot claim to own any land, it therefore means that women are bound to be losers because they cannot gain from any compensation for the land. There is therefore need to increase grassroots women's awareness on their rights to land ownership to avoid discriminatory compensation practices that not only disadvantage the woman but also undermine the economic well-being of her dependents.

Furthermore, there is need to carry out gender-sensitive displacement and resettlement based on the differential experiences of women and men. This should be based on an assessment of the social and environmental risks of such processes and should be employed at the County government level and also reflected in the legislation at the national government level. The aim of this process would be to ensure that the citizens and more so the women have a say in the resettlement process while at the same time their social activities and values that are disrupted by the extraction process are factored in the resettlement process to ensure continuity.

iv. **Creation of strategic women's mining advocacy bodies:**

There is need to borrow the best practices from well-established women mining associations such as Southern African Development Community Women in Mining Trust (SAWIMA), and the South African, Tanzanian and Zambian Women Miners Association (TAWOMA). The objective would be to establish policies and institutions modelled along the same lines as the above examples as a step towards raising awareness among men and women to facilitate women's representation and participation in the extractive industry. Furthermore, another component of such an entity would be to deal with issues pertaining to gender based violence to ensure that women get appropriate justice in the event that their rights are violated in the course of their engagement in the extractive sector.

v. **Compliance with International Monitoring Mechanisms on the EI**

There is need for the country to embrace the EITI in an effort to enhance openness, accountability and transparency in the management of oil, gas and mineral resources. This will also buttress the country's commitment to enhancing women's participation in the sector

against a background of the revised requirement of the EITI tool in so far as gender disaggregated data is concerned.

## Conclusion

From the foregoing it is apparent that the extractive industry in Kenya presents a catalytic opportunity for women to be economically empowered. The key to harnessing this opportunity lies in the integration of gender equality into the policies, regulatory frameworks, programs and discourses in both the public and private branches of the extractive industry.

Furthermore, there is need for the government of Kenya and other regulatory bodies to maintain the delicate balance of ensuring that existing governance conditions do not only offer incentives for investors in the sector but also ensure that development outcomes from the sector are cognizant of the key role of women in regulatory frameworks, policies, operations and programs in the sector. Finally, there is need to eliminate discriminatory employment practices and increase women's access to capacity building and financing initiatives to better equip them to be active participants and exploit the economic potential of the extractive sector.

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