**Interview transcript- Senior Lawyer, women’s rights activist, Nairobi, 2018**

**Interviewer**: What is place of gender in extractives? Your time,

**Respondent**: Start with them all, with the simple question.

**Interviewer**: what is place of women in Kenya?

**Respondent**: Kenya or extractives? What do you mean?

**Interviewer**: Like, am being general, don’t mean extractives specifically but you can do extractives.

**Respondent**; what do you mean place of women considering half of Kenya is women. Do you mean in relation with affirmative action? What do you mean considering half woman is Kenya? Do you mean in relation with affirmative action?

**interviewer**: I know it’s just a broad question. We can look at it in terms of decision making, job access, in terms of policies, in terms of culture.

**Respondent**: Those are all separate streams. Okay, let’s start with women in their position in the society. Let’s start with political perceptive, the way I feel, I mean women had only an opportunity to vote in 1991 which was very difficult for them to get an ID .Remember for you to get an ID you need to use father or your husband, possible for a woman to go for an from a very difficult situation that you see form of discrimination, where you see they consider woman for voting you have a husband or was young ,therefore you could use you father you know as a[ ] I will like to say that from political perspective, specifically there was no match interest or pressure well based on women to be you know when you have the new policy let’s talk about more easier there was no then we have people in 1995 people will have [ ] was the first woman MP in government and that time was a hard [ ]okay and that time and she was o woman with disability and that you can see there was a very small step towards recognizing women in the participation of in political spaces first was for in constitution 2002 as in those where the initial, when Kibaki come in and we going to get a new constitution review process and we see a lot more not incivility especially on only women in participation and political spaces but there is other seen them in other spaces like place community of experts and quite a number of women on it. So maybe with time we see a gradual recognition of women as more members of society especially on political [ ]that’s why am thinking women in politics, like you can see in 1990s to 2000 and now is very progressive however they are still not there, if we talking about confirmative action as per policies and regulations and [ ] and having a [ ] have to get started in as MPs nominated women in parliament I mean it shows that they are not [ ] and people wonder its almost fifty fifty if government is not high so I think there is still a lot to be done since there is so many initiative mm trying to get women in political participation if we look at both combined NGO and government organization trying to enhance it, not necessarily formative action but also sensitization in awareness campaigns, you know [ ] there is so much inclusion I suppose am positive in woman in politics, mm I don’t want to talk about political arena because I think we have been there ,that is not something I can sit down and talk about how woman have not been there, maybe in cooperate world and the cooperate sealing and that is [ ]to most society I don’t think I can speak that in specifically to Kenya, you know women have , if you look at those [ ] around the world you [ ] gets towards 1950 in America and maybe early 1900 -1800 for the more progressive Europeans’, I won’t go much into their however there is [] a lot of women in cultural spaces most people think that Kenya specifically but culture but no [ ] the heads of most of clients and maltrilinear if we look at Kuria , the Kamba kikuyu ,freedom fighter Mau Mau or ones who were leading its very interesting to see that dynamic ,political space or political and its interference in governance in Kenya specifically in . women are struggling for food but if we had gone organically in Africa cultural perspective that will be very different because we had woman running for shows and council of elders happened to be [ ] but head of family ,head of community and it should be matrilineal, it’s very interesting see dynamic wars, conflict of interest between culture and how woman are avoiding [] remember as much as we were not inherit land and women are not allowed to own property an important part of community because it has to be taken care of, and we were the once who were doing farming at that time and men was kind of chilling protecting the homes but woman where cracks of community, so it’s a very interesting play if you want to use feminist on how to play dynamics, so it’s alright in Kenya .

**Interviewer**: So what law/ policy safeguards women initiatives in Kenya?

**Respondent**: So many ,let’s start with laws, we have these supreme law, the constitution in Kenya, if we look at a lot of articles in the constitution are very gender sensitive if you look at article 100 of constitution which define rights of marginalized community, woman children and other minorities we can see they have been given high triangle talk about two thirds general when we talking about right issues constitution up there with that, then we have things like matrimonial properties act which has now been revived from the last couple of the year yes you know to reflect more most understanding and gender, conversant perspective on woman and rights to property, look at marriage act its new fifty fifty , where it was not fifty fifty before no other laws look at political parties act where it almost requires zero commission of man woman fifty fifty zero , those are the laws. If we look at proactive among other laws, labor laws which requires longer terms of maternity, we can see there is a lot of protection of law, when it comes to policy we always have National gender coalition system as a constitutional requirement that requires not necessarily on women but also specific bias toward women the historical injustices, you know, what else? Gender policy in police station ,children office, we see higher place of litigation ,have missed the famous one , Pinnacle court , sexual offenses act , that talks so much toward potential of women especially issues of offenses and higher Pinole stiches for sexual offenses I mean, so definitely you can see policy if we go for an international perspective the international document which Kenya have a assigned ,look at ICCPR that will ratify this document that we have strong supervision on human rights but specifically sad, ritual discrimination still has very strong bias towards women if you look at a lot of local NGOs such as cover ,feeder we have a lot of woman driven initiative both government and NGOs , so I think the policy which are coming out are lot of spaces ,there has been a crazy drive that’s why they having been saying boy child is at risk now because all the women have been catered for quite specifically, so I mean from legislative all the way to policy and regulation ,government policy of affirmative actually a certain initiative is owned by woman government gives them support in relation to funding tenders if applying an organization led by women then they have affirmative action procedures which allow them to be able to apply for this ,different from the way men do it .funding from government initiative , targets men more than women. I think we have come a leaps and bounce from 1990, when it comes to woman progression political, governmental and other spaces.

**Interviewer**: okay, that was nice. [laughs] So in your own opinion do you think that this laws and policies are adequate and advancing the gender agenda in extractives sector.

**Respondent**: Don’t forget the gender form that you have mentioned, that also targets woman implementation, the laws are there ,the problem is not law the problem is implementation of this laws the concerted effort seems makes it look like ,when asking something ,looks special over and above what everybody else should be getting, it’s been historically marginalized when we looking for news which we can catch up, we are not asking anything new or special ,we asking about equity and equality ,equality is not the issue equity is where problem is coming in .we need to be able to be in a space that we fighting for samething,so I not problem on legislation in fact we have too much on, what we don’t have is legislation of this policy this law, for example till today we have been fighting for same thing problem I cannot say is legislation , in fact we have too much legislation what we don’t have is implementation of these policies ,for example till today we are still talking about [ ] principle, surely. That’s not something we should be discussing about, is not something MPs should be campaigning about, so I think we have more than enough legislation. When it comes to extractive industry am a little bit challenged because called for some issue of inclusion in some of these areas it conflicts with work life balance of a woman ,some industries not necessarily designed to be very effective towards women and I feel like extractive is one of those ,if you are [ ] and you have new born child, I mean how do those things work, for men you take maternity leave of two weeks and go back why because woman will raise the child and women will have to wait because the woman is raising the child for three months of maternity, can we say there is no equality no, it happens to be, I understand we are looking for equality , I too then we must be cognisent,that some specific industry which do not really endure themselves to the woman ,so for example when you offshores specifically ,how do then sit down one day when you have certain complication , how do you lift things when you five month pregnant when you have so much to do, so there is this challenge when you are a woman and some are these challenge I go through but this industry does not align me with those things. So can we talk about other equality that industry like extractives I don’t not think so, like for example a board room, we can have some of gender equality. Extractives as its own element, in my opinion don’t think I can sit down and talk about and then say I can have some of gender [ ], this is not one of those industry you can do that ,it’s like engineering chemical , electrical engineering its okay to come to look at engineering than come to look at other forms of engineering casing of you come and build structures that are I don’t know how many times woman will relating such kind of things ,it is what it is ,it is our limitation and relation to strength ,so what too, I understand we have to be equal I get it ,anything a man can do we can do better but there are limitations ,body limitations that we have o a bid by limitation you asked a question of limitation and extractives , how do ask for polies that targets women without making it making it look like we asking something special that’s a question am asking myself a lot especially when I listen to woman talking about challenges they have in the extractive industry .we are asking for special conception when you are, it’s not about asking for a lot, we feel like they are something into corner ,we are asking for something special ,over and above what man can ask for it is what it is , you know if you asking for accommodation of doctor who has done ideological background that’s different from any other doctor you know, we will ask for other consationl that taking consideration what we talking about women, it is what it is you know ,we bury our heads trying to pretend that these things do not look for consideration, they do. It’s not about affirmative action or polity it’s a women have different limitation in certain industries, that’s what bi think about women in extractives.

**Interviewer**: Generally, how do you think extractives are changing government?

**Respondent**: In Kenya specifically?

**Interviewer**: Yes.

**Respondent**: Honesty I don’t think so, not necessarily about [ ] have listened to couple of meeting have attended it doesn’t not have impeccable impact that we have in community or society they say its generating money, I think time will tell but right now don’t you think we drilling in oil ,what was there before biogas I meant its part of industries that have Kenya for a while I don’t think that’s new , I don’t think that is ,how was the question again?

**Interviewer**: How extractives are changing Kenyan economy.

**Respondent**: Can say, I can’t sit down and have opinion of that because am not asking for it because I won’t really go in details for that, it comes like there is intermission to show that. I must admit that.

**Interviewer**: This is also related to extractives but I’ll try and fix it in relation to your strength, so how are land use processes change extractives in property.

**Respondent** :That’s interesting because if we look at question of ownership of land ,access to land access to development in land is a [ ] woman to own the land and get to benefit it, it takes you back to question of benefit to ownership, women ownership and that what we need to talk about , women actually own this land get to be paid land that is being utilize of it, if a woman use that land for farming or for some form of subsistence taken ,are the adequate compensation for that consideration ,giving me twenty thousand is a me having to feed my children for the next twenty years year it’s adequate compensation real? So when it comes to when and ownership am quite interested to dynamics whether woman gets to own that land and if they own that land do they get compensation .a lot of it is clan land , clan land is not owned by them its owned by community so if we talk about land being given out do get to utilize it , okay just being complements with the fact that who are more likely to be working on it so what happens is come and say and much as they do not own it thy are using that land then we have this industries that are coming ,what is compensation that we ,is it longtime compensation or is it sufficient compensation .i dint think so ,women are struggling more than men counter parts ,either to prove ownership and therefore the form of compensate if not that , how do we quantify utility? so I think those are the challenges that are holding back, necessarily women are actually women. I don’t think so.

**Interviewer**: Okay, so what are roles of women at work?

**Respondent**: Work in general or work on extractives?

**Interviewer**: In extractives or around it or in general.

**Respondent**: Let me talk about extractives ,I think that we are in extraction, to cooperate responsibility so if you get a job, you get in a more cooperate sense so working in an office rather than field ,if we look at women who are working for twelve ours in contractor, working in the field I think there will be very high number of them working in the office other than in the field , I think there is indelicate balance ,am balance in some force, where woman has to hold in to corporate gigs ,now the question comes . Had brought this up earlier. Does industry allow people to go in the field? what type of criteria do you they use? Do you have to be single not to have family because a lot of conversation of people have been misled by people who have no family so as to forgo family. In order to be working in the field or those family having suffering for some extent because of them having trace to work on field, am not sure is a bad thing that women happen to be behind the desk, as long as they have access to this particular area. I can say its imbalance but might be necessarily balance. women in the field have to sacrifice, people in extractives have to sacrifice needs in the field and then chooses to be in offices instead.

**Interviewer**: What do you think can be done by policy holder to improve women agency in the extractives?

**Respondent**: I think have consistently said we have gender challenge .You have to take it in consideration that gender [] challenges within this gender in extractive industry ,alright if we going to formulate policy, formulate policies that has in mind the consideration of women , you cannot tell me that we having gender neutral policy ,absolutely not if you going to have the policy how target is policy toward woman ,alright if it’s about women from extractive society from the field perspective , we have laws, regulation and policies that encourage that have policies . we talk about access make sure not just access to toilets but access to doctors, access to banks that are able accommodate children. If it’s about equal pay into a consideration and about equal pay in hardship allowance for women I think policy need to target women not policies which are opting to cover every one not women, there is no way. I think will do ourselves disservice.so when we creating policy whether governmental it should target woman.

**Interviewer**: The issue about pay you mentioned about pay interaction with the people in general or in corporate field way, do you think gender base is an issue?

**Respondent**; have had that question many times and I don’t think it’s an issue , some of society sit down and see where money goes at least not in my observation not a wage conversation the problem has never be is going to be equal ,if a woman is going to have higher position a lot of organization, institutions whether government, parastatal non-governmental , have salaries structures it definitely it is sufficient to say that is definitely fall in whatever is what I think is challenge to access to higher position what I think is and I think that is challenge to job not necessarily the pay I know in other society community there is that gap between, not necessarily something that is tangible .so mm another opinion women are left in our community.

**Interviewer**: Do you think women are treated fairly in community and if answer is no, how and why are they treated differently?

**Respondent**: I think some instances have a lot of respect on women, especially for child bearing roles in society. I think in Kenya there is consent about that, child bearing and care giver ,what I think there is a lot of injustice is access, when you get family when you give birth is you stay and take care of kid and I think that is more often and I think that court has taken care of that very wrong it goes back to question of balance can woman have it all , no I don’t think I can say woman can have it all not in this situation and I think Kenya must have this circumstances you will be questioned about, if you choose cooperate woman, what happens in your house in the morning, when you can’t go to work when you don’t have someone to take care of kid I can assure you that .the partner will go back to work what about single parent? it’s very interesting however if we look at a lot at industries school women have the one who ate president not because of performance but because of the feel remake dominated so like I said it very good to see a lot of women in university go to work so much on becoming president and having to make difficult choice between being student and wife is a big and I think that where see discouragement as a parent it’s a double aged sold cut both ways .

**Interviewer**: Question of power, who holds power in the house?

**Respondent**: I think it depends on economic certification in more advanced home as in where the woman and man are both working and think woman have different power especially case s where bit of give more but than certification will not income especially if woman as woman is nit earning as much as man and all those thing time for kids and also humble her self-community, culture initiative but if we go down economic strucuture, definitely at bottom man has power , so very interesting to see how dynamic strategy based on human is I think that enough to talk about, above that we should look at that.

**Interviewer**: Nice, does this impact the issue of decision making on economy sides?

**Respondent**: I think its comes hand in hand in package deals, power is situation where you can make decision or is it power you make decision on how you husband spends money, you can’t so I think its of cos if you have power then you have decision making capabilities.

**Interviewer**: How do this power relation affect women engagement in or there is tradition technical base.

**Respondent**: let’s talk about extractives I think that if you look at for example women in corporate extractive they have a bit tend to be quite in this chain, I don’t think of them higher this is very interesting to note. In that level they have decision making capabilities am not necessarily sure about women in the field I feel they are women in very disadvantaged in so many ways that ladders not that simple but if we talking about woman in cooperate extractives for the forum and that could just believe it Kenya though am not sure but I do believe that. Woman have gone cooperate distractive and I think they tend to get more power.

**Interviewer**: what are some of formal industries around extractives woman are engaged in then woman can engage in, and you think woman can engage in?

**Respondent**: That will be most logical approach most people going to mm being able to support industries be able to whether is money or labor or [ ] but food provision ,or so well people are working or washing clothes mm from compound we just come from , how we suppose to see that woman was providing survive in relation to taxes, so transport. am thinking that women come in from service provision other than direct provision, alright so the question.

**Interviewer**: What do you think, what are some of incentives, maybe government company must make in formal industry more productive.

**Respondent**: Am not sure what have info if was to comment in more speculative I know there are initiative put in place that’s which we go for it I think of cos subsidies for women are driven business if not subsidies specific provision or certain service provided by government but a formative action speak certain services can be provided by government impetance will be paced in or company so basically have policies subsidies encouraging women to apply grants for tender or service, I think.

**Interviewer**: what are [] woman as bread winners?

**Respondent**: This not feministic approach, but I belief we can find comfortable balance that will be ideal looking at situation like this, it’s not going to happen. they’re going to be occurring between cooperate and being home so say am not necessarily [ laughing] horrible thing to say. Women being bread winner is great but I will prefer situation with equal balance both parties are bringing in money and therefore woman has tie to engage other activity like child bearing so when woman is to be bread winner am not sure they bale to balance; I would be wrong but it sounds feminism.

**Interviewer**: I think if you look large question of whether woman agree to access industry and therefore upper issue o have lots of money and now definitely can focus our strengths and toward getting woman certain position if they can be able to manage other aspect of field work, if woman can have position cooperate industry. that would be ideal for sure.

**Interviewer**; In your own opinion what needs to happen woman to physical and extractive policy.

**Respondent**: We need ,woman right movement for the a movement the man had to door who was lawyer had participation of women there is duty of care or responsivity pleased in male gender if there are once who are dormant to open up doors ,for access that could be through policy, informal engagement that then propel woman to certain position that should be through formative actin or through recognition and also I think this is not supposed to be woman access create person who is holding gate key should be one to open it ,and in this case is not woman is gender and that gender should allow woman to access its man have to access to barrier for woman to have access this it.

**Interviewer**: So then should we be discussing about gender and equality about woman.

**Respondent**: I think conversation this question is not premature because is necessarily but ,mature we are ready to understand there are gender difference if we could understand gender difference instead of asking, situation and approaching extractive its easy to talk about woman as doctor other other in geo science those are two different conversation because of work it entails no, but so in my thinking we have wrong conversation now if we could understand the would be in better position, but right now we jump want gun to assesbility and equal without talking about recognition and talk about difference for this place let’s not try to try its gender neutral, I think this conversation is little premature because we have not had ,genesis of challenges of woman in extractives, they don’t know the challenges woman have in other filed which that they have come to understand probably be led by someone in the industry , definite number of people from industry the heads of industry the top people, big people the one supposed to lead this conversation and not women .like I said some barriers need barrier holder to knock down those barriers ,so in this case I feel women trying to put [ ] will not try to understand ,in first place I think conversation premature, conversation about woman about participation are very advanced expects, wanting women in extractives is very advanced engagement I think I over reaching, of the recover the seminar we had ,

**Interviewer**: what is your opinion of what’s is going on in Turkana, right now?

**Respondent**: I think it’s quite sad, but I think we knew it was coming, oh my God, we knew it was coming, we did not do enough or either effersise or we buried our head sand and thought it will figure out situation approach. But I don’t follow it much its upsets me because I knew it was coming. not really in truck but it going to, so I wish we having diff conversation ten years ago I wish we being heard in parliament and not in board room that’s all I think.

**Interviewer**: You know I was watching the news the other day about protest, it was interesting to just see it its really sad am like where is community or NGO benefit from [] or this woman who benefit from oil and that sector.

**Respondent**: And this could explore, whether women in that situation are having, woman and that’s where we go wrong we assume one size fits all women in Turkana is not the same women Nairobi , they have diff challenge with woman in Nairobi or even more than urban setting, isiolo challenges as and that very interesting because their challenge is more community base, what do I mean? tribe issues of tribal and understand what is woman role I tribe in the clan do woman have voice? woman do not have voices, and so are a little bit blamed for, find food to cook for their kids a lot of this woman undergo challenge like FGM maternal health and nobody can tell so I think good disservice if we think we do no don’t on same consideration not even challenge or the same considerations then there is so stuck in tribe and culture and they are still there, not broken fear about those born we have we no longer have, I remember having to rap up despite fact that am not from there I literally had to wrap up and go there.

**Interviewer**: So that they can’t talk to you?

**Respondent**: Yea, like talk to me, talked to male counterpart, so male counterpart come to me give me a info they did not to us, clan leader did not to us as we were going to do research there will be equity, clan leaders were like we don’t talk to women, in fact I was interesting. They didn’t talk to us, so we had to give our driver order from clan leaders there is diff dynamic working there and we are blame we treated equal between are not .so wont expect to seem them either.

**Interviewer**: Yea, that’s true.

**Respondent**: There is total difference between, how men treat woman? Do they not have voices, and so are a little bit blamed for, find food to cook for their kids a lot of this woman undergo challenge like FGM maternal health and nobody can tell so I think good disservice if we think we do no don’t on same consideration not even challenge or the same considerations then there is so stuck in tribe and culture and they are still there, not broken fear about those born we have we no longer have, I remember having to wrap up despite fact that am not from there I literally had to wrap up and go there.

**Interviewer**: Thank you so much.

**respondent**: You’re welcome.