THE KENYA MINING CADASTRE
A Case Study

7th February 2020

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The Chairman - Mineral Rights Board
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01. Kenya - Profile
KENYA CONTEXT

COUNTRY PROFILE

- 2019 Population (millions): 47.56
- Surface area (sq. km) (thousands): 580.4
- 2018 GDP (current US$) (billions): 87.91
- 2018 GDP growth (annual %): 6.3
- 2018 Inflation, GDP deflator (annual %): 2.8
- 2018 Agriculture, forestry, and fishing, (% of GDP): 34
- 2018 Trade (% of GDP): 36
- 2018 Imports of goods and services (% of GDP): 23
- 2018 Exports of goods and services (% of GDP): 13
- 2018 Literacy rate (adult total %): 81.53

Source: World Bank 2019
Kenya Minerals Map

- **Fluorspar** deposits are being mined in the Kerio valley.
- **Diatomite** deposits are being mined in Baringo county.
- **Gold** deposits are being mined across the South West.
- **Soda Ash** deposits are being mined at Lake Magadi.
- **Salt** deposits are being mined in Kilifi county.
- **Gemstones** including ruby, sapphire, tourmaline and emerald are being mined across the South East.
- **Mineral sands** deposits found in Kwale are being mined by Base Titanium.
02. Functions of the State Department
Mandate and Functions of the State Department of Mining

- Develop policy on Extractive Industry;
- Conduct mineral exploration;
- Develop mining policy management;
- Prepare inventory and mapping of mineral resources;
- Coordinate mining and minerals development policy;
- Develop policies on the management of quarrying of rocks and industrial minerals;
- Ensure management of health conditions and health and safety in mines;
- Conduct mining capacity development and value addition;
- Conduct Resource Surveys and Remote Sensing; and
- Maintain geological data (research, collection, collation, analysis).
4. Functions of the Mineral Rights Board
According to section 31 of the Mining Act 2016, the Mineral Rights Board is tasked with

- advising and giving recommendations in writing to the Cabinet Secretary on granting, rejection, retention, renewal, suspension, revocation, variation, assignment, trading, tendering or transfer of mineral rights.

- MRB will have the advisory role in declaration of certain minerals as strategic minerals and the cessation, suspension or curtailment of production in respect to mining licenses. The nine members will also be involved in determination of fees, charges and royalties payable for a mineral right or mineral as well as advise on areas suitable for small scale and artisanal mining among other duties.
5. Overview of the Cadastre System
Background

• 2011 - digital mining cadastre system was first introduced in Kenya. It was FlexiCadastre ® supplied by Spatial Dimension

• 2014 - the system was upgraded from backoffice to online and dubbed Online Transactional Mining Cadastre (OTMC)

• 2016 – Mining law in force now was enacted and this necessitated conforming of the OTMC with the new law, substantial work had been done by 2017 and the system was opened to public

• Present – The system is still being improved for optimal user experience and security
The Mining Cadastre currently supports mineral rights transactions including:

- Registration Portal - Supports the User Registration and Transactions
- Payment Portal - A platform for online fee payments
- Online application of mineral and dealings rights
- Online submission of obligatory performance reports
- Mineral and dealings rights data repository
- Notification feature to right holders
- Publicly accessible and interactive portal.
- Mining Cadastre Portal map - Displays information accessible to the public.
- Online submissions Portal - A platform for notifications and submission of reports and payments
Mining Cadastre System is an online mineral rights information management tool and a repository. A revolutionary improvement from inefficient manual processes and archiving of records.

- The system has developed over time to become a central communication tool between right holders and the regulator (State Department for Mining).
- It provides the only legal means of submitting applications and obligatory performance reports related to mineral rights and dealings.
6. Process
Licence/Permit Cadastre application process and evaluation

Portal Registration

Application

If not enough documents (Revert to client)

Payment Verification

Documents Verification

TC Evaluation

MRB Evaluation

CS Evaluation & Approval

Notification of approval and gazettement

Handling of Objections

Offer Licences

Timeline

120 Days
Mining Cadastre Portal Displays Information Accessible To The Public.
Online Mining Cadastre Portal - Supporting User Registration
An invoice has been created for the above items that you have selected for payment. Once you are ready to submit payment, or proof of payment, click the "Proceed to Payment" button below.

If you are not yet ready to pay, you can leave this page, then return to this invoice at any time by selecting the invoice from the "Submit Payment" page.

For mobile money and credit card payments, a KES 50 convenience fee will be added. For credit card payments, an additional 3% commission will be levied by the payment gateway.

Electronic bank transfers may only be made into the nominated Ministry of Mining bank account. Allow sufficient time for inter-bank clearance.

**Payee:** Principal Secretary, Ministry of Mining  
**Account:** 10000323914  
**Bank:** Central Bank of Kenya

Please ensure that your payment amount exactly matches the total listed above. Allow seven days for payment verification by Ministry officials, after which you will receive confirmation via email.

**Select Payment Method:**
- [ ] Mobile Money or Credit/Debit Card
- [ ] Submit Proof of Prior Payment (prepaid)
### Licence Coordinates

#### Make Payment

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<th>Date Due</th>
<th>Description</th>
<th>Payment Status</th>
<th>Amount</th>
<th>Link</th>
<th>Feedback Status</th>
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<tr>
<td>26/11/2019</td>
<td>Fee: Annual Rent</td>
<td>Kenyan Shilling 50000.00</td>
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#### Submit Report

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<th>Description</th>
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<td>Report: Quarterly</td>
<td>Submit Report</td>
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#### Renewal (Large Scale Licences)

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<td>25/09/2021</td>
<td>Submit Renewal Application</td>
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#### Licence History

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<th>Description</th>
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<td>26/11/2018</td>
<td>Paid: Granting Preparation &amp; Annual Rent (Kenyan Shilling 50000.00)</td>
</tr>
<tr>
<td>26/11/2018</td>
<td>License Granted</td>
</tr>
<tr>
<td>26/11/2018</td>
<td>Paid: Application Fee (Kenyan Shilling 50000.00)</td>
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7. Challenges
Challenges

• Enforcement of annual reports submission online using a standard template
• Tampering of Online submission
• Online Squatters
• Foreign Companies get more than 7 licenses using different names and companies
8. Opportunities
So far the experience and the feedback from the various categories of users including internal and external, point to the need for:

• County sensitize process on cadastre and online application
• Clear of old licenses
• Enforcement of annual reports online using a standard template
• Stern warning and consequence on tampering of Online submission
• reconfigurations and upgrading of the system particularly to enhance the ease of use, security of data and’
• to fully align it to the Mining Act 2016 and the respective regulations.
So far the experience and the feedback from the various categories of users including internal and external, point to the need for

- Ease of use – provide electronic templates to guide applications and reporting performance. Include more map layers
- Notifications features – send alerts to system operators and right holders for time bound actions
- User experience – provide easy to use search function and reports generation, ability to navigate back and forth, opening of multiple windows, roles and task assignment e.t.c.,
- Local back up – system inaccessible in case of internet outage, provide local alternative
- Conforming to the law – the system is fully configured to mining law
- User training – continuous training to build capacity
- Online Squatters, need to review the process of cadastre
Thank You