

LAMU COUNTY-BASELINE STUDY



2018-2019

Contents

LAMU BASELINE SURVEY	1
1.1 Areas Covered	5
1.2 Area of Study	5
1.3 Economic Activity.....	5
1.4 Aims and Oectives.....	6
1.4.1 Overall objective	6
1.4.2 Specific Objectives	6
2. FAZA DATA ANALYSIS.....	7
2.1 Study Area Description	7
2.2 Sampling	8
2.3 Research Instruments	8
3. FINDINGS AND INTERPRETATION OF RESULTS	9
3.1 Educational Level of Respondents	9
3.2 Society.....	9
3.2.1 Civil Society Presence.....	9
.....	10
3.3 Modes of Communication	10
3.3.1 Television.....	10
3.3.2 Radio Transmission.....	11
3.3.3 Mobile Phone	11
3.3.4 Newspaper Access.....	11
4. CORPORATE ACCOUNTABILITY OF MINING AND EXTRACTIVE INDUSTRIES TOWARDS COMMUNITIES WITH A FOCUS ON EHRDWORK	12
4.1 Familiarity with mining activities.....	12
4.2 Public participation.....	12
4.3 Infringement of rights by the company.....	12
4.4 Environmental Human Rights Defenders	13
4.5 Corporate Social Responsibility	13
5. KWASASI DATA ANALYSIS	13
5.1 Study Area Description	13
5.2 Sampling	13
5.3 Research Instruments	14

6. KEY FINDINGS AND INTERPRETATION OF RESULTS	14
6.1 Education of Respondents	14
6.2.1 Civil Society Organization Presence	15
6.3.1 Television.....	16
6.3.2 Radio	16
6.3.3 Mobile Phones.....	17
6.3.4 Newspaper Access.....	17
7. CORPORATE ACCOUNTABILITY OF MINING AND EXTRACTIVE INDUSTRIES TOWARDS COMMUNITY WITH FOCUS ON EHRD WORK.	18
7.1 Familiarity with mining activities.....	18
7.2 Public participation.....	18
7.3 Infringement of rights by the company.....	19
7.4 Environmental Human Rights Defenders	19
7.5 Corporate Social Responsibility	20
Conclusion.....	20

Introduction

The National Environmental Management Authority (NEMA) is the Kenyan state agency mandated with the implementation of the Environmental Management and Coordination (EMCA) Act, a framework that is meant to oversee environmental protection management and conservation. EMCA establishes among others the following institutions; National Environment Management Authority, Public Complaints Committee, National Environment Tribunal, National Environment Action Plan Committees, and County Environment Committees. NEMA was established as the principal instrument of government charged with the implementation of policies relating to the environment. In consultation with the lead agencies, NEMA is empowered to develop regulations, prescribe measures and standards and, issue guidelines for the management and conservation of natural resources and the environment. The Act provides for environmental protection through;

- Environmental impact assessment
- Environmental audit and monitoring
- Environmental restoration orders, conservation orders, and easements.

NEMA is also the designated national authority for certain Multilateral Environmental Agreements.

There is growing recognition by civil society and governments that access to information and public participation in environmental issues are essential to advancing towards environmental protection and sustainable development. The importance of access to information, public participation and justice in environmental issues was highlighted 24 years ago at the UN conference on environment and development (Rio de Janeiro, Brazil 1992) On that occasion governments agreed that:-

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to Information concerning the environment that is held by public authorities, including Information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided” (Principle 10 of the Rio Declaration on Environment and Development, 1992).

In 2017, KIOS-the Finnish foundation for Human Rights Funded an Initiative being implemented by Center for Justice Governance and Environmental Action - CJGEA. The primary focus of the project is to address the inadequate development and implementation of participatory rights with regard to decision-making relating to the environment in natural resource extraction activities in Kenya and its impacts on social welfare and rights.

The project title is **“To promote the participatory rights and the right to a clean and healthy environment of the communities negatively affected by natural resource extraction in the coastal region of Kenya”** As part of the project, one of the activities was to conduct a baseline survey of the targeted 5 counties; Lamu, Mombasa, Kilifi, Kwale and Taita Taveta. This document covers Lamu’s baseline survey.

Duration

The survey will be done for one year from. January 15th 2017 to January 14th 2018 with follow up visits.

1.1 Areas Covered

The areas we covered while conducting the baseline survey in Lamu are Kwasasi-Manda Bay and Faza, This have been described in detail in the study area description 3.1.1 and 4.1.1 respectively.

Baseline Survey Personnel

1. Gerald Mugo	Staff	CJGEA
2. Cynthia Wainaina	Staff	CJGEA
3. Alice Mueni	Volunteer Field Officer	Lamu Polytechnic
4. Michael Ali Mohammed	Volunteer Field Officer	Lamu Polytechnic
5. Amina Mohammed	Volunteer Field Office	Lamu Polytechnic
6. Is'haq Abubakar	Field Officer	Save Lamu

Due to hostility in Lamu, CJGEA decided to partner with the local college Lamu Polytechnic and a local NGO Save Lamu. This gave us great mileage since the community is familiar with volunteers.

1.2 Area of Study

Lamu County is located in the Northern coast of Kenya and is one of six coastal counties in Kenya. It lies 1° 40' and 2° 30' south and longitude 40° 15' and 40° 38' south. The county has a land surface area of 6,273.1km that include the mainland and over 65islands that form the Lamu. Archipelago. The county population as projected in 2012 stands at 112,252 persons composed of 58,641 males and 53,611 females. With the youth comprising of 28%, young female of the reproductive age at 22.5% of the county population

1.3 Economic Activity

Tourism is the main economic activity. Others economical activities in Lamu include, fishing and artisan industry, crop production, livestock production, mining and quarrying.

The government is also building one of the largest ports in east Africa in Lamu County. Lamu port southern Sudan Ethiopia transport will greatly increase the economy of Lamu on cities completed. The

county is rich in minerals including titanium, salt, limestone, natural gas, coral stones and sand. Oil exploration is also ongoing. Most of the resident in Lamu practice mining due to the availability of minerals in Lamu.

The proposed **Lamu Coal Power Station** is a potential 1,050 megawatts (1,410,000 hp) coal- fired thermal power station in [Kenya](#) the proposed plant would be developed on 865 acres of land and feature a 210-meter-tall smoke stack, which would become East Africa's tallest structure.

The national government and media have been largely championing the project on the economic benefits from the coal plant activity. However, community advocates and some local government officials expressed concern over whether the benefits would be well distributed, whether the jobs would really materialize, and the lack of discussion over possible negative effects from the project and lack of adequate information on the project including lack of Free **prior and informed consent**' (FPIC), this is the principle that a community has the right to give or withhold its **consent** to proposed projects that may affect the lands they customarily own, occupy or otherwise use.

1.4 Aims and Objectives

1.4.1 Overall objective

Using procedural (participatory rights) (Access to information and public participation) as a tool for inclusion in decision making, climate change mitigation and to improve civic space and the socio economic welfare of poor and marginalized communities that host extractive Industries. This will be achieved by building their capacity to acquire advocacy information and participation tools that will empower them, to participate in environmental governance and decision making in their own communities.

1.4.2 Specific Objectives

1. This project seeks to empower communities through participatory action research to explore dimensions of (and impediments to delivery of) access to information and public participation as a tool for Peace, cohesion and climate change mitigation in five rural poor counties of coastal belt of Kenya.
2. Strengthen participation of communities in national processes on environmental governance by promoting cohesive opinion sharing in participation forums that represents the community concerns as a single voice.
3. Mainstream procedural rights into environmental governance systems to promote a climate regime in Kenya
4. To scale up platforms for socio economic rights empowerment, leadership development in communities in Kilifi, Kwale, Taita Taveta, Lamu and Mombasa Counties
5. Develop and implement an advocacy strategy

2. FAZA DATA ANALYSIS

2.1 Study Area Description

The study was carried out in Faza, a proposed oil and gas exploration site. Faza town is a settlement on the North Coast of Pate Island. Geophysical surveys done by Zarara Oil and Gas Company in 2013 through a 400km stretch in Lamu East confirmed that the area had oil and gas. (Kalume, 2016) The surveys were conducted in L4 and L13 blocks on Pate Island.

Faza is accessible via boat transport from Lamu town. The boat travels is on specific hours per day. It travel twice in a day from Lamu to Faza which is 5AM and 3PM and once from Faza to Lamu 5AM from Faza to Lamu Town. The approximate distance via boat transport is 46.90 KM.

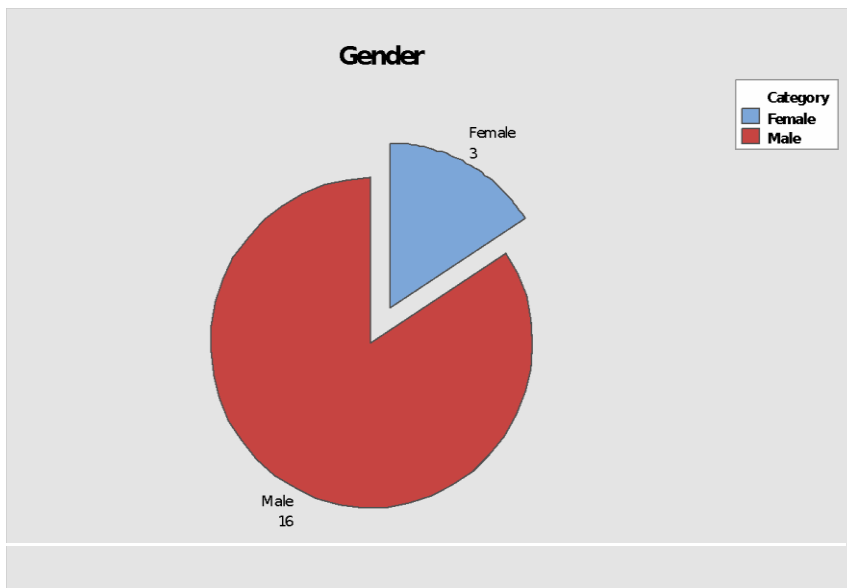


Figure 1 Gender representation

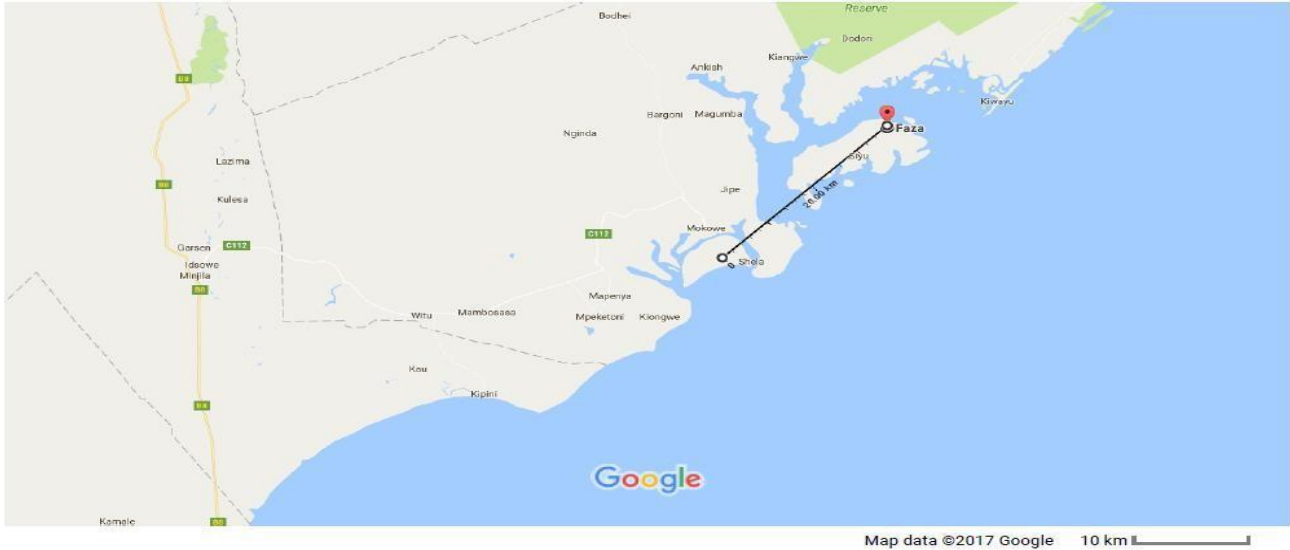


Figure 2 Map showing study area

2.2 Sampling

A total of 19 respondents were garnered from the survey by use of purposive sampling. The positive method of sampling was based on individuals directly affected by the company's activities, e.g. the workers, families whose land was grabbed and those who live at a close proximity to the companies.

2.3 Research Instruments

The primary tool used for the data collection was questionnaires. Photos and videos were also taken to capture data that was viewed as a critical component contributing to the study.

Direct observation was also utilized where the interviewers noted down issues relating to the study. The data generated from individual interviews was entered and analyzed by use of MINITAB Software. The data garnered was majorly descriptive.

3. FINDINGS AND INTERPRETATION OF RESULTS

3.1 Educational Level of Respondents

Respondents from Kwasasi area exhibited low literacy levels, with 42.1% of respondents having gone up to primary level, 26.3% Secondary 21.1% for Madrassa and 5.3% for Tertiary. The rest of the populations have not undergone any form of formal or informal education.

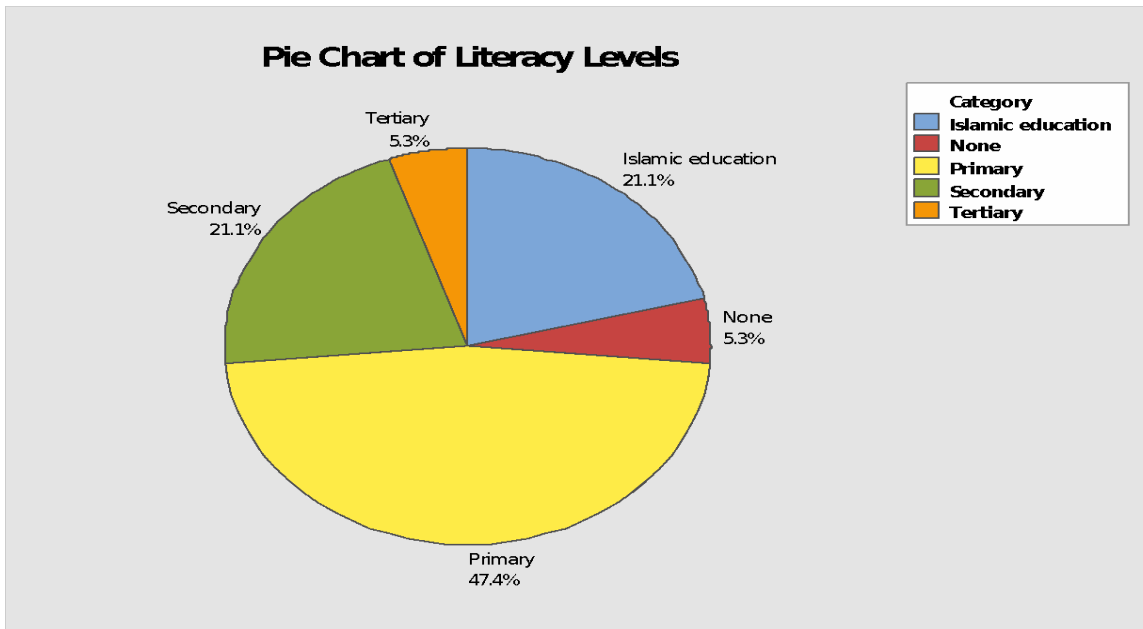


Figure 3 literacy level in the study area

3.2 Society

3.2.1 Civil Society Presence

The representation of CSO is very low. Due to the insecurity experienced in the area most of the community members don't want to identify with the CSOs. This is because terror groups are taking advantage of the CSOs within the area.

Some respondents confirmed that Save Lamu visited the area on several occasions and talked to the residents on the advantage and disadvantage of coal mining in Kwasasi-Manda.

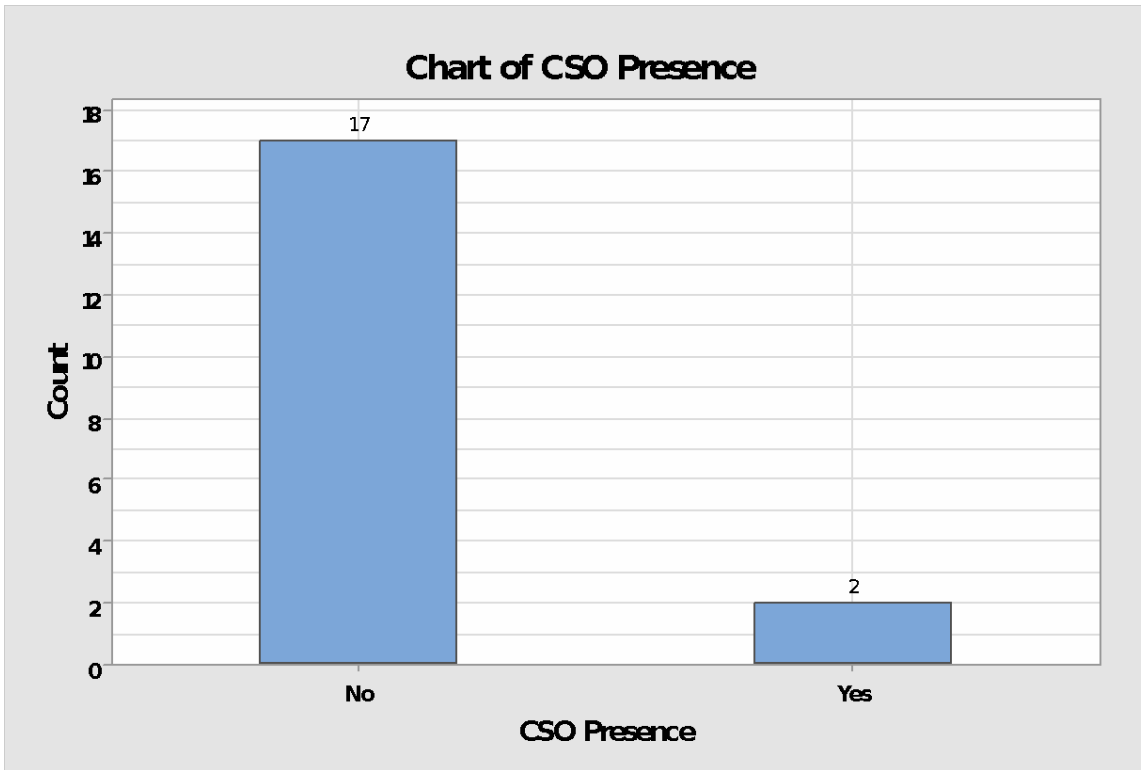


Figure 4 civil society presence.

3.3 Modes of Communication

3.3.1 Television

A common method of conveying information to people is via television.

From the study it was revealed that all respondents have access to mobile, 42.1% to radio and 63.2% to Television. The respondents with Television sets, Citizen TV and K24 TV were preferred channel choices.

We were able to learn that the Respondents without Television sets could easily access it from the Community Hall.

Faza area recently got connected to electricity from Amu Power there for most of the homesteads have access to Electricity. Previously, the residents would use solar panels as a source of energy their homes which was quite expensive thus most of the community members were not connected power.

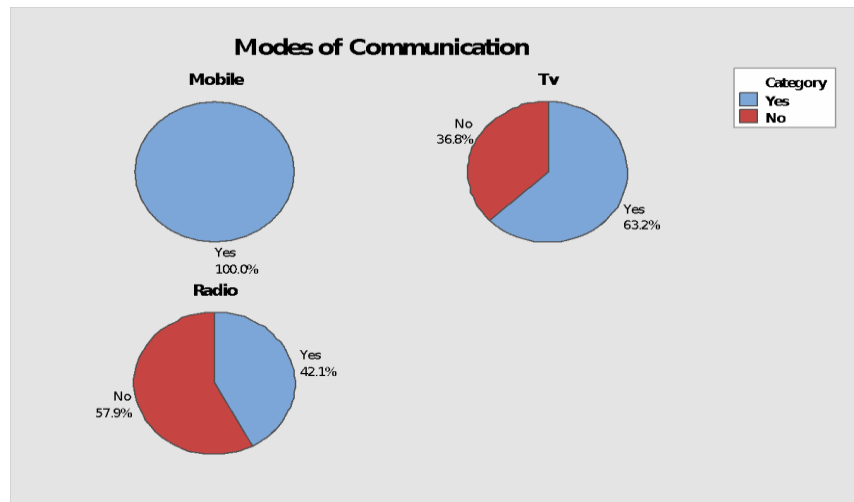


Figure 5 percentages on modes of communication

3.3.2 Radio Transmission

Radio is considered to be a major channel to convey information since majority of the residents owned radios. Most of the respondents listed Radio Salaam, Radio Rahma, KBC and BBC as their preferred radio stations.

3.3.3 Mobile Phone

73.7% of the respondents owned mobile phones that are internet-enabled and 26.3% of them were not. Respondents with internet-enabled phones explained that they mostly use their phones for sending SMS' and making calls and browsing the social media.

3.3.4 Newspaper Access

As part of access to information, respondents were also interviewed in regards to their access to newspapers and whether the newspapers received conveyed adequate environmental information.

47.4% of the respondents have no access to newspapers, 42.1 % are able to access newspapers but not on a regular basis. The respondents would either get them once or twice a week. 6.7 % of the respondent's access newspapers on a regular basis. This is to mean they are not able to get it on a daily basis.

Respondents explained that the distance from the Lamu town to Faza barred them from daily accessing newspapers. The few, who manage to get newspapers, get them a day late.

A follow up question asked was whether the newspapers accessed by respondents offered information relating to the environment and whether this information was adequate. Half of the respondents (5) who get newspapers stated that they get environmental information.

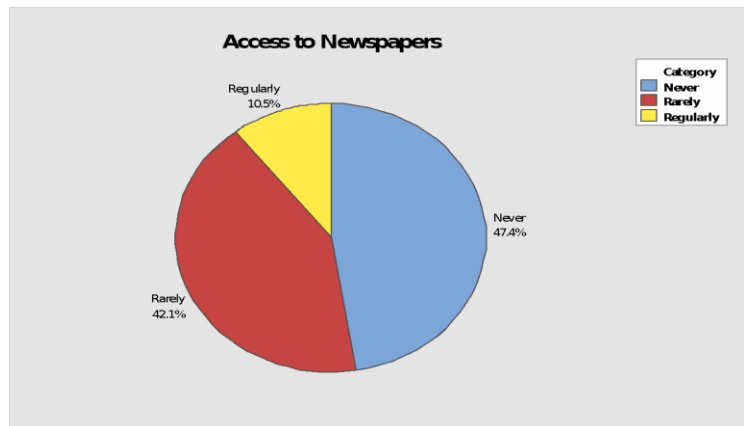


Figure 6 percentages of the population in relation to newspaper access.

4. CORPORATE ACCOUNTABILITY OF MINING AND EXTRACTIVE INDUSTRIES TOWARDS COMMUNITIES WITH A FOCUS ON EHRDWORK

4.1 Familiarity with mining activities

Of the respondents, 15 of them stated that they were familiar with the exploration of Oil and Gas. They further stated the name of the company conducting the activity which is Zarara Oil and Mining Company. The remaining populations (4) were not aware of any extractive activity being conducted in the locality.

4.2 Public participation

Respondents familiar with the company's activities were then further questioned if the company involved them public in forums prior to its establishment. 42.1% the population responded that there was a meeting held while 57.9% of the population said no meeting was convened. We further noted that this was attributed by poor conveying of information.

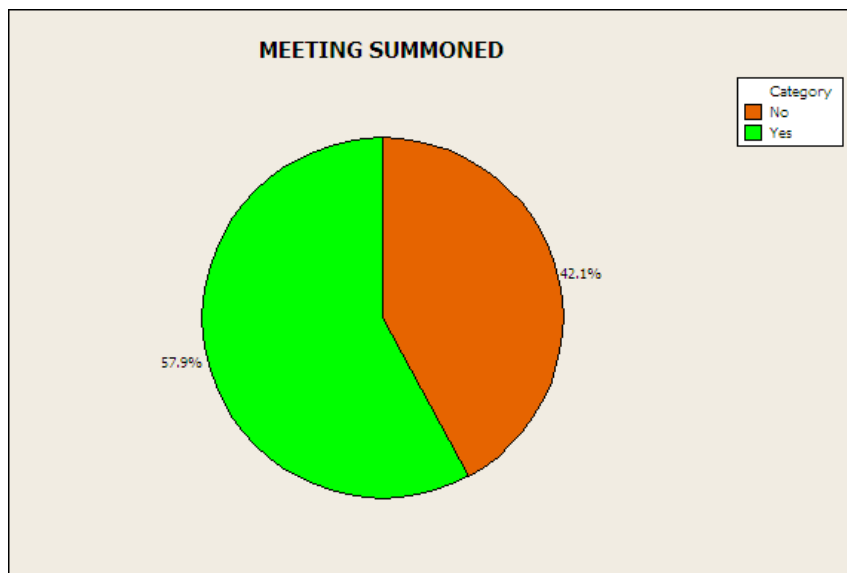


Figure 7 public participation

Of the 19 respondents, only 3 managed to attend the meeting. The remaining population gave reasons of either being busy or not aware of the meeting.

Residents learned of the meeting through local authority officials and the investing company also made an announcement of the convened meeting through a local announcer.

From the 3, the respondents stated that views concerning the company's activities were raised by the public and neither of them has yet been implemented by the company.

4.3 Infringement of rights by the company

47.4% of the respondents said that the company was violating their human and environmental

rights the respondents stated that the company did not inform them of their activity on their land, and they consider that as a violation of human rights.

Compensation was offered to those whose farmlands were destroyed, although, the affected complained that the amount was not substantial to cover the damage. A figure of Kshs 5,852 was given to those uncultivated lands that were blasted and the lands that were cultivated received Kshs 6852.

Notably, the respondents were not aware of their rights since the interviewers had to explain on how EIA's are vital and their role in public participation.

4.4 Environmental Human Rights Defenders

All respondents admitted that there have been people who have been leading them in objecting to the company's work. CJGEA however identified them as [EHRDs](#) who lacked knowledge of who they are. The EHRDs identified admitted that they lack support from other community members and government to assist them in champion the right of the community members.

4.5 Corporate Social Responsibility

The company, Zarara Oil and Gas mining Company, provided textbooks worth 2.5 Million shillings to Primary and Secondary Schools. The company also pledged to improve the hospital which is yet to be actualized.

5. KWASASI DATA ANALYSIS

5.1 Study Area Description

Kwasasi is located about 21 KM North of Lamu town on coordinates 02°06.860'S 040°54.841'E.

Kwasasi was proposed as a site to host the Lamu Coal Power Station which is approximated to cover 975.4 acres of Kwasasi area. (Kiarie, 2016)

5.2 Sampling

In Kwasasi we interviewed a total of 30 respondents for the survey which were chosen by use of purposive and random sampling. Purposive sampling we based our sample on individuals directly affected by the company's activities. These types of people are the company's staff, the community living close to the mining company, and those whose land was affected in one way or the other.

From the respondents we interviewed, 22 of them were male while 8 were female.

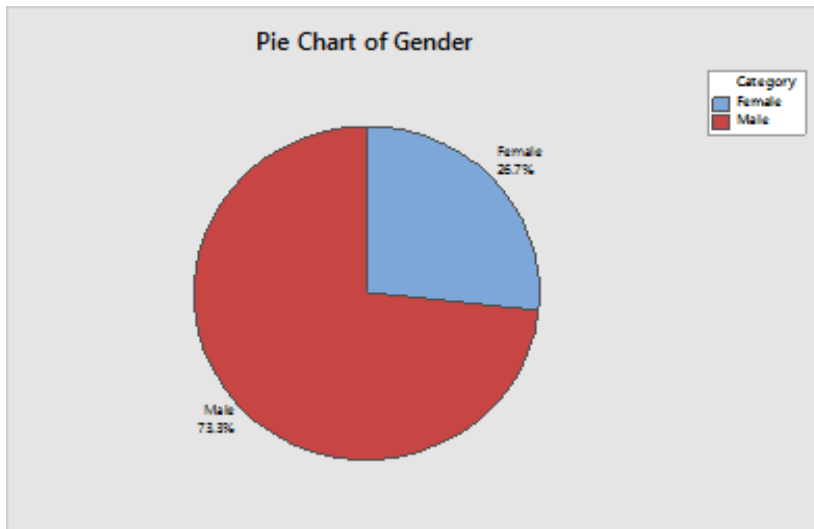


Figure 8 Gender sampling

5.3 Research Instruments

The primary tool used for the data collection was questionnaires, Photography and videos were also taken to capture data that was viewed as a critical component contributing to the study.

Direct observation was also utilized where the interviewers noted down issues relating to the study. The data generated from individual interviews was entered and analyzed by use of minitab Software. The data garnered was majorly descriptive.

6. KEY FINDINGS AND INTERPRETATION OF RESULTS

6.1 Education of Respondents

As per the research we conducted, Kwasasi community members are uneducated, with 46.7% of respondents having gone up to primary level, 26.7 % Secondary 10.0% for Madrassa and 3.3% for

Tertiary. The rest of the population has not undergone any form of formal or informal education.

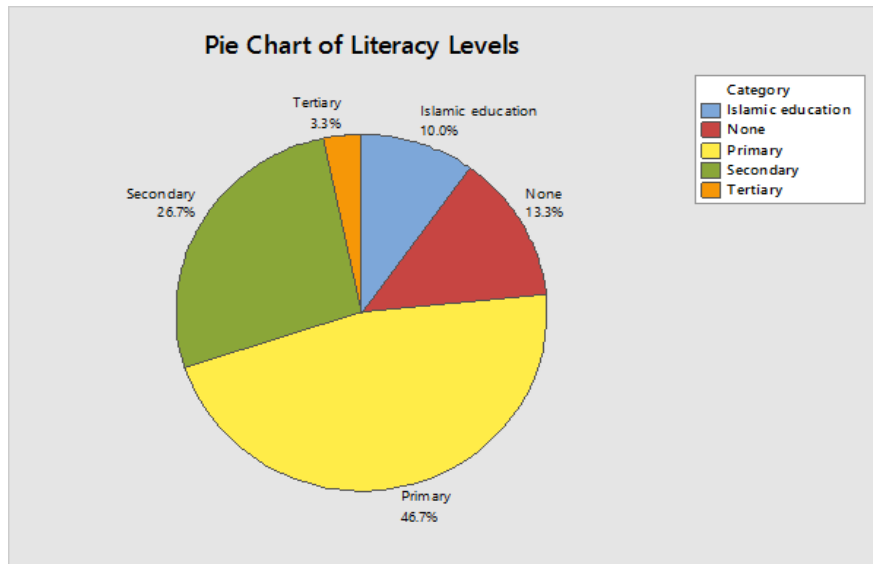


Figure 9 Literacy levels

6.2 Civil Society

6.2.1 Civil Society Organization Presence

CSO presence in the area is relatively low. 76.7% of the respondents have no idea of the presence of Civil Society Organizations.

The remaining percentage stated there have been CSOs that have visited the area i.e. World Vision and Save Lamu. There was notable hostility from community members towards CSOs since some of them were being used by terror groups

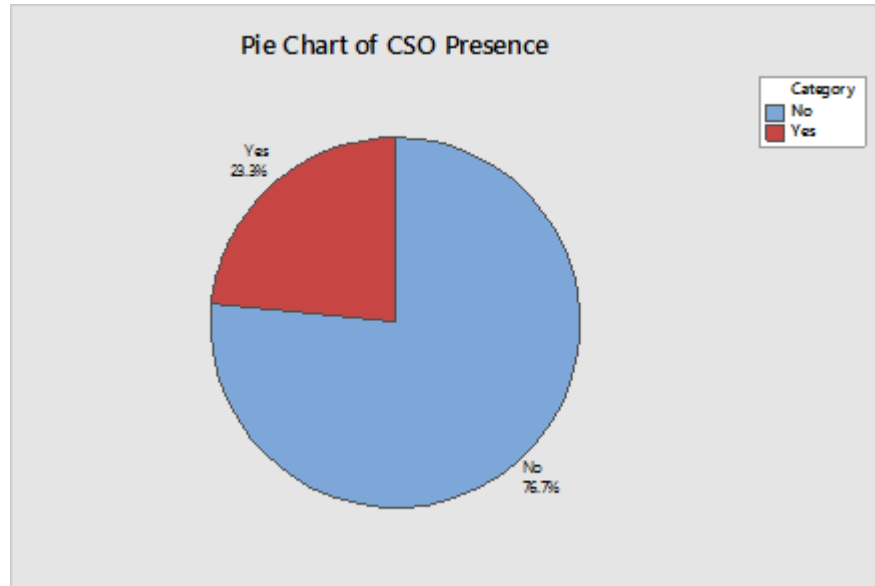


Figure 10 level of civil society presence in the study area

The respondents further stated that the CSO's present primarily focused on environmental issues. Save Lamu, as the community pointed out, spoke to the community members of Kwasasi on matters relating to the Coal plant.

6.3 Mode of Communication

6.3.1 Television

A common method of conveying information to people is via media channels. From the study it was revealed that 10% of the population had phones, 16.7% had radio and 26.7% had Television set. A crossing problem identified by all respondents was that most of the community members don't have electricity and it was a major problem and inasmuch as they owned television sets, they were unable to use them due to lack of electricity. Their preferred channels are, Citizen TV and K24 TV.

6.3.2 Radio

Radio was considered to be a major method to access information since they could easily power them via solar panels or use alkaline batteries. Most of the respondents listed Radio Jambo, Radio Rahma, KBC and BBC as their preferred radio stations.

6.3.3 Mobile Phones

90% of the respondents owned mobile phones although 30% of them owned smart phones that are internet-enabled and 63.3% of them did not own a Smartphone. Respondents with internet-enabled phones said that they mostly use their phones for sending SMS' and making calls; a few of them will go through the social media since internet is quite slow.

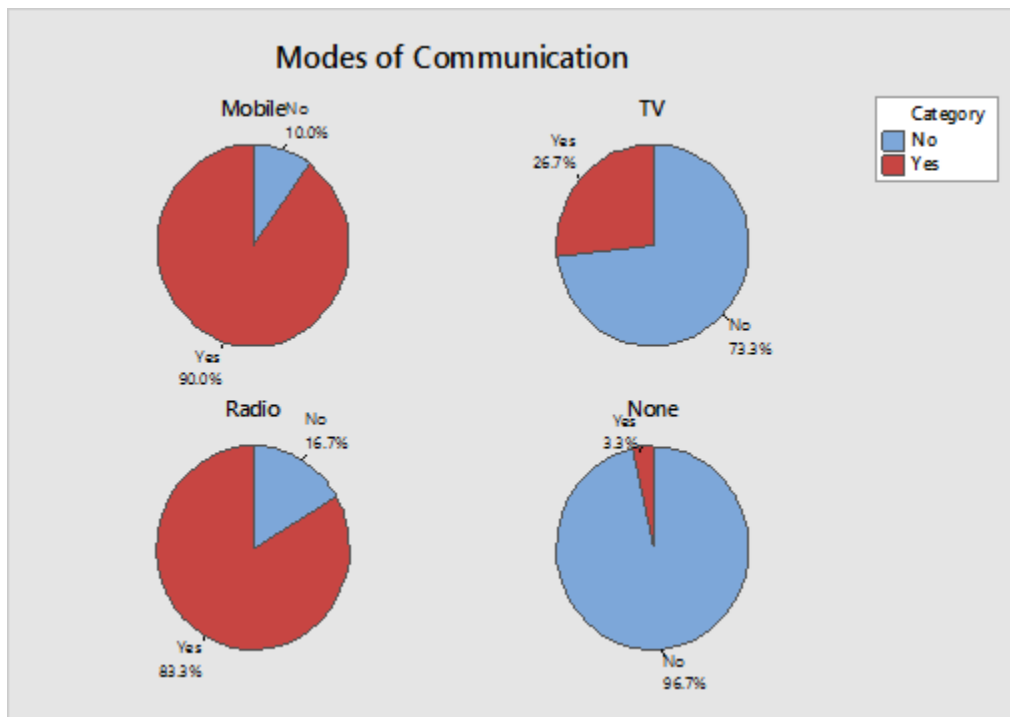


Figure 11 percentage differences in the mode of level of communication used

6.3.4 Newspaper Access

Most of the community members do not have access to newspapers and a few who could access newspaper have no idea as to whether the newspapers received conveyed adequate environmental information.

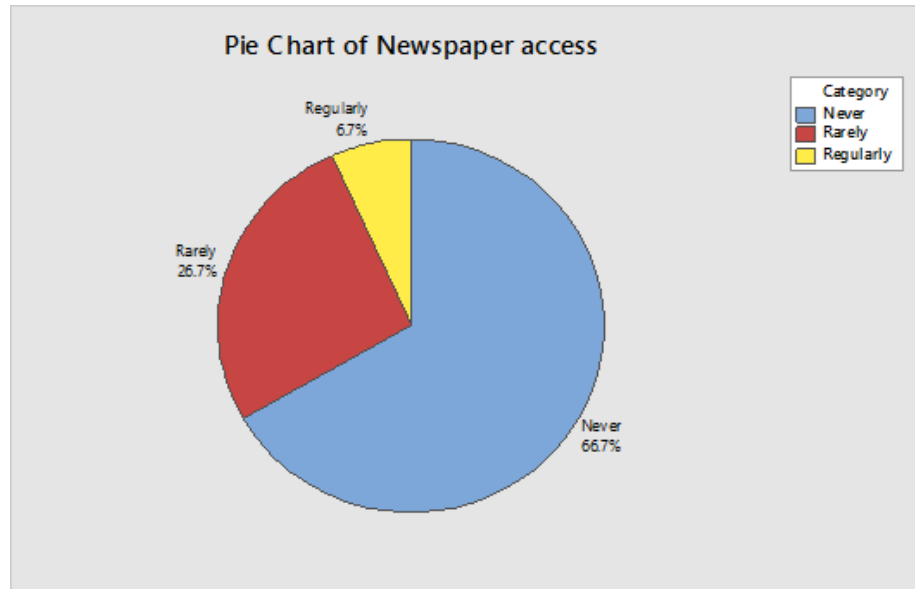


Figure 12percentage differences in newspaper access

66.7% of the respondents have no access to newspapers, 26.7 % are able to access newspapers but not on a regular basis. The respondents would either get them once or twice a week. 6.7 % of the respondent’s access newspapers on a regular basis. This is to mean they are able to get it on a daily basis.

A follow up question was whether the newspapers accessed by respondents offered information relating to the environment and whether this information was adequate.

50% of respondents who get newspapers stated that they get environmental information from the newspapers while 43.8% do not get environmental information. The remaining populations were not aware since their interest lies mostly in the Sports section of the newspaper.

7. CORPORATE ACCOUNTABILITY OF MINING AND EXTRACTIVE INDUSTRIES TOWARDS COMMUNITY WITH FOCUS ON EHRD WORK.

7.1 Familiarity with mining activities

Of the respondents, 20 of them stated that they were familiar with the ongoing Coal plant construction while the remaining populations (10) were not aware of the company’s activities.

7.2 Public participation

Respondents familiar with the company’s activities were then further questioned if the company involved the public in forums prior to its establishment. Half of the population responded that

there was a meeting while the other half said no meeting was convened. This was attributed to poor conveying of information.

Of the 30 respondents, only 3 managed to attend the meeting. The remaining population said that they received the information late so they were not able to attend and some were not aware of the meeting. From the 3, the respondents stated that views concerning the company’s activities were raised by the public and neither of them have yet been implemented by the company.

7.3 Infringement of rights by the company

30% of the respondents said that the company was violating their land rights. The company’s activity of road construction was cutting into the residents’ land without their knowledge. Respondents also expressed concern that the company, once established, would destroy the environment through smoke emissions and it would negatively affect the ocean since the project is proposed to be set up along the shoreline of Kwasasi.

Notably, the respondents were not aware of their rights since the interviewers had to explain on how EIA’s are vital and their role in public participation.

7.4 Environmental Human Rights Defenders

23.3% of respondents stated that there were people who were against the establishment of the coal industry. one of them is Shakila Abdalla, Lamu’s Women Representative stood up against the establishment of the industry through leading residents in protest of the coal Power Plant owned by Amu Power and being hosted in Radio shows.

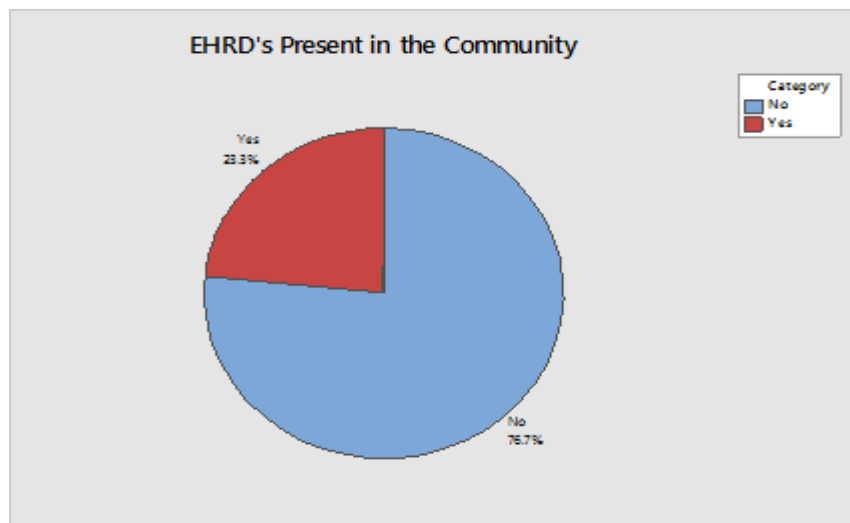


Figure 13percentage differences in newspaper access



7.5 Corporate Social Responsibility

All respondents reiterate that the company has not yet provided any services they promised to the community.

Challenges

We faced different challenges while in Lamu.

1. The community is hostile to strangers thus making it quite difficult to interview them.
2. The local authority was not cooperative they even tried to stop us from conducting the survey pinning it on terror attacks and terror groups recruiting the youths into terrorism.
3. Mode of transportation. If you happened to miss your transportation you will have to wait long hours before you can access another means of transport.
4. Corruption; some of the community members expect to be paid before they could give us information. Furthermore, the local Authority was expecting us to bribe them before they could allow us to conduct the study.

Conclusion

It is evident from the study that participatory rights (access to information & public participation) are not being fully exercised and residents are not aware of these rights. There is an existing gap of environmental governance since the local authority have acted independent of the community in decision making and implementation of critical projects. Access to information is low since the mode of passing the information is not accessible to all. Most of the community members live below poverty level despite the economic projects carried out in the area. The community members who were involved in the public participation were mainly old people who did not possess the capacity to understand and give meaningful contribution during stakeholder engagement.