



**East Africa Civil Society
Organisations' Forum**

*Strengthening Civil Society in the
Integration Process*

FACILITATING CITIZEN PARTICIPTION IN PORT REFORMS AND INTEGRATION PROCESS

BASELINE STUDY ON COMMUNITY PRIORITIES

KWALE, MOMBASA & KILIFI

FINAL REPORT

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LIST OF ABBREVIATIONS AND ACRONYMS

B.O. R	Berth Occupancy Ratio
BMU	Beach Management Units
CBD	Central Business District
CBOs	Community Based Organizations
CCGD	Collaborative Centre for Gender and Development
CIDP	County Integrated Development Plan
CSOs	Civil Society Organizations
CSR	Corporate Social Responsibility
CWID	Coast Women in Development
EAC	East African Community
EACSO	East African Civil Society Organizations' Forum
EEZ	Exclusive Economic Zone
DRC	Democratic Republic of Congo
FBOs	Faith Based Organization
FGD	Focus Group Discussion
JICA	Japan International Cooperation Agency
GOK	Government of Kenya
KeNHA	Kenya National Highway Authority
KPA	Kenya Port's Authority
KEBS	Kenya Bureau of Standards
KRA	Key Result Areas
KMA	Kenya Maritime Authority
KRA	Kenya Railway Authority
KRA	Kenya Revenue Authority
KRC	Kenya Railway Corporation
KPC	Kenya Pipeline Corporation
MD	Managing Director
MP	Members of Parliament
MOU	Memorandum of Understanding
MRC	Mombasa Republican Council
NMK	National Museum of Kenya

NCI	National Cohesion and Integration
SCEA	Shippers Council of East Africa
SGR	Standard Gauge Railway
SOLAS	International Convention for the Safety of Life at Sea
ISPS	International Ship and Port Facility Security
TMEA	Trade Mark East Africa

EXECUTIVE SUMMARY

The Baseline Study was conducted by Collaborative Centre for Gender and Development (CCGD) with support from Trade Mark East Africa – Kenya Country Program. The Study was conducted in Kwale, Kilifi and Mombasa County. The areas were selected as the immediate neighbours of the Mombasa Port. Their populations are immediately affected by the port reform initiatives. The respondents included Key Informants drawn from different sectors including private sector, government departments, civil society and community leadership. Information was also received from focus group discussions and general survey. The study focus areas included forum thematic zones namely governance, labour, natural resources, and security. The goal of the study was to identify key community priorities to be incorporated into the port plans.

The Study recommended several priorities areas in the respective thematic zones. The main strategy of engagement being Public-Private Forum (County Governments, Civil Society, Private Sector and National Agencies led by KPA) as a platform where most of the concerns of the local community will be addressed. The study also identified CSO Platform as very important players in the port reform dialogue process.

The Key recommendations of the Study includes: The establishment of a more inclusive public-private forum; Development of a Resource Sharing Framework to enable all stakeholders benefit from the Port; Development of a participatory Framework to engage local community and CSOs in the implementation of KPA's CSR Policy; and the development of a participatory framework to enable genuine participation in preparation and implementation of all Compensation and Resettlement Action Plans.

CHAPTER ONE: INTRODUCTION

1.1 Overview of the Study

Mombasa Port is the largest port in the East Africa region with strategic importance far beyond the borders of Kenya. Any inefficiency of port operations and constraints on capacity not only threatens but also hamper the socio-economic and political growth of Kenya and its neighbors. The port reforms were mainly informed by: Excessively high berth occupancy ratio (B.O.R) followed by long waiting time for berthing; Excessive mixture of various commodities followed by low cargo handling productivity; Inadequate berth length for calling vessels among others. The Government of Kenya (GOK) engaged in reform initiatives by laying more emphasis on: Improvement of existing cargo handling equipment/systems; Harmonizing road and railway transport. The Port Master Plan is one of the key guiding instruments and has identified a number of initiatives including soft and hard infrastructure reform and developments. In addition, it outlines proposals for environmental reforms and several strategic objectives that will enhance the reform process. The plan however, emphasizes on mitigation of impacts to mangrove forests and minimizing of the relocation of local port inhabitants when possible. To achieve the above outcomes, the Plan recommends for the promotion of principles of good corporate governance with emphasis on local community public participation in the reform process. Further, it recommends for mechanism for collaboration and cooperation with stakeholders will be established to bring about synergy that will accelerate the achievements of KPA goals. As part of this, the Plan enumerates enhancing collaboration with the local community for public participation and identifying key players/partners for the Authority. It is in this light that the study aims to investigate how the port community can effectively be engaged and further to establish an advocacy strategy ensure that will ensure their issues are included in the port plans.

The study takes the view that effective public participation will have far reaching benefits to all. The benefits are recognition of the public, sustainable development, environmental protection, conflict management, reduction of opposition as a result of project understanding, economics benefits among others. This close interaction will ensure operations within the laid down and existing policies and institutions.

The research report is presented in six chapters. The first chapter covers the study background, the problem statement, research objectives and the study justification. The second chapter looks at literature review and the third chapter methodology used in the study. Chapters four and five present the study findings based on the outlined objectives. The sixth chapter provides a summary of the study, conclusions and recommendations.

1.2 Study Sites

The study was conducted in three counties Mombasa, Kilifi and Kwale. Mombasa County covers an area of 229.7 km² excluding 65 km² of water mass. It is situated in the South-Eastern part of the former Coast Province. It borders Kilifi and Kwale Counties to the North and South West and the Indian Ocean to the East respectively. Kilifi County covers an area of 12,245.90 km² and has a population of 1,109,735. Kwale County has a population of 649,931.

1.3 Problem Statement And Rationale

Over the years, port stakeholders had the desire to actualize the full potential of the Port of Mombasa and by extension the Northern Corridor. This was the basis for the Mombasa Port Community Charter, a framework that aimed at yielding these desired results. The development, signing and launching of the Mombasa Port Community Charter on July 30th 2014 after months of consultation indicated a deliberate move by players to adopt and promote a holistic approach to the implementation of reforms expected to enhance the ports effectiveness and efficiency. The Charter establishes a framework for collaboration amongst the port community members and assigns specific obligations to different players including government agencies, private sector and interest groups who are key players on the Northern Corridor. Two vital stakeholders were however conspicuously left out in the list of Charter signatories that is the Mombasa County Government and the Civil Society Organizations.

Planning and implementation of a Charter that governs such extensive public sector reform initiatives covering a wide range of projects with high social and environmental impacts definitely require a robust human rights due diligence, accurate, complete and timely information on the project processes, delivery and applicable policies if violations, lapses and non-compliance with established requirements are to be guarded against. Civil society for reasons that it works largely with communities is best placed to hold government, private sector and financiers accountable for any lapses or non-compliance. During the Annual Review of the Charter on December 14th 2015, stakeholders resolved to incorporate both the County

Government of Mombasa and the CSOs group as key stakeholders on Port Community Charter. However, these two stakeholders are yet to be fully brought on board since it was agreed that they had to clearly elaborate their roles and responsibilities in the implementation of the Charter.

Furthermore, a study conducted by TMEA in 2012 which scoped the steps the private sector had taken to institute a coherent operational framework at Mombasa Port recognized the weaknesses of the civil society in this regard. It recommended the development of a framework through which civil society organizations could participate in the matters of the port, and which would lead to a synergized working structure. In the spirit of this, the Mombasa Port Reform CSO Stakeholder Group through EACSO (in June 2014) made recommendations on the need to educate more CSOs to take part in the Mombasa Port Initiative and to understand the importance of its link with regional integration. In addition, the Group identified four main challenges that require intervention:

1)Governance: That there is lack of a structured framework of engagement between the port community and port management. This has made local concerns and cultures ignored thus contributing to minimal participation by local communities.

2)Natural resources: Claims of dispossession among communities when the Port of Mombasa was constructed, Perceptions that land use practices and tenure systems have entrenched injustice and inequalities in the management of land particularly in the coastal areas, and emergence of violent groups, such as the Mombasa Republican Council, due to long held grievances which have the potential to negatively affect the Port Reforms.

3)Security: Rising insecurity within and among immediate and wider communities within the Port catchment in Mombasa has the potential to negatively affect the Port's productivity as well as create longer term operational risks.

4)Labour: Unfair labour practices have been encountered at the port of Mombasa. Working conditions are below acceptable standards according to the International Transport Workers Federation. Furthermore, Mombasa port is said to have over 50 accidents per month. There have been complaints of discriminative employment practices with ethnicity and sex being key elements along which discrimination is exercised. The 33% gender requirement has been

ignored. This situation has also created risks that need to be mitigated if the Port reforms are to be supported by the communities. In addition, sexual harassment and casualization of labour are also rife. It is due to this that Mombasa CSOs and EACSO Kenya plans to conduct a baseline study.

1.4 Study Objectives

The main objective of the study is to establish an advocacy strategy to enable the port community to ensure that their issues are included in the port plans. Specifically the study aims to:

- To establish and clearly identify all priorities of the port community along the four thematic areas (Governance, Security, Natural Resource, Labor and Gender).
- To establish and clearly identify all the key stakeholders including private and public sector actors in the Mombasa Port reform.
- Identify opportunities for synergies among and between key stakeholders to reduce duplicity and maximize outputs
- Make proposals for effective engagement /advocacy framework among the stakeholders

CHAPTER TWO: LITERATURE REVIEW ON PORT REFORM DIALOGUE

2.0 Introduction

This section is divided into two broad sections. This part reviews literature on port reforms in the context of democratic participation by the port community. The section flows from what informed the port reforms, Instruments that laid down the strategies for the reforms/reform agenda, the process of reform, impacts of the reforms in the contexts of four thematic areas: Good governance; Natural resources; Labor; and Security.

For purposes of this research, port community is defined as “the citizens who are directly and indirectly affected by the Port of Mombasa reforms”. In addition, the representatives of the citizens i.e the County Governments and the civil society are also considered as port community.

2.1 Background to Mombasa Port Reforms

The Port of Mombasa is the principal Kenyan seaport and comprises of Kilindini Harbour and Port Reitz on the Eastern side of the Mombasa Island and the Old Port and Port Tudor north of the Mombasa Island. Kilindini is naturally deep and well sheltered and is the main harbor where most of the shipping activities take place. It has 16 deep water berth, two oil terminals and safe anchorages and mooring buoys for sea-going ships. The Old Port is entered between Ras Serani and Mackenzie Point and is used only by dhows and small coastal vessel of 55 meters LOA. A cement loading facility is located opposite the old port jetty at Ras Kidomoni (English Point) for bulky cement carriers of up to 150 meters LOA and 8.0 metres draught¹.

Mombasa Port, located in Mombasa City, is the largest port in the East Africa region². The port has strategic importance far beyond the borders of Kenya. As the largest port in East Africa, it is the main gateway for the import and export of goods not only for Kenya but also to countries of the East African Community (EAC), the Democratic Republic of Congo (DRC), southern Sudan and southern Ethiopia. Any inefficiency of port operations and constraints on capacity not only threatens but also hamper the socio-economic and political growth of Kenya and its neighbors³.

¹ Japan International Cooperation Agency, *Final Report on Mombasa Port Master Plan including Dongo Kundu*. (2015)

² See *Final Report on Mombasa Port Master Plan* above

³ World Bank, “The Port of Mombasa”. *Kenya Economic Update*. No. 2 (2010): 16

The main issues that informed the port reforms included: Excessively high berth occupancy ratio (B.O.R) followed by long waiting time for berthing; Excessive mixture of various commodities followed by low cargo handling productivity; Inadequate berth length for calling vessels; Low productivity; and Capacity saturation with cargo demand. To address the above issues and several, the Government of Kenya (GOK) engaged in reform initiatives by laying more emphasis on: Improvement of existing cargo handling equipment/systems; Harmonizing road and railway transport; Improvement of gate system; and Channel dredging, reclamation and environmental mitigation⁴.

The actual development of the modern port (Port Reform) of Mombasa began in 1926 with the completion of two deep water berths namely berth 1 & 2 with transit sheds alongside on the Kilindini side of the Harbors. This was followed later by construction of berth no 3 4 & 5 which were completed on 1931. Berth 7& 8 and 9 & 10 were completed between 1955 and 1958 respectively. Along the Mainland popularly known as the Kipevu side, berth 11 and 12 were constructed and completed in 1961 whereas berth 13 and 14 were completed in 1967. With the advent of the Container age, berth 16, 17 and 18 were constructed between 1975 and 1980. With increased traffic, The KPA did set two inland container handling facilities at Nairobi and Kisumu both of which were opened in 1984 and 1994 respectively. The cargo throughput of the port of Mombasa has been increasing since 1990s⁵.

2.2 Plans and Frameworks for Port Reforms

The Port reforms is informed and guided by several instruments and plans laid down by the National Government, Kenya Ports Authority and County Governments. Among these instruments are the Mombasa Port Master Plan, KPA Strategic Plan, Resolution by port stakeholders, County Integrated Development Plans among others.

2.2.1. Stakeholders' workshop on Mombasa Port commercialization

The meeting which was hosted by the KPA made several resolutions that led to the second current cycle of port reforms. Among the key recommendations were on institutional and

⁴ See "The Port of Mombasa". *Kenya Economic Update* at pp 20/22 -65/66

⁵ Kenya Ports Authority, (1981). General information brochure. Mombasa; Kenya: KPA. Also see "Development Of Sustainable Infrastructure In Africa" Last seen on 15th January, 2016 at http://www.wfeo.org/wp-content/uploads/wecsi2014/B3/B3-4.MAINPAPER-Mombasa_ports_development_projects-Kidere.pdf

labour reform aspects⁶. On labour reforms, the stakeholders resolved that: There is need for improved training, preferably multi-skilling, to improve productivity and to keep pace with new technological changes; There is also urgent need for realistic work incentive schemes. However, bonus payments should be as much as possible be formalized. Taxes arising from this should be exempted; Management should be empowered professionals and there should be fewer management layers; Labour should be remunerated in accordance with the market; The Dockworkers Union should be consulted from the outset in all the privatization plans, especially if it concerns redundancies, lay-offs or retrenchments; Early retiring personnel should be encouraged and counselled to form co-operatives that can do business with the port. This also applies to staff made redundant as a result of privatization, etc; and Redundant staff should be offered retraining programmes, and redundancy compensation payments should be tied to the successful completion of these retraining programmes. Job placement agencies should be utilized to place redundant workers in other fields.

On the institutional aspects, the stakeholders recommended that: Total privatization of port facilities is not recommended but there is a need for privatization of certain aspect of port operations; The Government and the KPA should retain administrative control and should continue to handle pilotage and security, services; and Privatization is recommended for non-core activities such as bunkering services including supply of fresh water. Medical facilities should be privatized,

Finally, the meeting also formed steering committee to ensure implementation of the recommendations of the workshop. Members nominated to the steering committee included: Ministry of Finance; Ministry of Public Works; Ministry of Labour; Kenya Association of Manufacturers; Representatives of Importers and Exporters; Federation of Kenya Employers; Kenya Railways Corporation; Dockworkers Union; Kenya Ports Authority; and Kenya Revenue Authority.

2.2.2 Mombasa Port Community Charter

The Charter outlines several reforms to be implemented by different stakeholders. Specifically, the Charter outlines several Key Result Areas (KRAs)⁷. KRA 2 for Instance, emphasizes more on

⁶ Port Management Association of Eastern and Southern Africa, Report of the ECA/PMAESA/ECLAC Workshop on Port Commercialization hosted by Kenya Ports Authority held in Mombasa, Kenya: 28 to 29 April 1998. [Addis Ababa] accessed at <http://hdl.handle.net/10855/15235>

⁷ Mombasa Port Community Charter (2014) Accessed at http://www.ttcanc.org/documents/Port_Comm_Charter_Final.pdf on 4th January, 2017

growing the capacity of hinterland channels (road, rail and pipeline). It call upon the responsible Port Community bodies (namely KeNHA, KRC and KPC) to expand the capacity of these channels to remove the bottlenecks that are currently causing costly delays. It emphasizes that KRC specifically needs to move quickly to ease pressure on the roads (this is one of the reasons for the introduction of the SGR).

Further KeNHA is mandated to spearhead the upgrade of the Moi Airport access road and Port Reitz road from a single carriageway into a dual carriageway in order to provide the Kipevu West Container Terminal with a link to the Mombasa – Nairobi road by December 2016, pending the development and completion of the Mombasa Southern Bypass and Kipevu Link road. Further, it is also mandated to spearhead, in the long-term road improvement measures) which include: Development of the Mombasa Southern Bypass and future connection to Kipevu Container Terminal by 2018; Development of Makupa Causeway as an elevated road and upgrading key sections of the Northern Corridor in 10 years; Working together with the other Regional Road Authorities to develop a superhighway between Mombasa and Kigali, Rwanda; and Development of a dual carriageway on the Chagamwe – Miritini section of the Mombasa – Nairobi road by 31st December 2017.

Other KRAs informing Port reforms include: Transform Mombasa port into a high-performance Landlord Port; Actualize paperless trading through the single window system; Reduce Cycle-times through Speed and 24/7 Work Economy; Drive Planned Initiatives through Stakeholders' Executive Leadership; Ethical and Professional Business Practice; Streamline the regulatory and oversight bodies' roles all throughout Corridor; and Review and enactment of enabling legislation.

2.2.3 Mombasa Port Master Plan

The Port Master Plan is one of the key guiding instruments and has identified a number of initiatives including soft and hard infrastructure reform and developments. In addition, it outlines proposals for environmental reforms and several strategic objectives that will enhance the reform process. Specifically, the plan makes plans for building of additional berths and buying of additional equipment to improve the existing cargo handling equipment/systems. Secondly, the plan recommends for automated and advanced gate system and container transport booking system to enable the Port cope with the increase of container cargo. In addition, it advocates for harmonizing road and railway transport with more priority on road

transport. Finally, it recommends for channel dredging collection of sea sand material for the reclamation and expansion of the berths and rails. The plan however, emphasizes on mitigation of impacts to mangrove forests and minimizing of the relocation of local port inhabitant when possible.

In an attempt to achieve the above outcomes, the Plan recommends for the promotion of principles of good corporate governance with emphasis on local community public participation in the reform process. Further, it recommends for mechanism for collaboration and cooperation with stakeholders will be established to bring about synergy that will accelerate the achievements of KPA goals. As part of this, the Plan enumerates enhancing collaboration with the local community for public participation and identifying key players/partners for the Authority, such as the drivers of new growth areas (among others) as key mechanisms in achieving KPA goals⁸.

2.2.4. County Integrated Development Plans

All the three counties (i.e Mombasa, Kwale and Kilifi) which border the Port have launched their first integrated development plans to respond to the respective county needs. One of the common area of response are the needs arising from the Mombasa Port expansion. Mombasa County, for instance acknowledges that the current road system was designed for low traffic and has not been expanded to suit the current traffic and load (most of which are as a result of the Port's activities). The document states that the current situation poses a threat to the County's development as it increases the cost of doing business in Mombasa. The CIDP includes a number of strategies for achieving its targets including on energy and infrastructure and housing. The CIDP includes a number of strategies for achieving its targets including on energy and infrastructure and housing. In order to improve transport infrastructure, the county government recommended attractive alternatives including Dongo Kundu by-pass project linking Port Reitz to southern mainland and construction of a second Nyali Bridge⁹.

Closely linked to the CIDP is a county government-led process that is currently underway to draw up the Mombasa Masterplan. Some of the key infrastructure projects that have been planned as a result of the abovementioned development planning processes include: Standard

⁸ See "The Port of Mombasa". *Kenya Economic Update*

⁹ Mombasa County Government, "First County Integrated Development Plan – 2013/17" Accessed at <http://www.mombasa.go.ke/downloads/1st%20CIDP%202013-2017%20Mombasa%20County.pdf> on 10th January, 2017

Gauge Railway project; Mombasa-Mariakani Road Dualling Project, Dongo Kundu Free trade Zone, the Mombasa Port Development Project, Construction of the Second Nyali Bridge; National Urban Transport Improvement Project; Expansion of the Moi International Airport; and The Bangladesh-Mikindani-Runyu Road project¹⁰.

Both the Kwale and Kilifi CIDPs also and closely propose minor road expansions that will indirectly ease movements of goods from the Port of Mombasa through the counties to their various destinations. In Kwale for instance, tarmacking of roads linking key circuits namely Kwale-Kinango-Samburu; Lungalunga - Kinango; Ukunda- Shimba hills- Mamba-TM and Kinango- Mariakani will be prioritised. The aim will be to open linkages with other national and international markets. In addition, the Kwale CIDP indicates that the Kwale County government shall continuously engage the National Government towards accelerating the pace of implementation of the Dongo Kundu bypass project¹¹. Kilifi CIDP also prioritizes upgrading of Mtwā-Malindi Road to a highway, and expansion of Kengeleni-Bamburi-Mwakirunge- Bondora Road¹². Most of these projects are expected to decongest the island and the CBD as well as to ensure free flow of goods and services from and to the Port.

2.3 Concerns on Port Reforms

This section focusses more on concerns on four thematic areas of good governance, labor, natural resources and security.

2.3.1 Good Governance

This part focus on issues that resonate on public participation, transparency and accountability in the Port reform and related processes. The rationale of public participation is based on the constitutional foundation which places sovereign power on the people of Kenya¹³. It is this power that has been delegated to state actors at the national and county levels. This sovereignty must be respected and institutionalized in all processes of governance. As such in interpreting the importance of public participation, the High Court stated in part:

¹⁰ Project Formulation of Comprehensive Development of Master Plan in the Mombasa Gate City, Japan International Cooperation Agency. Accessed at http://www.jica.go.jp/english/our_work/social_environmental/id/africa/kenya/c8h0vm000092ptby.html on 10th January, 2017

¹¹ Kwale County Government, "First County Integrated Development Plan (2013-2017)." accessed at <http://devolutionhub.or.ke/blog/2015/02/kwale-county-integrated-development-plan> on 4th January 2017

¹² Kilifi County Government, "First County Integrated Development Plan 2013-2017" Accessed at http://www.kilifi.go.ke/lib.php?com=62&res_id=62 on 4th January 2017

¹³ See Art. 1 and 10(2) of the Constitution of Kenya.

“Public participation ought to be real and not illusory and ought not to be treated as a mere formality for the purposes of fulfilment of the Constitutional dictates.....hold that it is the duty of the state agencies and other actors in such circumstances to exhort its constituents to participate in the process of the enactment of such legislation by making use of as many fora as possible such as churches, mosques, temples, public barazas, national and vernacular radio broadcasting stations and other avenues where the public are known to converge to disseminate information with respect to the intended action¹⁴.”

Most studies¹⁵ focusing on identifying whether the laws and regulations create platforms for effective stakeholder engagement as well as possible linkages between any statutory platforms currently existing for effectiveness in dialogue mechanisms reveal that there are several gaps. The studies show that with the exception of the National Police Service Act of 2011, all the other legislations do not overtly provide for stakeholder engagement platforms. The National Police Service Act 2011 provides for the establishment of area community policing committees to promote policing problem identification and policing problem solving by the Service and the Community. These Committees are established in consultation with stakeholders.

The other Acts¹⁶ establish statutory bodies that play a role in port operations or management. As provided for under law, all boards of management of statutory bodies can co-opt members who are sometimes sourced from the private sector. The weakness with this process is that only selected stakeholders play a role in decision making and they may not necessarily represent the views of all the relevant stakeholders. There is also no guarantee that co-opted members will come from the private sector.

The Port Charter also makes it mandatory for all Port Community members to commit to engage the local communities where applicable in the implementation of the charter. Further, the Charter provides that the Shippers Council of Eastern Africa (who are also the coordinators) shall Conduct communication and publicity of the Charter (publicity should extend to the local community). Most importantly, the Charter mandates the SCEA to convene regular peer review

¹⁴ Petition 532 of 2013 & 12, 35, 36, 42, & 72 of 2014 & Judicial Review Miscellaneous Application 61 of 2014 (Consolidated).

¹⁵ Trade Mark East Africa, “Scoping Study to Develop a Private Sector And Civil Society Platform To Address Reforms At The Port Of Mombasa” (2014)

¹⁶ Including the Customs and Excise Act, Cap 472; Kenya Plant Health Inspectorate Services Act, No.54 of 2012; Kenya Ports Authority Act Cap 391; Kenya Railways Corporation Act Cap 397; Standards Act Cap 496; National Police Service Act No.11A of 2011; and Kenya Maritime ct;

mechanism to ensure private sector compliance with the Charter. Compliance includes engagement of the local community in implementation process by all stakeholders. As at the end of 2015, SCEA had only managed to incorporate the review of the Port Charter during the private sector Trade Facilitation meeting convened by the SCEA and held in Mombasa on August 2015 and no sufficient publicity targeting local community¹⁷.

The regular forum of review and coordination meetings of the Port Charter Community remains the Friday Stakeholder meetings. However, these tend to be rather operational and have focused on reviewing the dashboard results. In addition, only the twenty-five Port Charter Signatories have been given priorities in these meetings¹⁸.

It is also revealed that most of the state agencies do not comply with the principles of good governance and democratic participation of the local community. For instance, while the ESIA report on Mombasa-Mariakani Road Upgrading shows that there were consultations (one stakeholders' forum, four FGDs and eight public forums) with adequate notices to the public, Amnesty International report that KeNHA and the key stakeholders did not engage the local community in genuine consultation¹⁹ and effective public participation²⁰.

2.3.2 Labor

Available data shows that unemployment extremely high in Mombasa and especially among the youth who constitutes approximately 41% of the population and 61% of the County's labor force. In addition, 38% of the entire population is classified as poor²¹. In Kwale about 30% of the total labour force aged between (15-64 years) is either unemployed or underemployed²².

¹⁷ See Mombasa Port Community Charter Implementation Review Report, 2015

¹⁸ See the Mombasa Port Community Charter Implementation Review Report above

¹⁹ The UN Committee on Economic, Social and Cultural Rights has identified 'genuine consultation' with affected people as a fundamental safeguard against forced evictions. Genuine consultation includes the provision of full, accurate and timely information to those affected, in order to facilitate their meaningful participation in any consultation process. The information must be in a form and language that is accessible to all affected people. Genuine consultation also includes the opportunity for affected individuals and families to reflect upon, discuss, raise concerns and submit comments to the authorities about the eviction and any related plans, including on compensation and resettlement, and to receive responses from the authorities. Affected people should be able to participate collectively, through their elected representatives, if they have any, and in smaller groups and individually.

²⁰ Amnesty International, "Driven Out for Development Forced Evictions in Mombasa, Kenya". London, UK (2015)

²¹ See Mombasa CIDP above

²² See Kwale CIDP above

In summary, the activity status of the population aged 15 years and above indicated that 40% of the population in 2009 was employed, 9% were seeking work and the rest (51%) were categorized as economically inactive²³.

The Kenya Ports Authority is one of the biggest employers in the areas with 6,543 members of staff. The majority are drawn from the Mijikenda community and they form 41.6% of the entire staff population. According to the report released by National Cohesion and Integration Commission KPA is already in contravention of section 7(2) of the NCI Act because its largest number of employees forms more than the provided threshold of 33.3%. Similarly, KPA has 71 senior staff members. The largest ethnic group is Mijikenda which comprises 25.4% of the senior staff²⁴. This is despite continued pressure on the KPA from both the political class and local community that more of the local community need to be employed. Most residents and political class have made claims of discrimination on when it comes to employment and retiring of laborers.

Most of the labor concerns started in the early 1990s with the inception of Structural Adjustment Program by the GoK. One of the conditions of the program was privatization and retrenchment of staff. In fact, the National Assembly on several occasions has raised concerns related to labor at the KPA. In 1994 the then Minister for Labor and Manpower was put to task to inform the Parliament why the management of KPA is retiring hundreds of its employees before the age of retirement. Further the Parliament needed to know what measures the Minister or the Government had to stop the victimization of KPA employees. The Minister however, could not answer the questions claiming that he needed more time to consult and provide detailed report concerning the same²⁵.

In 1996, issues of corruption by KPA employees was raised in Parliament. The Minister in charge acknowledged that there were cases of corruption but insisted that the cases only involved vandalism and theft of radios cassettes. The Minister however, stated that measures

²³ See Mombasa – Mariakani Road Upgrading, Environmental and Social Impact Assessment Summary (2015)

²⁴ National Cohesion and Integration Commission, 'Ethnic and Diversity Audit of Parastatals' Report (2016); 253-256

²⁵ Kenya National Assembly Official Record (Hansard) 1 Dec 1994 accessed at https://books.google.co.ke/books?id=xPjkn_RxMXoC&pg=PA1029&lpg=PA1029&dq=Hansard+and+KPA+employees&source=bl&ots=O4gBqauk79&sig=R_1pJhGCUdxdyo8eRUuvmzdlKJs&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January, 2017

have been taken including disciplinary actions to deal with the cases²⁶. In 2001, issues concerning the pension and other dues of former Kenya Cargo Handlers was raised and debated. When the Minister in charge was asked about the payment, he replied that all payments had been made promptly but in cases there were other who had not received their dues, the names should be forwarded to him immediately for action²⁷.

In 2004, the Minister for Transport was tasked to present lists showing breakdown of employees of KPA between 2003 and 2004²⁸. When the Minister tabled the two lists all had Coastal region leading with the number of staff employed by the KPA. This list was however, rejected by some Members of Parliament stating that it was correct as most people employed at the Port are those referred by key political figures from other regions other than the Coast. However, these allegations were later withdrawn when it was evident that they were not backed by any authentic documents.

Unfair labour practices have been encountered at the port of Mombasa. Working conditions are below acceptable standards according to the International Transport Workers Federation. Furthermore, Mombasa port is said to have over 50 accidents per month. There have been complaints of discriminative employment practices with ethnicity and sex being key elements along which discrimination is exercised. The 33% gender requirement has been ignored. This situation has also created risks that need to be mitigated if the Port reforms are to be supported by the communities. In addition, sexual harassment and casualization of labour are also rife.

In conclusion, it is evident from the set of available data that more of the local community may still not be absorbed in KPA as employees since they already comprise of over forty per cent. However, the KPA and relevant agencies need to work towards improving the working conditions for employees. KPA also need to implement its CSR policy to ensure more benefits

²⁶ Kenya National Assembly Official Record (Hansard) 10 Jul 1996 Accessed at https://books.google.co.ke/books?id=wpXE5IWha6wC&pg=PT4&lpg=PT4&dq=Hansard+and+KPA+employees&source=bl&ots=a3KBFEOwJg&sig=R94EHknd98h3rsTI6lizMVpEO50&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January 2017

²⁷ Kenya National Assembly Official Record (Hansard) 17 Oct 2001 Accessed at https://books.google.co.ke/books?id=YEV-wmmcGBIC&pg=PT7&lpg=PT7&dq=Hansard+and+KPA+employees&source=bl&ots=bx3UjdaIYv&sig=WAL8EOxZDTMIVSAZPR62xAEhQmc&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January, 2017

²⁸ Kenya National Assembly Official Record (Hansard) 4 Aug 2004 accessed at https://books.google.co.ke/books?id=J6g1_IYVjmEC&pg=PT16&lpg=PT16&dq=Hansard+and+KPA+employees&source=bl&ots=33Xk8y9Wwp&sig=96FXWQkNaSfuolZDuKe3WBSWe6A&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January 2017

get to the people. This may assist to address the effects of unemployment and poverty in the region.

2.3.3 Land and Natural Resources

The coastal region is characterized by rich natural resources found in the dry land and within the ocean. Some of the common natural resources include mangrove forests, rivers, fishing grounds, natural harbor, coconuts, sea beaches, coral reefs, wildlife, sandy beaches, and quarry among others. In addition, the land along the coastal region provides conducive environment for maize, cassava, beans, peas, grams and semi-commercial crops like coconuts and mangoes. The cash crops grown are cashew nuts, sugarcane, cotton, simsim, bixa and tobacco²⁹.

The reforms at the Port of Mombasa has led to countless environmental concerns. Despite being recognized by every development agency, no effective mitigation strategies are put in place to ensure preservation of the natural resources. For instance, the report of the Mombasa Port Master Plan raises several environmental considerations to be prioritized during the reform process. For instance, it states that the Dongo-Kundu Project will directly clear 36 ha of Mangrove at maximum. It will consequently lead to a significant loss of biodiversity and associated ecological services that include the provision of the products for local communities. It proposes that in order to compensate for potential loss, the site for Mangrove restoration needs to be selected according to the results of impact assessment to restore the original functions³⁰.

The same report also warns of the direct impacts such as the physical removal and disturbance of aquatic and tidal flora and fauna, while the indirect impacts may result from changes in water quality and flow, sedimentation pattern and discharges of storm water and wastewater. Other concerns include destruction of fishing grounds. The development of Port Reitz creek has affected the livelihood of fisheries and fish traders for long periods. Some of the mitigation strategies proposed by the KPA (but have not been effected) included technical training and other assistance for fisheries' transformation to deep fishing as well as to the aquaculture industry, eco-tourism and any other alternative livelihoods. Further, the destruction of sacred

²⁹ See the Mombasa, Kwale and Kilifi CIDPs above

³⁰ See the Rport of the Mombasa Port Master Plan above at pp 48

place with social and cultural values cannot be ignored. Two Kayas would be affected by the construction area in Dongo Kundu at least and access to another Kaya which is close to the planned berths would be interfered with. The report appreciates that Consultation with Kaya elders as well as local community and NMK (National Museum of Kenya) need to be made in order to conserve or relocate those Kayas³¹.

Loss of land and natural resources due to involuntary resettlement is one of the biggest environment problem. This has led to the coastal region being the biggest habitat for landless people and squatters. Some of the biggest contributors to recent landlessness include the Mombasa-Mariakani Road Dualling Project and Dongo-Kundu By-Pass Project. Most of the evictions are done without giving residents timely notices, or without engaging residents in genuine/meaningful consultation and democratic participation, or without providing timely or adequate remedies to the affected residents³².

The EIA on Sand harvesting along Mombasa-Kwale coastlines revealed several possible negative impacts. Among them were the pollution of water and redirecting of aquatic life thus affecting the livelihood of fishermen, destruction of the benthic life, destruction and removal of coral reefs among others. The Report also made recommendations to deal with the negative impacts of the project. For instance, it recommended for provision of alternative fishing sites and alternative sources of income generating activities for the affected fishermen. In addition, the report recommended for a separate environmental assessment of critical habitats (corals, seagrass beds and mangrove areas)³³. When the Government through the Chinese Company ignored these recommendations, the local community moved to court to block the sand harvesting. In its ruling on 22nd January, 2016, the National Environmental Tribunal held that both NEMA and Chinese company contravened Article 42 of the Constitution and section 2 of NEMA Act. The Court therefore cancelled the license and ordered for a full EIA before

³¹ Report of the Mombasa Port Master Plan

³² See Amnesty International, "Driven Out For Development: Forced Evictions in Mombasa, Kenya"

³³ See "Environmental and Social Impact Assessment Project Report For The Proposed Offshore Sea Sand Harvesting From Off Likoni To North Of Tiwi In South Coast Of The Indian Ocean For Construction Of The Port Reitz Cargo Terminal Of The Mombasa – Nairobi Standard Gauge Railway Project" (2015) Accessed at https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0ahUKEwinrP3SidDRAhXD1hoKHTt5BPcQFgg_sMAM&url=http%3A%2F%2Fstatic1.1.sqspcdn.com%2Fstatic%2F%2F356248%2F26315997%2F1434427757823%2F13462-sand&usq=AFQjCNGXt79aWGKCyAWGT3S27PP2qY9HtQ&sig2=hLPvaSvQf0fNiQH_vp9JVw&bvm=bv.144224172,d.d24 on 4th January, 2017

proceeding with the project³⁴. In its ruling, the Tribunal also appreciates that as at the point of hearing of the said case, none of the mitigation measures had been effected. In fact, no evidence of an attempt by the Chinese company had been submitted to the Tribunal.

It is evident that the projects recognize the potential negative impacts and also recommend for urgent and adequate mitigation measures to address the same. The relevant agencies therefore need to fully implement the recommendations of ESIA and RAP through genuine consultations.

2.3.4 Security

This section focuses both on security concerns by local community and the KPA. From the KPA perspective, the port security focusses not only on the cargo but also the security of all persons. In relation to these, the security in and around the Port has been tightened up considerably following emerging threats of terrorism, intrusion and security violations, which had resulted in theft of containers and loss of goods. KPA has responded positively to pressure from the international community by taking steps to increase the level of security checks and supervision in all sectors. The Authority is determined to ensure that its ports comply with the security rules of the International Maritime Organization (IMO)³⁵.

KPA has therefore introduced a number of measures to make the port a safer place for business namely: New electronic surveillance equipment including CCTV as advised by international consultants; Coastguard surveillance of waters in port area; New search and rescue centre, set up jointly with the IMO to supplement sea surveillance; More plain-clothes and uniformed security officers on patrol in port areas; Strict controls on port entry with all port users and visitors required to display passes at all times; Restricted entry to container terminal and other key sections; Continuously manned watch towers in car handling area and container terminal; New rapid response team to deal with urgent security matters in or near the port area; New centralised verification areas at the container terminal, the car handling area and the container freight station; Ramp tally requires every imported car to be inspected and docketed at the ship's ramp before it is handed over to KPA to determine responsibility in the event of damage

³⁴ See Tribunal Appeal No. NET/152/2015

³⁵ See Port Security at <http://www.kpa.co.ke/InforCenter/Pages/Security.aspx> accessed on 12th January, 2017

or vandalism; New cargo scanning system to allow containers to be checked without stripping – thus helping to reduce pilferage³⁶.

In addition, to thwart the pirates KPA with the assistance of the Kenya Navy continually monitors a 15-mile square zone (Security Safety Zone) to provide security around Kenya/Mombasa port. The primary roles of the Navy are coast guard duties, patrol of the territorial sea and surveillance of the EEZ. Secondary roles are search and rescue (SAR), fishery protection, and operations to counter traffic in contraband or illegal immigrants³⁷. Therefore, all vessels wanting to enter into Mombasa port must wait in this security zone until clearance for berthing is obtained because the navy is patrolling 24 hours a day in this safety zone.

While the above security measures are put in place to protect local community (including fishermen) and other customers, concerns have been raised on arrests of fishermen for fishing in illegal waters. The Beach Management Units who are solely responsible for the management of the beaches and fisheries have themselves been arrested by the KPA security and police. The major reason for establishing BMUs was to improve community participation in surveillance and management, and to stop detrimental fishing practices such as using illegal gear or destructive methods.

The present study found that BMUs have inadequate resources for intensive monitoring, control and surveillance (MCS) operations, and that most BMUs are not yet able to successfully control illegal fishing in their areas. In spite of the efforts of many BMU committees to improve compliance to fishing rules, most BMUs have been unable or unwilling to undertake regular MCS activities because of a lack of patrol equipment such as boats and engines, high fuel costs, inadequate funds to pay patrol teams; lack of proper security during patrols; and corruption or bribing of fisheries officials which undermine the legitimacy of the BMU committee leaders' authority³⁸. The above challenges accompanied with lack of awareness of the security zones,

³⁶ See Port of Mombasa: Security Project Nears Completion (Kenya) Accessed at <http://worldmaritimenews.com/archives/62096/port-of-mombasa-security-project-nears-completion-kenya/> on 12th January 2017

³⁷ See Kenya Ports Authority, "Kenya Country Report" (2006) Accessed at https://www.iho.int/mtg_docs/CB/CBA/Technical%20visits/TV06/Kenya.pdf on 12th January, 2017

³⁸ UNEP, "Marine and Coastal Ecosystems And Human Wellbeing: A synthesis report based on the findings of the Millennium Ecosystem Assessment." (2006)

boundaries of fishing grounds and deep sea has been reported as one of the key factors leading to these concerns.

Other issues leading to tensions between the community and KPA include both the land problem (involuntary resettlement brought about by the Port reform projects) and lack of genuine consultation. These have been raised by the Mombasa Republican Council as some of the grievance that need to be addressed by various stakeholders³⁹. In order to co-exist with the local community and continue enjoying social licence, the KPA will have to adopt re-strategize on its community outreach programs to create more awareness on critical issues as raised by different groups.

³⁹ Paul Goldsmith, "The Mombasa Republican Council Conflict Assessment: Threats and Opportunities for Engagement." (2011) Accessed at http://www.kecosce.org/downloads/MRC_Conflict_Assessment_Threats_and_Opportunities_for_Engagement.pdf on 19th January, 2017

CHAPTER THREE: RESEARCH METHODOLOGY

This section on research methodology is divided into five sections. The first section provides a description of the research design. The second section gives a description of the study site. The third section discusses the study population and the sampling procedure used in the study while the fourth section describes the actual data collection process. The fifth section discusses the processes and the procedures of data analysis and the challenges experienced during the research period.

Research Design

The study employed participatory action research perspective and methodologies by involving members of the Mombasa Port Platform CSOs already engaged in port reform initiatives as data collectors and monitors in close supervision and direction from Technical Committee from CCGD and EACSOE Kenya. (Definition and justification for this methodological approach)

In conducting the baseline, the design utilized a mixed method approach involving a combination of qualitative and quantitative research techniques. Mixed method approach was used because a combination of the two provided ‘an optimal mix of validity’ (Bryman, 2007:8)

Godfrey *et al* (2004:183) defines a qualitative study as ‘one that uses qualitative methods in both gathering and analysis of data that is visual or verbal rather than numerical data manipulation’. Qualitative methods involved face to face in-depth interviews with key informants and focus group discussions with selected members of the port community. Quantitative data involved survey of sampled port community members who were above 18 years.

The design was preceded by a pilot study which involved a pretest of the survey questionnaire. (No of participants) participants were involved in the pre-test exercise. The rationale for pre-testing was to test whether the questions were well understood by the respondents and whether the questions were relevant. The tools were then reviewed and adjustments made to fill the gaps that were identified during the pre-test.

The design will be preceded by a pilot study which will involve a pre-test of the survey questionnaire and a few key informants. A few participants will be involved in the exercise. The rationale for pre-testing will be to assess whether the questionnaire is well understood by the respondents and whether the questions are relevant. The questionnaire will then be reviewed.

Site Selection

The study was conducted in Mombasa, Kilifi and Kwale counties that border the port and are affected or influenced by the port. The rationale for selecting the aforementioned counties was based on the fact that they are directly affected by the port operations either negatively or positively. The research had proposed that engaging the people affected could lead to vital information that would benefit them when project implementation begins.

Population and Sampling Procedure

The study population comprised the port community members. The unit of analysis was the individual port community members. A unit of analysis is defined as an object the researcher used to produce knowledge (Verschuren (2003). The study used different techniques to sample respondents for the baseline. The study adopted purposive sampling for the qualitative approach involving focus group discussants and key informants. (The number of key informants and the number of focus group discussions) The selection was based on the researchers' knowledge of the personalities who had specialized knowledge in the Port processes. The key informants (give a brief of the information they provided).

In addition, the study used cluster sampling for the quantitative surveys; the Counties were clustered into sub-counties and wards and thereafter the researchers randomly selected respondents to participate in the survey. (Include the counties and wards under study).

Box 1.1 Sampled Study Areas

County	Constituency	All Wards	Selected Wards	Reasons For Choice	FGD location	Questionnaires
Mombasa	Changamwe	Port Reitz Kipevu Changamwe Airport Chaani	Port Reitz, Kipevu, Changamwe	Representative of issues	Skembo and Hori - Port Reitz	Kipevu, Changamwe
	Jomvu	Mikindani Miritini Jomvu Kuu	Mikindani Miritini	Labour/CFS, natural resources,	Mkupe BMU - Miritini	Mikindani

				evictions and compensations		
	Likoni	Mtongwe Timbwani Shika Adabu Bofu Likoni	Likoni Mtongwe Timbwani Shika Adabu	Representative Issues	Likoni, Timbawani	Shika Adabu Mtongwe
	Mvita	Tudor Tononoka Majengo Ganjoni Shimanzi Mji Wa Kale	Majengo Ganjoni Mji Wa Kale Tudor	Radicalization, first evictees in 1920, Old Port, Labour	Majengo Chief's Office	Mji Wa Kale Ganjoni Tudor
	Nyali Ward	Frere TOWN Mkomani Ziwa La Ngombe Kongwea Kadzandani	Mkomani			
	Kisauni	Mjambere Junda Bamburi Mwakirunge Mtopanga Magongoni Shanzu			Bamburi	To be decided
Kwale	Selected Matuga Others include: Kinango Lunga Lunga Msambweni	Ngombeni Waa Tiwi Kubo Mkongani	Ngombeni Waa, Tiwi	Dredging, Fishing, MRC, Dongo Kundu By Pass, Free Port	Chief's Office Ngombeni	Waa - Kombani Tiwi (to select sublocatio n
Kilifi	Kilifi South Kaloleni	Shimo-la-tewa ward (Mtwapa) Kaloleni ward. Marikani		Labour issues and sentiments around port Location of CFSS	Shimo-la-tewa	Mtwapa
TOTALS						

Data Collection

This section describes the sources of data used in the study and the methods used to collect the data.

Data Sources

The study used both primary and secondary data sources. Quantitative and qualitative methods were used to collect primary data. Specifically, quantitative data was gathered through survey of the port community and qualitative data was collected from a myriad of key

informants from various sectors and focus group discussants who comprised various groups from the port community. According to Stylianou, 2008, in-depth interviews allows for the exploration of deeper structure of ideas and provide an opportunity to verify the ideas presented.

Secondary data was obtained from published books such as journals and the Internet and unpublished literature such as policy statements, regulations and official reports relating to the port, the port community and the port affairs.

Data collection methods

The study used a mixed method approach in data collection. These were structured and semi-structure interviews, observation, and a review of documents and other secondary data. Table 3.1 below provides the data needs table that aided in analysis. Column 1 of the table presents research questions for the study, column two gives the information that was used to provide answers to the research questions. Column three provides the instruments used to collect the data and column four provides the methods used to analyze the data.

Table 3.1 Data Needs Table

Research objectives	Data needs	Instrument	Analysis
To establish and clearly identify all priorities of the port community along the four thematic areas (Governance, Security, Natural Resource, Labor and Gender).	Gender, age, level of education, marital status, occupation, ethnic community,	Survey questionnaire 1,2,3,4,5,6 and 7	Frequency
	Familiarity with the port, Access to information, types of information, feedback, challenges of access to information,	Structured questionnaire 8,9,10,11a, Semi structured questionnaire i, ii, v,	
	Key thematic areas Governance	Semi structured questionnaire iv,	

		Structured questionnaire 12, 13, 14a,14b,15,16,17,18,19,20,21a, 21b Semi structured questionnaire Specific questions iii, v, iii, iv, vi and vii CSOs structured questionnaire	
	Security	Structured questionnaire 22,23,24,15,26,27,28 Semi structured questionnaire i, ii and iii	
	Natural resources	Structured questionnaire 29,30,31,32,33 Semi structured questionnaire i, ii, iii, iv,v and vi	
	Labour	Survey questionnaire 34,35,36,37,38,39 Semi structured questionnaire i and ii	
To establish and clearly identify all the key stakeholders including private and public sector actors in the Mombasa Port reform.	Stakeholders	Semi structured questionnaire [FGD] i, i,	Thematic analysis
Identify opportunities for synergies among and between key stakeholders to reduce duplicity and maximize outputs.	Establishment of the platform, Contributions, Expectations, Synergy opportunities	i, ii, iii and iv	Thematic analysis

Structured interviews

The study use structured questionnaire to collect primary data [refer to appendices 1, 2 and 3]. The tool had both closed and open ended questions. The research assistants administered

the semi-structured interviews to sampled members of the port community on a face-to-face basis. The aforementioned method was preferred to self-administered and online questionnaires as it enhances an almost 100% response. The earlier two methods are marred with a lot of non-response. December, 2009 defines non-response as situations where there appears to be no response at all in relation to the question asked. Studies by scholars such as December showed that in the developed countries non-response is low. The circumstances are different for developing countries because of the low levels of access to the internet. This therefore, made the face-to-face method most appropriate.

There were 236 respondents [male, female] involved in the quantitative survey. According to Kasomo, 2006, this method is defined as data which yields data which is quantifiable. Each of the respondents was interviewed separately. The same structured questions were asked to all the respondents. This is because this method gives room for a convergence of information.

Semi-structured Interviews

Semi-structured interviews were conducted with key informants [refer to appendix 2] [11] key informants were interviewed. [Provide a brief of the information they provided].

Focus group discussion guides were used with the members of the port community. The researchers collected the interviews individually and recorded and took notes concurrently. The interviews touched on issues that were pertinent to the community and took an average of one hour.

A total of nine focus group discussions [FGDs] were conducted in Mombasa, Kilifi and Kwale counties. Specifically, Likoni, Majengo, Mkupe, Pungu, Kongowea and Skembo in Mombasa, Ng'ombeni in Kwale and Mazeras in Kilifi counties. One FGD was held in Nyali with members of the CSOs platform [CWID, Maendeleo ya Wanawake, Sea farers and Ujamma]. Each of the groups comprised between eight [8] to twelve [12] discussants. Characteristically, they were mainly married fishermen belonging to various BMUs, aged between thirty [30] to sixty [60] years and lived in the informal settlements along the coastal line. Another FGD comprised discussants who were retirees of KPA having worked in various capacities. The discussions lasted one and a half hours.

Observation

Observation was used to supplement information from other data sources. Babbie, 2001 defines observation as watching and noting phenomenon as they occur in nature with regard to cause and effect or mutual relation. Observation was used to corroborate the information that the respondents reported and what was actually happening on the ground. The observers noted the people on the ground were poor however, this could not be attributed to the port as there are other contributors of poverty.

Review of documents and Secondary data

Literature review was done prior to data collection as this provided a basis for the construction of research questions. It involved review of published literature such as books, government articles, downloaded journals from various websites and unpublished literature such as institutional policy statements, records and official reports about the report.

Data Analysis

This section describes the procedures used to analyse the data that was collected. The study used both qualitative and quantitative methods of data analysis. Data analysis was done in two stages. The first stage involved quantitative analysis which provided general descriptions that cut across individual responses while the second stage involved qualitative analysis which involved individual in-depth interviews and group focus discussions.

Prior to data analysis the data was cleaned by checking for completeness, consistency and accuracy. Some of the closed ended questions had been pre-coded it was therefore easy to counter check that they were all filled in. For the open-ended questions, post coding was done before the data was entered. Quantitative data analysis was done using SPSS

Field Challenges

Field work was marred with a few hurdles. The hurdles included:

- i. Institutional challenges

CHAPTER FOUR: RESEARCH FINDINGS, DISCUSSIONS AND INTERPRETATIONS

This chapter presents the findings of the first and second specific objectives which sought to establish the priorities of the port community along Governance, Security, Natural Resource and Labour thematic areas and to establish key stakeholders including private and public sector actors in the Mombasa Port reform. The first section illustrates the respondents' socio-demographic information, the second identifies the port stakeholders and the third section discusses the priorities of the port community. The findings have been presented in Tables and Charts.

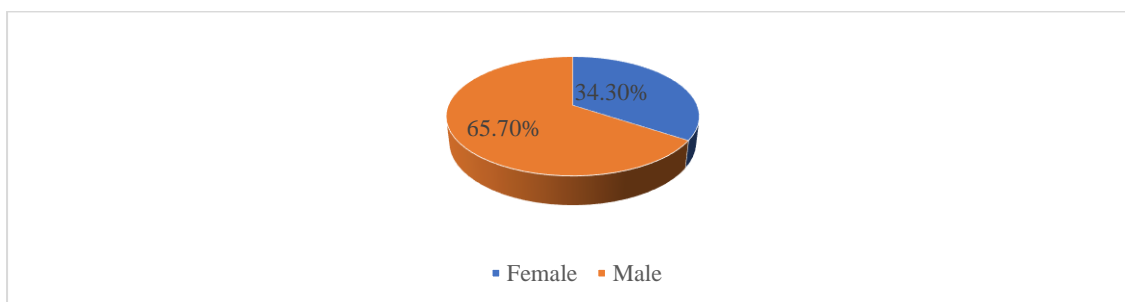
4.1 Socio-Demographics of the Respondents

This section presents findings of the characteristics of the respondents from the port community. Specifically, it details information on gender, age, level of education, marital status, nature of occupation and ethnic community.

Gender

Of the total sample of 236, the males interviewed were 155 which constituted 65.7 percent of the sample while the female interviewed were 81 which comprised 34.3 percent of the sample as shown in Chart 1.1.

Chart 1.1: Gender of the Respondents



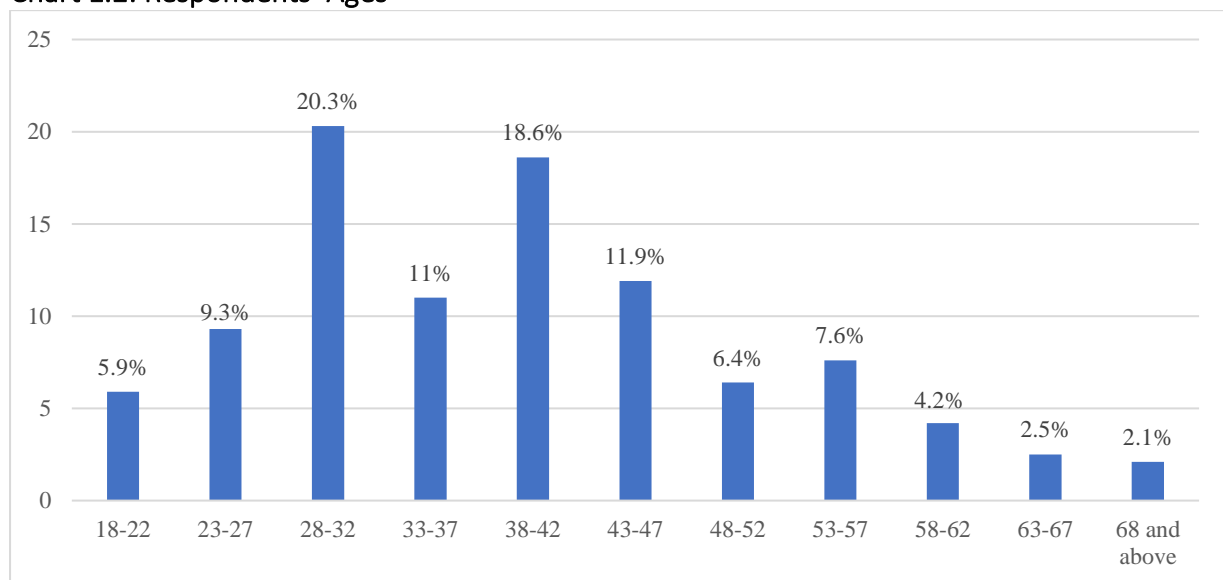
Source: Field data 2016

Age

The respondents were aged between 18 and 68. Their ages were grouped with an interval of 5 years between the ages. Respondents within the age bracket 18-22 were fourteen and constituted 5.9%. Those in the 23-27 age bracket were twenty-two and comprised 9.3%. The two categories were followed by those in the 28-32 age bracket which was forty-eight and

comprised 20.3% of the sample. The 33-37 age bracket had twenty-six respondents and constituted 11% of the sample. In the 38-42 age bracket, there were forty-four respondents who comprised 18.6% of the sample and 43-47 were twenty-eight and 11.9% of the sample. Fifteen were in the 48-52 age bracket which constituted 6.4% of the sample. In the 48-52 age bracket, there were eighteen respondents who constituted 7.6% of the sample. In the 53-57 and 58-62 age bracket, there ten 4.2% and six 2.5% respondents respectively. The 63-67 age bracket had six 2.5% of the respondents and the 68 and above age brackets had the least respondents, five and comprised [2.1%] of the sample as shown in Chart 1.2.

Chart 1.2: Respondents' Ages

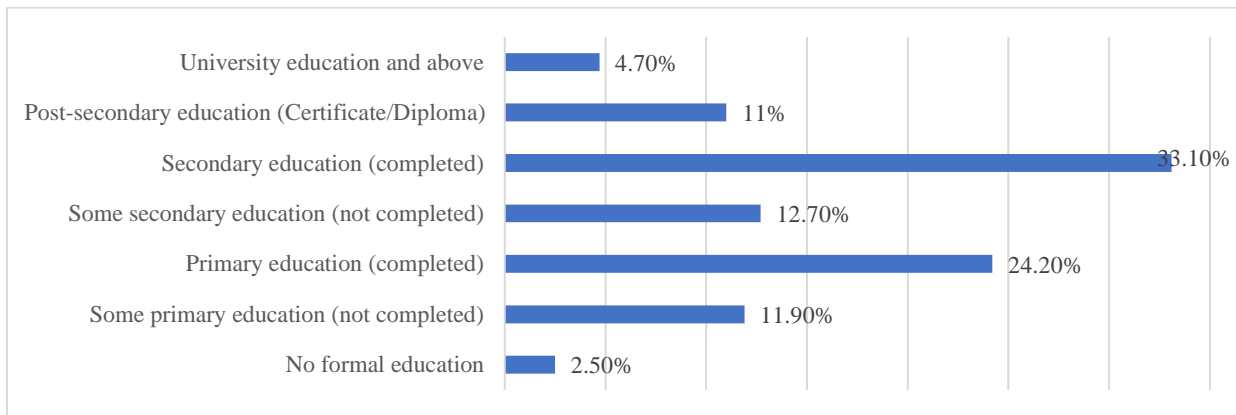


Source: Field data 2016

Education Levels

Regarding the respondents' levels of education, six [2.5%] had no formal education, twenty-eight [11.9%] had not completed primary education and fifty-seven [24.2%] had completed secondary education. At the secondary level, thirty [12.7%] had not completed and seventy-eight [33.1%] had completed secondary education. Twenty-six [11%] had post-secondary education [had obtained certificates and diplomas]. A small proportion of eleven respondents [4.7%] had a university level of education as shown in Chart 1.3.

Chart 1.3: Respondents Levels of Education

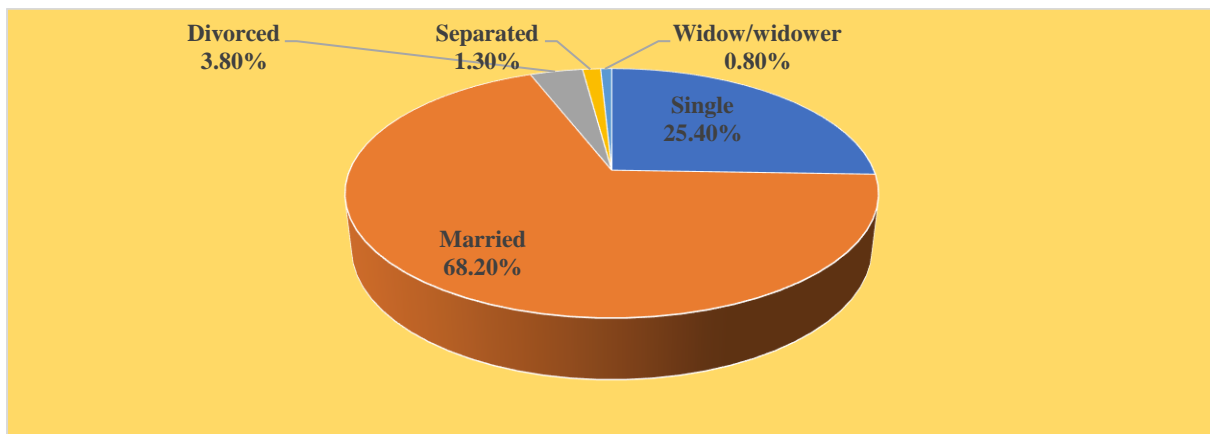


Source: Field data 2016

Marital status

Chart 1.4 below shows the respondents' marital statuses 68.2% were married, 25.4% were single, 3.8% were divorced, 1.3% were separated and 0.8% were widowed as shown in Chart 1.4.

Chart 1.4: Respondents Marital Status



Source: Field data 2016

Occupation

Majority of the respondents N=86 [36.4%] were small scale business owners. Sixty-four [27.1%] were casuals and 43 [18.2%] were unemployed. Thirty -seven [15.7%] were in formal

employment. Large scale business owners and students comprised three respondents [1.3%] each as shown in Table 1.1.

Table 1.1: Respondents' Occupations

	N	Percent
Small scale business	86	36.4
Casual work	64	27.1
Unemployed	43	18.2
Formal employment	37	15.7
Large-scale business	3	1.3
Student	3	1.3
Total	236	100.0

Source: Field data 2016

Ethnic community

The three counties comprised people from many of the Kenyan ethnic communities with the Mijikenda/Swahili comprising 126 [53.4%] of the respondents. The other ethnic communities' respondents were few: Luos were 22 [9.3%]; Kambas were 19 [8.1%]; the Taita Tavetas and the Luhya comprised 17 [7.2%] each; the Bajunis were 7 [3%]; the Somalis; the Pokomos and the Arabs each comprised 3[1.3%]; the Kalenjins; and Merus/Embus each comprised 2 [0.8%]; Kisiis; Malakotes and Asians each comprised 1[0.4%]. There was one [0.4%] respondent who did not identify with any of the tribes but referred to self as a Kenyan. Majority of the respondents were Mijikenda [coast natives].

Table 1.4: Respondents' Ethnicity

Tribe	Frequency	Percent
Mijikenda/Swahili	126	53.4
Luo	22	9.3
Kamba	19	8.1
Taita/Taveta	17	7.2
Luhya	17	7.2
Kikuyu	10	4.2
Bajuni	7	3.0
Somali	3	1.3
Pokomo	3	1.3
Arab	3	1.3
Kalenjin	2	0.8
Kalenjin	2	0.8

Meru/Embu	2	0.8
Kisii	1	0.4
Malakote	1	0.4
Asian	1	0.4
Kenyan	1	0.4
Total	235	100.0

Source: Field data 2016

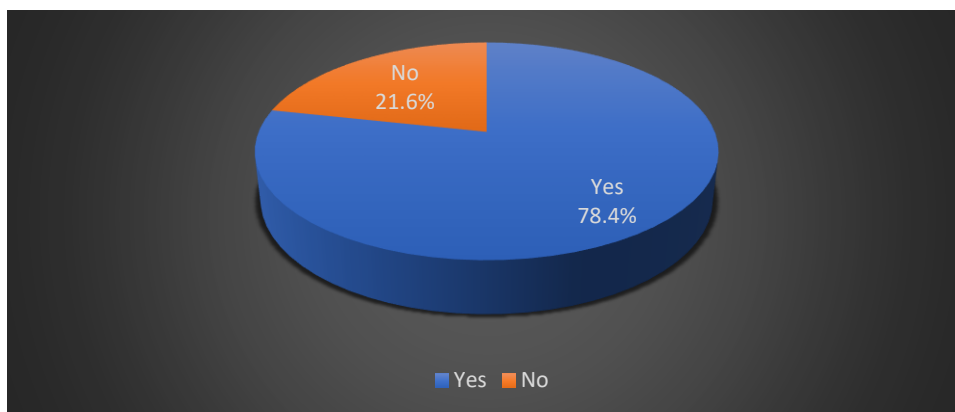
4.2 Priorities of the Port Community

This section discusses the priorities of the port community and specifically looks at the key thematic areas of governance, security, natural resources and labour. This section is presented in three subsections. The first subsection discusses the port community’s familiarity with the port affairs, the second highlights information access, sources and types of information accessed, feedback mechanisms and challenges experienced while accessing the information. The third subsection looks at the priorities of the port community on issues around the port in line with the aforementioned four key thematic areas.

4.2.1. Familiarity with Port Affairs

On familiarity with port affairs one hundred and eighty-five [78.4%] reported they were familiar while fifty-one 21.6% reported they were not familiar as shown in Chart 1.5.

Chart 1.5: Familiarity with Port Affairs



Source: Field data 2016

A chi square analysis revealed there was a significant relationship between gender and familiarity with the port issues [Chi square 6.235, n=236, p<0.05, df 1].

The discussants also reported their familiarity with port affairs and the other four reported their unfamiliarity. The major issues the respondents were familiar with included cargo and container handling/clearing and forwarding, employment/Labor work and corruption at the port. See Table 1.5 for details.

Table 1.5: Port Aspects the Port Community were Familiar with

Familiar port issues	Frequency	Percent	Percent of Cases
Cargo and container handling/clearing and forwarding	151	62.7%	80.7%
Employment/Labor work	38	15.8%	20.3%
Lack of employment of people from coast	10	4.1%	5.3%
Corruption at the port	7	2.9%	3.7%
Fishing at the port	6	2.5%	3.2%
Tourism activities at the port	6	2.5%	3.2%
Trucks at the port	6	2.5%	3.2%
High security at the KPA	5	2.1%	2.7%
Contracts and tenders at the port	4	1.7%	2.1%
Illegal business at the port	4	1.7%	2.1%
Port paying little salaries	2	0.8%	1.1%
Port generates income for the country	2	0.8%	1.1%
Total	241	100%	128%

Source: Field data 2016

The discussants also pointed out that they were aware that the port is one of the biggest employers in Kenya. Despite its location at the coast, majority of the employees are *wabara*⁴⁰. This justified their thought that:

‘The port operates in isolation and its management is done from Nairobi. The managing directors at the port are puppets under the strong influence from the Nairobi managers’.

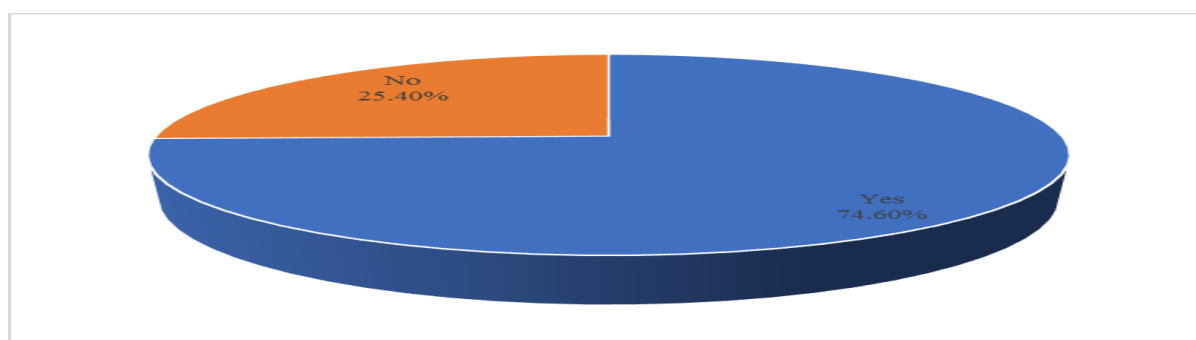
Other discussants were of the opinion that the port was a parastatal whose activities had been privatized without their consultation and consent. Further, they were familiar with the port’s expansion and the dongo kundu road construction which resulted in constant evictions from their ancestral lands and the up hazard displacement of fishermen in the various beach management units [BMUs] from the fishing sites without any compensation.

⁴⁰ People from up country

4.2.2. Access to Information on Port Affairs

Information is power and the Kenyan constitution provides for citizens’ entitlement to it. Majority of the survey respondents reported that they had access information on port affairs as shown in Chart 1.6. On the contrary six [6] groups reported that they do access information regarding port affairs yet this is a resource within their vicinity and should actually be the direct beneficiaries.

Chart 1.6: Proportions of Respondents Who Access Information



Source: Field data 2016

Why Respondents’ do not Access Information

From the responses, most people do not access information because they felt that there is no benefit in knowing, it was difficult to get information, it was only for people who are connected and most locals are not involved in port affairs as shown in Table 1.3.

Table 1.6: Reasons for Lack of Access to Information

	Responses		Percent of Cases
	N	Percent	
There is no benefit in knowing	15	25.0%	26.8%
It is difficult to get information	14	23.3%	21.4%
It is only for people who know people	13	21.7%	23.2%
Locals are not involved in port affairs	13	21.7%	23.2%
The port does not give information	5	8.3%	8.9%
	60	100.0%	100.0%

Source: Field data 2016

At the time of the interview, the discussants reported that there were many evictions to give way for the port's infrastructural development and the dongo kundu road construction. The victims helplessly watched this happen. No one cared to inform them on the next courses of action to take. This calls for adequate consultations and agreements and possible signing of MOUs between the KPA/stakeholders and the port community largely the BMUs before implementation of Port Projects. The effectiveness of this will be based on the recognition of the port community and their position in the coastal counties.

4.2.2.1 Means of Accessing Information

Majority of the respondents reported that they accessed information through person to person [P2P]ⁱ, through the radio and television. See Table 1. 7.

Table 1.7: Means of Accessing Information

	Responses		Percent of Cases
	N	Percent	
Through person to person	160	33.9%	91.4%
Through radio	88	18.6%	50.6%
Through television	88	18.6%	50.6%
Through print media (newspapers)	48	10.2%	27.6%
Through social media	40	8.5%	23.0%
Through the Internet (Websites)	38	8.1%	21.8%
Through own crude means	10	2.1%	5.7%
Total	472	100.0%	270.7%

Source: Field data 2016

Print and visual channels played a key role in providing information. One responded said:

'The other way we get to know what is happening at the port is when we hear people discussing these issues in groups – those who are reading the papers or watch news'.

Politicians also play a role in giving information to the port community alongside the KPA through her officers and the contractors. However, they reported that sometimes the

information reaches them when it was too late. A case in point was the 2012 dredging⁴¹ initiative in which the community was not involved.

4.2.2.2. Types of Information Accessed

The discussants reported that they accessed different types of information on port issues. It emerged that the port community sought information on issues around the port in a bid to demystify the rumors that were taking rounds on the sale of the port to wabara. They accessed information on the port expansion, the spaces required for the expansion and how the affected would be compensated. The other types of information were on port privatization and sand mining. Further, they sought information on the available job openings and the procedures on employment.

4.2.2.3 Feedback

The discussants reported that they neither got direct feedback from the port nor did they get solutions to the complaints they raised to the port. The fishermen for instance, raised their port concerns through fisheries department and got feedback from the same. They felt that the port did not take information to them and were treated as third parties/third citizens.

The discussants suggested that the newspapers should be consistently used to update citizens on what is happening and how it would benefit them individually and collectively. Further, they requested that KPA should listen to community members' grievances and act upon them. In this way, they would win the community's support. People/organizations should sit them down and explain issues around the port. In the sittings questions, can be asked, clarifications made and it would bring to a stop the state of uncertainty and confusion that is hitherto experienced.

4.2.2.4 Challenges on Information Access

The respondents reported several challenges they experienced with regard to information access. The first challenge was difficulty in accessing information. For instance, information on

⁴¹ Dredging is the removal of sediments and debris from the bottom of lakes, rivers, harbors, and other water bodies. It is a routine necessity in waterways around the world because sedimentation—the natural process of sand and silt washing downstream—gradually fills channels and harbors.

compensation was not accessible at all even in situations where one felt they should be duly compensated. A point that was cited regarding the standard gauge railway [SGR] was that people were advised to open bank accounts to allow for easy deposits of their compensations into their respective bank accounts. At the time of interview, nothing had been done and the evictees were languishing in poverty and out in the cold.

The second challenge was that the port community was not adequately informed or consulted on developments around the port for example port expansion and road construction. This created a state of confusion in Mombasa. Further, the fishermen lacked information concerning the nautical miles they were supposed to fish in the sea and places where they are supposed to fish. This has resulted to arrests and arrest threats from the port security.

The third challenge was mistreatment of the retirees after the elapse of the three month notice to vacate the port houses. At the port one stood to get information as an insider after retiring it became difficult to access information.

The fourth challenge was with regard to lack of proper channels of accessing information. One discussant said:

'As members of the public we are not sure whether to engage the county government or the Kenya Ports Authority. When we try to access information from KPA they refer us to the County Government and vice versa. We are left stranded not knowing where to go'.

The fifth challenge was information apathy. The people of Mombasa reported that they had been subjected to historical injustices. They felt tired and burned out and stopped bothering with the port issues. One respondent said: *'Even if we hear explosions at the port we will not bother. The port is not part of our community'.*

Overall it was reported that the port employees /insiders were the ones who largely had information about the port and its operations, the locals were not in the know and nobody cared to make them know. The port community were aware of the theft that goes on in the port but they chose to keep quiet lest they are assassinated.

4.3 Key Thematic Priorities

This section presents the findings on the priority issues of the port community under four [4] key thematic areas which are governance, labour, security and natural resources. In this regard, the respondents were asked about their priorities at the port.

Based on the various thematic areas mentioned above, majority of the cases were more concerned with issues of labour as they reported on youth and women employment. Corporate social responsibility was also a major issue that was raised. On the governance, the key issues raised were public participation, addressing corruption including drug use and illegal trade. There was call for better use of natural resources. Three cases highlighted issues of security and said that levels of security should be increased. The information is presented in Table 2.0.

Table 2.0: Port Community Port Priorities

	N	Percent	Percent of Cases
Youth and women employment should be prioritized	152	53.5%	67.3%
The port giving back to the community should be prioritized	75	26.4%	33.2%
Public participation should be prioritized	24	8.5%	10.6%
Better use of the port and resources should be prioritized	8	2.8%	3.5%
Addressing corruption and drug use should be prioritized	8	2.8%	3.5%
I don't know the priorities of the community	7	2.5%	3.1%
Management systems should be changed every two years	6	2.1%	2.7%
Increasing level of security should be prioritized	3	1.1%	1.3%
Stopping illegal trade should be prioritized	1	0.4%	0.4%
Total	284	100.0%	125.7%

Source: Field data 2016

4.3.1 Governance

This sections discusses the port stakeholders, citizen participation/port community involvement in the port affairs, reasons for participation and lack of it, ways of participation, accountability mechanisms and the adoptable strategies for effective citizen participation.

4.3.1.1 Port Stakeholders

The discussants' and the key informants' [KIs] perceptions on the port's stakeholders was sought. They mentioned individuals, private and public institutions as shown in Box 1.1. However, a few discussants in the various groups reported that they were not aware of the

stakeholders at the port and further, they were not recognized as stakeholders by the port. One discussant said *'kuna wananchi na wenye nchi'*⁴². It is worth noting that the KIs recognized the people of Mombasa [but not CSOs] as stakeholders.

Box 1.1: List of Stakeholders

- | | |
|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| i. | The port management |
| ii. | Private developers |
| iii. | Wabara [people from other parts of the country] |
| iv. | The rich |
| v. | Owners of title deeds around the port areas. In cases of high-rise developments, it is only the title needs who are sought after and compensated. The people living on the structures put up the owners are paid little money and asked to leave. |
| vi. | Members of parliament and other politicians to who the port is a cash cow |
| vii. | The transporters |
| viii. | The national and county governments |
| ix. | The cargo freight service [CFSs] providers |
| x. | National Environmental Management Authority [NEMA] |
| xi. | Kenya Revenue Authority [KRA] |
| xii. | International Agencies [Northern Corridor]-it is a regional port all members that use it are part of the northern corridor-they construct roads |
| xiii. | Shippers Council |
| xiv. | Clearing and Forwarding Agencies |
| xv. | Mabebas [people who carry luggage at the port] |
| xvi. | Kenya Bureau of Standards [KEBS] |
| xvii. | Host and adjacent community [CSOs, CBOs, (community groups-port community)], |
| xviii. | FBOs, youth groups. |
| xix. | All those mentioned in the Port Charter |
| xx. | NTSA |
| xxi. | KENA |
| xxii. | Insurance companies |

Source: Field data 2016

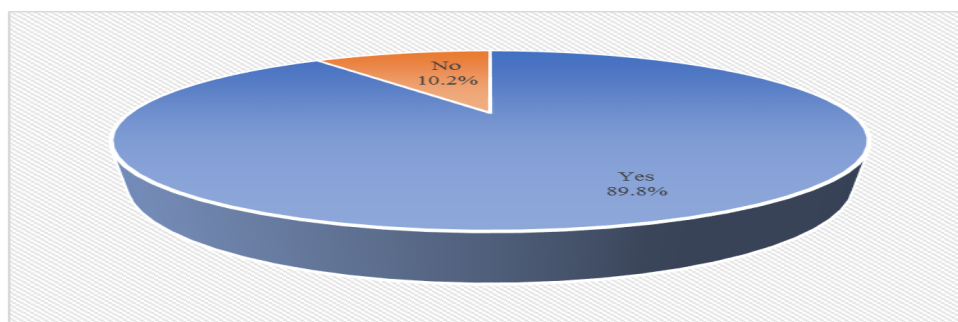
The port charter which is the blueprint upon which the port stakeholders and their functions are highlighted excluded the CSOs and the County Government as signatories.

4.3.1.2 Citizen Participation

All the groups' discussants unanimously agreed that public participation at the port was not effective. *One discussant said 'the only available avenue is public forum where they call us for and inform us of their intentions'.* Asked whether the issue of citizen participation was necessary, 212 [89.8%] reported that it was and 24 [10.2%] reported that it was not as shown in Chart 1.7.

Chart 1.7: Necessity of Citizen Participation

⁴² There are citizens and owners of the land



Source: Field data 2016

4.3.1.3: Reasons for Citizen Participation

There were numerous responses on citizen participation, forty [19.3%] reported that the port will know the problems of the citizens and solve the same, thirty-eight [18.4%] said that it will increase awareness of the port community, another thirty-eight [18.4%] reported that the citizens will know the needs of the port and help in decision making. Thirty [14.5%] said that it will enable them hold the port community accountable and twenty-five [8.7%] reported that there is dependence between the port community and the port. Eighteen [8.7%] said that it would enhance employment of the port community as many people were suffering due to lack of jobs. Thirteen [6.3%] said that it would create peace between them and the port, twelve [5%] thought that it would make it easy for them to follow up on the jobs, ten [4.8%] felt it would help guard the natural resources and avoid competition, six [2.9%] said that it would increase hope and confidence of the community members in the port, five [2.4%] said that it will help the community push for policies that would benefit them and lastly three [1.4%] had no idea why citizen participation is important.

Table 2.1: Reasons for Citizen Participation

	N	Percent	Percent of Cases
It is necessary because the port will know citizen problems and move to resolve them	40	16.8%	19.3%
It is necessary because it would increase awareness in the port community	38	16.0%	18.4%
It is necessary because the citizens will know the needs of the port and can help in decision making	38	16.0%	18.4%
It is necessary to enable the community hold the port accountable	30	12.6%	14.5%
It is necessary because the port management depends on the community and vice-versa	25	10.5%	12.1%
It is necessary because people are suffering due to lack of jobs	18	7.6%	8.7%
It is necessary because it would create peace between the port and the community	13	5.5%	6.3%
It is necessary as the community will be able to follow up on job opportunities	12	5.0%	5.8%
It is necessary because it would guard resources and reduce competition	10	4.2%	4.8%

It is necessary because it will increase the hope and confidence of the community	6	2.5%	2.9%
It is necessary because people can push for policies that will benefit the port community	5	2.1%	2.4%
I have no idea why it is necessary	3	1.3%	1.4%
Total	238	100.0%	115.0%

Source: Field data 2016

4.3.1.4 Reasons why it was not necessary

It was of interest to establish the 24 respondents did not find citizen participation necessary. From the reports, 5 [25%] said that they had no idea why citizen participation was necessary, 4 [20%] reported that they were not concerned with port affairs, 3 [15%] said that they were not familiar with port affairs hence it was not applicable in their circumstances. Similar proportions reported that it was not necessary because the port management knows how to handle issues more than anyone else and it was not necessary because the views they give are not taken into consideration. Two [10%] respondents it was not necessary because their ideas cannot add any value to the port difficult to get information as shown in Table 2.2.

Table 2.2: Reasons why it is not necessary

	Responses		Percent of Cases
	N	Percent	
I have no idea	5	25%	25%
It is not necessary because I am not concerned with port affairs	4	20%	20%
It is not necessary because the people are not familiar with the port hence participation isn't applicable	3	15.0%	15.0%
It is not necessary because the port management knows how to handle issues more than anyone else	3	15.0%	15.0%
It is not necessary because views given are not taken into consideration	3	15.0%	15.0%
It is not necessary because my ideas cannot add any value to the port	2	10.0%	10.0%
Total	20	100.0%	100.0%

Source: Field data 2016

Seven discussion groups reported that the port does not ensure public participation. One discussant reported:

'We are not involved or consulted on port issues we are just instructed/given orders from above for example when it comes to evicting us there are no informed discussions held'.

Another said:

'We only participate in part. Sometime the government use threats. They deploy police officers (fanya fujo Uone) and threaten to discipline us if we refuse to give up our land'.

The platform members reported that the the public was not in anyway involved in port issues hence no public participation. They however, had a glimpse of hope that one day they would be engaged but also reiterated that the process was not easy. At the time of the interview, they reported about the *Naivasha dry port* which they felt was not clear to them. There was no convergence among the national and county governments and the politicians as they addressed the issue differently hence the *wapwani*⁴³ were wondering whether the port had indeed been sold.

While seven of the eight FGDs reported that they were not in any way involved in the port affairs, one group reported that they were involved. Most of the KIs felt that the port community and other stakeholders were not aware of the conceptualization and implementation of the CSR policy. Specifically, the budgetary allocation, community needs assessment and involvement in implementation were highlighted as the key areas where the port has not laid emphasis. In addition, some KIs felt that for the KPA public participation is a mere formality. The communities are never given adequate notice and where notices are given, the goodwill to take the communities' concerns into consideration is lacking. It was the opinion of other KIs that the Port is entirely controlled by Nairobi ("It is a controlled shop").

The County Government representatives reported that they are not involved and they have no benefits from the Port. In fact, according to them the trucks and trailers destroy the roads yet the burden of repairing the roads and the economic ramifications are left for the County Government to bear. In addition, the Port processes also utilize a lot of water at the expense of the Port community. Finally, the fact that the County Government is left out of the Port Community Charter is proof that the Port do not consider the port community as key stakeholders.

⁴³ Coast natives

On the other side, the KPA representative said that KPA ensures public participation especially with the “Project Affected Persons” who are victims of the port reform processes. This finding contradicts the general perceptions of the port community.

4.3.1.6 Ways of Involvement in Public Participation

The respondents expressed the various ways through which they are involved in public participation. Twenty-one [53.8%] reported that they are involved as port employees, twelve [30.8%] said that they were involved through other unspecified means. Five [12.2%] reported that they were involved through utilization of natural resources and three [7.7%] reported that they were involved through decision making.

Table 2.4: Ways of Involvement in Port Affairs

	N	Percent	Percent of Cases
Involved in port affairs as a port employee	21	51.2%	53.8%
Involved in port affairs through other means	12	29.3%	30.8%
Involved in port affairs through utilization of natural resources	5	12.2%	12.8%
Involved in public participation in port affairs through decision making	3	7.3%	7.7%
Total	41	100.0%	105.1%

Source: Field data 2016

The FGD discussants reported affirmatively that they were involved when they needed to get information or make complaints or even when KPA needed to inform them about the expansion of their projects. Further, there was a group of discussants that pointed out that they were only involved in the period they were port employees. After retirement, they were strictly given a grace period of three [3] months within which to vacate the port’s servant quarters. After the period elapsed they were mercilessly thrown out of the houses. Overall, like the port community members who had never been employees, they felt isolated.

4.3.1.7 Sufficiency of involvement

A small proportion [12-5.1%] of the respondents reported that they felt sufficiently involved while the majority [224-94.9%] reported that they were not sufficiently involved as shown in Table 2.5. The discussants strongly felt they were not sufficiently engaged after their retirement.

Table 2.5: Sufficiency of involvement

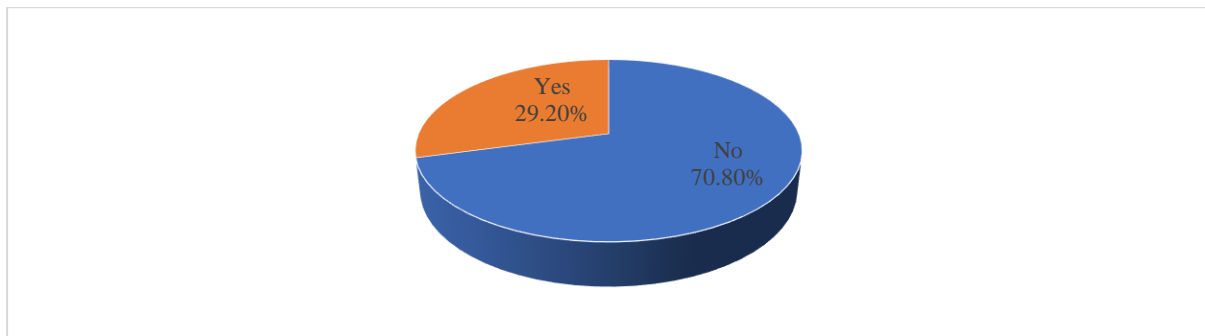
	Frequency	Percent
No	224	94.9
Yes	12	5.1
Total	236	100.0

Source: Field data 2016

4.3.1.8 Accountability

The respondents reported on the issue of accountability with majority 167 [70.8%] reporting that they do not hold the port management accountable and a few sixty-nine [29.2%] reporting that they hold the port management accountable. Generally, the ports authority is not accountable because there are no set systems that involve the locals.

Table 2.6 Port management Accountability



Source: Field data 2016

The Platform reported that the port was not accountable to the port community. There was a lot of secrecy to the extent that one got tired midway when following up what they wanted to know. One of the platform members had attended forums she had been invited to and often asked who was watching the port management in the initiatives they were implementing in terms of achieving their targets. She reported that most of the initiatives had negative effects to the community but unfortunately they never factored in these effects e.g. building roads which many a time led to evictions.

The CSOs platform put lobbied for the amendment of the Port Community Charter to include CSOs and county government as signatories as signatories. In addition, the patform raised issues concerning port accountability and benefits the port community could derive from the

port. The CSOs and county government were advised to submit their proposed roles and clear indicators before their inclusion as signatories in the Charter. However, no feedback has been received on progress from the Port Charter Stakeholders despite having submitted a complete proposal as requested.

To enhance accountability they proposed to have meetings with the port to input into their corporate social responsibility [CSR] policy to enable them give back to the community in ways that ensure maximum benefits to the community. This follows an agreement that had earlier been arrived at to have consultative meetings among the port, the county government and other stakeholders on a regular basis. A workplan had been developed and upto the time of the interview not much had changed.

4.3.1.8 Reasons for Holding the Port Accountable

The respondents provided reasons for holding the port accountable. Eleven [36.7%] responses indicated that it was the people’s right, eight [26.7%] said that the port should provide information and seven [23.3%] reported that there is need for transparency with KPA funds. Six [18.8%] reported that the community can provide ideas to the port to better manage the port as shown in Table 2.8.

Table 2.8: Reasons for Holding the Port Accountable

	N	Percent	Percent of Cases
It is the people's right	11	34.4%	36.7%
The port should provide information on port issues	8	25.0%	26.7%
Transparency with KPA funds	7	21.9%	23.3%
The community can provide ideas to the port to better manage the port	6	18.8%	20.0%
Total	32	100.0%	106.7%

Source: Field data 2016

Similarly, the research sought to know why some respondents did not hold the port management accountable. The reasons they gave were as follows=71 [45.2%] said there was no public involvement, N=29 [18.5%] reported that the port does not recognize the community, N=21 [13.4%] said there is no transparency, N=17 [13.4%] said it was not their concern, N=14 [8.9%] reported that corruption is very high at the port, N=6 [3.8%] said that the poor people's voice is never heard, N=4 [2.5%] said majority of port employees are from

outside of Mombasa (Wabara) and N=1 [0.6%] reported that it takes time for the people's views to be implemented.

Table 2.9: Reasons for not Holding the Port Accountable

	N	Percent	Percent of Cases
There is no public involvement	71	43.6%	45.2%
The port does not recognize the community	29	17.8%	18.5%
No transparency	21	12.9%	13.4%
It is not my concern	17	10.4%	10.8%
Corruption is very high at the port	14	8.6%	8.9%
The poor people's voice is never heard	6	3.7%	3.8%
Majority of port employees are from outside of Mombasa (Wabara)	4	2.5%	2.5%
It takes time for the people's views to be implemented	1	0.6%	0.6%
Total	163	100.0%	103.8%

Source: Field data 2016

4.3.1.9: Proposed Strategies of increasing citizen participation

As at the time of the interview none of the FGD discussants was familiar with the strategies the port had put in place to enhance public participation. However, the survey respondents reported on the ways through which citizen participation can be enhanced. There was a total of 273 responses. One hundred and forty-one 141- said it would through citizen sensitization, 37 reported that it would through employment of the locals or them getting tenders from the port. Twenty-seven [27] had no idea how the port could increase citizen participation in port affairs. Twenty six [26] reported that it would be through the port transparency to the port community, seventeen 17 reported that the port needs to engage in corporate social responsibility, eleven [11] said that participation can be enhanced by easing access to the port, six [6] said there should be follow up with the port community, five [5] reported incorporation of the elders and youth in the port board, two [2] reported that *wabara* should leave and one [1] person said that fee tolls should be introduced as shown in Table 2.1.

Table 2.1: Proposed Strategies of increasing citizen participation

	N	Percent	Percent of Cases
Through citizen sensitization	141	51.6%	61.3%
By employing locals/offering tenders	37	13.6%	16.1%
No idea how the port can increase citizen participation in port affairs	27	9.9%	11.7%
Through transparency and accountability to the community	26	9.5%	11.3%
Through engaging in corporate social responsibility	17	6.2%	7.4%

Easing port access	11	4.0%	4.8%
Through follow ups with the port community	6	2.2%	2.6%
By incorporating the elders and youth in the board	5	1.8%	2.2%
The port can increase citizen participation in port affairs if 'wabara' leave	2	0.7%	0.9%
By introducing toll free lines	1	0.4%	0.4%
Total	273	100.0%	118.7%

Source: Field data 2016

On the other hand, the strategies suggested by the discussants included: Recognition of the port community as stakeholders; allowing them to air their views and actively participate in port initiatives [as employees and in active and profitable fishing]; The KPA should engage in corporate social responsibility [CSR] for example, build schools, subsidize the school/college fees for port retirees' children, donate containers to be used as classes and hospitals, paying school fees for needy children, sponsoring Mijikenda students from Kenyan universities to other overseas universities. The discussants reported that at the time of the interview sponsorship was given to students from other Kenyan communities.

Another strategy was engagement of the local community in clean-up for example collection and recycling of used bottles and other waste materials.

One of the discussants reported that there was once, a one Derrick⁴⁴ who tried this out. He was allowed to collect the used bottles for recycling. One of the port bosses Kimani followed him to ask what he was doing. He explained and further stated that he wanted to recycle the bottles. Later in the day, thugs accosted him beat him up and took away all the vital documents he had.

Compensation of the port community members both staff who are injured as well as evictees. Further, they suggested that talent fees should be paid to fishermen every month as it is done in other places in the world. This would lead to empowerment and create a sense of recognition by the government and ownership by the community.

Employment of the *wapwani* at all levels. The discussants reported that it pained them that 90% of the employees were *wabara*. In cases where a few *wapwani* were employed, it was in low carder jobs and still employment was marred with a lot of nepotism.

⁴⁴ Not his real name

The discussants pointed out that '*Bandari iwe bandari*'⁴⁵ [community need to benefit from the port] in the form of getting business opportunities like the tenders at the port. They were pained that they were in their homeland but they had to pay bribes before they could get anything. The tenders were given to people from other communities and countries.

The discussants also noted that the policies in place should be implemented to the letter. Corruption was a menace that they reported should be dealt with as a matter of urgency as it was the biggest problems at the port.

The KIs suggested the need for dialogue. Specifically, public private dialogue, sector specific dialogue, inter-governmental [national and county government] dialogue raising awareness, a forum where the community comes to listen and be informed and give perceptions, awareness around port reform – educate people around the port and the resources, Leaders meetings (all leaders including elected leaders and grass roots leaders), and all who are directly affected by the port reforms.

Summary of Strategies/Priorities

- 1) public - private dialogue (Inclusion of CSOs in the Friday Meetings at the KPA which includes PSOs, County Government, National Government agencies
- 2) Recognition and Inclusion of CSOs and County Governments in the Port Community Charter as Stakeholders
- 3) Inter-governmental [national and county government] dialogue (this includes engagement of the Revenue Allocation Commission on benefits accruing from the Port
- 4) Establishment of a clear feedback mechanism by the KPA to be utilized by the local community, CSOs, PSOs and all interested parties
- 5) Compensation of affected victims of Port reform processes
- 6) Awareness on Port reform processes and possible impacts and avenues for participation/engagement with key actors

4.3.2 SECURITY

Security issues are broad. However, the discussants noted that it mainly revolves around land and past injustices. There is the issue of external security where the citizens are targeted and

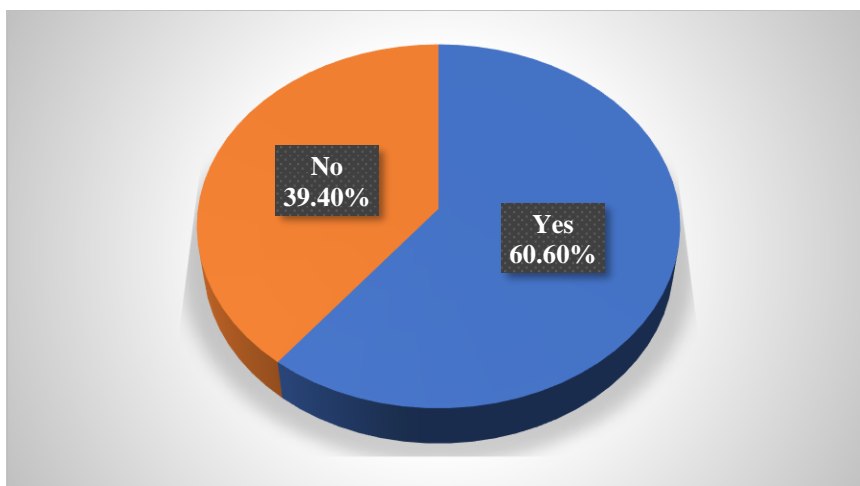
⁴⁵ Let the ocean be the ocean

sidelined due to extremism which takes the form of religious radicalisation (*Alshabab*) and Mombasa Republican Council [MRC] which is largely associated with the injustices meted on the Mombasa natives in sharing resources. Extremism and insecurity are largely consequences of lack of social license. The community thinks that the port is a threat to their lives and security. They alluded this to the historical injustices in the pre, colonial and post colonial era.

4.3.2.1 Security Concerns

Asked whether they had security concerns/fears from the port authority, one hundred and forty-three people [60.6%] reported that they had security concerns from the port authority and ninety [39.4%] reported not having any security concerns from the port authority as shown in Chart 2.3 and Table 3.3 respectively.

Chart 2.5: Security Concerns from the Port Authority



Source: Field data 2016

One of the platform representatives raised concerns about full implementation of the international security measures at the port.

Overall, there is tight security at the port to an extent that no one is allowed to walk in without a paid-for pass and an appointment. There are places that the police will not allow citizens past. With this tight security the concern raised by the discussants was how then do goods sometimes disappear from the port? This was affirmed by the platform discussants who argued that the port has antagonised the people until it feels insecure and has therefore come up with stringent measures to secure itself. themselves.

4.3.2.1 Manifestation of Insecurity

The key insecurity issues raised were corruption, illegal business cartels, arrest of illegal ships and cargo and un-accounted citizen deaths. See Table 3.4 for details.

Table 3.4: Manifestation of Insecurity in the Past

	N	Percent	Percent of cases
Through corruption	85	34.1%	39.9%
Through illegal businesses (cartels)	82	32.9%	38.5%
I don't know how insecurity has manifested itself in the past	41	16.5%	19.2%
Through arrests of illegal ships with dangerous cargo	12	4.8%	5.6%
Through un accounted deaths of citizens	8	3.2%	3.8%
Through arrests	8	3.2%	3.8%
Through oil spills	4	1.6%	1.9%
Through <i>wabara</i> being employed at the port	4	1.6%	1.9%
Through xenophobia	3	1.2%	1.4%
Through dredging causing destruction of water environment	1	0.4%	0.5%
Through lack of information	1	0.4%	0.5%
Total	249	100.0%	116.9%

Source: Field data 2016

4.3.2.2 Incidences of Insecurity

Majority of the respondents reported that the incidences of insecurity were reducing. Majority of the respondents attributed this to deployment of more security personnel. See Table 3.5 for details. The respondents who were of the opinion that insecurity was increasing attributed it to corruption, smuggling of weapons, theft and unemployment as shown in Table 3.6.

Table 3.5: Reducing Incidences of Insecurity

Insecurity is reducing	Frequency	Percent
It is reducing because of the deployment of more security personnel	63	50.0%
It is reducing because of digitization	35	27.8%
It is reducing because of the management at the port	13	10.3%
It is reducing because corruption issues have been tackled	9	7.1%
It is reducing because of online clearing and forwarding reducing physical contact	2	1.6%
It is reducing because of the locals' good behavior	2	1.6%
It is reducing because the views of citizens are expressed through the media	1	0.8%
It is reducing because monopoly no longer exists	1	0.8%
Total	126	100.0%

Source: Field data 2016

Table 3.6: Increasing Incidences of Insecurity

Insecurity is increasing	Frequency	Percent
It is increasing because of corruption	51	34.9%
It is increasing because of smuggling of weapons	22	15.1%
It is increasing because of unemployment	15	10.3%
It is increasing because of theft cases on the rise	23	15.8%
It is increasing because of drug cartels	30	20.5%
It is increasing because of the high cost of living	1	0.7%
It is increasing because of poverty	2	1.4%
It is increasing because of illiteracy	2	1.4%
Total	146	100.0%

Source: Field data 2016

4.3.2.2 Security Concerns

Majority of the respondents and including the KIs reported that they were not viewed as a threat to the port as shown in Table 3.7. The reasons given by discussants on this included the stringent security measures at the port which restrict entry into the port. This was confirmed by the KPA representative who stated that the port has strategic security infrastructure with multiple layers and therefore the community cannot be a threat. However, some KIs had the opinion that the port sees the community around it as posing some minimal threats/concerns and more so when the community fail to report theft cases at the port which in some cases they are familiar with, intimidation and blame game when the port hears anything bad being talked about⁴⁶.

On the other side, most respondents reported that port poses a threat to the port community. This manifested itself in the constant and forceful evictions, inadequate or lack of meaningful compensation, harassment, arrests, intimidation and killing of fishermen/community members⁴⁷ by the port security agents/military, dumping of chemicals and oil spillage in the oceans, loss of ancestral lands and shrines. The discussants recommended that there was need for the port community to be treated well by making access to the port easyⁱⁱ.

Table 3.7: Port views the port community as a threat to them

	Frequency	Percent
No	155	65.7
Yes	75	31.8

⁴⁶ In Mombasa if you speak you are branded an MRC, Al-Shabaab and in most cases one is killed or disappears mysteriously never to be seen again. The Mombasa people are not recognized all the time but only when they speak.

⁴⁷ *Kuna wakati walituletea fanya fujo uone’.*

Don't Know	6	2.5
Total	236	100.0

Source: Field data 2016

4.3.2.9 Security Mitigation Strategies/Priorities

The port community reported that total security at the port can be achieved through:

- 1) The port community should be allowed to carry out community policing. This will enhance cooperation unity and trust among stakeholders.
- 2) There is need for compensation and/or provision of alternative sources of livelihood to evictees and port reform victims.
- 3) There is also need to sensitize and create awareness among the port community members in general and specifically among the organized fishermen.
- 4) The port community need recognised and engaged through and in genuine consultation and as key stakeholders in the port reform initiative. This will instill a sense of ownership by the port community therefore giving the port social license.
- 5) Dealienate politics from the operations of the port. This will bring back sanity to port management as well as equal employment opportunities.
- 6) NEMA should ensure adherence to conditions in the issued licensed and full implementation of the EIAs.
- 7) There should be full implementation of the International Convention for the Safety of Life at Sea [SOLAS] and the International Ship and Port Facility Security [ISPS].
- 8) Other KIs recommended involvement of county governments in oversight, conduct adequate awareness and peace building as well as address past victimization to reduce conflicts.

4.3.3 NATURAL RESOURCES

The ocean waters, the land around the ocean, the fish and the cowries were the main resources the respondents were familiar with as shown in Table 4.0.

Table 4.0: Port's Natural Resources

Natural resources at the port	Frequencies	Percent	Percent of cases
The Ocean water	193	25.2%	82.8%
The land around the ocean	173	22.6%	74.2%
The fish in the ocean	167	21.8%	71.7%
The cowries	108	14.1%	46.4%

Depth of the ocean	72	9.4%	30.9%
I don't know	24	3.1%	10.3%
What resources are there at the port-Friendly tides	13	1.7%	5.6%
Crude Oil	7	0.9%	3.0%
Containers/Cranes/Tug Boats	3	0.4%	1.3%
Agricultural Products/Trees	2	0.3%	0.9%
Mangroves	2	0.3%	0.9%
Metal	1	0.1%	0.4%
Total	765	100.0%	328.3%

Source: Field data 2016

Other natural resources mentioned by the discussants, the platform and the KIs included banana trees, mangroves/Mikoko, trees/Mikoma, the port, and coconut/Minazi, landing sites, recreation facilities and worship sites, fish market, agricultural land, cemeteries (residential resources, commercial plots, kaya forests and abboitour.

4.3.3.1 Key Beneficiaries

The discussants reported that the beneficiaries of the port were:

Box 1.3: Beneficiaries of the Port

i.	Those in business people/community (benefitted through tenders)
ii.	The port staff
iii.	The port management/ those in charge of KPA
iv.	The government
v.	Politicians
vi.	The wealthy and their children
vii.	International and local investor/foreigners
viii.	Wabara/ Wakenya

Source: Field data 2016

Some KIs expressed the view that the port community is benefiting through the hundreds of KPA's CSR projects. The port community felt that they were supposed to be the immediate beneficiaries of the natural resources at the port but unfortunately, they were notⁱⁱⁱ.

4.3.3.2 Challenges regarding access to natural resources

Despite the numerous natural resources the port is endowed with, accessing them was marred with challenges that the respondents highlighted as follows:

- Forceful evictions of the locals from their ancestral lands without adequate compensation. Constant harassment and barring of fishermen by KPA security leading to loss of livelihoods
- Lack of information on the natural resources and how they can benefit from them. For instance, people do not know the difference between the port and the ocean because the fishermen are not aware of the fishing boundaries defined by the port.
- Pollution of the environment by the port activities.
- Inadequate fresh water in Mombasa. When ships dock fresh water is used as ballast hence limiting what is available to the populace.
- Depletion of marine resources, for instance mangrove, coral reefs, fish [*Kamba*⁴⁸]. This is attributed to destruction of the mangrove forests which is home to the fish. The mangroves are also medicine as well building materials for the port community.
- They also reported that worship sites [Panga] had also been destroyed^{iv}.
- Inadequate commitment from the government in dealing with pollution
- Destruction of roads by tracks carrying heavy goods
- Destruction of coconut and banana plantations
- Floating pipes on the sea and ships cutting fishing equipment hamper fishing
- Damage on roads
- Spread of HIV/AIDS
- Destruction of recreational facilities
- no space for children to play, violence increased.

However, the KPA representative indicated that despite the challenges, the port community need not complain on the sand harvested as the KPA experts indicated that the sea replenishes any sand that has been taken away.

4.3.3.2: Strategies of Countering the Challenges

The respondents proposed different ways that would counter the many challenges they face with regard to access to the port's natural resources. These were:

⁴⁸ Small shiny and slippery fish

Box 1.4: Proposed Strategies/Priorities

- 1) The county government needs to engage actively with KPA to build a recycling plant and sweep the roads
- 2) Enactment, review/amendment and adoption of both international and national laws (including enactment of Fisheries Bill of 2013, review of Kenya Ports Authorities Act and Kenya Merchants Shipping Act, ratification of Fishing Convention, 2007, and implementation of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (PSMA))
- 3) Adequate compensation to the fishermen and victims of Port reforms.
- 4) Registration and recognition of Beach Management Units (BMUs) and training of fishermen on alternatives sources of livelihoods
- 5) Publicising NEMA reports to local community.
- 6) Provide for opportunity for adequate engagement and consultations between the Port Management and BMUs to deliberate on key issues in the sector
- 7) More engagement of the local community in the development, and implementation of KPA's CSR Policy
- 8) Develop a Resource Sharing Framework through Revenue Allocation Commission that will enable all stakeholder benefit from the Port.
- 9) Continuous implementation of the Green Port Policy which is expected to eradicate the rivers of death, clear the air and create a clean healthy environment for fishermen, port workers and the entire port community.
- 10) To ensure clean environment, KPA has plans to ensure that ships coming into the port will be connected to power to allow them to turn off their engines and turn off their emissions so that they do not affect the seas and the environments.
- 11) KPA also reported that it has plans to acquire eco-choppers: these are special offloading devices that ensure that Klenker and Coal offloading have no effect on the environment.

4.3.4 LABOUR

4.3.4.1: Port personnel composition

The responses showed that the people mainly employed at the port were those who are highly connected, people from other tribes other than the coastal tribes and those who could bribe their way through. They however, reported that both qualified and unqualified people got employed as shown in Table 4.1.

Table 4.1: Employees of the Port Personnel

Who gets employed	Frequency	Percent	Percent of cases
Highly connected people get employed	101	36.6%	44.9%
People from other tribes get employed [wabara]	60	21.7%	26.7%
Both qualified and unqualified people get employed	57	20.7%	25.3%
Those who can bribe their way	28	10.1%	12.4%
All people get employed	22	8.0%	9.8%
People from the Mombasa community get employed	6	2.2%	2.7%
The youth get employed	2	0.7%	0.9%
Total	276	100.0%	122.7%

Source: Field data 2016

Additionally, the discussants reported as that both male and female were employed. However, the number of female employees was lower than that of males. Further the discussants noted that some female employees had to offer sexual favours to get employed. They also said that the youth employed outnumbered the older people but the rate of youth unemployment is still high. Pockets of people with disability (physical) were employed. This was confirmed by some of the KIs who felt that the Port has no infrastructure that is disability-friendly.

They also reported that there were sections women were not allowed to work in. The pay to the men was better than that of women and further the women were not easily promoted. However, KIs reported that the position of employees is defined by the Port MD.

4.3.4.2 Women Chances in employment

Majority respondents reported that women have good chances of getting employed. The reasons given for good employment chances were: The women are educated and have the required qualifications and experience, that because of on-going women empowerment systems including the a third gender rule. The few who reported that women do not have good chances reported issues the intensive nature of the jobs at port, the requirement of sexual favors, discrimination against women and corruption.

4.3.4.2 Politicization of Employment

Politicians use the employment at the port as their political agenda. The politicians of the day control the port. The port is filled with their relatives and those in their inner circles including those who can pay huge bribes. Employment is also politically influenced by those in high and mighty echelons. They reported that no politician can be a god father to a relative and other relations and miss a chance. This is marred with middle level-tribalism for instance [there were askaris who were asked to leave their jobs as askaris and go to the port for employment].

The politicians promise the locals employment at the port during campaigns but once they get into office they ignore the promises they made. The people from upcountry who are key beneficiaries at the port tell the wapwani that they do not have capacity to work at the port.

Overall, the respondents perceived port employment as unfair and as such majority did not access information on employment.

4.3.3.3 Port Strategies in Handling Community Agitation on Employment

While most of the KIs stated that the Port is doing nothing to address the grievances of local community, the KPA believes that the local agitations are unfounded. In this regard the KPA representative [Tom⁴⁹] stated

“On local agitation of employment. I think we cannot employ everyone here. And our policy is to be as representative as possible. Yes! There are allegations that Coastal people are not employed here at the Port or even at senior levels but you and I know that this is not true. I am an example of a local who has been promoted through the ranks to become one of the General managers and I am from Kwale. We have our MD Catherine Mturi. The MD of the Kenya Ferries is a local. And you will find quite a few people from the coast at middle level management. So, to be honest these allegations are without foundation. Also, people are given jobs or promoted according to merit. If you went to school, if you worked hard, you found yourself in a position like mine. I joined the port as a management trainee. I simply saw an advert and I applied for the

⁴⁹ Not his real name

job. I have been here for 22 years and I have received a scholarship to study abroad – in Liverpool through the Port. So, I cannot truly say that the allegations of sidelining locals are entirely true. Maybe locals have also not tried hard enough to get the necessary papers or even to try to make those applications to join the workforce.”

4.3.4.4.Mitigation Measures on Labour

The port needs a policy on employment highlighting the proportion of people they employ from each county but specifically allocate more slots to the wapwani as provided for in the constitution when it calls for affirmative action.

Literature from both NCIC and National Assembly Hansard however, indicate that there are more Mijikenda both in senior and lower cadre employment at the port. This finding calls for community forums by KPA to meet the port community members to demystify the many myths the port community still holds on various issues around the port. Finally, it would be important to introduce talent fees to ensure that everyone benefits.

Strategies/Priorities on labour

- 1) Up-dated data base on employment per tribe in line with the national policy on regional balance
- 2) Develop a participatory Framework to engage local community and CSOs in development, review and implementation of KPA CSR Policy
- 3) To engage CSOs in awareness and implementation of KPA's procurement and tendering processes to address the gaps brought by high rates of unemployment and poverty
- 4) To engage develop and/or publicise the local community quota system at the Bandari College to ensure more locals are admitted at the College.

CHAPTER FIVE: OPPORTUNITIES FOR SYNERGY BETWEEN CSO PLATFORM AND PORT STAKEHOLDERS

This chapter discusses opportunities for synergies among the port, the CSOs platform and the port community members. It is divided into subsections. Subsection one looks at how the platform was formed, subsection two discusses the reasons for joining the platform, subsection three looks at the contributions of the platform, fourth section discusses their expectations in the engagement and the last subsection discusses the synergy strategies to be utilised between the port community and the port.

5.1.1: Establishment of the Platform

The process began with a scoping study commissioned by TMEA in 2013⁵⁰ with the aim of addressing the reforms at the port on private sector and CSOs participation at the Mombasa port. Further, there were gaps that were identified among them minimal participation of the CSOs. One of the recommendations was the need for a strategic platform for civil society organisations to engage KPA management with the goal of enhancing participation of the port community in the port reforms.

The Mombasa CSOs seized the opportunity to form the platform having identified an opening that provided an opportunity to participate and reach out to the port for this was an opportunity they had been waiting for in a long time. Gaining access to the port had been an uphill task.

5.1.3: Contributions of the Platform

The respondents indicated that they joined the platform for different reasons. They began by reporting that the people from the coastal region of Kenya had been subjects of historical injustices which have haunted many generations and have hitherto remained unresolved. They included: Forceful evictions from their ancestral lands and arrests, restrictions regarding access and use of the natural resources and discrimination when it comes to employment at the

⁵⁰ TMEA (2013) Scoping Study to Develop Private Sector and Civil Society Platform to Address the Reforms at the Port of Mombasa

Mombasa port. With the port in their vicinity, they live in spaces of plenty yet they live in deplorable conditions because the benefits they derive from the ocean are minimal.

The CSOs work with the local port community and promotion of human rights is their niche. One representative from the platform said: *“when one is addressing issues regarding Mombasa resources, one can never finish without talking about the port because it is a very important natural resource and that their niche is on community’s rights of their land and natural resources”*. In this regard, they decided to join the platform to enable them voice the voices of the voiceless. They promote community rights, natural resources and land because they identified a problem among the community members where the people felt that their resources were being exploited by people from abroad and other parts of the country thereafter they leave. This created a sense of powerlessness and dissolution among the people. As an organisation, they felt the community did not understand their rights, did not have a sense of community ownership of the resources and did not value of the resources. It was also an opportunity to actively engage and bring changes to the port community they work with.

A representative from another CSO reported that he wanted to know how women would participate in the port issues. Generally, they wanted to entrench gender in their work and even at the port considering that at the port gender issue is still a problem *“things are not rosy as people imagine, there are also problems at the port”*.

They also reported that the port has been a contentious issue over the years causing antagonism among the county and the national governments and even the port management. The board members at the port speak with the same language which is not a national language as it disadvantages the port community. For this reason, they hope they will defend the rights of the community and ensure they are not violated.

Further, they felt this opportunity would help them understand gender issues and specifically how women could be engaged.

The platform has given them an opportunity to sensitize the people on what is going on at the port after being sensitized themselves. Joint forums have been held with the community in which basic issues as description and roles of the harbours, ferry, docks etc. have been done. For a long time people only knew about KPA's existence at the port and were oblivious of the clearing and forwarding companies that were also in existence. The pwani know that Kenyan's⁵¹.

Through sensitization they have been able to know the stakeholders at the port and have been able to find explanations to some of the issues affecting the Mombasa people. For instance there was an *unga*⁵² revolution as the cost of unga -a staple food in Kenya and at the Coast was soaring. One of the platform members approached a staff at Mombasa Maize Millers who informed her that maize was imported and only one company [Grain bulk] had been given the tender to handle maize in their silos for a period of ten consecutive [10] years an issue that begged many answers as tenders should be awarded on a competitive basis [KPA act]. The organisation representative thought it was corruption and hence they petitioned KPA and demanded to know what was happening. The petitioning was an eye opener because the issue was well elaborated to them -that the company had to recover her money before they could relinquish that tender. They inturn held many forums where they explained to the public the ownership of the Grain Bulk and the circumstances that led to the soaring unga costs.

Fishing is the main economic activity at the coast. The discussants reported that there were a total of fifty one [51] landing sites yet only fourteen [14] had been gazetted. The fishermen complained that all the fish landing sites had been taken up by KPA and whenever they went fishing they were barred. The discussants felt it was an unfortunate thing for it was the main source of their livelihood. They had tried to engage the KPA to ensure that the fishermen interests' were catered for much as they did not legally own⁵³ the land was government's and as a result there had been evictions of the port community members living in the informal settlements in spaces adjacent to the port. Closely related to the aforementioned is the Skembo land in Port reitz where the elderly people reported that they were living on that

⁵¹ People from other parts of the country are employed.

⁵² Unga is a Swahili word for maize flour

⁵³ They do not have title deeds [legal papers]

land yet they did not know when they would be evicted. In case of compensation, they are compensated for the house or the trees on the land which is not sufficient to resettle them.

The land question has resulted in one of the organisations to push for the enactment of eviction and settlement law from 2011. No luck was within the vicinity at the time of the interview. It seemed, it had hit a snag as the government came up with an Omnibus law where all laws on land and related issues were bundled in the Omnibus law. Their expectation was that the eviction and settlement law would be passed as a stand alone law to amicably help in the resettlement of the evictees. Further, they envisaged that this law would stop the evictions of people from the commercial and rental spaces they occupied. The situation was pitiful as evictees were paid as low as Kshs. 5,000 because they were tenants. The house owners were referred to as structure owners.

Other than KPA the County Government did a fiscal plan for vision 2035 which touches on spaces where roads should be built and sewer lines should pass etc. This plan would still lead to evictions. They hope to air these issues through the platform.

5.1.4: Engagement Expectations

The platform expected to create awareness through sensitization of the port community on the port and its operations to demystify the myths they have hitherto held which build anger and rage in them.

The other expectation is the creation of room for them to actively engage with the port and ensure that the port community members are compensated in cases where they are evicted from their habitats for expansion or any other reason.

Above all they expect that through their engagement they will influence the enactment of both national and international laws that have a human rights bearing to ensure that they are adhered to and that human rights for all is attained.

5.1.5: Stakeholder Strategies to Build Synergies to Enhance Outcome Achievement

The platform suggested a few strategies they can employ together with other stakeholders involved in port affairs with the aim of expanding the port and other infrastructural developments with the involvement of the port community as it is the only way through which a world class slum city can be developed.

- Awareness/sensitization
- Capacity building
- Advocacy

This would help deal with the negative impact on the port community lives to enable them live in dignity despite the development taking place.

Strategies that Enhance Public Participation

There was an attempt to involve people to have Friday port community meetings. The meetings were held for a short period and later people stopped attending the meetings. The possible reasons for the stoppage were burn out, no clear benefits from the meetings. The meetings should be revamped and the port community and CSOs platform involved to enhance participation.

In the case of the CSOs, they proposed monthly consultative meetings with the port as they represent the people's voices. Within the month, they will have held forums with the community members and present their views on their behalf.

They also plan to take advantage of all constitutional platforms provided for to push the county government to involve them in budgeting and legislation. Kenya Ports Authority is a public agency who should also involve citizens, however, there is a lot of pushing to be done for this to come to fruition. Will look at all the platforms to push for public participation. In the same way we are pushing Joho we shall push in the platform.

Push for the inclusion of county government as signatories in the charter.

5.1.6: CSOs Platform Position in Port Issues

The CSOs pointed out that they were stakeholders however, they still felt that they were not being recognised. The gate had been opened but the door was still closed. They had attended

several forums for instance they had meetings in Machakos, several in Nairobi and in Mombasa at the whitesands. However, in the latter, they felt that they were used as rubberstamps during the the annual evaluation of the Port Charter as their views were not sought after and they forced themselves to be heard.

CHAPTER SIX: RECOMMENDATIONS

General Recommendations and Opportunities for Synergy among key Stakeholders

Recommendations for KPA

- 1) Adequate consultations and agreements and possible signing of MOUs between the KPA/stakeholders and the port community largely the BMUs before implementation of Port Projects. The effectiveness of this will be based on the recognition of the port community and their position in the coastal counties.
- 2) To enhance citizen participation, all stakeholders need to participate in regular consultative meetings.
- 3) Use of newspapers and other media channels to consistently update citizens on what is happening and how it would benefit them individually and collectively.
- 4) KPA should come up with feedback mechanism to allow local community and other stakeholders to communicate reports/grievances and get response or action from relevant departments.
- 5) To enhance accountability and community ownership the port need to organise sensitisation and awareness on its CSR policy.
- 6) Adequate compensation should be paid to fishermen and other victims of port reform initiatives.

Recommendations for the CSOs Platform and County Government

- 1) Stakeholders should take advantage of the constitutional platforms (such as citizen forums) to lobby county government and other relevant institutions on important issues including budgets, legislation and implementation of the Port Community Charter.
- 2) The CSOs platform and County Government should continue to lobby for the amendment of the Port Community Charter to include CSOs and county government as signatories.
- 3) There is need for further research on gender and disability on employment at the appropriate KPA department. In addition, a study needs to be conducted on the impact of port reforms on fishing activities

REFERENCES

Journals, Articles and Reports

Amnesty International, "Driven Out for Development Forced Evictions in Mombasa, Kenya". London, UK (2015)

Amnesty International, "Driven Out For Development: Forced Evictions in Mombasa, Kenya"

Babbie, E. *The Practice of the Social Research Methods*. 9th Ed. Belmont: Wadsworth Publishing Company. (2001)

Bryman, A. "The Research Question in Social Research: What is the Role?" *International Journal of Social Research Methodology* 10(10):8 (2007)

Denscombe, M. "Item Non-Response Rates: A Comparison of Online and Paper Questionnaires". *International Journal of Social Research Methodology* (2009)

NEMA, "Environmental and Social Impact Assessment Project Report For The Proposed Offshore Sea Sand Harvesting From Off Likoni To North Of Tiwi In South Coast Of The Indian Ocean For Construction Of The Port Reitz Cargo Terminal Of The Mombasa – Nairobi Standard Gauge Railway Project" (2015)

Godfrey, M and Long, A.F. An Evaluation Tool to Assess the Quality of Quantitative Research Studies. *International Journal of Social Research Methodology* 7(2): 183 (2004)

Japan International Cooperation Agency, *Final Report on Mombasa Port Master Plan including Dongo Kundu*. (2015)

Kasomo, D. *Research Methods in Humanities and Education*. Egerton: Egerton University Press. (2006)

Kenya Ports Authority, General information brochure. Mombasa; Kenya: KPA. (1981).

Kilifi County Government, "First County Integrated Development Plan 2013-2017"

Kwale County Government, "First County Integrated Development Plan (2013-2017)."

Mombasa – Mariakani Road Upgrading, Environmental and Social Impact Assessment Summary (2015)

Mombasa County Government, “First County Integrated Development Plan – 2013/17”

Mombasa Port Community Charter (2014)

Mombasa Port Community Charter Implementation Review Report, (2015)

National Cohesion and Integration Commission, ‘Ethnic and Diversity Audit of Parastatals’ Report (2016)

Paul Goldsmith, “The Mombasa Republican Council Conflict Assessment: Threats and Opportunities for Engagement.” (2011)

Port Management Association of Eastern and Southern Africa, Report of the ECA/PMAESA/ECLAC Workshop on Port Commercialization hosted by Kenya Ports Authority held in Mombasa, Kenya: (1998).

Stylianou, S. Interview Control Questions. *International Journal of Social Research Methodology* 11(3) (2008).

The Port of Mombasa”. *Kenya Economic Update*

TMEA, Scoping Study to Develop Private Sector and Civil Society Platform to Address the Reforms at the Port of Mombasa (2013)

UNEP, “Marine and Coastal Ecosystems And Human Wellbeing: A synthesis report based on the findings of the Millennium Ecosystem Assessment.” (2006)

Verschuren, P.J.M. Case Study as a Research Strategy: Some Ambiguities and Opportunities. *International Journal of Social Research Methodology* 6(2) (2003)

World Bank, “The Port of Mombasa” . *Kenya Economic Update*. No. 2 (2010)

Internet Sources

Kenya National Assembly Official Record (Hansard) 1 Dec 1994 accessed at https://books.google.co.ke/books?id=xPjkn_RxMXoC&pg=PA1029&lpg=PA1029&dq=Hansard+and+KPA+employees&source=bl&ots=O4gBqauk79&sig=R_1pJhGCUDxdyo8eRUuymzdLKJs&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January, 2017

Kenya National Assembly Official Record (Hansard) 10 Jul 1996 Accessed at https://books.google.co.ke/books?id=wpXE5IWha6wC&pg=PT4&lpg=PT4&dq=Hansard+and+KPA+employees&source=bl&ots=a3KBFE0Wjg&sig=R94EHknd98h3rsTI6lizMVpEO50&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January 2017

Kenya National Assembly Official Record (Hansard) 17 Oct 2001 Accessed at https://books.google.co.ke/books?id=YEV-wmmcGBIC&pg=PT7&lpg=PT7&dq=Hansard+and+KPA+employees&source=bl&ots=bx3ujdaYv&sig=WAL8E0xZDTMlVSAZPR62xAEhQmc&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January, 2017

Kenya National Assembly Official Record (Hansard) 4 Aug 2004 accessed at https://books.google.co.ke/books?id=J6g1_IYVjmEC&pg=PT16&lpg=PT16&dq=Hansard+and+KPA+employees&source=bl&ots=33Xk8y9Wwp&sig=96FXWQkNaSfuolZDuKe3WBSWe6A&hl=en&sa=X&redir_esc=y#v=onepage&q=Hansard%20and%20KPA%20employees&f=false on 11th January 2017

“Development Of Sustainable Infrastructure In Africa” Last seen on 15th January, 2016 at http://www.wfeo.org/wp-content/uploads/wecsi2014/B3/B3-4.MAINPAPER-Mombasa_ports_development_projects-Kidere.pdf

Kenya Ports Authority, “Kenya Country Report” (2006) Accessed at https://www.iho.int/mtg_docs/CB/CBA/Technical%20visits/TV06/Kenya.pdf on 12th January, 2017

Port of Mombasa: Security Project Nears Completion (Kenya) Accessed at <http://worldmaritimenews.com/archives/62096/port-of-mombasa-security-project-nears-completion-kenya/> on 12th January 2017

Port Security at <http://www.kpa.co.ke/InforCenter/Pages/Security.aspx> accessed on 12th January, 2017

Project Formulation of Comprehensive Development of Master Plan in the Mombasa Gate City, Japan International Cooperation Agency. Accessed at http://www.jica.go.jp/english/our_work/social_environmental/id/africa/kenya/c8h0vm000092ptby.html on 10th January, 2017

Laws and Cases

Constitution of Kenya, 2010

Customs and Excise Act, Cap 472

Kenya Maritime Act

Kenya Plant Health Inspectorate Services Act, No.54 of 2012

Kenya Ports Authority Act Cap 391

Kenya Railways Corporation Act Cap 397

National Police Service Act No.11A of 2011

Petition 532 of 2013 & 12, 35, 36, 42, & 72 of 2014 & Judicial Review Miscellaneous Application 61 of 2014 (Consolidated).

Standards Act Cap 496

APPENDICES

Appendix 1: Survey Questionnaire

QUESTIONNAIRE FOR SAMPLED PORT COMMUNITY MEMBERS

Introduction

Good Morning/Afternoon/Evening. My Name is I am assisting in a Baseline Study conducted by EACSOF Kenya in partnership with Mombasa CSOs to enable the port community to identify priorities in four thematic areas (Security, Governance, Natural Resources and Labor) with the aim of ensuring that they are included in the Mombasa Port plans. The overall goal is to ensure enhance Port Reform dialogue among key stakeholders.

We would Like to discuss with you these issues and where possible get your opinion on areas for improvement in the Port Reform. All the information provided to us will be treated with the highest level of confidentiality. Your Identity may not be revealed without your prior permission. The study findings will be used for educational and advocacy purposes. You are free to ask me any questions and to get more clarifications. Would you be willing to discuss these issues with us?

ADMINISTRATIVE INFORMATION

Name of the respondent			
Name of County			
Name of Ward			
Date of interview			
Time Interview Started			
Place of interview			
Date data received			
Receptient of data			
Date of data entry			

LET US BEGIN BY KNOWING YOU

1. What is the sex of the respondent? *[Interviewer Please do not ask this, observe and mark the response]*

Female	1
Male	2

2. How old are you? *[Interviewer: [Interviewer Mark the respondents age in the appropriate age group]. [If the respondent does not know his/her age you can go around the question by asking the year when he/she was born then calculate the age]*

18-22	1
-------	---

23-27	2
28-32	3
33-37	4
38-42	5
43-47	6
48-52	7
53-57	8
58-62	9
63-67	10
68 and above	11

3. What is your level of education?

No formal education	1
Some primary education <i>[Not completed]</i>	2
Primary education <i>[Completed]</i>	3
Some secondary education <i>[Not completed]</i>	4
Secondary education <i>[Completed]</i>	5
Post-secondary education (Certificate/Diploma)	6
University education and above	7
Others specify	

4. What is your marital status?

Single	1
Married	2
Divorced	3
Separated	4
Widow/widowed	5
Others specify	6

5. Are you currently working?

Yes	1
No	2

6. What is your occupation, that is, what kind of work do you mainly do?

7. What is your ethnic group/tribe?

Kalenjin	1
Kamba	2
Kikuyu	3
Kisii.	4
Luhya	5
Luo	6
Masai.	7

Meru/Embu	8
Mijikenda/Swahili	9
Taita/Taveta	10
Somali.	11
Others specify	12

General Questions

8. Are you familiar with the port affairs? *(ask for general awareness) If YES go to 9 if NO go to 10*

Yes	1
No	2

9. Which port affairs are you familiar with?

.....

10. Do you access information on port issues? **[If yes go to 11a. If no go to 11b]**

Yes	1
No	2

11a. How do you access the information?

Person to person (P2P)	1
Internet (Website)	2
Radio	3
Television	4
Social media (facebook, instagram)	5
Print media (Newspapers)	6
Others specify	

11b. Why don't you access information?

.....

12. In what ways can the port increase citizen participation in port affairs? **[Interviewer: participation in terms of running the port affairs but not employment]**

.....

Governance

13. Is the issue of citizen participation necessary? **[If Yes go to 14a . If No go to 14b]**

Yes	1
No	2

14a. Why is it necessary?

.....

14b. Why is it not necessary?

.....

.....

15. Are you involved in any way in port affairs? [If Yes go to 16, if NO go to 18]

Yes	1
No	2

16. How are you involved in public participation in the port affairs?

Employee	1
Utilise the port's natural resources	2
Decision making	4
Others specify	

17. Do you feel/believe you are sufficiently engaged in port affairs?

Yes	1
No	2

18. What in your view are your priorities as part of the port community?

.....

19. Do you hold the port management systems accountable? [probe for general accountability][If yes go to 20. If No go to 21a and 21b]

Yes	1
No	2

20. What are the levels of accountability of the port management? On what issues is the port accountable?

Improving Information Access	1
Raising complains with the port management	2
Giving feedback to the port management	3
Others specify	4

21a. Do you hold the port management systems accountable to you in public participation matters? *[probe if the port management is accountable to the port community]*

Yes	1
No	2

21b..If yes explain, if no explain

.....

.....

Security

22. Do you have any security concerns/fears from the ports authority?

Yes	1
No	2

23. How has insecurity manifested itself in the past?

.....

24. Do you think the port authority views you as a threat to them?

Yes	1
No	2

25. Are the concerns/fears justified?

Justified	1
Not justified	2

26. Explain why it is justified or not justified *[Interviewer: ask the question based on the response given]*

.....

27. Are the incidences of insecurity increasing/reducing?

Increasing	1
Reducing	2

28. Explain why it is reducing/increasing *[Interviewer: ask the question based on the response given]*

.....

Natural resources

29. What resources are there at the port? *(expect more than one response)[Tick all the responses given]*

The ocean water	1
The land around the ocean	2
The fish in the ocean	3
The cowries	4
Depth of the ocean	5
Friendly tides	6
Don't know	7
Others specify	8

30. Who are the key beneficiaries of the natural resources? *[Tick all the responses given]*

The port management	1
The employees	2
The people around the port	3
The government	4
Private sector organisations	6
Others specify	7

31. How are they benefitting? *[Tick all the responses given]*

Monetary	1
Freely enjoy the natural resources at the port	2
Enhanced sea trade	3
Others specify	4

32. What is your contribution to the protection/conservation of natural resources?

.....

33. What challenges do you face regarding the natural resources in relation to the port affairs ?

.....

Labour

34. Who gets employed at the ports authority?

.....

35. Are the employment opportunities open to everyone?

.....

36.What is your perception of employment at the ports authority?

It is fair	1
It is unfair	2
I don't know	3
Others specify	4

37.Do you access information on employment?

.....

38.How do people get employed?

.....

39.Do women have good chances of getting employed?

.....

END

ASANTE SANA

Name of Interviewer	
Phone Number	
Time Interview Ended	

Appendix 2: KEY INFORMANT INTERVIEW FOR CSOs

General questions CSOS

- i. Why are you part of the platform? What motivated you? Why did you join the platform?
- ii. What is your contribution to the platform?
- iii. What is your expectation regarding the outcome of your engagement?
- iv. How can you maximise on the engagement of the other CSOs and stakeholders to enhance the outcome? How can you build synergies with other stakeholders?

Questions to the CSOs on the key thematic areas

i.Governance

- i. Who in your opinion are the stakeholders in the port reforms/operations? *(Probe the respondent to highlight the stakeholders and if possible their roles)*
- ii. What is the position of the civil society organisations (CSOs) in the port platform?
- iii. Do you think the ports authority ensures public participation? If yes how? If no why not? iv. Do the local port community have sufficient/effective participation in the Port programs? *(Probe for specific areas of public participation)*
- iv. Are the port management systems accountable to the locals in the present system of participation? If yes how? If no why? *(Probe if they have accountability forums, does the port owe the port community anything?, do they feel they have irked the port community if there are protests? etc)*
- v. Do you get feedback from the port?
Are there feedback mechanisms that the port uses to measure the local port community participation?
- vi. What strategies should be in place to enhance expansion of continued participation ?
- vii. What strategies would enhance participation of the CSOs in the platform as well as other CSOs not in the platform?

ii. Security

- i. Do the port management systems have any security concerns/fears from the port community? *[If yes how has this manifested itself in the past]?*
- ii. Does the port authority think that the port community sees them as a threat? *(Probe why do you think these concerns or fears exist, are they justified, are the incidences of security increasing/reducing, why is that the case)*
- iii. Do you have mitigation mechanisms for the insecurity concerns/fears? *(If so which ones? If no why?)*

iii. Natural resources

- i. What resources are at the port? *(Probe to establish how the local port community define natural resources)*
- ii. Who are the key beneficiaries of the natural resources at the port? How are they benefitting?
- iii. What challenges do you face regarding access to the ports natural resources?
- iv. What can be done to counter these challenges?

- i. .Is the port affecting the utilisation of the port’s natural resources? Are you affecting the natural resources? *[If yes, In what way]? ? [If yes, In what way]? [probe for effects on land use, businesses, recreation, spiritual spaces, fresh water supply]*
- v. What should be done to conserve/sustain the natural resources?

iv. Labour

- i. What in your opinion is the composition of the ports authority labour force ? *(men, women, youth, the people with disability) Are there concerns related to gender and disability? If so what are the concerns? How are you dealing with the concerns?*
- ii. Do you think employment is a political issue to the local port community?

Appendix 3: FOCUS GROUP DISCUSSION GUIDE FOR THE PORT COMMUNITY

Port community refers to the people living around the Mombasa port

Specific questions

- i. Are you familiar with the port affairs? *(If so what are you familiar with, why the familiarity pattern)*
- ii. Do you access information on port issues? *What sort information do you have access to? How do you access the information, where and when do you access the information?*
- iii. Are you involved in the port affairs ? What is your role in the port’s affairs?/ Do you feel/believe you are engaged sufficiently in port affairs?
- iv. What in your view are your priorities as part of the port community?
- v. Are you aware of the strategies the port has put in place to the general community towards citizen participation? How should the port position itself to enhance public participation? *(Probe for the successes realised so far and challenges do you face in your participation?)*

General questions

i. Governance

- i. Who in your opinion are the stakeholders in the port reforms/operations? *(Probe the respondent to highlight the stakeholders)*

- ii. Do you think the ports authority ensures public participation? If yes how? If no why not?
- iii. iv. Do the local port community have sufficient/effective participation in the Port programs? *(Probe for specific areas of public participation)*
- iv. Are the port management systems accountable to the locals in the present system of participation? If yes how? If no why? *(Probe if they have accountability forums, does the port owe the port community anything?, do they feel they have irked the port community if there are protests? etc)*
- v. Do you get feedback from the port?
Are there feedback mechanisms that the port uses to measure the local port community participation?
- vi. What strategies should be in place to enhance expansion of continued participation ?
- vii. What strategies would enhance community participation in the platform?

ii.Security

- i.Do the port management systems have any security concerns/fears from the port community? *[If yes how has this manifested itself in the past]?*
- ii.Does the port authority think that the port community sees them as a threat? *(Probe why do you think these concerns or fears exist, are they justified, are the incidences of security increasing/reducing, why is that the case)*
- iii.Do you have mitigation mechanisms for the insecurity concerns/fears? *(If so which ones? If no why?)*

iii. Natural resources

- i.What resources are at the port? *(Probe to establish how the local port community define natural resources)*
- ii.Who are the key beneficiaries of the natural resources at the port? How are they benefitting?
- iii.What challenges do you face regarding access to the ports natural resources?

- iv. What can be done to counter these challenges?
- v. Is the port affecting the utilisation of the port's natural resources? Are you affecting the natural resources? *[If yes, In what way?]* [probe for effects on land use, businesses, recreation, spiritual spaces, fresh water supply]
- vi. What should be done to conserve/sustain the natural resources?

iv. Labour

- i. What in your opinion is the composition of the ports authority labour force? *(men, women, youth, the people with disability)* **Are there concerns related to gender and disability? If so what are the concerns? How are you dealing with the concerns?**
- iii. Do you think employment is a political issue to the local port community?

Appendix 4: KEY INFORMANT INTERVIEW GUIDE FOR MOMBASA PORTS AUTHORITY OFFICIAL (MANAGING DIRECTOR OR AN EQUIVALENT)

i. Governance

- i. Who are the stakeholders in the port reforms/affairs? ***(Probe the respondent to highlight the stakeholders at the regional, national and county level. What are their roles/mandate?. (How do the stakeholders engage, ask about the CSOs if the respondent does not capture)***
- ii. What is the position of the civil society organisations (CSOs) in the port platform? What challenges do you have in engaging the CSOs?
- iii. How do you ensure public participation in port affairs? Are there appropriate mechanisms, processes and procedures to enable residents, local communities and other stakeholders to participate in the Mombasa Port affairs?
- iv. Do the local port community have sufficient/effective participation in the Port programs? *(Probe for specific areas of public participation)* Would you say that the current public participation in matters of the Mombasa Port is effective and adequate?
- v. Are the port management systems accountable to the port community in the present system of participation? If yes how? If no why? *(Probe if there are accountability forums, does the port feel they owe the port community anything, do they feel they have irked the port community in case there are protests)*
- vi. Are there feedback mechanisms to measure the local port community's satisfaction or participation? *[do the feedback mechanisms work? How effective are they?]*
- vii. Is the existing participation good enough? are you satisfied with the participation in the port affairs? What would you say should be done to ensure that the residents, local communities and other stakeholders to participate in the Mombasa Port affairs?

- viii. Are there any recommendations that would enhance participation of the CSOs platform as well as other CSOs not in the platform? What should be done to ensure that effective and adequate public participation continues to occur in the Mombasa Port?

ii. Security

- i. What are the common perceptions about the port and flag the negative perceptions?
- ii. Are there incidences where port assets have been vandalized or misused due to the attitudes?
- iii. Do you have any security concerns/fears from the port community? If yes what fears and how has this manifested itself in the past?
- iv. Do you think the port community sees the port authority as a threat? (*Probe why the respondent thinks these concerns or fears exist, are the fears/concerns justified, are the incidences of insecurity increasing/reducing, why is that the case*) Have the Mombasa Port operations been affected by the threat of terrorism/violent extremism that is rampant in the Kenyan Coast region?
- v. What can you do to mitigate mechanisms the fears/concerns? How do you mitigate the insecurity/fears/concerns? What mechanisms have been put in place by the Port management to mitigate and counter the impact of terrorism and violent extremism?

iii. Natural resources

- i. What resources do you have at the port? (*Probe to establish how the local port community define natural resources*)
- ii. Who are the key beneficiaries of the natural resources? How are they benefitting? (*Probe how they are beneficiaries benefitting*)
- iii. What linkages has the port spurred with other sectors of the economy and how do these benefit or hurt locals?
- iv. What challenges do you face regarding the natural resources in relation to the port affairs?
- v. What can be done to deal with these challenges?
- ii. Is the port affecting the natural resources? Are you affecting the natural resources? If yes in what way? [*if no explain*] ? [*If yes, In what way*] ? **[probe for effects on land use, businesses, recreation, spiritual spaces, fresh water supply]**
- vi. What should be done to conserve/sustain the natural resources?
- vii. What mechanisms are in place for resource sharing?

iv. Labour

- i. What is the composition of the ports authority labour force ? (*men, women, youth, the people with disability*) , *Are there concerns related to gender and disability? If so what are the concerns? How are you dealing with the concerns? What are the proportions of the labour force based on gender? Are there mechanism, procedures and guidelines for the access of port related employment opportunities?*

What are the provisions on gender and regional, marginalised and minority groups and indigenous community?

- ii. What are their terms of service beyond salaries?
- iii. How do you deal with the staff health and safety concerns?
- iv. How are you handling the local agitation on employment? Are you succeeding? How do you handle the pressure from the local port community on employment issues?
- v. How are the unions organized? What is their position on the charter and are they consulted?
- vi. What is impact of port improvements on job security?

End Notes

ⁱ Similarly, few discussants reported that they accessed information through different channels. The one that featured prominently was information access from person to person [P2P]. The information was through hearsays. For instance, one of the discussants pointed out:

'I heard people saying that the port being moved to Naivasha and that the Kikuyus were jealous and wanted to make sure that we the people of Mombasa people do not benefit from the port. Overall, creating a dry port would make the Kikuyus benefit hugely from the sea port.'

The information received through this channel lacked facts on the issues they reported on. Related to this was accessing information from staff in the various cargo freight services [CFSs] who provided information on issues around the port based on the nature of their work.

ⁱⁱ The CSOs platform perceived that the port viewed the community as posing threat to them. They reported that the wapwani believed that Mombasa was sold to Kenya by the Sultana in 1962. It was not part of Kenya and it was called Mwambao. The Kenyan colony began after 10 miles from Mtito Andei. When the *mzungu*ⁱⁱ they grabbed what they could in Mwambao and left, the Arabs also grabbed what they could and then having defeated the Portugese they didn't want war with the Arabs. Other subsequent initiatives were done through memorandum of understanding [MOU]. When they wanted to leave they said Mwambao was not viable on its own so they suggested that Kenya on getting independence in 1963 could be of help. The founding president Jomo Kenyatta visited Mombasa in that regard and after Sultana had received their share of Mwambao it became Kenya. The challenge today is that if anyone revisits this history in Kenya today they are assassinated like *burukenge* like it was the case with Mamnwazi or sometimes they are arrested. They silence people and they continue living in poverty. They are charged with treason by people who bought you from the colony.

ⁱⁱⁱ They reiterated that they had been lied to into agreeing to give up their lands with the promise of being compensated but hitherto this has not sufficed. Some of the lucky locals were paid a small token of (Ksh. 200,000) which was not enough to buy land and build a house elsewhere. They felt violated and shortchanged considering that the local people who gave up their lands for other projects like Standard Gauge Railway [SGR] got fully compensated and managed to rebuild their lives elsewhere.

^{iv} In fact, for those who live on the Islands, there was only one key worship site belonging to the indigenous communities that still exists –*Mnara wa Wakilindini*.