

Baseline Survey Report

January 2017 - January 2018



***To Promote The Participatory Rights
and The Right for The Clean and Healthy
Environment of The Communities
Negatively Affected By Natural Resource
Extraction in The Coastal Region Of Kenya.***

Acronyms

CJGEA - Center for Justice Governance and Environmental Action

NEMA - National Environmental Management Authority

LAPSSET - Lamu Port Southern Sudan Ethiopia Transport

CSO - Civil Society Organization

EHRD - Environmental Human Rights Defenders

Table of Contents

Acronyms	1
Table of Contents	2
LAMU BASELINE STUDY REPORT	9
1. Introduction	10
1.1 Area of Study	11
1.2 Areas Covered	11
1.3 Economic Activity	11
1.4 Aims and Objectives	12
1.4.1 Overall Objective	12
1.4.2 Specific Objectives	12
2. Faza Data Analysis	13
2.1 Study Area Description	13
2.2 Sampling	13
2.3 Research Instruments	13
3. Findings and Interpretation of Results	14
3.1 Educational Level of Respondents	14
3.2 Society	14
3.2.1 Civil Society Presence	14
3.3 Modes of Communication	14
3.3.1 Television	14
3.3.2 Radio Transmission	15
3.3.3 Mobile Phone	15
3.3.4 Newspaper Access	15
4. Corporate Accountability of Mining and Extractive Industries Towards Communities With a Focus on EHRD work	16
4.1 Familiarity with mining activities	16
4.2 Public participation	16
4.3 Infringement of rights by the company	16
4.4 Environmental Human Rights Defenders	16

5.Kwasasi Data Analysis	17
5.1 Study Area Description	17
5.2 Sampling	17
5.3 Research Instruments	17
6. Key Findings and Interpretation of Results	18
6.1 Education of Respondents	18
6.2 Civil Society	18
6.2.1 Civil Society Organization Presence	18
6.3 Mode of Communication	18
6.3.1 Television	18
6.3.2 Radio	18
6.3.3 Mobile Phones	19
6.3.4 Newspaper Access	19
7. Corporate Accountability Of Mining And Extractive Industries Towards Community With Focus On EHRD Work.	20
7.1 Familiarity with mining activities	20
7.2 Public participation	20
7.3 Infringement of rights by the company	20
7.4 Environmental Human Rights Defenders	20
7.5 Corporate Social Responsibility	20
Conclusion	20
Challenges	21
MOMBASA COUNTY BASELINE STUDY REPORT	23
1. Introduction	24
1.1 Area of Study	25
1.1.1 Metal Refinery Ltd	25
1.1.2 Kenya Metal Refinery	25
1.1.3 Aclara EPZ Ltd.	25
1.2 Aims and Objectives	26
1.2.1 Overall objective	26
1.2.2 Specific Objectives	26

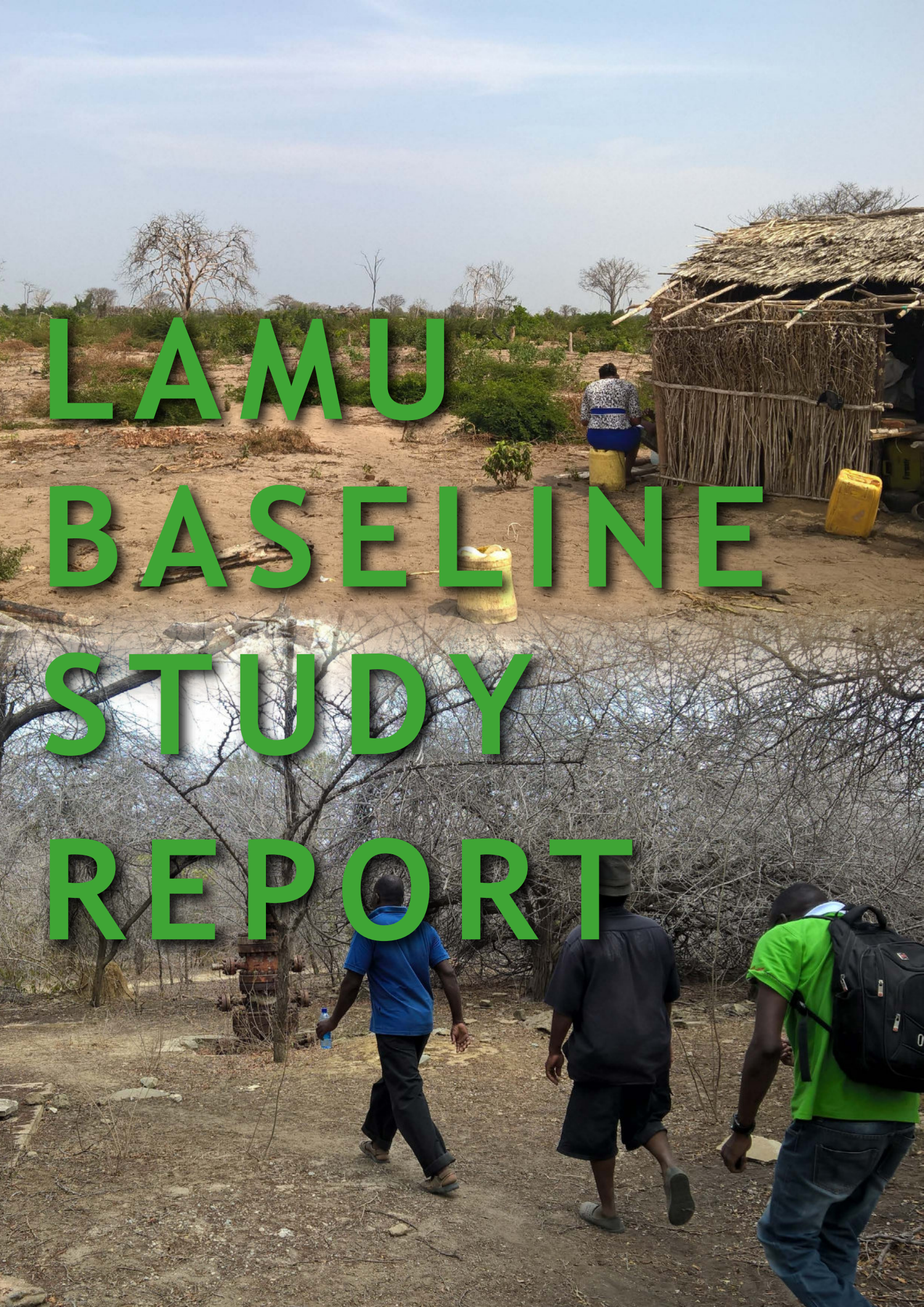
2. Data Collection and Analysis	27
2.1 Study area description	27
2.2 Data collection	27
2.3 Soil samples analysis	27
2.4 Blood Lead Level (BLL) Analysis	28
3. Key Findings And Interpretation Of Results	30
3.1 Education of Respondents	30
3.2 Civil Society	30
3.2.1 Civil Society Presence	30
3.3 Modes of Communication	30
3.3.1 Television	30
3.3.2 Radio Transmission	30
3.3.3 Mobile Phone	30
3.3.4 Newspaper Access	30
3.4. Corporate Accountability of Mining and Extractive Industries towards Communities with a Focus On EHRD Work	31
3.4.1 Familiarity with mining activities	31
3.4.2 Public participation	31
3.4.3 Infringement of rights by the company	31
3.4.4 Environmental Human Rights Defenders	31
Conclusion	31
KILIFI COUNTY BASELINE STUDY REPORT	33
1. Data analysis for Magarini	34
1.1 Introduction	34
2. Data collection	34
2.1 Research Instruments	34
2.1.1 Questionnaires	34
2.1.2 Photography	34
2.1.3 Physical Observation	34
2.2 Soil and Water Samples	34
2.3 Area Description	34

3. Key findings and interpretation of results	35
3.1 Data Entry and Analysis	35
3.2 Distribution of Respondents	35
3.2.1 Educational level of respondents	35
3.3 Civil Society Presence	35
3.4 Access to Information	36
3.4.1 Newspaper access	36
3.5 Familiarity with Mining Activities	36
3.6 Public participation	37
3.7 Infringement of rights by the company	37
3.8 Environmental Human Rights Defenders	37
3.9 Corporate Social Responsibility	37
4. Results and findings	38
4.1 Results of Water analysis	38
5. Summary of findings	39
5.1 Access to information and Public Participation	39
5.2 Significant Environmental, Health and Safety Impacts and Risks	39
5.2.1 Land degradation	39
5.2.2 Impact on vegetation	39
5.2.3 Impact on hydrology	40
5.2.4 Impact on health	40
VUMA FIELD REPORT	40
1. Introduction	40
1.1 Study Area	41
1.2 Data collection	41
1.2.1 Questionnaires	41
1.2.2 Location coordinates	41
1.2.3 Photography	41
1.2.4 Physical Observation	41
1.2.5 Soil and Water Samples	41
1.2.6 Sampling	41

1.3 Limitations of the study	41
1.4 Data Entry	41
2. Findings and interpretation.	42
2 .1 Gender Distribution	42
2.2 Educational level of respondents	42
2.3 Presence of civil society organizations	42
2.4 Access to information	42
2.5 Newspaper Access	43
2.6 Environmental information on the newspapers	43
2.7 Other modes of accessing environmental information	44
2.8 Familiarity with Mining activities	44
2.9 Public participation	44
2.10 Meeting invitation.	44
2.11 Meeting attendance	45
2.12 Access to information to enable participation	45
2.13 Community views	45
2.14 Consideration of the views.	45
2.15 Worked in the company	46
2.16 Infringement of rights by the Company	46
2.17 Environmental Human Rights Defenders Presence	46
2.18 Corporate Social Responsibility (CSR)	46
Conclusion	47
KWALE COUNTY BASELINE STUDY REPORT	49
1. Introduction	50
1.1 Scope of the study	50
2. Data collection methods	51
2.1 Research instruments	51
2.1.1 Questioners	51
2.1.2 Location coordinates	51
2.1.3 Photographs and videos	51
2.2 sampling	51

2.3 Study limitations	51
3. Results and discussions	51
3.1 Biodata	51
3.1.1 Gender	51
3.1.2 Age Composition	51
3.1.3 Disability	52
3.1.4 Literacy level	52
3.1.5 Language	52
3.1.6 Birthrate	53
3.1.7 Occupation	53
3.2 Civil Societies	53
3.2.1 Civil Society Present	53
3.2.2 Civic Space	54
3.2.3. Safety	54
3.2.4 Environmental and human rights defenders attacks	54
3.3 Access to Environmental Information	55
3.3.1 Mobile Phone access	55
3.4 Corporate Accountability	57
3.4.1 Extractive Activity Present	57
3.5 Public Participation	57
3.6 Community views	58
3.7 Environment and human right	58
3.8 Corporate social responsibilities	59
3.9. Soil and water samples	59
TAITA TAVETA COUNTY BASELINE STUDY REPORT	61
1. Introduction	62
1.1 Data Collection Instruments and methods	62
1.1.1 Questionnaires	62
1.1.2 Location coordinates	62
1.1.3 Photography	62
1.1.4 Physical Observation	62

1.1.5 Soil and Water Samples	62
2. Findings and interpretation of results	63
2.1 Data Entry and Analysis	63
2.2 Distribution of Respondents	63
2.2.1 Age distribution	63
2.2.2 Occupation	63
2.2.3 Literacy	63
2.2.4 Language	63
2.3 Presence of civil society organizations (CSO)	64
2.4 Environmental human rights defender's presence	64
2.5. Modes of Communication	65
2.5.1 Newspaper Access	66
2.5.2. Adequacy of information on the newspapers	66
2.5.3 Other modes of accessing environmental information	66
2.6 Familiarity with Mining activities	66
2.7 Public participation	67
2.8 Meeting invitation	67
2.9 Access to information to enable participation	67
2.10 Community views	67
2.11 Consideration of the views.	68
2.12 Worked in the company	68
2.13 Infringement of rights by the Company	68
2.14 Corporate Social Responsibility	69
Recommendations	69



LAMU BASELINE STUDY REPORT

1. Introduction

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

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

NEMA is also the Designated National Authority for certain Multilateral Environmental Agreements. There is growing recognition by civil society and governments that access to information and public participation in environmental issues are essential to advancing towards environmental protection and sustainable development. The importance of access to information, public participation and justice in environmental issues was highlighted 24 years ago at the UN conference

on environment and development (Rio de Janeiro, Brazil 1992) On that occasion governments agreed that:-

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

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

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

Duration

The survey was done for one year from January 15th 2017 to January 14th 2018. Four follow up visits will be made after the initial visit which took 5 days in the field from 21st to 27th February 2017.

Baseline Survey Personnel

1. Phyllis Omido	Executive director	CJGEA
2. Gerald Mugo	Bachelor of Environmental Science	CJGEA
3. Cynthia Wainaina	Bachelor of Environmental Science	CJGEA
4. Alice Mueni	Volunteer Field Officer	Lamu Polytechnic
5. Michael Ali Mohammed	Volunteer Field Officer	Lamu Polytechnic
6. Amina Mohammed	Volunteer Field Officer	Lamu Polytechnic
7. Is'haq Abubakar	Field Officer	Save Lamu

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

1.1 Area of Study

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

1.2 Areas Covered

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

youth comprising of 28%, young female of the reproductive age at 22.5% of the county population

1.3 Economic Activity

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

The government is also building one of the largest ports in East Africa in Lamu County. Lamu port southern Sudan Ethiopia transport will greatly increase the economy of Lamu on cities completed. The county is rich in minerals including titanium, salt, limestone, natural gas, coral stones and sand. Oil exploration

is also ongoing. Most of the resident in Lamu practice mining due to the availability of minerals in Lamu.

The proposed **Lamu Coal Power Station** is a potential 1,050 megawatts (1,410,000 hp) coal- fired thermal power station in Kenya. The proposed plant would be developed on 865 acres of land and feature a 210-meter-tall smoke stack, which would become East Africa's tallest structure. Kenya national government and media have been largely championing the project on the economic benefits from the coal plant activity. However, community advocates and some local government officials expressed concern over whether the benefits would be well distributed, whether the jobs would really materialize, and the lack of discussion over possible negative effects from the project and lack of adequate information on the project including lack of Free prior and informed consent' (FPIC), this is the principle that a community has the right to give or withhold its consent to proposed projects that may affect the lands they customarily own, occupy or otherwise use.

1.4 Aims and Objectives

1.4.1 Overall Objective

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

in environmental governance and decision making in their own communities.

1.4.2 Specific Objectives

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

2. Faza Data Analysis

2.1 Study Area Description

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

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

2.2 Sampling

A total of 19 respondents were garnered from the survey by use of purposive sampling. The purposive method of sampling was based on individuals

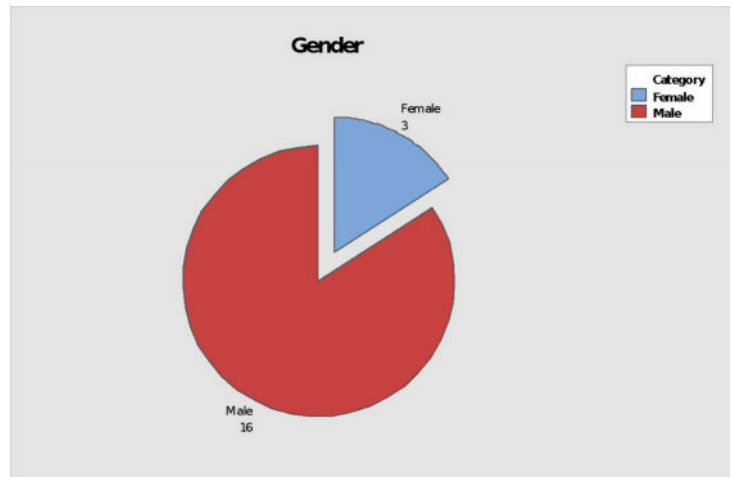


Figure 1. gender composition in the study area

2.3 Research Instruments

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

Direct observation was also utilized where the interviewers noted down issues relating to the study.

The data generated from individual interviews was entered and analyzed by use of MINITAB Software. The data garnered was majorly descriptive.

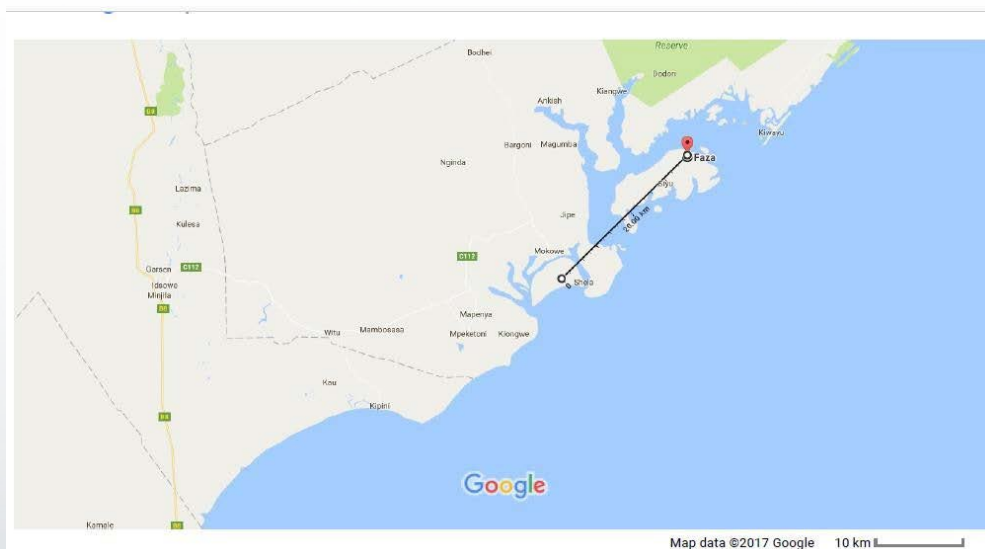


Figure 2. Map showing study area

3. Findings and Interpretation of Results

3.1 Educational Level of Respondents

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

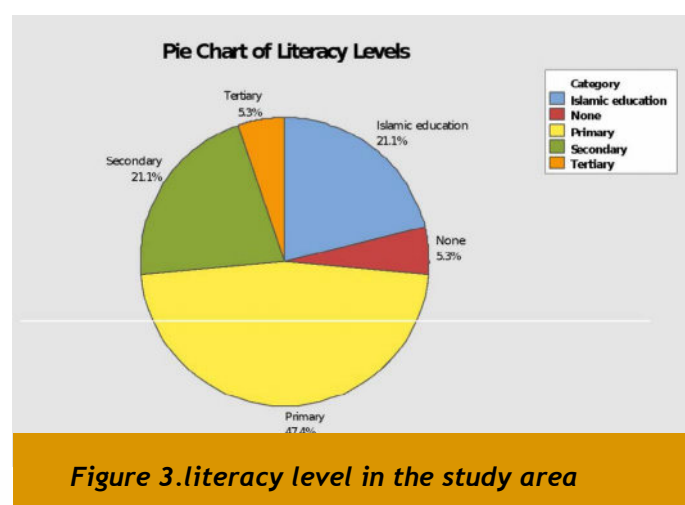


Figure 3.literacy level in the study area

3.2 Society

3.2.1 Civil Society Presence

The representation of CSO is very low. Due to the insecurity in the area most of the community members don't want to identify with the CSO in the area. This is because terror groups are suspected by authorities to be infiltrating the Civil Society Organizations in the area. This narrative has contributed to the weakening of civil society groups

Save Lamu was mentioned by some respondent who confirm that Save Lamu visited the area on several occasion and talked to the residents on the advantage and disadvantage of the proposed coal fired power plant in Kwasasi-Manda.

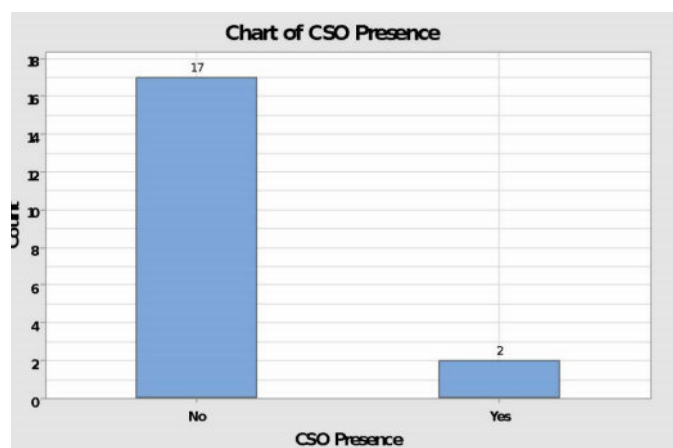
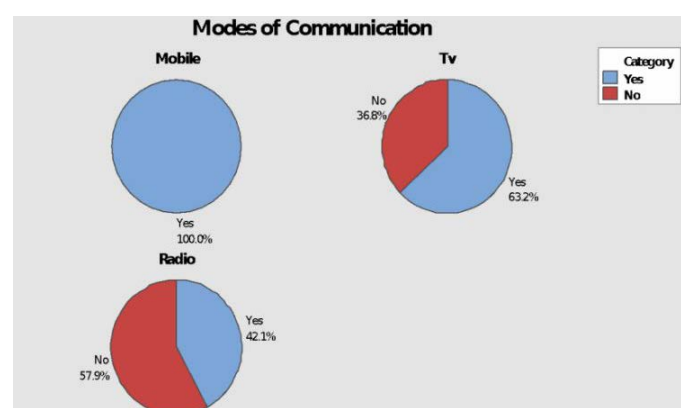


Figure 4.civil society presence.

3.3 Modes of Communication



Modes of communication

3.3.1 Television

A common method of conveying information by state and corporations to people is via television and newspaper

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

We were able to learn that the respondents without Television sets could access it from the Community Hall whenever possible.

Faza area recently got connected to electricity said to be done by Amu Power therefore most of the homestead has access to Electricity. Previously, the residents would use solar panels as a source of energy in their homes which was quite expensive thus most of the community members were not connected to power. Many used traditional sources of power like lamps and wood fire.

3.3.2 Radio Transmission

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

3.3.3 Mobile Phone

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

3.3.4 Newspaper Access

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

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

Newspapers on a regular basis. This is

to mean they are not able to get it on a daily basis.

Respondents explained that the distance from the Lamu town to Faza barred them from accessing newspapers daily.

The few, who manage to get newspapers, get them a day late.

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

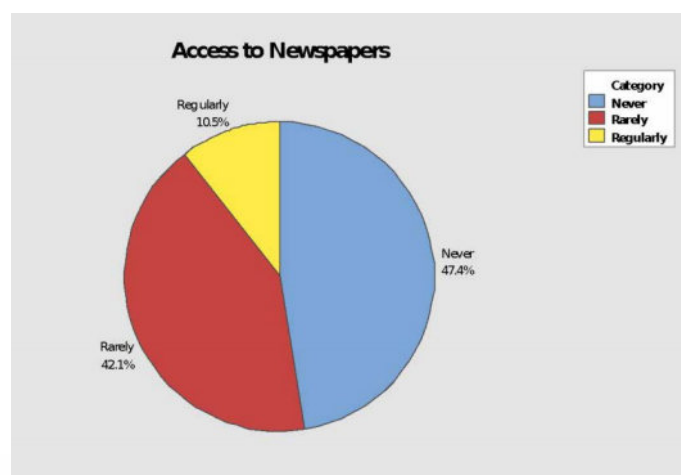


Figure 5 percentages of the population in relation to newspaper access.

4. Corporate Accountability of Mining and Extractive Industries Towards Communities With a Focus on EHRD work

4.1 Familiarity with mining activities

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

4.2 Public participation

Respondents familiar with the company's activities were then further ques-

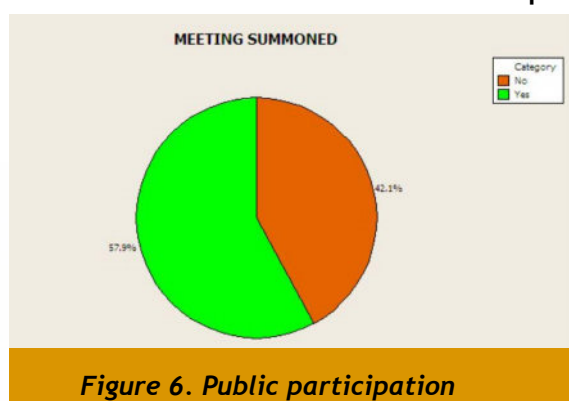


Figure 6. Public participation

tioned if the company involved them in public forums prior to its establishment. 42.1% the population responded that there was a meeting held while 57.9% of the population said no meeting was convened. We further noted that this was attributed to poor conveying of information.

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

Residents learned of the meeting through local authority officials and

the investing company also made an announcement of the convened meeting through a local announcer.

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

4.3 Infringement of rights by the company

47.4% of the respondents said that the company was violating their human and environmental rights. The respondents stated that the company did not inform them of their activity on their land, and they consider that lack of access to information as a violation of human rights.

Compensation was offered to those whose farmlands were destroyed, although, the affected complained that the amount was not substantial to cover the damage. A figure of Kshs 5,852 was given to those uncultivated lands that were blasted and the lands that were cultivated received Kshs 6,852.

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

4.4 Environmental Human Rights Defenders

All respondents admitted that there have been people who have been lead-

ing them in objecting the company's work. CJGEA however identified them as EHRDs who lacked knowledge of who they are. The EHRDs identified admitted that they lack support from other community members and government to assist them in champion the right of the community members.

4.5 Corporate Social Responsibility

The company, Zarara Oil and Gas mining Company, provided textbooks worth 2.5 Million shillings to Primary and Secondary Schools. The company also pledged to improve the hospital which is yet to be actualized. This was in exchange for taking over major community land and livelihoods but was presented as corporate social responsibility. The community expressed dissatisfaction with the CSR.

5. Kwasasi Data Analysis

5.1 Study Area Description

The second site we conducted our baseline study is in Kwasasi, a proposed coal powered power plant area.

Kwasasi is located about 21 KM North of Lamu town on coordinates 02° 06.860'S 040° 54.841'E. Kwasasi was proposed as a site to host the Lamu Coal Power Station which is approximated to cover 975.4 acres of Kwasasi area. (Kiarie, 2016)

5.2 Sampling

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

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

5.3 Research Instruments

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

Direct observation was also utilized where the interviewers noted down issues relating to the study.

The data generated from individual interviews was entered and analyzed by use of MINITAB Software. The data garnered was majorly descriptive.

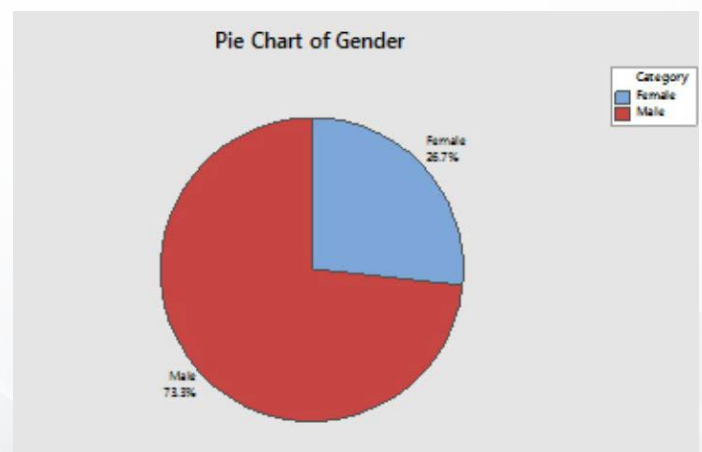


Figure 7. Age distributions in the study area

6. Key Findings and Interpretation of Results

6.1 Education of Respondents

As per the research we conducted, Kwasasi community members have not accessed formal education, with 46.7% of respondents having gone up to primary level, 26.7 % Secondary 10.0% for Madrassa and 3.3% for Tertiary. The rest

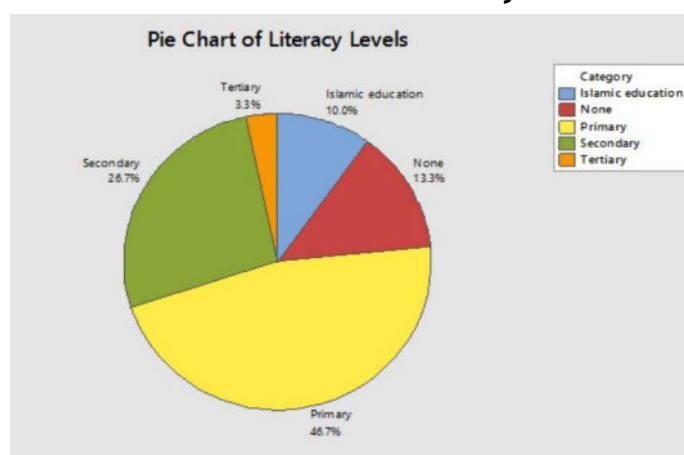


Figure 8. Literacy level in the study area.

of the population has not undergone any form of formal or informal education. The traditional education systems were nonexistent due to change in cultural practices to adopt to modern ways of life.

6.2 Civil Society

6.2.1 Civil Society Organization Presence

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

The remaining percentage stated that they have noted that there have been CSOs that have visited the area i.e. World Vision and Save Lamu. The community members had great hostility

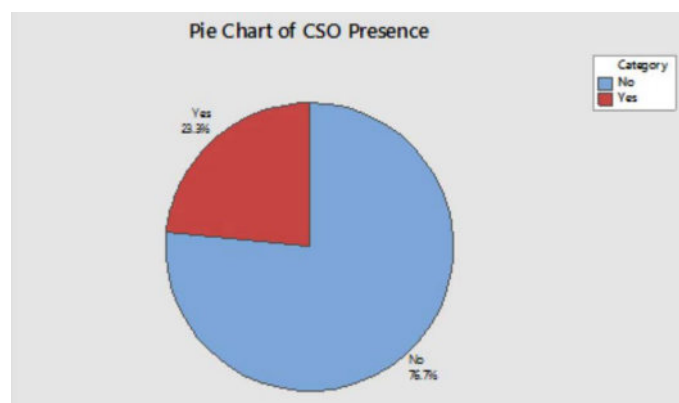


Figure 9. level of civil society presence in the study area

for the CSO since some of them were accused by the state of being used by terror groups. This made the community suspicious of civil society. This Narrative could not be substantiated by any of the respondents

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

6.3 Mode of Communication

6.3.1 Television

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

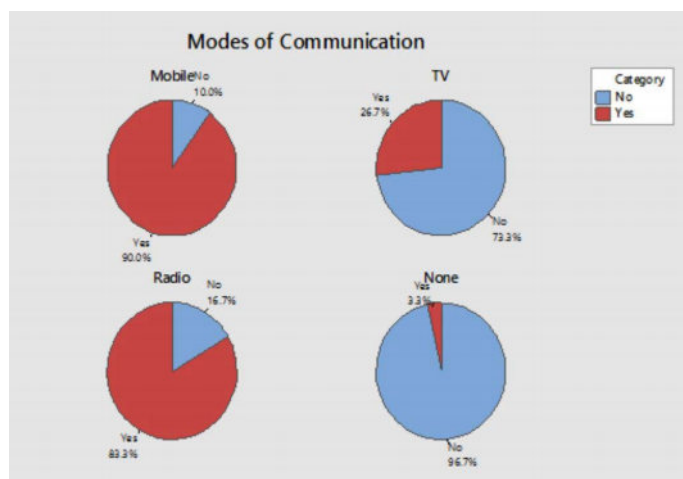


Figure 10. percentage differences in the mode of level of communication used

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

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

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

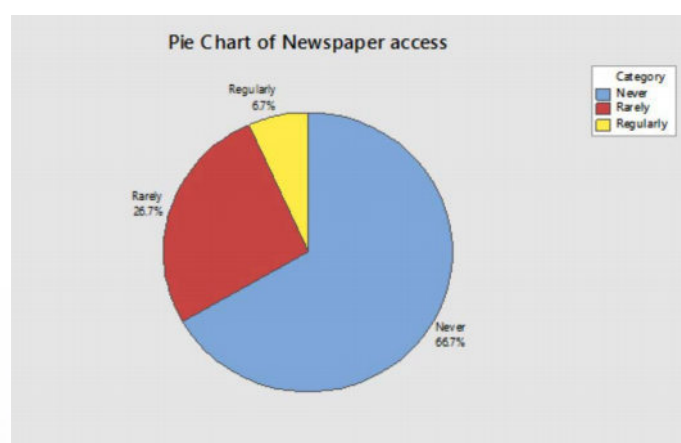


Figure 11. percentage differences in newspaper access

and K24 TV.

6.3.2 Radio

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

6.3.3 Mobile Phones

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

6.3.4 Newspaper Access

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

7. Corporate Accountability Of Mining And Extractive Industries Towards Community With Focus On EHRD Work.

7.1 Familiarity with mining activities

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

7.2 Public participation

Respondents familiar with the company's activities were then further questioned if the company involved the public in forums prior to its establishment. Half of the population responded that there was a meeting while the other half said no meeting was convened. This was attributed to poor access to information.

Of the 30 respondents, only 3 managed to attend the meeting. The remaining population said that they received the information late so they were not able to attend and some were not aware of the meeting. From the 3, the respondents stated that views concerning the company's activities were raised by the public and none of them have yet been implemented by the company. They lacked methods to follow up on the meetings.

7.3 Infringement of rights by the company

30% of the respondents said that the company was violating their land own-

ership rights. The company's activity of road construction was cutting into the residents' land without their knowledge or consent. Respondents also expressed concern that the company, once established, would destroy the environment through smoke emissions and it would negatively affect the ocean since the project is proposed to be set up along the shoreline of Kwasasi. They questioned the impact on fishing which is a major source of income.

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

7.4 Environmental Human Rights Defenders

23.3% of respondents stated that there were people who were raising concerns against the establishment of the coal powered power plant. One of them is Shakila Abdalla, Lamu's Women Representative who stood up against the establishment of the industry through leading residents in protest of the coal Power Plant owned by Amu Power and has been hosted on Radio shows to talk about the same..

7.5 Corporate Social Responsibility

All respondents said that the company has not yet provided any services in

form of CSR that they promised to the community.

Conclusion

The EHRDs working in the area lacked confidence and legitimacy as they did not understand that they should define themselves as EHRDs and that there were global mechanisms to support the legitimate work that they do. It is evident from the study that participatory rights (access to information & public participation) are not being fully exercised and also residents are not aware of these rights. There is an existing gap in environmental governance since the local authority acted independent of the community in decision making and implementation. Access to information is low since the mode of passing the information is not accessible to all. Most of the community members live below poverty level despite the projects carried out in the area. The community members who were involved in the public participation were mainly old people who did not understand anything since they have not undergone formal education.

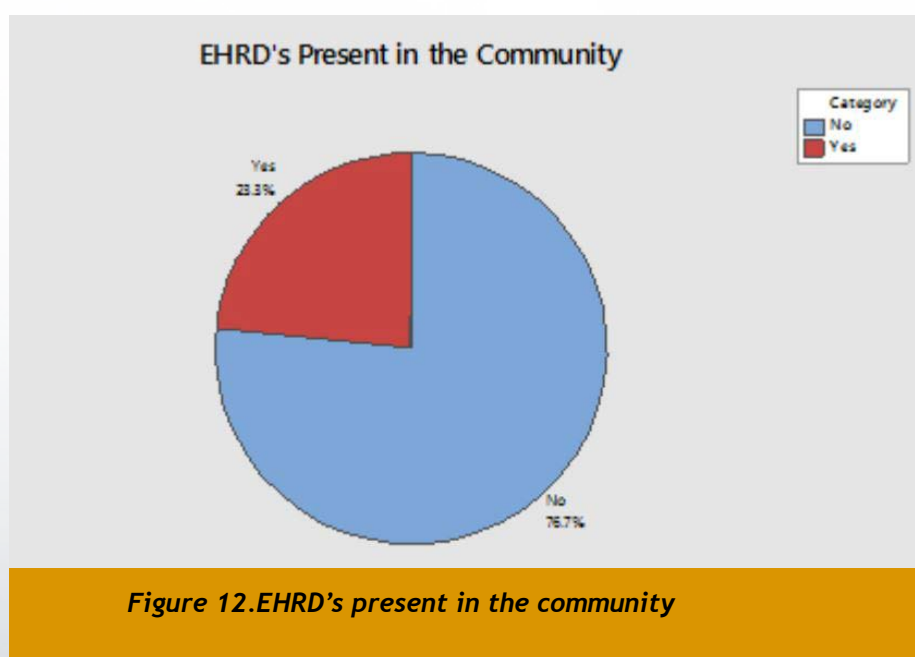
Challenges

We faced different challenges while in Lamu.

The community is hostile to strangers thus making it quite difficult to interview them. They are suspicious of terrorist links or government/ corporate spies. The local authority was not cooperative they even tried to stop us from conducting the survey pinning it on terror attacks and terror groups recruiting the youths into terrorism. We had our work delayed for one week to seek clearance from government.

Mode of transportation - if you miss your transportation you will have to wait long hours before you can access another means of transport.

Corruption - you find that some of the community members expect to be paid before they could give us information. This we attributed to lack of capacity to understand the role of civil society and the work of CSO's. Also the local Authority was expecting us to bribe them before they could allow us to conduct the study.





MOMBASA COUNTY BASELINE STUDY REPORT

1. Introduction

Extractive industries are widely setting up in Mombasa County. Some of them concentrate on used lead acid battery recycling. Improper lead acid battery recycling presents a significant environmental and health problem in Kenya, violating the right to a clean, healthy and sustainable environment as assured in article 42 of the Kenyan constitution 2010. The discharge of the battery acid into the environment and remitting of the lead in open fires (recycling plants lacking up to date technology) are common practice in Kenya and few alternatives have been developed to date.

Poor management of lead wastes and smelting residue is a potent risk to the environment and to the surrounding populations. Left untreated lead wastes in arid and semi-arid areas can be full of lead bearing dusts for years, which is detrimental to humans, animals and the entire ecosystem. These effects include but not limited to stillbirths, anemia, and poor muscle coordination, effect on central nervous system, kidneys and miscarriages. (4)

So far, several extractive industries in Kenya deal with scrap metals and lead acid battery recycling has been identified with complaints from workers and community members. However, most of the major lead-acid battery recyclers have been shut down following the passing of a law on export of lead. The law by the East African community parliament was as a result of advocacy and policy work by the Center for Justice Governance and Environmental

Action (CJGEA) in a bid to stop pollution in Owino Uhuru urban settlement. However, this law after being enforced ensured the closure of most of the smelters that were licensed to operate in Kenya.

This therefore, has led to smelting of lead on open and backyard smelting that highly exposes individuals to severe public health related diseases and dangerous pollution levels. Some of the smelters used in this study are described below.



Figure 13 Photo of the metal refinery

Ele	ppm	12
Zn	587	22
Pb	10.5K	0.2K
As	98	6
Mn	413	57
Mo	5	3
Fe	10.2K	0.2K
Cu	47	15
Rb	37	4
Sr	335	7
Zr	251	7

Figure 14. XRF reading of 10500ppm of soil next to the base

1.1 Area of Study

1.1.1 Metal Refinery Ltd

Metal refinery EPZ is located within an informal settlement in Mombasa County, on the coast of Kenya GPS coordinates S04 ° 00.438' E039 ° 36.957' that started recycling and smelting LABs in 2007. In 2009, Phyllis Omido the Executive Director-Center for Justice Governance and Environmental Action raised the concern of the factory's operations that was causing lead poisoning. A year later three children were tested for lead poisoning and the results came back positive and these agitated the Owino Uhuru community who rose up and demanded the shutting down of the smelter.

1.1.2 Kenya Metal Refinery

Kenya metal refinery is located in the coastal belt of Kenya at GPS Coordinates S04 ° 00.778' E039 ° 36.627'. The refinery has been involved in lead-acid recycling and secondary recovery of lead for five years before it was shut down in 2014. The smelter was later converted into a garment Export Processing Zone where most of the working

areas were barely renovated from recycling batteries to making garments. Lead still exists in the dust of the new business premises.



Figure 15. Formersmelter,renovated Kenya refinery.

1.1.3 Aclara EPZ Ltd.

Alclara EPZ Ltd is located on the coastal parts of Kenya at GPS coordinates S04 ° 00.046' E039 ° 36.104'. The refinery has been involved in ULAB recycling and secondary recovery of lead for four years.

After it was shut down in late 2014, it was converted into a syringe, garment and other homecare materials processing area. The area still had the dumped solid waste and open effluent tank from the smelter that continued to expose



Figure 16. Animals feeding from dumpsite at Aclara(left) and an affluent tank open even after the shut-down of the factory(right).

the new industry and neighboring residents to risk of lead contamination especially the nearby river.

1.2 Aims and Objectives

1.2.1 Overall objective

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

1.2.2 Specific Objectives

1. To support geographical expansion of Center for Justice Governance and Environmental Action Work in Mombasa, Lamu , Kilifi, Kwale and Taita Taveta Counties
2. This project seeks to empower communities through participatory action research to explore dimensions of(and impediments to delivery of) access to information and public participation as a tool for Peace, cohesion and climate change mitigation in five rural poor counties of coastal belt of Kenya.
3. Strengthen participation of communities in national processes on environmental governance by promoting cohesive opinion sharing in participation forums that represents the communi-

ty concerns as a single voice.

4. Mainstream procedural rights into environmental governance systems to promote a climate regime in Kenya
5. To scale up platforms for socio economic rights empowerment, leadership development in communities in Kilifi Kwale, Taita Taveta, Lamu and Mombasa Counties
6. Develop and implement an advocacy strategy

2. Data Collection and Analysis

2.1 Study area description

The target population was the workers working in the identified lead acid recycling industries or involved in scrap metal dealing and the community members living on the informal settlements around these industries. The interviews involved both, the men and women. The children were represented by their parents or guardians. The study covered 3 study sites that are characterized by the smelter industries. At least 10 former workers and surrounding residents from each study site participated in the study.

2.2 Data collection

Qualitative data collection methods were used to assess the environmental and health standards of the former

workers and the neighboring residents that participated in the study. The researchers used observation, informal conversations for those who haven't undergone formal education and questionnaire based interviews for the literate. There was also photo documentation and soil sample collection in a labeled zip-locked sample bag to be analyzed by SGS labs. A few selected (putting in place all the ethical considerations) former workers/neighboring residents to an existing or former smelter were tested for lead poisoning in a private lab as well.

2.3 Soil samples analysis

The soil samples collected in strategic points were delivered to the SGS laboratories that deal with environmental media to be analyzed for Lead.

Table 1 results from the soil sample analysis

<i>Smelter</i>	<i>Soil sample result</i>	<i>Description</i>
Kenya metal refinery	340.52 mg/kg	Collected after renovation of the factory
Kenya metal refinery	4038.95mg/kg	Collected in a drainage of renovated area
Kenya Metal refinery	3256.52mg/kg	Entrance area
Alcara EPZ	12946.10mg/kg	Behind the building nearest to community
Alclara EPZ	93742.10mg/kg	Collected after years of shutdown
Metal refinery EPZ	1656.63 ppm	Soil sample a few meters from the smelter
Metal refinery EPZ	23.63 ppm	Drainage water

The soil and dust samples were digested and run into the Atomic Absorption Spectroscopy (AAS) machine to analyze lead element following the Shimadzu AA6300 standardized analytical method (Shimadzu, 2002).(6) The results are illustrated in the table 1:

As seen from the results in the previous page lead persists for many years before degradation. For instance the metal refinery has been shut down for at least three years now but there are still high levels of Pb. This long term persistence of lead in the environment is what makes it a dangerous heavy

metal both in the environment and human body.

2.4 Blood Lead Level (BLL) Analysis

The selected participants in BLL analysis with their consent provided their BLL results, they had been tested just a few months back by private laboratories and a few by the government chemist. Most of them had worked in either or all of these three coastal smelters i.e. metal refinery, Kenya Metal refinery and Alclara EPZ Ltd. Their BLL results are shown in the table below:

Table 2: BLL results of selected study participants

<i>Personal Description</i>	<i>BLL Results</i>	<i>Smelter nearby</i>
Wife to former worker	28.0 µg/dl	Kenya Metal Refinery
Nearby resident	124.3 µg/dl	Metal Refinery
Nearby resident	99.3 µg/dl	Metal Refinery
Nearby resident	24.0 µg/dl	Metal Refinery
Former worker	26.0 µg/dl	Kenya Metal Refinery
Nearby resident	24.0 µg/dl	Metal Refinery
Former worker	10.0 µg/dl	Metal Refinery
Former Worker	8.22 µg/dl	Alclara EPZ
Nearby resident	4.0 µg/dl	Kenya Metal Refinery
Food Supplier to factory	2.0 µg/dl	Metal Refinery EPZ

The ten study participants whose blood was tested for lead poisoning were all positive. Eight out of ten had above the revised WHO standards of 5µg/dl Blood Lead Level (BLL). This weakens their immune system risking ailments related to lead poisoning. Most of them mentioned that they have been treating the common tropical ailments since most of the hospitals in Kenya are not equipped to diagnose chemical diseases. Apart from metal refinery, very few study participants had thought of being tested for lead poisoning. Those that had worked in these smelters or lived closest had higher chances of having higher BLLs than those who had less contact with lead. The alarming thing was that the BLL levels were still this high even after a year of the shutdown of the smelter.

Environmental, safety and health standards of the workers and the physical features of the lead smelting industries

Due to the passing of the law on legality on export of lead by the East African law society, most of the smelters in Kenya have been shut down. Currently, most of the people interacting with lead and lead products are mechanics working in garages and those involved in repairing ULABs.

- They pointed out that repairing/ recycling of ULABs in the country is on the decline in the country due to:
- The price of a new ULAB has become cheap and most people can now afford new batteries.
- Most of the cars on the road are fairly new and hence do not

need battery replacement frequently.

- The raw material (lead) that they use in repairing ULABs is getting scarce and expensive due to the shutdown of the smelters. This makes repairing expensive and the cost is put on the consumer who prefers having a new battery instead

3. Key Findings And Interpretation Of Results

3.1 Education of Respondents

Most of the respondents are educated. Majority of the respondents have reached higher level of education, some have gone up to high school, others have reached primary level but a few have not gone to school and among the few majority are elderly people.

3.2 Civil Society

3.2.1 Civil Society Presence

Since Mombasa is an urban area there are different CSOs available. Most of the respondents could identify themselves with the CSOs. The respondents said that the CSOs are there in plenty but they have different thematic areas some are irrelevant to the needs of the communities.

Some of the CSO available are HAKI YETU, HURIA, MUHURI, ECO ETHICS, KNCHR only but to mention a few.

3.3 Modes of Communication

3.3.1 Television

A common method of conveying information to people is via television. From the study it was revealed that all respondents have access to Television. The respondents with Television sets, Citizen TV, KTN, NTV and K24 TV were preferred channel of choice to watch. We were able to learn that the respondent could even go to the public entertainment places just in order to watch news. We also learnt that all the respondents have used digital devices.

3.3.2 Radio Transmission

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

3.3.3 Mobile Phone

All of the respondents owned mobile phones. 90% of the respondent's phones are connected to internet and 10% of them were not. Respondents with internet-enabled phones explained that they mostly use their phones for sending SMS' and making calls and browsing on social media.

3.3.4 Newspaper Access

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

Majority of the respondents have no access to newspapers and are able to access them on a regular basis. The only problem is that most of them could not afford to buy on their own on a regular basis

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

½ of the respondents (5) who get newspapers stated that they get environmental information from the newspapers while the remaining ½ said they have no idea since they had never paid close attention to that.

3.4. Corporate Accountability of Mining and Extractive Industries towards Communities with a Focus On EHRD Work

3.4.1 Familiarity with mining activities

All of the respondents stated that they were familiar with the extractive industries. They further stated the name of the company conducting the activity.

3.4.2 Public participation

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

3.4.3 Infringement of rights by the company

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

3.4.4 Environmental Human Rights Defenders

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

Conclusion

Ignorance on the potential risk of being exposed to lead to many is still rampant in the country as observed during the study. Myths and misconception still exists about lead poisoning many viewing it as incurable epidemic commonly comparing it to AIDS, partly due to misinformation delivered. Furthermore, results of interviews established that most workers and the adjacent communities likely to be affected, were neither trained nor informed about occupational exposures to lead and associated adverse health effects during the procedural process (Environmental Impact Assessment) of establishing an industry. The risk of take-home exposures which many are not aware of is on the rise statistically. Most of the study participants mentioned that they carry their working clothes home for their wives to wash. They expose people between the work place and before they get home and shower. During lunch breaks they eat and interact with other people on their working clothes. Frequency, violation of procedural rights has been observed especially on the access to information and public participation in decision making in environmental process and which are very well stipulated in the country's constitution.

Most of these industries owned by corporate investors from China and India go through shortcut routes to acquire licenses for operation without even informing the neighbors or workers on the dangers of working in such an environment.

In Kenya, we lack regulations and/or the enforcement capacity to adequately reduce occupational and environmental lead exposures. Alternative means to encourage improvements in the industry should be implemented such as Better Environmental Sustainability Targets (BEST) certification standard that is developed with the involvement of key stakeholders outlining performance exposures for workplace exposures, emissions and extended producer responsibility to take back used batteries for proper recycling. Governments of these countries should play a role in controlling the pollution associated with backyard recycling operations in regulating the collection of used LABs. Chelating medication is far much expensive for any low to middle income person to afford and it is barely available in African hospitals. Environmental remediation which focuses on exposure reduction to lead, treatment and capacity building is the solution for various countries and adopting pilot projects such as that in Zamfara, Nigeria.



KILIFI COUNTY BASELINE STUDY REPORT

1. Data analysis for Magarini

1.1 Introduction

Salt has been an invaluable commodity globally dating back to ages as far back as 6050 BC. Salt mining has been known to bring forth colossal profits for the investors and contribute towards Kenya's revenue. According to a report presented to Action Aid- Kenya, the government earns at least 33 million annually in taxes from the mining companies (Kairu 2015).

Extensive salt works have been established at the Gongoni-Kurawa stretch. Salt farming in Magarini dates back to 1928 when

Mombasa Salt Works industry was first established (KNCHR, 2006). The total area dedicated to salt production is over 5,000 hectares that yields an average of over 170,000 tons of salt annually (UNEP 1998).

Salt mining is on the rise and has however on the rise continued to cause ecological stress on the environment and raised social concerns. This report analyzes the socio-economic challenges faced by communities within the coastal stretch covered by the salt companies, and also the amount of degradation impounded on the environment.

2. Data collection

2.1 Research Instruments

2.1.1 Questionnaires

The primary tools used in Data Collection were questionnaires attached in Annex I. A total of 50 respondents were sampled from Magarini. Respondents targeted were those residing within the vicinity of the extractive industry and the salt workers. The results are presented in tables, bar graphs and pie charts. Location of samples collected was recorded by use of a GPS device (GPSMAP® 64s).

2.1.2 Photography

Photography and videos were also used to capture visual data.

2.1.3 Physical Observation

Direct observation was also incorporated. This primarily involved visiting affected communities within the vicinity of the salt companies and making observations with regards to their environment.

2.2 Soil and Water Samples

Soil and water samples were taken from a

variety of points within communities neighboring the companies. The samples were then taken to SGS Laboratory in Mombasa for analysis.

2.3 Area Description

The study was carried out in Magarini Constituency in Kilifi County. It is located at approximately 140.5 KM northwards from Mombasa. With a total population of 177,241 people, the area is popularly known to harbor the leading salt mining companies in Kenya. This was the main reason why Magarini was deemed suitable for the study.

A total of 5 companies were targeted during the survey which are;

- Kurawa Salt and Mining Company.
- Krystalline Salt Ltd-Gongoni.
- Krystalline Salt Ltd-Marereni.
- Kensalt Ltd
- Malindi Salt Company.

The companies are all based on a stretch adjacent to the shoreline to allow easy access to ocean water which they used as the primary raw material for salt making.

3. Key findings and interpretation of results

3.1 Data Entry and Analysis

The data that was collected from the study was entered and analyzed by use of MINITAB software. The data garnered was majorly descriptive.

3.2 Distribution of Respondents

Of the total population, 25 were male while 25 were female. Distribution of respondents per company is shown below.

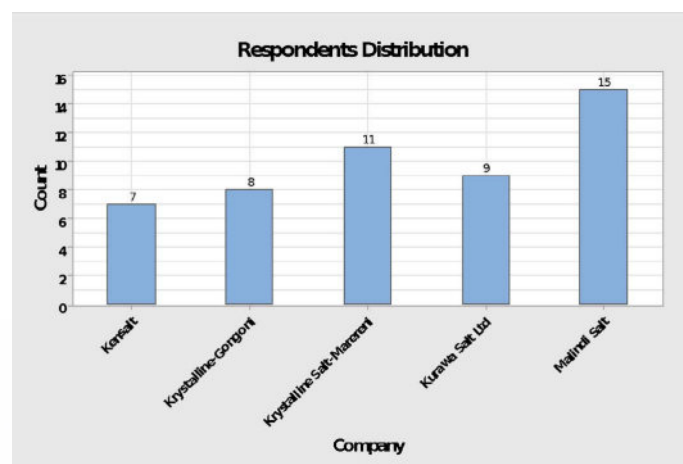


Figure 17 graph showing respondent's distribution in the five salt companies.

3.2.1 Educational level of respondents

Literacy levels in Magarini are relatively low. Of the total population, 40% have gone up to primary level, 24% to secondary level, 2% to tertiary level and 2% have undergone Islamic education (Madrassa). The remaining population (32%) has never undergone any form of formal education.

3.3 Civil Society Presence

42% the respondents reported that

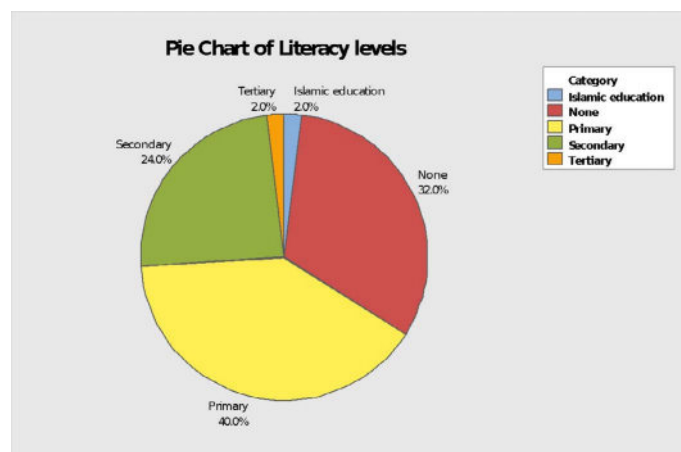


Figure 18; Respondents' literacy level in the study area.

there have been CSO's which have tried to engage the community in civic education, although neither of them were aware of the names of the organizations. Most respondents mention Malindi Rights Forum as one of the CSO. One respondent from Gongoni Town, near Krystalline Salt Company-Gongoni, said that an Organization had once visited the salt company to interview the workers but they were denied access to the mines.

Another respondent from Kasimani Village in Gongoni bitterly spoke of how organizations have visited the area and

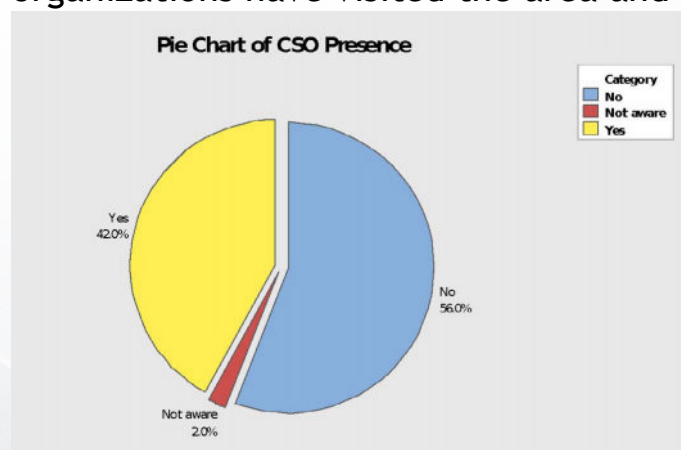


Figure 19. Civil society present in Magarini.

the organizations. Most respondents mention Malindi Rights Forum as one of the CSO. One respondent from Gongoni Town, near Krystalline Salt Company-Gongoni, said that an Organization had once visited the salt company to interview the workers but they were denied access to the mines.

Another respondent from Kasimani Village in Gongoni bitterly spoke of how organizations have visited the area and conducted surveys and none of them has ever gone back to the community to share their reports. 56% of the respondents answered no to the question of Civil Society presence, while the remaining 2% were not aware if there have been CSOs since they were new to area

3.4 Access to Information

As part of the study, access to information by the respondents was a critical component in assessing their procedural rights (access to information & public participation). This was evaluated by respondents' access to media channels, that is televi-

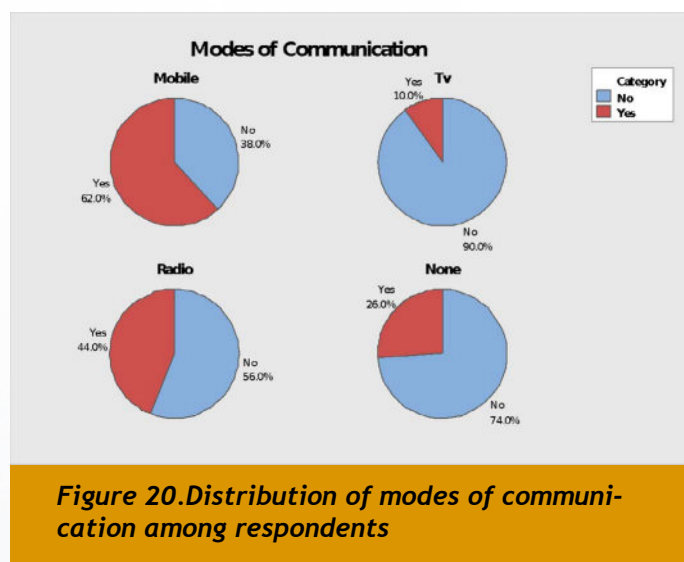
could not access the internet.

Respondents with access to radio stated that their preferred stations of choice were; Citizen radio, Bahari FM, Radio Kaya, Baraka FM and Milele FM. Those with television sets preferred Citizen TV and K24 TV as their channel choices.

3.4.1 Newspaper access

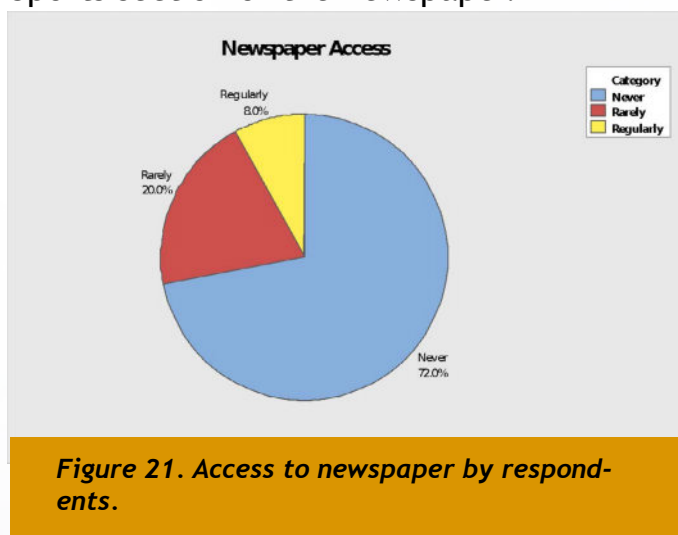
From the target population, 8% are able to gain access to newspapers on a regular basis, 20% get newspapers but not every day. The remaining population (72%) has no access to newspapers.

The respondents were further probed if they get environmental information from newspapers and whether the information is adequate. 40% of respondents who access newspapers stated that they do indeed get information pertaining to the environment from newspapers, while 26.7% do not get environmental information. A section of the respondents (33.3%) was however not aware if newspapers have environmental news since their interest mostly lies in the Sports section of the newspaper.



sion, radio, phones and newspapers

62% of the population had access to mobile phones, 44% to radio, 10% had television sets while 26% didn't have access to any of the above. Of the respondents who owned mobile phones, 5 of them had internet-enabled phones while the 25 had phones that



3.5 Familiarity with Mining Activities

From the entire population, only 8% of the respondents were not aware of the salt company established within their vicinity.

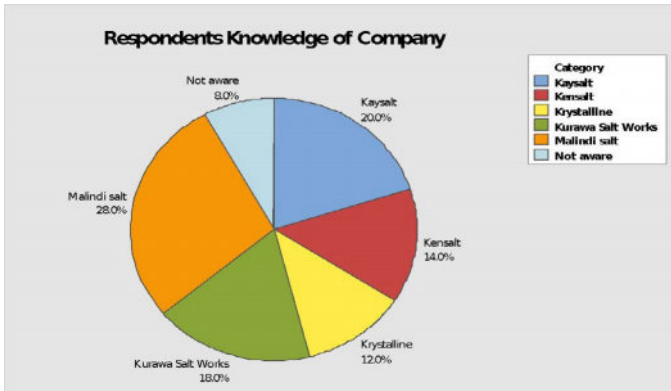


Figure 22 Knowledge of company(s) by respondents

3.6 Public participation

On the part of public participation, respondents were probed on whether the company had called for a meeting prior to its establishment or at any stage of its expansion. 28% responded that a meeting had been summoned, 62% said that no meeting has ever been summoned.

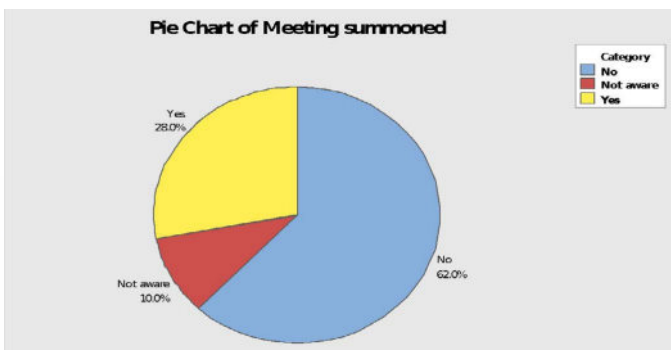


Figure 23. Public participation by company and residents

3.7 Infringement of rights by the company

88% of respondents said that the companies were violating their human and Environmental rights. Respondents have been subjected to arbitrary arrests and forceful eviction from their land. Respondents residing near Krystalline Ltd-Marereni (Kaysalt), complain that the increased salinity in the soil has resulted in the dying of their palm trees.

Some of the respondents who work in the mine reported that they are subjected to harsh working conditions with little pay. Kshs 230-250 per foot of salt was given as remuneration to workers. The workers are expected to break the blocks of salt, gather it and transport to trucks. Some of the workers are not given Personal Protective Equipment (PPE).

3.8 Environmental Human Rights Defenders

48% of the respondents reported that there were EHRDs present in the area. The EHRDs have been subjected to arbitrary arrests upon raising complaints and trying to challenge the company (s)

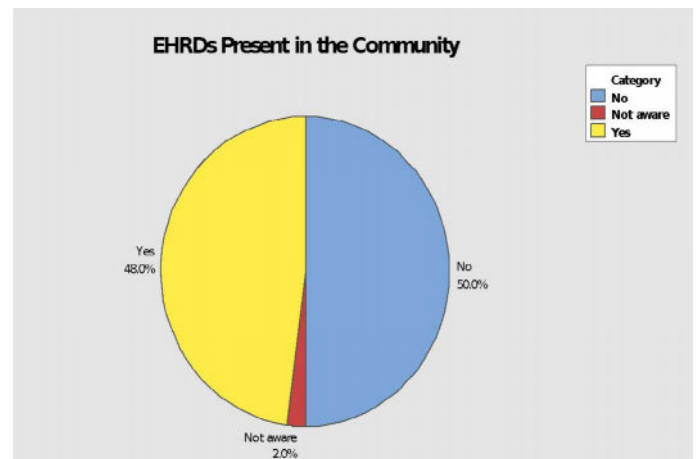


Figure 24. Percentages of presence of EHRD's in the study area

3.9 Corporate Social Responsibility

Respondents from the different areas stated that the Salt Company (s) have provided projects to better the community. Kurawa Salt Works Ltd is constructing a school, Kensalt LTD provides water to its workers only, and Malindi Salt Co. has constructed a dispensary. Respondents from Krystalline Salt Ltd in Gongoni and Marereni stated that the companies have not provided any service to the community.

4. Results and findings

4.1 Results of Water analysis

Water samples were collected from six points. Four samples were collected from boreholes and two from tap sources. The points served as main water sources for the communities.

Challenges and Limitations of the study

Language barrier was a significant challenge to the study. This was resolved later by including a local native in the research group to help in the translation.

Table 3: Salinity levels in Water samples

<i>Point taken</i>	<i>GPS Coordinates</i>	<i>Company</i>	<i>Salinity levels</i>
Borehole	S 03° 02.681 ' E 040° 09.594 '	Krystalline Salt Company - Gongoni	0.772 ppt
Borehole	S 03° 02.151 ' E 040° 08.231 '	Krystalline Salt Company - Gongoni	5.249 ppt
Tap Water	S 03° 03.015 ' E 040° 08.389 '	Krystalline Salt Company - Gongoni	0.416 ppt
Borehole	S 02° 54.910 ' E 040° 09.952 '	Malindi Salt Company	1.808 ppt
Borehole	S 02° 044.594 ' E 040° 09.282 '	Kurawa Mining & Salt Co.	1.633 ppt
Tap Water	S 02° 59.724 ' E 040° 08.240 '	Kensalt Company	0.387ppt

5. Summary of findings

5.1 Access to information and Public Participation

From the study it was revealed that the communities neighboring the salt companies have not been involved in public participation, this is in consideration to their access to media channels that is radio, TV and newspapers. As revealed, a greater percentage of respondents had no access to newspapers, which corporations use to advertise for public forums that involve the communities. Some of the companies have held meetings involving the public to discuss activities affecting the community. A respondent from Kurawa Salt & Mining Company stated that a meeting was summoned relating to the Company's corporate social responsibility. The investor from Kurawa was constructing a school and at the same time cutting down Mangrove trees. Community members then raised complaints of their environment being affected and a meeting was summoned. The meeting comprised of participants residing on the other side of the town; those not affected by the company's deforestation activity. A question was raised if the investor should continue with the school construction or stop the logging of trees. The community responded that the school construction should go on since the deforestation activity does not affect them.

The respondents also stated that the Local Area Chief was against the community raising any concerns.

5.2 Significant Environmental, Health and Safety Impacts and Risks

5.2.1 Land degradation

Salt pans created by the companies have amassed devastating effects to the neighboring communities. People have raised complaints of increased salinity in their farmlands which immensely affects their productivity. A particular case is in Kinyaule area, next to Kay-salt-Marereni, the community members complained of water from the salt pans streaming in to their lands and creating water puddles that made it difficult for children to cross as they went to school.

5.2.2 Impact on vegetation

In the same area, there were visible signs of dried up palm trees which the people attributed to the rise in salinity in the area. Residents from Gongoni area, next to Krystalline Salt Company, stated that their farmlands have continuously grown to be unproductive. A respondent, whose farm soil was sampled, reported on how he has been unable to carry out any form of subsistence farming due to the dwindling productivity of the land.

Infiltration of salty water in the soil results to its uptake by plants. If salinity in water is too high for the plant, water may flow from the plant back into the soil causing dehydration in the plant which results in drying up or dying of the plant.

Clear cutting of mangroves for salt production poses a threat to the conser-

vation of mangrove ecosystems (Shunula 1996). Kurawa Salt Company has been actively engaged in logging of mangrove trees in the area for the purposes of its expansion.

5.2.3 Impact on hydrology

The practice of salt production affects the quality of drinking water within the vicinity of constructed salt pans. High levels of salt in drinking water affects the taste of drinking water.

It is a proven fact that the hyper-saline water from the salt pans could be seeping into fresh water sources. Residents

from Kinyaule area were forced to search for water sources in other areas due to increased saline content in the borehole water they used.

5.2.4 Impact on health

Salt workers stand at a high risk of getting high blood pressure as a result of inhaling large amounts of salt particles.

Most of the workers in the salt companies are not given Personal Protective Equipment (PPE's), and this brings forth a number of health concerns such as skin and eye irritation, miscarriages and constant dehydration due to high salinity.

VUMA FIELD REPORT

1. Introduction

Cement production is globally known as the most lucrative business venture. The cost of a new cement plan is equally equivalent to about 3 years of turnover.

Kenya's building and construction sector is amongst the most rapidly growing, experiencing an average growth rate of 14.2% for the period 2006 -2011. (Dyer & Blair Investment Bank, 2012). This has been attributed to the rapidly growing real estate development.

The cement industry contributes significantly to local and regional economies through the wide geographic spread of its plants which are mainly located in rural areas. (CEMBUREAU, 1999). An overlooking factor in most case scenarios is the adverse impacts the industries

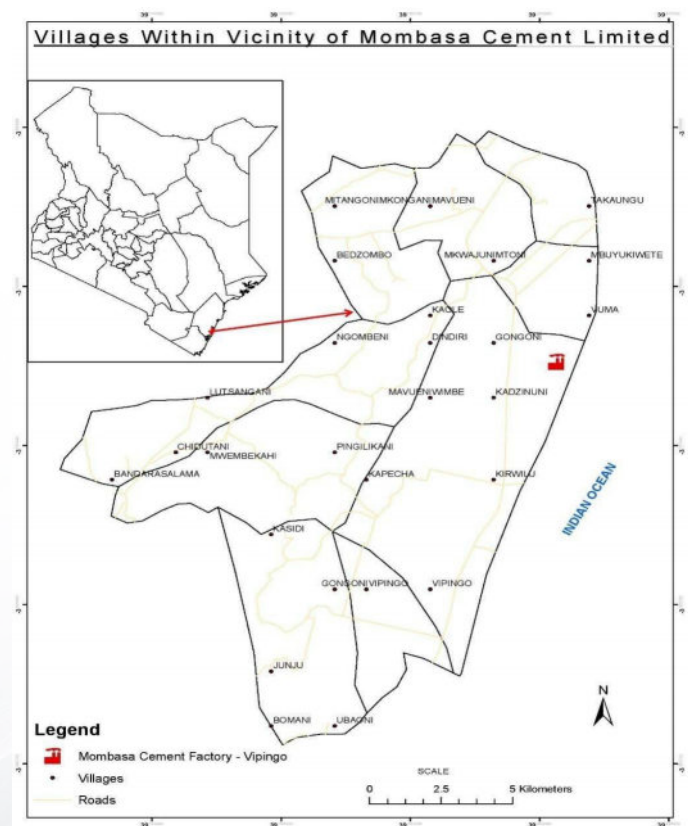


Figure 26. Villages within vicinity of Mombasa cement.

bring forth to their immediate communities.

This document presents a report assessing the socio-economic challenges, in relation to their participatory rights, faced by residents neighboring Mombasa Cement Industry in Vipingo.

1.1 Study Area

The study was carried out in Vuma village located in Takaungu location, Kilifi County. Vuma is located at approximately 47.8 KM Northward from Mombasa at GPS coordinates:

Latitude-3° 43'0.01", Longitude: 39° 50'59.99". The estimated terrain level is 18 meters above sea level. Vuma is home to Mombasa Cement, a subsidiary of Tororo cement based in Uganda. The company is situated on plot Number MN/III/291/2 and MN/III/4391. The site lies on coral limestone area, 1 kilometer off the tarmac Mombasa-Kilifi road on the seaside.

1.2 Data collection

1.2.1 Questionnaires

The primary tools used in Data Collection were questionnaires attached in Annex I. Respondents targeted were those residing within the vicinity of the extractive industry and the factory workers. The results are presented in tables, bar graphs and pie charts.

1.2.2 Location coordinates

Locations of samples collected were recorded by use of a GPS device (GPSMAP® 64s).

1.2.3 Photography

Photography and videos were also used

to capture visual data.

1.2.4 Physical Observation

Direct observation was also incorporated. This primarily involved visiting affected communities within the vicinity of the salt companies and making observations with regards to their environment

1.2.5 Soil and Water Samples

Soil and water samples were taken from a variety of points within communities neighboring the companies. The samples were then taken to SGS Laboratory in Mombasa for analysis.

1.2.6 Sampling

A total of 28 respondents were interviewed for the study. The methods employed were random and purposive sampling. Purposive sampling was based on respondents directly affected by the company's activities inclusive of the workers. Random sampling was done at a nearby town approximately 1 kilometer from the site (Mombasa Cement).

1.3 Limitations of the study

Language barrier; some of the respondents interviewed were unable to fluently speak in Kiswahili which is the common mode of communication and this proved a big challenge during the research.

1.4 Data Entry

The data that was collected from the study was entered and analyzed by use of MINITAB software. The data garnered was majorly descriptive.

2. Findings and interpretation.

2.1 Gender Distribution

An equal distribution of respondents was garnered. 25 of the respondents were male while 25 were female

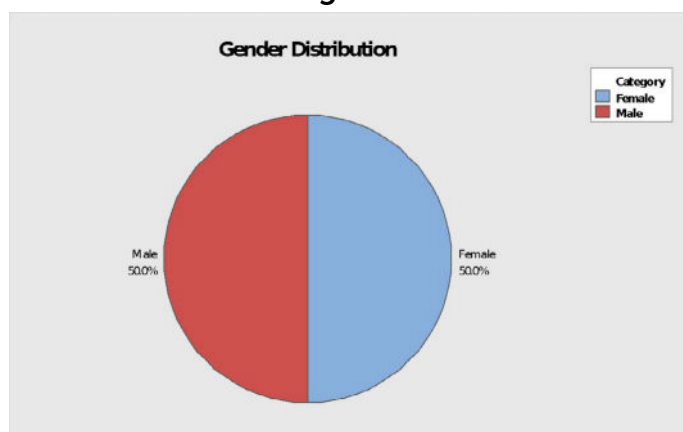


Figure 27. Gender distribution in the study area

2.2 Educational level of respondents

The respondents showed intermediate levels of education with a majority (64.3%) having learnt up to primary level. 7.1% had gone up to secondary level, 3.6% have undergone Islamic Education (Madrassa), while the remaining population had not yet undergone formal education.

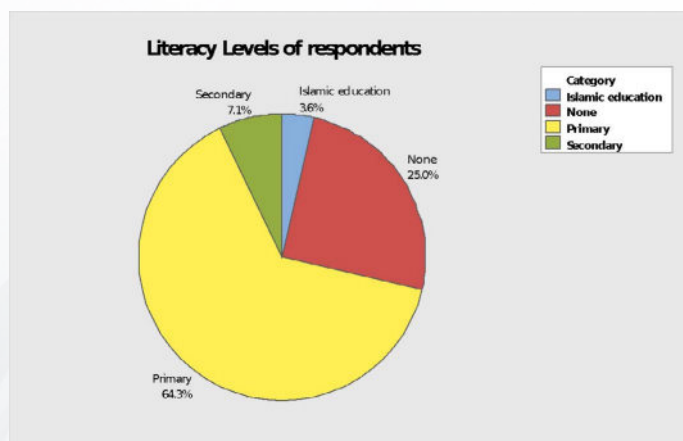


Figure 28. Educational level of respondents

2.3 Presence of civil society organizations

Respondents were asked about the presence of civil societies in the area. 21.4% of respondents positively responded on the presence of CSOs. HURIA was mentioned as the main CSO that visited the locality and also conversed with the members. The remaining population (78.6%), reported of no previous engagement with any CSO

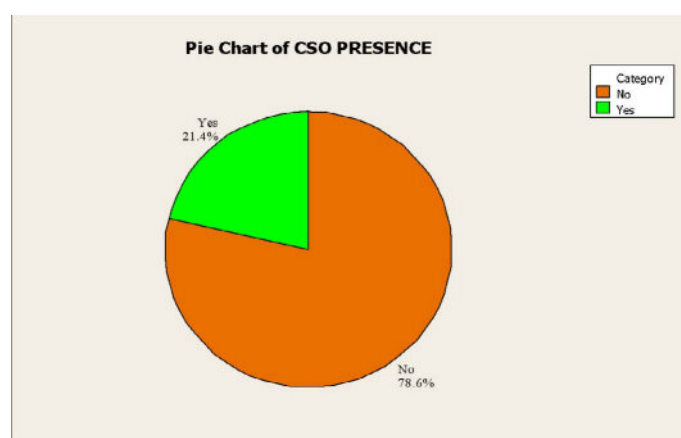


Figure 29 Presence of civil society organizations

2.4 Access to information

As part of the study, access to information by the respondents was a critical component in assessing their procedural rights (access to information & public participation). 92.9% of the respondents had access to media channels, either through TV, mobile phone, or radio.

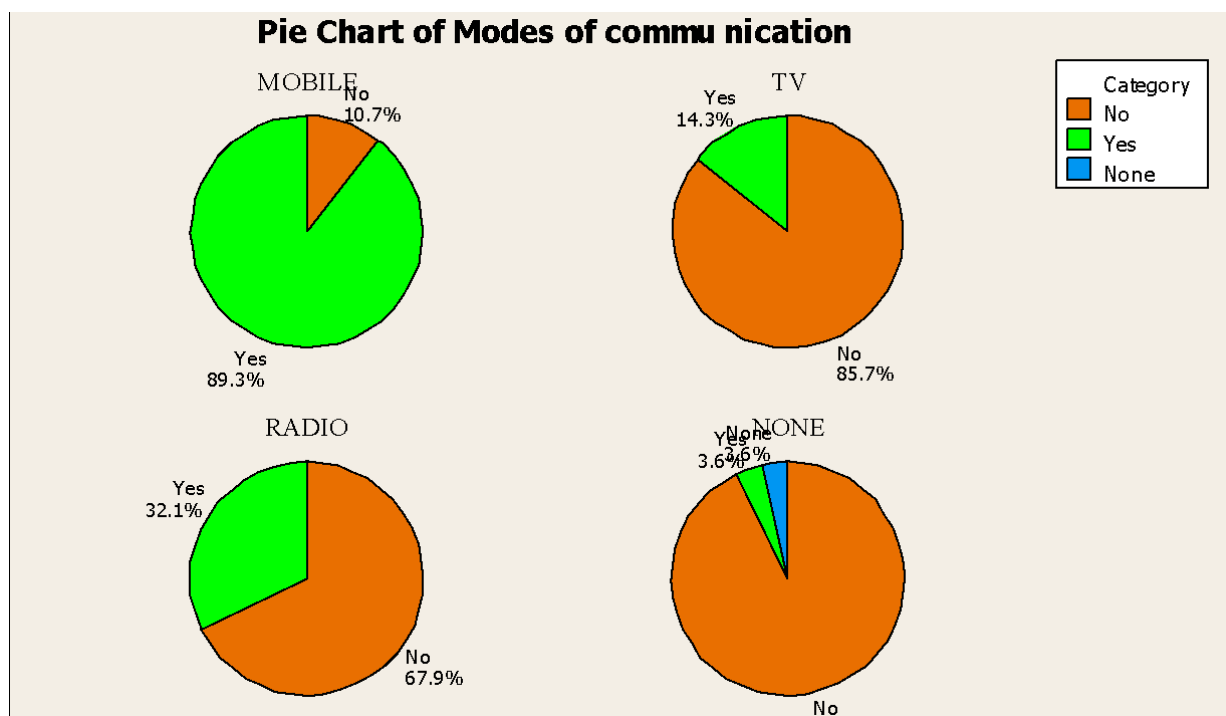


Figure 30. Level of access to information.

2.5 Newspaper Access

During the survey we established that 67.9% of the respondents do not gain access to newspapers while the proportion of the population that said that they get access to newspapers on rare occasions was 32.1% as shown by the pie chart below.

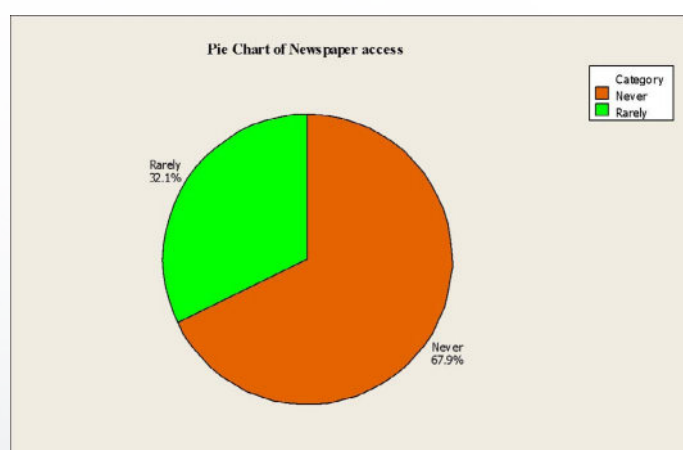


Figure 31. Percentages with and without access to newspaper.

2.6 Environmental information on the newspapers

The survey indicated that 71.4% of the population was not aware of the weather the newspapers contained any environmental information since they never read newspapers. Half of the respondents who read newspapers said the newspapers communicated some environmental information while the other half said that the newspapers do not contain environmental information as represented in the pie chart below.

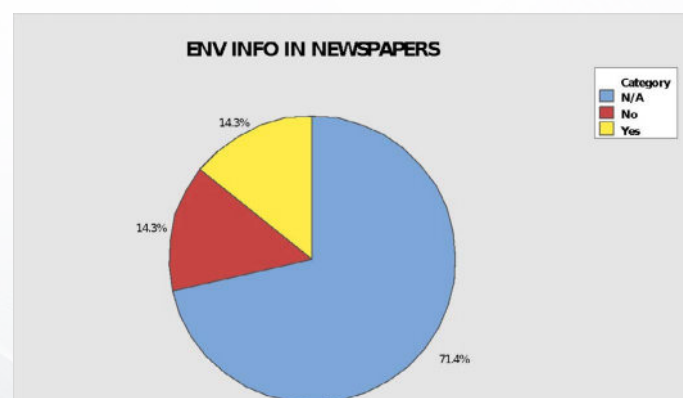


Figure 32. Level of environmental information in the study area according to respondents.

2.7 Other modes of accessing environmental information

Verbal communication was the mode widely used to communicate environmental information to the community members represented by 53.6% in the pie chart followed by radio and television with 28.6% and 7.1% respectively. 10.1% of the respondents registered that they never receive any environmental information at all.

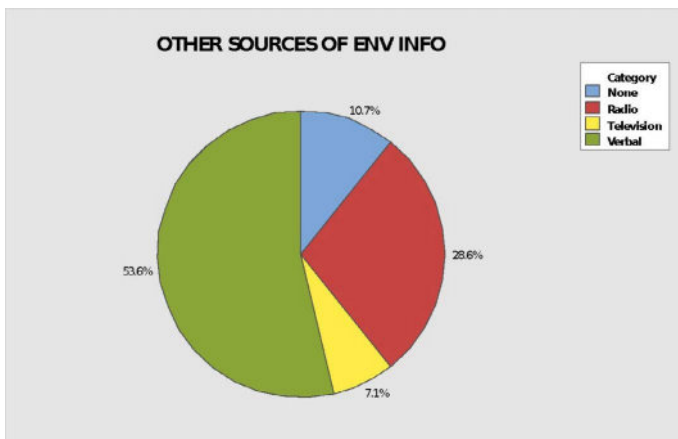


Figure 33 Modes of accessing environmental information

2.8 Familiarity with Mining activities

The survey established that 96.4% of the respondents were fully aware of the mining activities that were taking place in their area of residence while 3.65% of the respondents said that they were not fully aware of the activities that were taking place inside the company

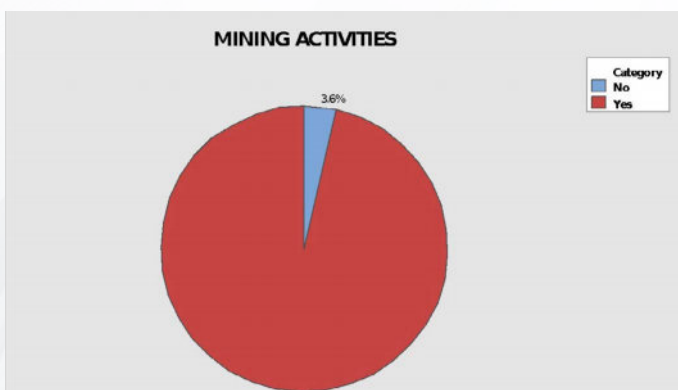


Figure 33 Modes of accessing environmental information

2.9 Public participation

During the survey, 32.1% of the respondents had participated in a meeting during the expansion of the company activities while 64.3% said that no meeting between the community and the investors or the duty bearers was held prior to establishment of this company or at any stage of expansion. On the same note 3.6% of the respondents were not even aware whether a meeting had been held.

Residents from Vuma area have not been actively involved in public participation. This was revealed after an interview with one respondent who spoke of how the company is affecting their environment and health. He further stated that public participation involved only the workers in the cement factory and not community members.

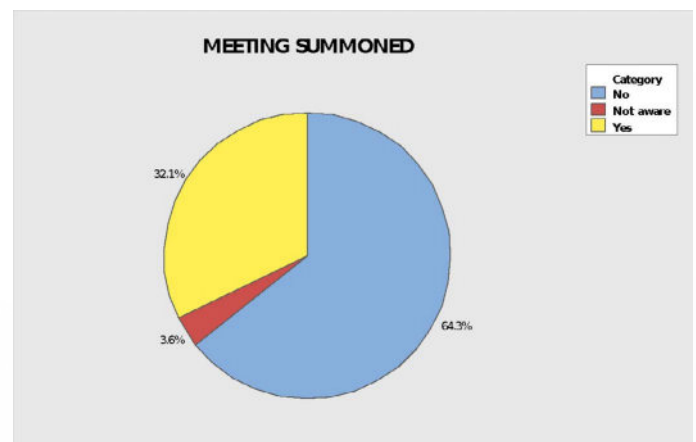


Figure 35. Figure showing public participation.

2.10 Meeting invitation.

A big proportion of the respondents who were able to learn about the meeting got the information from the local authority while others got the information through verbal communication by word of mouth from the other community members as represented by 70% and 30% respectively on the pie chart.

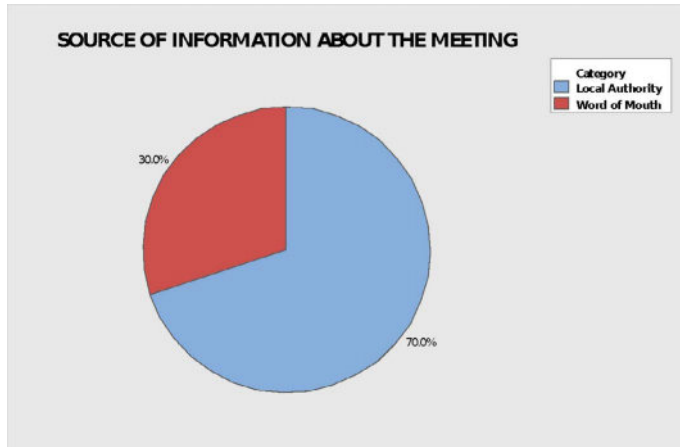


Figure 36. Figure showing source of information about the meeting

2.11 Meeting attendance

Only half of those who knew that the meeting had been called attended as shown below.

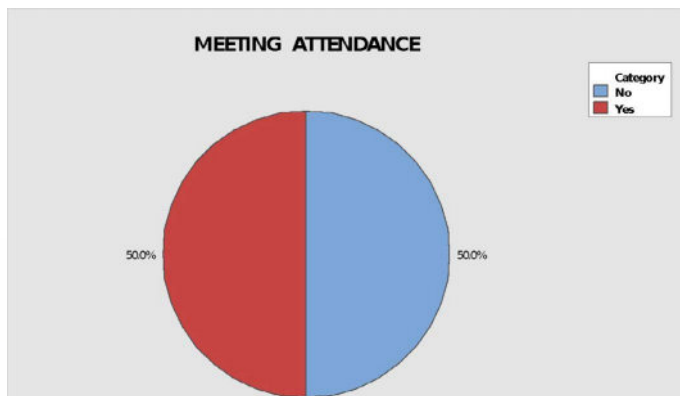


Figure 37. Percentages of meeting attendance.

2.12 Access to information to enable participation

All the respondents who attended the meeting recorded that they did not get enough information on the agenda prior to the actual day of the meeting to enable them have effective participation. They felt that the meeting was not relevant because information was not well flowing and this denied them a full opportunity to contribute their views regarding the activities of the company.

2.13 Community views

The respondents who recorded that the community members had raised some views for consideration before the commencement of the mining activities were 83.3% and 16.7% of those who attended the meeting said that no views were raised to object the commencement of the project.

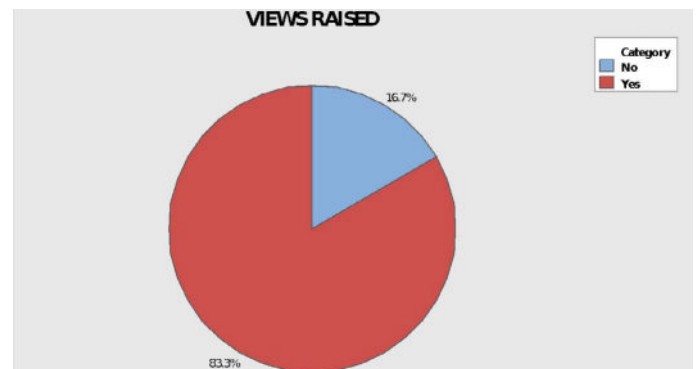


Figure 38. Community views regarding the project.

2.14 Consideration of the views.

One of the concerns that had been raised during the meeting was dust pollution as a major impact on the environment and the health of the residents which they wanted addressed to minimize their effects on the community. 83.3% of the population said that the considerations had not been implemented during the implementation of the project while 16.7% said that their views were not considered at all.

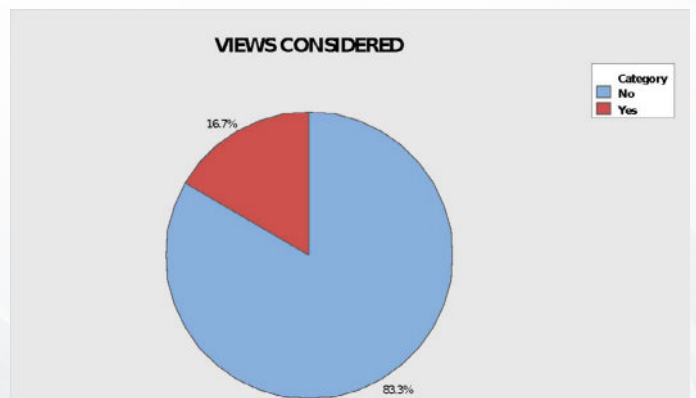
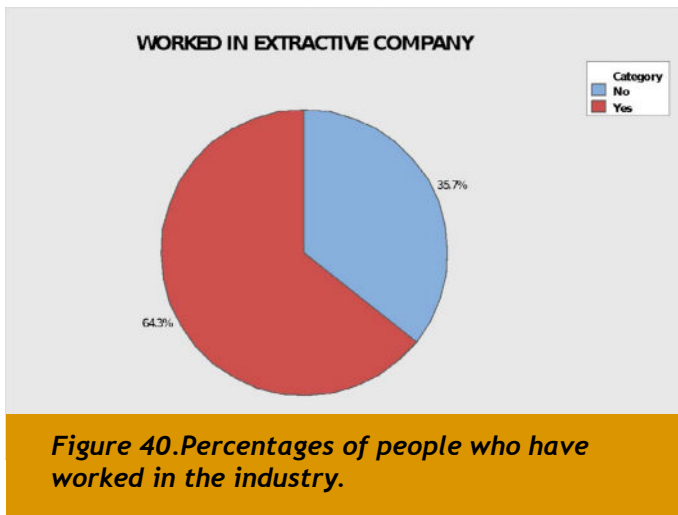


Figure 39. Figure showing views considered.

2.15 Worked in the company

The proportion of the respondent that had or was working in the cement company was 64.3% while 35.7% of the respondents had not worked in this company. This showed that a larger population of the community is dependent on this company for employment.



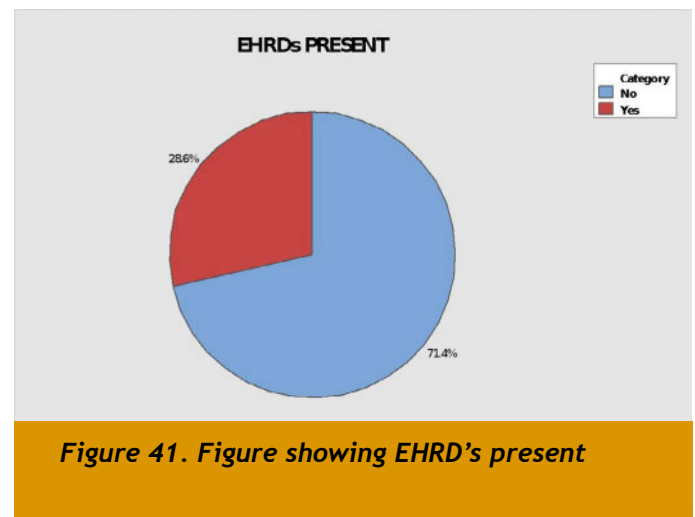
2.16 Infringement of rights by the Company

All the respondents interviewed registered violation of human rights and degradation of the environment. A major concern expressed by the residents was dust pollution emanating from the company as a result of the cement manufacturing processes.

One of our respondents gave us a clear description of what the company has put the communities through. He talked of how the company erected a wall on community land without their consent and they as a community remain powerless since any form of objection or rage towards the company leads to arbitrary arrests under false allegations.

2.17 Environmental Human Rights Defenders Presence

A big proportion 71.4% of the respondents interviewed felt that there had been no Environmental Human Rights Defenders (EHRDs) to represent their interest against the negative effects of the company while 28.6% of the population were of the opinion that there had been EHRDs who had constantly advocated for both environmental as well as the human rights within the community but they were under constant arrest and intimidation and therefore they could not carry on with the work for long. Most of them ended up being silenced either by being bribed while others were arrested and prosecuted of incitement.



2.18 Corporate Social Responsibility (CSR)

Our survey established that 57.1% of the respondents interviewed felt that the company had not made any contribution towards development of the community infrastructure and neither had it provided any basic social amenity services such as water, education and health services. On the other hand, 42.9% of the respondents felt that the presence of the company had improved the wellbeing of the community majorly through employment creation, tree planting and

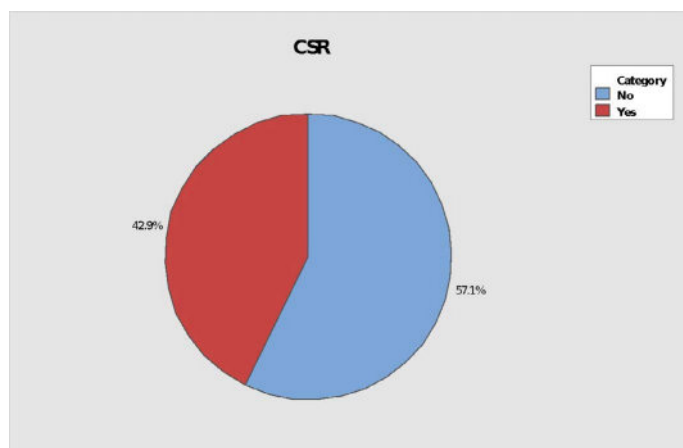


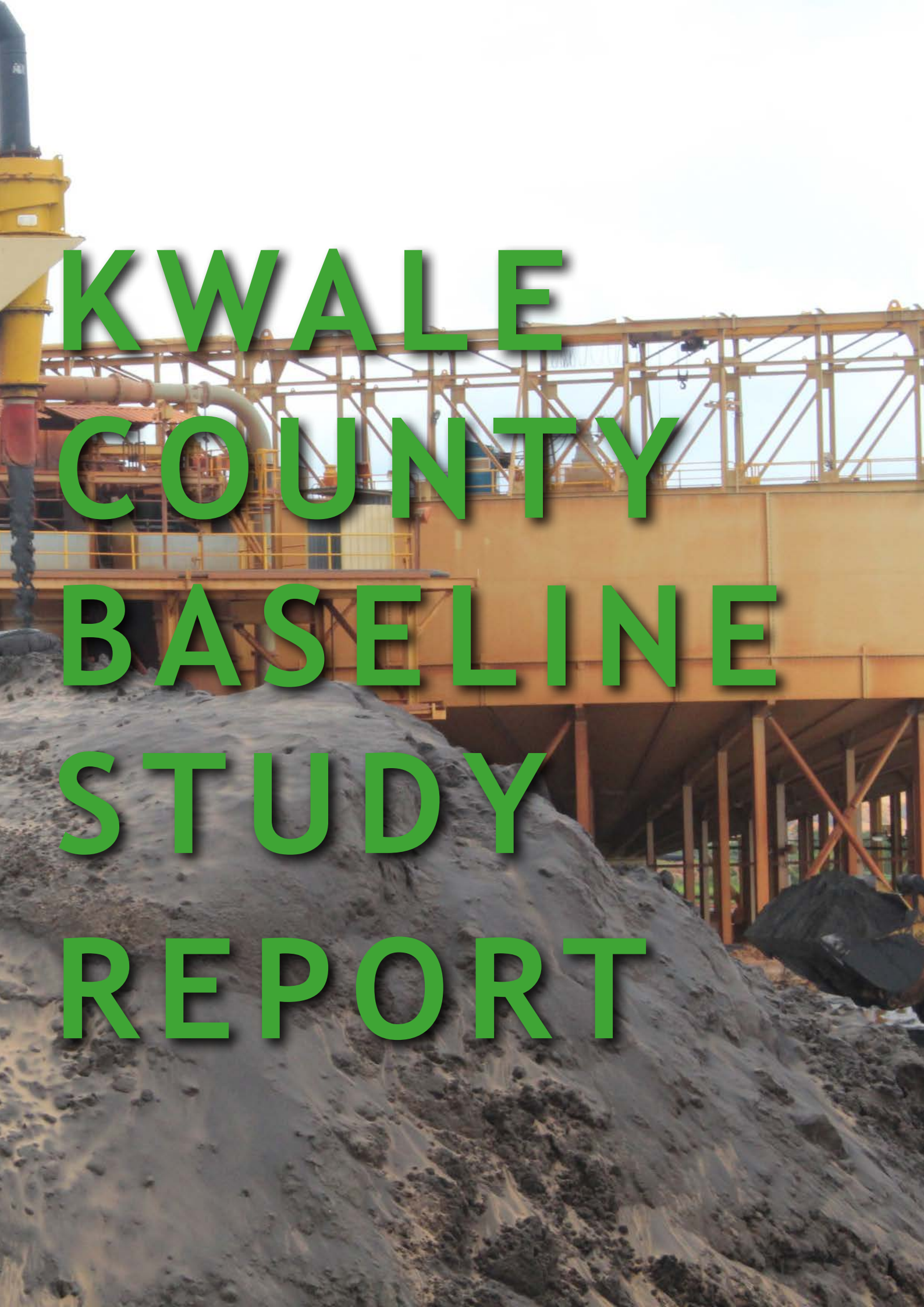
Figure 42. Percentage of CSR in the region.

construction of Vuma Primary School. The findings are represented in the pie chart below.

Conclusion

Residents of Vuma area have not been actively involved in public participation by the company or any state agencies mandated with the task of environmental management in Kenya. This was revealed after an interview with a larger proportion of the respondents who spoke of how the company has over the past years been polluting their environment through heavy dust emission which in turn affects their health but despite the high lamenting from the community their cries are never given any consideration. Residents further stated that public participation involved only the workers in the cement factory and not community members and therefore any data relating to public participation is a forgery by the company.





KWALE COUNTY BASELINE STUDY REPORT

1. Introduction



Figure 43. Base Titanium mining site.

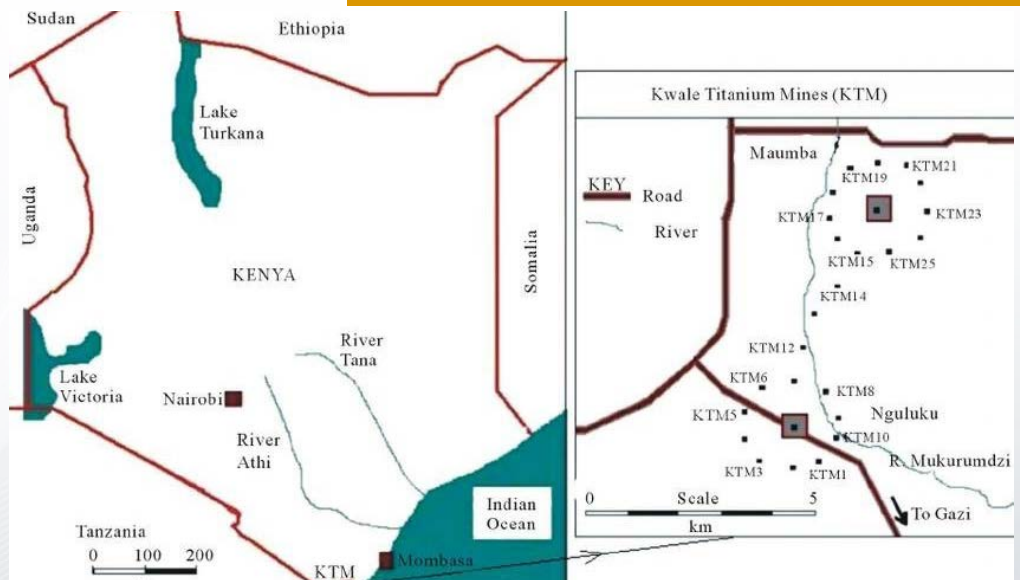
Titanium mining is done by Base Titanium in Kwale and it started at the end of 2013 and the first bulk shipment of ilmenite departed from Mombasa in February 2014. The mine is currently producing 455,000 tonnes of ilmenite; 85,000 tonnes of rutile, and 32,000 tonnes of zircon each year. The Kwale Project is seen as a flagship project in line with Vision 2030 and its success will serve as a catalyst to attract

1.1 Scope of the study

The study was done in six communities adjacent to Base titanium geographical coordinates S04023.271' E39024.992' which were Bumamani village, Kinondo village, Mkelekeleni village, Nguluku village, Mwaluvanga and Maumba village.

Figure 44. map showing, Kwale and the base Titanium mines.

further investment in Kenya. The Project is expected to contribute around \$225 million to the Government of Kenya in direct tax and royalty payments and close to \$1 billion in GDP contribution over the 13 year life of the mine.



2. Data collection methods

2.1 Research instruments

2.1.1 Questioners

Data collection was done using questionnaires, residents living adjacent to the company and workers were interviewed. The results were analyzed using Minitab and represented in pie and bar charts.

2.1.2 Location coordinates

Field geographical coordinates were recorded using GPS device.

2.1.3 Photographs and videos

Sites images, photographs and videos were recorded to capture real time events and phenomenon

2.1.4 Water and soil samples

Water and soils samples were taken in several parts of the communities. Samples were sent to SGS laboratories for analysis.

2.2 sampling

A total of 28 residents were interviewed, village sampling was done through systematic sampling procedures for all the villages and random sampling was done for household selection.

2.3 Study limitations

Limiting factor for this study was the remote setting of the villages around Base titanium, language barrier as many of our field researchers could not fully understand kidigo and kikamba language which were the major spoken languages.

3. Results and discussions

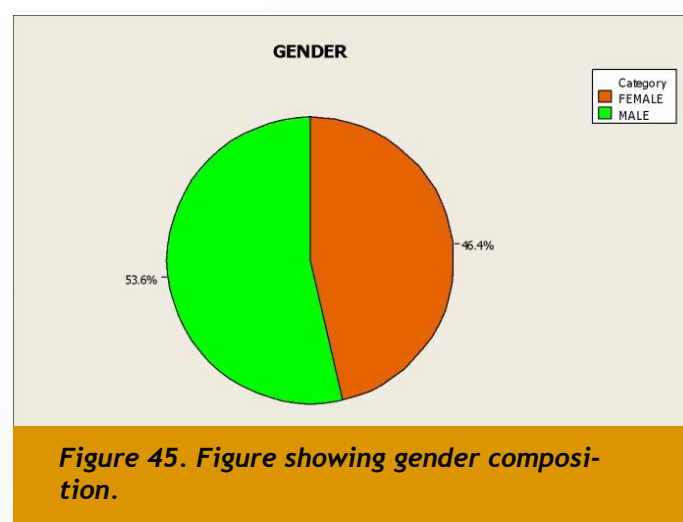
Research was done using questionnaires and 28 respondents were interviewed 3 of the respondents declined, Findings were analyzed using Minitab and represented in pie and bar charts.

3.1 Biodata

3.1.1 Gender

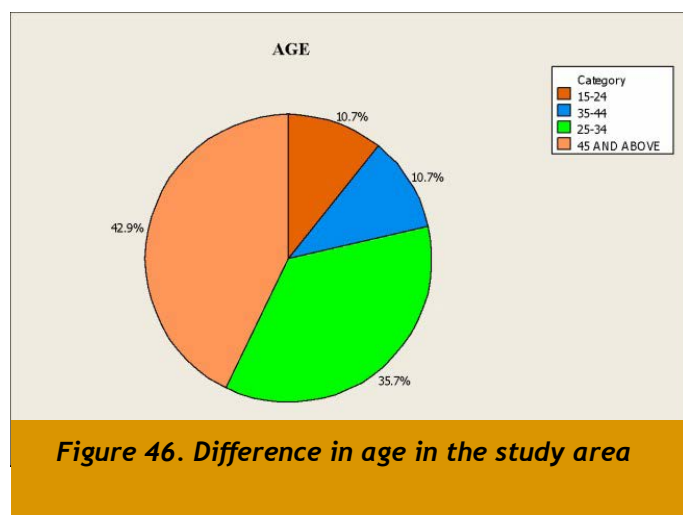
Gender turnout was fair enough with male being slightly higher at 53.6% and female turnout at 46.4%. This variation was realized because where women and ladies were with men or in a household, women did not want to take part in interviews even when they were permitted.

3.1.2 Age Composition



The age categories to those who were interviewed ranged from 18 years to above 45 years as this age bracket gave realistic views and opinions. 42.9% of the respondents were above 45 years of age, this age category was mostly

found in household as they stays indoors as the other economic productive age between 20 years to 40 years go out for work. Out of the 28 respondents who were interviewed 35.7% were of the age 25-34 years while age category between 15-24 years and 34-44years were 10.7% each category.



3.1.3 Disability

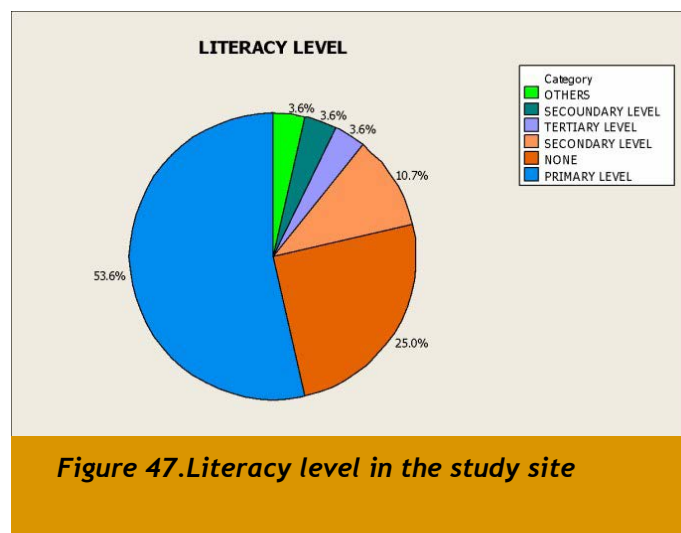
None of the respondents interviewed had any form of disability

3.1.4 Literacy level

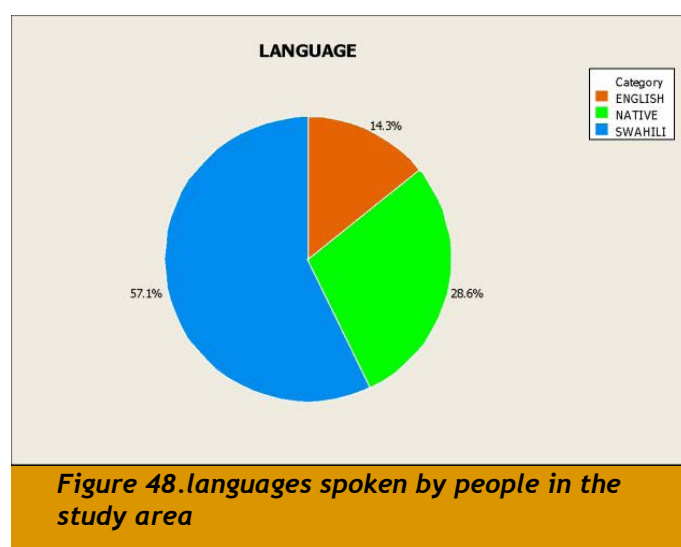
The study also found that most of the residents did not complete 8-4-4 Kenyan education system which is a major and fundamental human right to education which is the driving goal to poverty eradication on the Kenyan vision 2030. Our study shows that 53.6% of those who were interviewed attended primary level education but most of them did not complete primary system. 25% did not attend any education system, only 10.7% and 3.6% of our respondents completed secondary and tertiary levels respectively. 3.6% attended Arabic (madrassa) education system.

3.1.5 Language

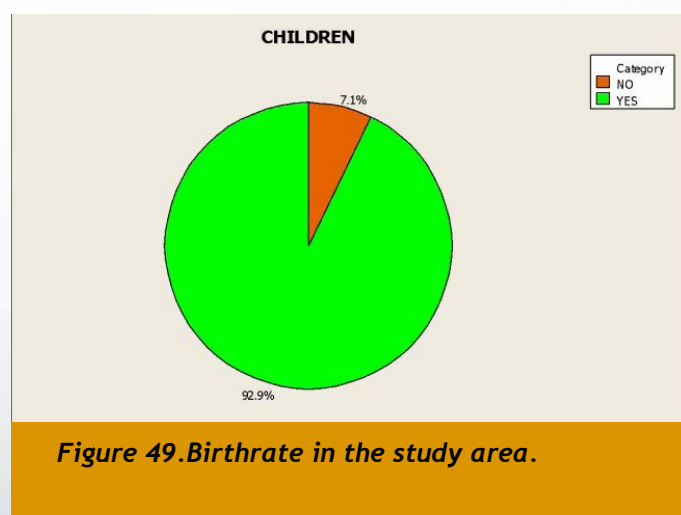
The language of communication in



these regions was majorly Kiswahili and native languages as represented in the



pie chart. 57.1% of the respondents could fluently communicate in Kiswahili, 28.6% speak native language while only 14.3% could fluently communicate



in English.

3.1.6 Birthrate

The rate of child birth is high as 92.9% of those who were interviewed had children, those who were free to disclose the number of children had six children and seven children at highest and two children at lowest, only 7.1% of the respondents at their reproductive age had no children.

3.1.7 Occupation

Most of the residents in the area are engaged in various occupations with most being employed in farming, the area is good for agriculture with so many wetlands and rivers in between,

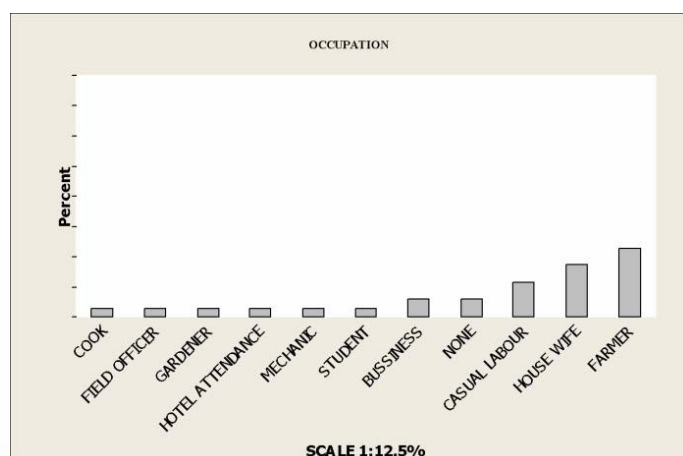


Figure 50. Occupation of residents.

residents majorly engage in subsistence farming rather than commercial farming, 28.6% of the respondents were farmers while 21.4% of the 46.4% women respondents were housewives, the research found out clearly that although the right to work and own property is assured by the Kenya constitution Kwale communities still favors men in economic developments, as most of them are house wives left in houses as men go out to farm or look

for other jobs to feed the family.

3.2 Civil Societies

3.2.1 Civil Society Present

One of the study elements was to inves-

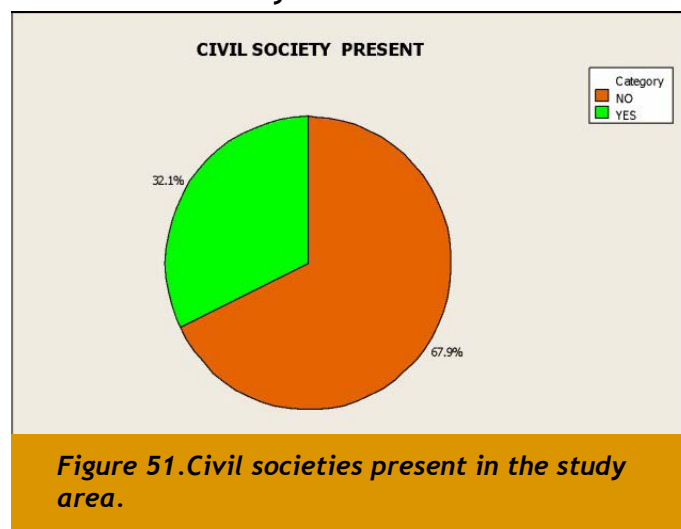


Figure 51. Civil societies present in the study area.

tigate whether there are other civil societies working with communities and if they are dealing with environmental issues. 67.9% of the respondents had no idea of any civil society organizations which are working with the community while 32.1% knew there is civil society organizations work with the community. Only 17.9% of the respondents knew of organizations that deal with environmental issues. About 82.1% had no idea of any civil society organization within their community. 85.7% of the respondents agreed that there is need for a

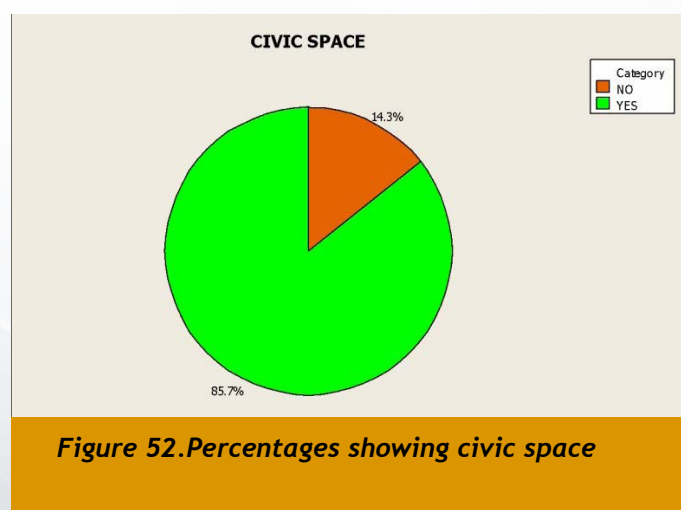


Figure 52. Percentages showing civic space

greater civic space in their communities while 14.3% saw no need for civic space within the community.

3.2.2 Civic Space

Civic space serves as a stage for public lives. Civic space can be the settings where celebrations are held, where social and economic exchanges take place, where friends run into each other, and where cultures mix. They are the drive to public institutions - post offices, courthouses, and federal office buildings where we can interact with each other and with government. Most of the people in Kwale to about 85.7% of people interviewed saw the need for a greater civic space within and among the communities; most of them feel abandoned and isolated, only 14.3% were contented with the level of civic space within and among their communities.

3.2.3. Safety

As more and more people move out of these area because of relocation by the company or because there is less social amenities facilities as there is lack of infrastructure and low development

activities as the company demolished churches, schools, and hospitals, 57.1% of the respondents feel unsafe working within their communities and in the company , there were wild animal and crocodile attacks from Mkurumudzi dam, crocodiles and wild animals had found home within the abandoned homes and the remaining few people can no longer fight back wild animals, farmers can no longer protect their crops against wild animals, the employed class feel unsafe walking to work in early hours and as they return home in late hours. 39.3% felt safe working in the company and within their communities, 3.6% did not feel safe or unsafe.

3.2.4 Environmental and human rights defenders attacks

92.9% of the respondents had not witnessed any environmental and human rights defenders attacks within the community while 7.1% had witnessed cases of EHRDs attacks. Most of the attacks happened during Base titanium land acquisition as youths held small streets demonstrations campaigning for

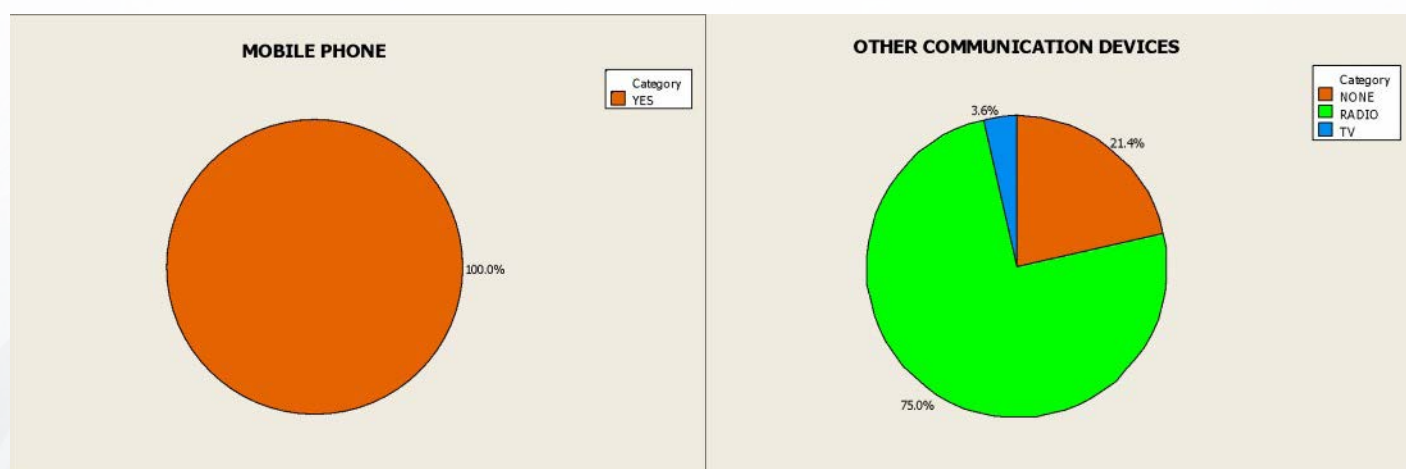


Figure 53. Mobile phone access and access to other communication devices.

fair relocation and compensation process.

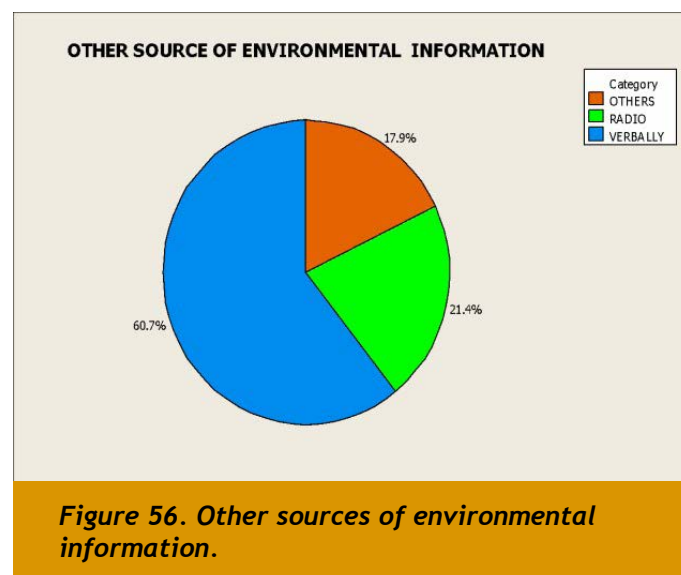
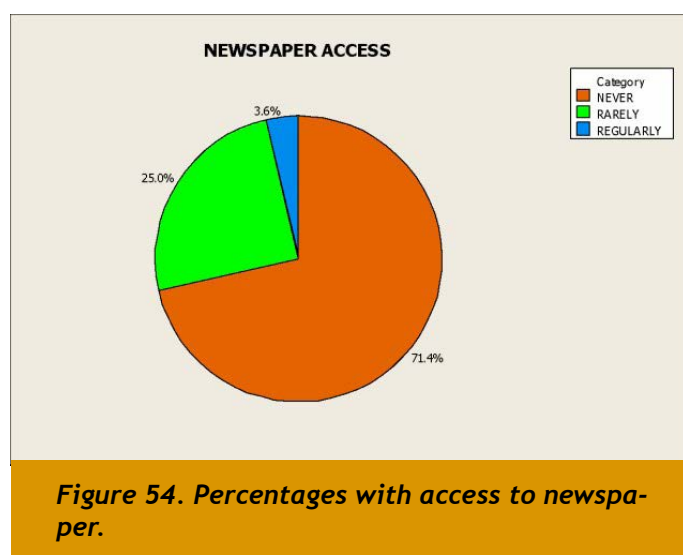
3.3 Access to Environmental Information

3.3.1 Mobile Phone access

In this section we were assessing whether the respondents receive envi-

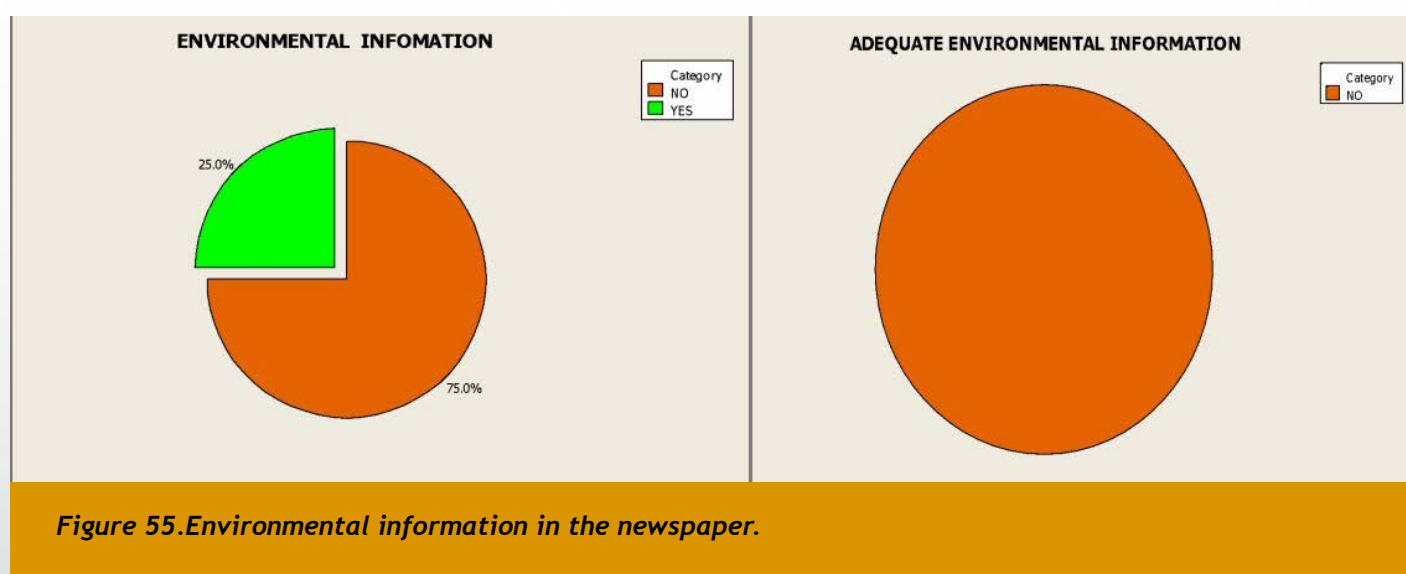
of the respondents had access, while 21.4% did not have radios and TV sets , this factor is much contributed to lack of electricity connection within the community. 75% of the respondents had access to radio devices.

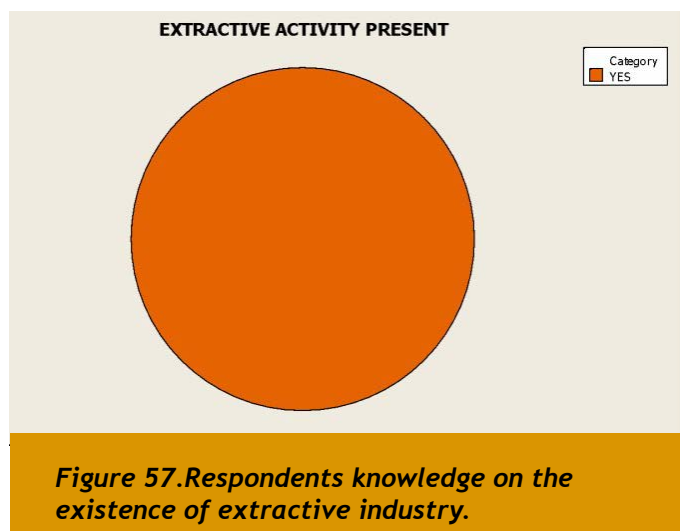
The type of phones mostly used in the



ronmental information through the available modes of communication ensuring the right to access to information. All of our respondents had access to a mobile Phone. The other modes of communication within the community are ; Television sets were only 3.6%

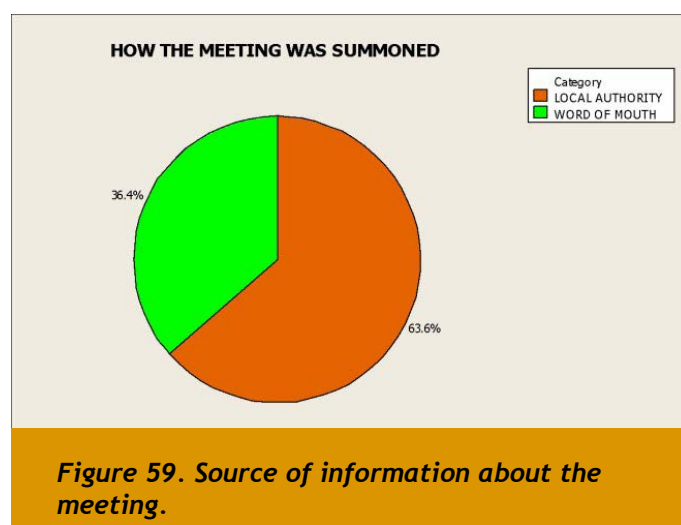
community is the “call and messaging phone” with 92.9% of our respondents. Only 7.1% of the respondents had smart phones but with limited internet usage to make battery last many hours as they have to walk a distance and pay phone changing fees. With 96.4% of the





remote setting.

Among the 28.6% of those who access

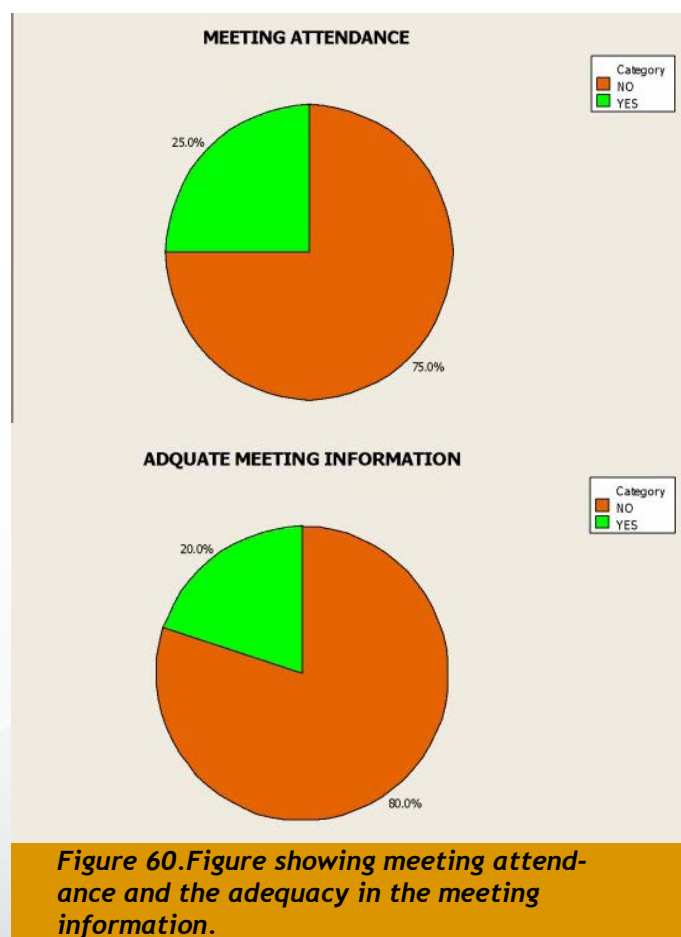
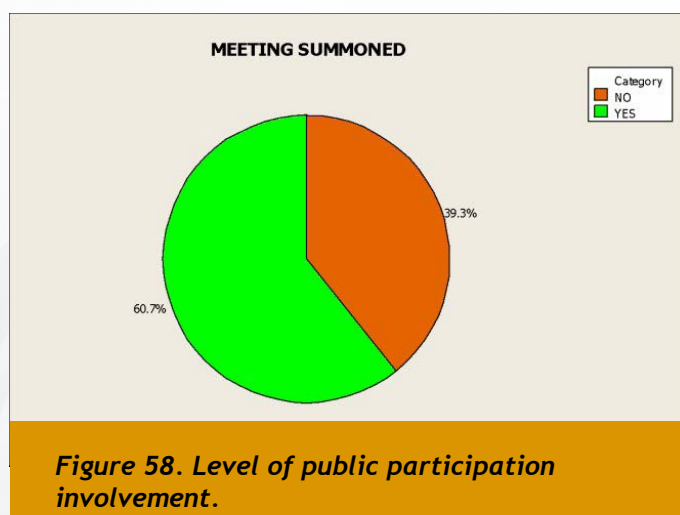


newspaper only 25% of them admitted to get environmental information through newspapers while 75% got no environmental information in newspapers. All those who had access to newspaper say there is no adequate

respondents who have access to radio and TV sets had three radio stations which are frequently listened to, 39.3% listen to Kaya FM, 17.9% listen to Citizen FM, 10.7% listen to KBC. 7.1% of the respondents listen to Pwani FM while the rest of the respondents listen to Baraka FM, Kiss FM, Nation FM, Milele FM and Citizen TV with 3.6% each station

3.3.2 Access Newspaper

With establishing whether the respondents have access to newspapers only 3.6% of the respondents regularly access newspapers, 25% access newspaper rarely while 71.4% had no access to newspapers, the contributing factor for access to newspaper is the rural and



environmental information.

The survey found out other sources to access environmental information within the community were 60.7% of the respondents got verbal information, 21.4% get environmental information through radio while 17.9% of the respondents got others ways of getting information which included phone short message services.

3.4 Corporate Accountability

3.4.1 Extractive Activity Present

Section C of the survey questionnaire focuses on the corporate accountability of mining and extractive industries towards their host communities with focus on environment and human rights. All the respondents knew of the extractive activities going on in the community with the company being Base

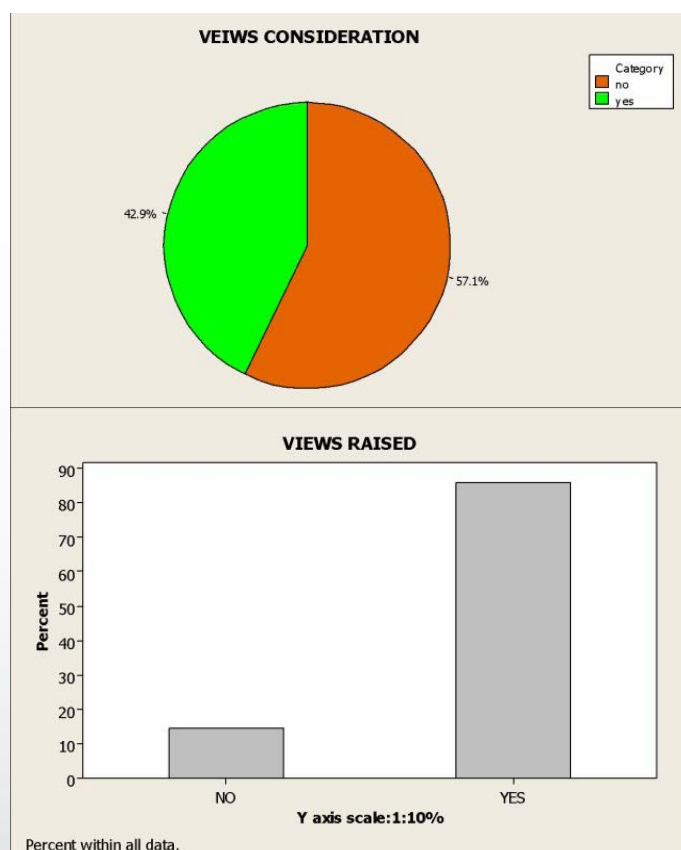
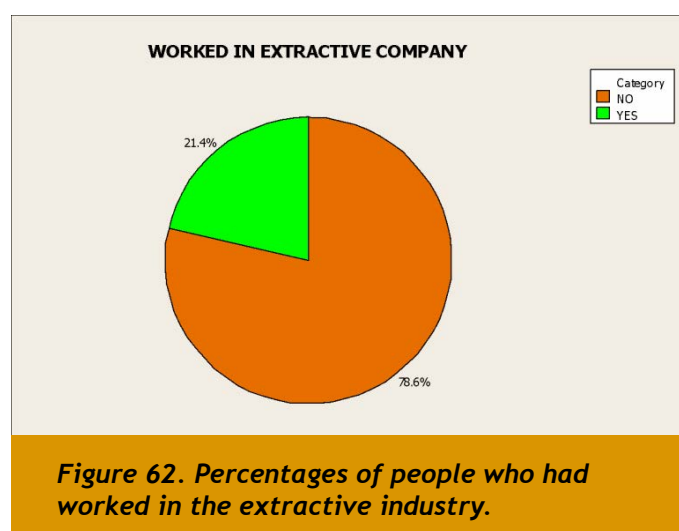


Figure 61. Views raised and views considered.

titanium.

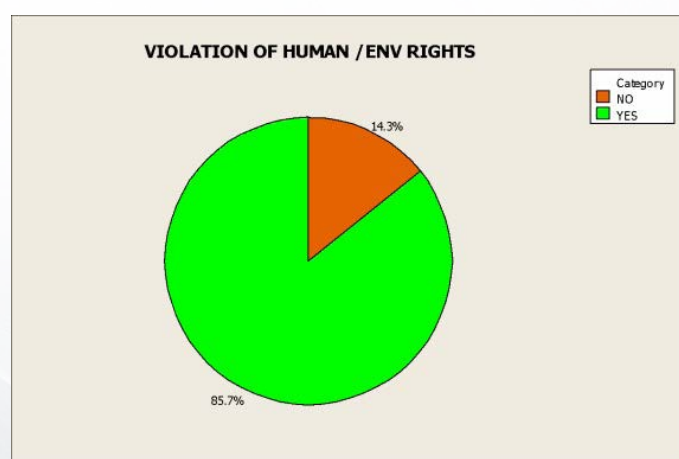
3.5 Public Participation

One of the research objectives of the field study was to establish whether a meeting was summoned prior to the establishment of any extractive activities in the community. 60.7% of



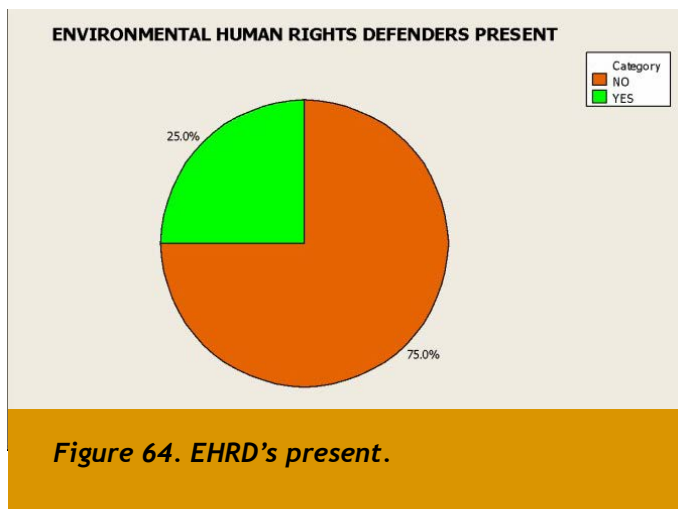
the respondents were not aware of any meeting summoned prior to the establishment of Base titanium, while 39.3% knew that a meeting was called before the establishment of Base titanium.

63.6% of those who knew about the meeting heard it through the local authorities mainly being the area chief, sub chief and village elders, while 36.4%



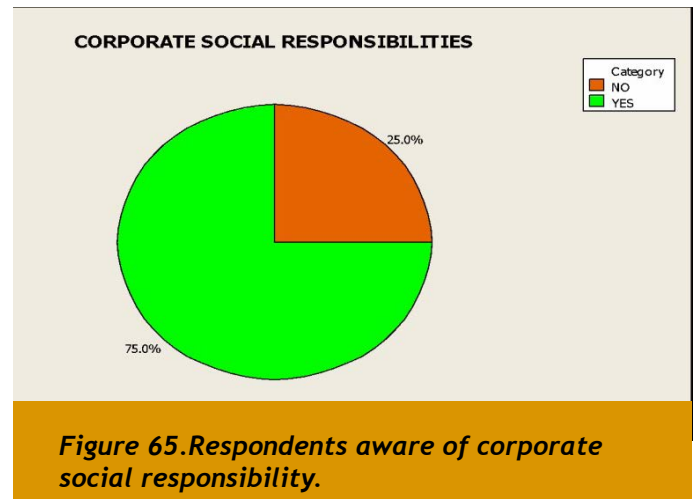
heard about the meeting through word of mouth mainly from friends.

75% of those who heard about the meeting did not attend, only 25% attended the meeting. 80% of both those who attended and those who did not attend the meeting did not get adequate information while only 20% got enough information about the meeting summoned.



3.6 Community views

Among the 25% respondents who attended the meeting 85% said community members raised their views about the extractive project. 15% of the respondent said no views from the community about the project were raised. The question whether the raised community views were considered during project establishment and during project operation had it that 57.1% of the respondents who attended the meeting say the community views raised were not considered during the project's operations which included employment to the local communities although 60% of the company's employees come from Kwale very few among them are from the villages surrounding Base titanium. On water supply the company has dag



only one boreholes in each surrounding village but it has supplied piped water in villages far from the area. The same has been done on health centers, schools and development projects but this have been set up in communities away from the company while neglecting the adjacent communities. 42.9% of the respondents said community views were considered by the company.

78.6% of the respondents had never worked in the company and 21.4% had worked with the company, the study revealed factors influencing these percentages are that, the company employs people from Kwale County but not within the communities hosting it. Those who get employment like Mr. Kaswafi's son a resident of Nguluku village said he got a 3months casual contract job after a long time push for employment.

3.7 Environment and human right

The company being an opencast mining, there is need to find out if it imposes any environmental degradation or infringe any human rights. 85.7 % of the respondent's confer that the industry has caused environmental degradation and infringement of human rights.

Environmental degradation consisted of noise pollution, water pollution, mainly being high water turbidity, change of water taste and low crop production, while human rights violation consisted of health problems mainly eye irritations during dry seasons, residents had been denied access roads that's join communities, unfair land acquisition procedures, unjust compensations and relocations, the people of Mumba and Nguluku suffered isolation as many of their community members were relocated or migrated to other places for better livelihoods. 14.3% of the respondents saw no environmental degradation or infringement of human rights associated with the company.

For the past years media has been publishing reports of small demonstration held by the Nguluku community demanding fair compensation and proper relocation procedures, our study was found out whether there had been environmental and human rights defenders present in the community and 75% of the respondents did not know any existing EHRD present in the community while 25% of the respondents knew of EHRD present in the community

3.8 Corporate social responsibilities

Corporate social responsibilities improves the livelihoods of the adjacent communities and increases the project acceptance by the local communities, during our research 75% of the respondents knew of the projects that the company has implemented within the community for social economic developments, these projects included drilling

of boreholes, greenhouses for agriculture, piped water, hospital and schools.

3.9. Soil and water samples

For further analysis soil and water samples were taken from River Mukurumudzi, borehole water and community soil as illustrated below:

Item	Place	GPS Coordinates
Soil sample	Maumba	S04o23.107' E039o27.627'
River water	Nguluku	S04o22.396' E038o27.183'
Borehole water	Bumamani	S04o23.271' E39o24.992'

Recommendations

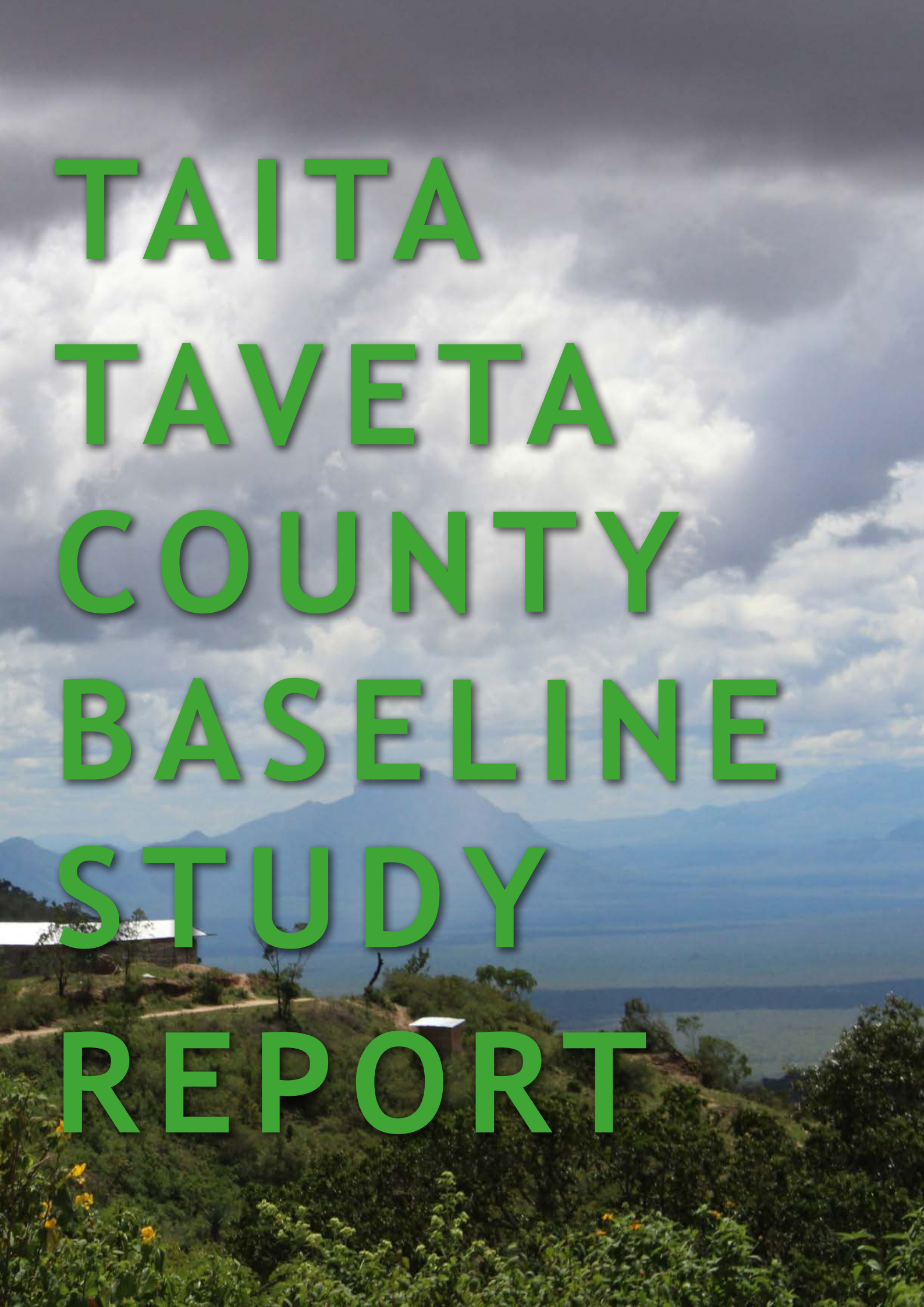
- The study recommends that environmental and human rights awareness sessions be held among the communities to bring social cultural change in the community.
- Land acquisition, relocation and fair compensations of communities hosting extractive industries should be done fairly and in an equitable manner.

Conclusion

Government of Kenya should put more policies that strengthen corporate social responsibilities in the extractive sector.

There are environment and human rights defenders within these communities but they are unidentified and work at low profiles as they know the imposed threats from the company and government.





TAITA TAVETA COUNTY BASELINE STUDY REPORT

1. Introduction

Taita Taveta County is in the Coastal region of Kenya. The county is located at coordinates 3.3161° S, 38.4850° E. The county has an area of 17,084.1 Km². According to the 2009 Kenya Population and Housing Census (KPHC), the population of the county was 284,657, where females and males were 139,323 and 145,334, respectively. The county population was projected to be 306,205 in 2012. The projections indicate that the total county population will increase to 329,383 and 345,800 in 2015 and 2017 respectively.

Geological reports of surveys carried out at different times in this region show the presence of mineral deposits in the County and the neighboring areas. A report by Horkel (1980) shows that parts of Taita Taveta County has high and middle value gemstones including: Tsavorite (green garnets), red garnets, ruby, change color, blue sapphire, pink sapphire, green tourmalines, yellow tourmalines, rhodolites and kyanites. The main gemstone mining area in Kenya is in the Tsavo region, many small mining operations are located along a fault system extending from the Taita Hills of Kenya to the Uмба Valley in northern Tanzania, passing through the Tsavo, Kasigau and Kuraze areas. This is where Campbell Bridges discovered tsavorite in 1971 and where his company continues to carry out mining. Taita Taveta County is currently the main source of tsavorite in the world.

1.1 Data Collection Instruments and methods

1.1.1 Questionnaires

The primary tools used in Data Collection were questionnaires attached in Annex I. A total of 50 respondents were sampled from Magarini. Respondents targeted were those residing within the vicinity of the extractive industry and the salt workers. The results are presented in tables, bar graphs and pie charts.

1.1.2 Location coordinates

Location of samples collected was recorded by use of a GPS device (GPSMAP® 64s).

1.1.3 Photography

Photography and videos were also used to capture visual data.

1.1.4 Physical Observation

Direct observation was also incorporated. This primarily involved visiting affected communities within the vicinity of the salt companies and making observations with regards to their environment

1.1.5 Soil and Water Samples

Soil and water samples were taken from a variety of points within communities neighboring the companies. The samples were then taken to SGS Laboratory in Mombasa for analysis.

2. Findings and interpretation of results

2.1 Data Entry and Analysis

The data that was collected from the study was entered and analyzed by use of MINITAB software. The data garnered was majorly descriptive.

2.2 Distribution of Respondents

A total of 24 respondents were interviewed while 2 of the respondents declined. All the total population interviewed was men. This was because the area majorly consists of men who work in the mines and camp in the company's camp sites while some sleep in the underground mines.

2.2.1 Age distribution

Among the respondents Men of age 45 and above dominates with 46.2%, 19.2% of the respondents were of age between 15-24 and 35-44 years. 15.4% of the respondents were of the age 25-34 years.

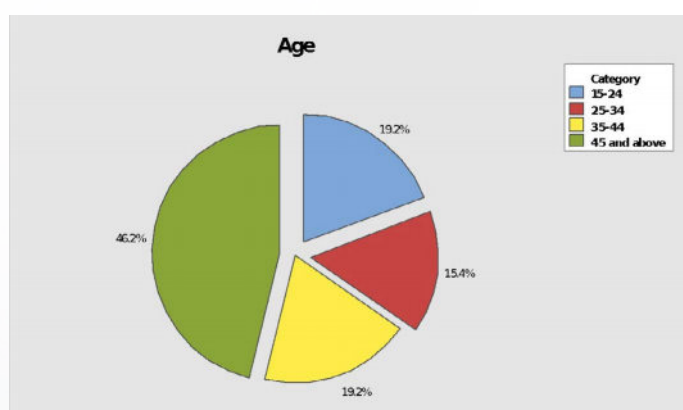


Figure 66. Age distribution in the study site.

2.2.2 Occupation

The survey established that the main source of livelihood by community members was mining of gemstones with 96.2% while only 3.8% of the respondents were watchmen at the Chawia minerals CBO Company.

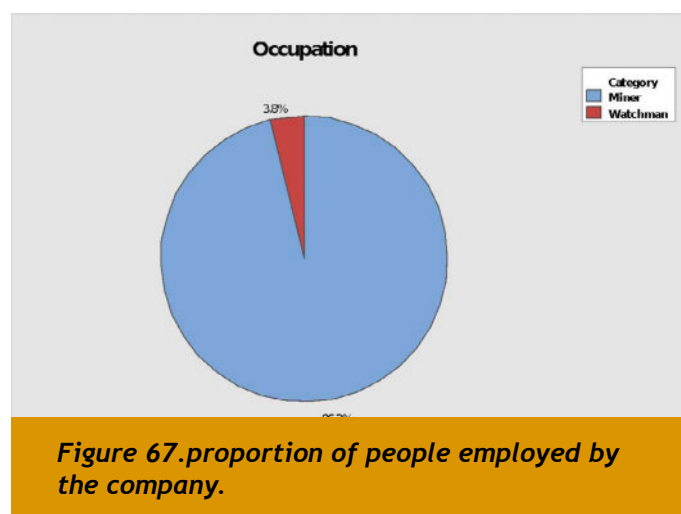


Figure 67. proportion of people employed by the company.

2.2.3 Literacy

The level of literacy among the interviewed respondents is very low with 60% of the respondents being primary levels, 28% had attained secondary levels while only 8% with collage education levels. 4% of the respondents did not attend any school.

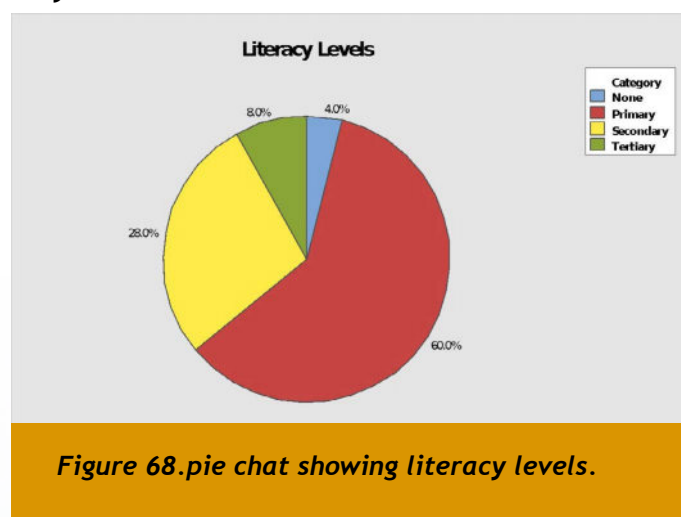


Figure 68. pie chat showing literacy levels.

2.2.4 Language

All the respondents interviewed were able to frequently communicate in Kiswahili, and only 30.8% of the respondents were able to communicate in English language while 69.2% of the population could not communicate using English as shown by the pie chart.

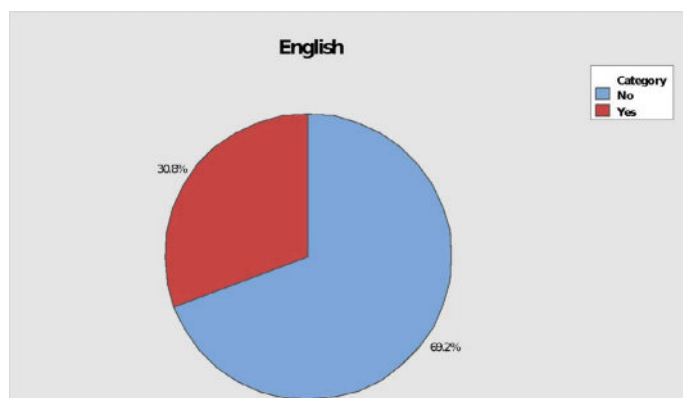


Figure 69. Percentages of language used by the respondents

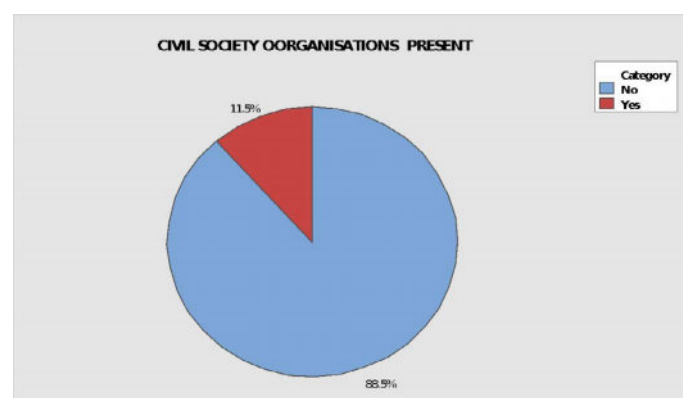


Figure 71. CSO present.

60.0% of the respondents interviewed were speakers of Taita language followed by Kamba with 16.0%. Kikuyu's accounted for 12.0%. Other vernacular languages in the community were Luo, Duruma and Kasigao accounting for 4% each.

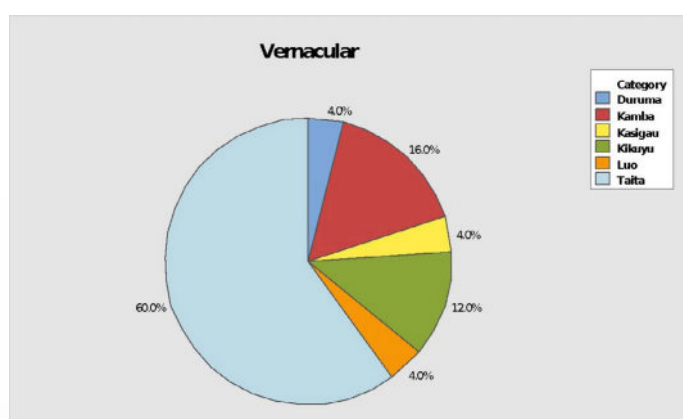


Figure 70. Vernacular languages as used by respondents.

mining. On the other hand, 89.5% of the people interviewed said that there were no CSOs that had ever visited or worked in the area before our visit. The respondents further explained that there had been no CSOs dealing with environmental issues within the community. However, they also felt that it was necessary to have greater civic space in the community that will aid in increasing awareness on safety. They also need the CSOs to help in bringing harmony between the workers and the employees from the companies.

2.4 Environmental human rights defender's presence

The study was also to find out if there were environmental and human rights defenders present within the community, 92.3% of the respondents did not know any EHRDs present within their

2.3 Presence of civil society organizations (CSO)

Only 11.5% of the respondents interviewed were aware of any presence of CSOs working with the community and they mentioned United Nation Development Programme (UNDP) that had visited them in the year 2015. The UNDP had promised shelter and food provision with emphasis on implementing better available technologies for

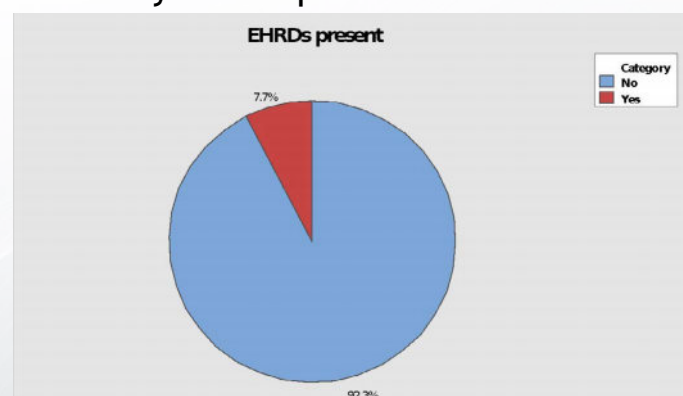


Figure 72. EHRD's presence.

community, only 7.7% of the respondents said they knew of their existence, which most of them mentioned former member of parliament Mr. Mwatela who had many times fought for better wages for mine workers and advocates for safety and health of mine workers.

The study also revealed that 96.2% of the respondents had not had of any EHRDs attacks within the community

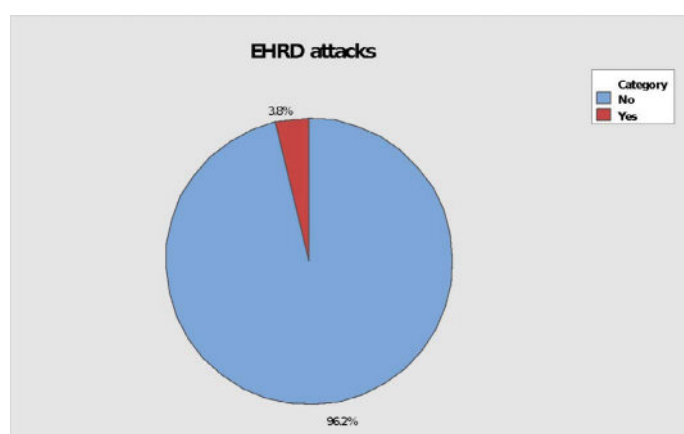


Figure 73. EHRD attacks in the region.

while 3.8% knew of EHRDs attacks within the community, with Mr. Mwatela as their reference they mentioned that he was intimidated by the mining companies higher authorities operating within the community while he was advocating for better wages, safety and health for workers. He lost his stakeholders share as a board member with Chawia minerals company while advocating for better wages for the Chawia mine workers as shown below.

2.5. Modes of Communication

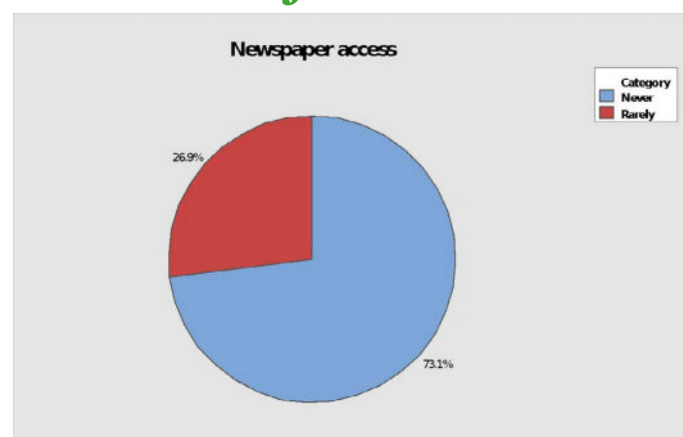


Figure 75. Newspaper access among respondents.

Section B of the research questioner was to assess whether the respondents receive environmental information through the available modes of communication ensuring the right to access information. Only 7.7% of the respondents had television sets that were functional and 50% of the respondents had radios. Only 4.0% of the people interviewed had phones that were internet enabled while 96% had the old model phone that could not access internet.

2.5.1 Newspaper Access

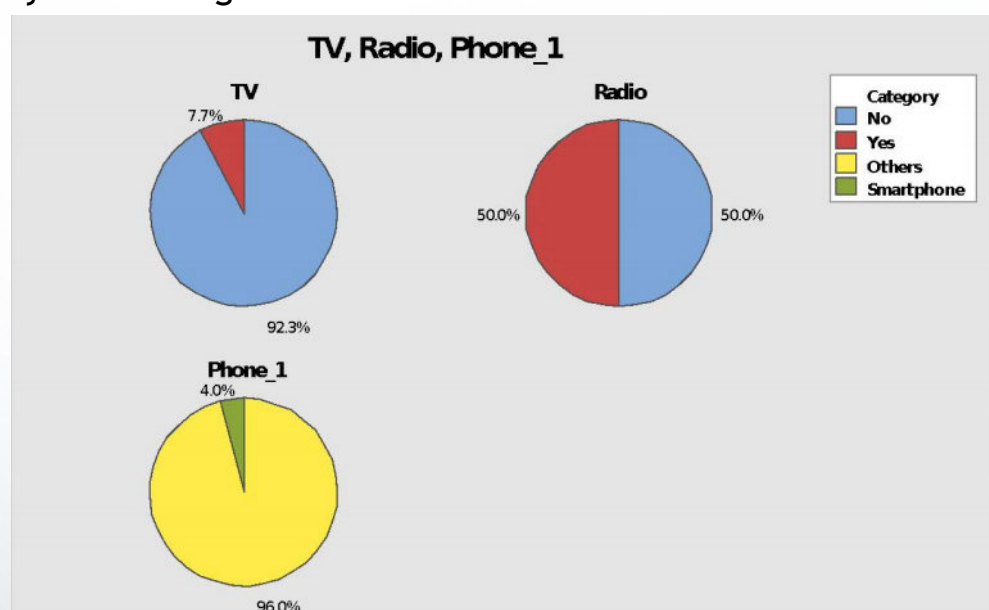
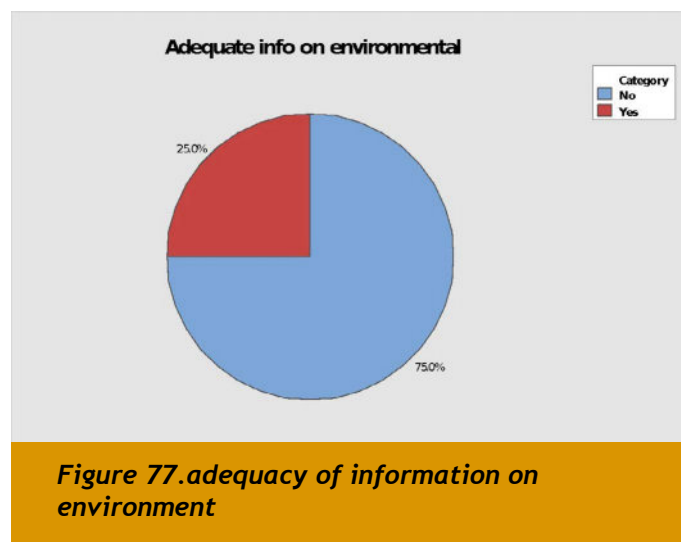
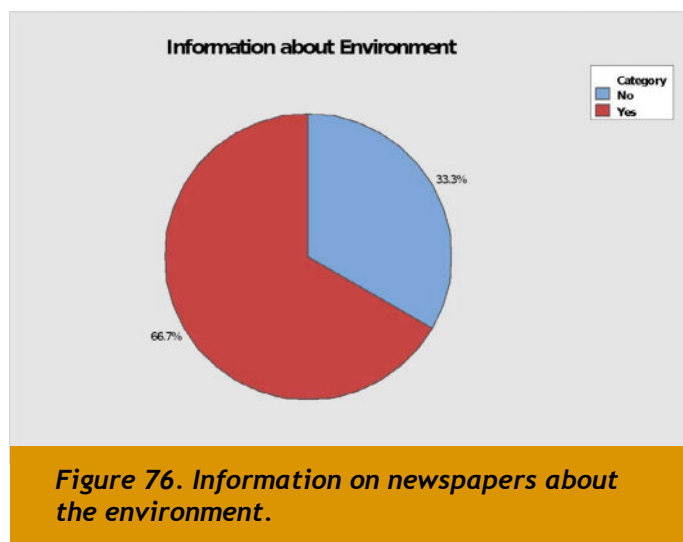


Figure 74. Modes of communication used in the area.



During the survey we established that 73.1% of the respondents do not gain access to newspapers while the proportion of the population that said that they get access to newspapers on rare occasions was 26.9% as shown by the pie chart below.

widely used to communicate environmental information to the community members represented by 65.4% on the pie chart followed by radio with 23.1%. 11.5% of the respondents registered that they never receive any environmental information at all.

2.6 Familiarity with Mining activities

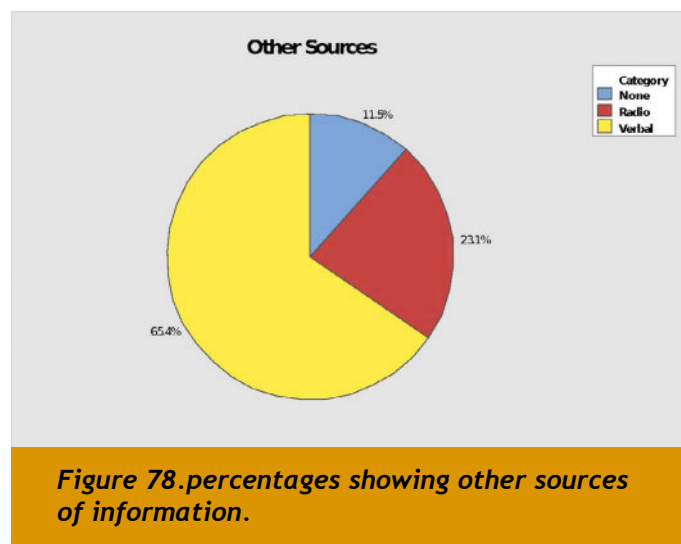
The survey indicated that 66.7% of the populations were aware that the newspapers contained some environmental information since they always find such information on the newspapers. The remaining 33.3% of the respondents said the newspapers do not contain any environmental information as shown by the pie chart on next page.

2.5.2. Adequacy of information on the newspapers

Only 25% of the respondents who read newspapers said the newspapers communicated some environmental information while the 75% of the population said that the newspapers did not contain any environmental information as represented in the pie chart below.

2.5.3 Other modes of accessing environmental information

Verbal communication was the mode



The survey established that all the respondents were fully aware of the mining activities that were taking place in their area of residence and they even mentioned some of the major companies that were operating within their location as shown in the graph below.

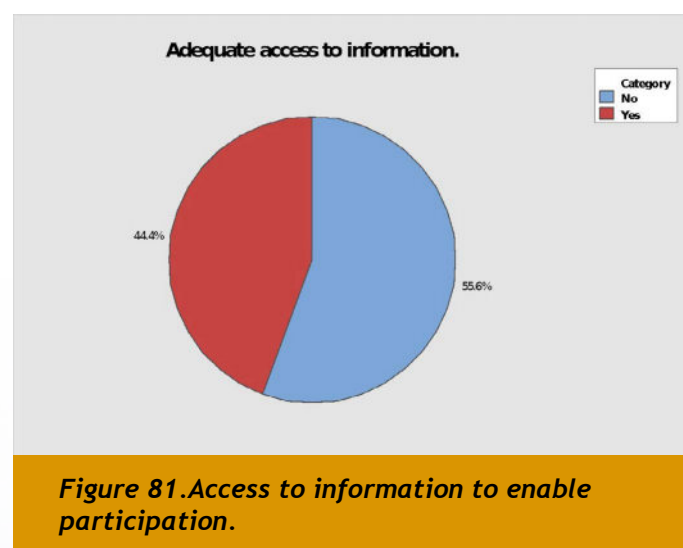
2.7 Public participation

2.9 Access to information to enable participation

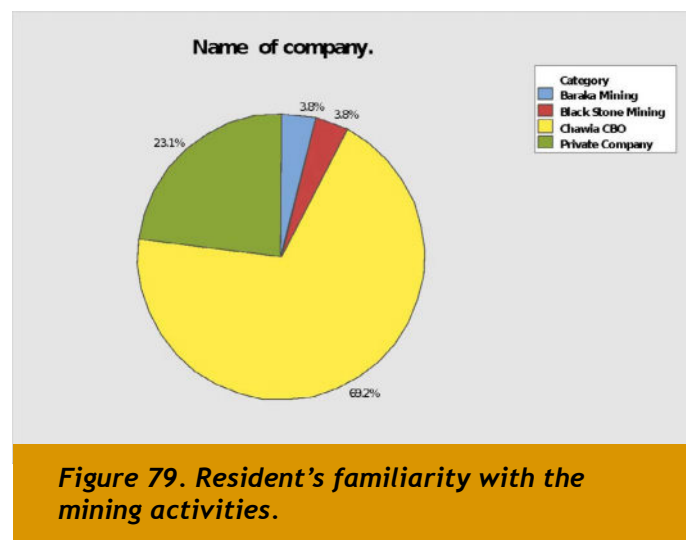
55.6% of the respondents who attended the meeting recorded that they did not get enough information on the agenda prior to the actual day of the meeting to enable them have effective participation. They felt that the meeting was not relevant because information was not well flowing and this denied them a full opportunity to contribute their views regarding the activities of the company. However, 44.4% of the population felt that the information that had been offered was sufficient to enable participation

2.10 Community views

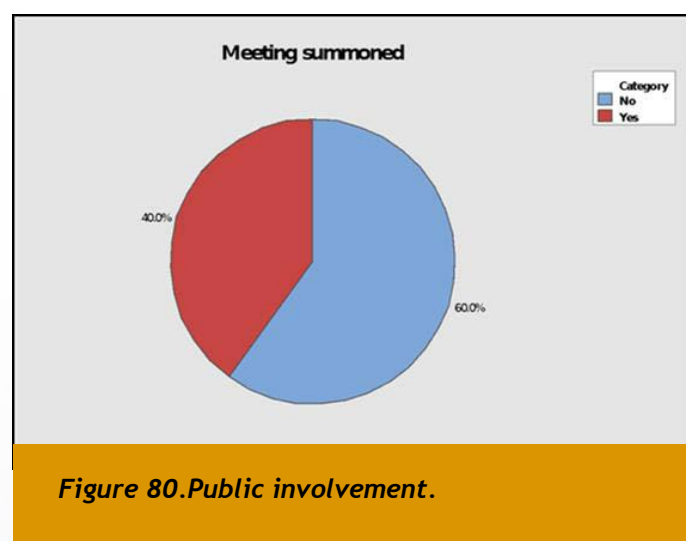
All the respondents recorded that the community members had raised some views for consideration before the commencement of the mining activities.



Some of the complaints raised were low wages paid to the workers, lack of protective gears at the mines, poor compensation after displacement and lack of land rehabilitation. The communities complained that the company was not performing its corporate social responsibility and they wanted the company to



During the survey, 40% of the respondents had participated in a meeting during the expansion of the company activities while 60% of the respondents said that no meeting between the community and the investors or the duty bearers was held prior to establishment of this company or at any stage of expansion.



2.8 Meeting invitation

A big proportion of the respondents who were able to learn about the meeting got the information from the other community members through verbal communication while others got the information through the local authority announcement as represented by 75% and 25% respectively.

invest more on improving education in the region.

2.11 Consideration of the views.

80% of the respondents said community views were not considered during the

operation of the mining company, most of the claims being poor wages where they claim to be only receiving Kshs 7,000 per month with hard labour, no sick leaves are given to workers, no personal protective gears as most of the mining is underground mining with blasting of hard rock for excavation. 20% of the respondents said the company had complied with the community views.

2.12 Worked in the company

The proportion of the respondent that had or was working in the cement company was 96.2% while 3.8% of the respondents had not worked in this company. This showed that a larger

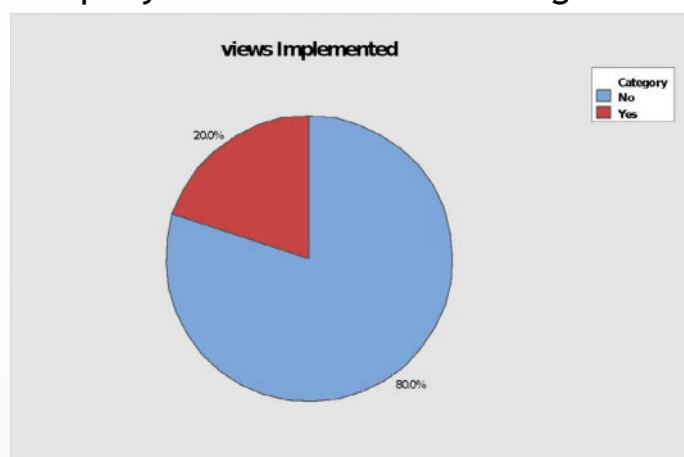


Figure 82. Views implemented by the company.

population of the community is dependent on this company for employment.

2.13 Infringement of rights by the Company

Most of the respondents interviewed claimed that there are violation of human rights and degradation of the environment associated with the company's activities. 69.2% of the

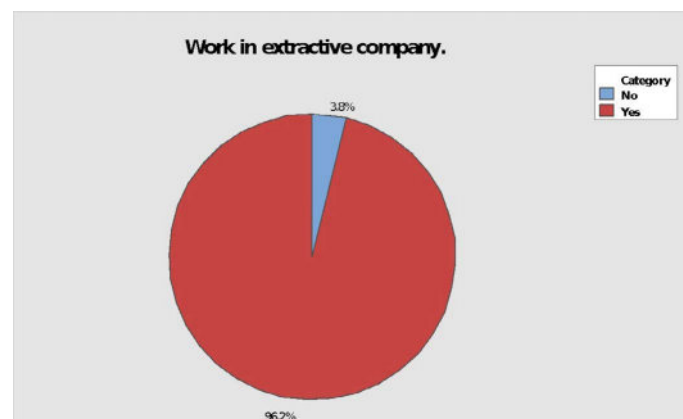


Figure 83. Residents who had worked in the company.

respondents narrated that most of the environmental degradation cases were un rehabilitated mine pits, blasting activates for underground mining, bush clearing and water pollution. Human rights violations included low wages for hard labour, no sick leaves and accident compensations, Mr. Dominic Kyengo Muteti who got his hand broken while working with the company was not compensated and this forced him to resign from the job. However, 30.8% of the respondents said they saw no environmental and human rights violation

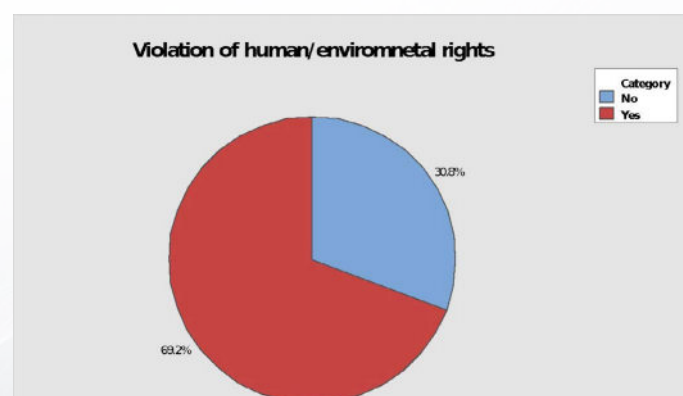


Figure 84. Violation of human rights.

associated with the company.

2.14 Corporate Social Responsibility

84.6% of the respondents interviewed said the company did nothing in improving the social economic development of the hosting community while 15.4% said the company is confirming to its social accountabilities to the hosting community.

Recommendation's:

1) Commissioning, monitoring and Decommissioning of corporate activities do not involve community members. NEMA must monitor to ensure community input through existing governance and CSO structures at all stages.

- Communities raised the facts that they have lost their land and livelihoods, they suffer social and environmental costs of the projects, they do not receive any benefits from the investments in their communities and they still have to contribute when it's time to pay back national debts through taxation. This must be considered throughout the processes of establishing corporate interests

2) Access to Information: -

- NEMA disseminates information through Newspapers, Televisions. This mode cuts out communities that are uneducated and poor. They cannot buy newspapers yet NEMA advertises for public participation in them.

- State needs to revisit decommission the case involving lead smelting industry in Changamwe, Mombasa County

(Owino Uhuru)

3) Access to effective Remedy

- CSO and state must work together to undertake processes involving prosecution of violations on the rights to a clean and healthy environment basing it on procedural environmental rights

- Determine contamination/pollution levels in communities hosting extractives and other mega projects and develop local compensation mechanisms.

- Discuss the probability of the need of Remediation/Restoration/ compensation of destroyed community assets at decommissioning of projectsThe EMCA act provides for the formation of County Environmental Committees that are supposed to discuss & make decisions regarding the environment. Many counties have not implemented this yet this can bring community and civil society voices on the table to discuss upcoming business projects and its possible impacts on the environment and socioeconomic rights.

- NEMAs Industrial Pollution Policy monitoring and control Policy is very wanting. Basically the whole strategy is that Business should self-regulate and provide statistics to NEMA. This is DEADLY for the environment.

Notes

Notes

Notes

Baseline Survey Report

January 2017 - January 2018

