LISTENING PROJECT: Mui Basin, Kitui County

Capturing Community Voices - A First Step towards Informed Dialogue in Kenya’s Extractives Sector

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The Extractives Baraza (EB) has commenced a series of county level information needs assessments known as the Listening Project. This commenced as a pilot on 1 April 2017 in Kitui County, a coal-rich region in Kenya, in partnership with the Aga Khan University – East African Institute for a period of 3 months. Considering the significant contribution of the extractives resources to the economy and the direct impact in the regions within which they are exploited, there is need to assess the situation at the county level in terms of community perceptions and knowledge about the sector. One recurring theme among affected communities is that national based stakeholders have failed to objectively capture and document community perceptions, experiences and knowledge of the sector or related sectors. EB recognizes that access to information interventions can best be informed by establishing stakeholder perceptions, knowledge, concerns and understanding of the extractives activities within their regions. The Listening Project provides a strong and critical avenue to assess and establish these perceptions, knowledge and concerns so as to inform innovative interventions for information access and dissemination involving communities, and elicit best (local) practices regarding community engagement. We hope to see this project establish critical information needs at the county level and inform best intervention mechanism by EB and other stakeholders especially the government and investors.
Source: Google images

For more Information about this report, contact us at:
EXECUTIVE SUMMARY

Overview

The backdrop of this study is that local communities and stakeholders at the county level hold certain positions, concerns, knowledge and perceptions critical to informing policy interventions at both national and county level. The information in this report, which focuses in Kitui County, a coal-rich region in Kenya, was gathered in a county-level information needs assessment conducted by the Extractives Baraza(www.extractives-baraza.com) based at the Strathmore University, Nairobi Kenya with support from the East African Institute – Aga Khan University, Kenya. The main objective of the needs assessment exercise was to get a basic understanding of the information needs and challenges that various stakeholders at the county level experience in Kenya’s extractive industry in order to inform the content and products that relevant stakeholders, including the Extractives Baraza, should create and share that is relevant and timely to the needs of these stakeholders. The ultimate goal of the project is to use these findings to influence key policy and project decisions by stakeholders at the national level based on documented community perceptions, knowledge and expectations at the county level so as to advance good governance of Kenya’s extractives sector.

Data Collection Methods

The study began with a two-week listening exercise with over 40 participants from the four Blocks A, B, C and D in Mui Coal Basin in Kitui County. The researchers held conversations with people who represented a broad cross section of their communities such as local area chiefs and community members, government officials and civil society activists, men and women, young and old including people with disabilities. Listening conversations included people who are directly affected by the exploration and those who will be indirectly affected as well as those who did not come from the affected region but were interested in the conversation as they are close enough to the process to have valid and interesting insights about the projects impact. Local people and experts who have
been part of the early reconnaissance phase also participated in the Listening Project. The conversations originally began as small group dialogues and grew into free flowing group conversations.

The study also utilized surveys with key participants from Civil Society Organizations, government representatives as well as business operators in Kitui town.

**Key Observations/Highlights**

1. Initial findings from the pilot suggest that the community is not opposed to the coal mining project, which is still in the exploration phase, but they want their concerns and complaints heard and resolved particularly those concerning land resettlement and compensation.

2. There is also a significant gap between the information seekers (community/CSOs) and those perceived to be information holders (national government, companies). Those with information – the national government, segments of the county government and the extractive companies - are able to access quality information that inform their decision making at project level whereas the civil society representing community interests and affected communities are left to depend on what they are told by politicians, media and the occasional meetings organized by the national government. The study reveals that the lack of adequate, quality and relevant information has created room for speculation and rumors and this has created suspicion and mistrust.

3. Stakeholder engagement on Mui Coal Basin has largely been undertaken by the national government with very little influence from the county government. Similarly, other government agents and agencies like agricultural extension workers, Water Resource Management Authority and Kenya Forest Research Institute are less aware of and do not link the impacts of coal mining to their work. The county government felt that they did not have a role to play especially because mining is a national function. There are a limited number of Civil Society Organizations (CSOs) working on extractives in Kitui County.
4. The findings additionally suggest a preference for public meetings (85.7 %) as the best information dissemination channel for county level stakeholders. Stakeholders in Kitui’s extractives sector i.e. CSOs representing the communities, business people, and the general public, largely depend on information disseminated through public meetings and conferences. Chief’s Baraza is regarded as the best avenue for meeting and disseminating information. The youths prefer an SMS platform to communicate and receive information. The internet network in Kitui is extremely unreliable plagued with regular power outages affecting maximal utilization of online information.

5. Community conversations revealed that most participants feel that relevant stakeholders such as the government and companies are deliberately withholding information from them. This was the most significant barrier to them accessing information about the coal exploration and anticipated mining in the area. Lack of information on land came out as the greatest issue of concern among those likely to be affected especially in whether or not they would receive a just compensation as well as the challenge of securing land titles.

6. Lack of information on land came out as the greatest issue of concern among those likely to be affected especially in whether or not they would receive just compensation as well as the challenge of securing land titles.

7. The local business community is yet to understand their role and the opportunities present in the coal mining industry in the region.

8. All the respondents of the survey as well as the participants of the community conversations expressed interest in engaging with the Extractives Baraza platform either through receiving regular updates, utilizing the information gathered by the platform as well as attending events organized by the platform

**Recommendations**

In light of these revelations on the exploration and future mining of coal in the Mui Basin, Kitui County, the following recommendations are suggested:
Recommendations to Government (National and County)

- The relevant government ministries both at the national and county level should work closely with the local communities to develop better and defined pathways and dissemination systems to communicate information on coal exploration and possible mining in the area. This will address the problem of miscommunication and conflicting information about coal exploration in Mui Basin.

- The national government should develop a robust framework of engagement mechanism with the county government to enable county government participation in matters relating to coal exploration in the county.

- The national government should provide clarity on how land adjudication, compensation and resettlement will be addressed. This will inform decisions regarding land and land use as well as negotiation strategies employed by the community.

- The county government should take the lead as a convener of public participation at the county level on matters relating to coal exploration and other mining activities. This will enable the county government better identify and address grievances raised by its constituents.

- Both national and county governments should establish clear and credible grievance processes for all grievances relating to the coal exploration activities in Mui Basin.

- Both the national and county government should urgently address the prevailing problem of the Liaison Committees for the four blocks whose term has already expired.

Recommendations to the investor companies

- Companies should invest in engaging local stakeholders especially from the early exploration stages so as to build trust, understand community grievances/concerns so as to adequately address them and attain a social license to operate.

- Companies should continuously and frequently share information about their operations, opportunities available as well as any potential negative impacts as well as their mitigation strategies.
Companies should proactively engage county governments to ensure a supportive operating environment

Recommendations to Civil Society Organizations (CSOs)

- CSOs should work towards building their capacity on the technical aspects relating to the sector to enable robust dissemination of information on coal exploration
- CSOs should sensitize community members on available grievance mechanisms at the county and national level for ease of accessing remedies
- CSOs should sensitize community members on the available opportunities in both employment and business as a result of coal exploration in the county. This should also include the anticipated negative impacts so as to manage expectations of locals
- CSOs should seek to build strong linkages with national level stakeholders especially CSO platform to facilitate and enable ease of access to certain information not in their possession
- CSOs should undertake evidence based advocacy i.e. consider carrying out scientific research to establish stakeholders concerns. The outcome should be documented to inform targeted advocacy
1.0 INTRODUCTION

1.1 Background
The extractives industry in Kenya has made great progress with the discovery of oil, gas and other large mineral deposits. These discoveries have largely been in regions that have historically been left behind in development. As such, there has been a renewed demand for greater participation by the public especially the affected communities to address their concerns over impacts and benefits. Despite the potential to catalyze development in the country and within regions hosting the extractives operations, the industry remains opaque, complex and one that is characterized by mistrust and suspicion between companies and communities on one hand as well as government and communities on the other. The mistrust can be attributed to information asymmetry within the industry either on the part of companies or government as well as unrealistic expectations and lack of understanding on how the industry operates on the part of communities.

1.2 Profile of Kitui County’s Extractives Activities
Kitui County, located in Eastern Kenya and bordering Tana River, Taita Taveta, Makueni Machakos, Tharaka and Meru Counties, is home to several mineral deposits such as gypsum, magnesite, gold, asbestos, garnet, tourmaline, vanadium, silimanite, ilmenite, iron ore, pyrite, silica, epidote, diatomite, wollastoite, copper and graphite. Limestone is being excavated in Mutomo and mining of gypsum in Mwingi South and gemstones in Tharaka and Tseikutu.

According to the Kitui County Integrated Development Plan, Kitui County has a total of 205,491 households. The county has a total population of 1,012,709 with 52% female and

3 Kitui County Integrated Development Plan 2013-2017
48% male. The county has a high poverty rate of 60% against the national average of 45%\textsuperscript{5}. Most of the county largely relies on agriculture as the main source of livelihood. Other livelihood and economic sustenance activities include charcoal burning, sand harvesting and family businesses\textsuperscript{6}.

Of all the minerals that are found in Kitui County, coal has been identified to be the one in large commercially viable quantities and has attracted the attention of international investors. The Ministry of Energy and Petroleum started coal exploration in the Mui Basin, which covers parts of Mwingi East, Mwingi Central, Mutitu and Kitui Central sub counties, in 1999\textsuperscript{7}.

The coal rich Mui Basin covers around 500 square km and has been divided into four sections for mining development. The Blocks each identified by the letters A, B, C, and D covers parts of Mwingi East, Mwingi Central, Mutitu and Kitui Central Sub Counties of Kitui County. The Ministry of Energy and Petroleum drilled 76 coal exploration wells\textsuperscript{8} spread over the four coal exploration Blocks and has concretely established existence of commercially viable coal deposits amounting to at least 400 million metric tonnes\textsuperscript{9}.

The coal mining activities are projected to last for nearly 50 years\textsuperscript{10} and will, in all likelihood, involve relocation of members of the local community in the Mui Coal Basin to a new area to give way to the coal mining activities. At a minimum, it will require acquisition of land from the local community.

A Chinese firm, Fenxi Industry Mining Company (FIMC) together with the Kenyan partner Great Lakes Corporation, was given rights to develop half the area, Block C

\textsuperscript{6} Kitui County Integrated Development Plan 2013-2017
\textsuperscript{7} Constitutional Petition Nos 305 of 2012, 34 of 2013 & 12 of 2014 found at http://kenyalawreports.org
\textsuperscript{8} Ipsos Kenya, Kenya creates 31 more coal exploration blocks, Business daily March 16\textsuperscript{th} 2015 at www.ipsos.co.ke/NEWBASE_EXPORTS/.../150317_Business%20Daily_11_94123.pdf
\textsuperscript{10} According to the Ministry of Environment, Energy and Mining Investment at the County
(Yoonye – Kateiko) and D (Isekele – Karunga) in 2011. Another Chinese company, HCIG Energy Investment Company with Liketh Investments Kenya was awarded Blocks A (Zome – Kabati) and B\(^{11}\) (Itiko – Mutito) in 2015.

Mui Basin Blocks and Wells drilled\(^{12}\)

<table>
<thead>
<tr>
<th>Blocks</th>
<th>Block Names</th>
<th>Size of the Blocks (Km(^2))</th>
<th>Wells Drilled</th>
<th>Coal Intercepted</th>
<th>Deposits discovered</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Zombe-Kabati</td>
<td>121.5</td>
<td>8</td>
<td>4</td>
<td>400 Million</td>
</tr>
<tr>
<td>B</td>
<td>Mutitu-Itiku</td>
<td>117.5</td>
<td>8</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Yoonye-Kateiko</td>
<td>131.5</td>
<td>56</td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Karunga-Isekele</td>
<td>120</td>
<td>4</td>
<td>2</td>
<td></td>
</tr>
</tbody>
</table>

A Liaison Committee, made up of prominent professionals from the region as well as local leaders was formed and gazetted. Its purpose was to increase the depth of public participation. This committee was involved in every stage of negotiations until concessioning was done. The committee for Block C and D was elected in March 2012 and for Block A and B in June 2012. However, by the time the government and the investor were negotiating the Benefit Sharing Agreement (BSA), the committee’s work had already been done and therefore did not participate in the negotiations of the BSA\(^{13}\).

Sand mining is also a very lucrative business in Kitui County. In fact the County government through the County Ministry of Energy and mineral directorate is in the process of legislating the extraction of sand in the county. They have come up with a draft Kitui Sand Harvesting and Management Act, 2017 to regulate sand harvesting and sand trade activities in the county to ensure sustainable utilization of sand rivers and land resources so as to provide for equitable sharing of the accruing benefits.\(^{14}\)

\(^{11}\) [http://www.miningnews.co.ke/2015/05/20/kenya-awards-two-coal-blocks-plans-power-plant/](http://www.miningnews.co.ke/2015/05/20/kenya-awards-two-coal-blocks-plans-power-plant/) accessed 12\(^{th}\) May 2017

\(^{12}\) Ipsos Kenya, Kenya creates 31 more coal exploration blocks, Business daily March 16\(^{th}\) 2015 page

\(^{13}\) Constitutional petition no. 305 of 2012 found at [http://kenyalawreports.org](http://kenyalawreports.org) - page 1/32

\(^{14}\) Kitui Sand Harvesting Management Act, 2017
Charcoal burning is also a major source of revenue for most Kitui residents\textsuperscript{15}. The county government through a collaborative process with Kenya Forest Research Institute, the Charcoal Burners Association and Charcoal Transporters Association is currently developing charcoal burning guidelines to regulate the sector and increase County revenue\textsuperscript{16}.

1.3 Significance of the Study

This study is premised on the Constitutional provision of Article 35 (1) that provides for the right to access information from the State or other persons. The assessment will seek to establish information needs at Kitui county level, assess the effectiveness of methodologies used to disseminate information and the best way to address the existing information gaps.

Actual extractives activities in Kenya take place at the County level and hence the importance to establish the information needs of stakeholders in the counties. Ultimately, the responsibility to define, monitor and enforce norms and standards rests with county governments and communities concerned. The just-concluded national information needs assessment\textsuperscript{17} revealed a level of mistrust and suspicion between different stakeholders, an indication that this situation might be worse at the county level. The mistrust has been attributed to information asymmetry within the industry either on the part of companies or government as well as unrealistic expectations and lack of understanding on how the industry operates by the local communities.

In Turkana, where the East African Institute at the Aga Khan University has been conducting research for the last two years (2015-2017), the findings reveal that there was a mismatch on the information that people had—very little—and the activities of the oil companies. The sector in the region has therefore been characterized with mistrust, conflicts and a general suspicion among the players and the community members. For

\textsuperscript{15} The guidelines are available with the Kitui County Mineral Directorate.
\textsuperscript{16} Ibid
\textsuperscript{17} Information Needs Assessment Report on Access to Information in Kenya’s Extractives Sector (Extractives Baraza, February 2017)
Turkana, the local stakeholders can only learn from the mistakes of the early days and hope to engage better going forward. This study realizes that there is a great deal of similarities between regions with natural resources and access to information and therefore aims to try and fill the information gaps in as far as Kitui is concerned by making sure people have the information they need to make informed decisions and participate effectively in how their lives will be affected/impacted while exploration for resources is still ongoing. The idea is to identify the knowledge gaps and find ways to bring that information closer to the people so that they are better prepared to engage once actual exploitation of resources commences.

As such, the Extractives Baraza and the East African Institute at the Aga Khan University agreed to collaborate on a county-based information needs assessment in Kitui County. Coal exploration in Kitui County is still in its early stages which presents an opportune time to “start right” by engaging all the stakeholders and in particular, providing the necessary information to the communities in the Mui Coal Basin so that they are knowledgeable on how the mining will affect/impact them and are also able to engage the relevant stakeholders effectively. At the same time, results from the needs assessment will provide stakeholders at the national level with critical, relevant and up-to-date information about community thoughts and perceptions regarding the exploration stage of extractives projects at county level. In particular, the study identifies community issues that need particular attention regarding the coal exploration in the Mui Basin thereby enabling other stakeholders to develop concrete and targeted policy interventions. We hope to provide stakeholders with insights into how they may do better – insights that are uniquely grounded in the day-to-day experiences of the very people the projects are said to affect and equally benefit the most.

1.4 Objectives of the Study

1. To establish the information needs in Kitui county so as to inform tailored interventions to address the information gaps, help the communities make informed decisions and participate effectively in how their lives will be affected/impacted by extractives projects especially coal projects
2. To assess the effectiveness of the methodologies used to disseminate information either by government, companies or Civil Society Organizations at the County level

3. To establish how EB can advance the potential for local synergies in effectively disseminating information relevant to the needs of the stakeholders

1.5 Methodology

The study was carried out in three phases. The first phase was the identification of key stakeholders at the county administration through attending and participating at a three day consultation with private sector, community and county government organized by the Kenya National Commission on Human Rights and the Kenya Human Rights Commission in Kitui on the ‘Development of a National Action Plan on Business and Human Rights and later attended several County organized meetings/ workshops in which we participated and contributed our expertise on Sand Mining County Bill, as well as Charcoal Burning and Transportation Guidelines. This made it much easier to have conversations thereafter about the essence of our research as we had already gained trust and affirmed ourselves.

The second phase was the identification of 14 individuals representing CSOs, Government and business who either work in the sector or impacts their work in one way or another. These identified individuals filled the questionnaires after we gave a brief introduction of the work of EB, and the objectives of the study.

In the third phase, we made arrangements to meet with community members from blocks A, B, C and D in Mui Coal Basin. We met a total of 42 individuals overall in groups of 10 or 12. Community champions identified by Caritas Kitui, a local organization, which is the social, development and advocacy arm of the Catholic Church mobilized the participants.
1.6 The Listening Model

The EB utilized the participatory action research model in which we involved the local players to participate in both the planning and execution of the process. The community members were in charge, all we did was introduce the topic and objective of the study and leave it to them to carry on the conversation as we listened and sometimes respond where necessary to clarify some areas for in-depth discussions. Most meetings took approximately an hour and a half.

The views and experiences of the people who are likely to be most affected by extractive projects often go unheard or undocumented, even though they are an invaluable source of insight into a project’s effectiveness.

The conversation around extractives has largely taken place in the capital Nairobi within closed hotel rooms with a few community members flown in at the expense of sponsoring organizations. Effectively, this means there is little representation of the constituents whose very lives are directly impacted by extractives projects. The lack of significant reserves of publicly available documented community voices is a potential barrier to effective public participation by other stakeholders.

Community perceptions are an underdeveloped source of information that can improve practice, leading to better policy outcomes. We wish to utilize this model - where the perspective of communities in which these resources are found is systematically solicited and used - to guide projects and policy decisions. In describing our work in Kitui, we look at the value of and access to information and what makes it useful.

1.7 Limitations of the Study

Time constraints did not allow for lengthy conversations. Many participants had a lot more to share regarding their interests and concerns. Some were also not able to attend these conversations as they live far. The study also coincided with the political party nomination activities scheduled for the region. This interfered with participation because
their attention was divided between waiting for the ballot papers, attending to political campaigns and participating in the conversations.

1.8 Structure of the Report
This report is structured in four chapters. Chapter one provides the introduction to the project denoting why we chose Kitui County, the objectives and the methodology of the study and a brief overview of the listening model. Chapter two provides the research findings of the assessment. We get to learn what people in Kitui are saying about mining in general and coal mining in particular and what their information needs are. Chapter three introduces the analysis of the findings. That is, synthesizing the findings and understanding their implications. In chapter four we provide a brief summary of the listening team’s reflections along with some of the questions, which seem to deserve more listening and analysis. We also provide recommendations and conclude with suggestions for further research.

2.0 RESEARCH FINDINGS

2.1 Research Findings of the Needs Assessment: What We Learned
The study utilized both quantitative and qualitative methods of data collection. In Kitui town, surveys were used to get information from key stakeholders in the industry and were seen as the best and most cost effective way to get a comprehensive and representative picture of the views of a broader population. The aim of the survey was to get a basic understanding of the informational needs and challenges of the various stakeholders in Kitui to determine the best way stakeholders can generate content and products relevant to the needs of the local stakeholders in Mui Coal Basin.

We also utilized public meetings, focus group discussions and community conversations as a way to gather data from the four Blocks of A, B, C, and D of Mui Coal Basin.
2.1.1. Part one – Survey Questions

This section reports on the stakeholder experience captured through questionnaires. The stakeholders are those based in Kitui town and include government, CSO, academia, businesspersons and other interested persons. Only fourteen questionnaires were filled out and returned from the 20 questionnaires given out.

(a) Responses on participant engagement in the extractive industry

14 stakeholders with 28 responses filled the survey as the question allowed for multiple answers. The responses were as follows: 21.5% identified themselves as government (policy makers – 3.6% and government officials - 17.9%); 7.2% were industry (industry/private sector (technical skills) – 3.6%, industry/private sector (non technical skills) – 3.6%); 42.9% of the responses were civil society organizations (community engagement and advocacy – 28.6% and media – 14.3%); and research training and academia and students – 17.9% and 10.7% indicated to engage because of a general interest in extractives.

![Figure 1.1: Engagement in the Extractives Industry](image)
Extractives Participation Sub Sectors

The study shows that there were sixteen responses with 8.3% of the respondents showing interest in the oil and gas sector, while 41.7 % of the respondents are involved or interested in large-scale mining. Those interested and or involved in artisanal and small-scale mining comprised of 58.3% and 25% of the respondents are involved or interested in all the three sub sectors.

![Figure 1.2: Extractives Participation Sub Sectors](image)

The respondents indicated they have varied periods of involvement in the industry. 61.5% indicated that they have less than 5 years of engagement, while 30.8% have been in the industry for 5-10 years with 7.7% have been involved in the industry for 15-20 years.

![Figure 1.3: Length of time engaged in Extractive Industry](image)
(b) Responses on use of information

Respondent’s use of extractives information in their work is varied with 29% of the responses indicating use extractive information to influence their work at county level while 25.8% of the responses indicated that they use the information to influence their work at community level. 19.4% use the information to keep themselves informed for professional growth while 16.1% use the information to influence their work at the national level. 6.5% indicated that they use the information to influence their work at the international level and 3.2% use the information for other purposes to which they did not specify.

![Figure 1.4: Responses on use of Information](image)

(c) Mode of accessing information

The respondents indicated varied ways in which they access extractives information. There were a total of 63 responses, 15.9% of the responses show that radio is the medium of receiving information, 11.1% through television, 14.3% through print media and
digital media – online newsletter and journals, 11.1% through social media, 9.5% through friends and 4.8% through other media. 19.1% of the responses show that public meetings and conferences was the highest-ranking mode of receiving information.

<table>
<thead>
<tr>
<th>Mode of Accessing Information</th>
<th>Percentage</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Radio</td>
<td>15.9%</td>
<td>10</td>
</tr>
<tr>
<td>Television</td>
<td>11.1%</td>
<td>7</td>
</tr>
<tr>
<td>Print media</td>
<td>14.3%</td>
<td>9</td>
</tr>
<tr>
<td>Digital media - online newsletters and journals</td>
<td>14.3%</td>
<td>9</td>
</tr>
<tr>
<td>Public meetings and conferences</td>
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<tr>
<td>Social media</td>
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<tr>
<td>Friends</td>
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</tr>
<tr>
<td>Other</td>
<td>4.8%</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>100.0%</td>
<td>63</td>
</tr>
</tbody>
</table>

Table 1.1: Mode of Accessing Information

(d) Preferred method of receiving information on the extractive sector
The study revealed that majority of the responses indicates 50% prefer to receive information through emails closely followed by public meetings and conferences at 42.9%. The least preferred method is social media with 21.4%.
Please rate your preferred method of receiving information on the extractive sector

<table>
<thead>
<tr>
<th></th>
<th>Never</th>
<th>Almost never</th>
<th>Sometimes</th>
<th>Almost always</th>
<th>Always</th>
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<td>2</td>
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<td>3</td>
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<td>Inadequate public engagement forums</td>
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<td>3</td>
<td></td>
<td>5</td>
<td></td>
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<tr>
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<td>3</td>
<td>3</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Stakeholders intentionally fail to disclose information</td>
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<td>1</td>
<td>1</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Other</td>
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<td><strong>Totals</strong></td>
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<td><strong>9</strong></td>
<td><strong>13</strong></td>
<td><strong>9</strong></td>
<td><strong>16</strong></td>
</tr>
</tbody>
</table>

Table 1.2: Preferred method of receiving information on the Extractives Sector

(e) Barriers to the availability and accessibility of information

A large number of respondents identified inadequate public engagement forums and stakeholder intentionally failing to disclose information as the main barriers to accessibility of information on coal mining in Mui Basin. Poor internet connectivity, technical jargon and mistrust of information sources followed closely ranking 4 on a 1 to 5 scale where 1 is the least barrier and 5 the greatest barrier.

The respondents identified barriers and difficulties that they face regularly in accessing information on extractives sector in Kenya and in particular coal mining in Mui Basin.
Table 1.3: Barriers in Accessing Information on the Extractives Sector

<table>
<thead>
<tr>
<th>Barriers in accessing information on the extractive sector</th>
<th>Never</th>
<th>Almost never</th>
<th>Sometimes</th>
<th>Almost always</th>
<th>Always</th>
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<td>Technical jargon</td>
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<td>5</td>
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<td>I don’t trust the source of information</td>
<td>2</td>
<td>3</td>
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<tr>
<td>Stakeholders intentionally fail to disclose information</td>
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<tr>
<td>Other</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>4</strong></td>
<td><strong>9</strong></td>
<td><strong>13</strong></td>
<td><strong>9</strong></td>
<td><strong>16</strong></td>
</tr>
</tbody>
</table>

Table 1.4: Credible Sources of Information

<table>
<thead>
<tr>
<th>Credibility in Sources of Information</th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NGO's/CSO's</td>
<td>18.8%</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government</td>
<td>12.5%</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development partners/Donors</td>
<td>15.6%</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Academia</td>
<td>18.8%</td>
<td>12</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mainstream media</td>
<td>4.7%</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Digital media - online newsletters and journals</td>
<td>14.1%</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public meeting and Conferences</td>
<td>14.1%</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Social media</td>
<td>1.6%</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>100.0%</strong></td>
<td><strong>64</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(f) Credibility of sources of information

Out of the 64 responses to the question on credibility of sources of information, the study revealed that 37.6% of the respondents trust academia (18.8%) and NGOs/CSOs (18.8%) as credible sources of information in the extractives sector. 15.6% trust development partners while 12.5% trust the government. The least trusted source of information was mainstream media (radio, TV, print) with 4.7% and social media with 1.6%. Digital media and public meetings and conferences were trusted by 28.2% respectively.
(g) Extractives Baraza website and newsletter

Only 15.4% have subscribed to the daily Extractives Baraza mailing list and updates while the remaining 84.6% would like to subscribe to the emails and updates.

![Figure 1.4: Engagement with the Extractives Baraza Platform](image)

(h) Respondents’ perceptions of the Extractives Baraza Platform

Most respondents did not respond to this question because they have never visited the website. Only three respondents have had an actual interaction with the platform.

<table>
<thead>
<tr>
<th>Kindly rate the Extractives Baraza website and newsletter on its content</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neutral</th>
<th>Disagree</th>
<th>Strongly Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Trustworthy</td>
<td>0</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Good quality</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Easy to navigate</td>
<td>0</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Table 1.5: Respondents perceptions of the Extractives Baraza Platform
(i) Useful information products

The following results show the information products by EB that respondents consider useful in receiving or participating in extractives sector:

<table>
<thead>
<tr>
<th>Useful Information Products</th>
<th>% of respondents interested in the products</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Useful Information Products</strong></td>
<td></td>
</tr>
<tr>
<td><em>(Highlights indicate the most popular)</em></td>
<td></td>
</tr>
<tr>
<td><strong>News</strong></td>
<td></td>
</tr>
<tr>
<td>Daily updates</td>
<td>35.7%</td>
</tr>
<tr>
<td>Weekly updates</td>
<td>50%</td>
</tr>
<tr>
<td>Monthly digest and analysis</td>
<td>50%</td>
</tr>
<tr>
<td>Monthly sector calendar of events</td>
<td>71.4%</td>
</tr>
<tr>
<td>Annual newsletter</td>
<td>57.1%</td>
</tr>
<tr>
<td><strong>Products</strong></td>
<td></td>
</tr>
<tr>
<td>Stakeholder directory (National and County based)</td>
<td>71.4%</td>
</tr>
<tr>
<td>Interactive maps (mineral occurrence)</td>
<td>57.1%</td>
</tr>
<tr>
<td>Frequently asked questions</td>
<td>7.1%</td>
</tr>
<tr>
<td>Explanation of basic concepts and glossary of terms</td>
<td>28.6%</td>
</tr>
<tr>
<td>Digital library – information database, online books, journals and publications</td>
<td>57.1%</td>
</tr>
<tr>
<td>Physical Library – Text book and journals</td>
<td>7.1%</td>
</tr>
<tr>
<td>Extractives Notice board - job connections</td>
<td></td>
</tr>
<tr>
<td>Extractives Notice Board – Tenders and Calls for Expression of Interest</td>
<td>42.9%</td>
</tr>
<tr>
<td>Extractives Notice Board – Calendar of Events</td>
<td>35.7%</td>
</tr>
<tr>
<td>Practical tools (for example – standardized contract models, standardized Community Development Agreement Models)</td>
<td>28.6%</td>
</tr>
<tr>
<td>Analysis of National and County policies and legislation</td>
<td>57.1%</td>
</tr>
<tr>
<td>County and community profiles</td>
<td>35.7%</td>
</tr>
<tr>
<td>Survey and data gathering</td>
<td>35.7%</td>
</tr>
<tr>
<td><strong>Training</strong></td>
<td></td>
</tr>
<tr>
<td>Training workshops and clinics on various thematic areas e.g. tax, health and safety</td>
<td>71.4%</td>
</tr>
<tr>
<td>Online specialized training courses (accredited or non accredited) for journalists, CSOs, others</td>
<td>42.9%</td>
</tr>
<tr>
<td>Internship and mentorship</td>
<td>21.4%</td>
</tr>
<tr>
<td><strong>Public Engagement</strong></td>
<td></td>
</tr>
<tr>
<td>Extractives Baraza annual agenda setting forum, community, government, and industry based forums</td>
<td>57.1%</td>
</tr>
<tr>
<td>Forums</td>
<td>Monthly forums to disseminate expert information</td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Regular engagements and updates on social media</td>
<td>Twitter</td>
</tr>
<tr>
<td></td>
<td>Facebook</td>
</tr>
<tr>
<td></td>
<td>LinkedIn</td>
</tr>
<tr>
<td>Others</td>
<td>• Ongoing projects, proposed projects</td>
</tr>
<tr>
<td></td>
<td>• Database of companies (who they are, ownership, current scope of work)</td>
</tr>
<tr>
<td></td>
<td>• Database of hard copy of information held by government</td>
</tr>
<tr>
<td></td>
<td>• Jobs portal in partnership with stakeholders</td>
</tr>
<tr>
<td></td>
<td>• Publishing space i.e. blogs and white papers for students</td>
</tr>
<tr>
<td></td>
<td>• Extractives projects in the region and case studies</td>
</tr>
<tr>
<td></td>
<td>• Social media: Tumblr, Instagram, Snapchat</td>
</tr>
<tr>
<td></td>
<td>• CSOs training on different aspects of the industry</td>
</tr>
</tbody>
</table>

Table 1.6: Useful Information Products

2.3 Research Findings Part 2 – Community Conversations

The findings are organized into key thematic sections in order to analyze and present the large amount of information we gathered. The selected quotes and examples illustrate the insights, perspectives and experiences that are representative of what we heard directly in conversations with community members and other local stakeholders.

2.3.1 Emerging Themes

2.3.1.1 Community Fears and Expectations

It is quite clear that on everybody’s mind is the question of relocation/resettlement of those to be displaced from their land to allow for coal mining operations. This is followed closely with the question of land adjudication process and compensation. Majority of the women participating in the conversations fear they will lose their land in this whole process. Families want to know what exactly will be compensated and at what monetary
value i.e. land, houses, livestock, cultural heritage etc. After compensation, where are people being relocated/ resettled? Are there several options available that one can chose from? Once they leave, will they still remain the beneficiaries or will relocation extinguish their land rights as the affected community. The community reported that the government has not been forthcoming with information on this despite repeated requests. The standard response they receive is that those concerns will be addressed at the appropriate time. Communities have no idea where churches, markets and water points are to be relocated but they have expectations that these will be taken into consideration.

The community also feels that the government has been very quiet in addressing their concerns on delineation of blocks in Mui Basin issue. Queries that they feel are yet to be fully answered are: Where are the physical boundaries between Blocks? What forms Block A, B, C, and D and what about those whose lands fall between two Blocks? How are they classified?

Information sharing is not uniform across all the Blocks either. Different Blocks have varying degrees of and sometimes-conflicting information. This creates a lot of anxiety and uncertainty among the communities in Mui Basin. Furthermore, residents in all the Blocks decried the absence of direct engagement between the mining company and the local communities. They know that Fenxi Industry Mining Company (FIMC) was awarded the concession but many opined that that the company has not been to the community to engage with the citizens.

In Block D, the community is suspicious of corruption and fears that their leadership has been heavily compromised. There is also the fear to question authority.

2.3.1.2 Ineffective Public Participation

Article 10, 69 (1) (d), 174 (c) and 227 of the Constitution provides for active citizenry in the running of the county affairs and all matters affecting the public interest. However many participants shared that the government and CSOs come with ideas of what they
want to do, often with little relation to what is needed or wanted by the communities. The sentiment among local communities is that these stakeholders sent to provide information to the community usually have their own selfish interests that they want to pursue.

The participants raised concerns over establishment of the Liaison Committee. Concerns include, how much the local community was represented in the entire process, and whether the Liaison Committee has effectively carried out its duties of engaging the community members in the conversations on coal mining in the area.

The Community members from Block A environs felt that no meaningful public engagement on the anticipated coal developments in their area had been carried out. For example, in Nguni (an area in Block A) people attended a meeting without a prior agenda in which they signed the attendance sheet, only to find out that the sheet was adjusted to read that they had participated in an effective public forum on land compensation. This has made them very wary of signing anything, as they fear they may be signing away their lands without knowing.

In Block B, the community shared that there was a meeting in which they chose a committee (Liaison Committee) to liaise with the investor and the community but they later learned that the committee was not forthcoming with information. For example, they demanded to know the exact location where coal is said to be located but the committee could not ascertain this or make any attempts to find out and share with them. The committee’s term has also expired and the community is still to receive a report of its work and does not know whether they are to choose a new committee or the term of the old committee is to be extended for a further three years.

Block D decried that the Liaison Committee is addressing none of their questions. The community complained that whenever they ask for information, they are referred to the BSA addendum, an addendum none of them has access to.
Another issue was that of how the relevant government ministries representatives are engaging people. Government approach sometimes involved incentives like money and refreshments which has created a level of dependency among local community members who refuse to participate in similar meetings if they are not “compensated” for their time to attend.

In a nutshell, the people would like to know the methods and mechanisms for achieving public participation in the matters affecting public interest. They argue that the relevant government ministry has not provided a clear and consistent public participation programme regarding the question of coal mining in Mui Basin. A variety of mechanisms must be explored to make sure that a reasonable opportunity has been offered to members of the public and all interested parties to know about the issue and to have adequate say and must include access to and dissemination of relevant information.

2.3.1.3 Land Adjudication Process in the Mui Coal Basin

Land ownership in Kenya is a national problem and this becomes more apparent particularly where these resources are being discovered as well as where there are prospects of large-scale infrastructure projects. Over 83% of the local inhabitants lack land titles due to lack of land adjudication. Only about 17% of land owners in the County have title deeds. The process of land adjudication and registration has been particularly slow.

The community conversations revealed a high level of mistrust and alleged fraud in the adjudication process. The surveying process has been marred with concerns over reduction of acreage without explanation, mandatory payment for surveyors allowances and fees by land owners (most of them are unable to pay the fees), and that the surveyor is using a map for the survey and not actual visits to their farms to ascertain their acreage. Many individuals are not able to identify their land on the map and fear that they may end

18 Minister of Health and Another v New Clicks South Africa (Pty) Ltd and Others 2006 (2) SA 311 (CC)
20 Kitui County Integrated Development Plan 2013-2017
up with the wrong land. After all, they have no assurance that that which is pointed out on the map is indeed their land. In some instances, the map shows different acreage than that which the owner believes he has.

Some of the emerging issues in the land question in the region are:

- The community has high expectations that with the discovery of coal resources, the value of the land has inevitably gone up and there are now family-level contests with children insisting that ancestral land be subdivided by their parents and given to them so that each owns their own titles to their land instead of one title.

- The government officials carrying out the land surveys do not actually do an actual estimate of the size of the land but provide a rough estimate without taking time to survey the size of the land. For example an estimate may be given as 1.4 hectares yet one’s land is bigger than that. The community members affected are worried that this may not be corrected and they will end up losing parts of their land. Furthermore, the residents are being forced to move 10 feet to create space for feeder roads on all sides of their land without any compensation being offered. Those who refuse to give the space have been denied an allotment number to be used in issuing title deeds.

Moreover, the community members alleged that in case of errors on their titles e.g. names, can only be corrected upon payment of Kshs. 5,500 to the surveyors. There is also a gender angle to this issue. The titles will most probably be issued in the name of the males of the households as was provided in the meetings. The women participants felt that, the issuance in the name of the males in their households risked their livelihoods as some men may squander the moneys compensated and leave their families destitute without proper resettlement.

In Block B for example, some individuals have title deeds but the names are not correct to sync with their identification numbers. Moreover, they alleged that the acreage on the titles does not match the actual size of their lands. The relevant officers from the National Lands Commission have yet to address these discrepancies. The community members
have written a letter to the survey office in Kitui Town to redo the survey and correct the wrong acreage.

Block C also had issues about the buffer zone (the area in sq. kilometers to be affected by coal mining). They want to know who falls within the zone and who is outside the zone. Also, if one falls outside the zone, does that mean they will not be affected by the coal mining process? They also shared that the process of land surveying and titling is very confusing. Some landowners are told to deduct parts of their land from the whole and they do not know why. For example, where two people share a fence, each is told to give up a certain amount of their land from their ownership.

The gender question also arose in regard to whose name appears on the title document. Women fear that only their husbands name will be used, as those are the names that were written down in the survey book. They fear that they will lose their land, for not being considered as joint owners of their property. Already in Ngaiye where limestone is being mined, compensation process has left some families stranded with no money because the male heads of the households have left with the money, leaving their families without land and or money.

In Block D, a number of people not from the area have bought land from the locals since the announcement of coal deposits in the area. At the same time, in some parts of the Block, land owners are required to pay for the survey of their land while in other parts, the activity is not charged. Nobody knows why the government, through the Ministry of Energy is paying for some parts and not others within the same Block.

2.3.1.4 Resettlement and Livelihoods

Residents from the 4 Blocks in Mui Basin complained about lack of clear information from the Liaison Committees (term already expired in 2015 and no action for renewal or formation of new committees exists) and the government (National and County) on plans
for the Resettlement and compensation. This information lacuna serves to pervade suspicion on the project since people want to know the timelines for relocation.

In the case of resettlement and livelihoods, the biggest challenge is that there is no clear information flowing from the government on whether there is a resettlement plan in place. This has led to speculation that there are plans to resettle communities in Sosoma, a region located between Kitui and Tana River. In the absence of official information from the government, speculation and misinformation abounds.

In Zombe, located in Block A, community members are concerned about when and where they will be moved. Are they to be moved as a community or several families will be moved and not others? What is the criterion for resettlement? Who leaves and who stays? These are some of the concerns people want addressed so as to be psychologically ready for the move. The current situation has led to rumors that people will be paid a lump sum and leave the area, or they will be paid some money and the rest put towards purchasing land elsewhere, or that an estate will be built for them with all the amenities they require and they shall relocate there. At the same time, non-locals have been reaching out to several individuals asking them to pay Kshs 5000 per family to join an association based in Athi River, an association that will negotiate compensation on their behalf at a fee of 30% of whatever is negotiated.

In Block B, they would like to know where they will be moved to, who will be responsible for social services investments in the new place, and most important, if they move, are they still the beneficiaries of Community Development Agreements (CDA) envisaged in the Mining Act or will they be required to relinquish their interest once they have been compensated and moved?

In Block C, even though the Ministry of Energy and Petroleum has opened a public relations office to provide information to the community, their work is yet to be seen. For example, this office is yet to explain to them what compensation will entail. The Liaison Committee is no longer operational since its term expired. Moreover, the community had an issue with its representation because the process by which members were chosen was very political.
The community in Block D indicated a lot of activity is happening without their involvement. At the moment, the land survey process is happening. They have no access to the BSA addendum and do not know what was negotiated on their behalf. They fear that the rich in the community who are hoarding information from the rest have hijacked the whole process as they are the ones who have access to information and are the ones making decisions in the name of representing the community. This has caused a division in Block D with some people feeling that those with money are trying to cheat them out of their livelihood.

2.3.1.5 Grievance Mechanisms
The Mui Basin Coal project does not yet have an existing grievance mechanism that seeks to manage complaints in a planned and systematic manner. The Liaison Committee would be best placed to establish a Mui Basin Grievance Mechanism, to resolve grievances on administrative issues and impacts directly related to company activities, but its term has expired. Even then, not all Blocks agree with the composition of the Liaison Committee. They argue that the representation includes people who are not residents of the said Blocks and technocrats who reside in Nairobi and may not fully represent the interests of those living in the Coal Basin. Also, the Committee has not been proactive in sharing information and seeking contribution from the community since it was established. At the moment, there is a proposal to establish a resettlement committee but its composition or when it is to begin its work is not known. If indeed one exists or is to exist, it will have to be complemented by a grievance committee established within the Mui Coal Basin to address grievances related to land access, resettlement and compensation issues. Such committee will require legitimacy at the grassroots level and may be required to include the local religious leaders as a meditative body that connects the community and the committees.

At the moment, all the Blocks have very little faith in the Liaison Committee and do not believe they can address any grievances fairly.

2.3.6 The Process and Phases of Coal Mining in the Basin
While it is clear that Fenxi Industry Mining Company (FIMC) is the concessionaire in Block C and D, the communities in Blocks A and B do not know who has been given the concession to mine in Blocks A and B. In addition, the community wants to know the various steps and processes of coal mining from concessioning to mining and in particular, at what stage each Block is at the moment. Are all the Blocks at the same phase or different phases? This information will help them anticipate the next steps as well as concentrate their questions to the current phase. So far, most of their questions are met with answers like that will be addressed at the appropriate time. This will also help them participate more fully and engage effectively during meetings and satisfy themselves that the proper stages were followed.

In Block D, the residents maintain that they have not taken part in any Environmental Impact Assessment (EIA) process and are not aware if any has been conducted. Block D decries their leadership and states that not one of them is forthcoming with information. In fact, some have rubbed the work of the few civil society organizations that are working hard to provide information to community members and referred to the organizations as alarmists.

KENCOAL, a Kenyan company, is currently conducting coal exploration in Nguni and Kasunguni area. This is an area located outside the four-zoned Blocks. In the conversations in Block A, residents were concerned about the nature of these activities and whether this was a new-zoned Block and whether the Ministry of Energy and Petroleum had allocated it. The residents reported seeing government owned drilling rigs even though none of the Ministry or any government official both from the national or county government has engaged them about these activities. The community is concerned as to how the government would permit KENCOAL to operate in an area that is yet to be zoned. Upon inquiry by the community members, the company insisted that the government is aware of their presence in the area yet the area Member of Parliament, the area chief, and County officials deny any knowledge.

2.3.7 The Roles of National and County Government
The National government has the mandate to license, issue permits and monitor large-scale mining activities. The new Mining Act, 2016 gives County governments the function of regulating artisanal mining and carry out sensitization and civic education. Under the fourth schedule of the Constitution, the functions and powers of the County government includes control of air pollution, noise pollution, county planning and development, implementation of specific national government policies on natural resources and environmental conservation including soil and environmental conservation. Since coal mining is likely to affect these functions, the role of county government is crucial.

However, the County government of Kitui has been very silent throughout this coal discourse. It has not reached out to communities in the Mui Coal Basin to find out their concerns, fears and expectations and neither has it shared any information on coal activities in the County. This has left the community feeling like their own County government at this critical moment has abandoned them. Moreover, in a constitutional petition before the High Court of Kenya in which Kitui residents brought an action against the government and the investor, the County government chose not to participate in these legal proceedings even though the matter affected its constituents and even after the High Court issued several express invitations to it to be represented as a party or amicus in the suit\textsuperscript{21}.

Additionally, the County government of Kitui was not involved in the BSA even though this would have been the best avenue to argue for community interests in the negotiating and drafting of the said agreement.

\textbf{2.3.8 Information Needs at the Community Level.}

The communities of the four Blocks of A, B, C, and D in Mui Coal Basin presented the following information needs:

\textsuperscript{21} Constitutional petition no. 305 of 2012 found at \url{http://kenyalawreports.org} - page 1/32
1. Information on other minerals available in the county apart from coal

2. When is coal going to be mined? What are the processes and phases of coal mining?

3. Compensation and resettlement plan (what is being compensated and how will the gender issue be addressed)? Who is being relocated and who will stay? How will the community members be involved in deciding how they want to be compensated and where to be relocated?

4. What will be the effects of coal mining on the environment?

5. What are the different roles of the national and county government in coal mining in Mui Basin and the roles of the different ministries involved? Is the term of Liaison Committee going to be renewed? Will the communities affected have a say on the formation of the committee? Will they have a different committee for each Block or one committee for all the Blocks?

6. Who is the investor(s) and when will they engage the community residents?

7. How does one define quorum for public participation?

8. What is in the BSA that was entered into between the Ministry of Energy and Petroleum, Ministry of Mining, the National Treasury and the investor as far as it concerns the interests of the local people of Mui Basin specifically the addendum to the BSA, which defines the economic benefits to be accrued to the local community

2.3.9 Mode of Accessing and Sharing Information

Currently, most of the community members in the four Blocks access information about coal mining from the civil society organizations operating in the area. Sometimes the national government through the Ministry of Energy and Petroleum organizes meetings at the community level. However, this only happened during the earlier stages of the process. Presently, they have not seen any government agencies coming to share information.

Since the Liaison Committee’s term expired, there has been no activity by the Committee in all the Blocks.
The following suggestions were presented on how the communities would like to access information moving forward.

- Existing structures in the community such as Chief’s Barazas, Radio (local radio but allow for question time so that it is interactive), NGOs operating in the area
- ToTs trained by the government or civil society to spread information to people
- Pamphlets (info graphic), posters synthesizing technical reports into easily understood documents
- SMS platform to interact and operate as a feedback loop
- ICT centers so that the youth in these communities can access information as well as learn about what is happening in other places where coal mining is taking place
- Public forums such as town hall meetings

2.3.10 Barriers in Availability and Accessibility of Information

The chief’s Barazas usually discuss administrative matters and none on coal exploration in the basin. Information on coal is handled directly by the government agencies concerned. In order to call for meetings on coal, the Chief’s must be authorized by their superiors. In this regard therefore, the chief’s are only used to mobilize community members upon request from the government agency that wants to give information. In some cases, meetings are poorly attended because of their location. The elderly or people with disabilities are the most affected by the distance they must travel.

Only a few CSOs in Kitui have programs on extractives. These CSOs share information that they come across with the community. However, they are not able to address most of the concerns presented, because they lack information on some of the government and investor plans. CSOs lack of technical capacity on coal exploration has also proven to be a hindering factor in addressing community concerns.
3.0 ANALYSIS OF THE FINDINGS

3.1 Analysis and Implications of the Findings

This section provides an analysis of the combined survey and community conversations.

3.1.1 Accessing Information

Stakeholders in Kitui’s extractives sector i.e. CSOs representing the communities, government, business people, and the general public, largely depend on information disseminated through public meetings and conferences. The internet network in Kitui is extremely unreliable plagued with regular power outages affecting maximal utilization of online information. A handful have information on the existence of EB and therefore utilize the information through emails. It is quite clear that people largely depend on what critical information the government shares, a stakeholder vested with the most amount of information on Kenya’s extractive sector.

People at the community level largely access information through Chief’s Barazas or CSO meetings. These forums are not regular or consistent. This means that information reaching communities through these forums is sometimes conflicting or ineffective for public engagement. There is also a lack of feedback loop to gather community concerns. The government agencies only come to communities when they have information to share, rarely to solicit views of community on what their concerns are. The community argues that they would first like to interrogate and understand the industry and how it affects them both positively and negatively before they can participate in any forums.

Moreover, availability of information must precede accessibility. This means that whatever information is to be shared must be understood by those affected or at the least provide a mechanism of interrogation to be meaningful. Documents must be simplified and if possible, provided in the local language for ease of understanding.
3.1.2 Disseminating Information

It is crucial that the different relevant ministries both at the national level and county level and the civil society organizations work together to coordinate information dissemination so that confusion does not ensue. In addition, the teams sent to the community to disseminate information must be credible and not perceived as pursuing their own selfish interests. The survey revealed that 37.6% of the responses from the respondents showed trust in information disseminated by academia and civil society organizations and 12.5% trust information given to them by the government.

The community indicated that CSOs are the most consistent stakeholders that disseminate information. They also felt that academia would be a great stakeholder in disseminating information as they are likely to be trusted as neutral. They further stated that academia has the ability and expertise to undertake further research in areas that are not clear thereby adding to the body of knowledge that is required to understand this new field – extractives and bridge the gap between CSO and government. Academia also has the capacity to collect, analyze and simplify bulky documents and technical language into much simpler information.

3.1.3 Extractives Baraza Platform

Many respondents have never heard of the Extractives Baraza, because it is a new platform. The small number 15.4% that has access to the website felt that there was room to include more relevant information such as analysis of major legislation for extractives as well as an inventory on the extractive companies in the country and where they are operating.

However, the study has confirmed that the platform would be very much welcome by all the participants. All those with access to internet provided their telephone numbers and email address to be added to the mailing list, SMS interactive platform and to have access to the EB website.
In community conversations, the participants indicated that they would like to have the platform provide them educational material in form of posters and pamphlets on the processes and phases of coal mining. Overall, all those that took part in the study look forward to the Extractives Baraza as a key stakeholder in the Extractives sector in Kenya.

4.0 REFLECTIONS

4.1 Reflections of the Listening team.
The study reveals evidence that the stakeholder engagement process within Mui Coal Basin, although seemingly well intended, was not carried out with full participation of the community to understand what is happening in order to make informed decisions. The majority of the local people in and around Mui Basin essentially feel that they are bystanders rather than active participants in the affairs relating to coal mining yet their lives will be changed by the mining, some for the better and some perhaps not. People of Mui Coal Basin are hungry for information about the anticipated coal mining activities and how this will affect their livelihood. The study reveals that the lack of information has created room for speculation and rumors and this has created suspicion and mistrust.

There are also very few organizations that are working in the area of extractives in Kitui. Most of them operate from Nairobi and do not have a local office. Most of the county government departments are not sure how the developments will impact their work and so do not see the need to take part in the conversations around the coal mining. For example, speaking to an agricultural extension officer about the effects of coal mining on agricultural activities and what their plan was, he was quick to point out that coal mining is a function of the Ministry of Energy and Mineral Deposits and not under his department.

4.2 Recommendations and Conclusion
In light of these revelations on the exploration and future mining of coal in the Mui Basin, Kitui County, the following recommendations are suggested:
Recommendations to Government (National and County)

- The relevant government ministries both at the national and county level should work closely with the local communities to develop better pathways to communicate information on coal exploration and possible mining in the area. This will address the problem of miscommunication and conflicting information about coal exploration in Mui Basin.
- The national government should develop a robust framework of engagement mechanism with the county government to enable county government participation in matters relating to coal exploration in the county.
- The national government should provide clarity on how land adjudication, compensation and resettlement will be addressed.
- The county government should take the lead as a convener of public participation at the county level on matters relating to coal exploration and other mining activities. This will enable the County Government address grievances raised by its constituents.
- Both national and county governments should establish clear and credible grievance process for all grievances relating to the coal exploration activities in Mui Basin.
- Both the national and county government should urgently address the prevailing problem of the Liaison Committees for the four blocks whose term has already expired.

Recommendations to the investor companies

- Companies should invest in engaging stakeholders especially at this early stage so as to build trust, understand community grievances/concerns so as to know how to address them and attain a social license to operate.
- Companies should continuously share information about their operations, opportunities available as well as any potential negative impacts and their mitigation.
- Companies should proactively engage county governments to ensure a supportive operating environment.
**Recommendations to Civil Society Organizations**

- Civil society organizations should work towards building their capacity on technical aspects relating to the sector to enable robust dissemination of information on coal exploration
- CSOs should sensitize community members on available grievance mechanisms at the county and national level for ease of accessing remedies
- CSOs should sensitize community members on the available opportunities both employment and business as a result of coal exploration in the county. This should also include the anticipated negative impacts so as to manage expectations of locals
- CSOs should seek to build strong linkages with national level stakeholders especially CSO platform to enable ease of access to certain information not in their possession
- CSOs should undertake evidence based advocacy i.e. consider carrying out scientific research to establish stakeholders concerns. The outcome should be documented to inform targeted advocacy

**Recommendations to Extractives Baraza**

- EB should facilitate regular county level consultative and feedback forums (dialogue forums) with the different stakeholders to build consensus and shape policy direction.
- EB should exploit the potential for local synergy in effective dissemination of information relevant to the needs of the stakeholders and amplify local voices at the national level
- EB should explore opportunities available for establishing a credible grievance mechanism for addressing grievances on mining operations in the county
- EB should explore use of alternative communication mechanisms e.g. SMS platforms to reach a wider pool of stakeholders at the county level
4.3 Suggestions for Further Research

While this study contributes to the information needs in extractives sector at Kitui County level, many possibilities for scaling to other resource rich counties remain. Therefore, this research serves as a starting point of the listening project. – In evaluating the extent to which community perspectives formed by information available and accessible to them, shape the nature of engagement they have in the extractives sector.

Furthermore, an in depth qualitative research is needed in relation to how government institutions use and disseminate information among themselves. Understanding such would be informative in how effective public participation is carried out.

While this study highlights the relationship between information holders and information seekers, it did not significantly study the barriers and challenges (technical, infrastructural, political, or institutional) of information sharing within different state institutions.

Similarly, it is instructive that in the next listening exercise under this listening project, attempts be made to partner with local researchers as a way to empower them to utilize this model while at the same time, making sure that communities see the project as a collaborative initiative and not otherwise. Moreover, local researchers are a great resource as they can hold the conversations in local languages.
Appendix 1: Geological Survey Map of Mui Basin Blocks

Source: Google images
For more Information about this report, contact us at:

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