



FOR IMMEDIATE RELEASE

Kenyatta to commission Lamu Port, reneges on promise to compensate local fishermen

LAMU 20 MAY 2021

Lamu's fishermen are dismayed to learn that President Uhuru Kenyatta will commission Lamu Port on Thursday 20 May 2021.

As government and corporate officials arrive to inaugurate and celebrate Lamu Port, the community of Lamu must conclude that the government and KPA have been acting in bad faith.

Government officials and project developers have made repeated promises to compensate fishermen *prior* to the port becoming operational, and they are now going against their promises.

To date, Lamu's fishermen have not received any compensation for the losses they have already incurred to their marine resources and livelihoods, even after six years of litigation and three further years of delay.

In a April 2018 ruling, the High Court found rampant environmental violations in the project and awarded Sh1.76 billion to affected Lamu fishermen. The ruling remains frozen without implementation. The appeal has not been heard by the Court of Appeal since 2018.

Despite these serious findings, Lamu Port construction continued for four years unabated. Thousands of fishermen have had their livelihoods affected by four years of dredging and land reclamation. Port construction has profoundly damaged the ecosystem, in particular killing corals and diminishing marine nurseries in a richly biodiverse area.

Port operationalisation will only worsen their plight.

Broken promises

Promises of compensation for harms caused by Lamu Port date back to 2014. Lamu's community is still waiting.

Just last week, National Treasury and Planning Cabinet Secretary Ukur Yatani stated, "Money has already been released from the Treasury and we expect the fishermen to be paid in a few days before the port launching date," as reported by Daily Nation and AllAfrica.

Just three weeks ago, The Standard reported, "According to [KPA Head of Corporate Affairs, Mr Benard] Osero, KPA intended to clear up with the compensation of the fishermen who are the port's immediate stakeholders before opening of the new facility."

"Already three years have passed since the court awarded us this compensation, which has been owed to us since 2014 when the port project began," said Somo M. Somo, Chairman of the Lamu County Beach Management Unit.

"Lamu fishermen leadership attended several stakeholder meetings over these years. We made concessions to find an agreeable resolution. Just two weeks ago, we sat in meetings for a week, while observing Ramadan, to reach an agreed upon plan, yet they have decided to launch the Lamu Port despite the promise they made last week about the fishermen compensation matter," said Mohamed Athman, Save Lamu Chairman.



“In moving forward with this launch, the government and KPA have failed to keep their word. Rather than resolve this vital fishermen’s compensation matter as promised, instead they have decided to celebrate and launch Lamu Port.”

Direct compensation for harm incurred is just one remedy amongst a litany of environmental violations in the planning and construction of Lamu Port, a major component of the Lamu Port and Lamu-Southern Sudan-Ethiopia Transport (LAPSSET) Corridor Project.

The port has been constructed by the China Communications Construction Company (CCCC), associated with the China Road and Bridge Corporation (CRBC), for USD \$500 million.

Kenya’s regulatory agency, National Environmental Management Authority (NEMA), has failed in its role to monitor compliance and enforce the violations occasioned by the project proponents.

Call to action

We condemn this decision by President Kenyatta and officials to launch Lamu Port while ignoring the project’s serious issues that were affirmed by the High Court in 2018.

We again call on the Kenya Ports Authority and Treasury to swiftly compensate the fishermen -- and to stop shirking their responsibilities and making false promises.

We call on the Court of Appeal to hear and resolve the appeal that was filed by Kenya Ports Authority and fellow respondents in 2018 -- and stop ignoring a pivotal court ruling.

Finally, we call on President Kenyatta to take immediate action to ensure the Lamu fishermen are compensated and resolve the serious and escalating environmental issues with Lamu Port.

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