



**Supporting Inclusive Resource Development (SIRD)  
East Africa  
TRAINING PROGRAM  
2019**



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# **CASE STUDY: MAGARINI SALT MINING**


## Rights Violations in Malindi

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# BACKGROUND:

- Community living in Magarini, Malindi, affected by the adverse effects of Salt Mining activities within their region.

## Complaints:-

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- a) Grant of Licenses over community to Salt Mining Companies without Notice to and/ or the consent of the affected community. (Section 128 of the Mining Act)
- b) Unauthorised construction of dykes, which have interfered with the free flow of water from the sea;
- c) Compensation calculation mechanism (land valuation) and quantum (Section 128 (2c) Mining Act)
- d) Land Allocation in Compensation, Not Transparent, land granted to non members of the community
- e) Illegal Evictions from land known to be community land, leased out by the County Government without community engagement.
- f) Corruption, collusion between the security forces and the salt mining companies, officers were compromised
- g) Fresh water sources from which the surrounding community traditionally drew its water have been contaminated by underground salt seepages and other activities resulting from the salt manufacturing companies' actions.

# Action Taken:

- Community submitted their complaints to the Kenya National Commission on Human Rights (KNHCR)
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- KNHCR carried out Hearings and came out with a Report.  
([http://www.knchr.org/Portals/0/Reports/Malindi\\_Inquiry.pdf](http://www.knchr.org/Portals/0/Reports/Malindi_Inquiry.pdf))

## **Based on the problems enumerated by the community:-**

- a) What issues stand out in relation to community engagement and or development?
- b) What recommendations would you make? If you were on the tribunal.

# Recommendations (KNHCR):

- The following were some of the Kenya National Commission on Human Rights (KNHCR)

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  - a) Re - assessment of affected persons to be carried out and compensation be made.
  - b) Salt Mining companies in breach have their licenses terminated silent on the issue on Dykes;
  - c) Objections to compensation quantum to be readdressed, valuation to be carried out in accordance with Section 75 of the Constitution, any compensation paid out in accordance with the law at the time of initial payment remain undisturbed.
  - d) Identify and resettle squatters
  - e) Investigations into impropriety by the security forces and prosecution of guilty persons
  - f) Fining of companies found to be negligently polluting the environment.