

DEATH TRAPS AT THE SEA, A CALL FOR ACTION BY THE PRESIDENT OF THE REPUBLIC OF KENYA

The demise of Mariam Kighenda and daughter Amanda Mutheu at the Mombasa Ferry lifted the lid on the extent of malpractices and incompetence of state actors, particularly on safety standards.

The Kenya Ferry Service Cooperation is a crucial link to South Coast and to the neighboring Tanzania. It has been operating since 1937 with management in private hands until 1989 when the government took control of Ferry. The ownership was formalized courtesy of a National Assembly Sessional Paper No. 3 of 1998. Government therefore owns 80 percent and 20 percent for Kenya Ports Authority. The state cannot therefore escape blame on the matter of gross incompetence and neglect of duty at the Service.

The key business of Kenya Ferry is ferrying passengers and their property. Upon acquisition in 1989, the state purchased four new Ferries to improve service delivery. Three of these, MV Nyayo, Harambee and Kilindini, still operate in very worrying conditions. The service ferries 300,000 passengers and at least 6000 vehicles daily. There is thus a clear justification for enhanced safety standards.

The Kenya Maritime Authority (KMA) is mandated to assess and certify the facility's security plan. This should be reviewed every four years, a requirement of the International Ship and Port facility Security (ISPS) code. However, a cursory glance into the reports of ferry disaster dairy points to a looming crisis:

- a. On October 26, 2015, eleven people were seriously injured in a stampede at the Likoni channel as hundreds of commuters scrambled to access the ferries.
- b. On May 9, 2016, the biggest and oldest ferry MV Nyayo was pushed by tides off the Likoni channel towards the deep sea with commuters onboard. It was towed to the inland after reinforcement;
- c. On December 15, 2016, GSU officers had to be called in to calm a crowd of commuters at the Likoni Channel following the breakdown of three ferries. For about five hours, only MV Likoni was operating. The other three ferries – MV Kwale, MV Harambee and MV Nyayo – developed mechanical problems and had to be withdrawn.
- d. On 19th March 2018, Mv Nyayo was withdrawn from service after a technical hitch just a week after MV Jambo was withdrawn from the channel under similar circumstances. On 20th of the same month, it stalled in the middle of the Sea on its way to Mombasa Island.
- e. On September last year, there was heavy traffic at the Likoni crossing channel after three ferries including Mv Jambo which developed engine problems broke down
- f. In August 2019, a ferry with over 1000 people almost collided with an oil tanker. The KFS admitted the fault was theirs.

- g. It shouldn't be lost on us that in 1994, MV Mtongwe ferry, bound for the mainland, capsized just 40 meters from the port. 272 of the 400 people on board died.

On numerous occasions, they have lost course ways and held citizens on bay longer and more worried for their lives. Every time you cross the ferry, you want to edit your will.

An engagement with the hoipolloi informs you their daily challenges with crowding, sexual harassment, theft of items, injuries, brutality and slippery ferry floor is a common story. You notice that even after the matter of Amanda and Miriam, the ramps are still in same conditions. The trend speaks to gross neglect of duty on the part of Kenya Ferry Services.

Corruption too roars its ugly head in the Service. In 2018, the Auditor General said he could not confirm the accuracy of claims of the building and supply of two ferries that cost Sh2 billion.

It is however regrettable that the focus of those responsible is elsewhere. They will tell us more about **bridges**, cable cars, flouting restaurants and bypasses while negating basic security and safety concerns that are here on daily basis.

This trend has a negative ramification to investor confidence pushes the coastal further to economic challenges.

On account of this statement, we state:

1. The President should take urgent and legal action to restore confidence in Ferry Service, more sustainable than firing a Board;
2. The findings of investigations into the incident of Amanda and her Mother Mariam be made public. We call upon the Commission on Administrative Justice to monitor these investigations and ensure the same is done;
3. The Kenya Ferry Service should overhaul the ferries in place and purchase new ones that uphold respect and dignity of ferry users;
4. The review of the strategic Plan to reflect realities on the ground, specifically on safety of ferry users. The current one is too friendly to "tenderpreneuers". It must consider the safety and dignity of Kenyans First;
5. Kenya Ferry Services should consider hiring divers and train them to International Standards. We cannot be running to South Africa for divers;
6. The matter of crowding at waiting lounge and incidences of sexual harassment, theft, be urgently addressed;
7. The faulty security apparatus should be maintained and standards well maintained,
8. Key question of the constitutionality of management of Ferry requires concerted rethinking by policy makers. Unfortunately the Supreme court threw this out on technicality.