



THE MODERN CONSTRUCTION AT KONGO MOSQUE DIANI HERITAGE SITE, KWALE COUNTY: AN INITIAL SITE ASSESSMENT REPORT

Philip M. Wanyama
Coastal Archaeology, National Museums of Kenya
P.O Box 82412 GPO 80100, Mombasa
pwanyama@museums.or.ke
Url: www.museums.or.ke
30th of July 2020

ABSTRACT

This article reports the outcomes of fieldwork conducted by the Coastal Archaeology team, from National Museums of Kenya, on 23rd of July 2020 at Kongo Mosque in Diani, Kwale County. The objective of this study was to assess the extent of the new second construction that was going on at the protected Kongo Mosque and report the findings to the National Museums of Kenya management in Mombasa. The new second constructed structure constitute modern development project that will trigger significant negative impact to the heritage of Kongo Mosque site. Therefore, if the authenticity of heritage values of Kongo Mosque Diani site has to be sustainably conserved, it is recommended that the full impact assessment study on the negative impacts of this development to heritage of the site be conducted. This will be in line with the legislative framework governing environmental impact assessment procedures and National Museums and Heritage Act, 2006 requirements.

Keywords: Modern development, construction, national heritage, Kongo Mosque Diani, Kwale, Kenya

INTRODUCTION

This article reports the outcomes of fieldwork conducted by the Coastal Archaeology team, from National Museums of Kenya, on 23rd of July 2020 at Kongo Mosque Diani site, in Kwale

County, coastal Kenya region. Figures 1a and 1b show the protected Kongo Mosque national monument (gazetted in 1983) and figure 2 shows the map locating the study site. The main objective of this field work was to assess the extent of alleged new second construction that was going on at the protected Kongo Mosque and report the findings to the National Museums of Kenya management in Mombasa. In the recent past, the Kongo Mosque heritage site had witnessed some developmental activities including the creation of a foot path that cut through a burial site and construction of the first new structure- Women's Hall, adjacent to the national monument without prior involvement of National Museums of Kenya. As reported by Mr. Caesar Bitu, (and as observed during this survey), in the first new construction some archaeological material, for instance, local pottery sherd assemblage was destroyed, contrary to the existing conservation conventions (Government of Kenya, 2006). This report concerns the second new construction executed by M/S Miriam Kanini and partners in conjunction with Kongo Mosque Committee, which is a wooden structure with a single storey located 65 metres north- west of Mosque (within the Kongo Mosque's historical landscape). The structure will house a Restaurant and the Kite Training School. The method adopted in this work was interview survey with the caretaker of Kongo Mosque and visual inspection at the construction site. The team's observation is that the structure is more than just a Kite Training School and its construction and operation will pose significant negative impacts to the protected national heritage status of Kongo Mosque site and recommends among others, the full assessment study to address the negative impacts of the development project to heritage property of the site. In the subsequent section the report will cover the survey results and discussion.

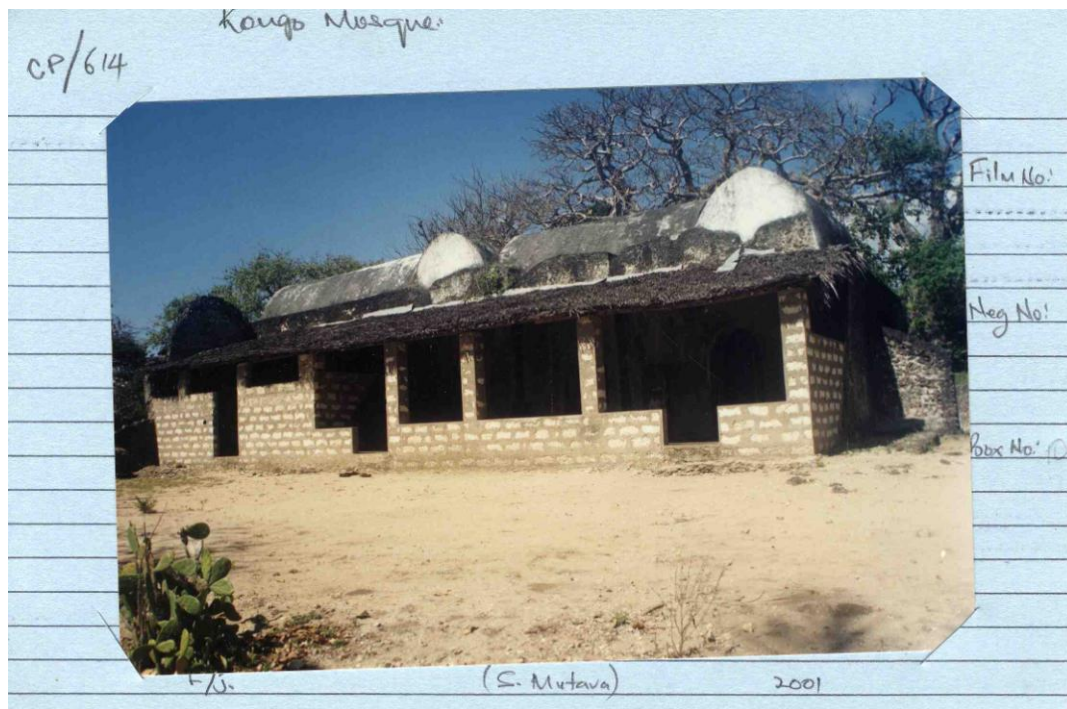


Figure 1a. Kongo Mosque national monument in 2001. Notice the unique dome shaped roof and assigns architectural heritage value. Phot by S. Mutava National Museums of Kenya.

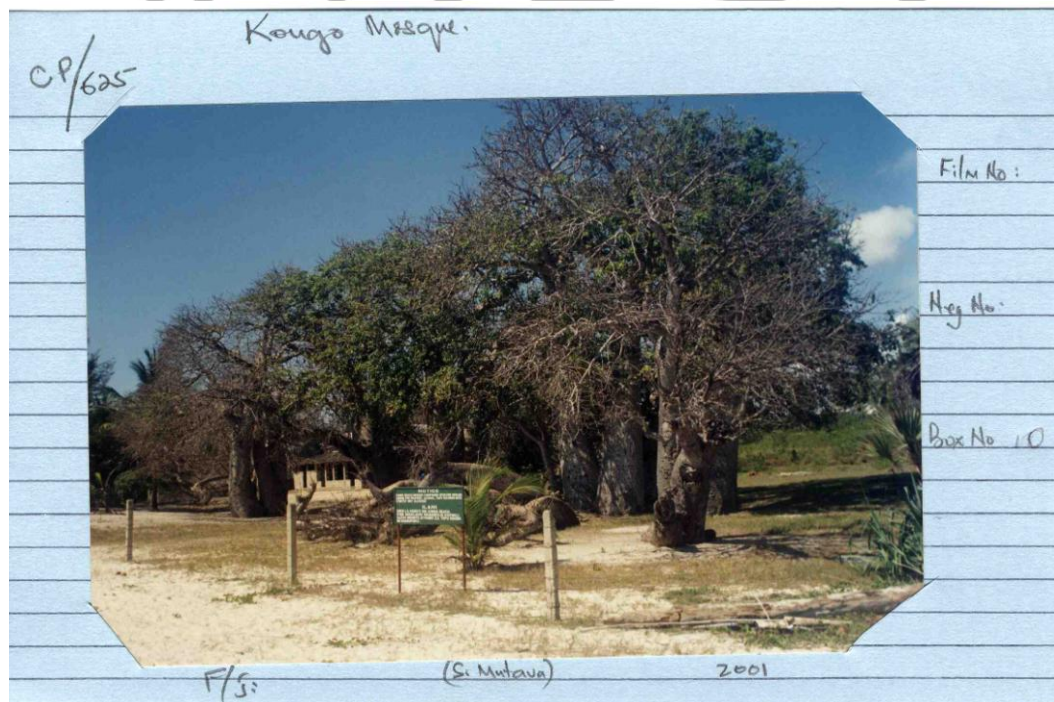


Figure 1b. Physical setting at Kongo Mosque Diani site observed from the beach in 2001. Photo by S. Mutava, National Museums of Kenya.

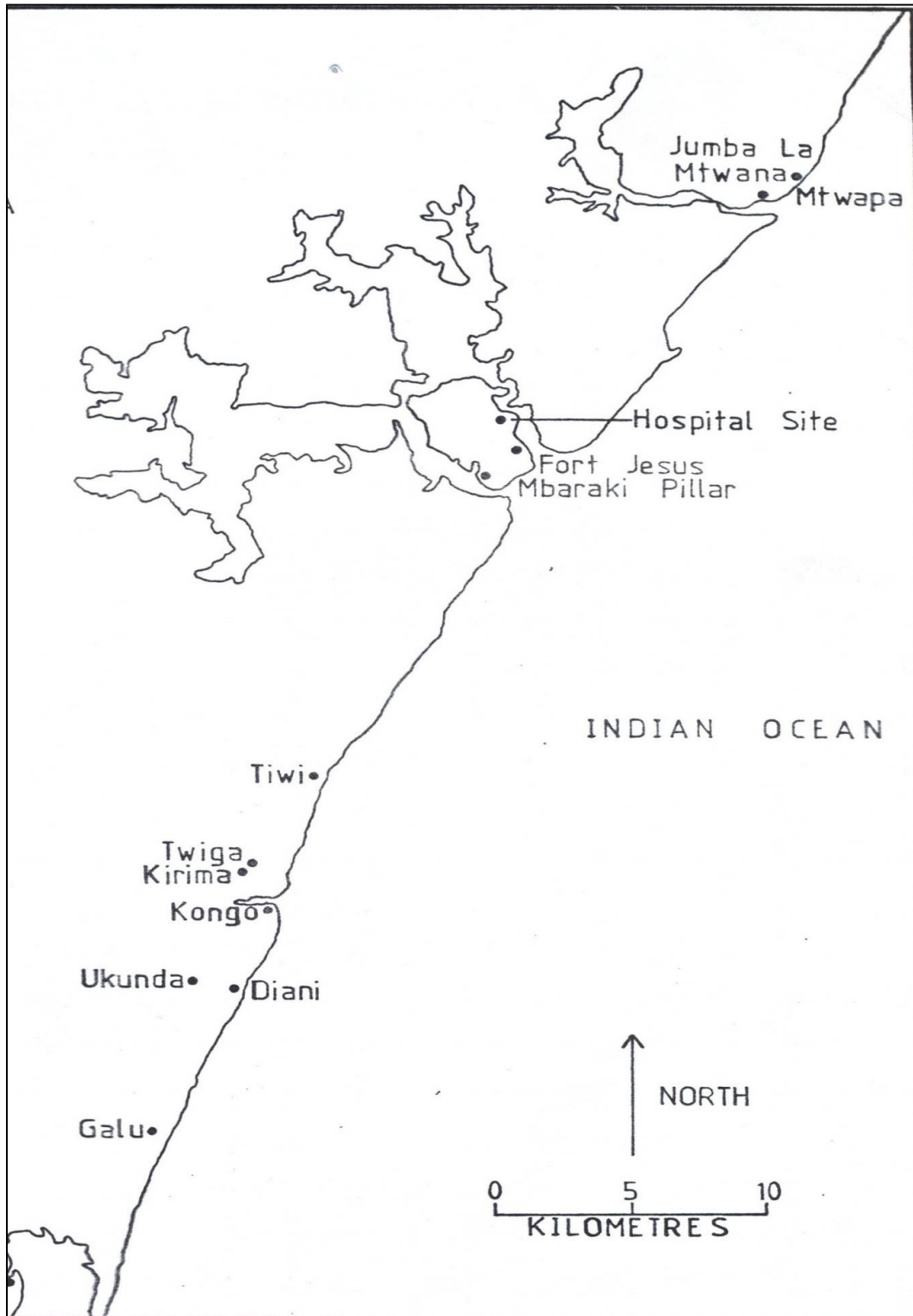


Figure 2. The map of central and southern coastal Kenya area (after Thomas Wilson, 1980). Notice the location of Kongo Mosque Diani and other selected protected heritage sites.

RESULTS AND DISCUSSION

The new second constructed structure is located 65 metres north-west of Kongo Mosque, on a slightly raised ground behind four large baobab trees. The building overlooks the confluence of River Mwachema/Kongo and the Indian Ocean. On basis of the oral interview of 23rd July 2020, with our informant: Mr. Hamisi Suleiman, the site Caretaker and member of the Mosque Committee, in the presence of Mr. Ali Alfani, the Chairman of the Kongo Mosque Committee, the constructed building on the 'leased land' within the precincts of the 'protected' Kongo Mosque heritage site, will house the Kite Training School. In return, the Mosque Committee will be paid some fees by the proponents to enable it maintain the Mosque. The project belongs to Ms. Miriam Kanini and her male European partner (upon probing, no further details concerning the proponents was provided). The latter will run the training programme that targets local people interested in skating. This development proposal by Ms. Miriam Kanini, was approved by the Kongo Mosque Committee and the execution of construction phase must have been immediate, when the Government of Kenya had put into place, the inter-county movement restrictions to counter the corona virus pandemic, between end of March and 6th of July 2020. The caretaker, therefore was unable to inform the National Museums of Kenya management in Mombasa.

Our survey around the building found that the wooden structure was already constructed and final touches were being done, such as the erection of roof supports at the entrance. At the southern side of the building, the debris from the holes that were being dug a short distance from the baobab tree, for instance, had deposits of charcoal and ash inclusions. The toilet and the concrete septic tank were complete (see figure 2). From outside the concrete floor was visible meaning the site was dug and levelised before construction. (Our team did not manage to enter

inside as the rooms were locked and the owner was not present). On the northern side of the building, there are wooden stair cases that lead into the open ground area under a roof, from the beach and above into terrace area that overlooks estuary and the ocean (for illustration see figures 3, 4 and 5 below). Shown in figure 6, is an extension in which an electric cooking facility is installed. Our informant told us that this facility would be used just once- during the launching ceremony of the training school, an explanation that was not convincing. Why would they invest in such an equipment for it to be used only once? The informant in our view tried as much he could to gloss over the essential details regarding the new development at Kongo Mosque. Figure 7 shows cultivated maize farm adjacent to the constructed structure, where the sporadic presence of archaeological material on the surface was noted. This suggests that constructed structure was set on a site with high archaeological potential. In our opinion, the structure appears like a restaurant that would attract huge foreign and local tourists and will pose significant negative impacts to the national heritage of Kongo Mosque.

From the above findings, our team can make a number of observations. First, is that the proponent of Kite Training School and the Kongo Mosque Committee failed to recognize that Kongo Mosque, as well as the land on which it stands is a declared heritage property under custodianship of National Museums of Kenya. Heritage resources are protected by the *Constitution of Kenya*, 2010, see for example, the preamble, section 42, 68 and 69 (Government of Kenya, 2010). Second, the development was implemented in contravention to the *Environmental Management and Coordination Act* 1999, including the *Environmental Impact Assessment and Audit Regulations*, 2003 (Government of Kenya, 1999; 2003). In addition, the provisions of *National Museums and Heritage Act*, 2006 (particularly section 5 (1n)) and *Physical and Land Use Planning Act*, 2019 (section 71 (2)) were not followed while planning

and implementing the development at Kongo Mosque (Government of Kenya, 2006; 2019). Third, this work was done in contravention to tourism sector legislation: *Tourism Act 2011*, which provides for development, management, marketing and regulation of sustainable tourism and tourism-related activities and services, makes an EIA licence mandatory requirement for anyone seeking licence to operate in the sector. In our knowledge, no EIA was done before construction of the hospitality facility (Government of Kenya, 2011). Fourth, at more local level in heritage sector, the construction work went against the aspirations and guidelines contained in the *National Museums of Kenya Strategic Plan 2014-2019* and *Environmental Protection, Health Management and Safety Policy*, 2014 which regulate development activities on gazetted heritage sites and areas under the jurisdiction of National Museums of Kenya (National Museums of Kenya, 2014a; 2014b).

Finally, at more international level, the new construction activity did not follow the best practice standards, for instance, of the World Bank's operational policy (OP 4.11) which ensures the safeguarding of physical cultural resources during development project planning. The requirement is that heritage impact assessment be carried out separately from environmental assessment (EA), at the earliest stages of the development project planning (World Bank, 2012). The following section of the report will present the team's conclusion and recommendations.



Figure 3. The new second constructed structure at Kongo Mosque site, Diani, Kwale County. Notice the toilet behind which is located the concrete septic tank. The archaeological material deposit were seen in debris from the holes being dug for the front roof supports. Photo by George Ghandi, Coastal Archaeology.



Figure 4. The new second constructed structure at Kongo Mosque site. The ground close up view of the wooden stair case, ground sitting area and the balcony area above. Photo by George Ghandi, Coastal Archaeology.



Figure 5. The new second constructed structure at Kongo Mosque site. Notice the spacious ground floor area facing the beach front. Photo by George Ghandi, Coastal Archaeology.



Figure 6. The new second constructed structure at Kongo Mosque site. Notice the terrace on the balcony, overlooking the beach. It is well furnished and fitted with furniture, suggesting the building is a restaurant rather than a training centre. Photo by George Ghandi, Coastal Archaeology.



Figure 7. The new second constructed structure at Kongo Mosque site. Notice the wooden staircase that lead into the facility from the beach. Photo by George Ghandi, Coastal Archaeology.



Figure 8. The new second constructed structure at Kongo Mosque, as observed from the south bank of River Mwachema/Kongo. Notice maize crop cultivated on protected heritage site.

Surface archaeological pottery sherds were observed around the constructed structure and in the maize field. Photo by George Ghandi, Coastal Archaeology.

CONCLUSION AND RECOMMENDATIONS

Conclusion

The objective of this survey research work carried out, on 23rd of July 2020 by the Coastal Archaeology team from National Museums of Kenya, was to understand the nature of the development work going on at Kongo Mosque Diani heritage site (see figures 1a and 1b). Kongo Mosque heritage site is located at Diani, Kwale County in the coastal Kenya region (see figure 2). The Kongo Mosque Committee, apparently leased a portion of land within the protected Kongo Mosque national heritage site to M/S Miriam Kanini and others who went ahead to construct new second building at the site. In this transaction the National Museums of Kenya management as the custodian of heritage resources in Kenya and the principal stakeholder in such a development proposal was not involved. The building appears more like a hospitality facility (restaurant/resort), contrary to what the team was told it was - Kite Training School. Also, the new construction, seemingly was implemented in a hurry between end of March and 6th of July 2020 when government measures to contain spread of the Coronavirus pandemic, restricted inter-County movements of people in the three coastal Kenya Counties (Kwale, Mombasa and Kilifi). The new construction that was implemented in contravention of numerous legislation governing environment and heritage management and conservation in Kenya, has potential of triggering significant negative impacts to sustainable management of the environment and national heritage of Kongo Mosque Diani site. Therefore, full assessment study of the likely negative impacts of the development to this heritage property, should be conducted

by the National Museums of Kenya, in order to determine the possible mitigation measures to support the sustainable management of Kongo Mosque heritage property.

Recommendations

Recommendation One: The National Museums of Kenya should formally write to instruct M/S Miriam Kanini and partners to stop any further activity at new construction including the launching of the Kite Training School pending full assessment study of negative impact to Kongo Mosque heritage property.

Recommendation Two: National Museums of Kenya management to write a letter of concern regarding the significant negative impacts of new constructed structure at Kongo Mosque to M/S Miriam Kanini and partners and National Environment Management Authority (NEMA).

Recommendation Three: Coastal Archaeology Department (of National Museums of Kenya) to urgently develop the study proposal for heritage impact assessment. This study will assess and study negative impacts of new construction to Kongo Mosque heritage property, covering the construction, operation and decommissioning phases of the development. The study will provide mitigation measures including rescue archaeology work, which will support sustainable conservation of Kongo Mosque site. Outcomes of this HIA will inform NMK's decision regarding the new constructed structure at Kongo Mosque.

Recommendation Four: National Museums of Kenya should revise and institute changes to the leadership and membership of Kongo Mosque Committee. NMK should assign the curatorial personnel to the Kongo Mosque site.

Recommendation Five: The administrative structure should ensure NMK's mandate and presence is felt at all heritage sites including revitalization of sub-department of Sites and Monuments to coordinate heritage resource conservation management.

ACKNOWLEDGMENTS

The Principal Curator of Fort Jesus, Mombasa, Mrs. Fatma Twahir, provided transport for the site visit. Mr. Caesar Bitu, Head of Coastal Archaeology organised for this fieldwork to be done. Messrs Ali Mwarora (Administrator, Fort Jesus), George Ghandi (Laboratory Technician, Coastal Archaeology) and Simon Mjawasi (Driver, Fort Jesus) implemented this work task. Mr. Hamisi Suleiman, Caretaker of Kongo Mosque Diani Site, provided information concerning the new second development. Mr. Ambrose Kingada provided the information stored in the database of Coastal Sites and Monuments.

REFERENCES

Government of Kenya (2019). *Physical and Land Use Planning Act*. Nairobi: National Council for Law Reporting.

Government of Kenya (2010). *The Constitution of Kenya*. Nairobi: Attorney General's Chambers.

Government of Kenya (2006). *National Museums and Heritage Act*. Nairobi: National Council

for Law Reporting.

Government of Kenya (2003). *Environmental Impact Assessment and Audit Regulations*.

Nairobi: National Council for Law Reporting.

Government of Kenya (1999). *Environmental Management and Coordination Act*. Nairobi:

National Council for Law Reporting.

Government of Kenya (2011). *Tourism Act*. Nairobi: National Council for Law Reporting.

National Museums of Kenya (2014a). *Environmental Protection, Health Management and Safety Policy*. Nairobi: National Museums of Kenya.

National Museums of Kenya (2014b). *The National Museums of Kenya Strategic Plan 2014-2019*. Nairobi: National Museums of Kenya.

Wilson, T. (1980). *The Monumental Architecture and Archaeology of the Central and Southern Coast of Kenya*. Nairobi: National Museums of Kenya.

World Bank (2012). Operational manual. The World Bank Group. Available at <http://web.worldbank.org/>