

FACTORS INFLUENCING BOAT LICENSING IN KENYA: THE CASE OF KENYA

MARITIME AUTHORITY

By

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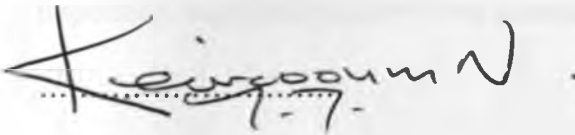
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**A RESEARCH PROJECT REPORT SUBMITTED IN PARTIAL FULFILLMENT OF THE
REQUIREMENT OF THE AWARD OF MASTER OF ARTS DEGREE IN PROJECT
PLANNING AND MANAGEMENT OF THE UNIVERSITY OF NAIROBI**

2012

DECLARATION

This is my original project report and has not been submitted for degree or other award in any other University or Institution of higher learning.



08.08.2012

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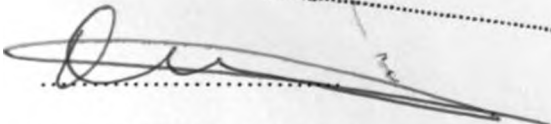
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DEDICATION

To my wife Wambui, My parents and siblings (Dr & Mrs. Keiyoro, Mr. & Mrs. Kihu, Miss Wangari, Miss Nyce). This research is dedicated to my family, who have been my support and source of inspiration. May God Mightily bless them all!

ACKNOWLEDGEMENT

I wish to express my thanks and gratitude to God Almighty for the privilege to go through this course and for bringing me this far. He has been Ebenezer in my life.

Special appreciation to my supervisor Dr. Moses Otieno for the much treasured advise, critique and guidance from the project inception to the final write up of the project. I appreciate the time he took reading through my work and providing me with useful and valuable recommendations to improve the final quality of the research project.

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ABSTRACT

Boat Licensing is a fairly new aspect in Kenya with the only maritime Authority – Kenya Maritime Authority having been established recently in 2004 with a jurisdiction of all Kenyan waters. The uncertainties of a vessel's seaworthiness while in the high seas and inland waters is a fear which most people aboard those vessels do not comprehend and take into account. The purpose of the study was to examine the factors affecting boat licensing. The study used both survey research design and ex – post facto research design. The population of interest in this study comprised a sample of Beach Management Units which was selected using random sampling in coastal waters and inland waters having a population of 20500 boats. Data collection was done through primary sources of questionnaires and semi structured interviews. From the study findings, the study concluded that the government agencies mandated with boat licensing were ineffective in implementing their mandate as attested by the majority of the respondents. This is indicative of the laxity in the implementation of government policies on boat licensing which further prohibits the operations of the maritime industry. The government policy that 'it is mandatory to have all boats licensed, without which they should not be found operating in the waters' was being partially implemented. Licensing stability is a prerequisite for a healthy economy, government monetary policy through ensuring minimum inflation or deflation provide licensing stability and that the most effective tool for regulation of licensing is to adjust interest rates respectively. Most of the respondents used their boats for fishing and for passenger transportation respectively. The majority of the respondents further posited that the area of operation affected compliance to boat licensing thus the area of operation is a key determinant of boat licensing in Kenya. The study further concluded that the local community affects the operation of boats in the area. In the coastal waters many boat owners have managed to insure there boats as compared to their inland waters counterparts, area of operation affects boat licensing as it determines marine insurance covers offered in that specific area which help to increase the seaworthiness of boats, boats operating in inland waters (rural) cannot be easily accessed by the regulating body and /or any government or private officials respectively. The researcher further concluded that boat owners consider boat licensing is a tie up of funds which could be channeled to "better" investments opportunities. Very few boat owners are committed to complying with the law in terms of licensing' which indicated that compliance with the law in terms governing boat licensing in Kenya is very low. There has been creation of new structures in the management and policy framework of the maritime industry over the last 3 years the research concluded that the main categories of the commercial type of boating activities included fishing, transporting the passengers and cargo transport. The study has recommended review of the existing policies and laws on boat licensing with a view to effectively manage the boat licensing efforts in the country. The study has also recommended a more comprehensive and regular country-wide awareness campaign among the boat operators and owners in the country on the importance of boat licensing. The research has further recommended that the government, particularly the KMA should install strict measures to ensure effective implementation of policies and laws on boat licensing in order to address the laxity among the government agencies in the implementation of the boat licensing policies and law.

CHAPTER ONE

INTRODUCTION

1.1 Background of the Study

Boat licensing is never static because it relates to the conduct of a progressive and ever expanding society. Boat licensing has a steady growth and progress. However while some may need to continue upholding the old ways, it is essential to forge a way ahead and update the methods (Bergantino, & Marlow, 1998).

Boat Licensing is a fairly new aspect in Kenya's Maritime Industry with – Kenya Maritime Authority having been established recently in 2004 with a jurisdiction of all Kenyan waters. The uncertainties of a vessel's seaworthiness and outcome while in the high seas and/or inland waters is a fear which most people aboard those vessels do not comprehend and/or take into account. Man is only focused on getting to his destination while at sea and/or inland waters to continue with their day to day activities. Accidents, fatal injuries and deaths on the other hand are as an occurrence of unworthy sea vessels and man's inability to ascertain the same. Boat licensing is a remedy since it is a requirement designed for the sole objective of keeping a check on vessel's seaworthiness (Evans, 2009).

The Maritime industry in many industrialized nations has assumed greater stability and high market homogeneity and acceptance. Its basic products have for a long time been tailored to a larger group market which is assumed to demand a fairly uniform coverage. In the earlier years, the marine industry of many developing countries including Kenya were still dominated by foreign legislations and conventions hence

all decisions were made outside the country yet were to be implemented in the country.

The marine industry was only dominated by offices especially based in the United Kingdom (Britain) and definitely based on UK legislation. In 2004 by a presidential decree, Kenya Maritime Authority was established with an objective to “oversee and regulate maritime affairs in Kenya.”The scope of duties of the Authority was highlighted for the first time in a Kenyan legislation (KMA Act 2006).

In Kenya today, few boat owners and operators have taken up licensing of boats. According to the Kenya Maritime Authority, while the Authority strives to penetrate to all areas in creation of awareness and requirements for boat licensing, inspection of at least 1750 boats have so far been inspected in 2011/2012.

The Kenya Maritime Authority oversees and regulates all marine issues in the country. The maritime industry in Kenya has various stakeholders and collaborating agencies. The Industry is governed by the Merchant Shipping Act 2009 and the Kenya Maritime Authority Act of 2006 and is regulated by the Ministry of Transport through the Director General (Mangi & Roberts, 2010).

The motivation to embrace boat licensing can be understood by comprehending the uncertainties at sea. The security, social, self esteem needs are real and expected by every passenger. Safety and security needs encompass self preservation and physical well being. Boat licensing enhances safety and security hence the need to study what factors affect demand for the boat licensing in Kenyan waters.

1.2 Statement of the problem

It cannot be disputed that the society and more specifically the users of boats stand to benefit from increased usage of boat licensing but as matters stand today, the majority of Kenyans especially boat operators do not know or understand the need for boat licensing in order to appreciate its importance in maritime industry. Kenya, like other developing countries has made tremendous progress in the maritime industry (McClanahan & Graham, 2005). There has been the establishment of Kenya Maritime Authority (KMA) as the regulator. Through its efforts, the maritime KMA has grown and brought better services for the stakeholders and/or clients. Through the efforts of KMA the maritime industry has grown therefore has made significant impact on the financial market with very heavy investments in the country.

Conversely, the increase in the volume of business has not paid attention to the maritime profession because boat owners in Kenya assume they have no consequences should any harm befall them at sea. Boat owners consider their occupation less risky despite the fact that they are exposed to hazardous circumstances. However they consider boat licensing a tie up of funds which could have been channeled to “better” investments opportunities. As a result of this, there was need to determine factors that are affecting boat licensing in Kenya. It is becoming increasingly dangerous for boat owners to continue moving at sea with potential unseaworthy vessels thereby posing a threat to their lives and those of the passengers/ goods on board. The study sought to examine the factors that are affecting boat licensing in Kenya within the Coast i.e. Indian Ocean and Lake

Victoria, Kenya. These represented the coastal waters and inland waters in the country.

1.3 Purpose of the Study

The purpose of the study was to examine factors influencing boat licensing in Kenya taking a case of Kenya maritime authority.

1.4 Objectives of the study

The general objective of this study was to investigate the extent to which boat owners are influenced by various elements in boat licensing.

Specific objectives of the study were to:

- i. Determine the extent to which government policy influence boat licensing in Kenya
- ii. Establish whether the area of operation and vessel's seaworthiness affect boat licensing in Kenya
- iii. Determine whether maritime policies influence boat licensing in Kenya
- iv. Explain how commercial boating activities influence boat licensing in Kenya.

1.5 Research Questions

The research questions of the study were to investigate the extent to which boat owners and operators are influenced by various elements in boat licensing.

The research study addressed the following questions;

- i. How does government policy influence boat licensing?

- ii. How does area of operation influence boat licensing?
- iii. How do maritime policies influence boat licensing?
- iv. How does the commercial type of boating activities influence boat licensing?

1.6 Research hypotheses

- H1. Government policy influence boat licensing in Kenya
- H2. The area of operation affect boat licensing in Kenya

1.7 Significance of the study

The purpose of the study was useful particularly to maritime industry in Kenya. Kenya Maritime Authority, boat owners and users other relevant maritime stakeholders in assisting them to understand the concept of boat licensing better. Maritime industry may be able to create awareness in line with the unique settings of the different boat owners and/or users while reflecting the important factors that influence the licensing.

Academicians and other researchers would get insight on the factors that influence boat licensing. The study was empirical and provided basis for further studies in boat licensing and decision making process in Kenyan maritime industry.

Results of this study would be useful to the Ministry of Transport and maritime stakeholders in enhancing boat licensing and smooth operations of boating industry in Kenya. It would also be useful specifically to the Kenya Maritime Authority in providing a useful policy framework to be implemented in promoting boat licensing and commercial boating.

The findings would also provide KMA with basis for creation of awareness of boat licensing requirements as well as tailoring other endeavors on boat operations for specific needs of the boat owners and operators. KMA would know where and how to focus public friendly drives towards ensuring compliance in boat licensing.

1.8 Delimitation of the study

The research study did not cover the entire country because the nature of the area covered by sea and inland waters is confined to Indian Ocean coastline and Lake Victoria in Kenya. The research only focused on boat licensing as the maritime sector is too wide to cover commercial ships.

1.9 Limitations of the study

Some of the limitations encountered included the cost of undertaking the research was expensive due to different location and regions covered. For substantive results to be obtained within a short time the researcher lived within the regions for a while and this too was a high cost on his part.

Also the time frame within which the research was being conducted was short since KMA has most of its calendar functions during this period and hence getting authorized personnel to respond to the questionnaires would be difficult. Most of the boat owners and operators may have rent out their boats to tourists or are out fishing thus locating them to answer the questionnaires could be problematic.

Taking the above cited limitations into consideration, the researcher ensured appropriate research instruments were well structured in order to enhance data

collection and data analysis to mitigate the above limitations. The researcher also engaged research assistants to help him with the administration of the questionnaires independently so as to enhance the quality of data collection while eliminating chances of respondent courtesy bias from the boat owners.

1.10 Basic Assumptions of the study

The research was undertaken with the assumption that there is low uptake of boat licensing within the maritime industry. It was assumed that boat owners are not provided with the knowledge as regards the importance and benefits of boat licensing. The few boat owners who have licensed their boats have done so simply because it was a requirement and have did not appreciated the value and benefit therein. Another assumption was that government policy and area of operation have potential in affecting boat licensing among the boat owners and operators.

1.11 Definitions of significant terms as used in the study

Boat	Means a ship of less than 24 metres;
Inland waters	In relation to Kenya, means Kenyan waters landward of the baselines for measuring the breadth of its territorial sea;
Ship	Includes every description of vessel used in navigation;
Vessel	Includes any ship, boat, sailing vessel, or other description of vessel used in navigation;
KMA	Kenya Maritime Authority

Licensing: Licensing is the practice of leasing a legally protected property (such as a trademarked or copyrighted name, logo, likeness, character, phrase or design) to another party in conjunction with a product, service or promotion.

Boating : To travel by boat; to ride a boat for pleasure, or to transport by boat.

Commercial boating: Using a boat for business oriented activities.

Maritime: of, relating to, or bordering the sea; or relating to navigation or commerce on the sea.

1.12 Organization of the Study

In chapter one the following are covered: Background of the study, statement of the problem, purpose of the study, limitations and delimitations of the study, the scope and definition of terms. In chapter two, the introduction has been covered, International Background on Licensing, National Framework of Licensing, Challenges of Boat Licensing as well as the conceptual framework.

In chapter three the following are included under Research Methodology: research design, population, sampling technique, validity and reliability as well as data analysis techniques. Chapter four presents data analysis, presentation and interpretation while chapter five presents summary of findings, conclusion and recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

Historically, national states have been ascribing regionalism to boats in the same way they would ascribe to citizens. This is because the boat owners felt the need for protection of their boats while sailing on the waters. The granting of regionalism signified the jurisdiction of the region over that boat and therefore the relations amongst the members of that region were governed by a specific set of rules. Every state shall fix the conditions for the grant of its nationality to ships, boats, for registration of boats in its territory and for the right (Alderton, & Winchester, 2002).

Until recently the ownership of a boat was determined by the region her owners came from. Nowadays a boat obtains ownership by simple registration in a national register by the Kenya Marine Fisheries Department in the respective region. The ownership therefore is proven by the certificate of registration, issued after inspection of the vessel (Kenya Maritime Authority undocumented).

2.2 International Background on Licensing

International Maritime Authority, being the only international rule-maker in promoting the safety at sea and protecting the maritime environment by means of continuous system of international conventions, rules, codes and recommendations. IMO has no direct authority on boat licensing. The Flag State, as defined by the

United Nations Convention on the Law of the Sea, (*Every State shall fix the conditions for the grant of its nationality to ships, for the registration of ships in its territory, and for the right to fly its flag. Ships have the nationality of the State whose flag they are entitled to fly. There must exist a genuine link between the State and the ship*' (91.1) and that '*Ships shall sail under the flag of one State only and... shall be subject to its exclusive jurisdiction on the high seas.*' (91.2)), articles 94 (Duties of the Flag States), 97 (Arrest) (*No arrest or detention of the ship, even as a measure of investigation, shall be ordered by any authorities other than those of the Flag State in relation to matters of collision or any other incident of navigation on the high seas*) and 217 (Enforcement by Flag States) has overall responsibility for the implementation and enforcement of international maritime regulations for all ships granted the right to fly its flag (UNCLOS Article 91, 1982).

Kenya has ratified various international conventions that govern the maritime industry being the SOLAS 74, MARPOL 73/78, Load Lines Convention, STCW 78, ILO 147 & CLC/Fund 92, UNCLOS, HNS, among others. In accordance with the IMO Resolution A.739, countries should establish appropriate controls over organizations, such as classifications of societies, nominated to conduct statutory surveys of boats on their behalf. The delegation of statutory survey work should be restricted to "Recognized institutions" that comply with IMO Resolution A.739. KMA is the recognized institution by IMO.

2.3 National Framework of Licensing

Kenya is expected to implement the detailed requirements of the several international treaties that it has ratified to enable establishment of effective mechanisms for their enforcement (Weru et al, 2005). This includes the regular visiting, surveying and certification of the boats. All relevant certificates of competence and compliance must be issued and recognized by the government. The Merchant Shipping Act 2009, Laws of Kenya Sections 57 and 59 as read with Section 450 provides for the licensing of vessels. Merchant Shipping (Licensing of vessels) Regulations 2011 have been formulated in accordance to the Act so as to give the specific procedures in relation to vessel licensing and all matters affecting vessel licensing. Kenya Maritime Authority, being the maritime regulatory body in the country has taken all measures necessary to have the boat licensing embraced by all stakeholders in the maritime industry and as their performance contracting and their obligations as required of them have taken up vessel inspection and survey with a bid to license the compliant boats.

According to KMA inspection procedure 2011 the boat owners are required to fill a vessel inspection record form giving the full details of the boat; name, type, trade, number of persons it carries, gross tonnage, details of all equipment on the vessel and the condition of each equipment in the vessel. The below is the procedures of inspection and Licensing of small watercrafts

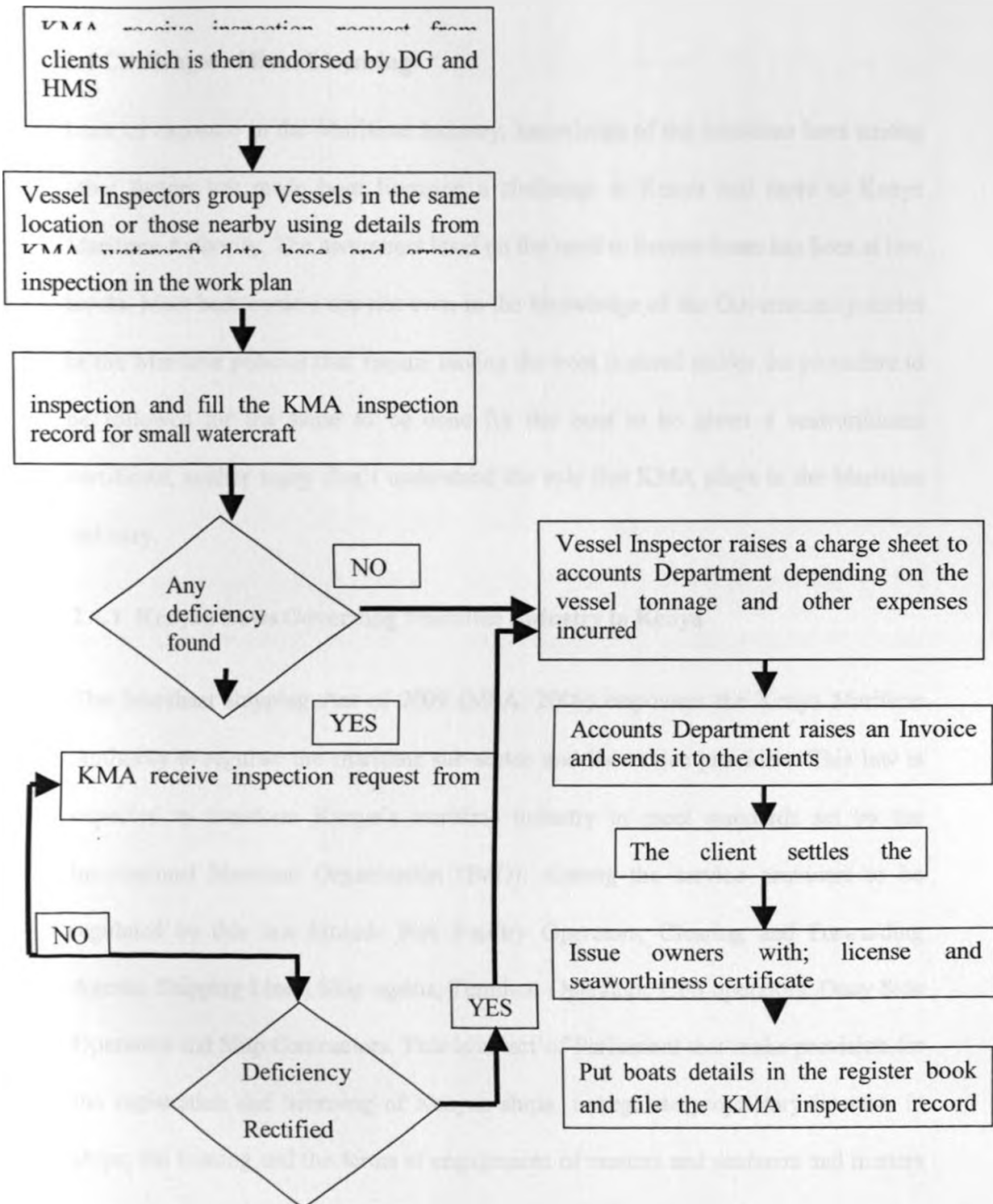


Figure 1: Inspection and Licensing of small watercrafts (KMA inspection procedure, 2011)

2.4 Challenges of Boat Licensing

Lack of exposure in the Maritime Industry, knowledge of the Maritime laws among other factors has made boat licensing a challenge in Kenya and more to Kenya Maritime Authority. The awareness level on the need to license boats has been at low levels. Most boat owners are not even in the knowledge of the Government policies or the Maritime policies that require having the boat licensed and/or the procedure to be followed for the same to be done for the boat to be given a seaworthiness certificate, neither many don't understand the role that KMA plays in the Maritime industry.

2.4.1 Kenyan Laws Governing Maritime Industry in Kenya

The Merchant shipping Act of 2009 (MSA, 2009) empowers the Kenya Maritime Authority to regulate the maritime sub-sector and its service providers. This law is expected to transform Kenya's maritime industry to meet standards set by the International Maritime Organization (IMO). Among the service providers to be regulated by this law include Port Facility Operators, Clearing and Forwarding Agents, Shipping Lines, Ship agents, Terminal Operators, CFS operators, Quay Side Operators and Ship Contractors. This is an act of Parliament that make provision for the registration and licensing of Kenyan ships, to regulate proprietary interests in ships, the training and the terms of engagement of masters and seafarers and matters ancillary thereto; to provide for the prevention of collisions, the safety of navigation, the safety of cargoes, carriage of bulk and dangerous cargoes, the prevention of

pollution, maritime security, the liability of ship-owners and others, inquiries and investigations into marine casualties; to make provision for the control, regulation and orderly development of merchant shipping and related services; generally to consolidate the law relating to shipping and for connected purposes.

On registration and licensing of ships, the act states that a ship shall be regarded as a Kenyan ship for the purposes of this Act if the ship is registered in Kenya under this Part. A ship shall be registered as a Kenyan ship if it is of 24 meters or more and owned by persons qualified to own a Kenyan ship; and not exempted from registration.

After World War II, in order to avoid government regulations and supervisions, to reduce operational costs, or to be released from constraints of certain markets, boat and ship owners started to shift their vessels registration to the countries with more comparative advantages (Knudsen, 1997). But a policy on boats and ships in most countries usually inclines to protect their own nation fleet by providing financial and/or other kinds of subsidy. Veenstra and Bergantino (2000) indicated that boat service is a combination of high activities, and vessel flagging out is a process leading to different degrees of owners in an operation.

Government policies have an important role to play in the take up of boat licenses. For example, if the Government would make it mandatory to have all boats licensed, without which they should not be found operating the waters, success in boat licensing would be easily enhanced. Today, however with the shortage of staff high rate uneducated boat operators and lack of efficient evaluation and monitoring

techniques, this continues to be a challenge and cannot be effected (Hwang & Chung 2005).

It is a task of government to regulate factors which can positively influence the wider economy as well as the acquisition of vessels. The main reason for monetary policy is licensing stability. This means that licensing prices do not increase too rapidly (Inflation) or decrease too rapidly (deflation). If prices move by just less than 2% over the medium term there is price stability (Lee, 1996). This is important for boat users as well as entrepreneurs; they have to have trust in the value of their currency. When people lose faith in the currency, high increases and decreases of prices will lead to uncertainty and undermine the economy. Licensing stability is therefore a prerequisite for a healthy economy. There are a few tools to regulate price stability. Every country applies this in its own way. In some areas, such as the European Union, a wider scope of price stability is emphasized by strong regulation. The most effective tool for regulation is to adjust interest rates (Peters, 1993) monetary policy has implications for the vessel market. If a government raises the rates it means boats prices become more expensive.

In addition, there is a diversity of knowledge applicable to fisheries management in Kenya, from the local ecological knowledge systems of different fisher groups, to the state knowledge of different government agencies, to the knowledge developed through participatory and classical scientific research. An example of effective management response at the state level is the amended fisheries legislation designating beach seine gears, and more recently spearguns, as illegal (Glaesel, H.

2000). However, there is evidence to suggest that, on the whole, this knowledge does not inform government decision making on an ongoing basis.

2.4.2 Area of operation

The boats mainly found in the urban areas are more prone to being sea worthy and compliant to the licensing requirements as opposed to the boats found in the rural areas and areas which cannot be easily accessed by the regulating body and /or any government or private officials out on a boat licensing survey. ITF (International Transport Worker Federation) indicated that FOC (Full Operational Capability) system could enable boat-owners to escape from the burdens of national taxation and national labor protection legislation and seaman union. Daw (2007) suggested vessel operators are not supposed to enjoy government protections and subsidies at the same time. The major factors that cause vessel flagging out are insufficient local crews, requirement of dual class, insufficient incentives, trading limits of ROC (Republic of China) boat, and privatization (Lin *et al.* 2001). Regarding to the demand and supply of manpower, Ross (2002) found that under-supply of crew resources has occurred for many years.

Area of operation affects boat licensing and will help to increase the seaworthiness of boats; this is mainly caused by the marine insurance covers. In the Merchant Shipping act 2009, Section 15 states that; “Every Kenyan ship shall carry an insurance cover against risks of loss or damage to third parties, and in particular in respect of the shipowners liabilities to a crew member under any provision of Part VII” In the coastal waters many boat

owners have managed to insure their boats. A boat does not get an insurance cover without a seaworthiness certificate. This is a challenge in the Inland waters because boat owners don't find it necessarily to insure their boat, thus affecting boat licensing. The integrated management concept is known to involve rational decisions, comprehensive planning and management of human activities in both the ocean and the adjacent area for the purposes of achieving sustainable use of the resources within them. There is widespread recognition that such an approach is better placed to address the associated resource exploitation opportunities; environmental, social and economic challenges in a more holistic manner. Such mechanisms should include consultation, as appropriate, with the academic and private sectors, non-governmental organizations, local communities, resource user groups, and indigenous people in the area of operation (Tenold, 2003).

In light of the above efforts amongst many others, the integrated policy framework should therefore reflect the interconnectedness between the air, sea and adjacent land and to the physical and biological dynamics of the water/land interface. It is important to note that decisions made about land-based activities must take into account their effects on the water. Management responses should also be of an integrated nature and reflect natural systems such as ecosystems, rather than on imposed boundaries as all of them tend to address more or less the same issues of sustainable use, development, and protection of marine areas and resources within it. These concepts and approaches to management recognize the interrelations and interdependent nature of marine ecosystems (Davidson-Hunt & Berkes, 2003).

2.4.3 Maritime policies and licensing

Critical analysis of previous findings on the issue of boat licensing shows that most of the boat owners do not license their boats but due to the changing dimensions in the maritime industry, new structures and light is being posed to the maritime industry. Statistics indicate that very few boat owners are committed to complying to the law in terms of licensing (Kenya Maritime Authority, Survey, 2011) Boat licensing like all licensing scopes are based on seaworthiness of the vessel and the boats are in more cases than not found to be unseaworthy, so the costs inflate due to the need to have the boat comply with the specific requirements to make it seaworthy and finally obtain the license.

Maritime Law is based on International Conventions and custom. When a treaty is ratified, a duty to incorporate the treaty into Domestic law arises. Where the dualistic doctrine is applied, there is a legislative ad hoc incorporation of international rules. Thus the International Conventions become applicable in the State's national legal system only if parliamentary authorities pass a specific implementing legislation. Yet it should be noted that a party to a treaty, cannot invoke the provisions of Domestic law as a justification for failure to perform according to a treaty (Francis & Torell, 2004).

The primary reason for the stalling of the development of a new policy framework was the debate over rights to coastal and marine activities. An additional reason was that the move towards a more comprehensive approach to marine governance requires political will and leadership, because major policy innovation in this domain is

difficult given the current institutional culture: multi- sector policy innovation can threaten institutional cultures (Hughes 2005). National and international organizations and governments are realigning marine governance frameworks to reflect the values of the maintenance of ecosystem 'as well as boats and ships registration (Ehler and Douvere, 2007; McGinnis, 2012). These steps are the new pillars of marine ecosystem-based planning. Coastal marine ecosystem-based planning includes a range of other programmatic developments including: integrative marine policy making; ocean zoning; large marine ecosystem programmes; and integrative coastal zone management.

The branch of domestic maritime law dealing with navigation - in other words the legal subjects, means and activities, both public and private, which play a part in maritime transport - belongs both to private and public law, as a description of its purposes will demonstrate. This is not the place to enlarge on issues concerning the independent nature of the relevant legal framework (Jentoft, 2000).

In licensing, the notion assumed is that the boat is in good condition which enables navigation to take place. In fact, however, the boat cannot be unequivocally considered as a good. In international law, according to certain jurists, the boat assumes the status of a community. However, taking all the cases where, in strictly legal terms and leaving aside political considerations, the boat is the point of contact with maritime law, it would be more appropriate to define it as a unit of production characterized by a high degree of independence which, in law, would make it a branch of a company (Ostrom, 2005).

According to (Raakjær-Nielson, 2003.) in maritime policies, however, the boat is considered to be an instrumental good of navigation, which can be defined as any construction (floating and mobile) intended for sea or inland waterway transport, for any purpose and in particular for commerce, towage, fishing and sport. At the time of its launching, the construction becomes a vessel and is thereafter suitable for navigation. At the time of registration, certain technical features related to ocean and inland waterway navigation, tonnage, and sometimes to type and category are of particular importance.

Leaving aside for the moment the conditions which require intervention by the maritime authorities and which fall within the domain of law, it would be appropriate to mention the vessel's papers at this point. Despite their undoubted public law implications, these documents, described as certificates and log-books, are relevant as regards to licensing. The boat's certificate of registry records the name, type, characteristics, gross and net tonnage, owner's name, place of registration and crew duties. It also contains basic information on all personnel (Goss, 1993).

The most important document among the papers is the official log-book, comprising the boat's inventory, the general and accounts log, the boat's log and the cargo log. The official log-book contains details of technical, administrative and day-to-day activities and is the responsibility of the master. It provides visible proof of an efficient service in the best interests of the operator.

Owning a ship is the same as owning other property as regards the law, but with special provisions for joint ownership with certain institutions. In terms of navigation,

the boat operator is the most important figure, since it is he who commits the boat for one or more voyages or shipping's, equipping it with the necessary provisions and placing it under the control of the master (Knudsen, 1997). The operator, as distinct from the owner, from whom he receives the ship on the basis of a right or through a binding relationship, employs the boat for an economic purpose. He is therefore an entrepreneur engaged in shipping. A particular feature in boat owning is the company, which is a group made up of the co-owners of a boat. The operator has shore-based and collaborators who form the crew, the human element in the ship's organizational framework. Individual states, generally in accordance with IMO recommendations, establish the minimum number of crew members and their duties (Wang & Feng, 2000).

2.4.4 Commercial activities of the boat and licensing

In cases where the boat is to be used for mainly commercial services like transporting goods and especially people, then these boats have an inclination to ensure that they are licensed as opposed to rarely commercial boats like the artisanal fishing or regulatory boats (The Merchant Shipping Act, 2009). This puts the users at greater risk as in instances where an event while at the waters occurs to them, they cannot be easily traced and the matter followed up effectively. The country has enormous potential for water – based tourism that remains largely unutilized due to the lack of knowledge on how to go about getting the requisite licenses and working on a safe environment (Coast Development Authority, 2005).

The majority of technical and commercial activities within the boat business cycle have been controlled continuously by the international authorities such as International Maritime Organization (IMO), International Transportation Federation (ITF), International Labor Organization (ILO), and other governmental and non-governmental organizations (NGOs) like flag states, port states, and chamber of shipping, etc. The relevant organizations ensure that the execution and implementation of international rules, regulations, and other requirements under a unique scheme during the various activities in the boundaries of maritime transportation industry. The shipping and boating registries can be recognized as interfaces for complying with international requirements relating to jurisdiction completely (Christie, 2005).

Besides, they perform several important functions such as identifying boats that would be eligible for financial support in competitive market and being the depository of mortgage instruments, credits, and other related commercial activities as well. Therefore, selection of the suitable licensing alternative is so critical process for boat management companies in terms of administrative and operational manner.

Shipping and boating policy makers or maritime strategy analysts particularly from developed maritime countries have been drawn more closely to the subject of appropriate licensing. As well as that, many of the boat owners are looking for improving their competitive position in tight boating markets and attempting to move their boats to the best alternative (Coto-Millán, 1996).

For managing these issues, nations are directed to act cooperatively through the competent international organization to establish and promote the adoption of international rules and standards especially on environmental considerations to prevent, reduce, and control pollution from boats. Nations also are committed to adopting laws and regulations to control pollution from boats flying. These laws must have the same effect as generally accepted international rules and standards that have been established through the competent committees of international organizations or general diplomatic conferences (Cockcroft, 1997).

The originality and fundamentals of the conventions give the opportunities and right to each of the countries has for determination the conditions that apply to the granting of nationality by providing access to its shipping register. However, due to the flexibility of the conventions and the political decisions led to define three different kinds of boating registries and licensing such as national registry, international registry, and open registry. Traditional states, called as national registry, typically have various restrictions in terms of ownership, boatbuilding, crewing such as national cabotage laws. The second category is the open licensing (OLs) that are sometimes better known with the less politically correct label of Convenience (FOCs). The third category of the boating licensing is called as international registry, also named as second registration. The main procedures of the international registries are based on adopting many of the operational characteristics of the OLs while acting under the control of the national authorities as well (Chou, 1995).

2.5 Skilled personnel and boat licensing

Most of the boat owners and/or coxswain are unskilled in the profession and thus would have no need to have the same licensed unless it is imposed on them to do so as opposed to the few skilled personnel who would easily be aware of the requirements of boat licensing and ensure that their boats are up to standard in terms of the licensing requirements. It is expensive for boat coxswain to undertake a course in basic training thus increasing the unskilled levels of boat users (Charlton & Gibb, 1998).

Boat operators are expected to have basic knowledge and competencies for handling the vessel they intend to use, in the expected environment and conditions for their field work. Theoretical knowledge and an understanding of the “Rules of the Road” can be gained through any of several formal boating courses. Boat operating experience is invaluable, and there is no substitute for time at the wheel on the water. Tide, cold weather, cold water, and unpredictable winds can add to the dangers of waters. Principal Investigators/Academic Advisors/Supervisors are responsible for making sure the boat operators they are sending out have the experience to recognize these dangers, and have taken the required online boating safety course. In addition, human resource and financial capability are the most critical elements in the operation of boats since it is a highly, competitive, professional and capital-intensive industry. Usually its service capability is measured in terms of number or deadweight tonnage (DWT) of vessels (Tenold, 2003). Several duties of coxswain which involves acquaintance with all details relating to the care and handling of boat are regarded a

man's work. Knowledge in boat's physical characteristics, draft, and cargo and passenger capabilities in both fair weather and foul are regarded as duties which hinder participation of women as coxswains (Wang and Feng, 2000). These capacities are stamped on the boat label. Subject to the orders of the officer of the deck (OOD) and the commanding officer, the coxswain, have full charge of the boat and its crew. Based on the concept of production function, "total employee", "total capital" and "bulk carrier" are selected as the inputs. It is pointed out that the market risk is the most critical part in the boat industry and the major reason is due to the revenue uncertainty. The variation of freight rates and charter hires is essentially random and unpredictable (Veenstra and Fransea, 1997). Besides, there is no significant difference between the freight rates and charter hires of new and old boats (Tamvakis and Thanopoulou, 2000).

2.6 Conceptual Framework

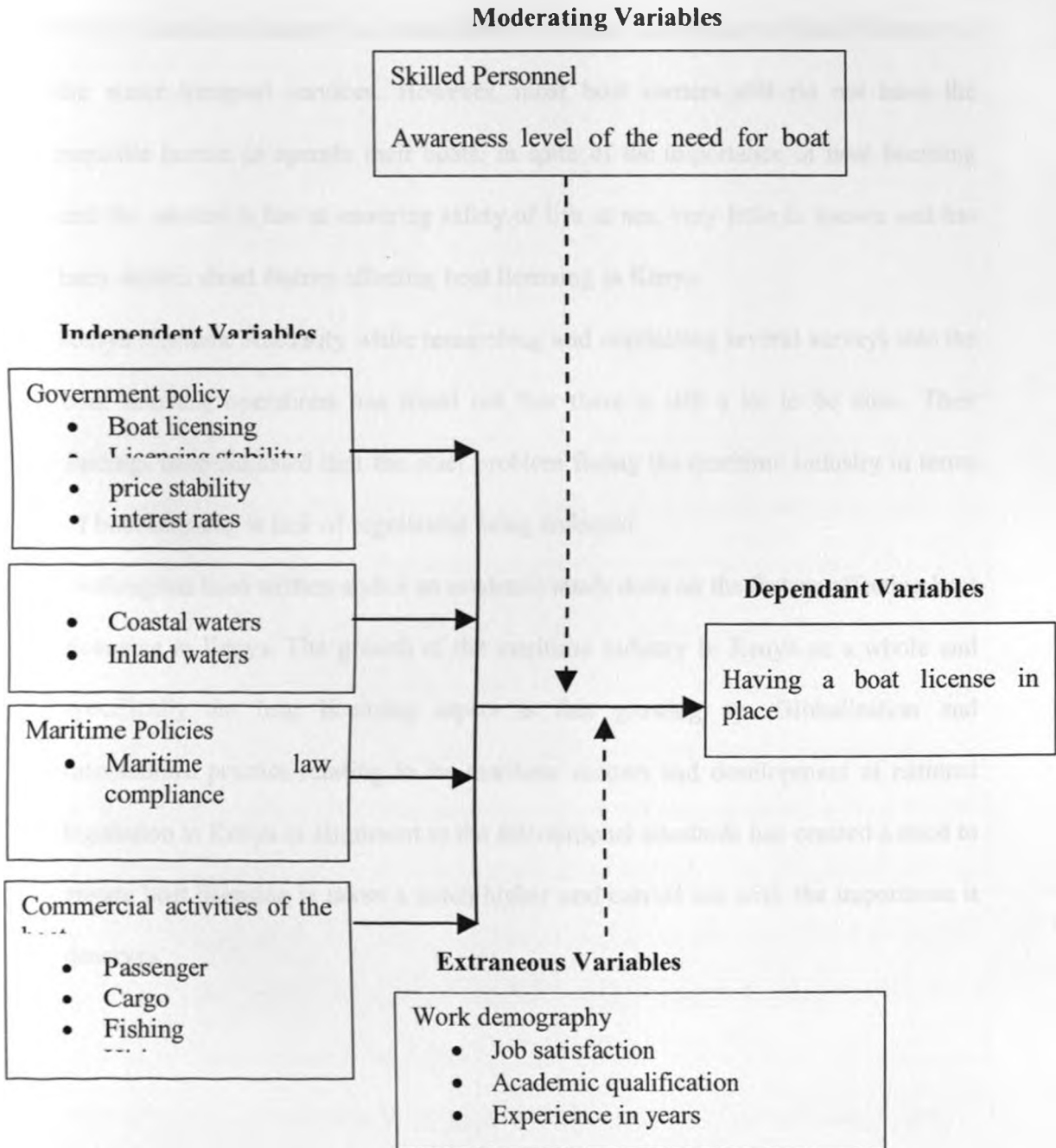


Figure 2: Conceptual Framework on Factors Influencing Boat Licensing In Kenya.

2.7 Summary of Literature

Kenya Maritime Authority plans a major role in making sure that the operation of the Kenyan maritime industry is streamlined as a major determinant of the efficiency of the water transport services. However, most boat owners still do not have the requisite license to operate their boats. In spite of the importance of boat licensing and the relation it has to ensuring safety of life at sea, very little is known and has been written about factors affecting boat licensing in Kenya.

Kenya Maritime Authority while researching and conducting several surveys into the boat licensing operations has found out that there is still a lot to be done. Their findings have indicated that the chief problem facing the maritime industry in terms of boat licensing is lack of regulations being enforced.

Nothing has been written and/or an academic study done on the factors affecting boat licensing in Kenya. The growth of the maritime industry in Kenya as a whole and specifically the boat licensing aspect is fast growing up. Globalization and International practice relating to the maritime matters and development of national legislation in Kenya in alignment to the International standards has created a need to ensure boat licensing is taken a notch higher and carried out with the importance it deserves.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

The chapter defines the research design which was situated amongst the offices of Kenya Maritime Authority in Mombasa and Kisumu respectively. The main data collection techniques used in this research were semi structured interviews and questionnaires.

3.2 Research Design

A descriptive survey research design was used. This is because the survey method is less time consuming and able to capture a lot of data within time and resources constraint. Bryman, (2008) noted that survey design is preferred because of its ability to deal with various cases and variables, and its suitability with quantitative and qualitative methods; while the short period of fieldwork due to the constraints of the programme of study adds to its choice. The survey design allowed the researcher to obtain a general picture of the factors affecting boat licensing in Kenya.

Also utilized was the ex –post facto research design which explores possible effects by the first focusing on the effect, and then attempting to determine what caused the observed effect. In this case the independent variable maritime polices, commercial actives of boat and area of operation and vessel seaworthiness has not been manipulated, it has already been applied. The study also applied mixed method

research, where both qualitative and quantitative phases were included in the overall research study.

3.3 Target Population

The population of interest in this study comprised of Beach Management Units (Coastal waters and Inland waters).

Table 3.1 Number of Surveyed

Region of Survey	Aprox. No. of Vessels
Coastal waters	10500
Inland waters	10000
Summary	20500

3.4 Sample Size and sampling Procedure

The sample size in this study was 384 as explained from the Normal distribution of the population proportion seen below. Cooper and Schindler (2003) define sampling as selecting a given number of subjects from a defined population as representative of that population. The main criterion used when deciding on the sample size is the extent to which the sample size is represents the population. A sample size of 384 respondents was arrived at by calculating the target population of 20500 with a 95% confidence level and an error of 0.05 using the following formula from Mugenda, (2008):

From Normal distribution the population proportion can be estimated to be

$$n = \frac{Z^2 PQ}{a^2} \quad \text{Where:}$$

n = the desired sample size; if the target population is greater than 10,000

Z is the Z – value = 1.96

P = Population proportion 0.50

Q = 1- P

α = level of significance = 5%

$$n = \frac{1.96 \times 1.96 \times 0.5 \times 0.5}{0.05 \times 0.05}$$

n = 384

Having determined the sample size the study, applied simple random sampling in data collection. This helped to identify target individuals for the research. In addition simple random sampling is chosen among the objects since it allocates the objects equal opportunity of being sampled (Bryman 2008).

3.6 Data Collection Instruments

Data collection was done through primary sources and semi structured interviews. These included key informants i.e. the boat owners for the study and boat surveyors at KMA. All the interviews were conducted in English, Swahili and transcribed in “word” format. Information gathered from these interviews were subjective, although an attempt was made to present an account from various perspectives. This made it possible to gain an increasingly profound understanding of each interviewee’s

viewpoint and perspective, of links and contradictions within and across interviews. Valuable insight was also gained from the analysis of research studies.

3.7 Data Collection Procedure

The questionnaires were administered by the researcher. A standard questionnaire was designed to collect data directly from the boat owners or boat surveyors. The questionnaire was designed to collect both quantitative and qualitative data and cover major dimensions of the issues raised in the problem. It was divided into two sections, with section A concerning general information about vessel inspection record. Section B was concerned with factors that affect boat licensing.

The questionnaire had both the open ended and close ended. Respondents were the boat owners within the Coast and Western Kenya. The questionnaires were administered using drop and pick later method, which is a form of mail questionnaire. Follow up was done via personal visits and telephone calls to enhance the response rate. The preference for a questionnaire for them was based on the fact that they were able to complete it without help, anonymously, and it is cheaper and quicker than other methods while reaching out to larger sample (Bryman, 2008; Cohen et al., 2007). A request to answer all questions was made then completed questionnaires collected immediately.

3.8 Validity and Reliability

According to Orodho (2004), validity is the degree to which the result got from analysis of data represents the phenomenon under investigation. The researcher

ensured content validity is realised which is a measure of the degree to which data collected using a particular instrument represent a particular domain of indicators of a particular concept. The researcher prepared the instrument while consulting with his supervisors and ensured that the items in the questionnaire covered all areas under investigation. According to Orodho (2004), reliability is the degree to which a particular measuring procedure gives similar result of a number of repeated trials. To ensure reliability, the researcher used the split / half technique which involves splitting the instruments into two halves, scoring them separately and determining the correlation coefficient (r) between the two sets of the scores. From the findings, the Pearson correlation coefficient was 0.655. Since coefficient value is above 0.5, the study instruments yielded reliable data for this research.

3.8 Quantitative Data Analysis

The questionnaires were carefully edited for consistency and completeness. Information from the questionnaires was subjected to quantitative and qualitative data analysis using descriptive statistics. Measures of central tendency were used to show distribution. The data was categorized, arranged, summarized and presented using tabulations, pie charts and comparative isograms. Data collected using qualitative methods was organized, summarized and presented. This data was used to explain explicitly the unfolding patterns of the data collected regarding the licensing of boats by boat owners.

A presentable formal documentation of the material for each study was created, which consisted of all data, data collection instruments and field notes. This enabled

other investigators to review the evidence directly and not be limited to the written reports.

To increase and ensure accuracy and precision, the raw data was edited, coded and entered into the computer and screened. Coding was achieved by assigning each response a number, categorizing them and converting the date into numerical codes representing the factors affecting boat licensing in Kenya.

The analysis of the data was done by following trends in the patterns that emerge in the course of the research that explain past data. Analysis was done by use of descriptive statistics. A statistical package (SPSS) was used to analyze the data and to present it in frequency tables, percentages and rank ordering. The analysis of the data was deal with the description of each finding based on data collected via the numerous instruments. An analysis was also done of similar and different patterns in the findings. It was the researcher's contention that the descriptions of the findings were to allow one to gain insight into the specific context.

3.9 Ethical consideration

Bryman (2007) states that it is the responsibility of the researcher to carefully assess the possibility of harm to research participants, and the extent that it is possible; the possibility of harm should be minimized. The researcher recognized that the issue under study was sensitive and thus a need to protect the identity of the respondents as much as possible. This meant that the questionnaires did not require the respondent's names or details that might have revealed their identity. Confidentiality was therefore upheld for all respondents.

3.10 Operational Definitions Of Variables

Table 3.2 Operational Definitions of Variables

Objective	Variable	Measurement scale	Tools of analysis	Type of analysis
To investigate whether maritime policies affect boat licensing	Maritime policies Boat licensing	Nominal	Measures of frequency distribution and dispersion	Descriptive statistics
To determine whether government policies affect boat licensing	Government Policies Boat licensing	Nominal	Measures of frequency distribution, spearman's correlation	Descriptive Correlation Analysis
To determine whether skilled personnel affect boat licensing	Skilled personnel Boat licensing	Nominal	Measures of frequency distribution, spearman's correlation	Descriptive statistics
To establish whether commercial activities affect boat licensing	Commercial activities Boat Licensing	Ordinal	Measures of frequency distribution, spearman's correlation	Descriptive statistics
To establish whether area of operation and vessel's seaworthiness affect boat licensing	Boat licensing	Interval Ordinal	Measures of frequency distribution, spearman's correlation	Correlation analysis

CHAPTER FOUR

DATA ANALYSIS, PRESENTATION AND INTERPRETATION

4.1 Introduction

This chapter presents analysis and findings of the study as set out in the research methodology. The results were presented on the factors affecting boat licensing in Kenya: the case of Kenya Maritime Authority. The research sought to answer these research questions; how does government policy affect boat licensing? How does area of operation affect boat licensing? How do maritime policies affect boat licensing? How does the commercial type of boating activities affect boat licensing? What are the measures that should be taken to enhance boat licensing in Kenya?

4.2 Response Rate

The questionnaires that were filled, some were not returned and other questionnaires would not be understood because they were not correctly filled.

Table 4.1: Response Rate

Response	Frequency	Percentage
Filled in questionnaires	252	65.6
Un returned questionnaires	132	34.4
Total	384	100

Table 4.1 presents response rate. The study targeted 384 respondents, out of which 252 respondents responded and returned their questionnaires duly filled in contributing to the response rate of 65.6%. This response rates were adequate and matching Mugenda and Mugenda (1999) provision that a response rate of 50% is adequate for analysis and reporting.

4.3 Demographic information

This section sought to establish the information on the respondents who participated in the study with regards to the gender, age, and the level of education.

4.3.1 Distribution of participants by age

The study sought to establish the age of the respondents.

Table 4.2 Distribution of participants by age

Participants By Age		Percent
20 and below	23	9.01
20-35 years	20	50.6
35-44 Years	39	15.5
45-60 years	51	20.2
Over 60 years	11	4.7
Total	252	100.0

From the findings as shown in table 4.2, the study established that the majority of respondents (50.6%) were aged 20-35years, 20.2% were aged 45-60 years while

15.5% were aged 35–44 years. This illustrates that the boat owners and operators were mature and at the prime age of their career and thus could give credible information regarding the research objectives.

4.3.2 Distribution of the respondents by Gender

The study sought to establish the gender distribution of the respondents. According to the findings, all the respondents (100%) were males. This depicts that boat owners and operators in Kenya are males indicating that the sector is a male dominated.

4.3.3 Distribution of the respondents by academic qualification

The research further sought to find out the educational background of the respondents by asking them to indicate their highest academic qualification.

Table 4.3 Highest academic qualification of the respondents

Academic Qualification	Frequency	Percent
Informal education	114	45.3
Primary	71	28.3
Secondary	6	16.6
Certificates	24	9.7
Total	252	100.0

As shown in table 4.3, most of the boat operators (45.3%) had informal education (like madrasa), 28.3% had primary level of education while 16.6% had secondary

level of education. This depicts that majority of the boat owners and operators in Kenya have very poor educational background where majority of them had not gone beyond primary school. This is indicative of the fact that the sector is operated by persons with poor educational background and thus the sector could not attain international standards where modern technology is applied which demands high educational background of the operators.

4.3.4 Respondents' duration of working in the maritime industry

The study also sought to establish the number of years that the respondents had worked in the maritime industry.

Table 4.4 Respondents' duration of working in the maritime industry

Duration Of Working	Frequency	Percent
Over 10 years	136	54.3
5-10 years	50	20.1
2-5 years	48	19.2
Less than 2 years	16	6.4
Total	252	100.0

From the findings illustrated in table 4.4, the majority of the respondents (54.3%) had worked in the maritime industry for over 10 years, 20.1% for 5 -10 years while only 19.2% had worked in the maritime industry for 2 -5 years. This depicts that the respondents had a many years of experience in the maritime industry and thus were at

a good position to give credible information on factors affecting boat licensing in Kenya.

4.3.5 Awareness of Certificate of Seaworthiness

The researcher further sought to find out whether the boat owners/operators were aware that their boats need a Certificate of Seaworthiness.

Table 4.5 Awareness of the boat owners/operators that their boats need a Certificate of Seaworthiness

Awareness	Frequency	Percent
Yes	142	56.2
No	110	43.8
Total	252	100.0

According to the results as shown in table 4.5, majority of the respondents (56.2%) boat owners/operators were aware that their boats need a certificate of seaworthiness. Only 43.8% of the boat owners/operators were not aware that their boats need a certificate of seaworthiness. This illustrates that there is high level of awareness about boat licensing and related regulations among the boat owners/operators. However the majority of the boat owners/operators never complied with the boat licensing regulations laid down by the KMA.

4.3.6 Respondents' maritime based training

The study sought to establish the kind of maritime based training that the respondents had.

Table 4.6 Respondents' maritime based training

Maritime Based Training	Frequency	Percent
No training	149	59
Trained	103	41
Total	252	100.0

From the findings in table 4.6, the study established that the majority of respondents (59%) had no maritime based training while 41% had maritime based training. This illustrates that the majority of the boat owners and operators did not have maritime based training and had acquired their training through apprenticeship. Thus the industry was run in an ad hoc manner where the operators did not follow the international standards set by the government.

4.4 Influence of government policy on boat licensing

The first objective of the study was to establish the effect of government policy on boat licensing. To explore this objective the following questions were dealt with.

4.4.1 Efficiency of the government agencies mandated with boat licensing

The respondents were further required by the study to indicate the efficiency of the government agencies mandated with boat licensing.

Table 4.7 Efficiency of the government agencies mandated with boat licensing

Efficiency Of The Government	Frequency (n)	Percentage
Effective	152	60.2
Very effective	59	23.5
Ineffective	41	16.3
Total	252	100.0

From the findings as stipulated in table 4.7, majority of the respondents (60.2%) posited that the government agencies mandated with boat licensing were ineffective in implementing their mandate, 23.5% indicated that the agencies were very effective while 16.3% posited that the agencies were effective in executing their mandate. This illustrates that the government agencies mandated with boat licensing hindered the boat licensing process as they were ineffective in implementing their mandate. This is indicative of the laxity in the implementation of government policies on boat licensing which further prohibits the operations of the maritime industry denying the government revenue and creating loop holes for occurrence of accidents as the industry is not well regulated.

4.4.2 Extent to which government policy is implemented

The respondents were required to indicate the extent to which the government policy that 'it is mandatory to have all boats licensed, without which they should not be found operating in the waters' being implemented.

Table 4.8 Extent to which is implemented in the industry

Implemented In The Industry	Frequency	Percent
To a very low extent	99	39.1
To a low extent	67	26.5
To a moderate extent	34	13.4
To a great extent	31	12.6
To a very great extent	21	8.4
Total	252	100.0

From the findings as shown in table 4.8, most of the respondents (39.1%) indicated that the government policy was being implemented to a very low extent, 26.5% to a low extent while 13.4% indicated that the government policy was being implemented to a moderate extent. This illustrates that there is laxity in the implementation of government policy that 'it is mandatory to have all boats licensed, without which they should not be found operating in the waters'. This is indicative of the fact that the government's officials are doing not strictly follow the government policies that

guide boat licensing process. Thus they contribute to the failure of boat operators and owners to comply with the licensing rules.

4.4.3. Challenges affecting the implementation of government policy on boat licensing

The study also sought to establish the challenges affecting the implementation of government policy on boat licensing.

Table 4.9 Challenges affecting the implementation of government policy on boat licensing

Challenges Affecting The Implementation		
Shortage of staff	23	9.3
High rate uneducated boat owners/operators	106	42.3
Lack of efficient evaluation and monitoring techniques	72	28.6
Under-supply of crew resources	50	19.8
Total	252	100.0

According to the findings shown in table 4.9, most of the respondents (42.3%) posited that there was high rate uneducated boat owners/operators, 28.6% said that there was lack of efficient evaluation and monitoring techniques while 19.8% posited that there was under-supply of crew resources. This illustrates that among the main challenges facing the implementation of government policy on boat licensing included high rate

uneducated boat owners/operators, lack of efficient evaluation and monitoring techniques and under-supply of crew resources respectively.

4.4.4 Governments’ role in boat licensing in Kenya

The study sought to find out the governments’ role in boat licensing in Kenya. The responses were rated on a five point Likert scale where: 1-Strongly Disagree 2 - Disagree 3- Neutral 4- Agree and 5- Strongly Agree.

Table 4.10: Governments’ role in boat licensing in Kenya

Governments’ Role In Boat Licensing	Mean	Std Dev
Policy on boats and ships in most countries inclines to protect their own nation fleet by providing financial and/or other kinds of subsidy	3.7647	0.52190
Government monetary policy through ensuring minimum inflation or deflation provide licensing stability	4.1000	0.22474
Licensing stability is a prerequisite for a healthy economy	4.2941	0.46967
The Kenyan government ensure price stability through strong regulation in the maritime industry	3.8824	0.57648
The most effective tool for regulation of licensing is to adjust interest rates	4.0000	0.50000
It is a task of government to regulate factors which can positively influence the wider economy as well as the acquisition of vessels	3.5294	0.87447

The study findings in table 4.10 show that majority of respondents agreed that licensing stability is a prerequisite for a healthy economy (M=4.2941), government monetary policy through ensuring minimum inflation or deflation provide licensing stability (M=4.1000) and that the most effective tool for regulation of licensing is to adjust interest rates (M=4.0000) respectively. This depicts that the main role of the government in boat licensing is by stabilizing the country's economy and ensuring that the interest rates and inflation rates remains well regulated and that the interest rates are at competitive rates.

In addition, majority of respondents moderately agreed that the Kenyan government ensure price stability through strong regulation in the maritime industry rates (M=3.8824), policy on boats and ships in most countries inclines to protect their own nation fleet by providing financial and/or other kinds of subsidy rates (M=3.7647) and that it is a task of government to regulate factors which can positively influence the wider economy as well as the acquisition of vessels rates (M=3.5294) respectively.

4.5 Influence of area of operation on boat licensing

The second objective of the study was to explore the influence of area of operation on boat licensing.

4.5.1 Nature of work

The respondents were required by the study to indicate the nature of work that they used their boats on. Table 4.11 Nature of work for the boat

Nature Of Work	Frequency	Percent
Fishing	114	45.2
Sport fishing	10	4.2
Recreational	27	10.9
Cargo transportation	90	35.6
Total	252	100.0

As shown in table 4.11, most of the respondents (45.2%) used their boats for fishing, 35.6% for passenger transportation while 10.9% used their boats for recreational activities. This shows that the key operations of the majority of boats in Kenya are fishing and cargo transportation.

4.5.2 Effect of the area the boats operate on compliance to boat licensing

The research sought to establish whether the area that the boats operates in affect their compliance to boat licensing.

Table 4.12 Effect of the area the boats operate on compliance to boat licensing

Area The Boats Operate On Compliance	Frequency	Percent
Yes	157	62.6
No	95	37.4
Total	252	100.0

According to the findings in table 4.12, majority of the respondents (62.6%) posited that the area of operation affected compliance to boat licensing while 37.4% indicated

that the area of operation never affected their compliance to boat licensing. This depicts that the area is a key determinant of boat licensing in Kenya. The respondents further explained that the nature of construction of boats affect installation of other requirements like navigation lights thus affecting boat compliance. On the other hand, the range of boat operation may affect compliance as variation of requirement may discourage other operators from giving true information. The nature of trade that the boat is used for also affects compliance to boat licensing. For instance a tourist boat must comply with boat licensing this is because of the insurance company that insures the boat requires the boats to be inspected more than fishing boats.

4.5.3 Extent to which area of boat operation affect compliance to boat licensing

The boat owners/operators were also required by the study to explain the extent to which area of boat operation affect compliance to boat licensing.

Table 4.13 Extent to which area of boat operation affects compliance to boat licensing

Area Of Boat Operation Affects	Frequency	Percent
To a very low extent	40	16.1
To a low extent	150	59.7
To a moderate extent	0	0
To a great extent	49	19.4
To a very great extent	12	4.7

Area Of Boat Operation Affects	Frequency	Percent
To a very low extent	40	16.1
To a low extent	150	59.7
To a moderate extent	0	0
To a great extent	49	19.4
To a very great extent	12	4.7
Total	252	100.0

From the findings in table 4.13, majority of the respondents (59.7%) indicated that area of boat operation affect compliance to boat licensing to a low extent, 19.4% to a to a great extent while 16.1% indicated that area of boat operation affect compliance to boat licensing to a very low extent. This depicts that both in the inland water bodies and in the Kenya coast, the conditions of boat licensing were relatively similar thus the area of boat operation only affected boat licensing to a low extent.

4.5.4 Whether the local community affects the operation of boats in this area

The study further required by the respondents to indicate whether the local community affects the operation of boats in the area.

Table 4.14 Whether the local community affects the operation of boats in this area

Local Community Affects	Frequency	Percent
Yes	150	59.7
No	102	40.3
Total	252	100.0

From the findings in table 4.14, majority of the respondents (59.7%) posited that the local community affects the operation of boats in the area. They further explained that there were cases of theft of items from the boats by the local residence. Only 40.3% of the respondents indicated that the local community never affects the operation of boats in the area. This illustrates that the local community played a critical in the operations of the boats and thus boat licensing should consider the local community views while being implemented since the local community influenced boat licensing.

4.5.5 The influence of area of operation on boat licensing

The study required the respondents to indicate the influence of area of operation on boat licensing by indicating the extent of their agreement with various statements on the topic. The responses were rated on a five point Likert scale where: 1-Strongly Disagree 2 - Disagree 3- Neutral 4- Agree and 5- Strongly Agree.

Table 4.15: The influence of area of operation on boat licensing

Influence Of Area Of Operation	Mean	Std Dev
Boats found in the coastal waters (urban area) are more prone to being sea worthy and complaint to the licensing requirements than those found on the inland waters (rural areas)	3.1453	0.4321
Boats operating in inland waters (rural) cannot be easily accessed by the regulating body and /or any government or private officials	4.0081	.59086
Vessel operators are not supposed to enjoy government protections and subsidies at the same time	3.6451	0.5.321
Area of operation affects boat licensing as it determines marine insurance covers offered in that specific area which help to increase the seaworthiness of boats	4.2378	.69445
In the coastal waters many boat owners have managed to insure there boats as compared to their inland waters counterparts	4.3676	.73353
A boat does not get an insurance cover without a seaworthiness certificate	3.9514	.73928
The fact that a boat does not get an insurance cover without a seaworthiness certificate is a challenge in the inland waters because boat owners don't find it necessarily to insure their boat, thus affecting boat licensing	3.4213	0.2341

From the study findings in table 4.15, majority of the respondents agreed that in the coastal waters many boat owners have managed to insure their boats as compared to their inland waters counterparts (M=4.3676), area of operation affects boat licensing as it determines marine insurance covers offered in that specific area which help to increase the seaworthiness of boats (M=4.2378), boats operating in inland waters (rural) cannot be easily accessed by the regulating body and /or any government or private officials (M=4.0081). On the other hand, majority of the respondents moderately agreed that a boat does not get an insurance cover without a seaworthiness certificate (M=3.9514), vessel operators are not supposed to enjoy government protections and subsidies at the same time (M=3.6451), the fact that a boat does not get an insurance cover without a seaworthiness certificate is a challenge in the inland waters because boat owners don't find it necessary to insure their boat, thus affecting boat licensing (M=3.4213) and that boats found in the coastal waters (urban area) are more prone to being sea worthy and complaint to the licensing requirements than those found on the inland waters (rural areas) (M=3.1453) respectively.

4.5.6 Attitude of boat owners and operators in relation to boat licensing

The researcher further inquired on the attitude of boat owners and operators on boat licensing by asking the respondents to agree on statements on that reflect different attitude of boat owners and operators in relation to boat licensing. The responses were

rated on a five point Likert scale where: 1-Strongly Disagree 2 - Disagree 3- Neutral 4- Agree and 5- Strongly Agree.

Table 4.16 Attitude of boat owners and operators in relation to boat licensing

Attitude Of Boat Owners And Operators	Mean	Std Dev
Kenyans boat operators do not understand the need for boat licensing in order to appreciate its importance	3.8523	.7128
Boat owners consider their occupation less risky despite their exposure to hazardous circumstances in the sea	4.0703	.69347
Boat owners consider boat licensing a tie up of funds which could be channeled to “better” investments opportunities	4.2378	.69445

According to the results as stipulated in table 4.16, majority of the respondents agreed that boat owners consider boat licensing is a tie up of funds which could be channeled to “better” investments opportunities (M=4.2378) and that boat owners consider their occupation less risky despite their exposure to hazardous circumstances in the sea (M=4.0703) respectively. In addition, majority of the respondents moderately agreed that the Kenyans boat operators do not understand the need for boat licensing in order to appreciate its importance (M=3.8523). This depicts that boat owners and operators lack awareness on the importance of boat licensing to themselves and the maritime industry and a lot of efforts are required to sensitize them so as to streamline the maritime industry. This also depicts that the KMA officials have not invested enough

resources to educate industry players on the need for boat licensing and demystify the myth that licensing is a tie up of funds which could be channeled to “better” investments opportunities among the boat owners/operators.

4.6 Effect of maritime policies on boat licensing

The third objective of the study was to find out effect of maritime policies on boat licensing.

4.6.1 Boat owners’ compliance with the law in terms of licensing

The study further sought to establish whether the statement ‘very few boat owners are committed to complying with the law in terms of licensing’ indicative of the Kenyan situation.’

Table 4.17: Boat owners’ compliance with the law in terms of licensing

Boat Owners’ Compliance	Frequency	
Yes	150	59.6
No	102	40.4
Total	252	100.0

From the findings in table 4.17, majority of the respondents indicated that they agreed with the statement that ‘very few boat owners are committed to complying with the law in terms of licensing’ indicative of the Kenyan situation’. On the other hand, 40.4% of the respondents indicated that the statement ‘very few boat owners are

committed to complying with the law in terms of licensing' was not indicative of the Kenyan situation.' This illustrates that compliance with the law in terms governing boat licensing in Kenya is very low and that the majority of the boats remains unlicensed despite them being operational in the maritime industry.

4.6.2 Creation of new structures in the management and policy framework of the maritime industry

The researcher also asked the respondents to state whether there has been creation of new structures in the management and policy framework of the maritime industry over the last 3 years.

Table 4.18 Creation of new structures in the management and policy framework of the maritime industry

Creation Of New Structures	Frequency	Percent
Yes	150	59.7
No	102	40.3
Total	252	100.0

From the findings shown in table 4.18, the majority of the respondents (59.7%) posited that there has been creation of new structures in the management and policy framework of the maritime industry over the last 3 years. Some of the changes in the management and policy framework on the maritime industry include scrapping of the old MSA 67 and replacing it with MSA 09, and the gazetting of the licensing

regulation 2012. The researcher also revealed that the management reviewed maritime policies on boat licensing on yearly basis according to the majority of the majority (100%) of the respondents. This depicts that there has efforts by the government to mainstream the boat licensing process in the maritime industry through the yearly review of the licensing regulations. However the efficiency in implementation of the licensing is low, limiting the accruing of the benefits to the boat owners/operators and the government through KMA.

4.6.3 The Kenyan maritime laws and policies and the International Conventions and custom

The researcher further inquired from the respondents on whether the Kenyan maritime laws and policies are based on the International Conventions and custom.

Table 4.19: The Kenyan maritime laws and policies and the International standard

Maritime Laws And Policies	Frequency	Percent
Yes	228	90.6
No	24	9.4
Total	252	100.0

From the findings as shown in table 4.19, the majority of the respondents (90.6%) posited that the Kenyan maritime laws and policies are based on the International

Conventions and custom. This implies that the Kenyan maritime laws and policies meet the International Conventions and custom standard.

4.6.4 Effect of Political will and poor leadership and the marine governance

The study sought to find out whether the lack of political will and poor leadership hinder the move towards a more comprehensive approach to marine governance in Kenyan maritime industry.

Table 4.20 Effect of political will and poor leadership and the marine governance

Political Will And Poor Leadership	Frequency	Percent
Yes	179	71.1
No	73	28.9
Total	252	100.0

According to the findings in Table 4.20, the majority of the respondents (71.1%) indicated that the lack of political will and poor leadership hinder the move towards a more comprehensive approach to marine governance in Kenyan maritime industry. This implies that there is political interference in the management of the Kenyan maritime industry which negatively influences the efficiency of the maritime industry in implementation of its mandate like the boat licensing.

4.6.5 The influence of maritime policies on boat licensing

The researcher further inquired on the effect of maritime policies on boat licensing by asking the respondents to indicate the extent of their agreement on related statements.

The responses were rated on a five point Likert scale where: 1-Strongly Disagree 2 - Disagree 3- Neutral 4- Agree and 5- Strongly Agree.

Table 4.21 The effect of maritime policies on boat licensing

Effect Of Maritime Policies	Mean	Std dev
The new structures in the management and policy framework to the maritime industry is encouraging more boat owners to license their boats	3.4231	.5312
Management of the maritime industry review maritime policies on boat licensing regularly to accommodate the changes in the industry	4.2243	.69525
Most of the boats in Kenya are unseaworthy thus the costs inflate due to the need to have the boat comply with the specific requirements to make it seaworthy and finally obtain the license	3.7253	.64312
International Conventions on maritime law and policies become applicable Kenyan legal system only if parliament pass a specific implementing legislation	4.4459	.67510
Primary reason for the stalling of the development of a new policy framework in maritime industry is due to the debate over rights to coastal and marine activities	3.8351	.64950

Move towards a more comprehensive approach to marine governance requires political will and leadership	4.2946	.78780
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From the study findings in Table 4.21, majority of the respondents agreed that the international conventions on maritime law and policies become applicable Kenyan legal system only if parliament pass a specific implementing legislation (M=4.4459), move towards a more comprehensive approach to marine governance requires political will and leadership (M=4.2946) and that the management of the maritime industry review maritime policies on boat licensing regularly to accommodate the changes in the industry (M=4.2243) respectively. The majority of the respondents further moderately agreed that the primary reason for the stalling of the development of a new policy framework in maritime industry is due to the debate over rights to coastal and marine activities (M=3.8351), most of the boats in Kenya are unseaworthy thus the costs inflate due to the need to have the boat comply with the specific requirements to make it seaworthy and finally obtain the license (M=3.7253) and that the new structures in the management and policy framework to the maritime industry is encouraging more boat owners to license their boats (M=3.4231) respectively.

4.7 Influence of commercial type of boating activities on boat licensing

The fourth objective of the study was to establish influence of commercial type of boating activities on boat licensing.

4.7.1 Different categories of commercial types of boating activities in this area

The study also inquired on the different categories of commercial types of boating activities applied.

Table 4.22 Different categories of commercial types of boating activities in this area

Commercial Types	Frequency	Percent
Transport – passenger	115	45.7
Fishing	137	54.3
Total	252	100.0

According to the findings in table 4.22, the majority of the respondents (54.3%) indicated that they used their boats for fishing while 45.7% indicated that they used their boats for transporting the passengers. This further informs of the commercial type of boating activities influence on boats licensing as majority of the boats were engaged in specialized boating activities. Where majority engaged in fishing and cargo and passenger transportation respectively.

4.7.2 Effect of type/nature of commercial activity and boat licensing

The study also sought to establish whether the type/nature of commercial activity that the boat is used for affect boat licensing.

Table 4.23 Effect of type/nature of commercial activity and boat licensing

Commercial Activity	Frequency	Percent
Yes	177	70.2
No	75	29.8
Total	252	100.0

According to the findings in Table 4.23, the majority of the respondents (70.2%) posited that the type/nature of commercial activity that the boat is used for affect boat licensing. This shows that type/nature of commercial activity affect boat licensing as the commercial activity that the boat is used for determines the amount of money charged for the license of the boat.

4.7.3 Statements on influence of commercial type of boating activities on boat licensing

The research also sought to find out the influence of commercial type of boating activities on boat licensing by asking the respondents to indicate the extent of agreement on the statements indicated. The responses were rated on a five point Likert scale where: 1-Strongly Disagree 2 - Disagree 3- Neutral 4- Agree and 5- Strongly Agree. The mean and standard deviations were generated from SPSS and are as illustrated in table 4.3.

Table 4.24 Statements on influence of commercial type of boating activities on boat licensing

Influence Of Commercial Type Of Boating Activities	Mean	Std dev
Kenya has enormous potential for water – based tourism that remains largely unutilized due to the lack of knowledge on requisite licenses for specific commercial type of activity	3.4118	1.00367
There are cases where boats are licensed for a type of commercial type of activity they are not involved in	2.7568	1.42580
The majority of technical and commercial activities within the boat business cycle is controlled by the international authorities, governments and non-governmental organizations	3.0378	3.94027
Boat used for commercial services like transporting goods and especially people have an inclination to ensure that they are licensed as opposed to rarely commercial boats like the artisanal, fishing or regulatory boats	3.2941	0.98518
Kenyan government, relevant NGOs and international organizations perform important functions such as identifying boats that would be eligible for financial support in competitive market and being the depository of mortgage instruments, credits, and other related commercial activities as well	2.5892	1.28701
Kenyan government, relevant NGOs and international organizations ensure the execution and implementation of international rules, regulations, and other requirements under a on the various commercial activities in the boundaries of maritime transportation industry	4.0000	0.79057
Selection of the suitable licensing alternative is critical for boat management companies in terms of administrative and operational manner	4.1765	.95101
Boat owners are looking for improving their competitive position in tight boating markets and attempting to move their boats to the best alternative	4.0310	1.00000

The study findings in Table 4.24, reveal that the majority of the respondents agreed that Selection of the suitable licensing alternative is critical for boat management companies in terms of administrative and operational manner (M=4.1765), boat owners are looking for improving their competitive position in tight boating markets and attempting to move their boats to the best alternative (M=4.0310), Kenyan government, relevant NGOs and international organizations ensure the execution and implementation of international rules, regulations, and other requirements under a on the various commercial activities in the boundaries of maritime transportation industry (M=4.0000) respectively.

The majority of the respondents moderately agreed that Kenya has enormous potential for water – based tourism that remains largely unutilized due to the lack of knowledge on requisite licenses for specific commercial type of activity (M=3.4118), boat used for commercial services like transporting goods and especially people have an inclination to ensure that they are licensed as opposed to rarely commercial boats like the artisanal, fishing or regulatory boats (M=3.2941) and that the majority of technical and commercial activities within the boat business cycle is controlled by the international authorities, governments and non-governmental organizations (M=3.0378) respectively.

4.8 Measures taken to enhance boating licensing in Kenya

The fifth objective of the study was to establish measures taken to enhance boating licensing in Kenya.

4.8.1 Measures taken to by the Kenya maritime authority to enhance boating licensing

The study sought to establish whether there are measures taken to by the Kenya Maritime Authority to enhance boat licensing in Kenya.

Table 4.25 Measures taken to by the Kenya maritime authority to enhance boating licensing

	Frequency	Percent
Yes	151	60
No	101	40
Total	252	100.0

According to the study findings in Table 4.25 the majority of respondents (60%) indicated that there are measures taken to by the Kenya Maritime Authority to enhance boating licensing in Kenya. This depicts that the KMA has strategies to enhance boating licensing in Kenya. The respondents further explained that KMA the measures taken to by the Kenya Maritime Authority include promoting self regulation with regard to compliance to safety requirement and the drafting required regulation to operationalize the MSA 09 with regard to licensing.

4.8.2 Measures taken to enhance boat licensing in Kenya

The study sought to establish the measures taken to enhance boat licensing in Kenya by asking the respondents to indicate the extent of agreement on the statements

indicated. The responses were rated on a five point Likert scale where: 1-Strongly Disagree 2 - Disagree 3- Neutral 4- Agree and 5- Strongly Agree. The mean and standard deviations were generated from SPSS and are as illustrated in table 4.26.

Table 4.26 Measures taken to enhance boat licensing in Kenya

	Mean	Std dev
Government should make it mandatory to have all boats licensed, without which they should not be found operating the waters	4.0000	1.62019
Employing adequate staff	2.2235	1.23669
Ensuring that the boat operators are qualified	4.3784	1.30116
Ensuring efficient evaluation and monitoring techniques are used	3.0865	1.05968
By addressing lack of knowledge on requisite licenses for specific commercial type of activity through awareness and sensitization forums	3.5324	1.20101
Using modern technology in licensing and ensuring compliance to licensing	4.1081	1.48952

The study findings in table 4.26 above indicate that majority of respondents agreed that measures taken to enhance boat licensing in Kenya were ensuring that the boat operators are qualified (M=4.3784), using modern technology in licensing and ensuring compliance to licensing (M=4.1081), government should make it mandatory to have all boats licensed, without which they should not be found operating the

waters (M=4.0000) respectively. This points to the fact that the training of boat operators, adoption of modern technology in licensing and strict implementation of the boat licensing regulations are the most significant measures that would help streamline boat licensing in Kenya. In addition the majority of respondents moderately agreed that measures taken to enhance boat licensing in Kenya included by addressing lack of knowledge on requisite licenses for specific commercial type of activity through awareness and sensitization forums (M=3.5324) and ensuring efficient evaluation and monitoring techniques are used (M=3.0865) respectively.

4.8.3 Measures to enhance boating licensing in Kenya

The respondents further suggested measures that can be applied by the Kenya Maritime Authority to enhance boating licensing in Kenya. Some of the measures they highlighted include setting up the licensing regulation implementation structure, inventing measures to implement the national small vessel regulation and their subsequent execution into law. They also suggested the strengthening of the SAR structure to reach out to remote maritime areas in Kenya.

4.9 Inferential statistics

The study utilized Chi-square test in testing the effect of government policy and area of operation on boat licensing in Kenya. Chi-square is a statistical test commonly used to compare observed data with data we would expect to obtain according to a specific hypothesis.

Table 4.27: Test of significant relationship between Government policy and boat licensing

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	19.195	3	.000
Likelihood Ratio	18.388	3	.000
Linear-by-Linear Association	7.573	1	.006
N of Valid Cases	252		

The results as indicated in this table depict a chi-squared test statistic of 19.19 with an associated p of 0.00. In this case, since p is <0.05, there is statistically significant relationship between government policy and boat licensing.

Table 4.28: Test of significant relationship between area of operation and boat licensing

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	11.654 ^a	9	.003
Likelihood Ratio	13.020	9	.102
Linear-by-Linear Association	3.200	1	.074
N of Valid Cases	252		

The results as indicated in this table depict a chi-squared test statistic result of 11.65 with an associated p of 0.03. In this case, since p is <0.05 , then there is statistically significant relationship between area of operation and boat licensing.

CHAPTER FIVE

SUMMARY OF FINDINGS, DISCUSSION, CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter presents the summary of the study findings, conclusion of the study and recommendations drawn from the study findings. The chapter is based on the study objectives which were to establish the effects of government policy, area of operation, maritime policies and the commercial type of boating activities on boat licensing in Kenya. The chapter also gives the measures taken to enhance boat licensing in Kenya.

5.2 Summary of the study findings

The following is the summary of the findings from this study.

5.2.1 Influence of government policy on boat licensing

The study established that the government agencies mandated with boat licensing were ineffective in implementing their mandate as attested by the majority of the respondents. This illustrates that the government agencies mandated with boat licensing hindered the boat licensing process as they are ineffective in implementing their mandate. This is indicative of the laxity in the implementation of government policies on boat licensing which further prohibits the operations of the maritime industry denying the government revenue and creating loop holes for occurrence of accidents as the industry is not well regulated.

The study established that the government policy that 'it is mandatory to have all boats licensed, without which they should not be found operating in the waters' was being partially implemented which illustrates that the laxity in the implementation of government boat licensing policy. This is indicative of the fact that the government's officials are doing not strictly follow the government policies that guide boat licensing process. Thus they contribute to the failure of boat operators and owners to comply with the licensing rules.

The study also established that the challenges affecting the implementation of government policy on boat licensing were high rate uneducated boat owners/operators, lack of efficient evaluation and monitoring techniques and under-supply of crew resources respectively. This underscores the main challenges facing the implementation of government policy on boat licensing to be high rate uneducated boat owners/operators, lack of efficient evaluation and monitoring techniques and under-supply of crew resources respectively.

While exploring the governments' role in boat licensing in Kenya, study found out that the licensing stability is a prerequisite for a healthy economy, government monetary policy through ensuring minimum inflation or deflation provide licensing stability and that the most effective tool for regulation of licensing is to adjust interest rates respectively. Thus the main role of the government in boat licensing is stabilizing the country's economy and ensuring that the interest rates and inflation rates remains well regulated and that the interest rates are at competitive rates.

5.2.2 Influence of area of operation on boat licensing

In regard to the influence of area of operation on boat licensing the study established that most of the respondents used their boats for fishing and for passenger transportation respectively thus the key operations of the majority of boats in Kenya are fishing and cargo transportation.

The majority of the respondents further posited that the area of operation affected compliance to boat licensing thus the area of operation is a key determinant of boat licensing in Kenya. The respondents further explained that the nature of construction of boats affect installation of other requirements like navigation lights thus affecting boat compliance. On the other hand, the range of boat operation may affect compliance as variation of requirement may discourage other operators from giving true information. The nature of trade that the boat is used for also affects compliance to boat licensing. For instance a tourist boat must comply with boat licensing this is because of the insurance company that insures the boat requires the boats to be inspected more than fishing boats.

However, the boat owners/operators pointed out that area of boat operation affect compliance to boat licensing to a low extent, which depicts that both in the inland water bodies and in the Kenyan coast, the conditions of boat licensing were relatively similar thus the area of boat operation only affected boat licensing to a low extent.

The study further revealed that the local community affects the operation of boats in the area. This illustrates that the local community played a critical role in the

operations of the boats and thus boat licensing should consider the local community views while being implemented since the local community influenced boat licensing. With regard to the influence of area of operation on boat licensing the research established that in the coastal waters many boat owners have managed to insure their boats as compared to their inland waters counterparts, area of operation affects boat licensing as it determines marine insurance covers offered in that specific area which help to increase the seaworthiness of boats, boats operating in inland waters (rural) cannot be easily accessed by the regulating body and /or any government or private officials respectively. The majority of the respondents further attested that a boat does not get an insurance cover without a seaworthiness certificate, vessel operators are not supposed to enjoy government protections and subsidies at the same time, the fact that a boat does not get an insurance cover without a seaworthiness certificate is a challenge in the inland waters because boat owners don't find it necessary to insure their boat, thus affecting boat licensing and that boats found in the coastal waters (urban area) are more prone to being sea worthy and compliant to the licensing requirements than those found on the inland waters (rural areas) respectively.

The researcher further revealed that boat owners consider boat licensing is a tie up of funds which could be channeled to "better" investments opportunities and that boat owners consider their occupation less risky despite their exposure to hazardous circumstances in the sea. In addition, majority of the respondents moderately agreed that the Kenyans boat operators do not understand the need for boat licensing in order

to appreciate its importance. This depicts that boat owners and operators lack awareness on the importance of boat licensing to themselves and the maritime industry and a lot of efforts are required to sensitize them so as to streamline the maritime industry. This also depicts that the KMA officials have not invested enough resources to educate industry players on the need for boat licensing and demystify the myth that licensing is a tie up of funds which could be channeled to “better” investments opportunities among the boat owners/operators.

5.2.3 Effect of maritime policies on boat licensing

While seeking to establish the effect of maritime policies on boat licensing, the study established that very few boat owners are committed to complying with the law in terms of licensing’ which indicated that compliance with the law in terms governing boat licensing in Kenya is very low and that the majority of the boats remains unlicensed despite them being operational in the maritime industry.

The researcher also revealed that according to the majority of the respondents posited, there has been creation of new structures in the management and policy framework of the maritime industry over the last 3 years. Some of the changes in the management and policy framework on the maritime industry include scrapping of the old MSA 67 and replacing it with MSA 09, and the gazetting of the licensing regulation 2012. The researcher also revealed that the management reviewed maritime policies on boat licensing on yearly basis. This depicts that there has efforts by the government to mainstream the boat licensing process in the maritime industry through the yearly

review of the licensing regulations. However the efficiency in implementation of the licensing is low, limiting the accruing of the benefits to the boat owners/operators and the government through KMA. The researcher further found out that the Kenyan maritime laws and policies are based on the International Conventions and custom. Thus the Kenyan maritime laws and policies meet the international standard.

The study further find out that the lack of political will and poor leadership hinder the move towards a more comprehensive approach to marine governance in Kenyan maritime industry. This implies that there is political interference in the management of the Kenyan maritime industry which negatively influences the efficiency of the maritime industry in implementation of its mandate like the boat licensing.

The study also established that the international conventions on maritime law and policies become applicable Kenyan legal system only if parliament pass a specific implementing legislation, move towards a more comprehensive approach to marine governance requires political will and leadership and that the management of the maritime industry review maritime policies on boat licensing regularly to accommodate the changes in the industry respectively.

Other aspects of the maritime policies on boat licensing included; the primary reason for the stalling of the development of a new policy framework in maritime industry is due to the debate over rights to coastal and marine activities, most of the boats in Kenya are unseaworthy thus the costs inflate due to the need to have the boat comply with the specific requirements to make it seaworthy and finally obtain the license and

that the new structures in the management and policy framework to the maritime industry is encouraging more boat owners to license their boats respectively.

5.2.4 Influence of commercial type of boating activities on boat licensing

While seeking the influence of commercial type of boating activities on boat licensing, the research established that the main categories of the commercial type of boating activities included fishing, transporting the passengers and cargo transport. The majority of the boats were engaged in specialized boating activities thus the commercial type of boating activities influence on boats licensing. This shows that type/nature of commercial activity affect boat licensing as the commercial activity that the boat is used for determines the amount of money charged for the license of the boat. On various aspects of the influence of commercial type of boating activities on boat licensing, the study established that the selection of the suitable licensing alternative is critical for boat management companies in terms of administrative and operational manner, boat owners are looking for improving their competitive position in tight boating markets and attempting to move their boats to the best alternative, Kenyan government, relevant NGOs and that international organizations ensure the execution and implementation of international rules, regulations, and other requirements under a on the various commercial activities in the boundaries of maritime transportation industry respectively.

Other aspects of the influence of commercial type of boating activities on boat licensing were that that Kenya has enormous potential for water – based tourism that

remains largely unutilized due to the lack of knowledge on requisite licenses for specific commercial type of activity, boat used for commercial services like transporting goods and especially people have an inclination to ensure that they are licensed as opposed to rarely commercial boats like the artisanal, fishing or regulatory boats and that the majority of technical and commercial activities within the boat business cycle is controlled by the international authorities, governments and non-governmental organizations respectively.

5.2.6 Measures taken to enhance boating licensing in Kenya

The study also established that there are measures taken to by the Kenya Maritime Authority to enhance boating licensing in Kenya. Thus the KMA has strategies to enhance boat licensing in Kenya. The respondents further explained that KMA the measures taken to by the Kenya Maritime Authority include promoting self regulation with regard to compliance to safety requirement and the drafting required regulation to operationalize the MSA 09 with regard to licensing.

The study established the measures taken to enhance boat licensing in Kenya were ensuring that the boat operators are qualified, using modern technology in licensing and ensuring compliance to licensing, government should make it mandatory to have all boats licensed, without which they should not be found operating the waters respectively. This point to the fact that the training of boat operators, adoption of modern technology in licensing and strict implementation of the boat licensing regulations are the most significant measures that would help streamline boat

licensing in Kenya. In addition the other measures taken to enhance boat licensing in Kenya included addressing lack of knowledge on requisite licenses for specific commercial type of activity through awareness and sensitization forums and ensuring efficient evaluation and monitoring techniques are used respectively.

5.3 Discussions

The study established that the government policy that 'it is mandatory to have all boats licensed, without which they should not be found operating in the waters' was being partially implemented. The study also established that the challenges affecting the implementation of government policy on boat licensing were high rate uneducated boat owners/operators, lack of efficient evaluation and monitoring techniques and under-supply of crew resources respectively. The findings are corroborated by the study by the Hwang & Chung (2005) who posited that government policies have an important role to play in the take up of boat licenses. For example, if the Government would make it mandatory to have all boats licensed, without which they should not be found operating the waters, success in boat licensing would be easily enhanced. Today, however with the shortage of staff high rate uneducated boat operators and lack of efficient evaluation and monitoring techniques. A report by CDA (2005) further argued that lack of exposure in the Maritime Industry, knowledge of the Maritime laws among other factors has made boat licensing a challenge in Kenya and more to Kenya Maritime Authority. The awareness level on the need to license boats has been at low levels. Most boat owners are not even in the knowledge of the Government policies or the Maritime policies that require having

the boat licensed and/or the procedure to be followed for the same to be done for the boat to be given a seaworthiness certificate, neither many don't understand the role that KMA plays in the Maritime industry (Coast Development Authority (CDA), 2005).

The majority of the respondents further posited that boats in the urban areas are more prone to being sea worthy and complaint to the licensing requirements as opposed to the boats found in the rural areas. The area of operation affected compliance to boat licensing thus the area of operation is a key determinant of boat licensing in Kenya and that the nature of trade that the boat is used for also affects compliance to boat licensing. The findings are in line with the CDA (2005) that the boats mainly found in the urban areas are more prone to being sea worthy and complaint to the licensing requirements as opposed to the boats found in the rural areas and areas which cannot be easily accessed by the regulating body and /or any government or private officials out on a boat licensing survey. As quoted in CDA (2005) in the Merchant Shipping act 2009, Section 15 states that; Every Kenyan ship shall carry an insurance cover against risks of loss or damage to third parties, and in particular in respect of the shipowners liabilities to a crew member under any provision of Part VII; In the coastal waters many boat owners have managed to insure there boats. A boat does not get an insurance cover without a seaworthiness certificate. This is a challenge in the Inland waters because boat owners don't find it necessarily to insure their boat, thus affecting boat licensing (Weru *at al*, 2005).

On the effect of maritime policies on boat licensing the study established that very few boat owners are committed to complying with the law in terms of licensing. The researcher also revealed that according to the majority of the respondents, there has been creation of new structures in the management and policy framework of the maritime industry. The study findings are collaborated by the critical analysis of previous findings by Kenya Maritime Authority, Survey, (2011) on the issue of boat licensing which shows that most of the boat owners do not license their boats but due to the changing dimensions in the maritime industry, new structures and light is being posed to the maritime industry. Statistics indicate that very few boat owners are committed to complying to the law in terms of licensing (KMA, 2011).

The researcher further found out that the Kenyan maritime laws and policies are based on the International Conventions and custom. According to Francis & Torell (2004) a country's maritime Law should be based on International Conventions and custom. The study further find out that the lack of political will and poor leadership hinder the move towards a more comprehensive approach to marine governance in Kenyan maritime industry. This result are in line with the study of Hughes (2005) that an additional reason was that the move towards a more comprehensive approach to marine governance requires political will and leadership, because major policy innovation in this domain is difficult given the current institutional culture: multi-sector policy innovation can threaten institutional cultures.

While seeking the influence of commercial type of boating activities on boat licensing, the research established that the main categories of the commercial type of boating activities included fishing, transporting the passengers and cargo transport. The majority of the boats were engaged in specialized boating activities thus the commercial type of boating activities influence on boats licensing. The research findings are in line with The Merchant Shipping Act (2009) which indicate that in cases where the boat is to be used for mainly commercial services like transporting goods and especially people, then these boats have an inclination to ensure that they are licensed as opposed to rarely commercial boats like the artisanal fishing or regulatory boats (The Merchant Shipping Act, 2009).

5.4 Conclusions

The study concluded that the government agencies mandated with boat licensing were ineffective in implementing their mandate as attested by the majority of the respondents. This illustrates that the government agencies mandated with boat licensing hindered the boat licensing process as they are ineffective in implementing their mandate. This is indicative of the laxity in the implementation of government policies on boat licensing which further prohibits the operations of the maritime industry denying the government revenue and creating loop holes for occurrence of accidents as the industry is not well regulated.

The study concluded that the government policy that 'it is mandatory to have all boats licensed, without which they should not be found operating in the waters' was being partially implemented which illustrates that the laxity in the implementation of

government boat licensing policy. This is indicative of the fact that the government's officials are doing not strictly follow the government policies that guide boat licensing process. Thus they contribute to the failure of boat operators and owners to comply with the licensing rules.

The study also concluded that the challenges affecting the implementation of government policy on boat licensing were high rate uneducated boat owners/operators, lack of efficient evaluation and monitoring techniques and under-supply of crew resources respectively. This underscores the main challenges facing the implementation of government policy on boat licensing to be high rate uneducated boat owners/operators, lack of efficient evaluation and monitoring techniques and under-supply of crew resources respectively.

While exploring the governments' role in boat licensing in Kenya, study concluded that the licensing stability is a prerequisite for a healthy economy, government monetary policy through ensuring minimum inflation or deflation provide licensing stability and that the most effective tool for regulation of licensing is to adjust interest rates respectively. Thus the main role of the government in boat licensing is stabilizing the country's economy and ensuring that the interest rates and inflation rates remains well regulated and that the interest rates are at competitive rates.

In regard to the influence of area of operation on boat licensing the study concluded that most of the respondents used their boats for fishing and for passenger

transportation respectively thus the key operations of the majority of boats in Kenya are fishing and cargo transportation.

The majority of the respondents further posited that the area of operation affected compliance to boat licensing thus the area of operation is a key determinant of boat licensing in Kenya. The respondents further explained that the nature of construction of boats affect installation of other requirements like navigation lights thus affecting boat compliance. On the other hand, the range of boat operation may affect compliance as variation of requirement may discourage other operators from giving true information. The nature of trade that the boat is used for also affects compliance to boat licensing. For instance a tourist boat must comply with boat licensing this is because of the insurance company that insures the boat requires the boats to be inspected more than fishing boats.

However, the boat owners/operators pointed out that area of boat operation affect compliance to boat licensing to a low extent, which depicts that both in the inland water bodies and in the Kenyan coast, the conditions of boat licensing were relatively similar thus the area of boat operation only affected boat licensing to a low extent.

The study further concluded that the local community affects the operation of boats in the area. This illustrates that the local community played a critical role in the operations of the boats and thus boat licensing should consider the local community views while being implemented since the local community influenced boat licensing.

With regard to the influence of area of operation on boat licensing the research concluded that in the coastal waters many boat owners have managed to insure their boats as compared to their inland waters counterparts, area of operation affects boat licensing as it determines marine insurance covers offered in that specific area which help to increase the seaworthiness of boats, boats operating in inland waters (rural) cannot be easily accessed by the regulating body and /or any government or private officials respectively. The majority of the respondents further attested that a boat does not get an insurance cover without a seaworthiness certificate, vessel operators are not supposed to enjoy government protections and subsidies at the same time, the fact that a boat does not get an insurance cover without a seaworthiness certificate is a challenge in the inland waters because boat owners don't find it necessary to insure their boat, thus affecting boat licensing and that boats found in the coastal waters (urban area) are more prone to being sea worthy and compliant to the licensing requirements than those found on the inland waters (rural areas) respectively.

The researcher further concluded that boat owners consider boat licensing is a tie up of funds which could be channeled to "better" investments opportunities and that boat owners consider their occupation less risky despite their exposure to hazardous circumstances in the sea. In addition, majority of the respondents moderately agreed that the Kenyans boat operators do not understand the need for boat licensing in order to appreciate its importance. This depicts that boat owners and operators lack awareness on the importance of boat licensing to themselves and the maritime

industry and a lot of efforts are required to sensitize them so as to streamline the maritime industry. This also depicts that the KMA officials have not invested enough resources to educate industry players on the need for boat licensing and demystify the myth that licensing is a tie up of funds which could be channeled to “better” investments opportunities among the boat owners/operators.

While seeking to establish the effect of maritime policies on boat licensing, the study concluded that very few boat owners are committed to complying with the law in terms of licensing’ which indicated that compliance with the law in terms governing boat licensing in Kenya is very low and that the majority of the boats remains unlicensed despite them being operational in the maritime industry.

The researcher also concluded that according to the majority of the respondents posited, there has been creation of new structures in the management and policy framework of the maritime industry over the last 3 years. Some of the changes in the management and policy framework on the maritime industry include scrapping of the old MSA 67 and replacing it with MSA 09, and the gazetting of the licensing regulation 2012. The researcher also concluded that the management reviewed maritime policies on boat licensing on yearly basis. This depicts that there has efforts by the government to mainstream the boat licensing process in the maritime industry through the yearly review of the licensing regulations. However the efficiency in implementation of the licensing is low, limiting the accruing of the benefits to the boat owners/operators and the government through KMA. The researcher further

concluded that the Kenyan maritime laws and policies are based on the International Conventions and custom. Thus the Kenyan maritime laws and policies meet the international standard.

The study further find out that the lack of political will and poor leadership hinder the move towards a more comprehensive approach to marine governance in Kenyan maritime industry. This implies that there is political interference in the management of the Kenyan maritime industry which negatively influences the efficiency of the maritime industry in implementation of its mandate like the boat licensing.

The study also concluded that the international conventions on maritime law and policies become applicable Kenyan legal system only if parliament pass a specific implementing legislation, move towards a more comprehensive approach to marine governance requires political will and leadership and that the management of the maritime industry review maritime policies on boat licensing regularly to accommodate the changes in the industry respectively.

Other aspects of the maritime policies on boat licensing included; the primary reason for the stalling of the development of a new policy framework in maritime industry is due to the debate over rights to coastal and marine activities, most of the boats in Kenya are unseaworthy thus the costs inflate due to the need to have the boat comply with the specific requirements to make it seaworthy and finally obtain the license and that the new structures in the management and policy framework to the maritime industry is encouraging more boat owners to license their boats respectively.

While seeking the influence of commercial type of boating activities on boat licensing, the research concluded that the main categories of the commercial type of boating activities included fishing, transporting the passengers and cargo transport. The majority of the boats were engaged in specialized boating activities thus the commercial type of boating activities influence on boats licensing. This shows that type/nature of commercial activity affect boat licensing as the commercial activity that the boat is used for determines the amount of money charged for the license of the boat. On various aspects of the influence of commercial type of boating activities on boat licensing, the study concluded that the selection of the suitable licensing alternative is critical for boat management companies in terms of administrative and operational manner, boat owners are looking for improving their competitive position in tight boating markets and attempting to move their boats to the best alternative, Kenyan government, relevant NGOs and that international organizations ensure the execution and implementation of international rules, regulations, and other requirements under a on the various commercial activities in the boundaries of maritime transportation industry respectively.

Other aspects of the influence of commercial type of boating activities on boat licensing were that that Kenya has enormous potential for water – based tourism that remains largely unutilized due to the lack of knowledge on requisite licenses for specific commercial type of activity, boat used for commercial services like transporting goods and especially people have an inclination to ensure that they are

licensed as opposed to rarely commercial boats like the artisanal, fishing or regulatory boats and that the majority of technical and commercial activities within the boat business cycle is controlled by the international authorities, governments and non-governmental organizations respectively.

The study also concluded that there are measures taken to by the Kenya Maritime Authority to enhance boating licensing in Kenya. Thus the KMA has strategies to enhance boat licensing in Kenya. The respondents further explained that KMA the measures taken to by the Kenya Maritime Authority include promoting self regulation with regard to compliance to safety requirement and the drafting required regulation to operationalize the MSA 09 with regard to licensing.

The study concluded the measures taken to enhance boat licensing in Kenya were ensuring that the boat operators are qualified, using modern technology in licensing and ensuring compliance to licensing, government should make it mandatory to have all boats licensed, without which they should not be found operating the waters respectively. This point to the fact that the training of boat operators, adoption of modern technology in licensing and strict implementation of the boat licensing regulations are the most significant measures that would help streamline boat licensing in Kenya. In addition the other measures taken to enhance boat licensing in Kenya included addressing lack of knowledge on requisite licenses for specific commercial type of activity through awareness and sensitization forums and ensuring efficient evaluation and monitoring techniques are used respectively.

5.5 Recommendations

This sub-section presents recommendations for policy intervention based on the study findings.

The study recommends review of the existing policies and laws on boat licensing with a view to effectively manage the boat licensing efforts in the country. This will address the existing gaps in the existing policies and laws on boat licensing and making them friendly to the boat operators and owners. A continuous monitoring and evaluation of laws governing boat licensing in Kenya is necessary because there is technological change in the ways in the making of boats.

The study also recommends a more comprehensive and regular country-wide awareness campaign among the boat operators and owners in the country on the importance of boat licensing. This will enhance the gains accrued by the boat operators and owners and the KMA through compliance of the laws as it will help streamline the maritime industry.

The research further recommends that the government, particularly the KMA should install strict measures to ensure effective implementation of policies and laws on boat licensing in order to address the laxity among the government agencies in the implementation of the boat licensing policies and law. The efforts should be enhanced by employing more staff in the KMA who are competent in the maritime industry regulations.

The study also recommends that the KMA should ensure that only qualified boat operators are licensed by coming up with guidelines on the minimum training qualification that should be achieved by the boat operators to work in the industry.

5.6 Areas for further studies

The study recommends further research on the effectiveness of Kenyan maritime policies in improving performance in maritime industry. The study will compliment this study by analyzing the role of legal instruments in ensuring that government agencies perform well in their mandate. The study recommends also research on human resource factors affecting boat licensing in the maritime industry.

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APPENDICES

APPENDIX 1: QUESTIONNAIRE FOR THE RESPONDENTS

Preamble

This questionnaire is for the purpose of the research only and the information you give will be treated confidentially. Please answer all the questions provided as honestly as possible, to the best of your knowledge.

Instructions: *(Please read the instructions given and answer the questions as appropriately as possible).* It is advisable that you read carefully and correctly fill in each section as provided.

VESSEL INSPECTION RECORD FORM

VESSEL TYPE:		HULL MATERIALS:	
TRADE:		NO OF PERSONS:	
PARTICULARS OF OWNER/CHARTERER:			
DATE OF LAST DRY DOCKING:		DATE OF SURVEY/INSPECTION:	
PLACE OF SURVEY/INSPECTION			
DETAILS	ITEM CONDITION	SURVEYOR'S REMARKS ON GENERAL CONDITION OF THE VESSEL	
1. ONE ANCHOR		<div style="display: flex; justify-content: space-around;"> COMPLIANT NOT COMPLIANT </div>	
2. ONE SEA ANCHOR			
3. 15 FATH. ROPE/CHAIN			
4. TWO ROPE PAINTERS			
5. ONE HEAVING LINE			

6. 10 FATH TOW ROPE		NAME OF SURVEYOR: _____ SIGNATURE: _____
7. ONE BOAT HOOK		
8. ONE BAILER		
9. ONE BUCKET		
10. DRINKING WATER		
11. EMERGENCY RATIONS		
12. ONE FIRST AID KIT		
13. TWO FIRE EXTINGUISHERS		
14. ONE FIRE BLANKET		
15. ONE LIFE JACKET EACH OR		
16. BUOYANT APPARATUS		
17. TWO LIFEBOOYS WITH GRAB LINES		
18. TWO SMOKE FLOATS		
19. SIX RED HAND FLARES		
20. ONE BILGE PUMP		
21. ONE TORCH		
22. ONE COMPASS (WITH LIGHT)		
23. NAVIGATION LIGHTS		
24. SEARCH LIGHT		
25. ECHO/DEPTH SOUNDER		
26. RADAR		
27. VHF RADIO		
28. GPS		
29. LIFE RAFT		
30. STEERING GEAR CONDITON		
31. HULL CONDITION		
OWNERS SIGNATURE: _____ OWNERS TEL NO: _____		
BMU CHAIRMAN / REP: _____ TEL NO. _____		

Section A: Background Information

1. How old are you?

a) 20 – 30 years [] b) 30 – 40 years []

c) 40 – 50 years [] d) 50 – 60 years []

2. Please tick against your gender

a) Male [] b) Female []

3. What is your highest academic qualification?

a) Secondary [] b) Certificate []

b) Graduate [] c) Diploma []

d) Others (specify)

4. How long have you been working in the maritime industry?

a) 0 – 2 years [] b) 3 – 5 years []

c) 6-10 and over [] d) Over 10 years

5. From your experience, are the boat owners/operators aware that their boats need a Certificate of Seaworthiness?

Yes [] No []

6. What are the times that you operate?

0600-1200 [] 1200-1800 [] 1800-2400 []

Any time []

7. What maritime polices are you aware of?

Maritime polices	Yes/No	Maritime polices	Yes/No
Merchant Shipping Act 2009		Licensing Regulation	
Fee Regulation		Small Vessel Safety Regulation	
Lake Victoria Act		Kenya Port Act	

8. What Maritime based training have you taken?

.....

Section B Effect of government policy on boat licensing

9. How are the government agencies mandated with boat licensing effective in their role? Effective [] Very effective [] Ineffective []

10. To what extent is the government policy that ‘it is mandatory to have all boats licensed, without which they should not be found operating in the waters’ being implemented in the industry?

To a very low extent [] To a low extent [] To a moderate extent []
 To a great extent [] To a very great extent []

11. The following are some of the challenges affecting the implementation of government policy on boat licensing. Do you experience any one of them?

- a) Shortage of staff Yes [] No []
- b) High rate uneducated boat owners/operators Yes [] No []
- c) Lack of efficient evaluation and monitoring techniques Yes [] No []
- d) Under-supply of crew resources

12. The following statements relates to governments role in boat licensing in Kenya. To what extent do you agree with each one of them? Use a scale where 1- To a very low extent, 2- To a low extent, 3- To a moderate extent, 4- To a great extent and 5-To a very great extent

	1	2	3	4	5
Policy on boats and ships in most countries inclines to protect their own nation fleet by providing financial and/or other kinds of subsidy					
Government monetary policy through ensuring minimum inflation or deflation provide licensing stability					
Licensing stability is a prerequisite for a healthy economy					
The Kenyan government ensure price stability is through strong regulation in the maritime industry					
The most effective tool for regulation of licensing is to adjust interest rates					
It is a task of government to regulate factors which can positively influence the wider economy as well as the acquisition of vessels					

Section C Influence of area of operation on boat licensing

13. Does the area that the boats operate in affect their compliance to boat licensing?

Yes [] No []

If yes, in how does the area of boat operation affect compliance to boat licensing?

.....

14. To what extent does area of boat operation affect compliance to boat licensing by the boat owners/operators?

To a very low extent [] To a low extent [] To a moderate extent
 To a great extent [] To a very great extent []

15. Do the local community affect the operation of boats in this area?

Yes [] No []

b). If yes, in what ways does the local community affect the operation of boats in this area?

.....

16. The statements below show the influence of area of operation on boat licensing. Using a scale of 1-5 where 1- represents to a very low extent, 2- To a low extent, 3- To a moderate extent, 4- To a great extent and 5-To a very great extent to what extent does each statements reflect the Kenyan scenario?

	1	2	3	4	5
Boats found in the coastal waters (urban area) are more prone to being sea worthy and complaint to the licensing requirements than those found on the inland waters (rural areas)					
Boats operating in inland waters (rural) cannot be easily accessed by the regulating body and /or any government or private officials					

Vessel operators are not supposed to enjoy government protections and subsidies at the same time					
Area of operation affects boat licensing as it determines marine insurance covers offered in that specific area which help to increase the seaworthiness of boats					
In the coastal waters many boat owners have managed to insure their boats as compared to their inland waters counterparts					
A boat does not get an insurance cover without a seaworthiness certificate					
The fact that a boat does not get an insurance cover without a seaworthiness certificate is a challenge in the inland waters because boat owners don't find it necessarily to insure their boat, thus affecting boat licensing					

17. The following statements reflect different attitude of boat owners and operators in relation to boat licensing. To what extent do you agree with each one of them? Use a scale where 1- To a very low extent, 2- To a low extent, 3- To a moderate extent, 4- To a great extent and 5-To a very great extent

	1	2	3	4	5
Kenyans boat operators do not understand the need for boat licensing in order to appreciate its importance					

Boat owners consider their occupation less risky despite their exposure to hazardous circumstances in the sea					
Boat owners consider boat licensing a tie up of funds which could be channeled to “better” investments opportunities					

Section D Effect of maritime policies on boat licensing

18. Is the statement that ‘very few boat owners are committed to complying with the law in terms of licensing’ indicative of the Kenyan situation? Yes [] No []

19. Has there been creation of new structures in the management and policy framework of the maritime industry over the last 3 years? Yes [] No []

If yes, what are some of these new changes in the management and policy framework in this industry?

.....

20. After how long does the management of review maritime policies on boat licensing?

Anytime when need arises [] Quarterly [] Semi annually []
Yearly []

21. Are the Kenyan maritime laws and policies based on International Conventions and custom?

Yes [] No []

22. Does the lack of political will and poor leadership hinder the move towards a more comprehensive approach to marine governance in Kenyan maritime industry?

Yes [] No []

23. To what extent do you agree with the following statements on the effect of maritime policies on boat licensing? Use a scale where 1- To a very low extent, 2- To a low extent, 3- To a moderate extent, 4- To a great extent and 5-To a very great extent

	1	2	3	4	5
The new structures in the management and policy framework to the maritime industry is encouraging more boat owners to license their boats					
Management of the maritime industry review maritime policies on boat licensing regularly to accommodate the changes in the industry					
Most of the boats in Kenya are unseaworthy thus the costs inflate due to the need to have the boat comply with the specific requirements to make it seaworthy and finally obtain the license					
International Conventions on maritime law and policies become applicable Kenyan legal system only if parliament pass a specific implementing legislation					
Primary reason for the stalling of the development of a					

new policy framework in maritime industry is due to the debate over rights to coastal and marine activities					
Move towards a more comprehensive approach to marine governance requires political will and leadership					

Section E Influence of commercial type of boating activities on boat licensing

24. What are the different categories of commercial types of boating activities are the boats in this area involved in?

Transport – passenger	Yes/No	Commercial fishing	Yes/No
Transport – liquid		Pleasure	
Transport – dry cargo		Regulatory/ Policing	
Boat for Hire		Personal use	
Artisanal fishing		Other (specify)	

25. Does the type/nature of commercial activity that the boat is used for affect boat licensing? Yes [] No []

26. To what extent do you agree with the following statements on influence of commercial type of boating activities on boat licensing? Use a scale of 1-5 where 1- To a very low extent, 2- To a low extent, 3- To a moderate extent, 4- To a great extent and 5-To a very great extent

	1	2	3	4	5
Kenya has enormous potential for water – based tourism that remains largely unutilized due to the lack of knowledge on requisite licenses for specific commercial type of activity					
There are cases where boats are licensed for a type of commercial type of activity they are not involved in					
The majority of technical and commercial activities within the boat business cycle is controlled by the international authorities, governments and non-governmental organizations					
Boat used for commercial services like transporting goods and especially people have an inclination to ensure that they are licensed as opposed to rarely commercial boats like the artisanal, fishing or regulatory boats					
Kenyan government, relevant NGOs and international organizations perform important functions such as identifying boats that would be eligible for financial support in competitive market and being the depository of mortgage instruments, credits, and other related commercial activities as well					
Kenyan government, relevant NGOs and international					

organizations ensure the execution and implementation of international rules, regulations, and other requirements under a on the various commercial activities in the boundaries of maritime transportation industry					
Selection of the suitable licensing alternative is critical for boat management companies in terms of administrative and operational manner					
Boat owners are looking for improving their competitive position in tight boating markets and attempting to move their boats to the best alternative					

Section F Measures taken to enhance boating licensing in Kenya

27. Are there measures taken to by the Kenya maritime authority to enhance boating licensing in Kenya? Yes [] No []

If yes, what are some of the measures taken to by the Kenya maritime authority to enhance boating licensing in Kenya?

.....

.....

28. The following are measures taken to enhance boat licensing in Kenya. To what extent would each one of them be effective in enhancing boat licensing? Use a scale where 1- To a very low extent, 2- To a low extent, 3- To a moderate extent, 4- To a great extent and 5-To a very great extent

	1	2	3	4	5
Government should make it mandatory to have all boats licensed, without which they should not be found operating the waters					
Employing adequate staff					
Ensuring that the boat operators are qualified					
Ensuring efficient evaluation and monitoring techniques are used					
By addressing lack of knowledge on requisite licenses for specific commercial type of activity through awareness and sensitization forums					
Using modern technology in licensing and ensuring compliance to licensing					
Others.....					

29. What recommendations would you make on measures that can be applied by the Kenya Maritime Authority to enhance boating licensing in Kenya?

Thank you for your time and participation