



USIPOZIBA UFA UTAJENGA UKUTA

Land, elections, and
conflicts in Kenya's
Coast Province



Mwandawiro Mghanga

With an introduction by
Axel Harneit-Sievers



**INSIDE
COVER**

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UTAJENGA UKUTA**

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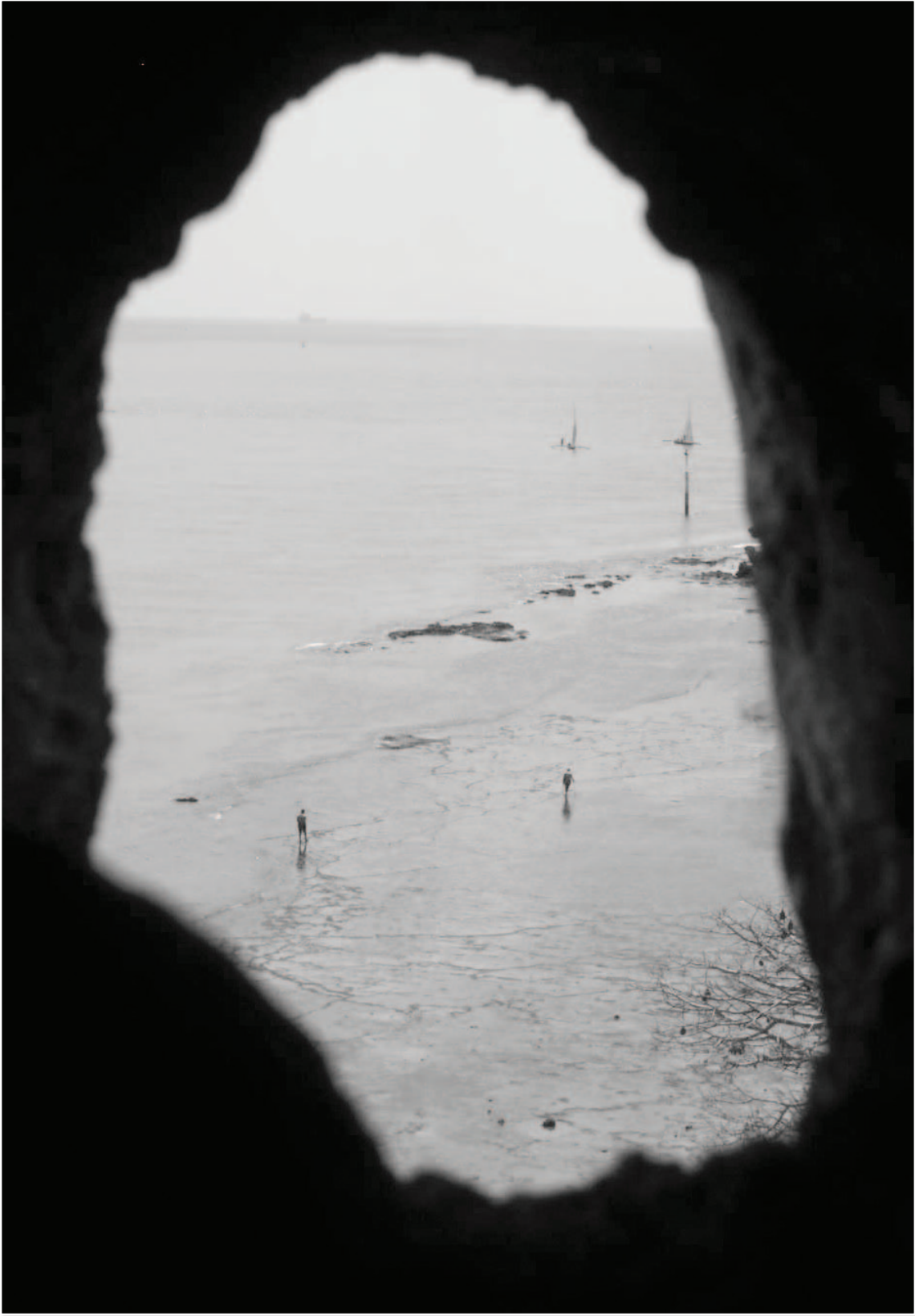
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Axel Harmet-Sievers

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List of Abbreviations

AFC	Agricultural Finance Corporation
AU	African Union
CBO	Community-Based Organisation
CCU	Chama Cha Uzalendo
CDP	Community Development Party
CIPEV	Commission of Inquiry into Post-Election Violence
DC	District Commissioner
DDC	District Development Committee
DO	District Officer
DP	Democratic Party
DRC	Democratic Republic of Congo
DSC	District Security Committee
EAC	East African Community
ECK	Electoral Commission of Kenya
FBI	Federal Bureau of Investigation
FORD	Forum for the Restoration of Democracy
GEMA	Gikuyu, Embu, Meru Association
HBF	Heinrich Böll Foundation
HDI	Human Development Index
ICC	International Criminal Court
IDP	Internally Displaced Person
KADDU	Kenya Africa Democratic Development Union
KADU	Kenya African Democratic Union
KAMATUSA	Kalenjin, Maasai, Turkana and Samburu
KANU	Kenya African National Union
KENDA	Kenya National Democratic Alliance
KENGEN	Kenya Electricity Generating Company
KHRC	Kenya Human Rights Commission

KNCHR	Kenya National Commission on Human Rights
KPTJ	Kenyans for Peace with Truth and Justice
KPU	Kenya People's Union
KTN	Kenya Television Network
KWS	Kenya Wildlife Service
LPK	Labour Party of Kenya
MP	Member of Parliament
MUHURI	Muslim Human Rights Organisation
NARC	National Rainbow Coalition
NARC-Kenya	National Rainbow Coalition – Kenya
NEMA	National Environment Management Agency
NGO	Non-Governmental Organisation
NSIS	National Security Intelligence Service
ODM	Orange Democratic Movement
ODM-Kenya	Orange Democratic Movement – Kenya
PC	Provincial Commissioner
PNU	Party of National Unity
PPO	Provincial Police Officer
RLP	Republic Liberty Party
SDP	Social Democratic Party
SPK	Shirikisho Party of Kenya
UNDP	United Nations Development Programme

Figure 1: Map of Coast Province: Districts (2007)



Source: Based on the “Kenya District Map”, dated 31st January, 2008, by Data Exchange Platform for the Horn of Africa (DEPHA), <http://www.reliefweb.int/rw/rwb.nsf/db900sid/LRAY-7BLPNA?OpenDocument>; adapted and reproduced with kind permission by Alex Lugadiru, DEPHA.

Misleading Quiet: An Introduction to Coast Province During and Beyond Kenya's Post-Election Crisis

By Axel Harneit-Sievers

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The large-scale violence that erupted in Kenya after the controversial 27th December 2007 general elections was no single major explosion. Different parts of the country were affected in very different ways. While many parts of Kenya were burning, the Coast Province remained relatively calm, despite the longstanding history of socio-political tension and even violent conflict in this part of the country. How did the nation-wide conflict after the 2007 general elections affect Coast Province, and to what extent did it become violent? How was an even more violent escalation of conflict avoided? And what do the events in Coast Province following the December 2007 general elections tell us about the risk of future conflict in the Coast? The study by Mwandawiro Mghanga, published in this book, shows that there is no reason to underestimate, or be complacent about, the potentials for current and future conflict in Coast Province. Even though the Coast did not belong to the hotspots of violence in 2007-08, this does by no means guarantee future peace. Observers and policy-makers should take note of the severe, and growing, risk of possibly violent conflict in Kenya's Coast Province.

Background

After the announcement of the election results on 30th December 2007, Rift Valley Province, Nairobi and Western Kenya (Nyanza and Western Provinces) experienced the most serious forms of violence, with spontaneous protest accompanied by opportunistic crime, violent repression by security forces and – especially in the Rift Valley – widespread organized attacks on non-indigenous communities. Taken altogether, the violence led to more than one thousand people being killed, and made several hundred of thousands becoming refugees in their own country. The violence persisted and even escalated until end of January 2008, by which time the conflict – with attacks and counter-attacks by ethnic militias – showed features of outright inter-ethnic warfare. Severe tension continued in many areas until 28th February 2008, when the Party of National Unity (PNU) under Mwai Kibaki and the Orange Democratic Movement (ODM) under Raila Odinga agreed on the “National Accord”, mediated under the leadership of former UN Secretary-General Kofi Annan, resulting in the formation of a Grand Coalition government in April 2008.

Compared to what happened in much of Nairobi, the Rift Valley and Nyanza (and, to a lesser extent) Western Provinces, the country's Coast Province remained relatively calm. The Commission of Inquiry into Post-Election Violence (CIPEV, popularly known as “Waki Commission”) documented altogether 27 cases of post-election violence-related killings in Coast Province, i.e. 2.4 per cent of the Kenya-wide overall total of 1,133 victims.¹ Violent attacks in Coast Province were limited largely to Mombasa and a few localities especially on the South Coast; and they ended within a few days after 30th December 2007. Coast Province was largely spared the violent escalation of ethnic conflict which harrowed other parts of Kenya in January 2008.

¹ See CIPEV (2008: 313). Due to the extensive nature of the Commission's inquiry and the substantial public attention and input it received, the Commission's figures are widely regarded as the most reliable account of the impact of the post-election violence; still, it is likely that a number of deaths resulting from the post-election violence – perhaps another 10-15 per cent – have remained unrecorded.

The – relative – calm in Coast Province in Kenya's 2007-08 post-election crisis forms a remarkable contrast not only to other parts of the country, but also to the province's own history of conflict. About ten years earlier, just a few months before the 1997 elections, the Likoni area in the south of Mombasa experienced serious unrest, starting with an attack on Likoni police station, and resulting in about 80 people being killed and 100,000 becoming displaced. Much of the violence in 1997 was directed against "up-country" people, and later inquiries have shown that the violence was instigated by local political operators trying to reduce the voting potential for the opposition against the then governing Kenya African National Union (KANU) party under President Daniel Arap Moi.² Patterns of violence experienced in the Coast Province in 1997 were very similar to those observed in the Rift Valley in 1992 and later on – all of them taking place in the context of KANU attempts to retain power after Kenya's return to multi-party democracy in 1991.

Not only does Coast Province have its own record of political violence. At least among those who bother to take note, the Province is also known for a range of socio-political and economic problems that have high potential for conflict. They include, naming just a few keywords:

- widespread poverty, combined with a very high degree of inequality;
- extensive alienation of land that makes it difficult or even impossible for considerable parts of the local population to gain access to land;
- an increased degree of politicization of religion, and especially strained relationships between Kenya's Muslim community and the government, resulting from security policies after the 1998 and 2002 terrorist attacks in Nairobi and Mombasa, respectively; and
- a persistent feeling of being politically marginalized in post-independence Kenya that has led many political actors from the Coast to call for majimbo, i.e. devolution, some kind of federal solution or – in some extreme cases – even separation from Kenya.

Rationale and Research Approach

The question "Why did the Coast not explode after 30th December 2007?" stood at the beginning of the process leading to the study by Mwandawiro Mghanga that forms the main part of this book.

The decision to commission this study arose out of the apparent contradiction between the fact that little of the 2007-08 post-election violence erupted in Coast Province, while the same Province has severe conflicts and even past experience of political violence. This question surely deserves some deeper investigation in its own right, trying to identify the factors and, perhaps, the specific constellation that made Coast Province avoid the worst excesses of violence after 30th December 2007. In a way, this undertaking constituted a follow-up to two research reports about the violence in Coast Province in 1997 that Mwandawiro had produced for the Kenyan NGO Council, a decade earlier (Mghanga 1997a, 1997b).

Necessarily, any more thorough inquiry into the 2007-08 post-election crisis in Coast Province had to be undertaken on the background of past experience of conflict and the general socio-economic and political characteristics of this part of the country. Therefore, the study has been extended to constitute, to some extent, a wider attempt at "conflict mapping" of Coast Province today.

Conceptualized as a field study, the research undertaken focused on interviews with local actors in Coast Province – individuals, community-based organizations, community leaders and government officials (including staff of security agencies). This was supplemented by the use of secondary material and by the study author's extensive personal knowledge of the Province – Mwandawiro Mghanga hails

² See Wolf (2000: 148-149), with further references to official and non-official inquiries, and Mghanga (1997a).

from Taita-Taveta District and has been a Member of Parliament representing Wundanyi Constituency between 2003 and 2007. After completion of the draft version, the study was presented for discussion and feedback by stakeholders in a validation seminar, held in Mombasa in May 2009, involving about 20 representatives of civil society organizations from all districts of Coast Province. Many of their comments and observations were integrated into the final text. The study published here is a research-based field report, describing features, critical events around the post-election crisis, and more long-standing areas of conflict in Coast Province. It contains many perceptions and personal opinions held by those who were interviewed. Overall, the study captures “the public mood” in about current conflicts and conflict potentials in Coast Province and can lay a legitimate claim to reflect relevant voices of local actors in the area.

Some General Observations

The study points at a broad array of past and present conflict issues in Coast Province. While the study is organized primarily geographically and tracks the problems on a district-by-district basis, a number of common themes emerge. The author points to urgent reform needs accordingly. Some of them are national issues, such as the problem of “negative ethnicity” (i.e. ethnicity becoming an instrument of political competition) and the need to end impunity for past crimes. Others are more specific – though certainly not necessarily restricted to – Coast Province, especially the need for a more equitable distribution of the proceeds from the Coast’s manifold (land and other) resources and the economic enterprises that use them – for agriculture, tourism and mining alike.

In addressing these issues, the study speaks for itself. But it seems appropriate for this introduction to summarize some more general observations that locate the study in the broader context of current political debate in Kenya.³

Marginalization of Coast Province

About a decade ago, Ali Mazrui (2000) characterized Kenya’s Coast Province by a number of dichotomies (or “paradoxes”, as he called them): Being historically the most “cosmopolitan” of all regions that constitute Kenya today – a region which has attracted immigrants from highly diverse ethnic and religious backgrounds over several centuries – and playing a central role as hub of commerce and infrastructure, Coast Province was relegated to a secondary position in terms of political and economic power in colonial and (even more so) post-colonial times. While, due to this heterogeneity, being the “least ‘tribal’ of the Provinces of Kenya”, Mazrui also described the Coast as “among the least ‘national’ in power, influence and orientation”. Despite having provided Kiswahili as a lingua franca, the Coast was and continues to be relatively underdeveloped in terms of modern education. And although Coast Province has not been under-represented in the political system in a formal sense (in fact, its number of constituencies electing members of parliament is relatively high, measured by population figures), there is a persistent perception of being politically marginalized, with people of Coastal origin holding relatively few executive positions in the central administration, civil service and parastatals. Also, members of parliament from Coast Province are often viewed to “forget” their constituencies once they have been elected and gone to Nairobi (see Gona 2008).

The overall picture of marginalization does not appear to have changed over the last decade, despite the change of government from Moi to Kibaki in 2002 – a change that had at first been wholeheartedly supported by the majority of the Coast’s population but led to much disappointment when the National Rainbow Coalition (NARC) fell apart by 2004-05.

Latest available national statistics rank Coast Province among the middle or the poorer parts of Kenya – depending on the source of data and on the perspective taken. Most remarkable are major

³ I owe a number of the observations summarized here to the discussions at the validation seminar in Mombasa and wish to specifically acknowledge the contributions by Njuguna Mutonya and Tom Wolf.

differences between Mombasa and the rural areas, while there are also considerable differences between different rural areas in the Province. The latest Kenya National Human Development Report (UNDP 2006: 14-15, 51) notes for Coast Province an overall Human Development Index (HDI) that is to the Kenyan average. However, while noting the highest HDI of the entire country for the city of Mombasa, the report points to severe deficits of human development, and of poverty, in many rural areas of Coast Province; it notes an overall poverty level in Coast Province of 62%, second only to Nyanza Province with 63% (no data were available for North-eastern Province which by all accounts is the poorest part of the country).

The Kenya Integrated Household Budget Survey (Kenya National Bureau of Statistics 2007: 44-45, 52, 58, 63-65), undertaken in 2005-6 and arguably the most detailed poverty study available, paints this picture more precisely – and even more severe. According to the survey, Coast Province has the second-highest rural poverty levels in Kenya (after North-eastern Province), while even urban poverty levels in Mombasa were found to be somewhat higher than in other major cities in Kenya. However, there are strong differences between different rural areas of Coast Province: Rural poverty levels in Tana River, Malindi, Kwale and (by some indicators) Kilifi Districts are very high, approaching levels prevalent otherwise mainly in the arid northern districts of Kenya. At the same time, especially Lamu and – to a lesser extent – Taita-Taveta Districts fare comparatively well.⁴

While the statistics paint a clear picture of socio-economic marginalization and neglect of many rural communities in Coast Province, the perceived marginalization of Coast Province in terms of politics appears to be similarly strong, though it can be less well captured by “objective” measurements, i.e. statistics. Mwandawiro Mghanga’s study points at many aspects of the problem.

First, there is the widespread perception that most valuable resources of Coast Province (land, tourism facilities, enterprises) are controlled by outsiders – by foreigners and “up-country people” alike. This has made *majimbo* and similar demands for devolution and for a greater degree of local control over local resources so popular.

Secondly, the Muslim community concentrated in (though not limited to) Coast Province widely feels that central government’s security agencies (backed up by U.S. policy especially after the terrorist attacks in Nairobi and Mombasa in 1998 and 2002, respectively) treats them as second-class citizens, regarding the entire community as a security risk, and committing human rights violations against individuals who are alleged to be linked to terrorist organizations.

Both these political dimensions of Coast marginalization were taken up by Raila Odinga and the ODM in the 2007 election campaign, by supporting demands for *majimbo* and by concluding a “Memorandum of Understanding” with leaders of the Muslim community that led to much controversy even though it did not promise more than to guarantee Kenyan Muslims the same rights of citizenship as other Kenyans. And even the Shirikisho Party of Kenya (SPK), an important ally of President Kibaki’s PNU in Coast Province, continued to call for *majimbo* in its election campaign.⁵ However, the outcome of the 2007 elections – the PNU/ODM “Grand Coalition” ridden by internal conflicts – makes it less than certain that these issues are going to be addressed in a systematic manner in the near future.

Coast Province in the Post-Election Crisis

One important, though still somewhat tentative conclusion about the post-election violence, to be drawn from the analysis presented by Mwandawiro Mghanga, is that the Coast provides a kind of negative proof of patterns that was common elsewhere in Kenya: It appears that, on the one hand, the – relatively few – incidents of post-election violence which actually happened in Mombasa and

⁴ This picture is confirmed, though less markedly, by the district-level Human Poverty Index data for 2005 (UNDP 2006: 74)

⁵ The party’s leader Chirau Mwakwere (Minister for Transport and Member of Parliament for Matuga) maintained this position after Shirikisho had announced its support for Kibaki (Ringa & Kwenia 2007), a step that led to much controversy among party officials (Nyassy & Kwenia 2007).

in some other locations of Coast Province remained more or less “spontaneous” acts of protest and anger about what was widely perceived as a rigged election. On the other hand, these incidents did not become more systematic and did not escalate further. The reason for this appears to lie in the fact that there were few or no local political operators willing, or able, to organize such violence – whereas, as known by now, much of the post-election violence in other parts of Kenya was “organized” (in the sense of having being initiated and/or financed by political actors) in one way or the other.

The organized character of much of the political violence in Kenya’s 2007-08 post-election crisis was already being noted by some reports during the height of the crisis and soon afterwards⁶. The issue received extensive attention by the Waki Commission; its report, published in October 2008, provides the most detailed documentation and analysis of the post-election violence till date. The Waki Commission’s report provides a clear message that much of the post-election violence was instigated and organized, presumably by local or even national political actors; the Commission has made clear that those responsible for the violence should be brought to court. From the Waki Commission’s report and other sources, at least four clearly distinctive patterns of violence in the post-election crisis are clearly recognizable:

- spontaneous violence erupting from immediate protests against the election results, accompanied by acts that may qualify as “opportunistic crime”, especially looting and rape;
- a heavy-handed repression of such acts of violence by security forces which used firearms and live ammunition against protesters and looters, killing dozens in the process in the first days of the crisis, especially in Kisumu and Nairobi;
- organized attacks by gangs of Kalenjin youth (armed, though without firearms) in the Rift Valley against locals originating from other ethnic groups, especially Kikuyu, but also Kisii and others, beginning right after the announcement of the election results; and
- ethnic militia attacks on members of other ethnic groups in the Rift Valley, in the Nairobi slums and in some areas around the capital from about mid-January 2008, widely believed to have been organized by local (and perhaps even national) political actors, with the Mungiki “sect” being the single most visible group among them.⁷

Only the first of these four categories of violence can be regarded as not having been organized - and it appears that virtually all of the violence in Coast Province falls into that category (except perhaps for the at least four deaths in Mombasa attributed to shooting by the police, as noted by the Waki Commission).

Thus, in contrast to much of what happened in other parts of the country at the time, post-election violence in Coast Province did not go very much beyond what may be called the “first phase” of spontaneous protest and sporadic attacks. From all evidence available, further escalation with massive loss of lives was avoided as there was little or virtually no “organized” violence. Why was this so?

It may be argued that the experience of the 1997 violence spreading from Likoni, and its severe impact (in humanitarian terms as well as with regard to the considerable economic losses, especially in the tourist industry) made Coast Province people reluctant to become part of escalating, more violent protests in 2007-08. However, such an argument hardly holds when looking at the fact that past experience of impacts of violence has not prevented its repetition in other parts of the country, especially in the Rift Valley.

⁶ Two early detailed reports were International Crisis Group (2008), which incidentally pointed to risks of escalating militia violence in Coast Province (pp. 15-16) which, however, did not materialize, and Human Rights Watch (2008). Further analyses of the post-election violence are Calais (2008), Maupeu (2008) and, especially for Rift Valley, Anderson & Lochery (2008).

⁷ This four-pattern typology does not include violence in the pre-election period (documented, for example, by Kenya Human Rights Commission 2008) and the pre- and post-election violence in the Mount Elgon region which has long-standing local roots, but re-erupted in the context of the 2007 general elections (see Médard 2008).

Another possible explanation may refer to the role of Muslim leaders and clerics (imams) who – as noted in Mwandawiro Mghanga’s study – consistently preached peace at the height of the crisis. However, a good number of Christian leaders in the Coast and other parts of the country did the same – and obviously not very successfully, perhaps in part due to the fact that the Christian churches were affected by the political confrontation as well. At any rate, the Muslim community accounts for only about half of Coast Province’s total population; Muslim religious leaders in the crisis deserve commendation for having avoided anything that may have added a religious dimension to the political conflict; but their commitment to peace is hardly sufficient to explain the overall picture in Coast Province.

Instead of assuming some “cultural” tendency of substantial parts of the population to resist or counter violent political mobilization (e.g., some more general “peacefulness” and tolerance in Coast culture, resulting from its historical “cosmopolitanism”), the most likely reason for the Coast’s relative calm appears to lie in the fact that the concrete configuration of party politics in the 2007 general election ran somewhat against “traditional” lines of political conflict in Coast Province. This seems to have provided fewer entry points for organized violent action than in the past, or elsewhere in the country.

The long-standing perception among people of Coast Province to have been marginalized by “up-country people” who control the instruments of power in Nairobi and secure Coastal resources for themselves, clearly formed the backdrop to the 1997 violence. At the time, violence was directed against “up-country” people in general – against Kikuyu, Luo and other ethnic groups from hinterland Kenya alike.

However, the political configuration during the 2007 general elections was decisively different: The majority of people in Coast Province supported ODM, which, at the same time, was a party with a Luo presidential candidate and strong support in the Rift Valley, against the PNU with its incumbent Kikuyu president. Thus, the classical antagonism “Coast vs. Hinterland” became blurred and certainly provided no space to act against “up-country people” in general – a number of attacks against individual Kikuyu notwithstanding. Furthermore, tensions between poor and often landless rural Coastal communities (Mijikenda and others), and more wealthy Coastal groups, especially the landowners of the Swahili elite, this time did not become virulent in terms of party politics, as both Coastal groups tended to support ODM. It also appears that a considerable number of people among the Coast’s population did not trust too much in ODM’s capacity or willingness for change; if the official figures are anything to go by, with a 48% and 51% turnout in the parliamentary and presidential poll, respectively, Coast Province recorded by far the lowest electoral participation of all provinces of Kenya.⁸ Finally, in contrast to the Rift Valley, there were no really strong political leaders in the Coast who – though widely assumed to have actively contributed to the escalation of violence – continue to be regarded as heroes locally.

From these considerations one may conclude that the specific political setting of the 2007 elections at the Coast did effectively reduce the risk for organized political violence in this part of the country. Admittedly, this remains a somewhat tentative conclusion which would require more detailed local research to be strengthened.

At the same time, this finding also should draw attention to the fact that the relative calm in Coast Province during the 2007 post-election crisis was less due to factors inherent to Coastal society and politics itself. Instead, it seems to have been due more to a specific configuration of party (ethnic) politics on the national level – a configuration that led to mayhem in other parts of Kenya, because it increased ethnic political mobilization, but not at the Coast, where the ethnic nexus to national political leaders was less marked. This, exactly, is no reason to feel relieved: Political configurations

⁸ The average turnout for all of Kenya was 68% and 70%, respectively, and reached 82% in the presidential poll in Central Province. For the data see Weis (2008: 3), which has become perhaps the most accessible source for comprehensive documentation of the official results, since the Electoral Commission of Kenya’s website <<http://www.eck.or.ke>> was shut down some time after the Commission’s dissolution on 16 December 2008.

have been different in the past, and they are quite likely to change again in the future. Thus, the relative calm of 2007-2008 should not be mistaken as a proof that the Coast faces less risk of violence generally, and it certainly does not provide a guarantee for peace in the future.

The Land Issue in Coast Province

No doubt, the single most conflictive issue in Coast Province's society and politics is land – or rather, the loss or lack of access to it, faced by many communities and individuals. In virtually all district-level accounts, as documented in Mwandawiro Mghanga's study, problems of land access for the local population play a very important, if not the dominant role.

Problems of land ownership, alienation and access in Coast Province have very diverse manifestations and facets, somewhat different from those patterns of land conflict in Kenya that are most frequently discussed since post-election crisis – that is, those in the Rift Valley, where present land conflicts result primarily from the redistribution of former British colonial settler's land after independence, to “non-indigenous” Kenyan farmers, the majority among them Kikuyu, by means of government-supported resettlement schemes.

Similar patterns exist in some parts of Coast Province, especially in Taita and Taveta, but overall, the historical trajectory at the Coast was somewhat different from highland Kenya. At the Coast, some aspects of today's land problems date back to pre-colonial Arab-Swahili landholding. Shortly before independence, British colonial authorities even confirmed the supreme control of the Zanzibar Sultanate over the “ten mile strip” along the coast in order to secure acceptance of inclusion of the coast into the Kenyan state. All this left many local Mijikenda communities without recognized land tenure rights; and until today few have been able to secure recognized title deeds for themselves.

While much of the Arab-Swahili control over coastal land has been eroded in the decades since independence, it was not the local communities that profited from this process. Instead, much land went to large-scale agro-industrial ventures (such as sisal estates), the tourist sector or private developers along the ocean shore. Most of this land is controlled by foreigners or “up-country” Kenyans, many of them “absentee landlords”. Frequently, government and powerful individuals acquired titles (often by less than transparent means) by simply by-passing what local communities regard as their traditional land rights. All this has left many local communities to feel overwhelmed, complaining that they have become merely “squatters on their own land”. At some places, local communities find it even difficult to continue fishing operations as hotels and other plot owners have blocked access roads to beaches. The trend to disregard local land rights as well as ecological concerns continues, as shown by new large-scale agricultural schemes, planned by Kenyan and international investors, in the Tana River Delta area (see Tana River Delta Campaign 2008).

Beyond land alienation for private use, land conflicts around conservation projects and National Parks are as common in Coast Province as they are in other parts of Kenya, and a number of resource extraction ventures have led to additional tension. Examples are the “salt farming” enterprises in Magarini Division north of Malindi, the planned titanium mining project in Kwale District (apparently on hold for now) as well as the iron ore and gemstone mining operations in Kishushe and Kasighau, respectively, both in the Taita area.

The recognition of the peculiar character of land problems in Kenya's Coast Province is not new - at least for those who have bothered to take an interest. After various commissions inquiring into land issues, the National Land Policy (Ministry of Lands 2007: 38-39) – its draft finally approved by cabinet in June 2009 – devotes an entire section to the “potentially explosive” land question specific to Coast Province. It recognizes that under the given legal arrangements, land adjudication in Coast Province has been systematically operating against local communities' interests, and – besides many more specific proposals – recommends a comprehensive review of laws and administrative procedures.

Given the severity of land issues at the Coast, it remains remarkable that the 2007-08 post-election crisis did not lead to more serious forms of conflict escalation around land. Struggles around land are part and parcel of everyday life at the Coast, but for the post-election crisis period, there are virtually no reports about attacks on landlords or their property, or about cases of land being occupied by squatters. However, perhaps such forms of escalation were avoided in early 2008 merely because the general climate of lawlessness and violence that gripped Kenya at the time was less pronounced at the Coast, because of the specific political configuration prevailing, as analyzed above. However, future political crises may play out differently, and land conflicts in Coast Province may well escalate violently under different circumstances. The need for land reform has been principally agreed upon in the National Accord in February 2008. It is likely to become the most controversial and difficult aspect – and its most important one, in the long run.

Concluding Remarks

In the aftermath of the 2007-08 post-election crisis, Kenyan public and policy attention has focused on those parts of the country that constituted hotspots of violence, especially the Rift Valley and the informal settlements of Nairobi and other major cities, as well as on the problem of ethnic militias' formation especially in Central Province. This focus of attention is understandable, given the vast destruction and persistent political insecurity that resulted from the crisis. But it is too narrow a perspective. By producing this book, we also hope to create greater awareness – in Nairobi and beyond – of the specific problems and issues of Coast Province. Out of neglect or because of its image of being more “peaceful” or “laid-back”, Coast Province continues to play at best a secondary role in Kenya's national politics. But the Coast's – relative – calm during the post-election crisis 2007-08 appears to have been resulting from a rather specific political configuration and should not be misconstrued as guaranteeing peace in the future. Many of the issues troubling Kenya as a whole – the need for reform with regard to land, sharing of resources etc. – do not only affect the Coast as well, but have a very specific and pressing character and shape there.

We hope that this book will help to work against the continued tendency of many political and development actors in Kenya – in national politics as well as in the international community – to overlook Coast Province or to believe it can be “taken for granted”.

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USIPOZIBA UFA UTAJENGA UKUTA

Land, elections, and
conflicts in Kenya's
Coast Province



Mwandawiro Mghanga





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An Arab door installed at Fort Jesus by the Arabs to commemorate their conquest of the fort from the Portugese.

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Mwandawiro Mghanga

Nairobi, December 2009

1. Introduction

Background: The 2007–2008 Post-Election Violence

I also know that you will hold your leaders to the promise that they have made to you; the enactment of reforms to address historical injustices; electoral, institutional, constitutional and judicial reforms to address impunity and corruption and ensure transparency and accountability; land reforms and measures to address poverty; unemployment and inequity. Kofi Annan, Daily Nation, Monday, 3rd March 2008

Usipoziba ufa utajenga ukuta.

Kiswahili proverb: "If you do not repair a little crack in the wall, you will in time have to rebuild the whole wall."

The Kenyan post-election violence that began on 30th December 2007 lasted up to the end of February 2008. It killed over 1,100 people and displaced up to half a million Kenyans. It shook the country and shattered the myth that Kenya is an island of democracy, peace, stability and development in a region bedevilled with volcanoes of conflict and war. As a consequence, the violence became the concern of citizens, the government as well as non-governmental organizations (NGOs) and civil society organisations in Kenya. Concern was also felt in the countries of the Horn of Africa and Great Lakes region, the African Union, the United Nations and the world at large.

The extent of anger, hatred, revenge and sheer barbarism that was seen among the people of Kenya in this period is unprecedented. It manifested itself in the destruction of both life and property and the resultant anarchy hitherto unknown to Kenyans. There was simultaneous gross violation of human rights in disparate parts of the country. It put to question the notion of Kenya as a viable nation⁹ and Kenyans as civilised people who professed all sorts of religious beliefs. In fact, several religious leaders were reported to have covertly and overtly committed crimes against humanity (2008: 185). People who had worshipped in the same churches and mosques for years and who also professed the same religious beliefs but now not only discriminated against one another and attacked and slay members of their congregation on the basis of ethnicity.

Negative ethnicity – so called tribalism – has long been known to exist in Kenya. But few suspected it could rear its ugly head in such a horrendous manner. As Koigi wa Wamwere (2008: 34) puts it:

Negative ethnicity does not only inflict visible losses, like life, homes and land. Before we come to blows, negative ethnicity will have taken from us our humanity, our most precious possession. When a human being loses humanity, we become demonic killer machines. Negative ethnicity even makes us feel proud that we are no longer human. It calls it "being tough".

The post-election violence shattered the myth that Kenya was an example of sustainable peace and democracy in Africa. The world could hardly come to terms with this reality. Political violence and

⁹ I define a "nation" as a historically constituted, stable community of people, formed on the basis of a common possession of four principal characteristics: a common language, a common territory, a common economic life, and a common psychological make-up, manifested in common specific features of national culture.

mayhem of this kind has previously taken place in Somalia, the Democratic Republic of Congo (DRC), Cameroon, Chad, Sudan and other places in Africa. In spite of this, the Kenyan situation attracted palpable global urgency. Many governments, organisations and people in the world were quick to intervene, to try and help resolve the conflict. It was openly expressed that were Kenya to sink into anarchy, that would have spell doom for the hope for democracy, peace and stability in the African region; to say nothing of the economic and strategic interests of the Western countries in Kenya. Thus a person of no less stature than former United Nations (UN) Secretary-General, Kofi Annan, was quickly detailed to get to Nairobi to address the emerging crisis and establish a binding and lasting solution.

This was easily the darkest moment in Kenya's post-colonial history. Information would emerge later about meetings at State House, Nairobi, to plot revenge. That was how low Kenya had sunk.

The security crisis generated by the conflict pulled the country many years back economically. It negatively affected all sectors of the economy, agriculture, tourism, transport and communication, education, health, and other social services (Ondari, 2009: 4). The violence disrupted transport networks in the country, right from the port City of Mombasa to the Kenya/Uganda border. It also impacted negatively upon the economies of Rwanda, Burundi, Sudan and DRC, among others. In addition to the economic backlash, Kenya's immediate neighbours in Uganda and Tanzania had the added burden of hosting thousands of Kenyan refugees.

Whatever gains had been made over the years in making Kenyans perceive themselves as one nation were reversed. The physical and psychological damage the violence caused among the people of the various ethnic groups of the country could take many years to repair, to say the least. Warigi (2008: 11) observes:

The topic is not a trivial thing. It brought our country low and overnight erased an image we had cultivated for years of our country being an example of peace and stability. More tragic for us is the human, material and emotional cost of it all. I don't think I am wrong to fear that the hatred and bitterness that resulted from this madness will take anything less than a generation (most likely more) to heal.

After a period of deep national anxiety, the immediate political problem that was triggered by the 2007 presidential election results was eventually resolved by mediated talks by a team of eminent persons led by Kofi Annan. The talks took place throughout January, February and March 2008, amidst the violence. Kenyan Civil Society Organisations and foreign governments and organisations (including the UN, the East African Community (EAC) and the African Union (AU)) demanded that the major protagonists of the presidential election results, President Mwai Kibaki of the Party of National Unity (PNU) on the one hand and the leader of Orange Democratic Movement (ODM) Party, Raila Odinga on the other, cooperate with Annan's team to resolve the problem and end the civil war in the country.

The volatile situation demanded that some sort of political agreement had to be reached sooner than later. It was feared that the country could sink into genocide, considering the number of people who were being killed and displaced daily, violent evictions of individuals from their workplaces and homes, amidst inter-ethnic hatred that targeted specific ethnic groups and especially the Kikuyu in western Kenya and in the Rift Valley. But what was even more scaring was the fact that President Kibaki, his government and the security forces were either unable to provide enough security in the areas most affected by the inter-ethnic conflict, or they were deliberately ignoring the mayhem. Some ODM politicians even claimed that foreign troops were in the country in operations against their supporters.

Such sentiments were expressed by, among other people, ODM's leader Raila Odinga who went on to become Prime Minister in a Grand Coalition Government. The sentiments manifested Kenyans' lack of faith in their institutions of governance. They are sentiments that have come to haunt the ruling elite, including that of Raila's ODM. The Waki Commission (CIPEV 2008) that was set up to investigate the post election violence recommended that suspected perpetrators of the post-election violence should be arrested and taken to the International Court of Justice at the Hague for trial, should the Government of Kenya fail to establish a genuine local tribunal to try them in Kenya.

The Kenyan ruling elite has maintained itself in power through corruption, media propaganda, state terrorism and the method of divide and rule. It survives by preaching, organising and sponsoring inter-ethnic clashes that have caused death, destruction of property and displaced thousands of people, while escaping with impunity. At the time of this writing, the ruling elite are confused and panicky as international pressure mounts to prosecute the main instigators of the violence.

Desirable as they were, the political agreements and solutions that arose from Annan's and other similar political initiatives have only addressed the immediate problem and offered top-down solutions that (though desirable and necessary) have hardly touched the root causes of the conflicts in Kenya. They have not offered long term sustainable solutions to conflicts in the country in substantial way.

Sustainable long term solutions to conflicts in the country demand down-up solutions that must involve Kenyans of all ethnic groups, classes, gender, age groups, faiths, political affiliations and geographical regions. They should also be based on true, real and painful surgery of the Kenyan society, followed by harsh, but necessary, prescriptions administered to the patient – the ailing Kenyan nation. The prescription must either be administered or the nation allows itself to crumble and die. Such prescription must employ both short and long term solutions.

Kenyans must stare at themselves in the mirror. They must honestly and critically examine themselves, their families, ethnic groups, neighbours and all around them in relation to the national crisis that involves each and every individual. To quote Koigi wa Wamwere (2008: 1) again:

To stop fighting, Kenyan communities must no longer deny negative ethnicity. To heal, we must treat our ugly and smelly infection. We must no longer live in denial. We cannot cure our ailment by denying it.

Kenyans must take responsibility for their attitudes and actions and participate in the search for short term and long term solutions to the political and social crisis in the country. This includes, among other measures, confronting and dealing with stereotypes and myths that have been held hitherto about Kenyan society and that were themselves violently shattered by the 2007-2008 post-election violence.

Objectives and Methodology of the Study

In order to make a contribution to the search for sustainable solutions to the conflicts in the country, I conducted research in the Coast Province, focusing on the period 1997 – 2008. Its objectives included the following:

- To find out about the nature of the 2007-2008 post-elections violence in Coast Province; the reasons behind the conflicts, where they occurred, and whether they were related in any way and to what extent to the election conflicts that took place in 2007 in the province.
- To find out the relationship between the 2007-2008 post-elections violence in Coast Province and other parts of the country especially in Central, Nairobi, Rift Valley, Nyanza and Western provinces.
- To find out about the impacts of the 2007-2008 post-elections violence in Coast Province.
- To find out about existing and potential conflicts in the districts of the province and how they can be solved.

The research involved travelling extensively within in the districts of Coast Province and interacting closely with the people, for about six months in 2008. I made observations and conducted formal and informal interviews with persons from the local communities and members of the general public. I recorded these interviews on tape and on paper. Since the research employed mainly qualitative and participatory methods, the list of questions prepared for the interviews¹⁰ served only as a guideline to the conversations and discussions I held with the participants of the research in their areas. As anticipated new questions arose in different situations in the course of the interactions with the people that were interviewed; the researcher was also influenced by the observations he made in the field in relation to the aims and objectives of the research.

Furthermore, I participated in large gatherings that involved many stakeholders. For example, on 7th June 2008, a big public meeting took place in Mwatate, Taita. The people of Singila, Majengo, and Mwatate Town had invited the Kenya National Commission on Human Rights (KNCHR), the Kenya Human Rights Commission (KHRC), the Muslim Human Rights (MUHURI) organisation and local community-based organisations, together with independent professional surveyors, in order to discuss the problem of land disputes between the Majengo and Singila communities on the one hand and the Taita Sisal Estate on the other. I attended this meeting, as well as meetings of the Minister for Lands and Settlement, Hon. James Orengo, when he toured the districts of the province in July 2008 to listen to the concerns of the local people regarding the issue of land and land resources and the conflicts about them.

I also reviewed what had been reported by the press during the period of the violence in Kenya in general and Coast Province in particular; i.e., from December 2007 up to around April 2008. I

¹⁰ The guiding research questions included the following:

1. Did you participate in the 2007-2008 elections by voting, campaigning or in any other way?
2. Where were you when the elections results, particularly presidential ones, were announced?
3. How did you react when hearing the pronouncement of the election results?
4. How did people around you react after the announcements of the election results?
5. For how long did the reaction take place?
6. What was the result of the reaction of the people in your area and how did it affect everyday life?
7. Do you remember the violence that took place in your area in 1997 that came to be known as Kayabombo?
8. What exactly happened in your area and the surroundings then?
9. What was the impact of the violence of 1997 to daily life in the area?
10. What were people saying to justify their reaction to the announcement of the 2007 elections?
11. What ethnic groups live in your area? How do you relate to them? How do the various ethnic groups living here relate to one another?
12. Did the reaction to the 2007 elections target certain people or members of a certain ethnic group? If so which people or ethnic groups were targeted and how?
13. Was the reaction to the 2007 elections organised or did it happen spontaneously?
14. Compare the events of the violence of 1997 and that of 2007-2008 in terms of (a) reasons given by the people in your area for the violence, (b) magnitude of the violence, (c) causes of the violence, (d) causers of the violence, (e) victims of the violence, and (f) reaction of the residents of your area and the security forces to the violence.
15. List existing and potential conflicts in the area, if any.
16. How did the conflicts arise?
17. How should the conflicts be resolved and by whom?

also read the reports of the research conducted by various stakeholders on the subject, including commissions of inquiry established by the government. This involved following the proceedings of various commissions that were established to investigate issues related to the post-elections violence, such as the Kriegler Commission that inquired into the conduct of the elections (see KPTJ, 2008b) and the Waki Commission (CIPEV, 2008). I also read the report of the KNHRC (2008). I read and listened to the commentaries of the press, general public and various professionals on the violence.

The areas of Coast Province that were focused upon by the research included:

- Those that were mostly affected by the 1997 violence,
- Those that were directly affected by the 2007-2008 post-elections violence,
- Those that are populated by the diverse ethnic groups of Kenya, and
- Those that are known to have been prone to violence.

Following these criteria I conducted research in the following areas of Coast Province:

- In Taita District: Wundanyi, Werugha, Kishushe, Mghambonyi, Sangenyi, Mgange, Voi Town, Mwatate Sisal Estate, Mwatate, Town, Bura Town, Alia, Salt Lick Lodge, Maungu, Kasighau, Chungaunga, Kamtonga, Mwakitau, Marungu and Taveta.
- In Mombasa District: Mombasa City, Kisauni, including Kongwea, Mashomoroni and Bombolulu, Magongo, Changamwe and Likoni.
- In Kwale, Msambweni and Kinango: Kwale, Shimba Hills, Ukunda, Diani, Kinango, and hotel and beach areas.
- In Kilifi and Kaloleni: Kaloleni, Mariakani, Kilifi Town, Mtwapa, Shanzu, Vipingo, Takaungu, and hotel and beach areas.
- In Malindi: Malindi Town and suburbs, Watamu, and hotel and beach areas.
- In Tana River and Tana Delta: Garsen and Hola.
- In Lamu: Mpeketoni and Lamu Island.

Why Coast Province?

The research was motivated by the 2007-2008 post-election violence in the country that many people concluded was the consequence of the explosion of decades of ignored potential conflicts. Much attention has been given to Nairobi, Rift Valley, Central, Nyanza and Western Provinces where most post-election violence had taken place. This research decided to focus on Coast Province, for several reasons.

A history of potential and actual conflicts

Those who do not learn from history are condemned to repeat it. The truth of this adage has been proved by the immediate post-election violence in the country, for Kenya's history embodies a plethora of hitherto un-researched, un-comprehended, unattended, postponed and unresolved potential and actual conflicts. Some of these were extremely violent and destructive (read African Rights, 1997; Gutto, 1993 & 1995; Kanyinga, 1997; Mghanga, 1997a, b). Embodied in this is the culture of impunity where known organisers, sponsors and perpetrators of violence that has maimed, killed, displaced and destroyed the lives of many escaped with the vile crimes and even justified their crimes while remaining in positions of leadership when their victims were left mourning with bitterness as they desperately struggled to rebuild their destroyed lives.

Like many other parts of the country that were affected by recent violent conflicts, the history of the districts of Coast Province is also replete with perceived and active conflicts, such as those of 1992,

1993 and 1995. This culminated into the Kayabombo Violence that shook the country in 1997 (Kenya Human Rights Commission, 1998). It is recounted that on 13th August 1997, a gang of terrorists attacked and burned Likoni police station, killing several policemen and injuring others. The night of violence, terror and mayhem had started in Mombasa and Kwale Districts. By the morning of the next day, 13 people had been hacked to death and many others injured in macabre circumstances that horrified Mombasa residents and the whole Kenyan nation.

Immediately after the brutal attack, the violence moved to the heavily populated North Coast (in relation to Mombasa town) including Kongowea, Kisauni and Mtwapa areas. The attack at Maweni, in Kongowea, later swept towards Bombolulu and Mashomoroni, leaving seven people dead and many others injured. Soon similar violence was reported in Malindi, where houses and property belonging to people from up-country ethnic communities were burned and destroyed. The violence continued spreading to many parts of Mombasa, Kilifi, Kwale, and even spilled to as far off places as Wundanyi and Chungaunga in Taita District, and lasted for a long period, in spite of the presence of the security forces taken to the areas (Mghanga, 1997).

Upon investigation (Mghanga, 1997a, b; Kenya Human Rights Commission, 1998), it was found:

- The violence was organised and carried out by people who had expressed a specific ethnic political agenda.
- The gang of terrorists had targeted Wabara (up-country people including Luo, Luhya, Akamba and Kikuyu). Leaflets that contained Majimbo (then proposed ethnic-based federal system) sentiments and politics had been distributed calling upon the Wabara to leave the Coast.
- The violence had caused many deaths and injuries. According to the government then, at least 70 people died. However, many people believed that the number of the dead was close to 1,000. The violence created thousands of internally displaced people (IDPs) and an exodus of over 200,000 people, mainly from Likoni area, who had been forced to run away from their homes to other parts of Mombasa or to village homes up-country. Likoni, for example, became almost a ghost town. The economy, peace and welfare of the residents of the area suffered irreparable damage. People's lives were ruined. Schools were left almost empty, just as were tourist hotels in the South and North Coast. At the same time, cases of gross violations of human rights by terror gangs and the police escalated.
- The government was implicated in the violence, terror and mayhem that it had been unable and/or unwilling to stop, and which resembled the violence of 1992 – 93 in the Rift Valley and parts of Western and Nyanza provinces (Mghanga, *ibid*; African Rights, 1997; Kenyan Press, August-September 1997).
- As the violence was taking place in the Coast Province, there were reports of similar inter-ethnic conflicts taking place at the same time between the Pokot and the Elgeyo; the Meru and the Chuka; the Kisii and the Maasai; the Luo, the Kuria and the Kisii.

Ethnic Diversity

The districts of the Coast chosen for the focus of research are home not only to the numerous indigenous ethnic groups of the area who generally form the majority in terms of numbers, but also to people from other diverse ethnic groups of the country. It was, therefore, useful to find out not only how the people related to one another before, during and after the 2007-2008 post-election violence but also what is needed to ensure sustainable peace and security of the people at present and in future.

Contested Natural Resources

Conflicts over land and land resources have been part and parcel of the history of the districts. It has been reported many times that the indigenous people of the Coast are alienated from their natural

resources by outsiders, both Kenyan and non Kenyan,; and that this alienation has occasioned a sense of injustice, which has been one of the root causes of violent conflict in the province, such as the Kayabombo conflict in 1997. I therefore found it necessary to find out whether causes of the recent post-election violence were in any way related to past or present conflicts over land and land resources and what could be done to contain or solve the problem.

The Backbone of Kenya's Tourism Industry

Tourism is a leading foreign exchange earner for the country. Due to their closeness to the Indian Ocean with beautiful and popular beaches, where some of the best hotels in the country are situated, and due to the presence of a diversity of rich wildlife, the coastal districts form the basis of Kenya's tourism industry. But the indigenous people of the province have often claimed that the tourism industry hardly brings them economic and social benefits. Frequently, tourist attractions and interests are in conflict with those of local communities. Yet the conflicts in the districts and the country, immediately impact negatively upon tourism and the economy of the areas and the country as happened in 1997 and also during and after the 2007-2008 post-election violence.

Post-Election Violence at the Coast and in the Interior

Given the similarity of the violence that happened at the Coast in 1997, in terms of magnitude, inter-ethnic political content and the brutal form it took, as well as the underlining land and other resource issues involved with that of recent post-election violence, it was important to find out why the 2007-2008 post-election violence did not explode in the coastal districts as it did in the Rift Valley, Western, Nyanza, Nairobi, Central and other places of Kenya which have similar history of ethnic diversity, land issues and conflict as manifested in the 1992, 1993, 1995 and 1997 inter-ethnic violence in the country. For example, in 1997 the author of this report reported as follows:

The 1997 violence and the resulting mayhem (at) the Coast Province, was also part and parcel of Kenya National Union of Kenya (KANU's) tactics of trying desperately to survive the 1997 December elections and to contain the democratisation process by manipulating the sensitive land issue. Since October that year, similar violence had spread in many parts of Kenya. Reports of land clashes between the Pokot and the Elgeyo; the Meru and the Chuka; the Kisii and the Maasai; the Luo and Kuria, the Luo and the Kisii, the Kisii and the Kalenjin are read by Kenyans almost daily. In January and February 1998, the 1992 – 93 State instigated and sponsored inter-ethnic clashes in the Rift Valley were repeated in Laikipia, Njoro and Baringo Districts. At least forty Kikuyus and a similar number of Kalenjins were brutally murdered (in) the clashes involving Samburu, Turkana and Kalenjin warriors on the one hand and the Kikuyus (victims) on the other hand. In the terror which was meant to chase the Kikuyus out of KAMATUSA (Kalenjin, Maasai, Turkana and Samburu) lands, millions worth of property belonging mainly to poor Kikuyu peasants was destroyed. Thousands have become refugees and destitute in their own country as a result. The Kikuyu community in the Rift Valley is again being punished for voting against Moi and KANU during the December 1997 elections. The Kenyan Press (see The Daily Nation, the Weekly Review, Economic Review, Peoples of January, February and March, 1997) condemned President Moi's government for being behind the clashes in one way or the other. (Mghanga, 1997a)

Again, it is important to note that the presidential voting pattern of Coast Province was generally similar to that of other provinces (other than Central and Eastern Provinces). They voted overwhelmingly for the opposition and experienced post-election violence.

Significance of the Analysis

Following the 2007-2008 post-election violence that shook the country, the need to get to the root causes of conflicts in Kenya, including conflicts over land and land resources, cannot be overemphasised. In fact, this is the view of the former UN Secretary-General, Kofi Annan, who brokered the peace that brought about the Grand Coalition Government of April 2008 in the country. The print and electronic media in January, February and March 2008 were also of the same opinion. Similarly the government established specific commissions of inquiry to dig deeper into the causes of the post-election violence. Many Kenyans believe that failure to comprehend and deal with the root causes of the past conflicts, including injustices over land and land resources, poverty, class and regional inequalities, undemocratic governance and the culture of impunity, has only led to the repetitions of the violence with all their negative consequences escalating every few years.

The national crisis demands serious work from all angles. The research that was conducted in the Coast Province, starting with Taita and Taveta Districts, followed by Mombasa, Kwale, Msambweni, Kinango, Kaloleni, Kilifi, Malindi, Tana River, Tana Delta and Lamu Districts aimed at making a contribution to the search for the root causes of conflicts, potential conflicts and how they could be resolved and prevented from erupting into violence in the future.

Conflicts can only be prevented, or be transformed if and when they are recognised and their nature understood and acted upon in good time. The history of the country continues to demonstrate that conflicts cannot disappear spontaneously. If they are not recognised in their infancy and the root causes addressed they are likely to explode into full scale war and destruction at the slightest opportunity. This is what happened in Kenya following the contestation of the 2007-2008 presidential election results. Again, it is more logical and much easier to take pre-emptive measures against conflicts than it is to deal with conflicts when they have grown and turned into violence and war, as indeed the immediate situation in Kenya also indicates. The old Swahili saying *usipoziba ufa utajenga ukuta* could literally be translated as “If you do not repair a little crack in the wall you will in time have to rebuild the whole wall.” It illustrates the importance of early warning systems and quick response in dealing with conflicts.

Although some researches and publications have been made on the land problem at the Coast, there is hardly any published research that I know of that has given detailed focus on the history of conflict in the Coast Province. Yet detailed information is necessary for the government and other stakeholders not only for making and implementing development policies for the area, but also, for comprehending the conflicts embodied and therefore preventing them from exploding into violence. This is especially necessary given the fact that post-election violence in Kenya was triggered off by the announcement of the 2007 presidential election results.

Our research, for example, revealed that there were tensions among the people when the announcement of the presidential election results were delayed and many supporters of ODM were claiming that the elections were being rigged in favour of President Kibaki and threatening to react accordingly. Furthermore, during the campaign period ODM leaders exploited historical injustices (real or perceived) against the people of the Coast to promise a *majimbo* (federal) system of government that would favour the indigenous people, should ODM be elected to power. This created fear and despondency within PNU ranks. It was perpetuated by PNU's political campaigns among the non indigenous Coastal people who were given the impression that the *majimbo* system of government would either evict them from the province, or render them second-hand citizens. The politicisation of the land and land resources issue and the marginalisation of the people of the Coast for definite political goals whipped up various emotions among the people of various ethnic groups living in the province, even before voting started. In addition, ODM and its allies circulated and publicised authenticated information showing that members of the Gikuyu, Embu, Meru Association (GEMA) ethnic groups dominated the highest positions in government and in the process marginalised other

Kenyan ethnic groups. All this served to create animosity against people of the GEMA ethnic groups, even before the elections.

In this respect, I was also informed by one senior National Security Intelligence Service (NSIS) officer in Mombasa that they had warned the Coast Provincial Commissioner (PC) and Provincial Police Officer (PPO) that violence was simmering underneath and was likely to erupt in the area were the PNU Presidential candidate to be announced the winner. Similarly, when the Director of NSIS appeared before the Kriegler Commission of Inquiry, he informed the Commission that the national intelligence institution had in fact warned the government authorities of the impending post-election violence in the country.

Given that conflicts impact negatively upon the economy, politics, culture, human rights, environment, democracy, peace and development of the nation, there is need to inject more effort and resources in dealing with them. Reacting to the Waki Commission's report on the immediate post-election violence, Sunday Nation's columnist Mathiu (2008: 10) concludes:

Our priority today is not to fight poverty or any of that; it is to discover how to be human. We become human when we accept that the next human has every right to claim the same rights we claim for ourselves. And the Luo, Kikuyu, Kamba, Kisii, Meru and the rest of them are, believe it or not, human beings. When you treat them like antelopes, hunting them in buses and massacring them in the name of revenge or politics or land, you, too, become like an antelope; a bloody animal.

Of course, fighting against poverty, social inequality and underdevelopment is dialectically related to the problem of ethnicity and violence. It should therefore also remain a priority. Nevertheless, Mathiu (*ibid.*), like Ochieng' (2008: 11), Namunane & Mugonyi (2008: 13)), Opanga (2008: 14) and Baraza (2008: 16) emphasises the point that the immediate violence, which took ethnic dimensions and almost tore the country apart, must be addressed and confronted head-on and with the seriousness it deserves.

Again, what is even more necessary for sustainable peace and development is to identify potential conflicts and take the necessary steps to prevent them from happening again. This includes doing away with the culture of impunity (Kenyans for Peace with Truth and Justice, 2008) and creating institutions at the local and national levels that would deal with issues of inter-ethnic conflicts and conflict resolutions, land and land resources and peace building on a daily basis (read also Ochieng', 2008: xvii). In point of fact, this is what this research has attempted to do.

Theoretical Perspectives

The theoretical departure point of the research and analysis is based on the realisation that comprehending a problem or situation is to see it from its material base that ultimately determines it within a specific time and historical perspective. How has it arisen and how has it come to be what it is? Furthermore, neither natural nor social phenomena are static, nor do they exist in isolation. While individual properties of matter and life should always be considered, it is their dynamism and interconnectedness that forms the basis of their existence and of analysing and understanding them in social and natural reality.

In this regard, in the course of the research and analysis, I attempted to examine the root causes of the post-election violence in the Coast Province and how it is connected to past conflicts, other conflicts in the region, their socio-political-economic basis and their relationship with the situation in the country as a whole at the given time. Again, depending on the attitude of the government and

the country to the existing and potential conflicts, it is possible to reasonably predict problems and prospects for future peace and development.

In addressing the problem of negative ethnicity in the country, which is a major subject of the research, it is imperative to begin by recognising its complexity, which is made so by the various myths associated with it. The myths need to be demystified in order to give way to the search for concrete and viable solutions based on the root causes of the conflicts and also their manifestations.

Demystifying Myths and Stereotypes

As I have already observed, sustainable solutions to the present crisis in Kenya cannot be brought about by refusing self-criticism and/or ignoring the concrete reality of the Kenyan society and the inherent social contradictions and inevitable conflicts embodied therein. Ignoring reality, as has happened in the past and even present history of the country leads inevitably to harsh and brutal consequences that appear as if they come from nowhere (Mghanga, 1997a; Mghanga, 1998). During the research, in the course of which I talked to various people in Coast Province and the country at large, I confirmed that accepting this truism could be the beginning of the search for sustainable solutions to the current crisis that has killed hundreds of people, displaced thousands, escalated the instability and the refugee problem in the country and region, while destroying property, infrastructure and the economy in the country and region and violently exposing the problem of negative ethnicity that has been growing in the country more than ever before.

In fact, as it was reported by the Kenyan print and electronic media during the period of the violence and afterwards, and as various commissions and investigations established by the government and human rights organisations in the country to probe the violence have also confirmed (see for example Kenya National Commission on Human Rights, 2008) that the idea that the 2007-2008 post-election violence in the country was only the result of flawed elections is also a myth. It became clear that the controversy over the election results only helped to trigger the explosion of the anger, hatred and feelings of negative ethnicity that had been simmering in and within Kenyan society for a long time. The beast that had until then been hidden under the hypocrisy and purportedly common Kenyan nationhood – supposed to cut across ethnicity, age groups, gender, democratic practices, political parties, religious groups, etc. – was eventually exposed before them and the whole world to see (see also wa Wamwere, 2008).

It is, therefore, imperative that in searching for sustainable solutions to the problem that will end the anger, bitterness, hatred and the ensuing conflicts and ultimately heal the nation, all Kenyans must appreciate and confront the beastly and the worst within them and stop being hypocritical before or even while condemning those they regard as the cause of the national crisis.

The myth that Kenya is an island of peace, stability, democracy and development in a sea of conflict and war has been perpetuated for a long time by various actors and for several reasons.

Successive Kenyan governments have always portrayed Kenya as an example of peace, democracy and good governance in the region, despite the fact that they have been dictatorships that have grossly violated the rights of the people. The Kenyan people themselves, particularly the elite who enjoy a life of peace and plenty in the posh suburbs of urban areas away from the harsh living conditions of the poor in the rural areas and the slums that dominate Kenyan cities and towns, help to perpetuate the myth that the country is the most peaceful, democratic and developed in the region.

Tourists from all over the world who come to enjoy the numerous tourist attractions in the country and who hardly meet the harsh reality of life that many Kenyans have to live with also contribute in one way or the other in spreading the myth about Kenya. Local and even foreign media that are governed by definite editorial, commercial, political and ideological policies and interests perpetuate

the same myth about Kenya. The international community of business people and international organisations, including NGOs, living or working in the country and who can access all that money can buy while in Kenya, including all types of services such as hospitals, schools, posh villas, banks, all forms of entertainment, world standard supermarkets, high class hotels and possibility to buy or hire vehicles or even planes; also help to spread the myth about Kenya's development.

Several myths were revealed in the post-election violence concerning Kenyan society. They need to be addressed while in search for solutions to the immediate and potential conflicts.

One of the myths is that Kenya is a viable nation and that its over forty-two ethnic groups embrace the identity of a common Kenyan nationhood. Yet Kenya is in the process of becoming a nation; no wonder that negative ethnicity, which influences Kenyans' attitudes towards each other, is practised everyday in all spheres of life both in the rural and urban areas, and is a major impediment to democracy, social justice and sustainable development. It has also been claimed that the recent conflict, i.e., the 2007-2008 post-election violence, was merely about contested or rigged elections, and that, if the flaws in the conduct of the elections in Kenya associated with the infamous Electoral Commission of Kenya (ECK) are corrected, future election malpractices, violence, violations of human rights, anarchy and destruction will not take place. But, at the same time, the same government that has accepted that it was brought to power by elections that all agree were not free and fair continues to stick to power while crucifying others in other institutions of governance. Again, at the same time, the power of bribing voters during elections, particularly by the elite that control political parties and has amassed immense wealth through corruption and from external connections continues to be a great impediment to free and fair elections.

There is also the myth that Kenya has a large number of educated people compounded by a sizable middle class that is the basis of democracy, and that this fact will continue to prevent conflicts and wars such as those in Somalia and the DRC, as well as genocides like those that have occurred in Rwanda and Burundi. Yet similar conflicts, including the immediate post-election violence, differing only in magnitude and the length of time, have occurred repeatedly in the history of the country.

Some say that Kenyans are a religious people who are united by their various faiths and are guided by sacred religious beliefs of love, peace and unity; and that religious leaders who are paragons of peace and servants of God are good people and never practise negative ethnicity and will always and everywhere propagate the message of truth, love, peace, unity and justice and the message of Almighty God without fear or favour. Yet greed, deceit, negative ethnicity in the forms of tribalism and racism, compounded dictatorship, intrigues, hypocrisy, and all sorts of injustices and violence are known to exist in Kenyan Churches, Mosques and Temples. In fact, both leaders of Muslims and Christians have confessed and regretted the fact that they either encouraged actively or passively the inter-ethnic post-election violence in one way or the other.

Others think that patriotism is built by only singing the national anthem and remembering the colours of the flag and what they symbolise. This is forgetting the fact that in a country divided so much along classes of the rich and the poor, patriotism remains more of an illusion which furthermore maintains and perpetuates the status quo.

The myth is also often spread that Kenyans are united by a common shared language, and that since many of them speak Kiswahili they, as a result, also think as Kenyans and not as members of their specific ethnic groups or clans. But the truth is that the existence of a common language in the country has not wiped out negative ethnicity from Kenya. This is similar to the situation in troubled neighbouring country Somalia where most of the population speak one common language - Somali. In fact, this myth has led some people to conclude and suggest, falsely of course, that doing away with ethnic identities, cultures and languages (including prohibiting radio stations that broadcast in vernacular languages) and instead adopting the use of only Kiswahili and English will end tribalism

and create national unity. In the course of the national census conducted in August 2009, for example, some NGOs and donor countries advised and pressurised Kenyans not to answer the question on their ethnic identity in the census questionnaire. Kenyan ethnic multiplicity is seen as a curse rather than a blessing and is blamed for the post-election violence. The conflict in Somalia once again proves this myth wrong. In fact, this is what leads me to distinguish between positive ethnicity and negative ethnicity. For I believe that there is nothing wrong with a person's ethnic identity or its expression which is, on the contrary, inevitable and desirable (Ngunyi, 1996: 184). Again, Kenyans should be proud of and celebrate their rich ethnic, linguistic and cultural diversity. What I do not support is negative ethnicity, ethnic chauvinism – so called tribalism – that destroys our common nationhood and humanity by making us discriminate, exploit and oppress people of other ethnic groups. I agree with Elbadawi and Sambanis (2000: 244) who argue that “...Africa's ethnic diversity in fact helps – rather than impedes – the emergence of stable development as it necessitates inter-group bargaining processes.”

It is also often assumed that the stereotypes Kenyans express about each other's ethnic groups, clans and gender are mere jokes that are not serious or indicating that the country has been torn along ethnic lines. However, the recent post-election violence has shown the jokes Kenyans make about one another's ethnic groups are in many cases either believed by them or are not accepted by others as jokes. For example, in the course of this research I heard that members of a certain ethnic group attacked members of another ethnic group because the members of the attacked ethnic group used to joke that “one head of a woman from our ethnic group is equivalent to ten heads of men in your community.”

One of the greatest myths that are disseminated everyday is that certain ethnic groups in Kenya are superior, more civilised, more intelligent, more hardworking, more enterprising and more progressive than others who are perceived to be inferior, uncivilised, less intelligent, lazy, less enterprising, and reactionary. This myth when compounded by another myth that all members of a certain ethnic group benefit when a member of their own ethnic group becomes President of the republic or ascends to a key position in the public or private sector is always used to divide the people and to victimise innocent members of certain ethnic groups. Members of the Gikuyu ethnic groups have particularly suffered in this regard. The truth is that all human beings and ethnic groups are fundamentally equal and that the differences between individual Kenyans are determined not only by their individual efforts and circumstances but most importantly by specific historical, political, social, geographical environments as well as opportunities and other material conditions. Besides, all Kenyan ethnic groups have their poor and their rich and hence are equal in some ways.

Ordinary people are often romanticised in relation to negative ethnicity. It is repeated that ordinary Kenyans - the majority of whom are poor - do not practise negative ethnicity and that it is only the political and ruling elite that use ethnicity as a tool to divide, exploit and oppress them. Yet the truth is that the ideology of negative ethnicity used by the elites of all ethnic groups to perpetuate themselves in power is embodied in the whole society and cannot just be wished away.

There are tendencies that attempt to divorce development and economics from politics. These tendencies argue that there can be sustainable peace and economic development in the country regardless of the nature and practice of politics in the country. But the truth of the matter is that the political and economic arrangements of the society ultimately influence social relations and the way of life of the society. It is for this reason that the system that has marginalised the majority of Kenyans has also created conditions for conflicts, violence and negative ethnicity. For the same reason there cannot be sustainable peace and national development amidst gross regional and class inequalities in the country. At the same time the myth that elections can continue to be rigged with impunity, while at the same time expecting the nation to remain peaceful, has also been exposed by the recent post-election violence.

The belief that discussing the politics of the day and other sensitive national issues escalates ethnic tensions and brings about ethnic clashes was rife during and after the post-election violence. This backward way of thinking is being used to justify the suppression of democratic rights and freedoms speech and expression in the country, particularly in the institutions of higher learning. For instance, on the pretext of taking preventive measures against the eruption of violence in Kenyatta University during the 2007-2008 post-election violence, the university authorities circulated pamphlets at the university directing lecturers and students not to organise political rallies or discuss politics at the university. As a matter of the fact, administrators of public universities in the country have instituted the culture of fear and silence, and have fought the freedom of speech and association in the institutions of higher learning that are supposed to be homes to democracy, academic freedom and human rights. These undemocratic forces are hindering the youths at the universities in our country to think freely, consciously and independently while pursuing knowledge and developing necessary skills in life. No wonder, conflicts between university students, lecturers and university administrations, whose aim is to create zombies rather than intellectuals, occurs more often than not. It is ironic that while the Kenyan society is becoming more and more democratic, inside the academic institutions democracy and human rights are being destroyed by university teachers and academicians. In doing so, the university administrations are becoming like the colonial administrators only bending to the transform the universities from institutions of generating knowledge and skills to private money-minting businesses. The violence and strikes that rocked secondary schools throughout the country immediately after the 2007-2008 post-election violence could also partly be attributed to similar oppressive policies practised in Kenya's educational institutions, especially by head teachers. The universities that are supposed to research on and seek solutions to the problem of conflicts and ethnicity are instead becoming the tools used to entrench the vice in the society. It is worrying that the institutions of higher learning are dictated upon by their administrations to avoid the subjects that touch on the truth and reality of life in the country.

It is also a myth to believe that business can continue as usual while the majority of Kenyans are demanding a new national constitution that the government has failed and/or refused to deliver. The current constitution, inherited from colonialists, is accused of investing too much power in the presidency hence creating an imperial President and conditions for the growth of the culture of dictatorship, corruption, tribalism and impunity. The promises of a new national constitution have been made by successive governments since the end of the Moi era while many people have been imprisoned, tortured, persecuted and killed in the struggle for the realisation of constitutional reforms. But the realisation of the new constitution has remained elusive, despite the promises made mainly during campaigns for the national elections. History continues to show that a government that is not sensitive to the sentiments and concerns of its citizens breeds the seeds of rebellion and chaos as the people cannot be lied to forever.

It is not true that there can be peace in the society while the majority of people live in poverty and when the gap between the rich and the poor is widening every day. For peace is not necessarily the absence of conflicts, violence and war. Similarly, the myth that historical injustices, both perceived and real, can be ignored with impunity and the nation continue to have peace and development has been shuttered by the recent post-election violence in the country.

Another popular myth is that the new generation of the youth and children do not believe in or practise negative ethnicity. On the contrary, the youths and children were seen at the forefront of the inter-ethnic clashes that erupted after the announcement of the results of the disputed 2007 presidential election. This study reveals that the practice of negative ethnicity is rife among the youth and children. It is these youth and children who have to be targeted and involved in the fight against negative ethnicity and in peace building.

It is also a myth to believe that conflicts, including conflicts over resources such as land and land resources can be trivialised or be wished away and at the same time expect sustainable peace and

development to exist in the country. This has been proved wrong, not only by the recent post-election violence but also by successive conflicts in the country. The assumption that communities can continue to observe the natural resources within or around their localities being exploited for the benefits of powerful individuals, private companies or the state while their communities gain nothing in return but environmental, social and cultural degradation while at the same time remaining peaceful forever, is also mistaken. The conflicts that have occurred, for instance, in Nigeria over oil resources in its Niger Delta expose this myth. Again, recent experiences from Bolivia, Mexico, Brazil, Peru, Ecuador, Venezuela, Cuba and Greenland have revealed that people's participation in conserving their natural resources and in sharing the benefits from these resources is a necessary condition for sustainable peace and development.

It is also a myth that the proliferation of slums, in which poverty and all forms of social ills are part and parcel of daily life, can continue in all urban areas of the country and at the same time the nation to continue to enjoy sustainable peace and development. To allow organised armed criminal gangs to continue existing, operating and growing in the country and at the same time expect the nation to live in peace, free from fear of violence - is a big lie. It is like watching the rampant selling and consumption of illicit drugs while at the same time expecting law and order to be conserved in the country.

The myth that conflicts can be resolved and peace built using the traditions and practises of impunity continues to be perpetuated by the government. The Kenya National Commission on Human Rights (2008), whose report has been adopted by the Waki Commission established to investigate the causes of the 2007-2008 post-election violence, has given the names of prominent politicians, including those of five currently serving as cabinet ministers, twenty of the former and current Members of Parliament (MPs), religious leaders and prominent businessmen who organised and sponsored the 2007-2008 post-election violence. However, the powerful individuals who have been implicated in billions worth of destruction of property; the suffering of thousands of internally displaced persons (IDPs); and the murder of hundreds of innocent citizens during the violence continue to walk freely and to enjoy the positions of leadership in the country. Instead of being prosecuted, they are instead calling for the release of the people arrested for the violence they helped to organise. Many commissions of inquiry in the past exposed and named prominent individuals implicated in sponsoring and organising inter-ethnic clashes that caused hundreds of deaths, created thousands of internally-displaced people (IDP), destroyed property, and grossly violated human rights. But no action has been taken against these individuals. Impunity has become a dangerous culture in the country which if not brought to an end will continue to bear conflicts and violence in the country.

However, the thinking that by merely prosecuting organisers, sponsors and perpetrators of the inter-ethnic clashes either within the country or at The Hague without solving the root causes of the clashes will in itself deter future conflicts and violence from taking place is also a myth. Related to this is the big myth perpetuated within and outside the country that the same people in powerful government positions who are suspected to have supported, organised and funded the violence can and will implement measures that will be used to remove them from power and land them in jail.

Power and Ethnic Conflicts

Negative ethnicity and violence among the poor, which many times is instigated by the ruling class that takes advantage of lack of class consciousness among the exploited and oppressed Kenyans, is primitive, reactionary and a dire waste of time, energy and opportunity. It only strengthens the elite - a class of people drawn from all Kenyan ethnic groups and that does not allow equitable power and wealth sharing among all Kenyans.

During the 2007-2008 post-election violence, Kenyans anxiously prayed and waited for the conclusion of the talks between President Kibaki's PNU and its partners on one hand and Raila's ODM on the other to conclude, hoping that these talks would end the national crisis. The talks which were mediated by

the team led by the former UN Secretary General Kofi Annan were centred on modalities of sharing political power between the two contending parties. Despite protests from either side that claimed to have won the disputed presidential elections, political power was eventually shared. This led to the formation of the current Grand Coalition Government led by President Kibaki and Prime Minister Raila. The power sharing between the political adversaries was in fact the bitter prescription agreed and insisted upon by the “international community” led by the US, its European allies, the EAC and the AU.

Many Kenyans, then exhausted by the crisis, were of the view that, if the power sharing arrangements could end the political, economic, security and humanitarian crisis in the country, the sooner the agreement of the negotiations was to be reached and signed upon the better would it have been for everybody. Yet power, whether monopolised or shared, could either be progressive or reactionary – depending on the reason it is fought for and held. The power that transforms a few people of one class in order to continue with the concentrating national wealth in the hands of that class at the expense of the majority of Kenyans can only be termed as reactionary. This power plants the seeds of present and future conflicts. However, power that is aimed at addressing the root causes of conflicts, including making and implementing concrete policies of equitable distribution of national wealth, democracy, human rights, justice and empowering the poor and marginalised in society, is progressive and will breed seeds of sustainable peace and development.

Conflicts cannot be ignored or their solutions be postponed. Solutions that do not arise from genuine concerns about the root causes of conflicts in Kenya, and in particular from concern about distributive justice, will only postpone the problem. This is because wherever there are classes there will, inevitably, be class struggles and class struggles are in fact conflicts in the society. The conflicts manifest themselves in various forms at different times and places and can either be passive or active, but as long as there are class divisions they will not disappear.

Class divisions in Kenyan society that transcend ethnic identity are too sharp and obvious to be ignored by anyone searching for sustainable solutions to conflicts in the country. There are people who own land the size of districts while the majority of Kenyans eke out a mere living in small and unproductive pieces of land. There are citizens throughout the country, including those who live in the slums of urban areas, without any right to land ownership, the so called squatters. In a country where there are a few millionaires and billionaires, the majority of people hardly earn any money in a month. While the majority of the people in the country live in abject poverty, there is enough wealth concentrated in the hands of the privileged few which is capable of bringing about development that will put to an end the poverty.

In the urban areas, the differences seen in residential locations, living standards and lifestyles clearly emphasise the brutal and shameless inequality in the society. The education system does not offer equal opportunities to children and youth but instead it is structured to increase the gap between the rich and the poor, the rural and urban areas development. The rich access the best social services, clean and safer environments, political and economic power while all this is hardly accessible to the poor who form the majority of the citizens. The natural resources of the country are used not for the benefit of the whole society but for increasing the wealth of the minority ruling elite.

In short, it is clear that the rich are far better placed to exercise all citizens’ and human rights denied to the poor. The class and regional inequalities not only impedes peace and social justice but also national unity. Under circumstances of such glaring inequalities, it is not easy to remove the bitterness, hatred, violence, lack of patriotism and feelings and expressions of negative ethnicity that engulf the country.

Whatever power sharing deals were made to end the 2007-2008 post-election violence, the need should have arisen out of sincere will and commitment from all parties to implement the deal in the

interests of the welfare of all Kenyans. It will be waste of time and an abuse to the patience of Kenyans if the Kofi Annan peace deal was signed only for it to remain on paper as intrigues, garrulous and sabotage activities continue to be part and parcel of the activities of the Grand Coalition Government. In the meanwhile, the reality that should not be overlooked, particularly by the majority of Kenyans from all ethnic groups, genders, ages and geographical regions, is that equitable wealth sharing among Kenyans is not the basic concern of the ruling elite who harbour same ideologies and who now form the coalition government.

It is upon the Kenyan peoples to refuse to be divided along ethnic lines but instead unite to empower themselves to demand equitable wealth sharing in the country. We have enough land in the country to settle the landless and homeless. Land can be added to the peasants who need it and can use it to create wealth. Living conditions of the slums dwellers can be improved and slum be abolished from our urban areas. Kenya is endowed with enough economic and natural resources which if conserved, utilised and distributed equitably would end the current poverty in the society would trigger social development that will uplift the living standards of all Kenyans. Rather than fighting one another in the name of ethnic identities, all Kenyans from all ethnic groups and those who identify with their course, their plight, wishes and aspirations should unite to reject all social and economic policies that escalate poverty, regional and class divisions and the perpetuate conflicts and violence.

2. The Land Question

The land question within the Coast region is potentially explosive owing to its peculiar historical and legal origins. In spite of this situation no serious systematic efforts have been made by subsequent governments to resolve them. ... The Land Titles Act (Cap. 282) radically altered the concept of land ownership under African customary tenure governing the indigenous coastal communities, and created biases in the land adjudication against the indigenous communities. The abuse of the Land Titles Act has had a great negative impact on coastal land leading to the area having the largest single concentration of landless indigenous people. Specifically, this is manifested in form of “squatters” on Government land, absentee landlords, tenants-at-will, idle land, mass evictions and lack of access to the sea. ... The slow land adjudication process and delay in finalization of settlement programmes have denied the locals secure access to land. (National Land Policy, articles 184-186. Ministry of Lands, 2007: 39)

Unresolved land issues have been singled out as some of the most important root causes of the recent post-election violence of 2007-2008 and also of the past (see the Waki Commission’s report, CIPEV, 2008: 30-33). In fact, many people argued that various groups and people took advantage of the disputed election results to reclaim “their rights to their ancestral lands that had been grabbed or taken by individuals or groups” (see also wa Wamwere, 2008). Similarly, the root causes of past conflicts and violence in the country have been attributed to the issue of land and land resources. Again, in the course of my research I found that land and land resources were part and parcel of past, present and potential conflicts and violence in Coast Province (see also Wolf, 2000: 132-136; Hoorweg, 2000: 309-325; Macoloo, 2000: 327-330; Mghanga, 1997a). During his tour of the districts of Coast Province in July 2008, the Minister for Lands and Settlement, James Orengo, was openly told by angry crowds in all the districts of the province that unless the land question is solved and historical injustices corrected, there will never be sustainable peace in the region.

The above quotation shows that the government is aware of the volatile land problem in the Coast. Sadly, in the course of this research I found out that despite the clear understanding and articulation of the problem of land in Coast Province by the government, the same government continues to promote the alienation of the indigenous people of the Coast from their land and land resources. The 2009 decision by President Kibaki to allocate 100,000 acres of arable land in Tana Delta District to Qatar to grow food even before the land problem in the area has been solved is but an example of the cynical attitude of the government towards the Coast people. Similarly, the scramble for land by rich land speculators going on in Lamu following plans of building one of the largest ports in the East African region there, is further alienating and marginalising the Coastal people as the government watches. So clearly it is not lack of land policy that is the basic problem but rather lack of political will of implementing progressive land reforms by the ruling elite class that itself is part and parcel of the beneficiaries of the injustices over land and land resources in the country that are reflected by the dispossession of the Coastal people from their ancestral land and land resources.

It is therefore necessary to have a brief historical background of the land question in the country in general and Coast Province in particular.

Conflicts revolving around the land issue, resources and the political patronage associated with it have been part and parcel of the past and recent history of Kenya. Reports of the Kenyan press, civil society organisations, commissions established by the government and other stakeholders, show that Kenyan politicians, members of Kenya's ruling class and power-brokers of all sorts have always exploited the volatile situation created by the unjust land policies of their government to advance their own ends, i.e., misdirect the struggle for land away from land reforms, by inciting, organising, sponsoring and misleading the oppressed people of different ethnic groups to fight one another in the name of claiming the right to their indigenous lands and land resources. In the words of Gutto (1993: 7-8):

The division of property and land into "communal" and "others" – apparently those formerly for "Whites" – has also had very serious and unintended consequences in promoting ethnic and tribal division among the citizens. ... Reactionary leaders and dictators use uneven regional development for which they are responsible, linguistic diversity and other factors to prevent the consolidation of national pro-democracy forces for the movements.

In this regard, land has been used for political patronage since colonial times. An overview of the situation during colonialism is, therefore, important for striving to understand the immediate post-election violence and the current conflicts that continue threaten future peace and stability in the country.

Land for Political Patronage Under Colonialism

The politicisation of land in Kenya and its use as a form of patronage to serve the interests of the ruling classes began even before the invasion of British colonialism in 1885 (Kanyinga, 1997: 18; Hoorweg, 2000: 309-314). Before colonialism what Mulokozi (1982: 25) refers to as Islamic feudalism at the coast of East Africa, claimed the coast of Kenya as its kingdom. Accordingly, the ancestral lands of the indigenous peoples, the Mijikenda and others, were considered to be the property of the Sultan of Zanzibar and his subjects, living in what are now the various districts of Coast Province bordering the Indian Ocean. The land rights of the Mijikenda and other indigenous ethnic groups, including the Bajuni of Lamu and Tana River, were not recognised by the dominant Arab feudal state then based in Zanzibar (Kanyinga: 1997; Wolf 2000: 3).

As a compromise with the Sultan of Zanzibar, in exchange for unchallenged colonisation of the interior of East Africa, the Anglo-Germany agreement of 1886 recognised Mwambao (the ten-mile coastal strip) as the dominion of the Sultan of Zanzibar. This gave the Sultan and his Muslim subjects rights over all land in the strip. The land rights of the indigenous Mijikenda, Bajuni and other indigenous peoples based on their traditional tenure systems, were not recognised. This was a form of bribery to the Sultan of Zanzibar which was offered by the British in order to win the support of the Sultan of Zanzibar and other selected Africans ethnic groups for the colonisation of Kenya and to avoid fighting both the Arab and African resistance. On his part, the Sultan of Zanzibar, by accepting the British offer, avoided the war of resistance which he would have lost in the end anyway. He had found a patron who would protect him and help him to maintain the feudal status, composed of the immense land he and his subjects had appropriated forcefully and unjustly from the Mijikenda and other coastal indigenous communities. This patronage continued throughout the colonial period. At the coast of Kenya, therefore, the British had to contend only with the resistance of the Giriama and the Taita (Kenya Human Rights Commission, 1996: 9-10) in the interior of Coast Province, whom they violently suppressed in the end.

When Kenya became a British Colony in 1922, the alienation and marginalisation of Kenyans from their ancestral lands intensified. Under colonialism, all the land laws and land reforms made by British colonialism refused to recognise the land rights of the Kenyans. As Kanyinga (1987: 19-20) explains, colonialists assumed that the customary land tenure systems of the indigenous people did not recognise private ownership of land. Accordingly, “all waste and unoccupied land could be appropriated by the Crown by virtue of the Crown’s right to the Protectorate. Such land could then be appropriated and made grants to the settlers” (see also Macoloo, 2000: 328). All this gross injustice was legalised by various laws or ordinances made by the colonial government which were always made in response to the wishes and demands of the settlers and against those of the natives.

The history of Kenya (Kenya Human Rights Commission, 1996: 12; Odinga, 1974) shows that Kenyans from all ethnic groups resisted the organised robbery of their land by the colonialists. However, the British eventually succeeded in colonizing Kenya not only because they had superior weapons and a higher organised capitalist state machinery, but also due to objective historical circumstances. The Kenyan ethnic groups were not united against colonialism, and could not be, at the time. Colonialism always resorted to the tactic of divide and rule to contain African resistance.

The introduction of “Native Reserves” sowed the first seeds of negative ethnicity in Kenya. After the colonial government had appropriated the most arable land in the Highlands of Central Province and the Rift Valley, it set aside land reserves for the indigenous peoples throughout the country whose boundaries were based on ethnicity. This curtailed free movement of various Kenyan communities within the country and hindered the mixing of the ethnic groups and cultures and prevented them from forming a strong one ethnic/national identity group, and could not allow them to settle or own land outside their own ethnic reserve. Thus, the provincial and district boundaries which have always been used by the post-colonial ruling class (Gutto, 1993: 7-8) in Kenya to divide, exploit and rule the poor who form the majority of the masses were inherited from colonialism and are currently still being based on ethnicity.

Kenyan societies at the interior of the country were stateless when they were invaded by colonialism. This means that although they had high social organisation that ensured the harmonious development of their societies, as they were still not divided into classes there was no machine of oppression of one class by another, i.e., standing army, police, prisons, etc, colonialism violently imposed its state upon the people by destroying the traditional social, political, economic and cultural (including land tenure) systems and structures. The colonial government appointed chiefs among the various communities and imposed them upon the people to represent colonial interests (Odinga: 1974). In exchange to their loyalty and service to the colonial government, the chiefs were given protection and power to exploit and oppress their own people. In the words of Ochieng’ (1997), they were “Eating Chiefs.”

Among the Luo, there existed, in colonial times, an institution known as Jadong Aich, meaning, quite literally, “elders of the stomach”. Their task was to help the colonial chief hear land cases. And what was their remuneration? Besides handsome Chai, they (were) feasted daily, again literally, off the chief’s “fatted calves.”

Throughout the country, and especially in the “Native Reserves” where the land problem was even more acute, chiefs and the Jadong Aichs took advantage of their position given to them by the colonialists to amass large pieces of land for themselves, families, relatives and friends. In fact, in many places of Kenya today, including Coast Province, ex-colonial chiefs and their descendants, are among the owners of largest chunks of land.

Those who collaborated with the colonialists, included church leaders and home guards, were rewarded, with, among other things, land. Those who protested and struggled against colonialism including independent African churches and Mau Mau Land and Freedom fighters were tortured and imprisoned and had their land confiscated and given either to colonial settlers or collaborators. That

is why after the end of the state of emergency, declared by colonialists in mid nineteen fifties, there was acute landlessness among the peasants of Central Province many of who had to settle in the Rift Valley. Today conflicts between them and the indigenous people of the Province seem to be part and parcel of life and have exploded into ethnic violence in 1992, 1993, 1995, 1997, with the worst being the recent 2007-2008 post-election violence. However, it has repeatedly been shown that in all cases the violence is instigated, organised and sponsored by the reactionary elites of Rift Valley against the Kikuyu peasants for purely narrow and parochial political and economic interests (Kenya Human Rights Commission, 1998; Republic of Kenya, 1999).

After decades of peaceful demands for the return of their stolen lands and an end to colonialism, Kenyan peasants and workers in 1952 declared the war of national liberation. It was led by the Land and Freedom Army, popular known as Mau Mau (Odinga, 1974), especially in Nairobi and the Central and Eastern Provinces, where land alienation, land shortage resulting from population pressure in the established native reserves, the squatter problem, forced labour and oppression by white settlers and their home guards were most acute.

During this war, the colonial government bribed collaborators and their key allies, including church leaders, colonial chiefs and members of their families, home guards, loyalists and some Kenyans recruited to serve in the colonial army and state with land taken from the peasants who were the backbone of the Mau Mau liberation movement. But it eventually became clear that the popular movement and army led by Mau Mau could not be suppressed and neither could colonialism continue in Kenya in the same classical form. As a consequence, British colonialism devised a long term strategy to deal with the problem. One of these strategies was outlined in 1954 by the then colonial Deputy Director of Agriculture, R.J. Swynnerton, as reported by Kanyinga (1997: 25-26):

In general, the Swynnerton Plan had the objective of introducing private property of rights in land by first consolidating individual holdings and registering them as free holdings.

As Odinga (1974: 107) and Kanyinga (ibid.) explain, the Swynnerton Plan's main objective was to create the landed bourgeoisie which after the end of British colonialism in Kenya would safeguard property rights to land irrespective of how the rights had been acquired. In fact, colonialism has succeeded in this respect. Colonialism created a land policy that would divide Kenyans along classes of the landed and the landless, landlords and squatters, the rich and the poor, the exploiters and the exploited. The class of the landed would have a stake at protecting the private property of the settlers and would be on the side of colonialism against the Mau Mau who were demanding the unconditional return of Kenyan stolen land. Odinga (1974: 107) aptly summarises the scenario as follows:

In other words a stable middle class would be created to serve as a buffer between the government and the mass of the people, and to absorb political resistance among the people as mission education and plums of minor office had done in previous generation.

Thus, injustices over land and land patronage were used to plant the seeds of negative ethnicity, class divisions, neo-colonialism and the inherent conflicts in Kenya since the time of colonialism.

Land as Political Patronage During the Neo-Colonial Period

Given the above background, it is not surprising that in spite of the heroic struggle spearheaded by the Mau Mau, the independence of 1963 was hijacked, negotiated and signed in favour of neo-colonialism. It was "Not Yet Uhuru" (independence), as Odinga (1974) put it in the title of his autobiography. As Odinga, Gutto (1995: 36-40), Kanyinga (1997) and the Kenya Human Rights Commission (1996)

explain, the leaders of post-colonial era who inherited the colonial state and its policies (including those on land) were the same clients of neo-colonialism who had been systematically propped-up by the various colonial land legislations and policies, such as the Devonshire Report (1923), the East African Royal Commission (1953/54), the Swynnerton Plan (1954), the Littleton Constitution (1955), the Lennox-Boyd Constitution (1958) and the Lancaster House Conference (1960-1963).

The Kenyan peasants and other oppressed people who were the backbone of the struggle against colonialism had expected that upon decolonisation the new Kenyan government would correct the gross injustices of access and control of land created by colonialism. They expected a thorough, just and progressive land reform (Odinga: 1974). Indeed, this had been the worry of the colonial settlers in the Kenya Highlands (which they had made the “White Highlands”) and the Arab and Swahili landlords at the Coast.

On the eve of independence, for example, the Arab and Muslim landlords at the Coast were calling for Mwambao (the ten miles coastal strip) to secede from Kenya. On the other hand, the Mijikenda suspected that the new government not only would refuse to correct the injustices against them but would aggravate them, so as to benefit the larger tribes (Kikuyu and Luo) from the interior. In fact, following conflicts between the Mijikenda on the one hand and the Arabs and Swahili landlords on the other hand, in which the Mijikenda were demanding the right to their ancestral land alienated from them since pre-colonial times, the Arabs formed a political party, Mwambao United Front, which had the objective of secession. The Mijikenda allied with the Kalenjin, the Maasai, the Turkana and the Samburu (KAMATUSA) and other smaller ethnic groups around Kenya African Democratic Union (KADU) political party which agitated for majimboism. Majimboism was understood as a federal system of government, based on geographical and ethnic regionalism with the control over land resources as its main objective.

It happened as the Mijikenda had suspected. In fact, the second Lancaster House Conference of 1962 (Odinga, 1974; Kanyinga, 1997) recognised the unjust land rights of the Arabs and Swahili landlords, in exchange for the recognition of Mwambao (the ten miles coastal strip) as part of Kenya. Nothing was said about the land rights of the indigenous people, the Mijikenda, whom Islamic feudalism and colonialism had reduced to squatters in their own ancestral lands. Like the colonial government, the first post-colonial government led by Jomo Kenyatta obtained loyalty from the Coastal Arabs and Swahili landlords by sanctioning the alienation of the Mijikenda and other indigenous coastal communities from their ancestral lands and thus betraying them.

As Odinga (1974) explains, the Kenyatta government dominated by agents and collaborators with colonialism, embraced and consolidated the unjust colonial land policies, practises and laws by isolating the radical wing of KANU (led by Odinga and Bildad Kaggia) which, like Mau Mau (Kinyatti, 1987), were demanding the unconditional return to the Kenyan peasants of their lands appropriated by British settlers and their allies. Soon after the declaration of independence, in 1964, Kenyatta joined KANU with KADU, and later, after parting ways with Oginga Odinga, he appointed Moi (a leader of KADU and of the Kalenjin ethnic group) his Vice-President and Ronald Ngala (the President of KADU) a key minister in his cabinet. Kenyatta used the two leaders (whom he “rewarded” with large land and political power) to help suppress the demand for a just solution to the land problem from members of KAMATUSA and Mijikenda.

Kenyatta also used a popular and eloquent politician Tom Mboya – a Luo like Odinga, but popular with the Americans who disliked Odinga for being close to the then Soviet Union to fight Odinga and to dismantle the radical wing of KANU that was advocating for, among other things, a just and immediate solution to the land problem by unconditional return of the land stolen by the colonial government and settlers to the rightful owners.

The radical wing broke away from KANU in 1966 to form Kenya People's Union (KPU) which became extremely popular within a short period, as it was led by nationalistic leaders and championed a programme advocating for social justice and land to the landless. Kenyatta (a Kikuyu) together with the Kikuyu Jadong Aichs, instigated tribal rivalry and hatred between the Kikuyu and the Luo (who had always been allies during the struggle for liberation from colonialism) to fight his former comrade Oginga Odinga and eventually banned KPU in 1969. Kenyatta did this by using paramilitary police to massacre hundreds of people (mainly Luo) in Kisumu, and thus planting the seeds of hatred between the Luo and the Kikuyu. Kenyatta used this inter-ethnic hatred he had created to divide and control the two large Kenyan ethnic groups in order to perpetuate land grabbing, corruption, nepotism and dictatorship not only in Central Province, but also in whole country throughout his presidency from 1963 to 1978, when he died.

The Crown Lands Ordinance of 1915 which became the Government Lands Act (Cap. 280) has been used as the most effective tool of political patronage by successive presidents of Kenya. Kanyinga (1997: 29-30) and Gutto (1995: 38) explain that like the Ordinance which provided the Colonial Governor with all powers regarding control of the Crown Lands, the Act vests in the President all the powers regarding leasing, granting and disposition of government land or former Crown lands. Thus the land throughout the country that had been appropriated and turned into Crown lands by the Colonial Administration became State Land under the Presidents in the post-colonial Kenya.

Instead of using the power conferred to him by this Act to solve the land problem in the country in general and the Coast in particular thoroughly, progressively and justly, Kenyatta (just like Moi after him) used it to amass enormous land for himself, his family, relatives, friends and political allies. All those who were in charge of Kenyatta's (and later Moi's) state – cabinet ministers, key government officials, heads of the police, prisons and armed forces – were "rewarded" with large tracks of land in the rural and urban areas at the expense, of course, of the poor peasants, labourers, squatters and local populations.

It is true that after the end of classical colonialism in Kenya, Jomo Kenyatta, the first President of independent Kenya, was the champion and founding father of the culture of greed, land grabbing, nepotism and negative ethnicity, corruption, class and regional inequalities, dictatorship and the culture of exploitation of person by person, all evils that still haunt the country to this day.

According to African Rights (1997b), land grabbing was the basic cause of the 1997 land clashes at Kenya's Coast:

Land grabbing – a system of corrupt patronage endemic in the government – has been particularly marked at the Coast, further impoverishing the local community. This has encouraged resentment, not least because of the obvious prevalence of rich up-country people.

Land grabbing, which is increasingly used for political patronage, combined with land tenure reform, which according to Gutto (1995: 37) "has concentrated mainly in freehold title registration without regard to distributive justice", has escalated further the oppression and marginalisation of the millions of Kenyans who were robbed of their lands and rights to land by the Sultan feudalism (at the Coast) and colonialism (in the Kenyan Highlands and throughout the country). The "urban and rural land speculation by local (African and non-African) as well as foreign capitalists is a major phenomenon of the 1980s and 1990s" (Gutto 1995: 38): it increased the greed for highly competitive valuable land in Kenyan rural and urban areas and around tourist centres such as the Coast (Kenya Human Rights Commission, 1996; 1998).

The politicisation of land and land resources has become a culture in the country. Thus in 1990-93, Moi, more than ever before, used the hunger and greed for land with the inherent conflicts, as a weapon of

fighting the popular demands for multiparty democracy and of ensuring his remaining in power. Even public toilets, parks, churches, mosques, schools, police stations, forests, water catchments areas, land set aside for agricultural research, cemeteries, sports fields, etc., were allocated to prominent personalities who supported the Moi-KANU dictatorship. A letter by the Commissioner for Lands to the Mombasa DC, written in May 1991 and quoted by the Kenya Human Rights Commission (1996: 75), reflects the phenomena which were (and still are) repeated daily and everywhere in the country in varying magnitudes:

You are aware that according to our Minister, Hon. D.M. Mbela, the President approved that all Coast MPs be allocated residential plots in Coast Province approximately 0.8 - 1.0 hectares. The plots have been identified by the MPs with the assistance of the Minister as per plans with the SLO (C&NE). Please arrange for documentation.

Thus Coast MPs were bribed with the plots of land in order not join the opposition and to campaign for Moi and KANU in the 1992 national elections in which opposition parties participated for the first time. Thus, Moi used land as a form of patronage to perpetuate his regime in power.

As a consequence of all this, the struggle for access and right to land is now part and parcel of the struggle for democracy and human rights. It is a manifestation of the class conflicts in Kenya, which occurs all the time and in many cases and takes various forms including legal, passive and extremely violent ones, such as that of Kayabombo in 1997 and the recent post-election violence of 2007-2008.

Before the first multi-party elections in 1992, the Moi-KANU regime misdirected the class struggle by inciting, organising, sponsoring and misleading the oppressed people of Kalenjin, Maasai and Pokot ethnic groups to fight a war against the Kikuyu, Luo, Luhya, Kisii and other ethnic groups in the Rift Valley or neighbouring the Province. The war, which claimed hundreds of lives and created thousands of internally displaced people, was purportedly aimed at liberating the land of the Kalenjin, Maasai, Turkana and Samburu (the KAMATUSA) in the Rift Valley which they claimed to be their indigenous home, invaded by "foreigners". Ngunyi (1996: 189) referred to the situation as follows:

While in the initial majimbo project, the expulsion of the Kikuyu from the Rift Valley was only one of the items of on the agenda, the neo-majimbo project tacitly views it as a *sine qua non*. But unlike the original project, the current one seeks to expel from the Rift Valley, not just the Kikuyu but all the ethnic communities supporting the political opposition. These communities include the Luo, the Abagusii and the Luhya. In total together with Kikuyu, they comprise up to 46 per cent of the total population of the Rift Valley.

It is also important to note that the anger and violence in the Rift Valley was not targeted against the white-owned farms or foreign multinationals who own hundreds of thousands of acres of land in the Province. Neither was it targeted against the ruling class of Kenya (from all ethnic groups) who have amassed hundreds of thousands of acres of land in the province which is also home to millions of poor peasants and thousands of squatters. The violence and mayhem was in fact directed against poor peasants and squatters – mainly from the Kikuyu ethnic group but also Kisii, Luhya and Luo – barely own enough land for subsistence. The victims of the violence were not the land-grabbers and oppressors but the exploited and oppressed poor peasants.

Similarly, in 1997, it was still the rich land grabbers who were well connected to Moi and state power who were implicated as the main people inciting, organising and sponsoring the violence at the Coast (see Mghanga, 1997a; Kenya Human Rights Commission, 1998).

In fact, one of the people said to have been behind the 1997 violence at the Coast, who was then well connected to the top KANU leadership and security forces, Immanuel Karisa Maitha, had threatened to escalate the violence against up-country people at the Coast should they not vote for KANU in the December elections that year (see Daily Nation, 18th November 1997). Maitha himself was a Mijikenda Jadong Aich, who was striving to acquire the identity of a member of the rich landlord and ruling class of Kenya which was more important to him than his ethnic background which he could only use for personal aggrandisement. That is why he could advocate murder and escape with impunity. After all, even Moi's ministers were known to have been making similar statements of openly inciting the inter-ethnic land clashes, also with impunity.

Again, in the 2007-2008 post-elections violence, Cabinet ministers, prominent politicians, businessmen and religious leaders incited interethnic hatred and clashes that led to the deaths of over one thousand people. However, this time round, they may have to contend with their vile crimes either inside the country or in the International Criminal Court (ICC) at The Hague or both.

Manipulation of the Land Problem for Inter-Ethnic Violence

The 1993-94 inter-ethnic clashes in the Rift Valley Province in which the then Moi government was implicated (Republic of Kenya, 1992, 1999), and that involved the Kalenjin and the KAMATUSA group on the one hand and the Kikuyu (and also the Luo, Luhya and Kisii) on the other hand, was part of Moi's and KANU's desperate political tactics of using the land issue in the country to fight against the popular forces of democratisation in order to maintain his dictatorship. The 1997 violence and the resulting mayhem at the Coast, was also part and parcel of Moi's and KANU's tactics of trying desperately to survive the then 1997 December elections and to contain the democratisation process by playing the ethnic card and manipulating the sensitive land issue (Kenya Human Rights Commission, 1998).

Since October that year, similar violence spread out in many parts of Kenya. Reports of land clashes – between Pokot and Elgeyo, Meru and Chuka, Kisii and Maasai, Luo and Kuria, Luo and Kisii, Kisii and Kalenjin – were reported by the press almost daily that year. Again in January and February 1998, inter-ethnic clashes similar to those of 1993-1994 in the Rift Valley were repeated in Laikipia, Njoro and Baringo Districts. At least forty people of the Kikuyu ethnic group and a similar number from the Kalenjin were brutally murdered by the clashes that involved Samburu, Turkana and Kalenjin warriors on the one hand and Kikuyu peasants on the other. In the terror which was meant to chase the Kikuyu out of KAMATUSA lands, millions worth of property belonging mainly to poor Kikuyu peasants was destroyed. Numerous people become IDPs as a consequence. It was said the Kikuyu community in the Rift Valley was again being punished for voting against Moi and KANU during the December 1997 elections. The Kenyan press (see The Daily Nation, The Weekly Review, Economic Review, The People of January, February and March, 1997) condemned Moi's government for being behind the clashes in one way or the other.

It is significant to remember that the 2007-2008 post-election violence was directed mainly against people of the Kikuyu ethnic group who were accused not only of voting against Raila Odinga who many regarded as representing necessary popular change but also of continuing to benefit - including from government employment opportunities, land and land resources - from the Kenyatta and Kibaki regimes at the expense of the rest of other ethnic groups.

Actually, this is a false accusation based on politics of negative ethnicity that has, hitherto, been used to victimise members of the Kikuyu ethnic group, especially poor peasants, hawkers, business persons and workers living and eking a living in all parts of Kenya. It is not true that the Kikuyu have benefited as a group from the exploitative and oppressive regimes led by the Kikuyu Presidents. Whereas this may be true of some Kikuyu elites connected to the leadership of the regimes, the majority of the

Kikuyu struggle and toil like all other Kenyans and suffer from the consequences of bad governance, exploitation, oppression, poverty, insecurity and underdevelopment like any other people in the country.

It should also be remembered that, even President Daniel Arap Moi used his position as President to amass enormous land and wealth for himself, family, relatives, friends, members of his class from his ethnic group and sycophants from all over the country. The leaders of the Grand Coalition Government, President Mwai Kibaki and Prime Minister Raila Odinga, seem to follow the same culture that embodies ethnicity, class, nepotism, cronyism in utilising positions of power to acquire money and wealth.

It is also true that the majority of people of the GEMA ethnic groups voted for Kibaki, a member of their own ethnic group. But so did other Kenyans who elected leaders associated with their ethnic groups in the reactionary ethnic-riddled politics of the country. Again, for the few months ODM has been part of the Government, contrary to the expectations it created during the campaigns, it has also not proved to represent the wishes and aspirations of the exploited and oppressed majority Kenyans. Instead, its leaders have proved that they are part and parcel of the ruling class that is in power to perpetuate the internal and external status quo and economic policies responsible for the poverty, underdevelopment, inequality, social injustices and corruption present and persisting in the country today.

Conclusion: A Dangerous Trend

In the history of Kenya hitherto, that of Coast Province included, the unsolved land problem that existed before, during and after British colonialism, and that was also pointed out as one of the major root causes of the recent 2007-2008 post-election violence, has always been manipulated by politicians near, during and after national election to incite feelings of negative ethnicity in order to preserve the status quo of exploitation and oppression.

During the campaigns for presidential, parliamentary and civic elections, the Jadong Aichs of various ethnic groups exploit the land issue, economic and social injustices – which they are in fact not interested at solving – to fight for elections or re-elections. They do this by claiming to be champions of the rights – including those of land and land resources – of their ethnic groups “which have been encroached or are threatened by the presence of other ethnic groups in ‘their indigenous districts and provinces’” (Ngunyi, 1996: 201). And while this is going on the Presidents perpetuate themselves in power by rewarding their cronies, mainly the elites, with land, political power and ‘eating’ positions.

Thus in Kenya, the burning issue of land that usually takes ethnic dimensions continues to be used as a means of maintaining the reactionary politics of successive regimes. Emotions of negative ethnicity are encountered at the Coast and elsewhere in Kenya, resulting mainly from real and perceived injustices over land and land resources. The culture of impunity in the country continues and protects the ideologues and organisers of inter-ethnic violence that has hitherto caused thousands of deaths and hundreds of thousands of IDPs, as well as the destruction of property and the economic life of the nation. Looking at the 2007-2008 post-election violence in Kenya, the horrifying experiences of genocide in Rwanda and Burundi come to mind. This trend, if not corrected, will continue to impede sustainable peace, security, development and national unity in Kenya

3. Taita and Taveta

Taita and Taveta Districts were created only in 2007 from what was until then Taita-Taveta District¹¹. The two districts border Kilifi and Kwale Districts to the east, Kinango, Kitui and Kibwezi Districts to the north, Kajiado District to the north-west and Tanzania to the south-west. Taita District has four divisions, which are also political constituencies, Wundanyi, Voi, Mwatate and Tausa. Wundanyi is the District's headquarters. The main commercial centres of Taita District are Voi, Maungu, Wundanyi, Mwatate, Bura Station, Bura Mission, Mwakitau, Mbale Iriwa, Msau, Kwa Mnengwa, Msorongo ghwa Mfu, Godoma, Werugha, Mgange Nyika, Mgange Dawida, Mghambonyi, Nyache, Tausa and Ndome. Taveta, Kimorigho, Chala, Njukini and Kitobo are some of the important commercial centres in Taveta District.

The Wadawida who are composed of various clans are the indigenous ethnic group and majority people of the Taita District while the Watuweta are the indigenous people of Taveta District. However, the districts are today the home of people of the diverse ethnic groups of Kenya and even Tanzania. The economic activities of the districts include peasantry agriculture, small and large-scale ranching, mining and tourism.

Sixty-two per cent (10,539 square kilometres) of the Taita and Taveta Districts are under Tsavo East and Tsavo West National Parks, 26 per cent is state land, 1 per cent is under Trust Land which is not yet open to smallholder utilisation (Mwachofi, 1977). The estimated 300,000 inhabitants of the district are crowded in 11 per cent (1,930 square kilometres) of the area, of which over 735.6 square kilometres is taken up by five sisal estates (Kapule & Soper, 1986: 1). In fact, the land left to the peasants of Taita and Taveta Districts is even smaller than the one stated by the authors quoted above as the Taita Hills Hotel, Salt Lick Lodge, Lumo Animal Sanctuary, the land taken by the Kenyatta family and other large commercial ranches cover a large fraction of the 11 per cent of the said land.

Again, more and more of the community land is encroached upon by the sisal estates, the national parks, tourists and mineral prospectors, including the controversial animal sanctuaries run by Marcos and Morgan at Mwakitau and Kishushe respectively, and Wanjala iron ore mining at Wanjala in Kishushe. In August 2008, to the chagrin of the residents of Taita who were taken unaware, yet another 562 square kilometres land belonging to the local communities have been gazetted to provide for a private company, Sisal Exploration East Africa Limited, exclusive license to prospect for precious and non precious minerals in the district (Republic of Kenya Gazette Notice No. 7261, 8th August 2008). Partly due to lack of land for farming and earning a reasonable living, at least half the members of every family in Taita live outside the district. As a consequence, Taita and Taveta Districts, like the rest of the Coast Province (Gutto, 1993: 9; Kanyinga, 1997), have thousands of squatters. No wonder struggles and conflicts over access and right to land and land resources are part and parcel of past and present history of the districts.

Taita and Taveta Districts are not only endowed with one of the richest diversity of wild animals in the world, but also minerals particularly gemstones including green garnet, tourmalines, rubies, red garnet, water sapphire, change colour garnet, and also limestone and iron ore deposits. However, the resources do not benefit the majority of the local population. According to an officer in the Ministry

¹¹ President Kibaki frequently created new districts from already existing ones. Just as this report was being prepared for publication, Taita District was again divided into Voi, Mwatate and Wundanyi Districts. As a consequence, the residents of the districts are locked in disputes about boundaries.

of Environment and Natural Resources at the district headquarters Wundanyi, one Mr. Mwadime, billions of Kenyan shillings is made in the district through the minerals yet the indigenous and majority of the people hardly benefit from the industry and trade which is often carried without clear government regulations¹². The exploitation of the minerals only benefits a few rich people, mostly from outside of the districts, while alienating land from the local people, escalating poverty, destroying the environment and breeding conflicts as a consequence.¹³

Concerning tourism, the local people are bitter that their traditional land is increasingly being taken away from them and set aside as national parks and animal sanctuaries without their consent while they need the land for farming. Residents of the districts complain that the government regards wild animals and the tourist industry as more important than them. This is because Kenya Wildlife Service (KWS) puts more emphasis in protecting the wildlife from poachers than the people and their property from the wildlife.

Land and land resources are an embodiment of the politics of the district. In its pamphlet, the Taita-Taveta Professionals Forum (2008), a registered trust which advocates for the sustainable use of the resources of the districts for the development of the area, describes the situation as follows:

Taita-Taveta is one of the richest districts in the country in terms of land and land based resources, an integral component of Tsavo economic system which accommodates more than half of the country's population of elephants. In 2006 Tsavo East and West National Parks maintained their lead by earning the Kenya Wildlife Services KShs .465 million. There are twenty-six ranches which form a migration corridor for wildlife between Tsavo East and West National Parks; present one of the largest grazing belts in the country which have been targeted currently, and being promoted as a disease free zone, to fatten steers for export markets.

The district produces 35,000 cubic meters of water from Mzima Springs per day which sustains the tourism industry in Coast circuit; yet it remains almost completely excluded from the tourism chain. Completely surrounded by the two national parks and ranches which collectively constitute 86 per cent of the districts land mass, Taita Hills are unique in that they sit on very old igneous rock whose origin date as far back as 180 to 290 million years on the geological time scale. Hence the hills are so rich in crystalline gemstones including Rubies (reds), Garnets (greens) and Sapphires (blues). Taita Hills have a rich biodiversity of more than 2,000 species out of which 30 per cent are endemic to the area.

Despite being so rich in terms of natural resources, Taita-Taveta is on record as being one of the poorest in the country with most of its population entirely dependent on rain-fed agriculture whose production has declined by a factor of two over the last couple of years as a result of land degradation, unprecedented draughts and destruction of crops by wildlife.

In terms of human resources Taita-Taveta has some of the best professional and skilled personnel of both national and international repute.

¹² Mr. Mwadime was quoted by Milele FM 93.6 on the news of 16 September, 2008.

¹³ This fact was also highlighted by extensive television coverage of the KTN on the evening of 30 September, 2008.

The 2007 Election Results

Taita District has three electoral constituencies, Wundanyi, Mwatate and Voi, while Taveta District has only one constituency, Taveta.

ODM won both presidential and parliamentary elections in Wundanyi and Mwatate in Taita District (Weis, 2008: 7). The Wundanyi parliamentary elections showed a close contest among the parties that participated, ODM's Mwadeghu led with 4,468 votes followed by SDP's Mwandawiro with 3,857 votes, ODM-Kenya's Mwaisaka with 3,355 votes, PNU's Ngali with 1,842 votes, RLP's Mbogho with 1,078 votes while the remaining 3,117 votes were shared by other parties.¹⁴ In the presidential elections, out of 17,536 votes cast, ODM's Raila led with 12,192 followed by PNU's Kibaki with 4,651 votes and ODM-Kenya with 369 votes.

The Mwatate parliamentary seat was also won by ODM's candidate Mwatela with 7,179 votes followed closely by KANU's Madoka with 6,578 votes who in turn was followed by ODM – Kenya's Kiwoi with 2,506 votes. Of the 18,972 votes that were cast, ODM's presidential candidate Raila led with 10,958 votes, followed by PNU's Kibaki with 6,791 votes while Kalonzo became third with only 877 votes.

According to the ECK (Weis, 2008), in Voi Constituency PNU's presidential candidate and ODM's were almost at par with Kibaki leading with 10,431 votes against Raila's 10,037 votes. Kalonzo was third with 1,572 votes. In the parliamentary elections that were also closely shared by the many parties that participated, out of the 20,761 votes cast ODM's Mwakuleghwa led by 6,259 votes, followed by ODM-Kenya's Chome with 4,310 votes, SDP's Mghanga with 2,191 votes, PNU's Mwakima with 1,934 votes, NARC-Kenya's Mlolwa with 1,632 votes while the other parties shared the remaining 4,435 votes.

In Taveta, out of the 16,684 presidential votes cast, PNU's Kibaki led with 7,777 votes followed by ODM's Raila with 5,610 votes and ODM-Kenya's Kalonzo with 3,163 votes. The parliamentary seat was won by PNU's coalition partner KANU's parliamentary candidate Shaaban who out of 13,370 votes that were cast received 6,754 votes followed by Muli Kimenzu of ODM-Kenya with 3,494 votes¹⁵, NARC-Kenya's Parliamentary candidate Mwalulu with 2,292 votes, ODM's Kiondo with 1,960 votes and KADU's Criticos with 1,180 votes.

The election results indicate that both ODM and PNU had almost equal following in Taita and Taveta Districts. While ODM's presidential candidate Raila won in Wundanyi and Mwatate constituencies, PNU's Kibaki won in Taveta and Voi constituencies. Furthermore, as far as parliamentary elections were concerned, the votes were shared very closely by the many candidates of various political parties that participated in the elections. All this suggests that people in the districts had no loyalty to a single party or presidential personality. The fact that the people of the area seem have made diverse and independent choices in the elections could also have contributed to the peace that existed at the time when other places of the country were engulfed by violence.

The 2007-2008 Post-Election Violence

The only place where there was violence in Taita was at Werugha, Kese. A young man resident in the area recalled the events:

Members of the Kikuyu ethnic groups were victims. Their shops were broken into by youth who came from all directions. They threw stones at the shops and looted everything in the shops that evening. Four shops

¹⁴ The elections results were, however, controversial and not accounted for properly, even according to the report of the Kriegler Commission (2008).

¹⁵ This fact was missed by Weis (2008).

belonging to Kikuyu tribesmen who rented them at Mkombola's were looted. Mkombola's wife tried to protest but the angry youths threatened to burn down the shops. Another shop at Kizaku's rented by a Kikuyu was also broken into and looted. But the shops rented at Musa's were not looted. The Kikuyu people had to run away from Werugha fearing for their lives.

The violence only lasted for a few hours on the evening of 1st January 2008, but tension lasted in the area for more days. The few administration police officers at Werugha and the regular police who joined them from Wundanyi could not contain the youth and had to watch them as they ran amok. On the next day, the public and the police watched members of Kikuyu ethnic groups – who owned several shops at Werugha or were teachers at various secondary schools in the area – packing and going away to Wundanyi, where they and the little property they managed to salvage were sheltered under the protection of the DC and the police.

There were no casualties as victims were not physically attacked by the mob of youths who harassed and drove them out of their property.

A shopkeeper at Kese narrated:

Two days after the announcement of the presidential elections results, angry youths, mostly from Mwafunja, came to Kese and started throwing stones at the shops belonging to Kikuyu people. They were joined by Kese youths. They then looted the shops. The next day the Kikuyu collected their remaining belongings and left. Even the Kikuyu teachers were threatened that their heads would be cut and they asked for transfer. There are no Kikuyu traders or teachers left at Werugha now.

After the announcement of the presidential election results, there were tensions also at Mgambonyi, Wundanyi, Mgange, Mwatate and Voi, but there was no violence. There were demonstrations at Mwatate and Voi protesting against the presidential election results that were led by area MP who were both elected on ODM party. But these demonstrations remained peaceful. They also involved members from several ethnic groups living in the towns and during the event, I was told, the organisers assured the residents that the demonstrations were about truth and justice and not against the people of different ethnic groups living peacefully together in the area.

The ODM Councillor of Mwatate, Mwarabu, for example informed me as follows:

Various Kenyan ethnic groups, the Wadawida the indigenous majority, Akamba, Kikuyu, Luo, Meru, Somali, etc. and even Tanzanians live together at Mwatate and the majority are the poor who are in search of livelihoods. During the 2007-2008 violence that happened in the country as a result of the announcement of the presidential elections, no inter-ethnic violence was reported. Other ethnic groups were anxious that the Wadawida would react against them but I as the area Councillor assured them that the ODM demonstration at Mwatate in which the area MP participated was demanding justice and was not tribal. So peace was observed in Mwatate.

A young businessman at Voi also told me:

Peace was observed at Voi. The demonstration organised by area MP was peaceful in the town that is composed of nearly all ethnic groups of Kenya.

Concerning the reasons why violence erupted at Werugha, a young man informed me:

People reacted angrily because they believed Kibaki had rigged the elections as they voted for Raila and they believed he had won. After the elections were announced the Kikuyu were cheering Kibaki and so people were angered by them. It seems there were grudges against the Kikuyu even before the elections were announced. The Kikuyu had been telling the Wadawida that a head of one Kikuyu woman is equivalent to that of ten Dawida men. A shop of a Kamba man was also broken into and looted when Kalonzo was appointed Vice President by Kibaki. But the Kamba man is back and has opened his shop again. However, the Kikuyu shopkeepers have not reopened their shops.

A 74-year old Kese resident concurred:

People reacted angrily as they believed that Kibaki had stolen Raila's votes and people had voted for Raila. Again the Kikuyu used to abuse the Dawida saying that one head of a Kikuyu woman is equivalent to that of ten Dawida men.

Another young trader at Kese added:

The people were angry that Kibaki had robbed Raila of his victory. Even before the election results were announced, the Kikuyu at Werugha were bragging that Kibaki would win whatever come may. So it was as if it was already planned that the elections would be rigged.

Many people interviewed at Werugha gave more or less the same reasons for the eruption of the violence. It seems that long-term rivalry, jealousy and hatred existed and that the announcement of the presidential elections only triggered the violence that would have happened anyway at one time or the other. It is significant to note that the people appeared not to have regretted the terrible actions against the people of another ethnic group.

The district administration led by the DC was blamed for provoking the violence. During the campaigns, the DC had openly campaigned for PNU and President Kibaki. Through his instructions the DO, chiefs and village elders using the voters register were bribing voters in the districts with food and money. The police and the electoral commission at Wundanyi received complaints from the people on claims of pre-election vote rigging by the public administration that was accused of tampering with the voters register, that it used to intimidate and bribe voters with rice, sugar and money in favour of the then ruling coalition. When the DC held a public meeting at Werugha a few weeks after the elections to discuss the violence, the people protested against him accusing him of being part and parcel of the cause of the violence in the area and the district.

Post-election violence in Taita compared to other areas of the country

In Taita-Taveta, the only place where violence erupted in response to the announcement of the presidential election results was at Werugha where the shops belonging to Kikuyu traders were burned and looted and the Kikuyu traders and teachers had to run away for protection to the district headquarters in Wundanyi. Again, the perpetrators of the crime acted at night under the cover of darkness, and by the next day everything returned back to normal. No person was physically injured and the incidence was in fact minor as it involved only four shops of less than twenty victims (whose property was looted or the owners, traders and teachers, had to leave as a consequence).

The violence involved the youth who seemed to have been influenced by what was broadcasted by Kenyan FM radios and televisions and also the print media concerning the violent reaction against the presidential results that was going on in Nairobi, Mombasa, Kisumu, Rift Valley, Western Kenya and other parts of the country. The violence was spontaneous and that is why it only lasted for only a few days. After all, if the anger and violence manifested itself against the Kikuyu who were identified with Kibaki and PNU after the night's violence there were no more Kikuyu people left the next day at Werugha to vent their anger against.

But despite all this, there was hardly any similarity in terms of magnitude and length of the violence that was experienced in the Rift Valley, Nairobi, Kisumu and other parts of Kenya. For Taita District, a multi-ethnic area could be classified as generally peaceful during the 2007 - 2008 period that was the most violent in the post-independent period of Kenya.

There are several possible reasons that made the announcement of the presidential election results not to lead to as much violence and destruction in the district as in other parts of the country.

Even the violence that erupted at Werugha was spontaneous and appeared to have been a consequence of what the youths in the area involved read, listened and viewed from the print and electronic media.

Although Raila won in two of the constituencies of Taita District, Kibaki won in Voi and also gathered a lot of votes in the district. Again, it was Kibaki and the PNU coalition partner, KANU that won in Taveta District. The fact that each presidential candidate received substantial votes in the area could have contributed to the maintenance of peace in the district after the election results were announced.

It is also often said that the Wadawida are generally neutral as far as Kenyan politics are concerned. Unlike other ethnic groups of the country, they also do not identify with one national leader, being a small ethnic group in terms of numbers. Again, Taita is among the most peacefully areas in the country.

Conflicts in the Districts

The observations made during my extensive travel in the Taita and Taveta Districts and the formal and informal interviews held with many people revealed a plethora of complex existing and potential conflicts. It is all about daily struggles, bitterness, frustrations and the crying of the poor and marginalised. Simmering conflicts over land and land resources throughout the district day and night form inactive volcanoes of conflicts that threaten to erupt into violence any time. In fact, most participants in the research preferred to dwell on the subject of existing and potential conflicts, i.e., informing me about their daily problems, struggles, hopes and frustrations based on the reality of the history and political economy of the area. Many a time my research produced expectations that it would lead to solutions to the problems and conflicts around land and land resources.

For example, during the course of the research, and following the request of the people of Majengo-Singila, I participated in organising the meeting of 7th June at Mwatate Town where the Kenya Human Rights Commission and Kenya National Commission on Human Rights were also participants. On the request of the people, I invited the Minister for Lands and Settlement who acknowledged receipt of the invitation and promised to visit the area at a later date. During the meeting, the people of Majengo-Singila articulated their plight and struggle for the right to their land grabbed from them by Taita Sisal Estate. The meeting also heard about shocking revelations of the conditions of the workers of Taita Sisal Estate and the gross violations of human rights that are akin to slavery.

The conflicts existing in Taita can be classified as follows:

Poor Peasants and Squatters Vs. Large Land Owners

In Taita and Taveta Districts, conflicts between poor peasants struggling for more land and squatters demanding access to and land rights is part and parcel of daily life. It is estimated that over 70 per cent of Taveta District, that became a district only in 2008, belongs to the Kenyatta family and to Basil Criticos, a Kenyan of Greek origin who is a former MP for Taveta. The people of Taveta claim that the lands were historically unjustly acquired and therefore they have ancestral rights to access and ownership of them. In any case, they question whether there can be justice when only two families own almost the whole of the district. Invasions and forceful occupations of the lands by the poor peasants and squatters and the ensuing evictions, arrests, imprisonments and violence from the owners, police and public administration occur more often than not in Taveta.

As a consequence of the struggle for the land, in 2006 the Kenyatta family was forced to surrender 10,000 acres of land that is in the process of being distributed to the people. The government forcefully acquired 15 per cent of land of Criticos after he was unable to pay the loan of National Bank of Kenya. This land is earmarked for settlement of squatters. At the same time, the government is planning to forcefully acquire another 7,000 acres of land from Criticos for also settling squatters as he has also been unable to pay the loan from another government parastatal, Agricultural Finance Corporation (AFC). Criticos claims that his rights are being violated as he is a “white” Kenyan¹⁶. In the meantime, the squatters and poor peasants continue to demand access to and ownership of more land claimed by the two rich families, most of which is idle. The land problem in Taveta is yet to be resolved. The local people blame the district administration that is dominated by people from outside the district and who are for that reason insensitive to their plight.

At Mwatate the conflict between the Wadawida, particularly the people of Singila and Majengo on the one hand and Taita Sisal Estate belonging to a family with Greek origins, Criaz, on the other hand, has been there for a long time. The people of the area have always struggled for what they regard as their ancestral land which has been grabbed by the estate while they have been rendered squatters.

At Voi, similar conflicts exist between the poor, who are mostly squatters, and the Voi Sisal Estate and large land owners such as Eliud Mwamunga.

In the course of struggle for land, the poor are subjected to violence, intimidations, humiliations and violations of their human, citizen and cultural rights from the rich land owners and the government that more often than not is used against the majority of the people.

Small-Scale Vs. Large-Scale Miners

Conflicts between small-scale miners on one hand and large scale-miners on the other is the order of the day at Kasighau, Chungaunga, Kamtonga, Mwachabo, Alia and all parts of the lower zones of Taita where mining is a major economic activity. The rich, most of whom hail from outside the districts, acquire the right to prospect for minerals in the area from Nairobi and the area district headquarters at Wundanyi without the participation of the communities of the area concerned. They then come with their licences to map out and fence the land belonging to the local people. In the process, they not only exclude the communities from their ancestral lands but also the small-scale miners composed of the indigenous Dawida, the Kikuyu, Meru, Akamba, Somali and other ethnic groups who eke are living by collecting and selling precious stones in the area.

In this way, the rich have grabbed, claimed, set aside and fenced for themselves large chunks of land. While they make billions from the rich mineral resources composed of various gemstones, the local people are robbed of their land and resources while the small-scale minors are driven into poverty

¹⁶ In saying this he is justified in a way, for the area MP seems to concentrate more on demanding land from Criticos than from the Kenyatta family which is as large, if not larger, than Criticos' land.

through violent evictions from their sources of livelihoods. Many times, the poor small-scale miners from the area work hard for many months and even years to prospect for the minerals. But as soon as they find minerals, they are violently evicted from the mines by the rich who claim the ownership of the land with the help of the corrupt district administration officials. Violation of human rights by the police and the rich and powerful miners, including arbitrary arrests, torture, imprisonment and all manner of humiliation of the local people and the small-scale miners, are the order of the day at Mwachabo, Chungaunga, Kamtonga, Kasighau and throughout the mining areas.

Local Communities Vs. Investors

Community land neighbouring Tsavo East and West National Parks has a high value as it attracts investors in tourism. Group ranches were created in the district, like in other places of the country to safeguard the land rights of the local communities. Today, however, ranches in Taita District that include Kishushe, Oza, Mugweni, Kasighau, Saghala, Lwalenyi benefit only a small group of individuals who now regard them as private property. Furthermore, the “owners” of the ranches who perpetuate themselves at the positions, with the help of Taita Taveta County Council and the district administration, enter into agreements with investors who establish tourist hotels and animal sanctuaries in the area without the participation of the members of the ranches and the communities concerned. In those agreements it is only the leaders, officers of the district administration and the County Council at Wundanyi who gain from the sell or leases of the community lands while the community loses grazing and farming rights on their ancestral lands.

Thus conflicts between the investors, leaders of the ranches and the government based at Wundanyi take place all the time. The people of Chawia, Bura and Mrughua are in perpetual conflict with the owners of Taita Hills and Salt Lick hotels and animal sanctuaries that were allocated several square kilometres of land with hardly any benefits accruing to the communities despite millions worth that are made from the land every year. At the same time, the hotels and sanctuaries keep on expanding their boundaries into neighbouring community lands.

Despite protests from the Oza Community, leaders of Oza ranch allocated several square kilometres of land to Lumo Animal Sanctuary. The people of Mwakitau have hitherto not benefited from the sanctuary. They have only been fenced out and lost grazing land.

There have been violent conflicts between the people of Kishushe with one Marcos who started the animal sanctuary at Wanjala after having been allocated thousands of acres of land by the leaders of Kishushe Ranch, Taita - Taveta County Council and the district administration. The investor would abuse the local people, shoot at and confiscate their dogs, goats, sheep and cattle that entered what he regarded as his private property. As a consequence of demonstrations and threats from the youths of the area, Marcos moved to Mwakitau where, in another controversial deal, he was allocated another piece of land by the leaders of Oza Ranch without the participation of the Oza Community composed of people from Mwanda, Mgange, Msorongo ghwia Mfu, Kwa Mnengwa and Mwakitau. This has resulted in bitter conflict between the people of the area on one hand and one Marcos, owners of the ranch and the district administration on the other. And while this is going on, one Morgan has taken over from Marcos the hotel and animal sanctuary at Wanjala in Kishushe where the conflict has not abated.

It is distressing to realise that while the government protects the interests of investors and commoners, they expect the local people to remain peaceful even while their land is slowly but surely being alienated from them to benefit a few local and foreign individuals.

Land Conflicts Between Dawida Clans

Within Taita District there are conflicts between various clans who claim ancestral rights to different parts of the lower zones or plains of the district. As more and more people move downwards to the

plains or Nyika as a result of population pressure in Taita Hills, the conflicts escalate. Contributing to the escalation of the conflicts is the fact that the village, sub-location, location and divisional boundaries are not well defined and the assistant chiefs, chiefs, DOs and DCs do not clearly know their boundaries and jurisdictions.

Conflicts between the clans of Werugha and Mgange at Kishushe and Sangenyi have been going on for many years and have in the past resulted into violence, the destruction of crops, forcefully occupation of farmed land and the burning of houses. Similar conflicts exist between the people of Mbololo and those of Kishushe at Mlilo and Paranga, Mwanda and Mrughua at Kwamnengwa and Msorongo ghwa Mfu, Chawia and Bura at Alia and Mwachabo.

Conflicts Over District Boundaries

The boundaries between Taita and the neighbouring districts are not clear to the residents of the district, the Taita-Taveta County Council, and the district and provincial administrations. Taita elders provide evidence to the effect that their district has been encroached upon by their neighbours. Since the districts contain and control resources such as land, wildlife, minerals and taxes, the dispute about boundaries is a dispute about the control of resources.

Many meetings attempting to determine the district boundaries have been held between elders, councillors, MPs, District and Provincial Commissioners from Taita District and Coast Province on the one hand and their counterparts from Kibwezi District and Eastern Province on the other hand, at Mito Andei town. The town of Mito Andei is claimed by Taita Taveta County Council that used to collect revenue from it a few years ago. The issues of the boundaries between Taita on the one hand and Kwale District on the other has also not been resolved. The boundary between Taveta and Kajiado Districts has also not conclusively been defined.

In 2003, President Kibaki established Taveta District that was carved out from what used to be Taita-Taveta District. The problem is that the new district was created without the participation of the people of the districts and without determining the boundaries between it and Taita District and thus adding yet another conflict. Furthermore, the existence of Tsavo National Park between Taita and Taveta Districts hinders the free movement of people and goods and impedes development of the districts. The residents of the districts therefore constantly call for the removal of the park from the districts.

Local Communities and the Kenya Wildlife Service

As already pointed out, 62 per cent (10,539 square kilometres) of the Taita and Taveta Districts is occupied by Tsavo East and Tsavo West National Parks. The national parks are endowed with one of the richest diversity of wild animals in the world that includes all the “big five” – elephants, lions, giraffes, rhinos and buffaloes. But while the national parks attract thousands of tourists every year who bring billions of shillings to the country, the residents of the districts hardly benefit from the tourism. The local people feel that their ancestral land has been taken away from them and set aside as national parks leading to a situation in which the government regards wild animals and the tourist industry as more important than them.

The people of the districts always demand for a certain percentage of the revenue from the national parks to be set aside for the development of the area. But in spite of promises from the government and successive presidents, this demand has not been met. Given the fact that the people of Narok and Samburu Districts receive direct benefits from the tourism brought about by the wildlife resources found in their area, the residents of Taita and Taveta feel exploited and discriminated against by successive governments. In fact, the people of Taita and Taveta crave for a new constitution that embodies a devolved or majimbo system of government which will ensure that a certain percentage

of revenue collected from the resources at the local level remains in the area for its development. Much of their concern is related to unresolved conflicts over wildlife resources. It is also for the same reason that the majority of the voters of Taita elected Raila Odinga and ODM against President Mwai Kibaki who did not keep his promise that at least 10 per cent of the revenue accrued from the Tsavo East and Tsavo West National Parks in Taita and Taveta Districts would be left for the development of the districts.

Again, to add insult to injury, the KWS keeps on extending the boundaries of the national parks into community lands belonging to the people of Taita and Taveta. The people of Kishushe, Mwakitau, Mbololo and Paranga, for example, have since 2007 been protesting against the encroachment of their lands by KWS through putting electric fences inside their community lands to purportedly protect them and their crops from the wildlife, especially elephants. They call upon the government to put the fences inside the national parks instead which already occupy too much land anyway.

Conflicts between the people of Kishushe, Paranga, Mbololo, Mwakitau, Chungaunga and Taveta, who neighbour the national parks, and the wildlife, especially elephants, occurs on a daily basis. Elephants invade farms, destroy crops, houses and sometimes kill people. The large animals that have become pests not only prevent people from growing perennial crops such as oranges, mangoes, papaws, bananas and cashew nuts. When they invade the neighbourhoods, they also prevent children from going to school. One of the greatest causes of poverty in the districts is the elephants. The Wildlife Act, established by the colonial government and not fundamentally revised since then, does not provide for compensation of farmers whose crops and property are destroyed by the elephants.

Hunting was part of the traditional source of livelihood of the Wadawida. The hunting was done selectively to conserve the wildlife while meeting the protein needs of the people. While hunting has been banned today, poaching by the people who are so poor that they cannot afford to buy meat from butcheries continues. In the name of fighting poaching, KWS warders arbitrarily arrest, beat, torture and violate the human rights of the residents of the district with impunity. Yet game meat is sold to tourists and the rich in hotels and camps at the animal sanctuaries and national parks and in exclusive hotels in the country.

Local Communities Vs. Government

The District Administration headquarters at Wundanyi is viewed by the majority of the residents as corrupt, oppressive and part and parcel of the problems of the area. The residents of Taita District have often complained that the fact that the majority of the heads of government departments at Wundanyi come from the same ethnic group and, besides, have overstayed in the same place and positions, provides a fertile ground for corruption and negative ethnicity.

The departments of lands, environment and natural resources are singled out as the most corrupt in the district. The departments' officers are accused of receiving bribes from owners of the sisal estates, rich mineral prospectors, investors and all sorts of land grabbers to safeguard their interests that are in most cases in conflict with those of the local people. Wherever people claim their rights, the district administration officers take sides against them. At the same time, whenever people demonstrate for their land rights or protest in any way for their rights, police is deployed to forcefully suppress the protests.

Police officers are deployed inside the Taita Sisal Estate and in the mines owned by one Daudi at Chungaunga to guard the private interests that are at variance with those of the workers, local people and other stakeholders. This also compromises security in the district, as the police are used to protect corruption, exploitation and oppression instead of peace and security of the general population of the district.

Reports of people being arbitrarily arrested, tortured, striped naked in public, beaten and killed at Chungaunga by the rich owners of mines have been reported. But instead of the police taking action in favour of justice they arrest, imprison and torture the victims.

At Mwatate, I was informed about the gross violations of human rights perpetrated by owners of the estate against the workers and the people of Majengo-Singila who have been turned into squatters after they were robbed of their ancestral land by the estate.

Conflicts With Corrupt and Oppressive Government Institutions

Generally, conflicts over land and land resources in the districts are compounded by policies and laws that are too numerous, complicated, ambiguous and contradictory. Land tenure in Kenya is governed by the Constitution (trust lands) and over fifty laws (Wamukoya & Situma, 2000). The laws include the Government Lands Act (Cap 280), the Registration of Titles Act (Cap 281), the Land (Group Representatives) Act (Cap 287), the Trust Land Act (Cap 281), the Land Acquisition Act (Cap 295), the Registered Land Act (Cap 300), the Mazrui Land Trust Act (Cap 291), the Land Control Act (Cap 302), the Land Adjudication Act (Cap 244), the Physical Planning Act of 1996, the Mining Act (Cap 306), the Agriculture Act (Cap 318), the Irrigation Act (Cap 347), the Crop Production and Livestock Act (Cap 321) and the Local Government Act (Cap 265).

Frequently the laws are not understood by the stakeholders concerned, particularly the oppressed, and where they are understood they are applied in favour of the oppressors. At the same time, without the government's will to ensure their implementation, the policies and laws alone are insufficient in dealing with problems involving land and natural resources.

Local elected leaders and the district and provincial administration officers who ought to show the way forward towards a just solution on behalf of the government and the people while being guided by national policies and laws over land and land resources, are instead corrupted to defeat the truth and justice. In Taita and Taveta Districts, the district and provincial administrations do the work of supervising the exploitation and oppression of the indigenous residents of the area. That is why the scenario of conflicts in Taita and Taveta districts appears to be led by the law of the jungle, that of survival of the fittest. In this case, the fittest are the rich and well-connected individuals who are supported by corrupt government officers. So entrenched is this injustice that in the sisal plantations like Taita Sisal Estate, in mines and hotels in the districts, for example, the owners and authorities behave like colonial government officers who grossly exploit and violate human rights of their employees and the surrounding community with impunity.

It is often alleged that the owners of sisal estates, large farms, mines, ranches, hotels and animal sanctuaries in Taita and Taveta Districts operate like mafia gangs that use the massive resources they have looted and accumulated through corruption to fight justice and to compromise PCs, DOs, chiefs, police officers, labour officers, and even elected leaders to help them exploit and terrorise workers and the local community at will. Furthermore, whenever national leaders, including cabinet ministers, especially the Ministers for Labour and Lands and Settlement, visit the district to purportedly address the issues of labour and land respectively, the Provincial and District Administrations, together with the rich landlords, miners and hoteliers, gang up to hide the truth or somehow compromise the visitors. In any case, they ensure that as soon as the visitors leave, everything returns to the normal state of exploitation and oppression. They also make sure that any worker who had raised his or her voice to complain about the true conditions of the workers is sacked and/or arrested.

The search for sustainable solutions to the conflicts in the districts which is based on the need to realise truth, social justice, human rights, peace and sustainable use and conservation of natural resources, should begin by addressing the reality I have described above. Like other people of the Coast Province, the people of Taita and Taveta Districts voted for the Bomas Constitution that would,

among other things, abolish the institution of provincial administration inherited from colonialism which is a machine used by the ruling class to maintaining the status quo of dictatorship, corruption, exploitation and oppression.

According to the views of several persons I talked to in the course of my research, the wishes and aspirations of the people of Taita and Taveta are to see a new national constitution that will abolish the current provincial administration and replace it with a devolved, participatory and popular democratic district administrations whose leaders will not only be accountable and close to the people but also will be elected (see also Constitution of Kenya Review Commission, 2005: 30 – 31).

4. South Coast: Kwale, Msambweni and Kinango

South Coast covers 8,260 square kilometres. It is made up three districts; Kwale, Msambweni and Kinango. Msambweni and Kinango were carved out of Kwale District in 2007. The districts border Taita and Taveta Districts to the northwest, Mombasa and the Indian Ocean to the east and Republic of Tanzania to the south. There are five administrative divisions in South Coast: Msambweni, Samburu, Kinango, Kubo and Matuga (Ministry of National Development, c.2002b).

The major townships in Kwale District are Kwale, Ukunda and Diani. Those in Msambweni are Vanga, Msambweni, while Lungalunga, Kinango, Taru, Samburu, Mkunumbi and MacKinnon Road are the townships of Kinango District.

South Coast has a total population of about 528,328 according to the 1999 census. The majority and indigenous people of Kwale and Msambweni are Wadigo. However, there are many other ethnic groups, for instance the Kamba who are found mainly at Shimba Hills. There are also other ethnic groups including the Kikuyu and Taita, among others, who are working at various places, especially at the tourist hotels.

The majority and indigenous people of Kinango District are Waduruma. Both the Digo and the Duruma are part of the Mijikenda.

The main economic activities in South Coast include agriculture, fishing and tourism. South Coast includes 80 kilometres of coastline with beautiful sandy beaches at Tiwi, Diani and Kinondo which attract thousands of tourists every year who come to enjoy the sun, sand and sea sports, and live in luxurious hotels located there. Other tourist attractions include Shimba Hills National Reserve, Mwaluganje Elephant Sanctuary and Kisite / Mpunguti Marine Reserve as well as the beautiful sceneries such as the Sheldrick Falls and Maji Moto Springs. The region is also famous for its ancient mosques, the Shimoni slave trade caves, and the traditional Swahili culture, all of which both of historical and cultural importance.

The 2007 Election Results

There are three constituencies on the South Coast: Matuga in Kwale, Msambweni in Msambweni and Kinango in Kinango. Kinango, which is the driest and poorest of the three constituencies, experiences perennial droughts and food shortages; it often depends on food donations.

Although Raila Odinga won the presidential election in all the three constituencies in South Coast, the party of President Kibaki, PNU, performed well and had strong parliamentary and civic candidates (for the ECK figures see Weis, 2008: 5). In fact, PNU parliamentary candidates were elected at Matuga and Kinango constituencies. Many political parties participated in elections and the votes were distributed widely among them showing that the people of South Coast took the elections seriously by making well thought-out decisions on who they elected in both the parliamentary and presidential elections.

Out of 27,611 people who voted in the presidential elections in Matuga constituency, 17,322 voted for ODM's Raila while 8,348 and 1,664 of them vote for PNU's Kibaki and ODM-Kenya's Kalonzo, respectively. Out of 29,182 parliamentary votes, PNU's candidate Ali Mwakere led with 8,638 votes followed very closely by ODM's Mwanjoha with 8,328 votes. The rest of the votes were distributed among ODM-Kenya's Sawa (5,109), FPK's Mwasukuti (3,264), KENDA's Digore (1098) and candidates of other parties (2,745).

Out of the 43,363 presidential votes cast in Msambweni, ODM's Raila led with 26,440 votes followed by PNU's Kibaki with 13,746 votes and ODM-Kenya's Kalonzo with 2,686 votes. 28,355 people voted in the parliamentary election in Msambweni, of which 7,670 voted for ODM's Zonga, 4,069 for DP's Ngozi, 3,793 for ODM-Kenya's Mubwana, 2,990 for SDP's Wamwachai while parliamentary candidates for other parties shared 6,934 votes.

In Kinango constituency too, ODM's presidential candidate Raila led with 16,553 out of 33,415 votes cast. He was followed very closely by PNU's Kibaki with 15,349 votes. While, ODM-Kenya's Kalonzo only managed 978 votes. FORD-People's parliamentary candidate Rai won with 9,514 votes out of 33,415 votes cast. He was followed very closely by ODM's Mkalla with 9,217 votes, FORD-Kenya's Jiwe with 2,986 votes, and ODM-Kenya's Tsolozzi with 2,340 votes. The rest of the 9,358 votes were shared among candidates of other political parties that participated.

The fact that although Raila and ODM won in South Coast, President Kibaki, his PNU and other political parties also garnered considerable votes in the area. This helped to reduce the spread and magnitude of the post-election violence.

The 2007-2008 Post-Election Violence

In South Coast, post-election violence erupted only at Ukunda and Diani, in the newly created Msambweni District¹⁷. But in spite of tensions and fears especially among the non-indigenous people, generally there was no violence in Kwale and Kinango Districts. The violence at Ukunda and Diani, where there are numerous tourist hotels, lasted for about four days. A middle-aged man who lives and works in Diani described the violence in the following words:

There was a lot of violence in Ukunda. The target was the Kikuyu by all ethnic groups. Property belonging to the Kikuyu was burned. Even children are biased against the Kikuyu. The arm of Chege was cut and tied on a mango tree and it was said that work had started of clearing the Kikuyu out of Ukunda and South Coast. ... The violence was spontaneous and tension lasted up to April. Now it has returned to normal but the tension is still there. Many Kikuyu have run away from Ukunda. The Digo still complain that their land was stolen. It is even difficult for Kikuyu to be rented houses by Digo.

A former chief also informed me:

Kikuyus were attacked and their property looted and burned at Ukunda and Diani locations. They had to close business and remove makuti. All tribes were against the Kikuyu and to some extent Akamba too.

There is extreme bitterness and anger among the people of the South Coast, especially the Digo, who regard themselves as victims of brutal policies that continue to exploit, oppress and degrade them

¹⁷ The two districts, Msambweni and Kinango were carved out of Kwale District only in 2007. Some people interviewed complained that this was done without the participation of the people of the districts to deliberately split and weaken the unity of the Digo, the indigenous and majority ethnic group of the Kwale and Msambweni districts and constituencies. The Duruma are the dominant ethnic group of Kinango District.

while alienating and robbing them of their precious land and its resources. Members of the Kikuyu ethnic groups are scapegoats of the problems of the area.

When violence erupted as a result of the announcement of the presidential election results by the media, rich Kikuyu business persons organised and armed the youth to protect *nyumba yao* (“their community”) from the local people. This, I was told, provoked the wrath of the Digo against the Kikuyu.

I heard complaints that whenever the Digo demonstrate peacefully for their land rights, they are arbitrarily arrested, charged with crimes they did not commit and imprisoned. A former councillor of the area expressed this emotionally:

Activists of people’s land rights – Mtengo, Khamisi Mwakamiri and Suleiman Yeya – have been arrested and falsely charged with subversion by the corrupt authorities who are land grabbers and speculators. The victims are from Ukunda and are about 45 years old. They are innocent and in fact they went to Ukunda Police Station voluntarily only to be locked in. They belong to a party that researches and struggles for their land rights. They have facts and information about land rights including about the leases that have expired. They are members of the Community House NGO, which is based in Ukunda, and whose aim is the return of stolen lands as well those whose leases have expired to the Digo. So the government leaders such as PCs, DCs and DOs are taking the land whose leases have expired and selling it against the law. That is why they (Mtengo, Khamisi Mwakamiri and Suleiman Yeya) are said to be against the government. So they are arrested, detained and falsely charged to keep them away from the Minister for Lands and settlement Hon. James Orengo who will visit Msambweni on 24th July 2008 ... The DC for Kwale, a Kikuyu, is very corrupt.

In fact, the reason why the people of South Coast voted overwhelmingly for Raila Odinga was to express their feelings against what they regard as a Kikuyu regime led by President Kibaki. A former chief told me:

People said they were cheated. They voted for Raila but their votes were given to Kibaki. People wanted change. People attacked Kikuyu because they behave as if Kenya belongs to them alone. Kikuyu had to run away from Diani and Ukunda....The Digo are bitter about their land rights... Most government departmental heads in Kwale, Msambweni and Kinango Districts are Kikuyu. Banks at Ukunda and Diani don’t help local people, they only help Kikuyu. The Kikuyu have many connections and that is how they buy property cheaply. Managers of hotels help only Kikuyu but not other tribes, in Kikuyu owned hotels such as Alliance Hotels of Matiba, Indiana Beach Club of Njenga Karume... We Digo feel we are the most oppressed (people) in Coast Province. The Ocean belongs to us but we do not benefit from it. We only do a little fishing but no other benefit from our resources. While poverty increases among the local people only the investors prosper.

It was obvious that the disputed 2007 presidential election results were used as an excuse of venting ethnic hatred and anger against members of the Kikuyu who were not only associated with Kibaki’s perceived false victory but also with the exploitation and oppression of the Digo through robbery of their ancestral lands. The anger and hatred is such that many people interviewed did not seem to regret the violence, even if they did not participate in it. Some of them even recalled with nostalgia the Kayabombo violence that was carried mainly by Digo youths against Wabara (people from the interior).

A former MP for the area also told me, without regret:

People fought because we did not choose Kibaki. Kikuyu are hated. The Kikuyu are oppressing the Digo on their land.

One would have thought that a cabinet minister from the area elected on the party of the President would have condemned the violence against members of other ethnic groups living in South Coast. Instead, whether playing at the gallery or expressing his true beliefs before his visiting colleague, the Minister for Lands and Settlement, I heard him openly preaching negative ethnicity and inciting the people against members of other ethnic groups living in the area. During the meeting at Kwale County Council Hall on 24th July 2008, he said the following words before the emotionally-charged crowd:

Minister: Mashamba yarudi yasirudi? (Should our lands return or not return?)

The Crowd: Yarudi! (Let them return!)

Minister: Traditionally Digo do not sell their land. So whoever claims to have bought land from any Digo family should get back the exact money he paid the person who sold him the land without any sort of interest whatsoever and leave the area. We Digo are patient people but anybody who mistakes our patience for being cowards is mistaken. We are not cowards. The fact that the elders intervened to ensure peace in Kwale during the (2007-2008) post-election violence that erupted in the country does not mean that we are cowards. We have been regarded as a colony up to now and this has got to stop. Its talk and talk and talk but no solution is taken. Digo land belongs to Digo alone and like the gentleman from Kisii has just said every person from outside who was settled here should be compensated by the government and leave...

In the meeting a Kwale resident who identified himself as a Kisii complained to the Minister for Lands and Settlement:

I have lived here since 1962. I was brought here and settled by the government. I have not wronged anybody but have worked hard and developed my farm and home. Now I am being threatened to leave. The government must compensate me so that I leave.

Instead of protecting the Kenyan citizen living lawfully and peacefully in Kenya, the cabinet minister encouraged him to give in to the threats of those who threaten to rob him of his justly acquired property. As also shown by the report of the Kenya National Commission on Human Rights (2008) on the 2007-2008 post-election violence, certain leaders in the cabinet of the Grand Coalition Government are suspects for inciting their people against those of other ethnic groups living in their areas.

Post-Election Violence in the Districts Compared to Other Areas of the Country

Compared to the violence that took place in other places of the country and which lasted for several weeks during the 2007-2008 post-election crisis, violence in South Coast took only a few days. Again, while the violence spread across in several places of North Coast, in the case of South Coast like that of Taita, the violence was reported only in few places in Ukunda and Diani. However, there was tension and fear of the violence throughout South Coast that disrupted the tourist the tourist industry for several days.

In Diani, the daughter of the owner of one of the hotels in the area who is also the manager of the hotel told us:

Tourism is recovering in Diani. There was violence for about four days that disrupted the tourist industry. Violence happens wherever there are national elections. However, the violence was not as bad as that of 1997.

Although the nature of the violence which mainly targeted the Kikuyu – burning and destroying their property and attacking them – was similar to that witnessed in other parts of the country, in terms of magnitude it was much less at South Coast despite the anger and bitterness of the indigenous people.

Like in other places of the country, while the violence erupted as a form of protest against the announcement of the disputed 2007 presidential elections results in which Kibaki was declared the winner, it was also clear that the announcement only triggered the hitherto existing ethnic grievances over land and its resources and ethnic hatred that would have erupted into violence anytime.

Unlike the 1997 Kayabombo violence, which was highly organised, spread throughout South and North Coasts and even up to as far as Taita and Malindi districts, killed hundreds of people and displaced thousands and lasted several months, the 2007-2008 post-election violence was spontaneous, lasted only a few days and took place mainly at Ukunda and Diani.

In 1997 the state, under former President Daniel Arap Moi and his then ruling party KANU, was singled out for organising and sponsoring the Kayabombo violence. The state capitalised on the sensitive and unresolved land issue at the Coast, particularly South Coast, and the issue of the marginalisation of the indigenous population of the province to incite the coastal people into violence. This was done in order to pressurize the people of the interior (Wabara); the Luo, the Kikuyu, the Luhya and the Kamba, among others, to vote for Moi and KANU in the province and not to vote in favour of the opposition, mainly FORD-Kenya and its leader Jaramogi Oginga Odinga (Kenya Human Rights Commission, 1998; Mghanga, 1997a).

As the minister in the meeting at Kwale County Council Hall on 24th July 2008 (quoted above) explained, the elders and religious leaders had intervened and convinced the youth to be patient and not to engage in the post-election violence that was going on in the country.

Conflicts in the Districts

The Potentially Explosive Land Issue

The issue of land and land resources in South Coast, as the current Minister for Lands and Settlement, James Orendo, was informed during his visit to find out for himself the land situation in the area in July 2008, is sensitive, emotive and explosive. The unresolved land problem was behind the Kayabombo violence of 1997 and many of the people I interviewed about the recent 2007-2008 post-election violence chose to dwell in the issue of the land problem which they say must be solved or else there will not be peace in South Coast.

Acquisitions of large tracts of prime land in the area by rich and well connected individuals, the majority of who are non-indigenous but who manage to acquire title deeds from the Ministry of Lands and Settlement, are a source of negative emotions among the local people who feel alienated from their ancestral lands. The Msambweni development land/farm that was formerly owned by the Mazrui family together with another large farm owned by a former army officer and another individual were cited as an example of the land taken from the indigenous people.

Elders of Kwale also informed Minister Orengo that the many settlement schemes initiated by the government since independence have only favoured people from outside South Coast at the expense of the indigenous people. Nguluka-Maumba and the “Sheep-Goat” settlement schemes were mentioned as examples.

The indigenous people, the Digo, believe that their precious land has been invaded and occupied by other ethnic groups and now they want their lands, including the beaches, back and the “foreigners” out, claiming that South Coast belongs to the Digo and the Mijikenda alone. Bitter and extreme feelings of negative ethnicity are embodied in the demand for the solution of the land problem. A highlight of the speeches of some of the participants in the Orengo meeting held in Kwale town on 24th July 2008, points out the complexity of the land problem and related negative ethnic emotions that needs to be addressed, especially because the feelings expressed have been responsible for violence in the past, with that of Kayabombo in 1997 being the most well-known.

In the meeting, an old man told Orengo:

Land transactions, buying and selling of land is a major problem in the district. Several people put their claim on the same land, all holding valid title deeds issued by the Ministry of Lands. The Digo also have brains like other people and can own beach plots, but the Digo have been dispossessed of their ancestral beach land by outsiders. Digo land is gold. Digo land has been grabbed by individuals from outside the ethnic group who claim it is unoccupied and has no owners. Title deeds are used to exploit and oppress people in their land. There are too many land laws, let there be only one land law. People regard the Digo as stupid but when the Digo wake up no one can contain them. Mdigo akiamka hana subira (When a Digo wakes up, he has no patience). We don't fear land grabbers.

Another man who identified himself as a Kwale human rights activist said:

Officers of land at Kwale are shamelessly corrupt. We shall take up arms if the corruption is not removed.

The Minister also heard the following from another elder:

Beach land from Tiwi up to Likoni belonging to the Mijikenda Trust Land No.1 given to a Germany developer and also where former President Kenyatta's family received a share in 1972 must be returned to the Mijikenda. The beach prime lands of the Digo have been grabbed by senior, powerful and well connected government people and by the government. Tourism exploits and oppresses us. Former President Moi was also bribed with Digo land but he eventually returned it. Access to the beaches is blocked by private developers. We don't want to shed blood. The problem are the Kikuyu. Some people regard coast land as their colony. Some coast leaders are traitors. Return Tiwi to the Mijikenda otherwise we shall shed blood.

One councillor said the following:

Mbunguni Scheme is for the Digo and Duruma but was given to the Kikuyu by Kenyatta, the land that belonged to the local people was taken away from them. Kayabombo removed the Kikuyu but the land has not yet been reallocated to the Digo and the Duruma. The Kikuyu must not come back.

Another old man told the Minister:

We want justice. Our land is being adjudicated by force; we are oppressed by rich people in the government. We want our beach in Waa, from beach 1, 2, 3 from the Sea. Hotels don't help us, we want our beaches, we are poor. The government is for conning and oppressing the poor. I was invaded and beaten with my wife and robbed of my land. It is a government of crooks. Why is the Ndung'u report not being implemented if the government is clean? We receive ministers and government leaders and give our views year after year but no action is taken while the oppression and (land) grabbing continue in Kwale. All other tribes who live at the Coast are buried at their places of origin when they die. Let all tribes stay at their places, leave land to the locals.

To avoid future violence, the sentiments of the people of South Coast should be addressed with the seriousness they deserve. At the same time, we should combat negative ethnicity in the area.

Alienation from Tourism

South Coast, especially Tiwi, Diani and Ukunda, has the largest concentration of exclusive class hotels in the country. In the course of the research, I heard of complaints that none of the tourist hotels along the beaches of South Coast are owned by the indigenous people from the South Coast, or by the local authorities. The tourist hotels are owned by the rich Kenyans from the interior and foreigners. Furthermore, not only have the indigenous people been removed from their ancestral lands that extended to the Indian Ocean, but they are also being pushed more and more into the interior while access to the beaches is blocked from them by the walls of the hotels and property developers. The Digo protest that even their sacred forests have been grabbed and desecrated by the government and outsiders, in the interest of tourism.

Again, although billions of shillings are earned by the country from tourism in the South Coast, hardly any of the money is deliberately set aside for the development of the people of the area who remain poor, marginalised and underdeveloped amidst their resources. The marginalisation of the people in terms of education (Eisemon, 2000: 249 – 260) escalates the problem: Hardly any people from the South Coast are employed in managerial positions of the hotels and economic institutions in the area. The local people complain that the hoteliers who accuse the people of South Coast for being lazy discriminate against them and prefer to employ people from the interior – many times from their own ethnic groups – even in unskilled jobs that could be done by the local people.

There are also hardly any deliberate policies aimed at ensuring that the tourism industry stimulates local growth of agriculture and trade.

The indigenous people of South Coast feel humiliated, alienated, exploited and oppressed by tourism, which is supposed to be used to eradicate poverty among them and improve their standards of living. Formulating and implementing policies that would ensure that the local people participate and benefit from tourism will contribute to creating conditions necessary for sustainable peace in South Coast.

Human-Wildlife Conflicts

Shimba Hills National Park, situated in the beautiful hills and forests of Kwale District, is endowed with rich wildlife, especially elephants. However, the population of elephants that is too huge for the national park is a source of conflict between human beings and wildlife. The elephants often invade nearby farms, destroying crops, damaging houses, injuring and killing people in the process. Some of the elephants have been moved to Tsavo National Park in Taita and Taveta Districts where they have continued with the damages. Furthermore, the local people of Shimba Hills complain that KWS cares more about the wildlife than human beings. Compensation for injury from wildlife is very little, involves a convoluted process of claiming it, and takes too long to reach the victims. Again, hitherto there is no law or policy of compensating farmers for the destruction done to their crops by wildlife. Yet often the destruction of crops by wildlife not only impedes agricultural development but is also a cause of hunger in the area.

Like the people of Taita and Taveta Districts, the people of Kwale also demand a certain percentage of money earned by KWS from the national park be set aside for developing the area. This demand that could help in the sustainable conservation of wildlife by making the local communities participants and beneficiaries of the wildlife conservation in their area is yet to be met by the government.

Illicit Drugs and Prostitution

Prostitution is part and parcel of the tourists' activities in South Coast. Prostitution, including child prostitution, is rife in Diani, Ukunda and along the beaches of South Coast. Unemployment and poverty among the local people, especially the youth, drives them to join other youths from the interior of the country in prostitution, a situation which contributes to the high prevalence of HIV/AIDS in the area. The government does not take effective measures to curb child prostitution that takes place openly at the hotels of South Coast.

Just like prostitution, consumption and trade of illicit drugs is rife in the region. Not only is consumption of drugs a source of insecurity in South Coast but it is also blamed by the local people for eroding their cultures. Crime rates, including robbery with violence, rape and murder, are increasing at an alarming rate and are directly proportional to the increase in the trade and consumption of illicit drugs. Consumption of illicit drugs is destroying the youth at the South Coast particularly in Diani, Ukunda and Msambweni. Yet, I was told that the drug cartels engage in the destructive trade with the knowledge and even compliance of the police, provincial administration and local leaders.

People Vs. Administration

The district administration officers in Kwale, Kilifi and Kinango Districts are not trusted by the local people, who accuse them of not only working for too long in the area but also of being involved in and abating corruption and land grabbing. It is claimed that government officers, particularly land adjudication officers and surveyors, collude with the rich and well connected people, both Kenyan citizens and foreigners, to rob them of their prime lands such as the beaches. It is said that DCs, DOs and land officers posted in South Coast become millionaires overnight at the expense of the local people. Again, the local people complain that the heads of departments of the District Development Committees (DDCs) and District Security Committees (DSCs) that are also chaired by DCs are dominated by people from the same ethnic groups who conspire against the interests of the indigenous people.

DDCs that are chaired by DCs and are composed of all heads of government departments in the district, area MPs, chairpersons of local authorities, heads of parastatals in the district, among others, approve the development plans and projects of the districts and also oversee the implementation of the budget allocated to the district for development. Thus administrative arrangements that exclude local people from controlling the DDCs also exclude them from participating in the process of making

decisions concerning the economic and financial priorities and plans of their districts. This also implies allowing outsiders to have more say in the economics and finances of the district than the residents of the district. All this has been a source of corruption and reasons for economic stagnation at the district level. This is one of the reasons why the institution of the provincial administration should be disbanded and replaced by a devolved democratic institution accountable to residents of districts.

The local people demand that the situation be reversed, with indigenous people to be also employed to head the departments and be represented in the DDCs.

Other Hotspots

There are conflicts over grazing lands and water between the indigenous Waduruma on one hand and the Somali pastoralists at Taru, Mackinnon Road and Samburu / Chengoni areas. The Somali moved to the area a few years ago in search of pasture.



Axel Harniet-Sievers

Baobab tree in Kwale

5. Mombasa, Kilifi And Kaloleni

Mombasa District

Mombasa City is the headquarters of Mombasa District and Coast Province. It is also the second largest city in Kenya. Mombasa Island is separated from the mainland by two creeks, Tudor Creek and Kilindini Harbour. The island is connected to the mainland to the north by the Nyali Bridge to the south by the Likoni Ferry and to the west by the Makupa Causeway, alongside which runs the Kenya Railways. Kilindini Harbour is the Kenya's largest port. Besides Kenya, the port also serves Uganda, Rwanda, Burundi, South Sudan and the Democratic Republic of Congo.

According to the 1999 census, Mombasa District has a population of about 727,842 most of which live in Mombasa Island. The majority of the residents of Mombasa are the Mijikenda and the Swahili. However, being the second largest City in Kenya, Mombasa is also home to nearly all other Kenyan ethnic groups. Located at the Indian Ocean, the people of Mombasa District have interacted with people from other countries of Africa and the world for many centuries. That is why the population of Mombasa includes people who also trace their origins from the Somalia, Tanzania, Middle East, Iran, India and even as far as Afghanistan but who have lived in the district for many generations.

For a long time now, tourism has been the dominant economic activity in Mombasa. Tourism is supplemented by industry and trade activities that are bolstered by the port of Mombasa. There are many light and heavy industries in Mombasa too. Apart from the cement factory that is located at Bamburi, most industries in Mombasa are in Changamwe including Miritini and Mikindani. Mombasa is a major centre of business not only in Coast Province but also in Kenya and the East and Central African region.

The 2007 Election Results

According to the ECK (Weis, 2008: 6), out of a total vote cast of 32,138 in Changamwe Constituency in the 2007 elections, ODM's presidential candidate Raila emerged as winner with 17,706 votes followed by PNU's Kibaki with 9,366 while ODM-Kenya's Kalonzo was third with 5,347 votes. ODM's parliamentary candidate Kajembe won with 15,051 out of 44,812 votes cast; the remaining votes were shared among several political parties that participated in the election. Ndolo of PNU was second with 7,211, followed by ODM-Kenya's Mittau with 6,046, CCU's Athumani with 5,039 and LPK's Mwinyi Haji with 2,640 votes, while other parties shared the rest of 8,825 votes.

In Kisauni Constituency, 60,631 voters participated in the presidential elections that were overwhelmingly won by ODM's presidential candidate Raila with 42,705 votes. PNU's presidential candidate received 17,946 votes, while Kalonzo of ODM-Kenya emerged third with 5,679 votes. In the parliamentary elections, ODM's Joho led with 35,720 votes, followed by PNU's Mwaboza with 19,078 votes and ODM-Kenya's Quinter with 1,434 votes.

In Likoni Constituency, 26,909 voters participated in the presidential elections. ODM's presidential candidate Raila won with 18,934 votes while PNU's Kibaki came second with 6,243 votes and ODM-Kenya's Kalonzo was third with 1,569 votes. ODM's parliamentary candidate Mwashima won overwhelmingly with 17,859 votes, followed by PNU's Suleiman with 7,324 votes and ODM-Kenya's Mwakileo with 934 votes.

In Mvita Constituency, 32,754 people voted in the presidential elections. Here, too, ODM's Raila led with 22,425 votes and was followed by PNU's Kibaki with 8,247 votes, while Kalonzo managed to be third with 1,698 votes. ODM's parliamentary candidate Balala won with 18,815 votes, followed by PNU's Taib with 7,866 votes, while DP's Khamis was third with 2,229 votes.

The fact that ODM's presidential and parliamentary candidates won in all the four constituencies of Mombasa indicates a strong loyalty to ODM and its presidential candidate Raila Odinga. This fact could also have contributed to the rise of strong emotions leading to the violence that was witnessed in the area after the announcement of the presidential elections results, committed by people who believed that their votes had been stolen in favour of Kibaki.

Kilifi and Kaloleni

Only recently Malindi and Kaloleni Districts were part of Kilifi District. Taken together, Kilifi and Kaloleni Districts have a shoreline of 144 kilometres starting from Mtwapa Creek and extending to Mida Creek at the border with Malindi District. The districts border Taita District to the west, Malindi District to the northwest and Mombasa and Kwale Districts to the south. They cover an area of 4,779.2 square kilometres that includes Arabuko Soboke Forests of 189 square kilometres (Ministry of National Development, c.2002a).

According to the 2009 national census, the two districts have a total population of about 597,354, composed mainly of the Mijikenda ethnic groups with the Wagirima being the largest of them all. Other Miji Kenda ethnic groups include the Waduruma, Wakambe, Wakauma, Warabai, Waribe and Wajibana. Other Kenyan ethnic groups also migrated to the districts, the Kikuyu mainly settled in Mtwapa, the Kamba in Mariakani and the Wadawida who are spread everywhere in the districts but mainly found in Shanzu, Kikambala and Kilifi Town.

The major towns in Kilifi are Mariakani, Mtwapa, Shanzu, Kilifi, Kaloleni, Kikambala, Bamba and Majengo.

The 2007 Election Results

The districts have three constituencies: Kaloleni in Kaloleni District; Ganze, composed of Ganze, Vitengeni and Bamba Divisions in Kilifi District; and Bahari, comprising Bahari, Kikambala and Chonyi Divisions also in Kilifi District. In all constituencies of the districts, the majority of the people voted for ODM's presidential candidate, Raila.

According to the ECK (Weis, 2008: 5), in Bahari Constituency out of 47,136 people who voted 35,728 did so for Raila Odinga. Kibaki followed with 8,988. It appears that the indigenous people, regardless of the numerous political parties that participated in the elections, voted for Raila as president. Kibaki was elected by the people from GEMA communities who mainly reside at Mtwapa. The parliamentary election vote was shared among various political parties. Of 45,565 votes cast, ODM's parliamentary candidate Gunda won with 16,290 votes. He was followed by KADU Asili's Tete with 4,553 votes, ODM-Kenya's Khamis with 3,421 votes, Sisi Kwa Sisi's Gesta with 2,400 votes, SDP's Mustafa with 2,108 votes, while other parties shared 16,793 votes.

Out of 24,555 people who voted in the presidential election in Ganze Constituency, 19,023 voted for Raila. Kibaki followed with 4,808 votes. The parliamentary vote was also distributed among the various parties that participated. While a majority voted for ODM's presidential candidate, many people at the same time chose to vote for an parliamentary candidate of a party based in the area, Baya of KADU, who received 13,775 out of a total of 24,331 votes. ODM Kenya's Kenga followed Baya with 4,478, the PNU's candidate Kahindi with 2,972 votes, while KENDA's Shehe came fourth with 2,597 votes.

In Kaloleni Constituency, Raila shared the presidential vote with Kibaki. Out of 40,578 votes, Raila received 21,716 while Kibaki got 16,879. The 28,266 parliamentary votes were shared between PNU's Kambi leading with 7,441 votes, followed by ODM's Kenga with 3,685, SPK's Dzoro with 1,916 and CDP's Chea with 1,688 votes. A substantial number of 7,131 votes were shared among numerous contestants from other participating parties.

The participation of numerous political parties, with each of them getting a substantial number of votes, indicates that diverse political views were being held among the Mijikenda people who are the indigenous and majority people of Kilifi and Kaloleni Districts. They made conscious decisions away from the euphoria that influenced voting patterns in other parts of the country. They voted for Raila for president as Raila promised a majimbo system of government with devolution of power and resources, a new constitution and the solution to land problems in the district, in order to bring an end to the marginalisation of the coastal people. The spread of the votes at the parliamentary level among the numerous political parties may have contributed to ensuring peace during the post-election crisis. The people of Kilifi voted with reason, not emotions, choosing people they knew irrespective of the political party they stood for, rather than candidates put forward by the popular parties whom they did not know.

2007-2008 Post-Election Violence

Compared to Taita and Taveta Districts where only little violence took place, there was widespread violence throughout the city of Mombasa following the announcement of the presidential elections. In many parts of Mombasa, demonstrations and running battles between the youth and the police, burning of tyres in the streets, barricading of roads, looting, burning and destroying property (belonging particularly to members of the Kikuyu ethnic group but also to the Meru and even the Kamba) lasted several days. Overall, according to the Waki Commission's report (CIPEV, 2008: 226-227, 313), at least 25 people lost their lives in Mombasa. Members of Kamba ethnic groups became victims of the violence in some areas of the Mombasa and their properties burned and destroyed when Kalonzo Musyoka, a prominent Kamba leader, accepted to be appointed Vice-President by President Mwai Kibaki. However, there was no violence in Kaloleni District while only little violence erupted at Mtwapa in Kilifi District.

A middle-aged man interviewed at Kisauni told me:

I was in Mombasa during the period when there was violence in the country, after the announcement of the elections throughout December, January and February. I live at Kisauni with my family. I have always lived there. The people in Kisauni reacted angrily saying that the elections had been rigged. All ethnic groups ganged against the Kikuyu. The violence was triggered by the Kikuyu celebrating the victory of Kibaki. Property belonging to the Kikuyu was looted, burned and destroyed and many people were injured during the violence. The Kikuyu organised to defend themselves where they were many. The violence was everywhere in Mombasa, Changamwe, Kisauni, Mvita and Likoni.

A young man from Kiembeni described the situation as follows:

I was at Kiembeni after the elections. I voted at Kiembeni Baptist Primary School and voted for ODM. Most people at Kiembeni voted for ODM and Raila Odinga. Immediately after the announcement of the presidential results the violence started. There was burning, looting and destructions of property belonging to the Kikuyu. The Kikuyu were being beaten. Bars such as Friends Corner, Sinorita, Zaituni, Happy, Harakani, Hongera, Turkey Base, Masters Wine and Spirits, shops and hardware stores the majority of which belonged to the Kikuyu were looted and burned.... Young people from Mashomoroni, Bombululu, Kisauni, Kongowea and Bamburi of all tribes grouped together and started the violence against the Kikuyu and their property. The youth are the ones who voted for Raila and ODM and who said their votes were stolen by Kibaki. After Kalonzo accepted to be Vice President the bitterness increased and this time the Kamba were targeted too. The violence lasted for about three days. The police did nothing as they were overpowered. There were about 600 youth with weapons, stones, bottles, etc. and so the police could not do anything against them.

Many Kikuyu people left the area and left their property.

What I was told by these informants was confirmed by other interviewees. However, the violence differed in terms of magnitude among the various places of Mombasa and Kilifi. For example there was more violence at Likoni, Changamwe, Magongo, Mashomoroni, Bombolulu, Bamburi and Kisauni than at Majengo, Makupa, Ganjoni and the areas of the old town and city centre. One senior NSIS officer I talked to said:

In Coast Province, major post-election violence took place in the suburbs of Mombasa, Likoni, Changamwe, Kisauni – Mashomoroni. There was very little violence in Kilifi, Malindi, Kaloleni, Kwale, etc.

Another Mombasa resident informed me:

There was violence especially at Changamwe, Mashomoroni and Likoni where property belonging to the Kikuyu were looted and burned. It went for long. There was hardly any violence at Mtwapa.

The violence disrupted daily life. Children were unable to attend school and workers were unable to report to their workplaces as the public transport vehicles (*matatus*) stopped operating for fear of the rioting mob. When they resumed operation they hiked fares to levels unaffordable for many people. To make matters worse, markets, shops and kiosks were closed and food became so scarce that when it was available its price skyrocketed. A young man from Kiembeni described the consequences of the post-election violence as follows:

For about two weeks there was hardly any food and supplies in the area. People suffered hunger and things were scarce and very expensive. There was no food to buy as shops, hotels and supermarkets were closed. Cabbages were sold at 800 shillings each and maize flour was being sold at one-packet per person only. *Matatus* were burned and public transport was destroyed. Chicken farmers made losses as their chicken died of hunger.

Reasons for the Eruption of Violence

The violence was triggered by the announcement of the presidential election results that many people believed were rigged in favour of President Kibaki. However, reading between lines it is apparent that the people took advantage of the situation to vent their long held anger, hatred and jealousy against members of certain specific groups, particularly the Kikuyu and their GEMA cousins. Criminals also used the situation. They ran amok, looting and terrorising people in the streets.

A resident of Kisauni informed me:

Violence happened because Raila's victory was stolen and also because the people of Coast Province harbour bitterness for their stolen lands. Land issues are very sensitive in Coast Province.

A youth from Kilifi was of the same opinion:

People rioted against the Kikuyu as they and Kibaki had rigged the elections. I am from Chonyi in Kilifi.

The young person from Kiambeni informed me as follows:

People were angry that they voted for Raila but Kibaki was announced the winner. The people burned Sinorita bar as the Kikuyu slaughtered goats there to celebrate the "victory" of Kibaki. In the bars belonging to the Kikuyu they were drinking, eating and celebrating and saying that, "We told you Kibaki will win come what may and there is nothing you can do about it." Young people from Mashomoroni, Bombolulu, Kisauni, Kongowea and Bamburi of all tribes grouped together and started the violence against the Kikuyu and their property. The youth are the ones who voted for Raila and ODM and who said their votes were stolen by Kibaki. After Kalonzo accepted to be Vice President the bitterness increased and this time the Kamba were targeted too.

A senior NSIS officer told me:

People reacted because they believed that the elections were rigged by Kibaki and so they reacted against the Kikuyu and Meru. We had warned that this would happen as we knew the people had voted for Raila but the PC and PPO lived under illusions, not reality. Intelligence reports were ignored.

The people of Coast Province; Mombasa, Malindi, Kwale, Msambweni, Kinango, etc., believe their land has been robbed by the Kikuyu and other people with the help of the government. The land issue is the basis of present and future conflicts.

It is important to note that the NSIS in the province had warned the police and the public administration of the impending post-election violence and that most likely the violence could have been lessened if the early warning could have been taken seriously. In fact, in places like Mtwapa in Kilifi, which has a population composed of people from almost all ethnic groups of the country, and also of many races, there was hardly any violence as the security institutions acted in time to ensure peace. To quote the intelligence officer who requested to remain anonymous:

Mtwapa with a large Kikuyu population and other ethnic groups was peaceful as the police acted in good time following the intelligence reports.

Comparison with Other Areas of the Country

The pattern of the violence was similar, i.e., demonstrations and battles between mainly the youth and the police, burning of tyres on the streets, barricading of roads, looting and destroying property. Again, although members of the Kikuyu ethnic group were the main targets in the Rift Valley Province, in other places such as Kericho and Sotik, and in Nyanza Province in Sondu, Oyugis, Migori, the Kisii were also targeted.

In the Coast Province, where most people voted for ODM's presidential candidate Raila, the reasons given for the violence against the Kikuyu and other GEMA people were similar to those given in other parts of the country. Here too, the people reacted angrily and against the GEMA ethnic groups as they believed they had voted overwhelming for Raila but his "certain" victory was stolen in favour of Kibaki. Just like in other places of the country, in Mombasa and Kilifi, the presidential election results were used as an opportunity to vent long held anger, hatred and jealous toward the Kikuyu. They were believed to have voted against change and who they accused of having being helped by the Kenyatta and Kibaki regimes to prosper economically at the expense of other communities. Social injustice associated with land and land resources was also blamed on local members of the GEMA ethnic groups and who, in addition, were also accused, falsely of course, of having participated in the rigging of the elections.

However, the violence in Mombasa was less in magnitude, casualties, displacement of persons and length as compared to other parts of the country such as Nairobi, Rift Valley, Western, Central and Nyanza Provinces. The violence took only about one week while in other places mentioned it took even up to four months.

Why wasn't there as much destruction and prolonged violence as in other places? The majority of up-country people had been mobilised to vote in their home districts and, therefore, there were few up-country people in Mtwapa at the time. As a result many businesses had been closed at the time. This could have contributed in lessening tension during the period of violence.

In some areas of Mtwapa and Mombasa city centre, following intelligence reports, the police acted promptly and effectively to minimise the damage caused by the violence. In Mombasa, police were deployed to and established road blocks at strategic entry points to the City Centre, Likoni Ferry, Nyali Bridge and Makupa. The problem was that the police were many times overwhelmed by the large crowds of youths who engaged them in running battles, but they however reduced the damage that resulted from the violence.

In other places, such as Majengo in Mvita, some of the residents organised themselves to protect peace. A middle-aged man from Mvita informed me:

It could be said that Mvita Constituency was not affected by the post-election violence that affected other parts of Mombasa. The youths of the area were organised to keep peace in the area and worked in shifts for the purpose. There was lack of food, fuel and suffering during the period of the crisis.

I was also informed that the Provincial Police Officer, King'ori Mwangi, approached the imams of Mombasa who preached peace to the Muslims during the period, helping the police to deal with the violence in the process.

In Mombasa and parts of North Coast that rely a lot on importation of food from up-country areas, including Central and Rift Valley Provinces, unavailability of the commodity was a major problem. During the few days of the post-election violence food became so scarce that the people of the area were on the brink of starvation. I was even told that traders from certain ethnic groups at Kongowea Market who were targeted by the violence refused to sell vegetables and other foods to other ethnic groups that they blamed for their plight. Some people informed me that, for some time, even matatus refused to carry passengers of certain ethnic groups preferring passengers from their own ethnic groups. Few people would have preferred the violence to continue under such circumstances.

According to Njuguna Mutonya, a journalist based in Mombasa who has a lot of knowledge about matters of the Coast, and as was the opinion of most people I talked to during the research, the violence at Mombasa and the North Coast was not organised but erupted spontaneously soon after the announcement of the presidential elections results. The fact that it happened spontaneously, unlike that in Nairobi, Rift Valley and Kisumu for example, made the violence to last for only a few days at Mombasa and parts of Kilifi where it occurred.

This could be contrasted with the violence of 1997 that was organised and that targeted the Luo, Kikuyu, Luhya, Kamba, Meru and other ethnic groups from the interior of the country (Wabara). The then ruling party KANU, under President Daniel Arap Moi, was accused of instigating and organising the violence that had aimed at evicting the Wabara from the Coast or preventing them from voting as they were believed to be in support of FORD–Kenya party and its presidential candidate the late Jaramogi Oginga Odinga. Apart from the violence having a definite verbal and written agenda against people from outside the Coast, it was at the same time claimed that people were brought from outside the Coast to train and arm the perpetrators of the 1997 Kayabombo violence.

There has been intermarriage between up-country groups and people of Mtwapa and Kilifi towns. This helped to cushion some of the Kikuyu from attacks. As I was told, “some Kikuyu have come to be accepted as ‘our own.’”

It must also be remembered that the Coast has been a cosmopolitan region for several centuries, with a tradition of peaceful co-existence between various ethnic groups, races, cultures and languages. For example, in Mombasa Island there are churches, mosques and temples of different faiths built close to each other. Many a times there are peaceful debates between Muslims and Christians about their different beliefs in the streets of the City. This history and culture could also in a way have contributed to helping to conserve peace at the time.

Conflicts In the Districts

Unemployment, Poverty and Youth Desperation

The high levels of unemployment, especially among the youth, and poverty in the Mombasa, Kilifi and Kaloleni districts contributed to the tension and violence during the 2007-2008 post-election crisis. These two challenges remain potential sources of conflict and violence in the region. In Likoni, Mvita, Changamwe, Kisauni and Bahari constituencies, one is confronted by thousands of youths who are either unemployed or eke a living through hawking. As it is well known that an idle mind is the devil's workshop, unemployment leads the youths along the paths of hopelessness, desperation, crime and violence.

Economic liberalisation devastated a number of local industries, such as the Kenya Cashew Nuts at Kilifi and the Kenya Bixa at Kwale near Likoni. Competition from cheap second hand cars coming into Kenya from Japan via Dubai has negatively affected the motor vehicle assembling industry, especially the AVA plant at Changamwe. This has led to escalating levels of poverty and unemployment in the region. Rationalisation of the civil service that resulted in the retrenchment of thousands of workers,

as well as the ongoing privatisation of state enterprises including Kenya Railways and Kilindini Port also drives thousands of people into unemployment. Many of them have turned to hawking mitumba (second-hand commodities); others live in abject poverty.

The mode of operation of the tourist industry practised in North Coast, like those in South Coast and other places of Kenya, hardly increases or safeguards jobs. Through what is known as “all inclusive offers” tourists pay for the hotels, taxes, safaris and almost everything in their home countries in Europe and elsewhere and come to enjoy themselves in Kenya with almost empty pockets. When they arrive in Kenya they are received by prepaid tour operators who take them to their hotels where they take all their meals and drinks already paid for in their countries of origin. The tourists have therefore no need to spend money in Mombasa, Mtwapa, Shanzu, Kikambala or Malindi towns. In this way tourism industry hardly encourage development of the area and neither does it increase job opportunities among the local people.

The fishing industry that has been the pillar of the economy of Mombasa and the Coast in general for centuries, and which is a source of cheap food particularly to the working class and the poor as well as a source of employment to many people, is not given enough attention by the government.

At the same time, thanks to lack of implementation of labour laws by many employers of hotels, hotel workers are among the most poorly paid in the country. Most work as casual labourers who are only hired for a few months every year during the high seasons of tourism. They have therefore no social benefits and cannot borrow loans from banks to invest in housing or alternative economic activities. Those who are employed permanently are paid very low wages and work under harsh conditions. They are arbitrarily sacked, discouraged and many times prevented from joining trade unions. Most workers live in what can only be described as slums, surrounded by an increasing poor and unemployed population with little or no social amenities.

No wonder that the hopeless and desperate youth, already angered by bitterness and suffering, wait for any opportunity to come by to vent their anger and frustration through anarchical demonstrations without any clear purpose, leadership or direction. In the process they engage in crime and brute violence as witnessed during the recent post-election crisis. It should also be remembered that the more the people get out of employment the more poverty, deprivation and pessimism destroys their humanity and turns them into desperate people who are likely to engage in criminal activities.

Coastal urban areas are hardly developing the material base for creating employment but are instead pushing more and more people into the life of poverty and misery in the mushrooming slums, and as a result rapidly creating a class of desperate people. This is the class that is increasingly being used to support the perpetuation of the reactionary political and economic status quo of the Kenyan elite. It is also responsible for the high incidence of violence in society.

The violence that has almost become a culture in the slums of the cities and towns and that often become more pronounced during the national elections often takes the form of negative ethnicity. The violence is escalated by the harsh living conditions of the youth and people in the slums. The harsh conditions create pessimism and cynicism among the people which makes them easy victims of the rich, greedy and brutal politicians who recruit them as fighters in their reactionary wars.

This class of desperate people was in fact the main source of most of the youth that were recruited and organised to commit the terrible crimes in Nairobi, Mombasa, Naivasha, Nakuru, Kisumu, Eldoret, Kitale, Kisii and other Kenyan urban areas during the 2007-2008 post-election violence.

Illicit Drugs

The problem of trade in and consumption of illicit drugs by the youth of Mombasa, Kaloleni and Kilifi is a real threat to peace, security, morality and the well being of families and communities in the area. Throughout Mombasa City Centre, Old Town, Majengo, Ganjoni, Kisauni, Shanzu, Likoni, Mazeras, Kikambala and Mtwapa, the youths are increasingly consuming narcotics, including heroin, which also exposes them to health risk and higher chances of getting infected with HIV.

As I walked along the beaches of Kilifi and Mombasa and in the narrow streets of Mombasa's Old Town, I stumbled upon youths injecting themselves with the poisonous drugs that are destroying and turning them into zombies. The drugs not only reduce the victims to useless persons who cannot be relied upon to do anything positive – thus becoming burdens to their parents and society – but also to persons who in their desperation to obtain the addictive drugs can easily commit all sorts of antisocial activities, including crimes such as robbery with violence and murder. Researches have shown that there is an increase in cases of criminal activities at the Coast as well as the levels of HIV infections due to consumption of harmful drugs.

It was distressing to hear that there are now organised rich mafia gangs of diverse nationalities that are responsible for the increase of the illegal trade in drugs at the coastal towns. I was even informed that some local politicians who are well-connected to the police and engage in the trade have acquired excessive wealth which is the bane of the society they represent. I was further informed that the mafia gangs controlling the evil trade are common knowledge to the residents of the area but they are allowed to operate with impunity, thanks to connivance of the police and corrupt government authorities in the province.

The Unresolved Land Problem

The unresolved, sensitive and explosive issue of land and land resources is one of the greatest sources of conflict throughout Mombasa, Kilifi and Kaloleni Districts. The majority of the people of the districts have been squatters on their ancestral lands for centuries and they continue to remain so. The indigenous people, the Mijikenda, always demand for the return of their lands taken away from them by individual families or groups who own thousands of acres of their land while they are rendered landless. The contested tracks of land include those occupied by the Kenyatta family at Shanzu and other places of the districts, and also those occupied by the Rea Vipingo Sisal Estate and the Hussein dairy farm in Kilifi. The demand by the Mijikenda for their beach lands grabbed by rich local and foreign hoteliers and property developers is increasing.

Most of the houses in Mvita and Kisauni belonged to an ancient Arab, Swale Nguru. He died many years ago, but his family continues to collect land rent from the tenants who are still squatters with no title deeds for the land where they and their ancestors have lived in for centuries.

According to my informant, much of Mombasa Island and the mainland including Kisauni, Chagamwe, Likoni and Mtongwe is owned by the Said Seif family, Slim Badir al Amri, Mwanda Mtumwa, Abdala Sudi and the Swale Nguru family. Absentee landlords with ownership documents written in Arabic, and obtained several centuries ago, live abroad, particularly in England, but collect rent through their agents in Mombasa.

During my research I learned that over fifty houses in Kisauni were to be auctioned by court order initiated by the landlords against the tenants for failing to pay ground rent. The tenants are represented by former Kisauni MP Anania Mwaboza.

Hitherto, the government has not come out with a solution to the problem of absentee landlords and that of squatters in Mombasa, despite the promises usually made by politicians before the general

elections. For example, after the NARC government was formed in 2003, there was a ministerial order by the former Minister for Lands and Settlement, Kivutha Kibwana, which directed a termination of payments of ground rent to the landlords until the government was to get at a permanent solution to the squatter issue on the ten miles coastal strip. But the order changed nothing and appeared to be only yet another populist ploy.

Invasions and forceful occupation of land by squatters and the resulting violent conflict between the owners and the police on the one hand and squatters on the other take place almost on a daily basis in Kisauni, Mtwapa, Shanzu, Mvita, Likoni, Kikambala, and almost everywhere at the Coast.

Contrary to the law, hotels have extended their boundaries up to the ocean and block paths that lead to the ocean, denying the majority of the population the right of access to the beaches. Many times the local people organise demonstrations during which they demolish the walls that block the paths to the beaches and in the process get into conflict with the security guards and owners of the hotels.

The people of North Coast, especially the indigenous Giriama, Chonyi and other ethnic groups who together constitute the nine clans of the Mijikenda ethnic group, cry that the successive Kenyan governments, including that of the Grand Coalition, have year after year promised to solve the land problem at the Coast. But the promises have hardly been fulfilled hitherto with the majority of the people remaining squatters in their ancestral lands.

I learned that the problem of land was one of the most important root causes of the anger that exploded into violence after the announcement of 2007 presidential election results as well as that of the 1997 Kayabombo violence that targeted Wabara. The question of land also remains a source of potential conflict. The problem of double allocation of title deeds creating two owners of the same land at the same time is rife. I was even informed that the land of local people in the area has been registered in the names of land adjudication officers. Due to the irregularities, at Matsangoni/Roka in Kilifi for example, title deeds have been cancelled thrice since adjudication started in 1980.

Mazrui Land: An Old and Unresolved Land Dispute In Kilifi

The Mazrui Arabs came to Mombasa as soldiers in the 17th century, following an invitation from the people of Mombasa who had sent a delegation to Oman to request for help in the fight against the Portuguese invaders. In the process the Mazrui settled in the coast and became rulers of Mombasa. As they were only male soldiers without females they intermarried with the coastal indigenous people and their assimilation into African culture started.

Khamis Mohamed Omar, a teacher I interviewed whose mother comes from Takaungu and whose father is from Chonyi in Kilifi District, informed me:

The Mazrui Arabs came to Kenya in the 17th Century from Oman. The people from the coast invited (their) fellow Muslims who had defeated the Portuguese in Oman to come and help fight them here at the Kenyan coast. The Mazrui came as soldiers. After the war the Mazrui remained here and started intermarrying with the locals, the Swahili, the Giriama and other Mijikenda and all at the coast.

The Mazrui were in war over the control of Mombasa with the Busayidi Arabs based in Zanzibar. At Fort Jesus Museum in Mombasa there are tombs where some prominent members of the Mazrui family were buried. The Mazruis are dispersed all over the coast, in Malindi, South Coast and Takaungu.

Obudho (2000) explains:

In 1785, the Busaidi settled in the centres, thus absorbing the Mazrui Arabs who had since long intermarried with the Waswahili and any coastal Africans. But in Mombasa the Mazrui rulers were exiled to Takaungu in 1837. This centre developed into a major trading centre following the fall of Mombasa to the Omani Arabs.

According to Omar, a prominent member of the Mazrui Land Trustees whom I interviewed at Mombasa, the Mazrui land is in Takaungu (from Shaurimoyo next to the sea after Rea Vipingo Sisal Estate, via Vuma, Maweni, Kitangani, Takaungu Creek, to the borders of Kilifi Plantation) and is about 2,716 acres. He also explained that the title deed for the Mazrui land was issued in 1914 and is in the name of Rashid Salim Khamis and followers of Takaungu.

The dispute is between the Mazrui Trust, the government and squatters, many of who have lived in the land for centuries and who occupy over 85 per cent of the land. Omar continues to state:

The land is invaded by squatters. There are genuine squatters who are identified using the following criteria – one with house, cattle and permanent crops such as coconuts, cashew nuts, mango trees, etc. Others are invaders and not genuine squatters.

After British colonialism was established, the land was given to the Mazrui. The Mazrui used to be in Takaungu town only, but the Sultan gave land that belonged to the indigenous people – Wagiriamama, Wakauma and Mijikenda in general – to the Mazrui.

Like Omar, Mijikenda people argue that when the Mazrui Arabs were defeated by the Busayidi Arabs then based in Zanzibar they moved to Takaungu and were given land by the British wrongly believing that the natives would never demand their rights to their ancestral lands. Apart from the squatters, the Mazrui land is occupied by the descendants of the Mazrui who came about through intermarriages.

There is the Mazrui Land Trust Act (Cap 291) that was enacted during colonial times. According to the act, the PC of Coast Province is the chairman while the DC of Kilifi District is the secretary of the board. According to Omari:

In 1912 Mazrui land was adjudicated. In 1913 it was consecrated. According to the consecration the piece of land should not be sold or inherited. It can only be leased in consultation with the community. The money accrued from the lease land should be given to beneficiaries – Mazrui community.

The Board of Trustees of Mazrui Land used to meet regularly until 1963 after independence, when it took about 17 years before it was called to a meeting again in 1980. The chairman of the Board of Trustees then was Coast Province PC, Daudi Galgalo and the secretary was Kilifi DC, Omuse. By that time, only two out of six members of the original board were still alive. The meeting, according to the Mazruis, took place without a quorum and resolved to distribute the land, contrary to the consecration. The same year the dispute ended in court, and the Mazrui won the case.

The trustees of Mazrui Land which met again in 1982 chose a new board. It sent the list of the names of board members and the minutes for gazettelement, but there was no response from the government. The Kilifi DC was transferred to the Ministry of Lands and Settlement and hence took the opportunity to sabotage the processes from within.

Around 1990, Darius Mbela, then Minister for Lands and Settlement, announced that the Mazrui Trust Land Act had been repealed. The Trustees immediately wrote to the Minister to protest against the action. They went to the Constitutional Court and even met the Minister at his office in Nairobi, but he insisted that the Act had been repealed. According to Omar, the government ignored the protests of the Mazrui Land Trustees and proceeded with the land adjudication that was marred with injustice and corruption:

Mbela instructed the demarcation of Mazrui land and 809 people were allocated land. Most of those allocated the land were well-connected people, top civil servants, mayors, politicians and religious leaders. He further instructed his officers to set aside 200 meters from the ocean for the development of tourism. Out of the 809 people allocated the land only 10 per cent are Mazruis, who were allocated very little land.

Omar says the corruption that was inherent in the process of the distribution of the Mazrui:

Jembe Mwakalu, then an Assistant Minister, made President Moi to order the land to be shared among the squatters. The process of titling started. The Mazrui Community went to court. The big fishes were allocated beach plots and have titles. The prime plots went to the big fishes.

The Mazrui Land Trustees took the matter to court, demanding for the nullification of the exercise and a compensation being paid for the damage done in the process. There is a court injunction that still holds to stop any development of the land unless it is decided otherwise by court.

Today, squatters have settled on the land at Takaungu. After President Moi instructed the land to be shared among the indigenous people following the request of the then area MP, Jembe Mwakalu, the Mazrui family boycotted the exercise claiming that the land belongs to them. However, the sharing of the land was conducted smoothly and without violence. Letters of allotment were issued to the people who had been allocated land, which gave rise to commercial land transactions.

Although the Mazrui Land Trustees still have a case in court demanding for the nullification of the adjudication and allocation of the land to individuals directed by Moi's government, they have not called for the removal of squatters, most of who are their relatives, after all. They have intermarried for many years. The Mazrui Land Trustees have reserved parts of the land for community development. Takaungu Secondary School, for example, sponsored by an NGO going by the name of National Union of Kenya Muslims through the initiative of family members of Mazrui, is situated on the land. The Mazrui Land Trustees rent land for those who extract building stones. Mazrui land is rich in cement material and, besides, extends to the sea. Some private individuals have erected structures next to the beaches; there are however negotiations between the individuals who have acquired the land illegally and the Mazrui Land Trustees to settle the matter out of court. According to the members of the Mazrui family I interviewed, the large Mazrui family does not enjoy direct benefits from the land. However, families of the Mazrui are free to plant trees such as coconuts and mangoes, and benefit from them, but are not allowed to privatise the land.

Quarries for the extraction of building stones have been established on the land without the involvement of the Mazrui Land Trustees. Most of the building stones in Mombasa come from the Mazrui land in Takaungu. Individuals are making millions in the process while the Mazrui and Takaungu community gain nothing. The government still proposes an out-of-court settlement for the land dispute with the Mazruis but this has not materialised. But what is distressing to the Mazruis is explained by Munir Mazrui.

We gave 500 acres to genuine squatters free of charge. Beach plots have been sold for less than 100,000 shillings!

The Mazrui land dispute with the government remains unresolved. One wonders why the government remains ambiguous with regard to Mazrui land – which is, after all, only 2,716 acres – while it recognises the right of other individuals to claim ownership of thousands of acres of land through title deeds. According to Omar, the Mazrui do not wish to raise controversy over the land because of guilty conscience, as many people on the land are their relatives who have lived there for centuries. At the same time, there is the issue of the identity crisis of the Mazrui: It is difficult to tell who is a Mazrui and who is not.

At the same time, according to Omar, there is the problem of the title deed of the land:

The original title deed of the Mazrui Trust Land was held by Nabahani, an educated Mazrui, and when he died the title deed was given to Osama Nabahani – also an educated Mazrui – who transacted (on behalf of the) Mazrui land. For example, Dr. Acharia was sold land in the Creek by Osama Nabahani. All other people who go to court on behalf of Mazrui land do not hold the title deed to the land.

However, despite the ambiguity over the recognition of the right of ownership of the land by the Mazrui family, the courts recognise that it legally belongs to them. When the local people sell the land, no dispute arises; but when large investors are involved in the transaction, the Mazrui Land Trustees actually go to court and win. Two cases were mentioned to illustrate this:

An Arab investor came to start an ostrich farm. He was allocated land for the project by the locals. He set buildings and ostriches but after two and a half years he was taken to court by the Mazrui Community on ground of their pre-colonial title and the investor lost the case and had to leave. Bayusuf and Sons invested on the land a machine for cutting blocks. They also build a mosque on land also given to them by locals. But the Mazrui Community went to court and they (Bayusuf and Sons) had to abandon the project.

But, when all is said and done, a just solution to the dispute over the Mazrui land should be reached sooner rather than later, in the interest of both the Mazrui family and the indigenous people of Takaungu. If the government can recognise the land rights of other Arab families with title deeds dating back several centuries, and if it can also recognise the land rights of local and foreign individuals who continue to acquire title deeds that displace the local people from their land, one is left to wonder why the same government chooses to be ambiguous as far as the Mazrui land is concerned.

Again, while the government holds this position, rich and powerful individuals take advantage and grab the best part of the land next to the beach. This makes many people to conclude that the Mazrui family is a victim of a wider alienation, exploitation and oppression imposed upon the coastal people by successive rulers and governments since the time of Arab and colonial rules and to the present independent Kenya. This could also be construed as a form of racism against the Mazrui family that is erroneously perceived to be Arabic.

Arbitrary Arrests, Torture, Kidnaps, Disappearances and Deportations

As a consequences of incidences of international terrorism such as that happened at Kikambala in 2002, many people, most of Islamic faith, in Mombasa, Kilifi and Malindi have been arbitrary arrested, kidnapped, tortured and deported to Somalia, Ethiopia and even Guantanamo Bay in Cuba by the FBI

and the CIA, with the collaboration of the Kenyan security forces. In the name of fighting terrorism, the human rights of citizens and families are violated with impunity. The Government of Kenya denies that there are Kenyans who have been forcefully taken into foreign countries and/or handed to foreign security forces.

Yet there are families that claim their husbands, sons and even mothers are held in foreign countries through the connivance of the Kenyan government. These families and people, who have demonstrated many times in Nairobi and Mombasa after the Friday prayer, feel betrayed by their own government and question why the victims could not be tried at home in Kenya, if at all they are associated with acts of terrorism. Again, human rights organisations in the country and outside have also taken over the campaign for the release of the people kidnapped, arrested, tortured and held abroad in the name of fighting international terrorism. These acts of the Government of Kenya are at best regarded as compromising the national sovereignty of country. Coincidentally, as I was completing writing this paragraph, the BBC at 6.10 A.M. on 1st and 2nd October 2008 highlighted this issue by interviewing family members of the victims held abroad.

Underdevelopment and the Quest for Majimbo

The reason why the indigenous people of Coast Province voted for ODM and Raila Odinga was because the party and its presidential candidate promised to institute majimbo – the system of governance that would devolve political and economic power –, leading to a federal type of government where the local people control political and economic resources in their region. The people of Coast Province have always advocated for majimbo that they regard it as the only real panacea from the exploitation, oppression, neglect and underdevelopment they have suffered as a region from the central government in Nairobi. Many examples are provided to show how the region that is one of the largest contributors of revenue through its port of Mombasa and also the backbone of tourism has been sidelined.

For example, Kisauni Constituency, with a population of over 300,000, has only sixteen primary schools and four government secondary schools. This contributes to the prevalence of illiteracy in the area, and it could be contrasted with Wundanyi Constituency (Taita) which has less than 100,000 people, but 56 primary schools and 15 government secondary schools.

There are complaints that although national universities have started their campuses at the Coast, there is yet no single university in Mombasa, the second largest city in Kenya. Yet there are universities in Nairobi, Central, Rift Valley, Nyanza and Western provinces that have stimulated not only education but the economy of the places. Apart from that there are no national schools and only few institutions of higher learning making the province to lag behind other regions in education.

The local people also complain that while their lands along the beaches have been taken from them to establish large tourist hotels, they are still discriminated against as far as employment is concerned in the same hotels. Non-coastal people are being favoured by the hoteliers; many of who they claim are foreigners, drawn from the ethnic communities in the interior of the country. They also claim that the jobs at the port of Kilindini are dominated by “outsiders”. That is why in the populist politics of playing the ethnic card, coastal MPs have demanded many times that the position of the managing director of Kenya Ports Authority should be reserved for a person from the Coast, as if that alone would benefit the people. The indigenous people of Mombasa and Kilifi furthermore complain that the Kenyan financial institutions favour certain ethnic communities in the provision of loans. Thus, as ethnic groups from the interior are empowered to prosper, the indigenous coastal people are made to languish in poverty, while being referred to as lazy people who refuse to work and instead just sit and wait for coconuts and mangoes to drop down from the trees.

The above sentiments were associated with the Kayabombo violence of 1997 and also the recent 2007-2008 post-election violence. They should not be trivialised by anyone who desires to see sustainable peace and security in the Coast.

I also heard of complaints in Kaloleni District that industries and factories which exploit local raw materials and pollute the environment are established arbitrarily in the region without involving the locals. Pollution of the environment through mining and manufacturing of cement by Athi River Mining Company with adverse effects upon the health of the people of Kambe is cited as an example. The construction of a power generating plant by the KENGEN Company at Rabai, which resulted in the eviction of people from the area, is yet another example. The pollution from the plant has also elicited complaints.



Axel Harniet-Sievers

Dhow in Malindi

6. Malindi

Malindi District borders Kilifi District to the south, Tana River District to the north and northwest and the Indian Ocean to the east. The district, which is divided into the three administrative divisions of Malindi, Marafa and Magarini, covers an area of 7,605 square kilometres (Ministry of National Development, c.2002d).

According to 1999 population census, the district's population was projected to reach 305,143 by 2002, of which about 233,730 would live in the rural areas while about 136,826 in its urban areas. Malindi has some of the best tourist hotels in the country. Other towns in the district are Magarini, Takaungu, Goshi, Ganda and Mambrui.

Poverty is prevalent in Malindi District with over 198,120 people living in absolute poverty, unable to meet their basic needs. Poverty in Malindi is manifested in high prevalence of diseases among the people, unaffordable medical services, constant food shortages, dominance of poor shelters everywhere, over-indulgence in consumption of palm wine and illicit drugs, and poor sanitation. Causes of poverty in both rural and urban areas of the district include the lack of access to clean water, over-dependency on tourism as a source of livelihood, and the alienation from land and sea resources around them (Ministry of National Development, c.2002d: 18-25). The government has not taken practical measures to promote fishing activities, which if well developed could create many jobs while improving the economy of the area. Poverty in the district is further escalated by the high prevalence of HIV/AIDS, often attributed to prostitution encouraged mainly by tourism, drug addiction and alcoholism (ibid.: 23).

Underdevelopment of the local people of Malindi District is obvious to any observer. There is a stark contrast between the rich – mostly foreigners who live in posh areas, with large beautiful hotels, cottages, villas and guest houses next to the beach – and the poor indigenous people, most of them from the Mijikenda ethnic groups, and locked out from the beaches by the walls put up by foreign developers. The local people live in dry land without water and electricity and in shacks that make up their shelters. Others live in the slums of Kisumu Ndogo and Shela where there is a mixture of houses for some well-to-do people of Arab origin and slums for people of African origin. In the Shela suburb, consumption and trade in illicit drugs is part and parcel of everyday life. It is even said that some international terrorists have operated from Shela.

One can easily observe the development of the Italian hoteliers and other foreigners on the one hand and the underdevelopment and marginalisation of the local people, mainly the Giriama and other Mijikenda, on the other. Rapid development is seen in huge and luxurious hotels, villas, cottages and walls that are being put up along the beaches from Malindi Town to Watamu while the underdevelopment of the local people is seen not only in poor housing and lack of access to essential services such as water, roads and electricity, but also in the manner in which they are being locked out of access to the Indian Ocean.

Just as the rest of the coast of Kenya, from Lamu, Malindi, Watamu, Kikambala, Mombasa down to Diani and Ukunda in the south, land next to the Indian Ocean is as precious as gold. There is the scramble for the precious land by rich people and speculators from all over the world who build homes and develop property that costs hundreds of millions of shillings, as the Daily Nation reported

on 22nd November, 2008 ("Property Market: At Kenya's coast, a new scramble pushes house prices to 337m"). In the process, the local people and Kenyans are being alienated more and more from the land and the ocean.

The 2007 Election Results

The district has two constituencies, Malindi and Magarini. It has two local authorities, Malindi Municipal Council and Malindi County Council. Malindi County Council has 11 Wards, 3 in Malindi Division, 5 in Marafa Division and 3 in Magarini Division. Malindi Municipal Council has 12 wards, all in Malindi Division. Magarini Municipality covers 360 square kilometres.

According to ECK (Weis, 2008: 6), ODM's presidential and parliamentary candidates won in both constituencies. However, many parties participated and each received substantial votes in the elections indicating that the people made conscious choices. The variety of opinions in the elections could also have helped to avoid the post-election violence experienced in other places. In the presidential election, Raila won in Malindi, following his promise to bring about changes that would begin to address the plight of the people of the Coast. His promises included land reforms, a new constitution with devolved system of governance (commonly referred to as majimbo), ending the marginalisation of the region and investing in the infrastructure of the province. In Malindi, he led with 24,768 votes and was followed by PNU's Kibaki with 8,444 votes, while ODM-Kenya's Kalonzo got 3,596 votes. In Magarini, Raila also won with 13,826 votes and was followed by PNU's Kibaki with 8,493 votes, while ODM-Kenya's Kalonzo was third with only 655 votes.

The parliamentary seat for Malindi was won by Mung'aro of ODM who received 16,030 votes out of 33,138 cast. However, the parliamentary vote was split, with ODM-Kenya's Mweni following Mung'aro with 5,767 votes, followed by PNU's Aboud with 4,069 votes, KADU Asili's Diwani with 3,973 votes and LPK's Mwinyi Haji with 2,640 votes, while the remaining 8,825 votes were shared by other parties.

ODM's parliamentary candidate Kingi emerged as the winner of Magarini parliamentary seat. He was followed by PNU's Esposito with 6,454 votes, SPK's Kombe with 5,253 votes, DP's Nzai with 1,067 votes and KENDA's Kahindi with 1,009 votes.

The Post-Election Crisis

Compared to the South Coast, there was hardly any violence in Malindi after the elections. However, I was told that there was an incident of violence at Kisumu Ndogo slums where many ethnic groups from the country live together. There a man from Kikuyu ethnic group provoked the violence from members of Luo ethnic group by proudly announcing that the Kikuyu were organising to revenge against other ethnic groups that had attacked them.

A local hotelier, Jeff, informed me that violence did not occur in 2007-2008 in Malindi as the local people, the Giriama, said that were violence to have occurred tourism would have been affected negatively and they would have become even poorer.

In Malindi not only the local people but also other Kenyan ethnic groups living in the town are alienated and marginalised by the tourist dependent economy. They all say that they are loosing their livelihoods to foreigners and this reduces the inter-ethnic rivalry and jealousy that is found in other places where various ethnic groups live together. Local people in Malindi District are bitter about what they regard as exploitation and oppression by foreigners and swear that one day they will revenge. They say that the law cannot solve their problems as it defends the exploiters and oppressors and that only through violence will they be able to solve their problems.

Conflicts in the Districts

The Problem of Land

Like in other parts of Coast Province, the majority of the people of Malindi, especially the Giriama and other Mijikenda, do not have title deeds for their lands and are therefore considered to be squatters in their own ancestral lands. Land grabbing and alienation of the local people from their land and the ocean is a daily occurrence.

According to Jeff and to Ng'ang'a, a human rights lawyer based in Malindi,

... land of the local people is being taken away from them by force or bought cheaply for as much as 60,000 to 300,000 per acre by foreigners and rich Kenyans who take advantage of the poverty and ignorance of the people. In fact the land is not demarcated or titled. The local people are increasingly being pushed out of their ancestral lands deep in the interior away from the Ocean and where they are regarded as squatters.

The truth of this became apparent as I travelled along the road along the shoreline from Malindi to Watamu.

Several people also informed me that senior government officers frequently use their power to grab the land of the local people with impunity. I was given an example of Ngomeni, where a senior officer of the Kenyan Navy is said to be using his connections to evict people from their lands despite the fact that the people have title deeds to the lands. The government is accused of favouring land grabbers and failing to ensure justice.

As in other areas of Coast Province, relics of the Arabic feudal land tenure system still govern land ownership in Malindi. Much of the land in Malindi town is owned by prominent Arab families: Said Bwana Yahya, Abdala Bin Abri, Rashid Azan who was the last Liwali (DC) of Malindi, and Bakshweni. The families who live in Malindi hold Arabic-language title deeds of the land of Malindi town and collect monthly ground rents. In fact, the landlords have used court orders to auction and evict the tenants who are unable or unwilling to pay to them ground rents.

Tourism and the Alienation of Local People

Malindi District has some of the best hotels, land and beaches in the country, but this is mostly owned by foreigners, mainly Italians, at the expense of the local people. Only one hotel in Malindi is said to be owned by an African, who is under pressure from the Italians to sell off and leave the business.

The whole of the coastline from Malindi to Watamu is increasingly being owned by foreigners, primarily Italians. They are fencing their land and building walls on the beaches. The local people and other Kenyans are being denied access to beaches. The foreigners easily acquire title deeds and are building cottages, guest houses, hotels and homes up to the beaches. The characteristic feature of the coast, right from Malindi and Watamu and down to Kikambala in Kilifi District, comprises of walls built by foreigners and rich Kenyans up to the ocean, in order to prevent access to the beaches by local people. Amidst protests from the local people, the pathways to beaches and the ocean are being privatised, locking out the majority of the local residents of Malindi.

In the name of tourism, dubious tourist operators at Malindi engage in all sorts of economic activities, such as selling of handicrafts and makuti (coconut leaves used for roofing), farming for production of crops for their hotels, up to the selling of illicit drugs and prostitution. There is a widespread perception that what the foreigners cannot do in their home countries, they do freely in Malindi.

They are allowed by the government to take advantage of poverty and illiteracy of the local people to humiliate them, desecrating their religions and cultures and also robbing them of their land and their livelihoods.

Prostitution

Child labour and prostitution are negative results of tourism in Malindi. With prostitution come a high prevalence of HIV/AIDS in the district (see also Ministry of National Development, c.2002d: 23). As one walks along the streets and beaches of Malindi town especially in the evening or in night, one observes tourists aged fifty or even seventy clinging hands, walking and kissing with girls as young as thirteen. Older women tourists also do the same with young boys. In the beach hotels and other hotels in Malindi, old tourists move openly with children young enough to be their grandchildren. It seems tourists forget all decency and morality when they come to Malindi and engage in behaviours they would not have dared to practice back at their homes in Europe. The government on the other hand seems more interested in developing tourism at all costs than at protecting children from paedophiles and other sexual immoralities. Due to poverty and unemployment among the youth, the residents of Malindi are made to give in the humiliation, abuse and exploitation that go hand in hand with tourism.

Drugs Abuse and Peddling, Mafia-Style

Trade and consumption of illicit drugs is a big problem in Malindi. Due to the open sea where boats from all over the world enter and conduct business easily, Malindi is vulnerable to the dangerous trade and is one of the conduits of drugs to Kenya and abroad. I was told that mafia-like drug barons operate from the beach hotels and in the suburbs of Shela and Kisumu Ndogo. Consumption of drugs has become a big problem among the youth of Malindi and is a security threat. Victims of the drugs abuse are seen everywhere in the suburbs and beaches of Malindi and Watamu. Needles used to inject the victims with the harmful substances are scattered everywhere. The drugs dealers who are said to be wealthy and influential people are ruthless and are feared by the local people. The locals are coerced into embracing the vice that is destroying their lives every day. The local people claim that drugs dealers operate with the full knowledge of the police, national and local politicians and the district administration. In any case, if the general public knows the drugs dealers there is no reason to suppose that the security forces would be ignorant of their operations and where they stay or how they conduct their activities.

“Developers” and Underdevelopment

Due to its agricultural potential and tourism, Malindi could be one of the richest districts in the country. Yet poverty and underdevelopment are major characteristics of the majority of the people of Malindi. The shelters built along the highway from Kilifi to Magarini and up to the district boundary with Tana River District manifests the extent of poverty among the people. The major cause of the poverty and underdevelopment is the alienation of the indigenous people, the Mijikenda, from their land and land resources and also from the ocean and its resources which have been the key sources of their livelihood for many generations. Almost all indigenous people of Malindi have no title deeds to their land and are therefore legally considered as squatters. They cannot therefore use their land as collateral to access loans from financial institutions.

What is even more serious is the fact that “investors” and “developers,” such as the Italian hotel operators, acquire title deeds and use them to grab the lands of the Giriama and other indigenous people, and evict them from their ancestral lands with the knowledge of the government. In this way, the local people are being evicted and pushed away from the land next to the beach to the dry interior. This is the cause of conflict between the local people on the one hand and the hoteliers and tourist operators – mainly Italians – on the other. This situation exists along the Indian Ocean from Lamu to Watamu and down to Kikambala in Kilifi. It is the cause of great bitterness and anger from among the local people that I came across during the course of my research and who swear to revenge one day.

Poverty is also related to the general marginalisation of people of Malindi (and Coast Province in general) from education (Eisemon, 2000: *ibid.*).

Lack of educational opportunities at the secondary and tertiary levels limits access to quality primary education. In 1992 there were less than 150 secondary schools in Coast Province... The tertiary sector comprises Mombasa Polytechnic and a teacher training college ... Despite its long history of western education, the coast still does not have a college or university.

The situation has hardly changed since then; apart from branches of universities based up-country that have been opened at the coast, there is as yet no university in Coast Province. Many poor people cannot afford to build primary and secondary schools and pay for their children's education at the same time. The resulting high illiteracy in the district makes the people vulnerable to land grabbers and further marginalisation in their own land.

The tourism that is dominated by foreigners hardly benefits the local people as hardly any money that accrues from the industry is set aside for the development of the district in particular. Many hoteliers employ labour seasonally and on short contracts; therefore employees cannot claim the benefits enjoyed by permanent employees. As temporary employees, they cannot access loans from the banks to develop themselves, and they are not entitled to housing allowances, medical benefits and pensions.

Corruption

The injustices in the district which are potential source of conflict are escalated by the culture of greed and corruption in the country in general and in Malindi District in particular. Elected leaders who are expected to represent the interests of their people are instead compromised by the rich and powerful, particularly the hoteliers, to defeat justice for purely narrow and selfish ends. DCs, DOs, chiefs and government officers, particularly those in the Ministry of Lands and Settlement, are also said to receive kickbacks in order to help "investors" and "developers" to rob the local people of their land and rights.

Residents of Malindi accuse officials of the National Environmental Authority (NEMA) to have been compromised by the rich, mostly foreigners, to facilitate illegal allocation of environmental conservation areas and to destroy the environment in the process. For example, amidst protest from the local youth, the breeding grounds of turtles at Watamu have been grabbed by Italians with the knowledge of NEMA, Ministry of Lands and Settlement, the public administration and the police who suppress the struggles of the local people seeking to conserve the environment. At Watamu, conflict between the police and the local youth protesting against the grabbing of public land by individuals is common. Labour officers collude with the hoteliers and Italian employees in exploiting the poverty and illiteracy of the local people; they sit back as employers pay low wages to the local workers and prevent them from joining trade unions.

Salt "Farming" at Magarini

North of Malindi town, salt "farming" by seawater evaporation has caused severe environmental degradation. Using large tracts of coastal land, the salt production and processing companies destroy mangrove forests, escalate soil erosion, and cause low fish yields. Salination resulting from the mining activities has impacted negatively on the quality of the water which the surrounding communities depend on. Yet, despite all this and the fact that the salt companies make huge profits from salt mining in the area, the Magarini community hardly accrue any benefits from the salt mining economy

in their area. The conditions of the workers of the salt mining companies are deplorable and their labour rights are violated. At the same time, despite numerous promises and an inquiry held by the Kenya National Commission on Human Rights (2006), the government has hitherto not implemented sustainable measures to address the problems.



Axel Harriet-Sievers

Salt mining. Salt "farming" by seawater evaporation has caused severe environmental degradation.

7. Tana River and Tana Delta

What used to be Tana River was divided into two districts in 2007: Tana River District, with its headquarters at Hola and including Hola, Wenje, Madogo and Bangale Divisions; and Tana Delta District, with its headquarters at Mininjila near Garsen and including Garsen, Tarasaa and Kipini Divisions (Ministry of National Development, c.2002e).

The two districts border Kitui District to the west, Mwingi District to the northwest, Garissa District to the northeast, Ijara District to the east, Meru North District and Isiolo District to the north, Lamu District to the southeast and Malindi District to the southwest. The Indian Ocean borders the districts to the south.

The major towns of Tana River are Wenje, Madogo, Bura, Bangale and Hola while those of Tana Delta are Garsen, Tarasaa, Kipini, Odah and Mnazini Kibaoni.

Tana River and Tana Delta Districts together have a total population of 200,326. The major ethnic groups resident in the two districts are Pokomo, Orma, Wardei, Somali, Malakote, Munyoyaya, Wata (Wasanye), Bajuni and Mijikenda. In the Bura and Hola irrigation settlement schemes, there are members of many other Kenyan ethnic groups, including the Dawida, Kikuyu and Meru live together with the indigenous ethnic groups. The Bantu ethnic groups, Pokomo, Munyoyaya, Malakote and Mijikenda engage in farming while the Cushites, the Orma, Wardei and Somali are mainly pastoralists. The Bajuni, Malakote and Pokomos who live in villages households along River Tana also engage in small-scale fishing.

The pastoralist communities live mainly in the hinterlands of the districts in homesteads and small villages (manyattas). The manyattas are mainly constructed around watering points, dams, wells and boreholes and where there is pasture. During the dry seasons the pastoralists move with their cattle to the River Tana delta causing conflict with the Bantu agriculturalists. In the rainy seasons they return to the hinterlands with their animals.

Due to insecurity, the ethnic groups live together in village settlements that are found near government institutions where there are regular and administration police stations.

The districts have large numbers of cattle, sheep and goats but lack markets due to bad infrastructure. This hinders the farmers from receiving good prices for them. Most animals are sold in Malindi and Mombasa.

Observations on Tana River District

The Hard Life of the Wardei

As I travelled along Garissa-Hola highway in mid-2009, staying for five days at Hola town and also visiting villages in Wenje, I noticed that the semi-arid flatland of the Tana River District is covered with acacia bushes and the Mathenge plant, introduced some decades ago in order to combat desertification, which has become dominant in the area. Nothing seems to grow under Mathenge

which is a poisonous plant not eaten by goats. The Mathenge plant is destroying the tarmac road; hundreds of youth have been employed by the government to clear the plants away from it. In the process, the youth earn money to cope with the hunger brought about by the effects of climate change that have produced prolonged hot and dry weather.

The Wardei area is sparsely populated. I drove long distances along the road without meeting people or seeing manyattas of the Wardei nomads. Occasionally I could see manyattas, and sometimes Wardei women carrying water with plastic containers and men herding cattle and goats near the highway. The Wardei appear to keep large herds of cattle, but the animals were emaciated due to lack of grass and owing to travelling long distances in search of the pasture and water. Water shortage is a big problem in the area, and it forces women and female children to travel long distances in search of it.

One needs not to be told that there is extreme poverty in the area. The people do not have permanent houses but live in very simple shelters of tree branches, leaves and grasses that are located in nucleated settlements. Many children do not attend school as they have to help with home chores including looking after cattle, goats, sheep and camels. I was informed that many of the animals died due to the drought.

Hola Town – A Hardship Area

Hola town is mostly populated by the Pokomo, with the Wardei, Orma and Somali forming other large ethnic groups there. However, members of almost any other ethnic group of the country live in Hola as well, where they work as civil servants, in NGOs and as traders. Hola town is located along River Tana and its residents depend on the river for all their water needs, including water for their domestic consumption, for animals, and for irrigation. The water at the river is full of brown silt, indicating the rains upstream in the Mount Kenya region. The people drink and use the water for bathing, directly as it is. There are many crocodiles in the river that could be seen from the banks. Crocodiles often kill people, I was told. There is a crocodile barrier at Wenje built by Forest Action Network to protect the people from the crocodiles. The people of Hola request for similar barriers to be placed along the River in all the water fetching points.

Hola is a hardship area. Describing the conditions of civil servants at Hola, a senior policeman informed me:

When you are transferred to Hola you survive by the grace of the philosophical attitudes, namely, accept, adapt, adjust and act. Otherwise you will find it hard to survive.

The effects of climate change have interfered with agricultural activities in Hola. This has led to a situation that nearly all food, vegetables, potatoes and grains are imported from outside the district. Food is therefore very expensive in Hola.

Life of the Pokomo

The Pokomo engage in subsistence agriculture, growing bananas, maize, cassava, lentils and watermelons usually along River Tana.

The Pokomos live in nucleated villages of large simple square mud houses close to one another. The Pokomo houses are square and built with mud, iron sheets. Most of them do not have windows. The villages are located away from their farms which are situated along River Tana. The Pokomo live together in villages for protection and also to maintain their clan-based communal way of life that is also a source of social security for them. This way of life appears to be consequential, as it has given birth to their farming system that ensures that the fertile land near the river is left set aside for farming only and is not interfered with by human settlement.

Poverty is also easily observed in the Pokomo villages. Many villages which are home to many people do not have shops, food stores and butcheries; this says a lot about the living standards of the people. All the water needs are also served from the dirty and untreated water of River Tana.

The 2007 Election Results

Tana Delta District has only one constituency, Garsen. According to the ECK, out of 21,192 presidential votes cast, ODM's presidential candidate Raila Odinga won with 10,790 votes, followed very closely by PNU's Kibaki with 10,082 votes. Kalonzo was third, with only 217 votes. There was controversy during the counting of the presidential votes that became violent, with some ballot boxes being thrown to the river. ODM supporters claimed the elections were being rigged in favour of Kibaki. It was claimed that as a consequence of the violence, the presidential elections were not announced properly.

NARC-Kenya's Mungatana won the parliamentary seat for Garsen. Out of 21,192 people who voted, Mungatana received 7,519 votes, followed by ODM's Dado with 4,741, KADDU's Abdi with 4,404, KANU's Shambaro with 3,825, and SPK's Bandiribo with 627 votes, while other parties shared 1,405 votes.

Tana River District has two constituencies, Galole and Bura. In Galole the presidential votes were closely shared by Raila and Kibaki. Out of the 14,215 people who participated in the elections, 7,760 voted for ODM's Raila while 6,062 voted for PNU's Kibaki. The parliamentary votes were shared very closely, too, between ODM and PNU. Out of 14,134 votes cast, Godana of ODM led with 3,969 votes, followed by Mugava (PNU) with 1,677 votes. Angwen (ODM-Kenya) received 1,666 votes, Hargamso (NARC-Kenya) 1,533 votes, Golich (DP) 1,359 votes, while other parties shared 3,930 votes.

In Bura Constituency, out of 16,880 presidential votes that were cast, Kibaki led with 8,968, followed by ODM-Kenya's Kalonzo with 4,244 votes and ODM's Raila with 3,593 votes. The parliamentary seat was won by ODM-Kenya's Nur with 6,259 votes, who was followed by KANU's Wario with 6,000 votes, ODM's Soba with 2,530 votes and NARC-Kenya's Bulow with 2,345 votes.

A young man told me at Garsen,

As a whole, ODM's presidential candidate Raila won in both Garsen and Galole Districts. People of Garsen and Galole Districts voted for Raila as he had promised to bring about change that would include majiombism - federalism - and would initiate social and economic policies that would create employment, empower the poor and eradicate poverty and marginalisation of the people of Coast. He also promised that he would enhance security, provide the people with title deeds, improve infrastructure such as the road between Ijara and Tana River Districts. He also told the people that he would revive the Bura and Hola Cotton irrigation schemes and Tana Delta Rice Irrigation Scheme all which had started in the 1970s but died in 1992. We hope Raila will keep his promises.

The 2007-2008 Post-Election Crisis

Generally, there was no violence in Tana River and Tana Delta Districts during and after the 2007 elections. However, there was a peaceful demonstration during the counting of the presidential election results at Garsen. The demonstration was intercepted by the police. The demonstrators were protesting against what they said were rigging of elections in favour of PNU. The demonstrations became violent and ballot boxes were thrown into the river.

The officer in charge of Hola police station also told me there were tensions at Hola immediately after the announcement of the results of the presidential elections. He said that he had to arrest and lock in the cells at the police station for about two days some people who were planning to organise demonstration in protest for what they regarded as the rigging of the elections. This, according to the officer, prevented violence from erupting in the town.

Conflicts and Conflict Potentials

The Unresolved Land Problem

Nearly all land in Tana River and Tana Delta is Trust Land, and the majority of the people do not yet have title deeds to their ancestral lands. This also means that the majority of the people of Tana River and Tana Delta Districts are regarded as squatters in the land where they have always lived. It also means that their land can be grabbed by powerful and influential persons who are able to use the district's administration and the Ministry of Lands and Settlement to acquire title deeds and thus alienate them further from their lands

Just as for many other indigenous communities of Coast Province, the fear of the people of Tana River and Tana Delta Districts has increased as the government promised to lease over hundred thousand of acres of land to Qatar for farming. The government is allocating the land to foreigners for production of food for their country, without the consent and participation of the people of Tana River and Tana Delta Districts, who are at the time craving for agrarian and land tenure reforms needed to enhance their own food security. This does not only escalate existing historical injustices over land and land resources in the district, but also plants the seeds of present and future conflicts.

This land, it is said, will be leased to the government of Qatar in exchange for financial assistance for constructing a port at Lamu. However, it is not clear what specific plans the Government of Kenya has for the people of Tana River and Tana Delta District. Neither is it explained to them what benefit they will get from the proposed port since it is them whose land will be used. Many of them and also people from other parts of Kenya would rather want the Kenyan government to capacitate and empower the local people to produce, and export to Qatar, the food it requires to trigger agricultural development in the area. The agreements signed between the two governments that exclude the participation of local communities are akin to neo-colonialism. Furthermore, the Pokomo, who are mainly agriculturalists, are also afraid of the plans of the government of initiating a large irrigation project that aims at using the waters of River Tana to grow plants for production of bio fuels. They oppose the plan, arguing that the scheme will further alienate them from their arable land and also increase the food insecurity already facing the area.

Again, many people believe that the lack of title deeds is one of the reasons that have made many people of Tana and Tana Delta Districts to lag behind the rest of the country in terms of development, as the residents cannot use their land as collateral to acquire loans from financial institutions. That is why many people in the districts demand for land adjudication and the issuing of title deeds. This issue was important for many people's decision to vote against President Kibaki and his party of PNU, and in favour of Raila and his ODM party, as Raila and ODM promised to provide land adjudication and title deeds to the residents, while Kibaki and the NARC government had failed to do so while in power.

At the same time, the issue of land adjudication and titling is also a source of conflict between agriculturalists and pastoralist in the area. According to Kimigho, a human rights and political activist whom I interviewed at Garsen, the ethnic groups whose source of livelihood is based on farming – the Pokomo and other Mijikenda – demand land adjudication and titling to secure their land, while the pastoralists – the Orma and Wardei – are opposed to individual titling, as they feel more secure in common land ownership that will allow them to graze their animals freely. As a nomadic people

whose way of life involves moving with their livestock in search of pasture, the pastoralists feel that individual titling will be used to lock them out of the land which they have always moved around, grazing their cattle.

Be it as it may, the government must ensure that the rights of the people of Tana River and Tana Delta Districts to own and use their land is recognised, secured and protected. Continued failure to do this exposes the indigenous peoples to increasing exploitation, underdevelopment, poverty and marginalisation, the conditions are not conducive to conservation of peace and security.

Inter-Ethnic Conflicts

There are often violent clashes between the Bantu speaking residents, particularly the Pokomo, on the one hand and the Cushitic speakers, the Orma and the Wardei, on the other. The conflict is over land and pasture and also over scarce water sources, especially during the dry season. In fact, there the Orma and Wardei often clash over water and pasture themselves.

The conflicts have many times been shockingly brutal. Villagers of Morani told me about this sad occurrence:

In 2001 there was fighting between the Pokomo and the Wardei. Since then the Wardei respect us, when they come to our lands for pasture, unlike before the war, they first request us for the pasture. During wars, the Wardei don't kill women and children but during that war we killed even their women, children and chicken. Dawa ya moto ni moto ["the medicine for fire is fire"]. So they feared the Pokomo will exterminate them and they had to make peace with us and respect us and our way of life. We buy milk and goats from the Wardei and they buy bananas, maize and other agricultural produce from us...

Omar Gayoye confirmed the same situation, emphasising that now there is hope that the two communities can live in peace and respect one another:

Our neighbours are the Wardei who are pastoralists and are facing a lot of problems because of the changes of the weather, with no rains there is no pasture for their cattle and goats and it's hard to find water. Nowadays we live peaceful with the Wardei. We buy milk and goats from them and they buy farm produce from us. We also allow them to graze their cattle in our farms and we get manure from them. In 2001 we fought a bitter war with the Wardei and at Gafuru, the Pokomo killed many Wardeis. The Pokomo have no guns so they used pangas [matchets]. The Wardei revenged at Maweni by shooting many people in board daylight. But nowadays we have peace and respect one another as communities. There is hardly any intermarriage between the Pokomo and the Wardei but people are beginning to intermarry at Gafuru. The Wardei settled here from Ijara in 1972 but the Pokomos have been here for over 1000 years. The Wardei are a Somali clan that came here to escape enslavement and oppression by the Abdalla clan that occupy Ijara District. Due to drought, the Wardei are forced to migrate with their cattle and goats downstream to Tana Delta where they get into conflict with the Orma and the Pokomo. The women also travel to the banks of River Tana and fetch fodder for their animals, especially the newly born that cannot travel long distances.

The settlement plan for people, mainly the Pokomo, who have lost land as a result of the creation of Baomo Primate Reserve a few years ago, has caused conflicts and violence within the Pokomo community at Gwawau and Ndera areas. Similarly, conflicts among the Pokomo have happened along the shores of River Tana, particularly at Moa and Tamaso.

The revival of the Hola / Bura Irrigation Schemes and the consequent allocation of land to non-indigenous ethnic communities, especially from outside of Coast Province, is a source of tensions and conflicts. So too are the proposed two sugar plantations in the area. The Pokomo welcome the sugar plantation projects believing they will bring employment to them apart from involving them as out-growers. On the other hand, the Wardei and the Orma oppose the project which they think will rob them of their rights to grazing land. In implementing development projects, it is always wise to ensure that various and conflicting interests of the communities involved are appreciated and accommodated.

Natural Resources

According to Kimigho (Ibid.), Tana River and Tana Delta Districts are endowed with numerous natural resources that could be used for the development of the districts and in alleviating the rampant poverty of the people.

In Baomo Game Reserve there are rare monkey species known as red colobus. There are also hippos, antelopes, and an indigenous forest with many different species of birds. River Tana passes between an indigenous forest with rich flora and fauna and which also contains rare species of bees which produce honey that is believed to cure impotency. There are also many oxbow lakes with fishes and crocodiles. There are many jumbo prawns where Tana River meets the Indian Ocean, however only rich people, and many times foreigners, with trawlers benefit from the prawns and fish.

The residents of the districts complain that the government does not put enough efforts to develop the resources for the benefit of the people, and while the wildlife especially crocodiles, buffaloes and lions attack and frequently prey on the people and their domestic animals the victims and their families do not receive sympathy or compensation from the government. Again, the communities neighbouring the wildlife are harassed by KWS officers in search of poachers while they receive no benefit from the wildlife.

River Tana is a very important natural resource to the people of Tana River and Tana Delta Districts. The people depend on it for water for domestic use, and the agriculture of the indigenous Pokomo who farm along the shores of the River depends on the regular floods of the river. The Wardei and Oromo pastoralists also depend on the river for their domestic use and for their animals. It is no wonder that access to the river is often a source of conflict between the three communities. The Pokomo complain that the government has not done enough to help them to develop agriculture through irrigation. Yet this could have enhanced food security and reduce or remove dependency on food aid that is never enough. The local people say categorically that they hate being made to depend on food aid while they could have been capacitated and empowered to produce more food by effectively utilising natural resources around them. In all the villages near Hola town and also in Wenje Division all the people I interviewed were of this opinion:

We hate to have to depend on relief food, we want the government, if it cares for us, to provide us with machines to irrigate our lands and grow our own food. The money the government and donors use to buy and distribute

relief food, which is not enough anyway, should be used to empower us to provide for ourselves through using the waters of River Tana to develop our agriculture and ensure we have food all the time.

Neglect by Government

Poverty is a big problem in Tana River and Tana Delta Districts and many people complain that they have been neglected by successive governments. They complain of the poor infrastructure, frequent floods and lack of access to clean and safe drinking water among the majority of the people.

Kimigho explains:

The districts produce a lot of mangoes but most of them go to waste due to lack of markets. There is also a big problem of livestock and crop diseases in the districts. There are no doctors in Tana River and Tana Delta Districts. Patients are referred to the only government doctor a long distance away in Malindi. There they also claim that it takes a patient three to four months to access a doctor. The hospitals in Tana and Tana Delta Districts have no x-rays, scanners and modern laboratories.

The districts are located in a remote and semi-arid area with harsh living conditions. As a result, they are sparsely populated. Poverty and insecurity are the greatest problems of the districts. Poor education facilities make the districts to be among Kenya's most underdeveloped in terms of education, leading to further marginalisation of the people. One of the greatest problems of Tana River District used to be insecurity from bandits (mashifta), mainly of Somali ethnic origin, who rob cattle and goats, vehicles, passengers and goods, and also kill and rob people. However, the officer in charge of Hola police station and his colleagues informed me that security has increased in Hola and the district as a whole, while advising that it is still not safe to travel at night.

8. Lamu

Lamu District is 6,166.7 square kilometres and has population of 72,628. 55,556 of who live in the rural areas of the district while the rest live in the towns that include Lamu, Mpeketoni, Mkunumbi, Witu, Hindi, Kiunga, Faza and Pandaguo. Lamu has many islands that are dominated by the indigenous Bajuni ethnic group. A young resident of Lamu Island, Bakari Mohamed Hamisi, gave the names of the islands of Lamu: Amu, Faza, Siyu, Pate, Kizingitini, Ndau, Kiwayu, Mkokoni, Matundoni, Manda and Kiunga at the border with Somalia (Ministry of National Development, c.2002c).

The major ethnic groups in Lamu are Bajuni, Pokomo, and Arabs. There is also a large population of Kikuyu who were settled at Lake Kenyatta-Mpeketoni on the mainland, starting from 1976. The Bajuni are a mixture of Arabs and Pokomo. They are the largest indigenous ethnic group along the coastline up to Somalia. There are also the Mijikenda, Taita, Somali, other coastal and Kenyan ethnic groups. Kenyans of European origin, Europeans, Americans, Israelis and Arabs also own homes and hotels and live at Lamu permanently or seasonally.

Abdi Swale Salimu from Malindi, who accompanied me to Lamu, further informs:

Wabonyi is also an indigenous ethnic groups living in Lamu mainland. They are nomadic hunters and gatherers living along the mainland from Mkoye, Baragoni, Dudisi Game Reserve, up to Kiunga at the border with Somalia. They are about 3000 and are threatened with extinction. They have no land rights. The majority of them are illiterate. The Wabonyi are so marginalised that although they are represent by a Councillor, they are not in the list of Kenyan ethnic groups. They are extremely poor and underdeveloped. They have always lived in what is now a game reserve called Dondori but gain nothing from it.

Lamu town, on Lamu Island, is hundreds of years old; its indigenous residents have the longest history of urbanisation not only in Kenya but also in East Africa. One comes across a people related, either by blood or long neighbourhood, who live peacefully and close to one another, sharing jokes, wishes and aspirations within the narrow streets with numerous antique restaurants, shops and markets that characterise the robust life of Lamu, especially in the evening.

The district has 7 administrative divisions, 23 locations and 40 sub-locations. The administrative divisions are Amu, Hindi, Mpeketoni, Faza, Kizingitini, Witu, and Kiunga.

60 per cent of economic activity in Lamu District is agriculture. Other activities include trade, fishing and tourism. The major cash crops in Lamu District are cotton, simsim, coconut, cashew nuts, bixa, mangoes and bananas. There is hardly any agricultural activity on Lamu Island which depends on tourism, fishing and trading. Lamu Island imports most of its food from mainland Lamu, particularly Mpeketoni.

Apart from the Lake Kenyatta-Mpeketoni Settlement Scheme, Lamu mainland has a problem of high water salinity. Local people complain that while the Kenyan Navy has a desalinisation plant, the

government has not constructed one for the population. The road infrastructure is very bad, and the people complain that despite many promises given, especially during national elections, the Lamu-Kiunga Road that is to connect Lamu with Somalia has not yet been constructed.

The 2007 Elections and the Post-Election Crisis

Lamu has two constituencies, Lamu East and Lamu West. According to the ECK (Weis, 2008), in the presidential elections the people of Lamu East, comprising primarily the indigenous people of Lamu, elected ODM's candidate Raila Odinga who received 6,119 out of 9,172 votes cast, followed by PNU's Kibaki with 2,825 votes and ODM-Kenya's Kalonzo who managed to get 165 votes only. Interestingly, the parliamentary elections were won by PNU's parliamentary candidate Abuchiaba who received 4,303 votes out of the total of 9,196 cast, followed by ODM's Salim with 2,913 votes while other candidates each got less than 1,000. Despite being unpopular among the indigenous people of Lamu East, still Abuchiaba won the elections, thanks to the votes from members of Kikuyu community who identified with Kibaki's PNU.

In Lamu West, a constituency dominated by members of the Kikuyu ethnic group, Kibaki won the presidential elections with 12,910 votes out of a total of 22,987 while Raila, the preferred candidate of the indigenous ethnic groups in Lamu West, came second with 9,568 votes. ODM-Kenya's Kalonzo came third, with only 320 votes. In the parliamentary elections, where many parties participated, the voters chose mainly among the political parties affiliated to Kibaki's PNU's coalition partners. NARC-Kenya's Twaha won with 6,461 votes out of a total of 22,897, he was followed closely by KANU's Swale with 5,601 votes, DP's Ahmed with 5,394 votes, while Alwiy's ODM took the fourth place with 3,075 votes.

Lamu remained peaceful during the period of the 2007-2008 post-election violence that rocked other parts of the country. Still, especially the indigenous people of Lamu and the Coast were unhappy about the election results. But their complaints did not translate into violence. In the first place, the people of Lamu do perceive themselves (and are widely perceived) to be generally peaceful, to such an extent that a person from up-country visiting Lamu for the first time is surprised by the peace and tranquillity that welcomes visitors, especially in the Islands.

While Lamu remained peaceful, ethnicity played a big role in influencing voters, not fundamentally different from other parts of Kenya. Kibaki won in Lamu West due to the large Kikuyu vote in Lamu mainland, i.e. Mpeketoni. Lamu mainland has 11 wards, 8 out of which elected Kikuyu councillors, while the indigenous people of Lamu tended to vote for candidates affiliated with Raila's ODM.

The indigenous people of Lamu voted for Raila because they believed he would bring about change – a constitution with a devolved government (*majimbo*), regional equality, progressive land reforms including land adjudication and titling and protection of the rights of all including those of Muslims. They did not vote for Kibaki as they believed he would preserve the status quo of their marginalisation and alienation from their land and resources and development. On the other hand, the Kikuyu voted for Kibaki as they believed a president from their own ethnic group would protect them from any eventuality, including that of *majimbo*. In their campaigns, PNU and its coalition partners preached, falsely of course, that under a devolved form of government non-indigenous people would be chased away from the province.

At the same time, the people of Lamu made conscious choices away from the political euphoria experienced in other places in the country, contributing to peace in the area. While, for example, the majority of the people of Lamu East voted for ODM's presidential candidate Raila, in the parliamentary elections the majority elected PNU's candidate Abuchiaba. In Lamu West, while it was PNU's presidential candidate Kibaki who won the elections, still it was NARC-Kenya's Twaha who emerged

the winner although with only 28 per cent of the votes. Whereas this clearly indicates that the majority of the people of Lamu West made choices among the parliamentary candidates whose parties were in the Kibaki's PNU coalition, this was at the same time done with considerable political logic. All the parties in the PNU coalition decided to nominate indigenous parliamentary candidates while they could have chosen Kikuyu candidates who would probably have won given the population balance. This may have helped to increase trust between the indigenous and settler peoples, translating into peace at the time of violence in many places of Kenya.

Conflicts and Conflict Potentials

The Land Issue

In Lamu East there has never been land adjudication. Neither is there trust land. Land adjudication, allocations and titles are held only by rich local and foreign people and in Lamu West where members of the Kikuyu ethnic group were brought by President Kenyatta and settled at Lake Kenyatta Settlement Scheme, Mpeketoni.

Few people in Lamu have legal rights to the land they occupy; most are therefore regarded as squatters in their ancestral lands where their families have lived on for many centuries. As a consequence of this, rich and powerful individuals – locals, other Kenyans and also foreigners – acquire title deeds which make them owners of large pieces of land, including beaches and islands, while the indigenous people are alienated and marginalised in the process. In Shela Island, exclusive and prestigious villas, guest houses and hotels are owned by celebrities from all over the world. Property at Lamu, and particularly Shela, is among the most expensive in the world with some villas advertised in Europe to sell at more than three hundred and fifty million Kenyan shillings. Entire Islands are being targeted for ownership by individuals without due regard to the indigenous people of Lamu who are left lamenting as their government continues to supervise the scramble for their precious land.

Bakari Mohamed Hamisi, a youthful resident of Lamu, informed me:

A few years ago ... the indigenous Banjuni who had been living in Manda Island for over sixty years were chased away by a Kenyan of British origin. The whole of the island was sold to him by a local politician. It had to take a lot of struggle led by Shakila Abdalla for the people to reclaim the Island and return to their homes.

Abdi Swale Salimu, who accompanied me during my research, told me that the centuries-old Arabic feudal land tenure systems is still practiced in Lamu today:

Exploitative and oppressive feudal land tenure systems and laws from as far back as the time of the rule of Arabic Sultans continue to be practiced at Lamu. Lamu Island, for example, belongs to a few landlords with feudal origins, the late She Bakari Mawiyai, grandsons of the former Sultan of Zanzibar Bwana Mtumwa, Abdalla Sudi and Mohamed Sharif Said. The landlords collect ground rent from the tenants every month.

The expansion of Manda Air Strip has also led to the displacement of local people, without compensation. The people complain that while the government finds it easy to compensate rich people with title deeds for their land and property, it ignores the plight of the poor who more often than not do not have title deeds to their property and the land they occupy. The remarks often made by non-indigenous ethnic groups of Lamu that "the Bajuni are fish people with no interest of owning land", are not only repugnant but also show gross insensitivity to the conditions of the marginalisation of

the indigenous communities in the district. Failure of the government to act positively in the interest of justice to the people is a time bomb.

Government's plans of establishing one of the largest ports in Eastern Africa at Lamu are already underway. The port is aimed at not only at serving the northern part of Kenya but most importantly landlocked Southern Sudan and Ethiopia. However, the indigenous people fear that the construction of the port will complicate the unresolved land issue against them. Rather than viewing the establishment of the port as potential development they instead fear that it will escalate their marginalisation, and for good reasons too. Already they see rich land speculators acquiring land and title deeds in preparation for reaping of the wealth that will be brought by the port. Local people see it as a conspiracy against themselves, as they continue to be denied the right to have title deeds for their ancestral lands.

Tourism and the Alienation of Local Communities

Lamu is a major tourist attraction in the country. Tourists come to Lamu to enjoy its calmness, and beautiful scenery of its numerous islands and beautiful beaches. They are also attracted by the ancient historical town of Lamu with its unique antique architecture and culture. The Lamu Cultural Festival that takes place every year is also a major attraction. However, the residents complain that the tourist industry in Lamu hardly benefits the majority of the residents of the island but only hoteliers who are mainly foreigners, and rich and powerful coastal people. Youths are made to work as tour guides who are paid peanuts or at the boats of ferrying people from the mainland to the Island that are owned by the well to do people of Lamu. Unemployment and poverty are part and parcel of life at Lamu. There are hardly any programmes initiated by the government to fight unemployment. Yet the resources of the ocean and the islands and sustainable management of tourism could be used to provide better livelihoods and employment for the people.

The contrast between the development of the rich and foreigners on the one hand and the underdevelopment of the majority of the people on the other is apparent in Lamu, as in other areas of the Coast. While parts of Lamu Island appear to be dying as the houses are collapsing, with no repair being done, Shela Island where rich Arabs, Europeans, Americans and other foreigners live is abuzz with construction and beautification works taking place every day.

Just as in other coastal towns where tourism is a major economic activity, prostitution is also rife in Lamu and adds to the humiliation and oppression of the religious people of Lamu. Unemployment and poverty contributes to the problem that exposes the people to HIV/AIDS.

A Settlement Scheme Discriminating Against Local Communities

For the government to succeed in uniting the people and ensuring sustainable peace, justice must be done and seen to be done to all ethnic groups that live together in one locality. Policies which are discriminatory or are seen to be so by one ethnic group or a group of ethnic groups divide the community of ethnic groups in the area along ethnic lines and do not help in building sustainable peace. The Lake Kenyatta Settlement Scheme at Lamu mainland in Mpeketoni was a progressive idea of settling landless Kenyans and opening up a remote area for agriculture and development. However, the indigenous people of Lamu have always felt that the settlement scheme was not only implemented without their participation but it also discriminating against them.

The Government of Kenya, with assistance from German development cooperation, has spent about 1.5 billion shillings for Mpeketoni Settlement Scheme. About 30,000 Kikuyu people were brought to settle in Mpeketoni. It is also said that when Kenyatta came to settle the Kikuyu at Lake Kenyatta Settlement Scheme in Mpeketoni he took the opportunity to grab 25,000 acres of land for himself that he later sold for 58 million to Swaleh Nguru who started ranching on the land.

Alwaj Ghalib Bush, a businessman on Lamu Island, echoes common complaints of the indigenous people:

The governments, starting with that of Jomo Kenyatta, favoured outsiders, particularly the Kikuyu, against the local people. For example, while people living at Mpeketoni Settlement Scheme where 95% of the settlers are of Kikuyu ethnic group were given title deeds by the Moi regime, in neighbouring Mkunumbi the indigenous people have no title deeds and therefore cannot use their land as collateral. Mpeketoni too has the best water projects and services in the whole of Lamu District. When Lake Kenyatta Settlement Scheme was designed, indigenous and Muslim villages within Mpeketoni area Mapenya, Mkunumbi and Dambwe were discriminated against and not included in the scheme. The development that exists at Mpeketoni was thus not extended to the indigenous Bonyi, Sanye and Swahili Coastal people. The leaders of the Kenyatta regime said that local people were lazy and not accustomed to the hard work of farming and therefore there was no use of including them in the farming scheme.

The Question of Citizenship

The indigenous people of Lamu, especially those of Banjuni and Arab descent, feel discriminated against in the process of acquiring identity cards or national passports. To acquire passports they have to go through too much scrutiny to establish their citizenship. The government explains that the measures are necessary to prevent foreigners, especially from neighbouring Somalia, from getting Kenyan citizenship illegally. However, the people of Lamu while appreciating this problem, nevertheless suggest that it is possible to come out with better measures of issuing identity cards and passports which will neither humiliate them nor make them feel discriminated in their own country of birth.

Illicit Drugs

There is a big problem of consumption and smuggling of illicit drugs in Lamu. Lamu is an international conduit of the entry and export of illicit drugs. Drug pushers operate almost freely and with the knowledge of the people and authorities. It is a mafia-type business with the wealthy operators using intimidation and terror to ensure the continuation of the dirty and destructive business that is destroying the lives of the youth of Lamu and their families. One resident of Lamu informed me:

Omari Baklam is an anti-drugs activist. He was sprayed with acid on the face by three women sent by the drug barons in September 2008. Sheikh Biskuti, another anti-drugs activist was attacked and injured in the arm, his house burned down and his donkey killed by the drugs' mafia. Some of the drugs mafia include Mote Rujuni and Ashuni. The drugs mafia operates with the knowledge of the government security forces.

Local elected leaders are also accused of either condoning the harmful trade or participating in it in one way or the other to satisfy their greed for money and quick wealth while ruining the lives of the people they represent in the process.

Marginalisation in Education

Lamu has one of the longest history formal written education and recorded culture in East Africa. Most of early Swahili written literature originates from Lamu. It is, therefore, ironical that Lamu today remains one of the most marginalised places in the country in terms of education (Eisemon, *ibid.*).

According to Mohamed Hashimu Fumo, former MP for Lamu East, “the standard of education in Lamu is very low. There are only three secondary schools in Lamu East namely, Faza, Lamu Boys and Lamu Girls and only 17 primary schools.”

Illiteracy is high in the district, just as the number of children who do not attend school, particularly girls. At the same time, the indigenous people complain of continuing being marginalised as far as education is concerned. They say that, while there is no plan to establish a university campus in Lamu East where the majority of indigenous people of the district live, already there are plans to establishing a university campus at Mpeketoni Settlement Scheme area.

9. Conclusions

The aim of this study was to find out about the impacts of post-election violence in Coast Province and to understand the root causes of past, present and potential future conflicts in the area. As a starting point, the research investigated the magnitude and extent of the 2007-2008 post-election crisis in the districts of the Coast and asked whether these events had any connection with the past history of conflicts in the area, particularly those of 1997 known as Kayabombo. A broader goal of the research was to find out whether there were any lessons that could be learned by the country from the past as well as from the current experiences in the area to avoid future conflicts and violence.

Following the announcement of the 2007 presidential elections in favour of President Mwai Kibaki, there was violence in the city of Mombasa and its environs. However, the violence was not as much pronounced, both in time and magnitude, as in other parts of the country such as Nairobi and its environs, parts of Central Province, Nyanza, Western Kenya and the Rift Valley.

Furthermore, there was little or violence in most of the other districts in the Coast. At the same time, many people I interviewed in the province and their general mood I discerned in daily activities, appeared not to condemn the violence that they attributed not only to the rigging of the elections but also, and mostly, to real and perceived unresolved present and historical injustices, especially over land and other natural resources. The research findings point to a diversity of conflicts, both ongoing and potential. It is alarming that the sentiments which gave rise to the Kayabombo violence that rocked the province in 1997 are still rife among the people, particularly in South Coast. On its part, the government has many programmes (for example Ministry of Lands, 2009) of addressing the land issues at the Coast, but most of them remain on paper and are hardly implemented on the ground.

All this suggests that although the violence of 2007-2008 that affected many places of the country did not erupt in most places of the Coast, still this does not imply there was peace there at the time. Neither does it mean there is peace here today. After all, peace is not necessarily the absence of violence. The research findings, which should serve as early warning to the nation, document problems existing in the Province that need urgent solutions in order to establish sustainable peace today and in the future.

It is important to note that this study, while addressing numerous conflicts and conflict potentials in Coast Province, is not necessarily comprehensive. What I have covered is only the tip of the iceberg of past, present and potential conflicts in Coast Province that needs to be addressed. I can only claim that the research has succeeded in pointing out major issues that were verified by various stakeholders from the province who discussed an earlier version of the report. Surely, there is need for further research that would go more deeply into some of the issues pointed out here and would also cover some geographical areas than I was unable to reach.

The Long History of Unresolved Conflicts Needs to be Recognised

Cases of actual and potential conflicts in Coast Province, some of which have erupted into violence, as the case of Kayabombo in 1997, have existed unresolved for too long. Some people in a public meeting at Kwale in July 2008 even went to the extent of remembering the 1997 Kayambo violence with nostalgia. The need to start addressing the problems as a matter of urgency can therefore not be overemphasised.

Again, although people reacted violently at what they regarded as the rigging of the presidential elections, in favour of President Kibaki, deep interrogations led to the conclusion that the post-election results only triggered the explosion of years of frustrations, anger, hatred, jealousies and feelings of negative ethnicity rooted on hitherto unresolved actual and perceived historical, political and economic injustices. This study points at what appear to be the major causes of past, present and potential conflicts, with injustices over land and land resources featuring prominently. Its title, *Usipoziba Ufa Utajenga Ukuta*, emphasises the need for the government and country to deal with potential conflicts in time before they are forced to deal with their manifestations which if left to take their own course most times are as horrible, horrendous as they are destructive and reactionary.

The Culture of Impunity Must be Stopped

The culture of impunity that has grown in Kenya only helps in perpetuating violence. People, whatever their status in society, should not be allowed to commit criminal acts – some of which are tantamount to crimes against humanity – with impunity. There are people who are known to have incited the people and to have organised, sponsored and perpetrated interethnic violence in one way or the other; acts which have led to thousands of deaths, hundreds of thousands of IDPs, destruction of properties worth billions of shillings, and sabotage of peace and national unity. But these people, some of them holding positions of leadership in the government, continue to walk freely. The culture of impunity has contributed to the periodic cycle of violence that has characterised the history of Kenya, especially during general elections and specifically in the years 1992, 1993, 1995, 1997 and 2007-2008.

The government is known to have instituted several commissions of inquiry concerning the causes of the periodic violence but it has failed or refused to implement the recommendations that include dealing with the root causes of the conflicts and bringing to book the perpetrators of the violence. The government has neither resettled many of the victims nor compensated them adequately for the deaths of their relatives or for the injuries and losses they have suffered. All this adds to the list of accumulated historical injustices that form the basis of potential conflicts. That is precisely why this report supports the implementation of the Waki Commission's report (CIPEV 2008) that demands, among other things, that the organisers, sponsors and perpetrators of the 2007-2008 post-election violence to be prosecuted either in Kenya or at the International Criminal Court at The Hague.

Yet, at the same time, prosecuting the perpetrators of the recent violence in itself, cannot deter future conflicts from happening. Those who committed or were accused of committing similar past conflicts and violence in the country, including the former President Moi and members of his government at the time, should also be interrogated by the Truth, Justice and Reconciliation Commission. This will aim at making the nation to come to terms with past and current sins committed against humanity in order to initiate the healing process.

For example, today former President Daniel Arap Moi is doing a good job by moving throughout the Rift Valley Province and other parts of the country preaching for peace and against negative ethnicity. However, now that Moi is still alive, unlike his predecessor President Jomo Kenyatta, and is lucky to witness and enjoy the growth of democracy in the country that he always opposed, he would be taken more seriously by Kenyans if he confesses and apologises for the gross violations of human rights he allowed or helped to take place while in office. The other ills associated with Moi include the torture

of pro-democracy and human rights activists, their arbitrary arrests and imprisonments, and his role in the interethnic violence of 1992, 1993, 1995 and 1997. Moi is also accused of the participating in massive corruption and shameless grabbing of land that took place under his dictatorial rule.

Furthermore, it should always be remembered that unless the root causes of the conflicts that, among other things, include social and regional inequalities and injustices over land and land resources, are addressed and solved justly and progressively, conflicts will occur and keep on recurring irrespective of whether the inciters, organisers, sponsors and perpetrators of the violence are prosecuted or not.

In fact, so much is the bitterness and interethnic hatred among Kenyans that many people do not actually condemn the 2007-2008 post election violence with sincerity. Some condemn the violence in public, but justify it in the privacy of their ethnic cocoons.

I have heard some people saying openly that the violence would not have stopped, had some leaders not organised, armed and sponsored their youth to attack members of other ethnic groups in Naivasha, in order to avenge the violence that was targeting their own group in the Rift Valley and elsewhere. At the same time I have heard others justifying the terror, brutality and vile murders that targeted members of certain ethnic groups considered to be outsiders in certain areas in the Rift Valley, in Nyanza, Western and Coast Provinces, and elsewhere.

So deep entrenched is the problem of negative ethnicity that people, including certain MPs and top politicians, whose names are likely contained in Justice Waki's envelope for prosecution either in Kenya or at The Hague, are considered as heroes by a considerable number of members of their ethnic groups, mostly for participating in these horrendous acts. After all, that is why they still hold leadership positions. ODM MPs, including the area MP, boycotted the state burial ceremony in May 2009 for the 38 victims of the arson of the Kiambaa Assemblies of God Church (near Eldoret, Rift Valley) that had taken place during the post-election violence on 1st January, 2008. They also opposed the building of the monument to remember the victims. All this shows that interethnic hatred is still rife while forgiveness and the healing of wounds of those affected has hardly started. The solution to this malady is therefore more complex, as the problem of negative ethnicity is deep rooted in the society. We cannot eradicate this problem by simply prosecuting the criminals, and the remedy will involve legal, psychological and political measures for and from Kenyans.

However, we cannot wait until we solve the root causes of negative ethnicity before we start fighting it. People cannot be allowed to kill other people with impunity just because of historical injustices that have not been solved hitherto. We cannot also expect negative ethnicity to disappear spontaneously. Instead, legal, political, educational, cultural and ideological measures should be made to ensure that negative ethnicity is continuously attached. But the measures should ensure that the rich ethnic, linguistic and cultural diversity of our country is appreciated and conserved.

The Land Problem Must be Solved Progressively and Justly

The complex and unresolved land problem at the Coast is a time bomb as I continued to learn in the course of my research. Unless a just and progressive solution to the land issue is found and implemented, we cannot expect to have sustainable peace and development in the area. In the new National Land Policy, the government also recognises this fact (see Ministry of Lands, 2007; 2009) but hitherto fails to act decisively.

If implemented, the National Land Policy that has now been approved by the cabinet will help at arriving at a sustainable solution to the land problem at the Coast. Among other concrete suggestions, it calls for the entrenchment of the issue of land in the national constitution that the people of the Coast have always desired. In articles 34 and 36 it states:

Land is a central category of property in the lives of Kenyans. It is the principal source of the livelihood of and material wealth, and invariably carries cultural significance for many Kenyans. For these reasons, land is being treated as constitutional issue.

...

In an ideal situation, a constitution should set out the broad principles on land, and establish an efficient and equitable institutional framework for land ownership, administration and management. Land policy reforms are not likely to succeed in the absence of such a sound constitutional framework. Accordingly, land reforms should be accompanied by constitutional changes if they are to be effective.

The Land Policy elaborates further (article 35):

The current constitution does not recognize the uniqueness of land and instead lumps it with other categories of property.

And in article 37, the policy touches on deficiencies resulting from Kenya's current constitution that are at the core of the land problem in Coast Province:

- (a) Centralisation of state responsibility over land matters, with the effect that governmental decisions have not been responsive to the citizenry, especially at the local level;
- (b) Lack of governmental accountability in land governance leading to irregular allocations of public land;
- (c) Constitutional protection of private property rights even where they are acquired in an illegitimate manner;
- (d) Mass disinheritance of communities and individuals of their land.

No wonder, one of the reasons why the majority of people of the Coast voted for ODM and its presidential candidate, Raila, is that they promised to deliver a new constitution within the shortest time possible that would include a just and progressive land policy and which would also take care of historical injustices and embody devolution of political and economic governance of the country.

The government should adopt and start implementing the progressive suggestions put forward by the National Land Policy that recognise the unique nature of the land problem at the Coast (articles 184-194) and, among others, proposes the following solutions:

- (a) Take an inventory of all government land along the 10 miles coastal strip and other parts of the province where the problem is prevalent and come out with a framework for conversion to community land for eventual adjudication;
- (b) Vest all the land in the respective community structures within whose jurisdiction they are situated as trustees for the persons ordinarily resident in the area;
- (c) Establish a suitable legal mechanism and administrative framework for addressing historical claims arising from application of Land titles and Act (Cap 282) of 1908;

...

- (e) Establish convenient public utility plots along the coastline to serve as landing sites and also for public recreation, and open up all public access roads to the beach. The government shall also establish controls that limit construction of walls along the high water mark; and make appropriate

constitutional and legal amendments to repossession of idle land that is unoccupied, abandoned, mismanaged and undeveloped for purposes of redistribution to the indigenous occupants.

All this is elaborated and concretised by the Ministry's memo called "Current Status of Land at the Coast" (Ministry of Lands, 2009).

Unfortunately, as already observed, the basic problem in the country has not been lack of good policies and laws but rather the absence of political will to implement them. As long as the business people and land owners continue to dominate the leadership and politics of the country, it is almost futile to expect the implementation of progressive and just policies that inevitably contradict their business and economic interests. The people who dominate Kenyan Parliament today, from the President, Prime Minister, Vice President, Ministers, and Assistant Ministers are beneficiaries of the existing injustices over land and land resources. That is why the draft land policy that has existed for a long time is as yet to be debated by Parliament to become a national policy that could summarise the numerous and ambiguous land laws into a single land law or one to three laws.

Policies that touch upon land and property, like the Ndung'u Report (Republic of Kenya, 2004) cannot be expected to be implemented by the same elites implicated by the report for acquiring land corruptly and illegally. That is why the burning issue of the Mau Forest, with its far-reaching consequences for the environment of the country and region – has been politicised instead of being solved. Hitherto, there is no clear time framework for the realisation of the new national constitution desired by the majority of Kenyan people. However, when it eventually does come about as will inevitably happen and if it will be based on the draft constitution that was popularly adopted by the National Constitutional Conference held at the Bomas of Kenya in Nairobi in 2005 (Constitution Review of Kenya Commission, 2005), the new national constitution will contain a chapter on land that could be the basis of ushering progressive land reforms. In fact, the Draft Constitution that is expected to be adopted in early 2010 (Committee of Experts on Constitutional Review, 2009: 12-13) has confirmed this. But it will have to take concerted struggles from the majority of Kenyans to force the group of landlords in power to implement the progressive reforms. The best option would be to vote them out of power and replace them with patriots committed to progressive reforms, including those of land and land resources.

Tourism Should Contribute Towards Development of Local Communities

Tourism is the largest foreign exchange earner of Kenya while Coast Province is the major tourist attraction of the country. This is due to the beautiful beaches, scenery, historical sites and the rich wildlife resources in the province. However, tourism can only develop when there is peace where it takes place. The 1997 Kayabombo violence and the recent post-election violence impacted very negatively on tourism at the Coast and thus to the economy of the country. People can value peace and tourism if they see benefits from it. If tourism contributes more to the alienation from their land and natural resources than to their development as is indeed happening at present, then it cannot be sustainable as there will always be threats of crime and violence in its surroundings.

In a place where there are many beautiful hotels along the coastline and in the numerous national parks and game parks that attract hundreds of thousands of visitors every year who bring billions of shillings to the country, the local people are alienated from the tourist industry that hardly contributes to their development. Signs of poverty and underdevelopment are observed in the neighbourhoods of exclusive and luxurious tourist hotels, villas, apartments and beaches in the continent.

Furthermore, the tourist industry is not integrated with the local economies and therefore it hardly triggers trade and agricultural activities that could develop the local communities. The practice of neo-colonial type tourism – so called "all inclusive" – contributes more to the development of the tourists' home countries than to Kenya. Tourists prepay for their holidays in Kenya in their homelands

for almost everything from air tickets, boarding and lodging, drinks and safaris. While they arrive at Kenyan airports they are received by tour operators already prepaid at their places of origin. The tour operators drive them to the beach hotels where they meet services that they have also already paid for in advance at their places of origin and therefore have no need to visit local pubs and restaurants. Most of them are made to spend their time at the beaches or are driven by the tour operators to already prepaid safaris at the various national and game parks to see the wildlife. Thus the tourists who come to Kenya through all inclusive arrangements hardly find time or reason to interact with the local communities and their social and economic lives. Many times they are warned against walking far away from their hotels for their safety. This type of tourism hardly contributes to the development of the Coast.

Again, most workers in the tourist hotels are temporary labourers who are employed seasonally, with small salaries and only few among them enjoy social benefits such as housing allowances, leave allowances, healthy insurance, pensions and overtime payment. What is worse, in many tourist hotels the workers are not allowed to join trade unions and where they work in hotels inside the national, game parks or animal sanctuaries such as those around Tsavo National Park, are not allowed visits by their families, relatives or friends.

Besides, tourism is also blamed for negatively interfering with the cultures of the communities living within its vicinity by among other things escalating antisocial behaviours such as prostitution.

There is therefore the need to conduct research on the impact of the tourist industry on the various communities living around the Coast and the national parks, game reserves and animal sanctuaries with the ultimate aim of finding out why it hardly produces development to the surrounding areas and what could be done to make it change the lives of the residents of the areas concerned for the better. In the meantime, as the people of Coast Province demand, during the annual national budgets, the government should deliberately always set aside a certain percentage accrued from tourism for the development of the districts where tourism mostly takes place. As it is now, the government usually sets aside money to facilitate the development of tourism and not for the development of the people of the districts concerned.

Natural Resources Should Benefit Local Communities

To have sustainable peace – a necessary condition for development – there should be deliberate policies and measures that ensure communities participate in conserving and accruing benefits from the natural resources in their places. Fortunately, this fact is entrenched in the Harmonized Draft Constitution, published for public debate in November 2009 (Committee of Experts on Constitutional Review 2009, Chapter Eight). To expect people to remain peaceful when they are alienated from their natural resources by outsiders is to ignore the reality which the country will have to contend with sooner or later for this is akin to colonialism.

Yet, the local communities that live around the wildlife in Tsavo East, Tsavo West and Shimba Hills National Parks, for example, that attracts hundreds of thousands of tourists from all over the world and who in turn bring hundreds of millions of shillings to the country, do not benefit directly from the income accrued from tourism. Most of Taita and Taveta Districts for example is under Tsavo east and west national parks with little land left for farming. At the same time, local people are perpetually in conflict with the wildlife from the parks, particularly elephants that eat and destroy their crops and many times injure and kill them. When they are attacked injured and killed by the elephants or other wild animals, they hardly receive any compensation. They also do not receive compensation for the destruction of their crops or property by the elephants or wildlife. Conflict between wildlife and human beings contributes a lot to food shortages and poverty in the plains (Nyika) of Taita. But the government represented by the KWS is more concerned with the conservation of wild animals than with the welfare of the people of the area. It has ignored the demand of the residents of Taita

and Taveta Districts to set aside a certain percentage of what is accrued from Tsavo East and West National Parks for the development of the area. Instead, the police of KWS are always in conflict with the people of the area as they move around the area protecting wild animals and harassing the people in the process of fighting poachers.

The Wildlife (Conservation and Management) Act of 1976, amended in 1989, which states that wildlife in Kenya is “a national heritage held in trust for the benefit of the public” (Wamukoya and Situma, 2000), should be further amended to include the needs and interests of the local communities living with the wildlife around the national parks. In fact, the whole wildlife law should be replaced by a pro-people law that ensures that the communities living around national parks and game reserves are involved in the management and conservation of the wildlife while they also receive direct benefits for their development and welfare. This should also be entrenched in the new national constitution, whenever it comes, to include all natural resources including land, forests, minerals and also the wildlife in the Ocean, lakes and rivers.

The government must make specific plans to ensure that the creation and expansion of the port of Lamu does not further push the indigenous people of the area to the fringes. It must make and implement concrete arrangements that will ensure the development benefits the hitherto marginalised people of Lamu.

Media Should be Regulated by Society

Just as it contributed a great deal in helping to end the national crisis created by the 2007-2008 post election violence, at the same time the Kenyan media too contributed in inciting and escalating the crisis (for this, see also the Waki Commission's report: CIPEV, 2008: 295-303), including in Coast Province. Some radio stations preached negative ethnicity and thus sabotaging efforts of building peace and national unity. While freedom of press is desirable and should be protected, this should not be allowed to be absolute, especially where the media is dominated by private ownership with specific business, economic, political and ideological interests. The media has been unable to regulate itself hitherto and therefore it is upon the society to regulate it for the sake of the society. However, this should be done without curtailing civil liberties for a free press is necessary for protecting and nurturing democracy and human rights. Like all other institutions in society, the media should be regulated to prevent it from having absolutely power over society and also from resorting to corrupt, anarchical and irresponsible practices that abuse and destroy the very freedom it and society desires.

The Need to Address the Root Causes of Negative Ethnicity

Negative ethnicity – so called tribalism – has always been used by the elites of Kenya since the time of colonialism to perpetuate themselves in power. Just before, during and after national elections, the political and economic elites – also referred to in this study as the *Jadong Aichs*, the “eating chiefs” – of various ethnic groups deliberately provoke negative ethnic feelings and even organise and sponsor violence against other ethnic groups in order to propel themselves to elective positions. They do this by pretending to be champions of the political, economic, cultural, land and land resources interests of their ethnic groups, districts or provinces that are purportedly violated by the members of other ethnic groups. And since it is the ideas of those in power that dominate in a given society at a given time and place, ordinary citizens also imbue and even embrace the ideology of negative ethnicity that embodies hatred, jealous and discrimination against other ethnic groups. The unresolved issues of land and land resources, that embody historical injustices, have always been used to perpetuate the reactionary ideology that works against the unity of those who desire progressive change.

The *Jadong Aichs* of all ethnic groups are part and parcel of the problem, including that of land. They are always conscious of their interests and are not prepared to help bring about just and progressive natural resources, political, economic and social reforms in the country, aimed at empowering the

poor, eradicating poverty and inequality (Barasa, 2008: 16). To do so would compromise their own interests, something they are not prepared to do. Instead, they keep on preaching falsehoods about seeking political power in order to bring about development, remove poverty and create a just and equitable society. Yet year after year these promises prove to be as elusive as the Prince of Denmark in Shakespeare's *Hamlet*, letting the country to continue simmering and erupting into cycles of conflicts that many a times develop into violence.

One may have expected that in today's Kenya, negative ethnicity would be less than it was forty six years ago at the time of independence from British colonialism, and that there would be more national consciousness and unity in the country. On the contrary, however, negative ethnicity has increased to become one of the greatest impediments of the development of democracy, human rights, peace, security and national unity. At the same time, the recent history of inter-ethnic clashes and violence has shown that the belief that the youths are above negative ethnicity is a big myth. On the contrary, the youth are always at the forefront in the inter-ethnic clashes that have caused deaths, displacement and destruction of property. In fact, the idea that negative ethnicity can disappear by itself, without conscious effort from all Kenyan citizens and their institutions that desire peace, security, national unity and sustainable development, is also a myth. People have to be deliberately educated to gain national consciousness. Once they gain national consciousness then negative ethnicity will begin to disappear to be replaced by demands for progressive change that is beyond ethnicity.

During the struggle against British colonialism, Kenyans of various ethnic groups were united under the ideology of positive nationalism – national liberation –, as they were oppressed all together as a nation by colonialism. At the early years of independence from British colonialism, Kenyans were united by hopes and prospects of better economic well-being with apparent solutions for the problems that were created by colonialism, and that they had fought against. And indeed, in the 1960s and 1970s the country could be said to have been developing in the right direction, economically and in provisions of social services. During those days, songs of nationalism used to be sung and the national flag was loved and respected. The stadiums throughout the country were always full during national days such as Madaraka Day, Kenyatta Day and Jamhuri Day. Then there were feelings of positive nationalism among the Kenyan people composed of various ethnic groups and cultures. But when it became clear that the successive regimes led by successive presidents who established themselves as only interested in amassing land, money and wealth for themselves, families, relatives and friends at the expense of the welfare of all Kenyans, the national consciousness expressed in the belief of a common nationhood began to crumble and disappear.

In order to perpetuate themselves in power to continue amassing more and more land and wealth, the presidents increasingly surrounded themselves with sycophants composed of members of their families, friends and elites of their ethnic groups who were as greedy as themselves and who grew into a notorious group that bred and nurtured the seeds of negative ethnicity. The reactionary trend has continued hitherto. The vacuum created by the disappearance of national consciousness was gradually filled by negative ethnicity

The culture of competition for the control of resources for individuals at the expense of society as a whole has contributed to nurturing negative ethnicity that has permeated all classes, genders, ages, religions and geographical locations. Again, as the country implements neo-liberal economic reforms and as poverty increases as a consequence among the majority of Kenyans, with the deterioration of social services and security (Plahe, 1999), people tend to resort to their ethnic groups in search of social security. Thus ethnic welfare associations in cities and towns, fundraisings for medical bills, funerals, school fees, etc., have become coping strategies, which at the same time promote negative ethnic ideology at the expense of that of nationalism.

The beginning of the war against negative ethnicity should, therefore, begin by not only moralising about it as Koigi wa Wamwere (2008) has succeeded to do, but by especially dealing with its root

causes, i.e., the political economy of the country that needs to be transformed in order to liberate Kenya from poverty and underdevelopment.

Negative ethnicity in Kenya is a manifestation of poverty, backwardness, underdevelopment, ignorance and backward ideas that arises out of definite internal and external factors. This has led to the continued mismanagement of the rich and plenty human and natural resources in the country leading to inequalities and mindless competition for purportedly scarce resources. In fact, the scarcity of resources is a creation by the system that allows only few individuals to own and control the natural and human resources of the country at the expense of the majority found in all ethnic groups of Kenya.

To begin to eradicate negative ethnicity, therefore, the socio-political and economic system must be transformed. As Elbadawi and Sambanis (2000: 245) explain:

We argue that the best and fastest strategy to reduce the incidence of civil war in Africa and prevent future civil wars is to institute democratic reforms that effectively manage the challenges facing Africa's diverse societies. ... The processes can be peaceful if ethnic groups feel adequately represented by the national political institutions and if the economy provides opportunity for productive activity.

All this will begin to be realised in a sustainable way when the political elite controlling political power today are replaced by democratic, progressive and patriotic leadership that is above ethnicity (Nyong'o, 2006). The required leadership would, of necessity be guided by, as a minimum, political ideas that embrace principles of equality, social welfare and justice for all irrespective of ethnicity, gender, age or geographical location.

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Appendix: Election and Referendum Results in Coast Province, 1997-2007

Table 1: Coast Province 1997 Parliamentary Election Results

ECK No.	District / Constituency	Registered voters	Valid Votes	Turn-out %	Successful Candidate Name (Party)	Votes	%
Mombasa							
9	Changamwe	76,567	35,080	45.8	Ramadhan Seif Kajembe, (KANU)	9,703	27.7
10	Kisauni	74,246	32,488	43.8	Emanuel Karisa Maitha (DP)	10,074	31.0
11	Likoni	40,414	15,832	39.2	Suleiman Rashid Shakombo (Shirikisho)	5,297	33.5
12	Mvita	64,938	28,094	43.3	Sheriff Nassir (KANU)	14,426	51.3
Kwale							
13	Msambweni	59,922	38,245	63.8	Marere Mwarapayo Wa-Mwach (KANU)	17,168	44.9
14	Matuga	37,365	23,130	61.9	Sulleman Mwanronge Kamolle (KANU)	13,681	59.1
15	Kinango	33,478	20,304	60.6	Simeon Mwero Mkala (KANU)	16,389	80.7
Kilifi							
16	Bahari	63,580	32,777	51.6	Jembe Mwakalu (KANU)	23,196	70.8
17	Kaloleni	54,736	28,806	52.6	Mathias Benedict Keah (KANU)	17,165	59.6
18	Ganze	27,243	12,294	45.1	Noah Katana Ngala (KANU)	9,130	74.3
Malindi							
19	Malindi	52,150	24,678	47.3	Abubakar Mohammed A Badaw (KANU)	10,550	42.8
20	Magarini	27,780	14,268	51.4	David Noti Kombe (KANU)	9,982	70.0
Tana River							
21	Garsen	22,049	12,955	58.8	Molu Galogalo Shambaro (KANU)	7,471	57.7
22	Galole	16,334	10,439	63.9	Tola Kofa Mugava (KANU)	7,993	76.6
23	Bura	15,192	8,754	57.6	Mohamed Abdi Galgalo (KANU)	2,917	33.3
Lamu							
24	Lamu East	9,039	6,658	73.7	Mohamed Hashim Salim (KANU)	5,039	75.7
25	Lamu West	22,635	13,742	60.7	Fahim Yasin Twaha (KANU)	8,851	64.4
Taita-Taveta							
26	Taveta	16,542	11,418	69.0	Basil Criticos (KANU)	7,803	68.3
27	Wundanyi	20,685	11,887	57.5	Darius Msaga Mbela (KANU)	6,951	58.5
28	Mwatate	22,572	14,183	62.8	Marsden Herman Madoka (KANU)	9,410	66.3
29	Voi	24,532	13,727	56.0	Basil Nguku Mwakiringo (KANU)	6,377	46.5
	TOTAL	781,999	409,759	52.4			

Source: ECK.

Table 2: Coast Province 1997 Presidential Election Results

ECK No.	District / Constituency	Registered voters	Valid Votes	Turn-out	Daniel arap Moi (KANU)		Candidate Ranking Second		
					Votes	%	Name (Party)	Votes	%
	Mombasa								
9	Changamwe	76,567	34,536	45.1	10,588	30.7	Charity Ngilu (SDP)	8,662	25.1
10	Kisauni	74,246	31,769	42.8	12,865	40.5	Mwai Kibaki (DP)	8,696	27.4
11	Likoni	40,414	14,309	35.4	6,371	44.5	Mwai Kibaki (DP)	1,979	13.8
12	Mvita	64,938	27,968	43.1	14,570	52.1	Mwai Kibaki (DP)	5,011	17.9
	Kwale								
13	Msambweni	59,922	38,493	64.2	21,765	56.5	K. G. Mkangi (KNC)	6,286	16.3
14	Matuga	37,365	24,302	65.0	16,421	67.6	K. G. Mkangi (KNC)	5,158	21.2
15	Kinango	33,478	19,898	59.4	16,841	84.6	Mwai Kibaki (DP)	992	5.0
	Kilifi								
16	Bahari	63,580	32,725	51.5	23,528	71.9	Mwai Kibaki (DP)	2,422	7.4
17	Kaloleni	54,736	29,104	53.2	19,456	66.8	Charity Ngilu (SDP)	4,956	17.0
18	Ganze	27,243	12,167	44.7	10,009	82.3	Mwai Kibaki (DP)	988	8.1
	Malindi								
19	Malindi	52,150	25,225	48.4	17,661	70.0	Mwai Kibaki (DP)	3,631	14.4
20	Magarini	27,780	14,066	50.6	11,492	81.7	Mwai Kibaki (DP)	1,120	8.0
	Tana River								
21	Garsen	22,049	12,926	58.6	12,602	97.5	Mwai Kibaki (DP)	134	1.0
22	Galole	16,334	10,567	64.7	9,555	90.4	Mwai Kibaki (DP)	405	3.8
23	Bura	15,192	8,703	57.3	5,824	66.9	Raila Odinga (NDPK)	1,676	19.3
	Lamu								
24	Lamu East	9,039	6,602	73.0	5,156	78.1	Raila Odinga (NDPK)	1,056	16.0
25	Lamu West	22,635	13,613	60.1	7,403	54.4	Mwai Kibaki (DP)	5,271	38.7
	Taita-Taveta								
26	Taveta	16,542	11,379	68.8	6,460	56.8	Charity Ngilu (SDP)	2,948	25.9
27	Wundanyi	20,685	11,574	56.0	8,544	73.8	Mwai Kibaki (DP)	2,029	17.5
28	Mwatate	22,572	13,768	61.0	10,667	77.5	Mwai Kibaki (DP)	1,802	13.1
29	Voi	24,532	13,755	56.1	9,287	67.5	Mwai Kibaki (DP)	2,343	17.0
	TOTAL	781,999	407,449	52.1	257,065	63.1			
	Kenya Total	9,030,167	6,159,432	68.2	2,500,856	40.6	Mwai Kibaki (DP)	1,911,742	31.0

Source: ECK; for Kenya totals http://en.wikipedia.org/wiki/Kenyan_general_election,_1997, accessed 10 Dec 2009.

Table 3: Coast Province 2002 Parliamentary Election Results

ECK No.	District / Constituency	Registered voters	Valid Votes	Turn-out (%)	Successful Candidate		
					Name (Party)	Votes	%
Mombasa							
9	Changamwe	82,878	29,598	35.7	Kajembe Seif Rhamadan (NARC)	15,358	51.9
10	Kisauni	86,155	27,979	32.5	Maitha Emanuel Karisa (NARC)	20,903	74.7
11	Likoni	45,149	15,453	34.2	Shakombo Suleiman Rashid (NARC)	6,496	42.0
12	Mvita	66,885	19,588	29.3	Balala Najib Mohamed (NARC)	16,463	84.0
Kwale							
13	Msambweni	64,460	27,554	42.7	Ngozi Abdallah Jumaa (NARC)	9,787	35.5
14	Matuga	39,768	17,966	45.2	Mwakwere Chirau Ali(NARC)	5,798	32.3
15	Kinango	41,269	21,533	52.2	Rai Samuel Gonzi (FORD-P)	9,828	45.6
Kilifi							
16	Bahari	71,947	27,386	38.1	Khamisi Joseph Matano (NARC)	13,542	49.4
17	Kaloleni	58,464	24,810	42.4	Dzoro Morris Mwachondo (NARC)	17,922	72.2
18	Ganze	31,111	14,245	45.8	Kingi Joseph Kahindi (NARC)	8,490	59.6
Malindi							
19	Malindi	58,648	23,376	39.9	Maitha Lucas Baya Mweni (NARC)	14,624	62.6
20	Magarini	31,810	13,710	43.1	Kombe Harrison Garama (Shirikisho)	5,384	39.3
Tana River							
21	Garsen	26,081	14,992	57.5	Mungatana Danson Buya (NARC)	5,688	37.9
22	Galole	18,014	9,437	52.4	Mugava Tola Kofa (KANU)	5,056	53.6
23	Bura	17,968	8,980	50.0	Wario Ali (KANU)	4,448	49.5
Lamu							
24	Lamu East	11,066	6,839	61.8	Mohamed Abu Chiaba (KANU)	4,549	66.5
25	Lamu West	26,689	14,958	56.0	Twaha Fahim Yasin (KANU)	7,980	53.3
Taita-Taveta							
26	Taveta	19,786	12,461	63.0	Shaban Naomi Namsi (KANU)	6,760	54.2
27	Wundanyi	24,686	11,480	46.5	Mwandawiro JD Mghanga (FORD-P)	4,326	37.7
28	Mwatate	26,883	12,883	47.9	Madoka Marsden Herman (KANU)	7,261	56.4
29	Voi	30,024	13,102	43.6	Mganga Boniface (KANU)	4,054	30.9
TOTAL		879,741	368,330	41.9			

Source: ECK.

Table 4: Coast Province 2002 Presidential Election Results

ECK No.	District / Constituency	Registered Voters	Valid Votes	Turnout	Mwai Kibaki (NARC)		Uhuru Kenyatta (KANU)	
						%	Votes	%
	Mombasa							
9	Changamwe	82,878	29,598	35.7	21,841	73.8	4,915	16.6
10	Kisauni	86,155	27,979	32.5	21,807	77.9	5,464	19.5
11	Likoni	45,149	15,453	34.2	11,081	71.7	3,028	19.6
12	Mvita	66,885	19,588	29.3	15,522	79.2	6,250	31.9
	Kwale							
13	Msambweni	64,460	27,554	42.7	17,122	62.1	9,350	33.9
14	Matuga	39,768	17,966	45.2	10,950	60.9	4,689	26.1
15	Kinango	41,269	21,553	52.2	8,955	41.5	9,062	42.0
	Kilifi							
16	Bahari	71,947	27,386	38.1	21,345	77.9	5,069	18.5
17	Kaloleni	58,464	24,810	42.4	19,183	77.3	5,130	20.7
18	Ganze	31,111	14,245	45.8	8,358	58.7	5,824	40.9
	Malindi							
19	Malindi	58,648	23,376	39.9	15,682	67.1	7,185	30.7
20	Magarini	31,810	13,710	43.1	8,540	62.3	4,336	31.6
	Tana River							
21	Garsen	26,081	14,992	57.5	6,367	42.5	7,772	51.8
22	Galole	18,014	9,437	52.4	3,046	32.3	6,148	65.1
23	Bura	17,968	8,980	50.0	2,214	24.7	6,377	71.0
	Lamu							
24	Lamu East	11,066	6,839	61.8	-		-	
25	Lamu West	26,689	14,958	56.0	-		-	
	Taita-Taveta							
26	Taveta	19,786	12,461	63.0	6,469	51.9	5,806	46.6
27	Wundanyi	24,686	11,480	46.5	5,385	46.9	2,459	21.4
28	Mwatate	26,883	12,883	47.9	6,854	53.2	5,769	44.8
29	Voi	30,024	13,102	43.6	7,823	59.7	5,147	39.3
	TOTAL	879,741	368,350	41.9	218,544	59.3	109,780	29.8
	Kenya Total	10,451,150	5,863,472	56.1	3,647,658	62.2	1,836,055	31.3

Source: (1) Registered voters: ECK; (2) results by constituency: <http://constituencies.marsgroupkenya.org/>, accessed 7th December 2009; no results available for Lamu East and West.

Table 5: Coast Province 2005 Referendum Results

ECK No.	District / Constituency	Valid Votes	Yes (Banana)		No (Orange)	
			Votes	%	Votes	%
	Mombasa					
9	Changamwe	26,204	6,799	25.9	19,405	74.1
10	Kisauni	27,813	5,944	21.4	21,869	78.6
11	Likoni	13,378	2,334	17.4	11,044	82.6
12	Mvita	17,352	3,267	18.8	14,085	81.2
	Kwale					
13	Msambweni	24,565	2,838	11.6	21,727	88.4
14	Matuga	17,689	1,867	10.6	15,822	89.4
15	Kinango	19,514	3,198	16.4	16,316	83.6
	Kilifi					
16	Bahari	21,658	2,136	9.9	19,522	90.1
17	Kaloleni	20,020	4,288	21.4	15,732	78.6
18	Ganze	15,000	1,994	13.3	13,006	86.7
	Malindi					
19	Malindi	19,351	1,739	9.0	17,612	91.0
20	Magarini	13,715	1,913	13.9	11,802	86.1
	Tana River					
21	Garsen	12,022	2,833	23.6	9,189	76.4
22	Galole	8,869	843	9.5	8,026	90.5
23	Bura	6,604	822	12.4	5,782	87.6
	Lamu					
24	Lamu East	5,169	1,206	23.3	3,963	76.7
25	Lamu West	13,057	6,269	48.0	6,788	52.0
	Taita-Taveta					
26	Taveta	10,487	5,175	49.3	5,312	50.7
27	Wundanyi	11,309	2,712	24.0	8,597	76.0
28	Mwatate	13,168	3,935	29.9	9,233	70.1
29	Voi	1,615	606	37.5	1,009	62.5
	TOTAL	318,559	62,718	19.7	255,841	80.3
	Kenya Total	6,158,072	2,578,831	41.9	3,579,241	58.1

Source: (1) Results by constituency: Mars Group. <http://constituencies.marsgroupkenya.org/>, accessed 7th December 2009; (2) Kenya total: Kenya Gazette Notice 9510, 23rd November 2005, http://www.kenyalaw.org/KenyaGazette/view_gazette.php?title=1095, accessed 10th December 2009.

Table 6: Coast Province 2007 Parliamentary Election Results

ECK No.	District / Constituency	Registered voters	Valid Votes	Turn-out	Successful Candidate		
				%	Name (Party)	Votes	%
	Mombasa						
9	Changamwe	107,545	44,812	41.7	Kajembe Rhamadan Seif (ODM)	15,051	33.6
10	Kisauni	128,593	60,263	46.9	Joho Hassan Ali (ODM)	35,720	59.3
11	Likoni	59,017	27,083	45.9	Mwahima Mwalimu Masudi (ODM)	17,859	65.9
12	Mvita	75,315	30,381	40.3	Balala Najib Mohamed (ODM)	18,815	61.9
	Kwale						
13	Msambweni	80,118	28,355	35.4	Zonga Omar Bwana (ODM)	7,670	27.0
14	Matuga	50,893	28,323	55.7	Mwakwere Chirau Ali (PNU)	8,638	30.5
15	Kinango	56,941	33,415	58.7	Rai Samuel Gonzi (FORD-P)	9,514	28.5
	Kilifi						
16	Bahari	98,066	45,565	46.5	Gunda Benedict Fondo (ODM)	16,290	35.8
17	Kaloleni	85,131	28,266	33.2	Kambi Samwel Kazungu (PNU)	7,441	26.3
18	Ganze	44,360	24,231	54.6	Baya Francis S.K. (KADU-Asili)	13,775	56.8
	Malindi						
19	Malindi	82,567	33,138	40.1	Mung'aro Maitha Gideon (ODM)	16,030	48.4
20	Magarini	45,234	23,154	51.2	Jeffa Amason Kingi (ODM)	6,600	28.5
	Tana River						
21	Garsen	35,125	22,521	64.1	Mungatana Danson Buya (PNU)	7,519	33.4
22	Galole	22,231	13,861	62.3	Godhana Dhadho Gaddae(ODM)	3,969	28.6
23	Bura	27,166	17,436	64.2	Nuh Nassir Abdi (ODM-K)	6,259	35.9
	Lamu						
24	Lamu East	12,866	9,156	71.2	Abuchiaba Abu Mohamed (PNU)	4,303	47.0
25	Lamu West	34,678	22,828	65.8	Twaha Fahim Yasin(NARC-K)	6,461	28.3
	Taita-Taveta						
26	Taveta	24,858	13,370	53.8	Shaban Naomi Namsi (PNU)	6,754	50.5
27	Wundanyi	31,797	17,717	55.7	Mwadeghu Thomas Ludindi (ODM)	4,468	25.2
28	Mwatate	36,628	18,676	51.0	Mwatela Calist Andrew (ODM)	7,179	38.4
29	Voi	39,408	20,317	51.6	Mwakulegwa Danson Mwazo (ODM)	6,259	30.8
	TOTAL	1,178,537	562,868	47.8			

Source: ECK (printout dated 15-08-2008).

Table 7: Coast Province 2007 Presidential Election Results

ECK No.	District / Constituency	Registered Voters	Valid Votes	Turn-out	Raila Odinga (ODM)		Mwai Kibaki (PNU)	
				%	Votes	%	Votes	%
Mombasa								
9	Changamwe	107,545	32,614	30.3	17,706	54.3	9,366	28.7
10	Kisauni	128,593	66,631	51.8	42,705	64.1	17,946	26.9
11	Likoni	59,017	26,909	45.6	18,934	70.4	6,243	23.2
12	Mvita	75,315	32,754	43.5	22,425	68.5	8,247	25.2
Kwale								
13	Msambweni	80,118	43,363	54.1	26,440	61.0	13,746	31.7
14	Matuga	50,893	27,611	54.3	17,322	62.7	8,348	30.2
15	Kinango	56,941	33,342	58.6	16,553	49.6	15,349	46.0
Kilifi								
16	Bahari	98,066	47,136	48.1	35,728	75.8	8,988	19.1
17	Kaloleni	85,131	40,578	47.7	21,716	53.5	16,879	41.6
18	Ganze	44,360	24,555	55.4	19,023	77.5	4,808	19.6
Malindi								
19	Malindi	82,567	37,141	45.0	24,768	66.7	8,444	22.7
20	Magarini	45,234	23,294	51.5	13,826	59.4	8,493	36.5
Tana River								
21	Garsen	35,125	21,192	60.3	10,790	50.9	10,082	47.6
22	Galole	22,231	13,861	62.3	7,760	56.0	6,062	43.7
23	Bura	27,166	16,880	62.1	3,593	21.3	8,969	53.1
Lamu								
24	Lamu East	12,866	9,172	71.3	6,119	66.7	2,825	30.8
25	Lamu West	34,678	22,987	66.3	9,568	41.6	12,910	56.2
Taita-Taveta								
26	Taveta	24,858	16,684	67.1	5,610	33.6	7,777	46.6
27	Wundanyi	31,797	17,536	55.1	12,192	69.5	4,651	26.5
28	Mwatate	36,628	18,972	51.8	10,958	57.8	6,791	35.8
29	Voi	39,408	22,351	56.7	10,037	44.9	10,431	46.7
	TOTAL	1,178,537	595,563	50.5	353,773	59.4	197,355	33.1

Source: (1) Registered voters: ECK (printout dated 15-08-2008); (2) results by constituency: Weis (2008).

About the Author

Mwandawiro Mghanga, was born in November 1959 at Werugha-Kese, in Taita District of Coast Province of Kenya. He started school in Werugha Primary School in 1967 before joining Starehe Boys' Centre, Nairobi, in 1974, where he completed secondary and high schools in 1977 and 1979, respectively. He is married to Manga and they have three children Wandoye, Mighulo and Mghanga.

Mghanga has always been a political, democracy and human rights activist. Between 1980 and 1974 he studied Literature, Philosophy and Kiswahili and obtained a Bachelor of Arts degree at the University of Nairobi. While at the university, he was active in student politics and served as students' representative immediately after being admitted, after which he was elected Chairperson of the Students' Organisation Nairobi University (SONU) from 1983 to 1985. He also participated in several political and cultural activities within the university and outside. Soon after completing his undergraduate studies, in 1974, he joined the Department of Linguistics and African Languages in the same university for an MA course. However, at the end of March 1985 he was expelled from the university for being a member of the movement for multiparty democracy, political and social liberation.

Immediately after being expelled from the university he was arrested, tortured and imprisoned for one year at Kamiti Maximum Security Prison near Nairobi. He left the prison in December 1985. In March 1986, while working as a head teacher in a harambee school in Taita, he was rearrested, tortured and imprisoned for five years for political reasons. He left prison in September 1989, and when there were attempts to arrest him again he succeeded to flee to Tanzania where he stayed as a political refugee until the end of 1991 and then was forced to flee once more to Uppsala, Sweden, through the UNHCR. He was adopted by Amnesty International as prisoner of conscience. He obtained MA in Literature from Stockholm University and MSc. in Development Studies at Swedish University of Agricultural Sciences, Uppsala.

He now works as an independent consultant and researcher of issues of political economy, development, natural resources management, literature and culture, conflicts and peace building. In this regard he has written and presented several papers in Kenya and abroad. He is also a prolific writer of popular and researched essays, articles to the press, poetry, plays and short stories, in Kiswahili and English. He is a columnist with Taifa Jumapili newspaper. His poems, plays and short stories will be published soon.

He is also the immediate former Member of Parliament for Wundanyi, Kenya (2002 – 2007). While in Parliament he was member of the Parliamentary Committee for Defense and Foreign Relations. In that capacity he traveled extensively in the countries of the Horn of Africa and Great Lakes, Tanzania, Uganda, Kenya, Rwanda, Burundi, Democratic Republic of Congo, Ethiopia, Sudan, Djibouti, among others.

Mghanga is the current national chairperson of the Social Democratic Party (SDP).

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The Heinrich Böll Stiftung / Foundation (HBF) is the Green Political Foundation, affiliated to the "Greens / Alliance '90" political party represented in Germany's federal parliament. Headquartered in Berlin and with offices in more than 25 different countries, HBF conducts and supports civic educational activities and projects world-wide. HBF understands itself as a green think-tank and international policy network, working with governmental and non-governmental actors and focusing on gender equity, sustainable development, and democracy and human rights. HBF's Regional Office for East & Horn of Africa operates in Nairobi, Kenya, since 2001.

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About this Book:

Kenya's Coast Province remained comparatively calm during the 2007-08 post-election crisis. But this fact should not mislead anybody: The situation in Coast Province is characterized by severe conflicts, centering around questions of land ownership and the lack of opportunities available to the local population. Demands for greater regional autonomy are widespread.

Combining a "political travel report" that captures local voices with historical background analysis, this book provides essential information for everybody interested in Kenya's on-going political reform process.

The author, Mwandawiro Mghanga, hails from Taita in Coast Province. He is a political activist, a researcher and a writer. In 2002-07, he represented Wundanyi constituency in Kenya's parliament.

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