The Mombasa Republican Council

Conflict Assessment: Threats and Opportunities for Engagement

A Report based on Research Commissioned by Kenya Civil Society Strengthening Programme

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Executive Summary

Historically, a form of layered sovereignty applied to East Africa's coast that left the region's city-states and communities free to conduct their affairs as long as they remitted taxes and duties to Zanzibar. This ended in 1963 with the integration of the coastal protectorate into the Republic of Kenya. The coastal leaders supporting the *majimbo* platform of the Kenya African Democratic Union (KADU)—adopted in opposition to the *mwambao* movement's campaign for independence—saw their hopes for a large degree of self-rule dashed under Kenyatta's centralist government.

Banner (2008) states that, "efforts to secure coastal autonomy represent a regionally and historically specific type of sovereignty pursued by mwambao activists not simply to guard political and material privileges, but more broadly to express a language of political legitimacy that still resonates today."

While coastal communities have always nurtured the desire to exert sovereignty over their own affairs, land, and resources, the rise of the Mombasa Republican Council over the past year has imbued the issue with a renewed vibrancy and purpose.

The coastal communities' fears over losing control of land and key economic resources in 1963 were realized over the next five decades. This has led to a crisis of state legitimacy. Post-independence social exclusion and regional development rigged in favor of outsiders and local elites has led to a situation where members of the indigenous population now refer to themselves as "Coasterians" and to the non-coastal settlers as "Kenyans". A surprising sense of unity is replacing the acrimony persisting in the wake of the self-governing *mwambao* and federalist *majimbo* campaigns during the run-up to independence in 1963.

The Mombasa Republican Council is the unlikely agent of this emergent coast nationalism. Although formed at a time when other disaffected parties were contemplating militant forms of resistance, the MRC has ostensibly distanced itself from the region's acquiescent politicians by challenging the historical agreements leading to the coast's integration into modern Kenya. A 2008 ban on it remains in effect even after a Kenyan court dismissed charges accusing the MRC of being an armed gang.

The MRC is not armed but could easily become so in the future. In any case, their rallying cry, "Pwani si Kenya," the Coast is not Kenya, is the real threat explaining the state's persecution of its members. Many Republican leaders are awaiting trial, some in jail and others free on bond. They claim the MRC is neither political party nor an NGO, but a social movement. They continue to reiterate the MRC's commitment to peaceful action and legal methods. In the meantime, local support for their "Pwani si Kenya" agenda—driven by grievances over alienated land and economic marginalization—has grown exponentially.

The rise of the MRC movement dovetails with global and regional trends reconfiguring the concept of sovereignty. The political space occupied by the state is shrinking as supra-national organizations take over some of its functions from above and regional and ethnic forces reclaim degrees of sovereignty from below. In some cases the process has led to new states or *de facto* autonomous territories.

Statements by some MRC members indicate the de-linking strategy is more about method than objective, which in any case is based on restoring the layered sovereignty referred to above. Many of the learned individuals interviewed corroborate this view. The logic of the MRC is explored in several sections of the text and appendices (Annex 6). Kenya's new constitution offers a blueprint for a more limited form of devolution and mechanisms addressing historical injustices, but Coasterians are skeptical that the Kenyans are committed to implementing its provisions on the coast.

Eritrea, South Sudan, and Somaliland are regional examples of independence achieved through large-scale bloodshed. The focus of this assessment is not the case for secession but the MRC's declared methods for addressing the issues of social justice driving the MRC campaign. If sustained, the MRC strategy of non-violent action may prove to be a critical firewall during the run-up to Kenya's national elections in 2012.

This report was commissioned by the Kenya Civil Society Strengthening Programme (KCSSP), which is funded by United States Agency for International Development (USAID) and jointly implemented by Pact Inc and Pact Kenya (the NGO was rebranded as ACT earlier this month but I shall continue to use the original name here). The study is based on a literature review and several weeks of field research on the coast. The research covered a wide range of issues, scholarly literature and reports (including newspaper articles and blogs etc.), and other background materials.

In addition to several days of research in Mombasa and its environs, we were able to cover the coastal counties of Kwale, Kilifi, Malindi, Taita-Taveta, and Tana River. Formal methods employed focused on short surveys and semi-structured interviews; informal observations and meetings complemented these methods. The consultant's research on land, and decades of involvement in Lamu, obviated the need to devote limited time to research in this relatively remote area. An assistant completed several surveys in the Witu area and conversations with various individuals in Lamu (including the MRC branch representative) featured among numerous telephone discussions.

Responses to presentations of the findings in several workshops, one with USAID partner organizations and the validation workshop held on 26 July 2011, provided additional information and insight. The author also presented the findings in a forum organized by Kenya's Commission for Cohesion and Integration on 24 October, and a training workshop on conflict sponsored by MUHURI (Muslim Human Rights Institute) and DANIDA on October 27.

I also shared the preliminary version of the Conflict Assessment with several colleagues who assisted in the research, one of whom shared the report and accompanying power point Presentation with the Coast's Special Branch Officer and Provincial Commissioner. The high level of interest in the MRC issue explains why the report was "leaked" and subsequently circulated widely among politicians, activists, and members of the Coast's Swahili media. Some of the content surfaced in two issues of *Pambazooka*, a Swahili weekly newspaper published in Mombasa.

The research yielded several less than expected findings: 1) there appears to be no evidence or 'genetic' link to the Kaya Bombo violence of 1997 or other current forms of underground militancy; 2) there is strong support for the MRC and their agenda everywhere we went, and; 3) there appears to be an unprecedented degree of unity on the issues and grievances identified with the MRC initiative across Swahili, Arab, and Miji Kenda segments of the indigenous coast population.

This final version of the study qualifies and adds depth to these and other findings in the preliminary draft. It also presents new material on the MRC's internal organization, summarizes the surveys conducted in Taita-Taveta County, elaborates on the importance of the cultural context of the movement, includes reportage on recent developments, and in general provides a more nuanced picture of the situation including some potentially darker aspects of the MRC phenomenon.

Knowledge of the MRC tends to decrease in more remote areas and across age groups—the older generation being less informed although not necessarily less supportive of the broad objectives. Their support base is strongest in rural areas, indicating commonalities with examples of peasant and class based movements outside Africa. "I don't know who they are but I support their cause" was the most common response among urban and educated respondents. There were also many questions raised over the practical reality of and issues of coastal secession, especially among professionals and educated respondents.

The relatively poor understanding of the MRC phenomenon can be attributed to a combination of: 1) assumptions generated by the events precipitated by the Kaya Bombo raiders in 1997; 2) poorly researched press reports and editorials, which lead to; 3) the propensity to uncritically associate the MRC with armed gangs like the Mungiki elsewhere in Kenya.

There was nothing revealed by the research to indicate that the MRC leadership maintains an armed wing, although this may be qualified by unknowns in respect to individuals or actors that may seek shelter underneath the MRC's expanding umbrella. If anything, there was more to suggest settler communities may be arming themselves in anticipation of the kind of turbulence generated by national elections since the return to multi-party politics in 1992. Literature on parallels elsewhere indicates that this often provokes the other side to arm themselves in response.

Several well-placed sources posited that these factors could also explain the government's unyielding position on the MRC. Two senior politicians have broken ranks with the state's hard stance, and there are indications the government may be disposed towards 'softening' its approach. There also appear to be internal divisions within the state.

The MRC movement is clearly a black box outside areas of its core support. This study illuminates many of the issues driving the movement, provides insight into the MRC leadership, and makes recommendations for the various stakeholders active in the larger arena where the MRC operates. The sum of the findings featuring in the report presents a cogent argument for direct and indirect engagement with the MRC. The findings also support the hypothesis that the MRC may be a key player in efforts to avoid violence during the run-up and/or aftermath of the 2012 elections—provided their campaign can generate substantive, positive results during the interim.

The first section of the report analyzes the grievances and popular support legitimizing the MRC's advocacy. Land and exclusion from employment issues are the main issues here, and the government's efforts to privatize Kilindini harbor is perceived as symbolic of the state's usurpation of coastal resources for the benefit of others.

The second section examines the background of past violence and human rights abuses including the 2007 elections. Section three follows up on this by profiling the MRC as an organization and free-scale network. This includes methods, internal organization, and analyses of the import of the secession campaign identified with the slogans "Pwani si Kenya" and "Pwani Uhuru" (the Coast is not Kenya and Freedom for the Coast), and the MRC's position on violent methods.

Section four begins with an overview of the political narratives and folk models underpinning the current discourse before identifying opportunities (and threats) for engaging the MRC. The fifth and final part of the report lists measures for assisting the MRC (and other organizations), to help the increasingly cynical and angry coastal community pursue its objectives through peaceful means during the fragile and volatile transition to a new constitutional order.

Lifting the government ban and legal registration on the organization is the starting point for other interventions that can help reduce the tensions currently coalescing around the MRC's activism. Examples of these interventions include assistance for MRC communication strategies, training in strategic non-violent action, and arranging visits by the MRC leadership to other minority communities in marginalized regions of Kenya.
Other measures include quiet diplomacy by donor governments, engaging important government and civil society actors, expanded peace-building and other measures strengthening the internal capacity of coastal communities, including support for other CSOs involved in advocacy, and strengthening their income generating horizons.

I. The Issues Fueling MRC Activism

Ali Mazrui once described Kenya's Coast as the nation's "least tribal" Province due to the historical tradition of immigration and integration, but the least national in terms of "power, influence, and orientation (2001)." The contradictions arising out of this post-independence dichotomy gave rise to the Mombasa Republican Council in 2008.

The MRC traces the "Coast is not Kenya" problem to the 1895 and 1963 agreements transferring the ten-mile strip of land along the coast to the Government of Kenya. Some critics characterize the British agreements as a form of bribery designed to facilitate colonization of the interior; the creation of native reserves sowed the seeds of negativity ethnicity (Mghanga 2010, 21). The MRC contests these agreements as invalid because they were enacted without the consent of coastal stakeholders, and says the Kenya state has failed to honor provisions designed to protect the coastal population.

MRC grievances stem from the inferior socio-economic position the coastal population finds itself in. The land situation, which is the primary factor driving political discontent on the coast, has evolved over three distinct governance regimes. The issue of labor and employment subsequently exacerbated the problem of land tenure. Post-independent demographic growth and commercialism aggravated the situation, while the politics of social exclusion have further antagonized local communities. All of these issues resurface in the Mombasa Republican Council manifesto.

The issues are complex and although MRC legal activism is unambiguously based on the historical agreements and issues arising in their wake, there is more to the movement than issues of land, employment, and marginalization. To understand the depth of the problem it is necessary to summarize the historical progression leading to the current conundrum.

Colonial and Independence Transitions

Kenya's ten-mile coastal strip came under the dominion of the Sultanate of Zanzibar during the 1820s. Zanzibari rule focused on commercial interests and was otherwise, to a large degree, *laizzez faire*. British influence in the region increased after a typhoon destroyed the Zanzibar fleet in 1870. Although the Sultan acquiesced peacefully to British orders that first ended commerce in slaves and later banned the institution of human servitude, he put up strong resistance to European domination on the coast of Kenya.

The independent Sultanate of Witu, whose population comprised a mix of Swahili-Arab *waungwana* (freemen) and African *watoro* (freed slaves), vigorously opposed Zanzibari hegemony and the influence of their European allies. This provoked British military intervention. The operation leveled the Sultanate's capital at Witu and mopped up resistance on the Lamu mainland in 1895 (Ivslaker 1972). This was followed by an agreement between the British Sovereign and the Sultan of Zanzibar that made the coastal strip a

British Protectorate. The interior of Kenya became a British colony after the failure of the chartered British East Africa Company a decade later.

Under the leadership of Alamin Mazrui, Swahili and Miji Kenda opposed external rule, their resistance in the hinterland to the south continuing into the second decade of the new century.

Where customary tenure designated the first person to domesticate and cultivate land as the owner of it, the British administration promptly declared all coastal land not under cultivation as property of the Crown. The Land Title Ordinance of 1908 (LTO) formally confirmed this status. The Land Ordnance of 1915 (Cap 208) gave state control over Crown lands, and as a consequence the entire African population became "tenants" of the Crown under the colonial order (Okoth-Ogendo 1982). The problem of landlessness at the coast dates back to these Acts—and is not reducible to the increasingly skewed ratio of growing population to available land.

The rapid disempowerment of coastal society following colonization was mirrored in economically pernicious activities like *beni*, dance competitions where competing groups periodically diverted considerable resources and human energies into flamboyant displays of music and conspicuous consumption (Ranger 1977). The *beni* phenomenon began in coastal towns and spread through the hinterland and along former trade routes into the interior of Tanzania and as far away as Malawi, before dying a natural death when independence approached.

The dissipative cultural propensities British administrators came to group under the label "coast indolence" however, does not sufficiently explain why the coast gradually slipped into a state of economic malaise. Rather, as was also the case in pastoralist areas, the combination of conquest and benign neglect resulted in formerly dynamic communities, also among the colony's wealthiest, slipping into a extended period of malaise characterized by a relatively comfortable but economically stagnant maintenance of their traditional lifestyle.

The pre-independence Carter Commission reviewed the situation on the coast and reported: "There is a strong feeling on the coast that the needs of its people have received scant attention from the Government in Nairobi. The coast people complain that land development, communications, social welfare etc. have lagged very much behind their counterparts in the European Highlands and African reserves." The report also referred to "the genuine belief held by Coast peoples of all races that they have a distinctive outlook and way of life which has given them a greater measure of peace, harmony, and regard for each other, and sense of toleration, than has existed elsewhere in Kenya."[1]

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[1] *Kenya Land Commission Report 1962*. The same concern is reiterated in *Sessional Paper No. 9 of 1961: The Kenya Coastal Strip Report of the Commissioner*. Colony and Protectorate of Kenya.

This was not solely the view of the coastal population. Since the administration of Governor-General Hardinge during the early 20th century, British administrators had displayed a degree of empathy for the culture of the coastal strip inhabitants. The colonial administration introduced a radically different economy and social hierarchy, and Hardinge in particular expressed concern over the state of the coast's vanquished elite. This led to British efforts to bring the children of the former overlords into the new order. Responses to initiatives like the Arab School in Mombasa, however, were poor (Salim 1972).

In any event, such efforts to draft the coastal elite into the colonial experiment were essential token; attention to the issues of the coastal economy and society gradually slipped into the background following the establishment of the colonial state in Nairobi. The coast was after all, a protectorate administered on behalf of the Sultan, and this encouraged non-interference when it came to pro-active involvement in the governance of the Sultan's subjects.

The colony's highland communities, in contrast, had embraced the Anglo-centric forces of education and agrarian commercialization. World War II had weakened the empire and the Mau Mau insurgency signaled the inevitable end of colonial rule. The 1961 Robertson Commission anticipated problems of integrating the coastal protectorate into an independent Kenya, and made a number of recommendations intended to safeguard coastal communities.

The Commission recommended, "A code of human rights should be 'entrenched' in the Constitution safe-guarding the exercise of all those rights universally regarded as the heritage of all inhabitants of free and democratic societies." It also advocated the establishment of a Coast Land Board to guide the Government and Legislature on land policy in regard to:

> a) disposal and use of public lands; b) the best use of uncultivated privately owned lands; c) the settlement of disputes between landlords and tenants; d) preparation of a code regulating the relations of landowners and their laborers; and, e) the transfer of land owned by local coastal people to persons from outside the Strip and to foreigners.

The report stated that "one of the greatest fears of the Coastal minorities is that unless their titles are acknowledged and preserved, their lands will be invaded and taken from them by squatters and invaders from up-country." But it rejected the population's desire to preserve a large measure of coastal autonomy on the basis that this was not economically viable—the region did not generate sufficient revenues to pay its own way. Coastal leaders also anticipated the issues and problems that would come with independence.[2]

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[2] Analysis of the numerous submissions presented to the Robertson Commission may challenge this view of coastal economy. Because the same economic argument continues to feature in the marginalization of the coastal peoples, there is a case for pointing out the distinction between "economic viability" and the unharnessed capacity to contribute. The level of revenues collected formed a co-linear relationship with fact that the British did not invest in the indigenous economic sector nor did they cultivate the population's ability to generate more taxable output.

The 1963 Memorandum of Understanding between the Sultan of Zanzibar and Jomo Kenyatta that formally transferred sovereignty over the coast to independent Kenya retained the outlines of the 1895 agreement in the form of several of the provisions emphasized by the Carter Report and Robertson Commission, namely:

1) Insure complete freedom of religion, especially for Muslim subjects, and preservation of their religious buildings and institutions;

2) the Chief Kadhi will have jurisdiction over questions of Muslim law relating to personal status (marriage, divorce, inheritance);

3) administrative officers in Muslim areas should be, "so far as is reasonably practicable:"

4) Muslim children should be instructed in Arabic, "so far as is reasonably practicable;"

5) "The freehold titles to land in the coast region that are already registered will at all times be recognized, steps will be taken to ensure the continuation of the procedure for the registration of new freehold titles and rights of freeholders will at all times be preserved save in so far as it may be necessary to acquire freehold land for public purposes, in which event full and prompt compensation will be paid."

The other recommendations for safeguarding human rights and establishing a Coast Land Board to protect the stakes of the Province's local communities in what was formally 'Crown' land did not feature in the MoU. Regardless, all the provisions except for the constitutional status of Kadhi courts (their jurisdiction is limited to inheritance and family law) were never observed.

The formation of the Pwani Party and its attempt to advance the *Mwambao* (i.e. coastal strip) call for the ten-mile strip's independence and/or reunification with Zanzibar, was overtaken by fast-moving events and the strength of the KADU 'Majimbo' (i.e. federalism) platform countering the call for coastal autonomy. Prominent Miji Kenda politicians supported the *Mwambao* cause initially but defected to the pro-*majimbo* KADU at the last moment. The Bajuni, the largest single community in the Lamu region, backed the charismatic politician, Ahmed Mohammed Jeneby, leader of the Shungwaya Freedom Party, which rejected *Mwambao* from the beginning.

The coast joined independent Kenya with a sense of fear and trepidation about what the future would bring. The *Mwambao* leaders were ordered to go home and keep quiet or face the consequences. Like Northern Kenya, where a large majority had voted in a 1962 referendum to join Somalia instead of Kenya (the British disregarded the referendum under pressure from the Kenya African National Union or KANU government), the coast became part of the republic under a cloud of suspicion and distrust.

The fact that leaders in these groups opposed joining Kenya helps account for why most coastal and pastoralist MPs who followed them have sought to align

themselves with the government of the day at the expense of their constituents' interests. Racial and religious identity further encumbered the ability of most Swahili-Arab representatives to speak out against governmental abuses and the treatment meted out to them as second-class citizens.[3]

The *Mwambao* vs. *Majimbo* divide precluded any attempt to promote coastal political unity. The coastal political arena proved to be so fractious and focused on internal competition that President Kenyatta retreated from political engagement and turned to the Provincial Administration "to get things done" instead (Sandbrooke 1967). Its ascendancy over the political leadership became legally formalized—another case of how federal provisions in the Lancaster House Constitution were negated—and this reversal was to prove highly disadvantageous for the coastal population over time.

The Coastal Land Problem

Close reading of the 1962 Carter Commission indicates the British acted to micro-manage coastal land with the view of balancing subsistence cultivation and revenue generating commercial interests.[4] The Land Transfer Ordinance (LTO) unfortunately failed to clarify the prevailing ownership issues, while adding new layers of complexity to land governance by emphasizing demarcation of native reserves instead of adjudicating land within the reserves. Considering that it was promulgated at a time when the population was low and land resources abundant only confirms that the land problem was not caused by lack of land or population exceeding the region's environmental carrying capacity.

Rather, the 1908 Act and other land laws that followed reflect several other factors: 1) a fundamental misunderstanding of indigenous agrarian systems; 2) the embedded bias for large-scale, mono-cultural agriculture as the engine of commercial production; and, 3) the state's desire to use control of land in order to empower the European settler economy while ensuring the availability of the indigenous population as a local labor force. These drivers of coastal land management remained in place to the benefit of Kenya's new elite after independence.

The Mau Mau rebellion highlighted the volatile nature of the land problem in Central Province. It underscored the new government's need to reconcile the prerogatives of an economy largely based on estate agriculture with popular expectations: the peasantry equated *Uhuru* with populist land reform. The Kenyatta state used land as resource for planning development from above, and this manifested in the use of settlement schemes to address the issues of land and ownership it inherited in 1963.

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[3] Goldsmith, Paul (1999). *Participation and the Dynamics of Social Exclusion and Poverty.* Concept Document for the World Development Report 2000: International Bank for Reconstruction and Development, Africa Region Consultation, Dakar, Senegal.

[4] *Kenya Land Commission Report 1962*.

Leo (1982) details how the British-funded Million Acres Scheme evolved into a three-tiered approach to the land issue. Schemes were created that allocated land to two classes of yeoman farmers and peasants, the former usually receiving larger parcels (12-20 acres) of the best land while the peasants received 8 acre plots in less favorable areas. Many of the most profitable estates in the coffee and tea producing areas were transferred to the new political elite loyal to the Kenyatta regime.

The 'surplus' land in areas like the Coast and Rift Valley provinces provided valuable resources for elite patronage. In addition to this, the powerful Gikuyu-Embu-Meru Association (GEMA) served as a vehicle for land-buying companies that exploited the willing buyer—willing seller principle to acquire large land holdings outside the Mt. Kenya region and the reserves featuring in the Million Acre scheme.

The mix of state allocations and free market land policies manifested along similar lines on the coast. Coastal tourism was emerging as the counterpart to the highland estate sector; the acquisition of beachfront property required Presidential assent. Settlement schemes on the coast provided a vent for landless peasants from upcountry, and the upcountry settler base encouraged the migration of family members and kin. Wealthy businessmen from the highlands came in search of other properties to buy in their wake.

Although agricultural settlement schemes on the coast date back to 1911, when ex-slaves and destitute Africans were settled on 5,700 ha at Kilifi, but they only became problematic after independence. That the post-independence government systematically favored highland communities is a self-evident fact. The condition and welfare of indigenous inhabitants suffered in comparison.

Fifty-seven percent of the 12 ha plot allocations in the Kwale Settlement Scheme went to Kamba from Machakos to Kitui, and only thirty three per cent to Miji Kenda. The Lake Kenyatta Scheme was established in Mpeketoni in Lamu District to resettle landless households from Kiambu; Gikuyu expelled from Tanzania in 1978 were settled on the Diani scheme (Hoorweg 2000). Bajuni IDPs driven off their land by Shifta bandits, in contrast, developed new farms in places like Magogoni and Manda, only to be displaced again.

By 1972, friction had emerged between local and upcountry settlers and they have continued to increase over time. In 1973 the MP, Mwamzandi, raised the issue of title deeds being awarded to outsiders on the Shimba Hills scheme while indigenous farmers went without, in Parliament, blaming the lack of tenure security for the area's underdevelopment.[5] In 2010 the same situation continues to persist across the coast.

The intensification of problems resulting from real and perceived biases led the government to form a special commission to investigate land issues on the coast. The R*eport on the Select Committee on the Issue of Land*

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[5] *Kenya National Assembly Official Record* (Hansard) Oct. 25 – Dec. 7, 1973, page 529.

Ownership Along the Ten-Mile Coastal Strip of Kenya (1978) began by laying the blame on historical trends. The Commission, chaired by an influential Central Province minister of parliament, claimed that landlessness on the coast began before colonialism.

While this view dovetailed with the agreement at the Lancaster Conference which declared that, "all existing land rights irrespective of the manner in which they were acquired be confirmed and guaranteed," one might also regard this statement as self-serving considering the preferential access to land exercised after independence.

The Commission reported that there were between 75,000 and 100,000 'squatters' occupying some 6.5 per cent of state and private land on the coast according to the following distribution: 61.5 per cent in Kilifi District; 18.8 per cent in Kwale; 12.8 per cent in Mombasa; and 6.9 per cent in Taita (there were no figures for Lamu and Tana River districts).

The report noted the term squatter is misleading insofar as many of the individual occupants "squatted" with permission of the owners or paid a fee for using the land—a practice consistent with the Islamic tenure arrangements formerly observed across the coast that grant producers ownership of crops and trees, but not the soil.[6] The growing market for land driven by non-agricultural interests, however, undermines this form of tenure, and linked arrangements governing the transfer of rights to third parties. Passing of land ownership through inheritance or sale, for example, has led to a growth in forced evictions.

Table: Possession of Title Deeds by Region of Origin

Do you possess a title deed to your land?

Per cent	Yes	No
Born in Coast Province	38	62
Born outside Coast	82.25	18.75

Source: Coast Land Study 2011. Nairobi: Development Policy Management Forum

The costs and obstacles indigenous farmers face add to their general sense of insecurity and uncertainty even where land is legally owned. The tenure issue, problems of management, and the improper assumptions of expert planners on the schemes combine with the under-utilization of large holdings to constrain the indigenous agriculture sector on the coast. On the schemes, land speculation drives the acquisition of plots. This encourages the use of

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[6] The *Report on the Select Committee on the Issue of Land Ownership Along the Ten-Mile Coastal Strip of Kenya* otherwise concludes with a list of administrative procedures and recommendations (e.g. more settlement schemes) that paper over the real grievances and complaints of the coastal communities.

civil servants to displace local owners by requiring unrealistic on-farm development and other false prerequisites for formal legal ownership.[7]

Although the schemes have served as the government's main tool for reducing landlessness, they have neither resolved the problem nor improved production. The ambitious Magarini Scheme ended up as a symbol of Miji Kenda poverty (Hoorweg 2000). A recent study revealed 78 per cent of coastal inhabitants questioned see the schemes as doing very little or nothing to resolve the long-standing land conundrum. According to Kanyingi (2000), all the coastal settlement schemes only had settled a total of 8,000 "squatter" households. In Lamu they are correctly viewed as a governmental vehicle for importing upcountry settlers; in-migration has seen the District population increase by over 18 per cent over the past decade.[8]

Research on Kenya's smallholder sector indicates that off-farm income is the primary factor enabling on-farm investment and the larger process of rural economic differentiation (Haugerud 1984). On the coast, low levels of off-farm income due to lack of employment, reinforce uncertainty and inhibit the investment needed to raise agricultural production and household welfare.

These problems in turn segue into other issues of poor educational facilities and performance, and biased access to opportunities that exacerbate the plight of coastal communities. New grievances often arise when investment does generate local employment, as illustrated by the child labor abuses and human rights violations accompanying salt production in Malindi.[9] Controversy raged for several years following a mining company's plans to develop titanium production in Kwale; in both cases, the local communities' lack of land rights figured prominently.

Biases in civil service recruitment and formal sector employment underscore the critical role of the ethnic network factor. Higher qualifications combine with preferential hiring by Kenyan employers to frustrate local job seekers in the private sector. The problem is worse in the public sector, where ethnicity and kinship dominate, and bribing recruitment officers has become a prerequisite in many instances. These factors qualify how inverted meritocracy in the civil service and the employment bottleneck feeds back into poor educational performance and enrollment.

In classic examples of agrarian transition and internal differentiation, individuals forced off the land by territorial circumscription, demographic growth, or the privatization of communal holdings, go on to prosper in the urban economy. On the coast of Kenya, however, victims of land shortages rarely enjoy alternative livelihood options. They drop out of the peasantry and

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[7] Indigenous allottees on Lamu settlement schemes are often told they must develop the land within six months or the plot will be re-allocated. This discourages locals from applying for plots in the first place; many plots have been confiscated even when they do work the land.
[8] Coastal Land Study (2011). Development Management Policy Forum-Ford Foundation.
[9] Mavisi, Violet (2006). Economic Interests Versus Social Justice: Public Inquiry into Salt Manufacturing in Magarini, Malindi District. Nairobi: Kenya National Commission on Human Rights.

find themselves caught in a deepening cycle of poverty and deprivation. Landlessness and social exclusion form a volatile matrix in a region where outsiders dominate economically.

Commonly treated as a factor of economic production whose value increases apace with the role of factors such as labor, technology, and markets, the volatility of the land issue on the coast highlights its critical social role. Land is the template of social formations in Kenya and this both enhances and transcends its economic value (Kanyingi 2000). On the coast, as elsewhere in Kenya and Africa, land is the common denominator anchoring communal support networks. Loss of land often results in individuals dropping out of these larger support networks.

But state policy since the colonial era prioritized the value of land as the primary factor of production while constricting the expansion of land under indigenous cultivation. This led to increasingly flagrant abuses in the post-independence period, including the privatization of leaseholds scheduled to revert back to public land. The MRC cite the privatization of the land allocated for army barracks in Marekani, the former Ramisi sugar estate, and the recent acquisition of the massive Rea Vipingo Sisal Estate by state elites as examples of their systematic displacement.[10] It also reinforces Mghanga's observation that the state's problem on the coast is "not lack of laws but the absence of political will to implement them".

The legitimacy of the Kenya state on the coast has declined steadily as a consequence. The context of the MRC's emergence echoes Machiavelli's observation, the ruler "who has the public as a whole for his enemy can never make himself secure; and the greater his cruelty, the weaker does his regime become."[11]

The persistence of the *status quo* in the presence of reforms, the ruthless treatment meted out to squatters present on state land transferred to private owners, and the unabated rush by state elites to acquire even more coastal land, explains why MRC supporters do not trust the constitutional reform process and do not think other Kenyans are serious about the issues *Wapwani* have raised over the past decades.[12]

Kenyans are aware of the issues but their awareness is selective and tempered by uncritical folk models that attribute coastal problems to indolence, a rejection of modernity exemplified by indifference towards education, and political passivity. Regardless of the multiple causes, the Kenyan developmental model has clearly failed on the coast. All the issues noted in this report are reflected in the government's county data sets. Four of the six coastal counties rank among the 15 poorest districts in Kenya. The

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[10] The Rea Vipingo listing on the Nairobi stock exchange as a publicly traded share-holding company qualifies but does not contradict this last example.
[11] Niccolo Machiavelli, "The Discourses on the First Ten Books of Livy," in *The Discourses of Niccolo Machiavelli* (London: Routledge and Kegan Paul, 1950), Vol. I, p. 254.
[12] See, for example: "How Orengo has failed the Coast Land test." *Coast Week*, July 15-21, 2011.

counties in descending order are: Turkana, Marsabit, Mandera, Wajir, **Tana River**, **Malindi**, **Kwale**, Samburu, Isiolo, Busia, West Pokot**, Kilifi,** Gucha, Marakwet, Moyale.

The poor condition of the indigenous population relative to upcountry inhabitants on the coast is the real issue. The indigenous coastal population see themselves becoming poorer while outsiders are prospering in their homeland—and this is a major driver of the MRC's surging popularity.

III. The Kaya Bomba Raiders and Human Rights Abuses

Coastal leaders complained about the ethnic composition of the Kenya police force before independence, and post-Uhuru discrimination within the civil service is one the major issues driving the MRC agenda. Since independence, coastal Muslims have faced problems procuring identity cards, passports and other documents, experienced police harassment and continue to see themselves as second-class citizens in general. The 1997 Kaya Bombo violence exemplifies how the Moi government used minority discontent over these issues to promote its own agenda.

The issue of discrimination within the security forces was exploited by KANU agents to establish a training base for a secret militia at Kaya Bombo in Kwale District. A powerful minister and local KANU operative on the coast set the operation in motion. Foot soldiers were recruited from former security personnel bitter over the biased treatment and their inferior status within the military, police, and General Service Unit (GSU).

Their ostensible role was to violently displace upcountry voters on the coast during the run-up to the 1997 national elections. This would ensure that the opposition would fail to meet the 25 per cent of votes quota in four provinces required of Presidential candidates. The raiders and their leaders were promised the coast would be granted *majimbo* status in return should KANU remain in power.

The Kaya Bomba raiders instigated the violence that erupted in Likoni and spread further up the coast in August 1997. The killing of civilians and burning of the police station in Likoni on August 13 was the single largest attack.[13] It was followed by sporadic violence in Mshoromoni, Kongowea, Kisauni, and Mtwapa, and then spread to attacks on upcountry residents and their property in Malindi and even as far away as Taita Taveta.

This included the targeting of 'indigenized' settlers living in harmony with their neighbors, a problem that led several respondents to question "how does one distinguish *wabara* from *wapwani* anyway—there are many cases where the imputed differences are irrelevant."

The government responded to the Kaya Bombo turbulence by sending the GSU to pacify the south coast. An investigation commissioned by the Kenya Rights Commission documented massive human rights violations and multiple cases of rape in particular (Mazrui 1998). The Kaya Bombo raiders and their leaders were captured and incarcerated in Shimo la Tewa prison; the 'big men' behind the gambit remained a question of public speculation.

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[13] Names published in *The Weekly Review* of that week (Kenya's main weekly news publication at the time) indicate the raider' rampage claimed more indigenous inhabitants of the coast than ostensible targets from upcountry.

Since that time the emphasis placed on combating Islamist terrorism has overshadowed the import of chronic human rights abuses on the coast. Support for policies linked to the "Long War on Terror" resulted in the controversial renditions of 2006, and hampers the ability of civil society to advocate on issues affecting the Muslim population (Howell et. al. 2007; Goldsmith 2008). Terrorism and securitization issues continue to distract from and even serve to justify the long record of the Kenya state's human rights violations on the coast and in other Muslim regions.

Although studies focusing on the potential for Muslim radicalism in Kenya (e.g. Oded 2002; Bradbury 2010) have minimized the dangers of Jihadi ideologies among Kenyan Muslims, the disproportionate attention devoted to political narratives and securitization policies linked to it have added to the grievances accumulating among the larger coastal community. The long-term imprint of Kaya Bombo on current developments, in contrast, derives from its role in local cultural narratives.

Magic and forces operating in the unseen world figure prominently in the Miji Kenda and Swahili cultural milieu. Stories circulating on the ground spoke of the power of a prominent Digo *mwalimu*, or sorcerer in this context, who acted as the raiders' spiritual protector, and the effect of the *fingo* charms buried in Digo homesteads on the GSU paramilitary who raped defenseless women and brutalized innocent civilians.

Kaya Bombo raiders imprisoned in the Shimo la Tewa prison suffered damage to their genitals when acid was substituted for de-lousing medicine. The press reports of this incident indirectly corroborated rumors that numbers of GSU suffered bizarre sexual afflictions after the south Coast campaign. Other support for the power of Miji Kenda magic came from isolated stories appearing in the dailies, like the case of a couple who called for help after becoming stuck together after a tryst in a Machakos lodging—and reports Coast General Hospital established a special unit, Ward Six, to treat GSU soldiers suffering from involuntary erections that refused to subside and other bizarre sexual maladies.

Although Kaya Bombo was a political disaster, it legitimized the power of coastal *dawa* (an Islamic term referring to the various forms of magic and spiritual agency) as a means of resisting state domination.

The 2007 National Elections

A coastal activist and politician, Mwendawiro Mghanga, provides a detailed analysis of the 2007 electoral violence on the coast and the problems fueling it. He observes that the syndrome of post-election violence in Kenya reversed years of progress towards national unity. Muslim leaders continually preached peace during the 2007 campaigns, but he observes that this should not be viewed as a guarantee for peace in the future (Mghanga 2010, 9). He underscores the problem of "negative ethnicity" in undermining the viability of Kenya as a multi-cultural nation, and identifies its manifestation in "all spheres

of life both in rural and urban areas" as a "major impediment to social justice and national development (ibid; 18)."

A range of factors covered in this report explain the large number of coastal votes cast for Raila Odinga and the Orange Democratic Movement (ODM): The announcement he lost despite indicators suggesting otherwise, triggered the violence. The Kwale DC was very corrupt, and all these factors explain why people of the south coast voted for ODM in large numbers (Mghanga 2010, 32). The violence accompanying the 2007 polls was spontaneous and not as severe as the attacks in 1997.

Clashes erupting in Ukunda and Diani lasted for over four days and mirrored one local informant's observation that "even children are biased against the Gikuyu." Most violence was directed against Gikuyu, but also Kamba to a lesser degree after Kalonzo Musyoka accepted the Vice President's position), who had organized to defend themselves where they lived in large numbers. The most effected areas were Mshoromoni, Changamwe, Magongo, Bombululu, Kisauni, Kongowea, and Bamburi, where coastal youth united to fight Gikuyu neighbors for three days.[14] Food supplies became short and prices shot up (one cabbage cost 800/-). Kilifi, Kaloleni, and Malindi—Mtwapa remained relatively calm as most of the youth from there had returned to their rural homes.

Upcountry businessmen on the south coast organized gangs to protect their property, which further provoked the anger of local Digo, their bitterness exacerbated by the fact that locals are routinely charged with trumped up crimes and imprisoned when they protest over land issues. Even so, the violence was not organized—clashes on the coast lasted for one week as compared to four months elsewhere in Kenya, and did not approach the bloodshed organized by state actors in 1997. Some sources claim the Luo in Likoni were responsible for most of twenty-five deaths in Mombasa documented by the Waki Commission.

The emergence of the MRC can be viewed as a larger effort to use civil society channels to formalize their grievances following the election. Indigenous activists under the lead of Community House (an NGO) have amassed facts and information about land rights and expired leases where high-ranking civil servants have resold the land. The continuing failure to address the issues, a rash of large estate acquisitions by state elites and powerful civil servants, and increasing disenchantment with the government since 2007, will make for a more incendiary mix during the run-up to the 2012 national elections.

Mghanga's data on land and electoral violence demonstrates the impact of tribalism on land ownership, provision of public education and social services,

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[14] There is evidence indicating the same pattern may be an important template for violence if conflict erupts during the upcoming polls. When I asked an MRC leader in Kisauni what their upcountry neighbors thought about the MRC he said, "the Kalenjin, Luhya, and Luo don't have any problems and many agree or sympathize with our situation; the problem is the Mt. Kenya people—they say we will be ready to defend ourselves when the time comes."

and the role of security services on the coast. He outlines how the cycle of hegemonic exploitation and the resulting backlash has acted to further marginalize the coastal population, and declares the problem is too entrenched to be wished away or to be resolved by trials in The Hague. The state has demonstrated a clear understanding of the land problem on the coast, but continues to promote the alienation of ancestral land and resources despite the blatant poverty and frustration of the Coast's indigenous inhabitants (ibid; 21).

The government has appointed several commissions of inquiry into the causes of episodic violence but has refused to release the reports much less implement their recommendations. The Ndungu Report, the Njonjo Commission on land, incremental political reforms, creation of human rights and anti-corruption bodies, and even observation of the spirit of the new constitution in public affairs have not produced results on the ground during the interim. MPs continue to be either insensitive to developments on the ground or consider it safer to serve the political *status quo* while plotting their re-election strategies.

According to Mghanga's analysis, it is not a policy problem; it reflects the lack of commitment and implementation of progressive land reforms by the ruling state elite (ibid; 56). According to the MRC, it is a crisis of citizenship. This crisis differs from the problem of citizenship deriving from the *de facto* dual nationality driving conflict in the Rift Valley.[15] The coast's crisis is the outcome of an exclusionary process the MRC argues began in 1895.

The selective role of state security after independence is a major factor inducing coastal communities to see themselves as an internally colonized region. The problem manifests itself as chronic harassment by the police in urban areas and victimization by *shifta* bandits and raiders in Tana River and Lamu Districts. Vulnerability appears to form an inverse correlation with the number of security units in Lamu.

Kiunga, for example, experienced eight major *shifta* attacks during the mid-1990s. Residents claimed that the government security forces practiced a policy of not getting involved. A local teacher reported that during one attack, the Somali bandits passed by separate camps housing army, police, General Service Unit, and Kenya Wildlife Service units *en route* to the town's commercial center. Instead of defending Kiunga's civilians, the security personnel actually fired flares into the sky. This signaling was intended to inform the bandits, who kept the town's unarmed civilians under siege until morning, of their location so they would not attack their compounds by mistake (Goldsmith 2005, 69).

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[15] Ndegwa, Stephen N. (1997). "Citizenship and Ethnicity: An Examination of Two Transition Moments in Kenyan Politics," *American Political Science Review* 91, no. 3. Ndegwa states that loyalty is problematic in conditions of conflict because Kenyans are encumbered with clashing responsibilities and rights that come with being both citizens of the state and of an ethnic community.

III. Profiling the Mombasa Republican Council

This section will develop a general profile of the Mombasa Republican Council by outlining its strategy and tactics, internal organization, and the MRC's position on violence and other issues. It updates the preliminary version of the conflict assessment with additional information on the youth factor and distinctive cultural features of the movement.

The MRC's strategy centers on the *Pwani Uhuru* message and the use of legal challenges to defend coastal interests. They place very strong emphasis on the contested legal agreements approach, while stating they understand its impact across the wider social and political spectrum. For many sympathetic observers, the *Pwani si Kenya* stance is nevertheless a non-starter; this section, observations in the report's conclusions, and the postscript on contrasting narratives and annex on non-violent action, all attempt to rationalize this critical aspect of the MRC strategy.

The negatives are clear. The coast is an intrinsic part of the nation's identity and figures prominently in campaigns promoting the Kenya "brand". It enjoys the reputation as the one region of Kenya where peace and tranquility is not conditional on balancing the political and economic tensions prevailing elsewhere. It is the vacation destination of choice for the elite and professional class, a playground for the jet set and Western tourists, and home to Kilindini harbor—which makes coastal stability a key national interest for Uganda, Rwanda, Burundi, the South Sudan, and the eastern Congo.

The coast is also the only area in Kenya where one can find international opulence and African poverty separated by a mere 500 meters.[16] The *Pwani Uhuru* concept shocks the complacent view that the long-standing problems articulated by coastal activists are predominantly due to the region's internal dynamics. This assumption is followed by objections about the viability of an independent Coast Republic that uncritically echo the financial arguments advanced in the Robertson and Carter reports. If many coastal professionals also question the province's ability to stand alone—that is not the point.

There are several factors that recommend *Pwani Uhuru* as a strategy from the local perspective. It is simple and easily understood by those who feel victimized by Kenyan governance. By presenting a holistic view of post-independence trajectory, it creates a kind of gestalt, i.e., it subordinates the hosts of grievances and problems that are typically debated on their own basis to a single point, relegating a range of conflicting positions on strategies and methods to a secondary place in the discourse.

That is to say, the message is clear and does not have to be explained. MRC leaders can reel off a variety of statistics and numbers justifying the campaign, which also taps into long-standing internal political narratives. The *Pwani Uhuru* campaign is pitched as a practical problem-solving gambit; the MRC manifesto is devoid of revolutionary rhetoric. But it has already radically

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[16] Interview with Raymond Matiba, Diani 8-7-11.

changed the frame of coastal politics. This strategy has served to shield the MRC and their discourse from fracturing along different lines and interests—which together with the threat of an electoral boycott keeps actors (and politicians in particular) with a stake in the system, and their patron-client networks, at a distance.

Main MRC methods are writing letters, contesting court cases, and networking to spread their message. According to the surveys there is also a petition people have signed and at least one pamphlet in circulation, but the latter two initiatives did not feature in discussions with the leadership. The leaders concur that state repression has been a major factor in their rapid rise to prominence.

The MRC applied for registration as a civil society organization and the application was approved only for the bursar to mysteriously refuse the payment at the last moment. Police raided a night meeting following allegations that the MRC was training a youth militia in the *Mulungu Nipa* forest. Twenty members were charged in court but the judge dismissed charges against ten of them before the trial and acquitted the other ten.[17] The MRC was then included in a list of thirty-three gangs that the government banned in 2008. The MRC is the only one of the listed gangs that has challenged the ban in court.

Criminalization was apparently a serious problem initially, but the MRC has been able to turn the tables and now the persecution of members has become a positive that is working to promote the MRC, keep it in the coast media limelight, and generate additional sympathy for their cause. In March of 2011 the MRC held a meeting at the Sapphire Hotel in Mombasa. The MRC intended to use the meeting to clarify its commitment to non-violent advocacy and to counter the false picture promoted by the state and in the press. Although the police broke up the meeting and arrested over forty MRC members, this event raised the MRC's status across the coast and catapulted the organization onto the national stage.

This appeared to galvanize the organization while accelerating its expansion. An MRC case challenging the privatization of Kilindini harbor generated additional publicity. State security agencies appear to have ramped up its efforts to clamp down over the past six months. Several national leaders and coast politicians have urged the government to shift gears and talk to the MRC during the interim, but a series of sensationalist features and negative editorials in Kenya's main dailies, *The Daily Nation* and *The Standard* have probably offset the public impact of their petitions.

The MRC Position on Constitutional Reform

MRC leaders treat the new constitution as a non-issue, and the rank-and-file expressed similar sentiments. An elderly woman in Kaloleni, for example, said

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[17] Attempts to get access to court documents through their lawyer failed; I then petitioned several individuals to procure copies of the case documents but they have yet to deliver.

"*katiba mpya yaonekana nzuri, lakinini si yetu—ni ya Kenya*" (the new constitution is good but it is for Kenya, and not for us). Another respondent added, "*twataka nchi yetu, siyo katiba yao*" (we want our country back, not their constitution). In discussions on the subject, the leaders repeatedly stated, "*tumechoka na ahadi*" (we are tired of promises), and justified their position by listing the series of unfulfilled pledges beginning with the political failure of *Majimbo* after independence to the series of ineffective programs (e.g. settlement schemes) and commissions addressing coastal land issues.

They cite the assumption that the same political class that has failed to improve conditions for their constituents will remain in control, to explain their skepticism over county governance and decentralization. Cynicism over the reform process, more than the content and substance of the new constitution, accounts for their rejectionist stance. This shifts our attention to implications of an election boycott, and unsubstantiated reports that the MRC has been collecting and destroying its supporters' voter registration cards.

The election boycott is part of a larger exit strategy that effectively places the movement beyond the reach of political interests. The boycott is part of a strategy preserving the class basis of the movement and helping it expand the social space it occupies.

Naturally, it raises serious questions among mainstream observers who argue it is tantamount to voluntary surrender, and it will effectively hand over what limited power coastal peoples do enjoy to opponents inside and outside their communities. On the other hand, it serves to shield the movement from those who would undermine and split it. In any event, the population is weary of leaders who appear during the elections and the disappear or become captured by the political powers running the country.

MRC leaders stated that the boycott is conditional on the movement's legal status: if the ban is lifted, the MRC will review the boycott and operate in the open. The clout they could exercise on the elections can potentially elevate them above the usual political stratagems of tribe and clan, rigging, and vote buying. The fast-moving developments referred to above appear to be bringing the MRC leadership to a new threshold. Events occurring beginning with a new wave of arrests catalyzed political responses forcing the provincial administration to rethink its policy on the MRC; and legalization will force a serious MRC rethink of the electoral boycott and other related positions.[18]

Fast moving developments since the circulation of the earlier draft of this report indicate the 2008 ban of the MRC may be lifted in the near future; a brief overview of what transpired will appear in the "Opportunities and Threats" section of this report.

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[18] This in turn prompted a revision of the original recommendations offered in the draft report: the original recommendations now appear as an annex.

MRC Leadership and Organization

The MRC leadership includes office holders (e.g. secretary-general, ward leaders, official spokesman, et. al.) and two governing bodies: an elder's council and a leadership council. There is also a youth wing and a women's wing. There are branch representatives in Mombasa, Msambweni, Vanga, Kinango, Ukunda, Kwale, Malindi, Kaloleni, Chonyi, Tana River, Tarasaa, Garsen, Gamba, Kipini, Taita-Taveta, Takaungu, and Mariakani.

There are three types of membership: life members contribute 1,000 /-; ordinary members pay 500 /-; and 200 /- for self-enrolled members. This research uncovered nothing to contradict an MRC leaders' report that they and their formal membership are poor, and that all of their funds come from dues and voluntary contributions. The MRC's dues-paying members are probably a fraction of the larger support base. The MRC claim that their members total 800,000 people appears to be exaggerated and obfuscates the difference between supporters and dues paying members.

The network that has spread up and down the ten-mile strip is arguably the Council's most important strength. The general outline of the MRC phenomenon appears similar to historical peasant movements. But while issues of the coast's indigenous communities are firmly anchored in the horizontal stratifications of class on the regional and national level, the rise of the MRC reflects the dynamics of free-scale networks and their ability to grow, shift, and reconfigure themselves quickly (Barabasi et al. 2001).[19]

The MRC also draws strength from the coast's shared cultural endowment. Culture is a critical element of voluntary organization corresponding to the frequently neglected soft component of organizations, or "the subtle energy that flows behind the organizational chart. This 'hidden energy' plays a conspicuous role in many new forms of organizations, such as networks (Wang and Ahmed 2006, 5)." Culture in the form of informal relationships and local knowledge is another key factor increasing their organizational flexibility and responsiveness.

These properties pose serious problems for state approaches based on repression and the use of force. Incarcerating the leadership of a free-scale network fails because new nodes arise in their place and the network reconfigures itself. Taking the fight to the countryside has the opposite result when the legitimacy of the state is at the root problem, or as one of the premises of fourth generation warfare holds: when the state fights the weak and loses, it loses; when it wins, it also loses (Robb 2007; Ronfeldt and Arquilla 2001.

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[19] Three properties illuminate the strengths of free-scale networks. True networks are governed by two power laws: 1) growth, meaning that true networks are always expanding; and, 2) preferential attachment, meaning that new nodes are more likely to connect to more connected nodes. A third corollary notes that the directionality of its linkages determine a network's structure: multiple lateral linkages differentiate network dynamics from the downward "command structure" of organizational hierarchies.

There is also a downside to this network factor that will be discussed in the next section, but for now this profile prompts us to ask what are the implications for the eruption of violence on the coast at this juncture.

The MRC movement marks a precedent of sorts in Kenya. There are parallels with the conditions giving rise to the Shifta war in northern Kenya, which began as a genuine campaign for self-determination but quickly degenerated into banditry followed by internal pastoralist conflict. It shares more in common with the coast nationalism of the 19th century than other ethnic-based regional parallels in independent Kenya. The sultanates and city-states of that era were not militarized and instead relied on defensive measures to protect their security; when this failed it was replaced by sustained efforts to preserve the homeland (Ylvislaker 1982).

It follows that a similar-styled inversion where non-violent action ends up giving way to armed resistance, is possible in the present circumstances. The potential for violence, however, should be viewed as largely independent of the MRC campaign. If anything, engaging the MRC is arguably one of the best opportunities for preventing bloodshed on the coast.

Assessing the MRC impact on the potential for a regional insurgency was an important objective of the study and the leadership was quizzed on this topic whenever the opportunity presented itself.

The MRC Position on Violence

Events associated with the Kaya Bombo and other incidents of electoral violence are an important factor coloring perceptions of the MRC in the absence of other information. Mulungu Nipa and the recurrent ethnic clashes in the Rift Valley are widely assumed to be the template for political violence on the coast.

MRC leaders deny any link with gangs and militias past or presence. They repeatedly declared theirs is a non-violent movement guided by religious ethics. They point out that Kaya Bombo was a case of state-driven violence, and that incitement by government ministers and leaders responsible for most cases of communal violence: "we are not in government and do not hold political positions."

They argued that the punishment meted out and the cycle of repressive measures shows the futility and counter-productive outcomes at this juncture, and stress how this informs their chosen methods and strategy. The National Spokesman told me that almost all of the Kaya Bomba raiders are dead, adding that they had naively agreed to participate in a KANU trap leading to a dead end.

The commitment to non-violent action is one of the strongest messages emerging out of the research. The practical and temporal implications of these methods were discussed at length with a trio of young MRC members in the

field. They acknowledged bloodshed would set everything back, admitted that the failure to see results would result in violence, but hoped that it would not come to that.

The Tana River MRC branch leader, Mama Subira Hashora explained the movement's position on these issues:

> Of course we want peace. If we were not peaceful why is it when they break up our meeting and arrest us we do not fight back? We were meeting in Ukunda and they attacked us. They shot five people and we buried them but we did not fight back. Randu was shot in the arm and has the scar to show but he doesn't fight back. But the government says we are 'kundi haramu.' How is that? They don't catch us with guns. They don't find us with clubs, we don't have weapons of any sort but we are still 'kundi haramu'.
>
> We are the primitive ones, we are not educated; they are educated and modern and that is why they tread on us. There is no justice for us, there is no law for us in Kenya but still we remain peaceful. It is very hard; things are at a very difficult stage. What are we to do?
>
> There is no one as peaceful as the coastal people, but we are constantly harassed and jailed and go to court but our cases are not heard nor are new dates set. They take everything from us and use every means to do it but we are still seeking justice without violence. This is why I have joined my people to seek justice. We gather in our churches and in our mosques to pray for peace; we pray for peace and blessing and we petition God to give us justice because it is no use seeking it from the Kenyans.

The study revealed nothing to suggest there is any overlap with Al Shabaab and related terrorist networks. There may be cases of individual linkages with some Islamist organizations; the name Hizb Al Tahrir popped up several times in interviews, but I was not able to determine that this and other organizations mentioned actively support Islamist or jihadi agendas in Kenya.[20] In any event, a series of studies concur that the specter of Islamist threat in Kenya is exaggerated (Mwakimako 2010, Bradbury 2010, Oded 2002).

The potential for coast nationalism to spark violence is higher in contrast, and the problem of ethnic antagonisms yet more problematic in the conditions currently prevailing on the coast.[21] Mombasa is a cauldron of competing national, local, and ethnic interests, forces that have aggravated the poverty of its residents and impeded the city from reaching its economic potential (Rakodi et. al. 2001). The concomitant observation underscores that empowerment of the indigenous population is a prerequisite for sustainable economic progress.

While I accepted the statements of MRC leaders and followers as sincere in the absence of other contradictory evidence—the question remains open. Despite the acquittal of the Mulungu Nipa defendants, it was easy enough to deduce that training a youth militia initially figured in the MRC strategy, and

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[20] Hizb Al Tahrir has a two-hour weekly slot on Radio Rehma.
[21] See "The threat of tribalism is greater than the threat of terrorism," by Hassan Omar Hassan, *Standard on Sunday* 24-7-2011.

that it remains an active option conditional on developments over the coming months.

The best guarantor of the MRC sticking to its non-violent methods is the fact they acknowledge it has led to the elevation of the movement among the coastal population and that it represents the best chance to achieve substantive results on the ground over the long run. Moreover, any action precipitating the intervention of security forces and a repeat of the horrors experienced in 1997 is likely to alienate many of their supporters. These observations do not, however, preclude the MRC's perceived need to prepare for future contingencies. We will return to the issues raised here after reporting current support for the MRC across the coast.

Assessing Support for the MRC and its Agenda

The <u>surveys</u> revealed near universal support for the MRC movement and its methods on the ground. The larger peri-urban area of Mombasa (including Likoni, Kisauni, and Kaloleni) is the epicenter of MRC support, followed by adjacent counties (e.g. Kwale and Kilifi). Knowledge of the MRC and its objectives tended to decline with: 1) distance from Mombasa and urban centers, and 2) according to the age of respondents. The MRC presence is lower in Taita-Taveta and Lamu—but this does not necessarily mean support for their agenda is weaker. Older individuals displayed interest but limited knowledge of the MRC. Awareness of the MRC appears comparatively limited among small communities in remote areas like the Boni, Sanye, and Kore. More educated respondents were more likely to disagree with the logic of the *Pwani Uhuru* campaign.

Knowledge of the MRC spreads mainly through word of mouth—sometimes through direct contacts and typically through communication with friends and neighbors. The media plays a lesser role, but that may be changing as Mombasa newspaper and radio stations respond to the buzz on the ground.

<u>The interviews</u> provided more nuanced viewpoints and varied according to background and occupation. The major ones are summarized below:

Out of office coast politicians: I support their movement but do not know who they are. We can assume many establishment politicians are ambivalent or opposed to the MRC at this point in time.

An elder political operative claimed that the Miji Kenda and Bajuni refused to support the same cause at independence but now they want former *mwambao* supporters to rally behind the same cause. One leader who is long retired from politics reported that Miji Kenda elders confessed that their rejection of the *mwambao* agenda has proved to be a mistake. Considering the antagonism prevailing in 1963, the newfound sense of Miji Kenda-Swahili-Arab unity is a remarkable development that adds extra reinforcement to the coastal exclusion-marginalization thesis.

National Muslim Civil Society Leaders stated, "We don't know who they are but would like to meet them." MRC leaders said the Council of Imams and Preachers are, in contrast, opposed to the movement. Although an important mainstream CSO organization, at this point it appears they are not in step with their constituency. The movement enjoys very important support from local church and Imams in peri-urban areas of Mombasa and on the south coast.

Coastal communities' unity on the issues of land and economy ostensibly transcend internal divisions based on religion and the traditions of magic and sorcery discussed in the following pages. This indicates that the same will not be an obstacle to participation in a wider minority-based political party like the one NAMLEF (National Muslim Leadership Forum) leaders are planning.

Several CSO personnel and other activists believe there must be a big politician or tycoon supporting them behind the scene.

Business community: their cause is legitimate but the *Pwani Uhuru* campaign is unviable. Many expressed a cautious wait-and-see attitude.

Coast civil servants tended to respond negatively and sometimes were hostile; chiefs and councilors may be more supportive and I was told some are anti-MRC while others disguise their true feelings. These positions are probably to be expected although the sample was small. A Gikuyu District Officer in Witu, in contrast, said he did not see the MRC as threat, observing that, "they have focused much-needed attention on areas of Kenya that have suffered from government neglect since independence."

Professionals were in general favorably inclined, but like many respondents they said they did not know who the MRC actually is.

Some observers assume the MRC to be a Digo-dominated affair. This appears to be incorrect, but there are reasons to believe the Digo wing may be the most militant element of the membership.

A number of people complained that they should not use Mombasa in their name.

There is an active on-line community debating the issues and networking and they tend to support the MRC although from a greater distance than the movement's rank and file. Coastal blogs and Facebook sites provide some very important content alongside the more emotive or superficial entries. There are other 'Kenyan' blogs that are dismissive and ridicule the MRC.

Everywhere and almost everyone indigenous to the coast expressed high levels of anger and frustration with their status and position in Kenya.

The national press has yet to take the MRC and issues it raises seriously; there are reporters and editorialists that accept the government position at face value and have demonized the MRC in print.

Internal MRC Dynamics and the Youth Factor

The long-term MRC strategy goes beyond seeking redress solely through the courts on different levels of the national and international system. The movement has been operating in hostile conditions and has refused either develop active options to develop the military capacity to defend itself or to respond to harassment and state violence with force. Demographic and economic factors highlight the critical role of male youth in these conditions.

The MRC's capacity to manage this component of the movement may prove the most difficult challenge the movement faces. The assumption that there are militant elements within the movement is reinforced by feedback from the leadership confirming there is agitation within the MRC youth wing for developing a standing militia. Several well-placed sources confirm there are units in Kwale already undergoing training, although the activities are at best rudimentary from a military perspective: at this time it consists of classroom instruction on tactics, practicing fighting with wooden staves, and magical rituals called *mole* and *fungaliza* that purport to make combatants invisible.

The latter bring us to the role of the elders' council, the most MRC's most secretive body and reportedly comprises prominent Miji Kenda *waganga*.[22] The MRC office holders form the leadership council, which is responsible for managing the larger organization and implementing strategy. While the elders' council is ostensibly the MRC's executive, in practice policy and decision-making is a function of both councils.

The elders are the repository of the MRC's internal culture. The leaders recruit and enroll youth; the *waganga* administer an oathing ritual formally initiating them into the MRC youth wing. The arrangement is consistent with the reality of indigenous culture in the coast's rural hinterland, a legacy of the Kaya Bombo hidden legacy, and contributes to the legitimacy the MRC movement enjoys among its rural and urban underclass constituents. Belief in jinns, ancestors, and other supernatural forces is embedded in the coast's cultural milieu and arguably it is to be expected to play a role within the movement in some form.

This aspect of the MRC nevertheless raises several problems and contradictions.

- While other Muslims and Arabs have their own traditions of "dawa" and magic, it does present a religious and culture barrier to many urban and non-Miji Kenda supporters' active membership and participation---the Bajuni and Shirazi perhaps being the exceptions among the larger Swahili community.

- The role of the waganga and sorcery can easily be exaggerated or distorted, is subject to misinterpretation, and opens the MRC to demonization by critics.

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[22] *Waganga* is a generic Swahili term that covers the range of practitioners and specialists intervening in the unseen world.

- It also reinforces negative folk models characterizing coastal peoples as superstitious, atavistic, and responsible for their own lack of progress within the civil service and formal economic sectors.

- Acquiring special powers arguably distracts less educated youth from pursuing the skills required to advance their own livelihoods and the region's social development.

- On the community level, supernatural causes often provide a convenient default explanation for failure.

- The institution of sorcery is not without its problems on the coast; commercialization of its services and abuses of its powers.

- Where fear of coastal *dawa* is a weapon in its own right and represents one area where indigenous coastal communities hold an advantage, ritual and magic are of questionable utility in respect to the socio-economic and political objectives.

Concepts of witchcraft and sorcery in East Africa have evolved with urbanization and capital penetration (Bellamy 2004), and this is not the place to discuss the issues in detail. Stating these objections, some of which may qualify as examples of exaggeration or distortion, requires that we underscore several relevant perspectives.

Scholars have documented how the use of occult forces figures prominently in the larger context of African politics and the exercise of state power. Among the poor, in contrast, magic and witchcraft feature alongside foot-dragging, sabotage, systematic non-compliance, and other behaviors in Scott's (1985) "weapons of the weak" repertoire. In respect to the field of combat, US army analysts emphasize their psychological value, and note that magical practices can be "effective in conditioning dissident elements and their followers to do battle with Government troops."

Insofar as the tradition of military magic persists despite its failings, the 'utliity' question is moot. The Maji Maji rebellion in Tanzania is the best-known historical exemplar of weaponized sorcery. Alice Lakwena's 1986 and 1987 battles with the Ugandan military provide a more recent case of dramatic failure: wire replicas of tanks, planes, and cannon littered the Corner Kilak battlefield where many of her followers perished, though many government soldiers also died fighting them. MRC oathing and ritual in the current context may offer psychological reinforcement, promote cultural solidarity, and 'spook' some opponents—but its import is otherwise peripheral to their struggle.[23] Or, as Bronislaw Malinowski (Jomo Kenyatta's mentor at SOAS) observed by way of quoting a Melanesian informant, 'Sure, we believe in magic—but we don't use it to hoe our fields'.

The convergence of Muslim and Christian leaders under the MRC banner, and the twice-weekly prayer meetings being held on the mainland north and

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[23] The Lamu West MP informed me that the Gikuyu in Lamu District are actively administering oaths to members of their community in Mpeketoni.

south of Mombasa, should be regarded as very significant in comparison. Legalization will bolster the case for non-violent methods. Magic and superstition do underscore the role of culture and class within the movement, and this variable may become a source of internal contention if the educated youth and religious conservatives come to play a more central role in the future.

Smith (2008) provides a more appropriate categorization of the role of witchcraft on the coast when he note that 'unforeseen changes wrought by development—greater wealth for some, dashed hopes for many more—foster moral debates that Taita people express in occult terms'. Like the imprint of the Kaya Bomba on current developments, this observation underscores how the MRC has successfully recast and simplified the complexities of Kenya's political discourse within the indigenous coastal narrative.

In any event, the traditional position of *waganga* is under threat. Graduates and other clients feel conned after *waganga* fail to deliver; the area's more educated youth are reportedly behind the backlash responsible for the rising numbers of their lynchings in rural reserves.

IV: Conflicting Narratives and Contrasting Models

If the concept of narratives and the power relations they encapsulate is post-modern in origin, the content and language of political movements have filled an important gap in formal political analysis.[24] The power of narratives helps explain in local terms the systematic social exclusion of indigenous coastal Africans, the Arab-Swahili communities, pastoralists, and other minorities that emerged after independence. As the MRC demonstrates, shifts in these narratives can act as an important source of feedback influencing their directionality.

Most Kenyans perceive the coast-upcountry developmental gap through narratives that build on long-established ethnic folk models. These narratives reinforce conflicts on the ground by: 1) portraying the coastal communities as economically indolent and politically inert whiners responsible for their own marginalization, and; 2) casting the upcountry population as aggressive conspirators in a larger scheme to defraud locals of their land, resources, and rights as citizens of Kenya.

On the level of social discourse these folk models are often the subject of humor and satire. The term "Coasterians", which originated as a label for coastal students who qualified for placement in good schools upcountry, is such a case of harmless stereotyping. When inserted into political narratives the result is quite different. But Kenyan folk models also capture the power relations explaining why only on the coast a stranger can show up with a title deed for the *shamba* where his parents were born and demand the owner vacate immediately.

Educational materials subtly and not so subtly reinforce the narrative based on these stereotypes and folk models. Kenya's Standard Four history text bypasses the generations of coastal anti-imperialism and accentuates the several decades when abuses of the slave trade occurred. It tars the 'African' Swahili with the same brush used to depict evil Arabs by erroneously stating that the Bajuni came from Oman. The Bajuni are actually a hybrid of original Bantu population of Shungwaya and ancient Cushitic clans who settled in the Kenya region 2000 years before the Bantu came.

In a parliamentary debate referred to earlier in this document, for example, a Central Province MP claimed that the Shimba Hills area was bush and that he was among the Mau Mau detainees imprisoned there who were the first to develop the land. When debate turned to the issue of Swahili porters who had settled in Muranga during the colonial period but ended up returning to the coast after independence because their land was given to others, the MP claimed, "they did so voluntarily because they were used to eating fish."[25]

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[24] See for example, Zuhur, Sherifa (2005). A Hundred Osamas: Islamist Threats and the Future of Counterinsurgency. http://www.StrategicStudiesInstitute.army.mil/.
[25] *Kenya National Assembly Official Record* (Hansard) Oct 25 - Dec 7, 1973, page 531.

This segues into the theme of self-criticism in Abdul Latif Abdalla's poem *Zindukani,* which cites the suffering of Africans under colonialism in the course of berating the coastal Swahili for resting on past accomplishments and glories instead of joining other Kenyans in nation building. His volume, *Sauti ya Dhiki*, published in 1965, is an excellent example of this which featured in the secondary school curriculum for decades. Abdallah himself was imprisoned for three years after criticizing the state for placing elite and ethnic accumulation over equity, and went into exile immediately upon release.

Trivialization of serious issues has acted to poison coastal faith in the national government and dampen belief in pro-active advocacy for local rights. The tendency to complain instead of acting became a central element of the coastal folk model. Indeed, as one of the individuals interviewed in this study stated, "we are good at grievance."

During the opening of the first civic education workshop to be held in Lamu District, the DC told the participants, "no community in Kenya can expect to receive justice until they speak out and fight for it themselves." Although true, the experience of coastal communities since independence also leads them to expect more state repression when they do articulate their grievances.

Scott's "weapons of the weak" thesis refers to systematical behaviors that include non-compliance and foot-dragging, withdrawal from the formal economy, willful ignorance and incompetence, petty forms of sabotage, non-cooperation, laziness, and other methods both intentional and unpremeditated that diminish or impede the efficacy of the dominant system. This thesis at least partially explains why passive resistance on the coast took the form of weapons of the weak in the face of deepening social exclusion. What the British termed coast indolence and oriental decadence in the modern era became a defense mechanism.

Coastal inhabitants accept that they have slow to embrace modern education and have contributed to the dilemma they face in certain other ways;[26] the MRC social movement represents an effort to correct the problem. But they also see outside forces promoting prostitution, crime, and the spread of drugs abetted by government officials; claims that outside settlers are promoting these problems are rife from the south coast to Lamu.

Often they focus on a clash of coast and upcountry cultures. One informant stressed that Giriama social structure is the only thing preventing the coast from exploding—and the violence will be much worse than the 2007 if it happens. The inference was that at a certain threshold the same social structure can become a force of violence.

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[26] Poor primary school facilities, shortages of textbooks, and high teacher-to-student ratios contribute to the low enrollments and dismal scores in national examinations. For those who surmount these hurdles, there are only 150 secondary schools on the coast and the higher cost for coastal students due to the absence of local universities, limits access to higher education.

The role of culture in these scenarios brings us to critical differentials distinguishing indigenous from externally imposed developmental models.

The *British model* is based on class relations disproportionately rewarding members of the economic and ruling elite. In Kenya, the model was initially based on racial stratifications placing Europeans landowners and colonial officials on the top, allowed Asians to settle in urban areas as a mercantile and clerical class, and located Africans on the bottom as peasants and agricultural labor, the creation of the latter a product of making them subject to a hut tax forcing the poor to seek employment on settler estates.

The *Swahili model* that developed over centuries was integrative in contrast and is mirrored in the nationalistic social policies differentiating Tanzanian integration from Kenya's ethnicity driven class formation and power relations.

Although the Bajuni under Avatula, the Siyu Swahili under Bwana Mataka, the combination of Wapate, Orma (or Galla in colonial texts), and freed slaves led by Simba Fumuluti on the Lamu mainland, and the Mazrui-Miji Kenda alliance to the south represent the first Kenyans to militarily resist Arab *and* European colonialism, their role is downplayed or ignored in the British and independent Kenya narrative of the later decades of the pre-colonial era.

The tradition of Shungwaya and Swahili nationalism remained submerged during the modern period, briefly reappeared as the *Mwambao* movement for coastal self-determination during the run-up to Kenya independence in 1963, erupted again under Islamic Party of Kenya in early 1990, and now appears to be re-emerging under the MRC banner.

Robertson's observation is assuming new relevance in the current situation:

> Another aspect of the problem which I have had to bear in mind is the genuine belief held by Coast peoples of all races that they have a distinctive outlook and way of life which has given them a greater measure of peace, harmony, and regard for each other, and sense of toleration, than has existed elsewhere in Kenya.[27]

For years this attitude worked to the locals detriment. A new linguistic code identifying Coasterians as apart from the Kenyans has brought the folk model full circle. The surprising level of support the MRC enjoys is reviving belief in this model. The state is suffering a crisis of political legitimacy, the settlers have either refused or do not need to integrate into coastal society, and the *Pwani Uhuru* cry marks the logical endpoint of the social exclusion process.

The new sense of unity surfacing across coast is one of the unanticipated revelations generated by the research. This situation is probably tentative, as is the role of religious leaders preaching peace, and there is obviously a time limit on how long the indigenous inhabitants will channel their energies into

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[27] *Sessional Paper No. 9 of 1961: The Kenya Coastal Strip Report of the Commissioner.* Colony and Protectorate of Kenya: page 13.

non-violent action. But its significance should not be downplayed; internal Swahili vs. Miji Kenda antagonisms have consistently distracted attention from the real issues.

Internal conflicts across the coast have for decades taken preference over confronting the external forces of change and marginalization. Every county has its issues. In Tana River, for example, lack of title deeds is a major constraint on development, but efforts of Pokomo and Miji Kenda to acquire them are opposed by Orma and Wardei, who feel current *status quo* serves their need to access pastures. Clashes between Wardei and Orma, Wardei and Pokomo, and the Ogaden Abdalla of Ijara are continuing. New schemes, like a British company's plans for large-scale jatropha production are supported by the Pokomo, who desire employment, but are opposed by pastoralists who see them as a threat to their livestock economy.

In Taita an informant laid the blame on his own people, stating that, "we are at fault because we prefer drinking to work and business. So it's difficult to blame the Gikuyu when they settle here, marry our women, and acquire land while we are sitting around inebriated."

The state uses such examples to remain aloof to the problems of externally formulated developments on the coast. This is painfully clear in the case of the massive developments planned for the Magogoni port. Not too much is known about the LAPSSET Corridor and its place in Lamu District. The Kenyan government has used the media to laud the aims of the corridor but very little about the actual planning is known in public (Ridwan 2010; Mghanga 2010, 3).[28]

When Lamu activists pressed their case to be included in developments, the government minister for transport said, "you will be informed when the time comes." This attitude also feeds into the context of the MRC campaign: a historian at Pwani University, Hassan Mwakimako, explained that *Pwani Uhuru* is really about redefining the historical narrative that has acted to reinforce 'Coasterian' exclusion since 1963.

A combination of historical memory and fear of upcountry domination figured prominently in the *Mwambao* campaign. The former combines with objective confirmation of that domination to act as a driver of the MRC movement.

One analyst commenting on the controversy generated by the Magogoni Port stressed that, "Any development agenda must counter the artificial nature of the postcolonial African nation-state. Development planning must not obscure local needs in favor of national priorities. Instead, local communities must be drawn into the discourse as a precursor for development (Ridwan 2010)."

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[28] The Magogoni feasibility study does not even mention the human populations and the project's human and cultural impacts; same applies for the feasibility study commissioned to pave the way for agro-industrial development of the Tana Delta.

The MRC represents an attempt to redirect that discourse and failure to respond in a positive manner increases the prospects of violence in the future. Negotiating the darkness gathering around the 2012 polls is a major task for Kenyans at this point in time. A peaceful transition to a new constitutional order may make mitigating the problems on the coast easier.

If not the MRC itself, the agenda it represents is critical to moving on to the new dispensation in a peaceful manner, even if Coasterians do not see themselves as part of the new order.

What analysts see as forces of economy and demography aggravated by state policy, human rights abuses, and the impunity enjoyed by the political elite, the coastal population sees as marginalization with an ethnic face. The poor Coasterians and working class settlers will be the main victims if violence breaks out; this is the great Kenyan tragedy that may be repeated once again on the Ten Mile Strip.

V. Opportunities and Threats for Engaging the MRC Social Movement

Interrogating the potential for violence on the coast and the Mombasa Republican Council's potential contribution to it, was a central concern of this investigation. The seventeen days allocated for research across coastal counties necessarily qualifies the amount and depth of the data. The issues are of great import and the research was pursued with corresponding rigor. We tapped many diverse bases, and this allows me to offer the following observations with a reasonable degree of certainty.

- **Assessing the threats and opportunities for engagement begins with several general hypotheses about the MRC and the movement it supports.**

- **The MRC position on issues represents an objective response to the experience of coastal communities since Kenyan independence and regional developments like the independence of South Sudan and Eritrea.**

- **The government's hardline position, existing narratives based on Kenyan ethnic folk models, and uncritical reportage in the national press has effectively distorted most 'outsiders' and some 'Coasterians' understanding of the MRC.**

- **The MRC's current prominence is largely due to government repression and the accompanying publicity and sympathy generated.**

- **The leadership acknowledges that the government has played a central role in their otherwise unanticipated rapid rise and spreading popularity.**

- **The combination of state opposition and grassroots success acts to reinforce the MRC's hardline stance on their 'Pwani si Kenya' campaign and related issues, but while this ostensibly presents an obstacle to engagement, this rigidity is arguably deceptive and subject to change.**

- **The prospects of legalization will fundamentally alter the dynamics of the situation and adapting to fast-moving developments poses a major challenge to the MRC leadership.**

- **It is possible that support for the MRC can decline as quickly as it grew depending on their response, and this would likely empower the more militant actors within the movement.**

Many of the claims made about the MRC appear to the product of a contagion factor where phenomena elsewhere in Kenya and beyond serve as template for interpreting or making inferences about the MRC and other groups. As a result, imputed references to links with Al Shabaab, Kaya Bombo, Mungiki, Sungu Sungu, Taliban, and other gangs immediately assume an independent life of their own. Criminalization of gangs leads to the abrogation of members' human rights by the state (Ruteere 2009). Public assumptions about the *kundi*

haramu (outlawed group) hypothesis persist as a consequence—despite the fact numbers of older women are members and Christian pastors and preachers are in the front ranks of its leadership.[29]

For example: two informants mentioned contacts between the MRC and *Hizb ut Tahrir*, an Islamist organization formed in 1953 that professes to follow non-violent methods for achieving an Islamic caliphate. But when one examines the *Hizb ut Tahrir's* activities it is difficult to see how such a highly sophisticated and intellectual organization could possibly interface with the multi-denominational coast Republicans and their predominantly rural and under educated following (see http://www.hizb.org.uk/).

This does not, however, dismiss the possibility of individual contacts but the two bodies have totally different agendas. Nor does it preclude the potential for young MRC members real or imputed becoming involved in the cycle of violence precipitated by national polls, or the possibility of former military cohorts training them.[30]

But where do we draw the line between verifiable fact and projected scenarios? The coast is not the Rift Valley and the general conclusion that the social movement under investigation is by intent and design not oriented towards violent methods to achieve its objectives should be taken seriously until proven otherwise.

The threat of violence during and after the 2012 polls is high. A number of comparative indicators, reports of groups stockpiling weapons, and a host of unresolved problems are among the indicators featuring in recent assessments (Sentinel Report, World Bank).[31]

Also in 2010, the Human Development Index (HDI), the United Nations Development Programme's composite measure of health, education, and income, ranked Kenya in the "low human development" category with a ranking of 128 out of 169 countries. This reinforces other assessments of the volatility present in Kenya as the 2012 elections approach.

Other indicators reproduced in Annex 3 highlight the relative deprivation of the population in what one would expect to be relatively wealthy counties. Although the MRC issue is viewed through the optic of past violence in other provinces, objective conditions on the ground nevertheless indicate there is a significant potential for violence during 2012 national elections.

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[29] The harmonious confluence of Muslim and Christian activists should ostensibly be seen as a positive development for those concerned with the Islamist threat. In the meantime, the claims issued by the government have seen the MRC listed on a CIA terrorist data base (files_field.txt cia.txt, and Details of Specially Designated Global Terrorist [SDGT] Entities clientes.txt.).

[30] Internal sources report that the issue of bias and discrimination within the Kenya army that prompted the defection of the Kaya Bombo raiders remains unchanged.

[31] *The Risk Of Genocide In Kenya*. The Sentinel Project for Genocide Prevention. Canada: Waterloo University, pg. 15.

The Government of Kenya has cause to be concerned with the potential threat from Al Shabaab, especially in the wake of the October 18 incursion into Somalia, and is now actively working to contain that threat.[32] The concern includes the issues of overlapping networks.[33] But the high stakes involved demands that decision-makers and analysts discriminate between jihadis and other activists.

The central role of Pentecostal churches as venues for discussing issues contradicts the hypothesis of Islamist links or influences. The question of Somali connections would pose a serious threat on this front but it appears absent as the Somali community expressed pragmatic reasons for not associating with the MRC. Apparently the Mombasa community has been advised by their Nairobi-based counterparts not to do anything that would incur the suspicion of the Kenya Government. This does not preclude individual contacts, but again this would not indicate significant linkages.

The Fifth Estate has not helped. Conditions in Lamu including the uncontrolled influx of outsiders using the *witamire* method (cut the bush for yourself) make it the most volatile county on the coast at this time. But the Lamu problem seldom features in the press or other reports addressing the issues of 2012 electoral violence; a series of articles on the proposed Magogoni port in *The Standard,* in contrast, obscured the burning issues on the ground. The Nation has played a similar role on the MRC issue (see Annex 3).

Parties in possession of legitimate evidence that the MRC (or any other group) is an armed gang, including state security agencies, need to come forward and make their case or concede that the current ban is based on conjecture and circumstantial indicators.[34] If they do not, it will appear that Kenya's Coast is once again being singled out for exceptional treatment.

The anger generated by longstanding grievances on the coast combine with the opportunism of the political class to transcend any imputed threat represented by MRC phenomenon at this juncture. In any event, state based actors and politicians feature prominently in most instances of communal violence in Kenya. The same is true for militias and armed gangs elsewhere, and where this problem exists, disarmament must take place on the national level.[35]

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[32] See: Jamestown Foundation, *Al-Shabaab Threats Panic Kenya as Fighting Erupts on the Border with Somalia*, 17 March 2011, Terrorism Monitor Volume: 9 Issue: 11, available at: http://www.unhcr.org/refworld/docid/4d8841a82.html, and Jamestown Foundation, *The Jubaland Initiative: Is Kenya Creating a Buffer State in Southern Somalia?* , 28 April 2011, available at: http://www.unhcr.org/refworld/docid/4dbeab352.html.

[33] Kenyan Muslim networks fund Al Shabaab: UN report, *Reuters Africa*, 28-7-2011.

[34] The PC actually said that, 'activities of the outlawed group are similar to those of AlShabaab in that they both recruit youths who are promised non-existent jobs in Somalia. We strongly suspect the MRC has links with AlShabaab."

[35] Armed Violence in Mindanao: Militia and Private Armies (2011). The Institute of Bangsamoro Studies and the Centre for Humanitarian Dialogue.

Kenyans failure to integrate on the coast works in both directions, and narratives based on folk models continue to fill the cultural gap. The MRC tactic of attacking the roots of the narrative fallacy is useful as a wake-up call and for mobilizing previously inert Coasterians, but it can easily become counter-productive, especially if not accompanied by progress on the substantive issues of land, employment, equity, and justice.

This should be treated as a threat that can result in the potential progression from social movement to armed resistance becoming reality, and represents a major argument for engagement and support for the MRC social movement.

Until the case against the MRC is established on factual grounds, the position of this empirical analysis holds that *the drivers of future violence operate independently from the MRC,* and that *the MRC social movement arguably can play a critical role preventing an explosion from occurring.* But tangible progress is needed for them to channel the high level of discontent into non-violent channels. The MRC in effect straddles the threat—opportunity continuum, and the worst Kenya's larger civil society may do at this point in time is err on the side of peace.

The MRC Social Movement and The Exit Option

Mombasa Republican Council leaders describe themselves as activists promoting a social movement. Social movements are collective enterprises to establish a new order of life. Their inception lie in conditions of unrest, they derive their power from dissatisfaction with the current form of life, and from the hope it is possible to force positive changes.

Kenya has experienced several large and small social movements following the opening of political space during the late 1980s. This one is somewhat unique as it reflects the failure of multi-party democracy and social demands for accountability and human rights on the coast. The MRC appears to be what sociologists term an innovation movement, or a movement which advocates to introduce or change particular norms, values or, in this instance, challenging the coast region's legal status with a view towards increasing the sovereignty of its inhabitants over their resources and economic options.

Pastoralists led the fight for minority rights within the larger campaigns for political pluralism and constitutional reform in the past, and pastoralist civil society was able to form alliances with organizations representing mainstream interests. Unfortunately, the coast fell through the cracks. If partially due to the more intractable issues on the coast, the inability of coastal CSOs and political leaders to work in unison is arguably equally to blame. The MRC movement may be solving that problem while raising some others.

Stages of social movements
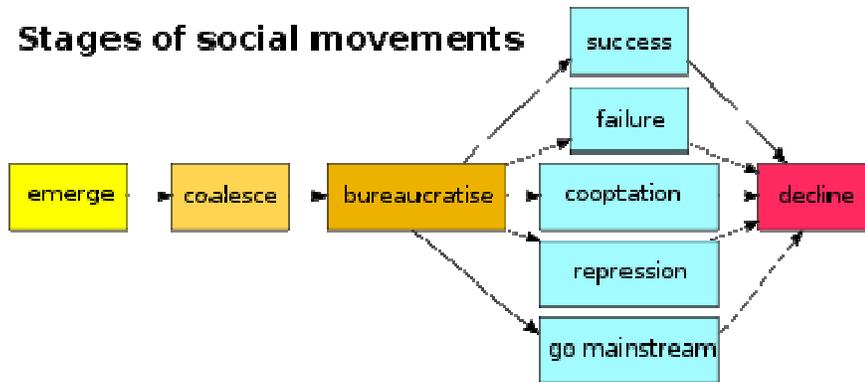
Adapted from Blumer (1969), Mauss (1975), and Tilly (1978)

The MRC is entering the bureaucratization phase indicated in the graphic; a number of the recommendations offered in this section correspondingly target the movement's internal structure and capacity. Analysis of internal factors preceding this section indicates that, like the outcomes appearing in the diagram's blue boxes, shifting to armed resistance is a potential stage not listed above. This brings us to the matter of recent events, and how they qualify some of the recommendations appearing in the draft version of this report.

Recent Developments and their Implications

On September 30, 2011, the police raided and broke up a recruitment meeting in the Kisauni area, arresting a number of older men who, unlike the youth, were unable to flee and escape capture. Raising the bail needed to prevent the long-term incarceration of elders presented a problem, and required time. The MRC secretary general confided to me that the persistent persecution of his people by the state was increasing internal agitation to adopt more forceful methods.

Kenya's decision to invade Somalia on October 18 was followed by the incident of a grenade exploding in a bar in a poor Nairobi neighborhood a day later. Naturally, this further elevated the specter of Al Shabaab revenge attacks inside Kenya; several days later the Kilifi District Commissioner revived the claim the MRC was linked to Al Shabaab, and this statement by a civil servant with close links to Kenya's executive apparently had the effect of declaring "open season" on the MRC.

Raids on two gatherings in Likoni and the adjacent Shika Adabu area on Sunday, October 23, raised the stakes to a new level. The police descending on the Shika Adabu civic education meeting, herded a crowd approaching one thousand people into a small area and launched tear gas canisters. In the ensuing commotion they beat a women and shot four young males, killing one. The national press did not mention the report circulating on the street that a three-month old child, dropped when police attacked the mother, had also died in the stampede.

In Likoni, administration police descended on a video hall where local youth were watching a highly anticipated English Premier League match featuring Manchester United vs. Manchester City. The police tear gassed the hall, locked the doors from the outside, and arrested a number of young males, the press reiterating the security spokesman's claim an oathing ceremony was in progress. This charge proved false, and the reaction across the coastal political and social spectrum led the Provincial Commissioner, Ernest Munyi, to hold a public meeting in Shika Adabu on Thursday, October 27.[36]

The PC arrived with a full complement of high-ranking security officers and departmental heads. The meeting started in the typical manner, the first speakers striking a respectful tone by praising the PC and his commitment to meet the people. A local Imam followed suite by stressing that Muslims believe in peace and by repeatedly reminding the gathering that Allah rewards patience; a female councilor representing the Luo-dominated area of Likoni said violence should be avoided because it scared away foreign investors.

The next speaker, a local woman politician introduced as Mishi, proceeded to demolish the business-as-usual nature of the meeting by taking the government to task for its strong-arm tactics and a litany of other transgressions responsible for the current crisis. A councilor (Abdallah Salama) informed the PC that despite the state's efforts to suppress it, everyone present, including a large group of matronly women sitting on one side, were active MRC supporters. The crowd erupted, chanting "MRC, MRC, MRC!" Another councilor (Gugu) claimed the MRC had held hundreds of meetings without incident and had remained peaceful despite the numbers of cases when members were beaten, shot, and jailed. The area's MP, Abdallah Mwahima's no-holds-barred speech included a harsh reference to the Kenyan state's presence in Digo land as a "government of fetishes and idols."[37]

The PC's response was poised and diplomatic. He apologized for the excessive force used by the police, and conceded that he has come to accept that the MRC is not an armed gang, but followed with the caveat that as a government official, he was bound to follow the 2008 ban while the MRC pursued their democratic right to challenge the ban in the courts. He appeared to infer that the government would not interfere in peaceful gatherings in the future, and pledged that the government would even work with Muhuri (a Mombasa-based Muslim Human Rights body) to meet with the aggrieved parties while the judiciary proceeds to resolved the status of the MRC.

The October 27 meeting represents a turning point on the MRC legalization issue. Muhuri is setting up a series of meetings at the time of this writing. The

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[36] Some of the implications of the events are noted in an article in *The Sunday Nation*, "Coast rebel group scores major diplomatic coup," Mwakera Mwajefa and Bozo Jenje, posted on 10-29-11.

[37] Mwahima's Swahili comment referred to the government as a "*serikali ya vinyango na masanamu.*" This observer has never witnessed such a strident series of speeches in a public baraza on the coast of Kenya.

MRC leadership council initially refused to participate, declaring that legalization is a necessary prerequisite to their participation, but this problem is being resolved.[38]

The Secession Issue and MRC Participation in Civil Society

Movements often lead to new political parties, and a new Kenyan party focusing on minority rights is reportedly in the making. Participating in a political party representing communities addressing issues similar to their own may alleviate the absolutist quality of MRC demands for revisiting historical agreements. In private MRC leaders have intimated the demand for secession is more method than objective—but this is clearly contingent on developments and does not dilute leaders' and rank and file commitment to their goal.

They are, however, in dire need of a communications strategy both to neutralize misconceptions propagated through the media and to clarify their position on other issues. "Movement" in this context includes other organizations involved in peace-work, developing the internal capacity of coastal communities, and promoting indigenous economic sectors—enhanced utilization of maritime resources is the first area that comes to mind.

As the preceding report indicated, addressing the negative implications of the class variable on the coast poses much greater challenges than suppressing armed gangs. The exit option is increasingly attractive for other neighboring sub-polities in Kenya and Tanzania. States have not shied away from using force to enforce the African Union policy on the permanency of colonial boundaries and to keep long-standing fissionary forces in check. But we should also note that borders should become less important as the process of regional integration gains speed. Moreover, the *Pwani si Kenya* exit option is not an unqualified solution for the grievances articulated, or as Fatton (1990) observes:

> The transition from colonial despotism to liberal democracy was expedited in a few years without any fundamental transformation in the economic, cultural, or bureaucratic domains … Withdrawal is no substitute for the processes of systemic transformation and democratization.

Pastoralist activism and civil society advocacy generated major changes in local communities' knowledge of legal and constitutional rights, empowered their voice in national *fora*, and altered attitudes towards political participation. Minorities have made substantial contributions to the process of transformation in Kenya as a consequence. A large part of the MRC problem is they are acting in isolation from other communities sharing the same grievances.

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[38] I advised the leadership that they could obtain a letter from the Provincial Administration guaranteeing their safety and freedom in lieu of legalization for the time being. They accepted this advice and also agreed to meet with the Truth and Justice Commission and the National Cohesion and Integration Commission.

Hedgehogs and Foxes: Observations on the MRC Leadership and Network

After the workshop, where none of the participants challenged the findings (aspects of the MRC legal stance were contested), I continued to consult and interview some coastal professionals on the armed gang and related issues.

The current state of the social movement recalls the Greek poet's observation that *"the fox knows many things, but the hedgehog knows one big thing."* The MRC's leaders are hedgehogs. They focus on one issue in great detail and this has given them considerable traction among their Coasterian constituency. They responded to most every query during the July 26 workshop by returning to the '*Pwani si Kenya'* theme—even when I pressed them to address practical recommendations featuring in the presentation. This illustrates one experienced activist's concern over the MRC leaders lack of education.

The MRC leadership may be punching above its weight now, but it is also vulnerable to a host of common problems that have afflicted similar movements in Kenya. The MRC leaders interviewed came over as intelligent and possessing a sense of purpose honed by their experience in the trenches. An influential Mombasa businessman responded to my preliminary findings by observing, "they think they are riding a Chinese-made motorcycle but it's actually a Ferrari."

Perhaps the same could be said for the government's decision-makers who have maintained a rigid stance in the face of contrary evidence.

It is true MRC leaders do not fully realize the power and forces coalescing around their campaign. The potential positives and negatives at stake lead this researcher to share the concerns of some observers over the leadership's level of education and sophistication. They do display a keen sense of strategy, legal procedures, and most importantly, they are in close contact with their grassroots constituency.

Their relative isolation is an important factor influencing the monolithic quality of MRC advocacy. It is one of the reasons this report treats the *Pwani Uhuru* issue as the main driver in the search for justice process, and not a viable end-point of that process.[39] It also reflects the fact that Kenya's civil society has not been sensitive to issues of coastal marginalization. Where pastoralist advocacy benefited from an active coalition between MPs and civil society actors, this does not appear to be on the cards for coastal activists.

The futility of expecting much help from coastal MPs was one of the conclusions emerging, especially following on-the-ground reports from Raila Odinga's tour of the coast.[40] The MRC has, however, used its distance from

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[39] I trust and hope this position will not be misinterpreted as being soft on the MRC 'threat' to national cohesion.
[40] On the flight back to Nairobi fate saw me seated next to one of the Lamu MPs. I have known him since he first entered office and I believe at that time he wanted to promote his

the political sphere to its advantage. It makes eminent sense to preserve this advantage for the time being—and to not tamper with the organization or overly influence the internal dynamics responsible for the movement's unexpectedly successful growth so far.

The MRC is the best exemplar of voluntary sector action this participant-observer has witnessed in the coastal region. Their autonomy alerts us to a major frailty of NGOs and civil society in Kenya: the conflicts engendered by the need for financial support and competition for external funding.

There are numerous examples where funding, or the prospect of support, derailed previously functional voluntary initiatives. Coastal NGOs recruited to join a national minority civic education consortium (CEDMAC) during the late 1990s engaged in exceptionally acute competition and self-interested non-cooperation. The funding issue imposes major constraints on the need to cooperate.[41]

The power laws governing free-scale networks facilitate the inclusion of other organizational nodes with shared orientations. But the fact that MRC leaders and members are poor, and many are jobless, increases the dilemma that comes with engaging other organizations that benefit from external support.

Lifting the ban on the MRC and obtaining formal registration can open alternative avenues for support from the coastal business community and other local sources—especially for generating finances for the MRC legal campaign. The larger minority rights lobby offers hope for greater inclusion on the national front, and I briefed MRC leaders on the planned formation of a 'secular' nationwide movement under the auspices of the Muslim National Leadership Forum (NAMLEF). The hedgehog factor explains why they did not express greater interest in this development, but they may respond more positively if and when one of the five national meetings planned for Mombasa takes place.

Practical insights offered by some of the respondents nevertheless indicate that the MRC needs substantive inputs from professionals sympathetic to the cause. A measure of internal institutionalization will add stability and help avoid the movement fracturing and spinning off into violent factions as political temperatures rise, or being manipulated from within, or hijacked by opportunists.

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people's interests, but the fractious nature of Lamu politics made him cynical and he is now viewed as working solely for his own and his supporters' interests. Our conversation sensitized me to the dilemma of the MP where an outsider community occupies the role of kingmaker. He stated "there is no law or mechanism available to me to halt the influx of upcountry settlers into Lamu, especially when our own people are colluding with them." This is unfortunate but true; the majority coastal MPs have not been effective advocates of their people's rights.

[41] The problem of factionalization is mentioned in a KCSSP document, which stated: CSOs lacked a clear vision, and even now, in the wake of the most recent political crisis, are often unable to reach consensus around advocacy priorities. Many organizations still need to overcome and address a credibility gap in terms of their own procedures, practices and integrity.

A major problem presented by the MRC's large and growing network is that it is a large 'tent' and can provide cover for individuals who do not necessarily share the leaders commitment to non-violent methods. One individual with intimate knowledge of behind the scenes politics said that some leaders who have been associated with events in the Mulungu Nipa forest, and other militant initiatives, are recycling themselves as MRC members.

This and the informal nature of the membership present certain dangers. The MRC could be used as safe haven for militants and opportunists, be weakened internally, or spin off more radical factions. It follows that one must proceed with caution. A commissioner on one of the national reform bodies put it this way: "We have seen the IPK, the MRC, and there will be other ABCs susceptible to be being used, misused, or abused." Here are some other examples of the advice offered:

- The MRC needs guidance and a more informed approach;
- There may be political opportunists using the MRC as a cover;
- The leadership may not be able to control the youth;
- There are early warning signs that settler communities are being armed;
- It is unfortunate but true that bloodshed is the one form of advocacy Kenya's political elite take seriously;
- State persecution of the MRC is likely more a case of "blinders' than conspiracy;
- If agents of positive support do not engage other more negative actors will eventually fill the gap;

During the past six months I have witnessed how the MRC has evolved from what one British paper called 'crackpot revolutionaries' to a serious force for political and socioeconomic change. Government attempts to contain the movement through force, and by sowing discord (*fitina*) through malicious rumors on the ground, have failed. This combines with their growing popular support and increased membership to embolden the leadership. They remain committed to peaceful methods but are also looking at pro-active measures to defend themselves.

Shifts in the pre-existing *status quo* have enhanced the prospects of the government ban being lifted. This represents a major game changer for the MRC leadership. MRC legalization and implementation of Kenya's new constitution is expanding the window for positive change on the coast. At the same time, engagement and participation in the political process poses certain dangers for the MRC; they could easily result in politicians displacing their leadership role and civil society co-opting their populist agenda.

If this happens the militants will move to the front; this would play in to the hands of entrenched interests who would actively abet the dissolution of the adaptive unity of purpose now prevailing on the coast. It follows that the engagement process requires an adaptive mix of sensitivity and support. Empowering the MRC's legal campaign and widening its scope to include relevant international protocols, arguably presents the best avenue for bringing the MRC in from the cold.

VI. Recommendations for PACT, Partner Organizations and Civil Society, and the Government of Kenya

The MRC movement can be located as transiting between the coalescence stage and bureaucratization stage indicated in the graphic. Assisting this transition presents an ideal entry point for engagement. The MRC could clearly benefit from a degree of external support to formalize its leadership and internal organizational structures. The MRC have in fact tried to make contact and engage with various organizations and leaders in Mombasa.

This brings us to the recommendations offered in regard to the engagement process appearing in the earlier draft of this study—although events are overtaking some of them, they still warrant retention in this final version. The recommendations for **PACT** include:

1) Convene a meeting as soon as possible with the MRC leadership and selected civil society leaders to discuss the recommendations offered in the report as part of a larger strategy. This caucus should include representatives from their leadership and elder councils and several branch leaders

2) Consider appointing a "neutral" person or a small committee acceptable to the MRC as interim strategic advisor(s) during the engagement process; among other functions, they will provide the MRC a bridge to CSOs and government actors that is currently lacking.

3) Sponsor selected MRC (and other CSO) leaders for training in strategic non-violent action based on the Albert Einstein Institute curriculum, or develop a similar training course for them adapted to Kenyan and regional conditions;

4) Sponsor selected MRC leaders to visit other Kenyan minority communities where local advocacy, awareness, and implementation strategies are more advanced. This should be extremely helpful as an educational exercise broadening the leaders' horizons. The tour should include members of the MRC Youth and Women wings. The itinerary can feature meetings with CSOs and CBOs in Isiolo and Marsabit, West Pokot and Turkana, Wajir, Maasailand, and a stopover in Nairobi to meet with organizations based in the capital.

5) It appears the majority of PACT partners are clustered around a Mombasa-Kwale-Malindi axis. There is a need to assist other advocacy organizations in more remote areas of the coast such as Lamu and Tana River to boost internal capacity and coordinate strategies.

Legalization is critical for attracting the support of CSOs and other interested parties. This leads to a final recommendation:

6) Encourage the Government of Kenya to review its hard stance towards the MRC. Quiet diplomacy is an area where PACT and other organizations may be able to use

heir contacts with governmental and international organizations to brief diplomats on the MRC issue and exert influence on the Government of Kenya.[42]

An incremental approach to engagement should begin with these or similar preliminary measures designed to prevent the movement veering towards some of the less desirable outcomes listed in the graphic above. It goes without saying that we should continue to <u>closely monitor developments</u> on the MRC-public interface; as a contingency it is advisable that PACT prepare an exit strategy should future shifts in methods necessitate disengagement. This could feature in a formal Terms of Reference for engagement to be discussed in the meeting recommended above.

Recommendations for Civil Society Organizations

- Advocate lifting the MRC ban so the MRC can operate freely and continue to pursue objectives through non-violent methods.

- Engage the MRC to support its peace and justice agent and to prevent it from being captured or hijacked by other actors.

- Guard against the MRC being used as scapegoat for other state and non-state opportunistic actions and violent stratagems by linking MRC grievances to the larger Kenya civil society agenda and foster meetings with the national CSO leadership.

- Brief government security agents on these findings; educate national political leaders on the facts of the situation.[43]

Discussion of Methods

There are a number of ways PACT partner organizations that can contribute to these interventions and other needed capacity building options.

- Help the MRC develop more effective communication and advocacy strategies, and network with other CSOs.

- Assist the leadership to re-brand the Movement; this will also allow for replacing Mombasa with Coast in the Council's name while re-opening a pathway for the MRC to re-apply for registration with the government under the appropriate category.

- Identify the formal leadership and define legitimate MRC "nodes" within the expanding free-scale network with a view towards improving the organization's capacity while facilitating quick identification of potential

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[42] The use of policy briefs is useful for this and engaging other important government and civil society leaders; there may be a need to develop individual briefs targeting specific decision-makers.
[43] Muadhar Khitamy of SUPKEM Mombasa took the initiative to meet and brief (using the power point presentation prepared for the validation workshop) a high-ranking Security Intelligence office; he reported the response was positive and encouraging.

"defectors." The exercise should include helping the leadership develop a formalized code of conduct based on strategic non-violent action.

- Explore avenues for raising funds for their legal activities.

The proposed follow-up meeting will be used to develop an approach to operationalizing different components of a grand strategy as emphasized by architects of strategic non-violent action (e.g. Gene Sharp, see Annex 6). If this leads to agreement on recommendations featured here, or others that are not, this will likely require a second and other meetings to plan and implement the interventions.

Because lifting the ban may cause high-ranking security officials and administrators to lose face, the re-branding exercise may be key to opening the way for CSOs participation. Also, the research indicates it is likely members of the business community would be willing to contribute to legal fees and other expenses once the risk associated with the MRC is removed.

Although the MRC could retain its identity at the center of the movement, the makeover idea did not appear appealing to the leaders at the validation workshop. It is essential that proposals are proffered in a manner that does not challenge the MRC's autonomy or tamper with operational template. But we can still suggest several methods to advance the larger agenda while such issues are sorted out during the interim.

The press is largely responsible for publicizing the criminalization of the MRC; reporting errors on sensitive subjects like the recent UN Monitoring Report on support for Al Shabaab's terrorist network can cause far-reaching damage, especially when readers do not have access to rebuttals in the local media. The corollary of this problem is that properly informed journalists and editors can help rectify the harm done. Arranging a briefing meeting with reporters and journalists based on the coast is the logical first step in the case of the MRC; following up by contacting other commentators and international reporters is the second.

When I berated MRC leaders for not responding quickly to a negative editorial in the Daily Nation on July 12, they told me, "we agree, but the problem is we cannot afford to buy newspapers on a regular basis." After the workshop, where one participant hypothesized the meeting might be an attempt "to nip the MRC in the bud," they requested that PACT provide them with a laptop and internet account.

It is important to keep in mind engaging the MRC represents a new kind of project. There are cautionary concerns on each side. Two or three net-books and modems with several months credit would go a long way towards allaying suspicions and creating goodwill for mutual engagement.

In a meeting with myself, MRC Secretary General Randu Rua, and two of his branch leaders, Abraham Korir suggested they make contact with USAID's head of transitional justice, John Lauphis. Following through on this advice on

their behalf would help broaden the MRC legal strategy to include international protocols.

Participants in the USAID partners workshop reported problems with engaging the local youth. This report supports the expansion of current peace work, but adopting new and more effective methods of reaching the 'unconverted' is more important. This and endorsement by the MRC would create instant legitimacy for PACT partners doing peace work and helping to develop communities' internal capacity.

Improving community-CSO relationships recalls the existence of government initiatives such as funds for youth training and entrepreneurship, women's groups, bursaries, water development and other self-help programs, and the Constituency Development Fund. Sometimes the allocation of funds is rigged; most are under-utilized, untapped due to lack of knowledge, or mismanaged as in the case of many CDF projects. CSOs are in a position to help communities get greater access to these funds, monitor their utilization or non-use, and impact.

The USAID supported Secure Project is using a set of well-thought out and designed methodologies to help indigenous inhabitants of Lamu's Kiunga division to obtain tenure over their land and natural resources. These methods and the results of the project so far should be shared with CSOs dealing with issues of land and tenure reform.

Recommendations for the Kenya Government

Most of the advice in this domain is explicit in the body of the report, but there are several specific measures that can be offered by way of concluding the assessment.

- President Kibaki commissioned a "Special Action Committee" to look into Muslim grievances, but Mwakimako reports it has remained dormant since its establishment several years ago (2010, 14). The government needs to activate the committee (Muslim CSOs can exert pressure on this front); this may also provide an entry point for legalizing the MRC.

- The government should limit measures for privatizing Kilindini harbor and constructing the Magogoni port to planning and to broadening the process of stakeholder participation and the collection of other inputs for the time being.

- The brutal and quasi-legal eviction of squatters is fueling antagonism on the ground. Community leaders and CSOs are trying to defuse this by insisting the government follow the procedures mandated in the new constitution; it is imperative that the police and other state agencies comply. Failure to do so risks sparking a major confrontation that could easily ignite a cascade of violent reprisals across the coast.

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