

SQUATTERS ON THEIR OWN LAND: Why calls for secession are likely to intensify in the coast region

People from the coastal region of Kenya have a word for those who are not indigenous to the region - *wabara*, which literally means “people from the mainland”, but which is often interpreted as “outsiders”. It is a designation that reflects a mindset that views the rest of Kenya as being separate or different, a worldview epitomised by the rallying cry of the secessionist Mombasa Republican Council - “Pwani si Kenya” (Coast is not Kenya).

This worldview has been shaped by the various powers that colonised or exploited Kenya’s coastal belt, ranging from the Omani Arab sultanate in the 19th century to British colonialists in the early 20th century who turned the coast’s so-called “Ten-Mile-Strip” into a protectorate that was later bequeathed to the new Kenyan government at independence.

Today the term *wabara* is mostly associated with post-independence leaders who exacerbated landlessness and disenfranchisement in the region by implementing settlement schemes that provided land in the region to non-coastal people or by usurping large swathes of prime beach and other property for their own personal benefit. A major consequence of these land grabs has been land alienation and grinding poverty among the region’s people.

Despite its abundant natural resources, the coastal region is considered amongst the most impoverished region in the country. Government data shows that three of the six counties in the region, namely, Tana River, Kilifi and Kwale, rank among the poorest in Kenya. These counties generally have high illiteracy rates and extremely low rates of secondary school enrolment.

Tana River, Kwale, Kilifi and Lamu counties also have the highest levels of inequality. According to the Kenya National Bureau of Statistics, inequality in these counties is closely linked to historical injustices that left large swathes of

land in the hands of non-residents. This is complicated by the fact that land tenure is ambiguous or is not officially recognised. It is estimated that more than 60 per cent of indigenous coastal people do not possess title deeds to their land and that some of these people have entered into a kind of quasi squatter-tenant agreement with land owners. In other words, a sizeable majority of the region's people live as squatters on their ancestral land.

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The 2013 Truth, Justice and Reconciliation Commission (TJRC)'s report states that "there is a very close linkage between land injustices and ethnic violence in Kenya" and that "although land-related injustices have affected every part of Kenya, communities at the coast, especially the Mijikenda, the Taita and the Pokomo, have suffered the most and the longest". The Commission further found that "failure of both colonial and post-independence governments to address the problem of landlessness is the reason individuals and communities often resort to self-help measures, including violence."

The issues of marginalisation and land alienation should ideally have been addressed by the 2010 constitution and through the implementation of the recommendations of the TJRC report, but there is little evidence of political commitment to resolve these issues. On the contrary, there is a feeling among the local population that the land question will be further suppressed under the Jubilee administration, which has been reluctant to implement the TJRC report's recommendations, particularly those pertaining to land.

Calls for secession, like those made recently by the Mombasa County Governor Hassan Joho and the Kilifi County Governor Amason Kingi, and before by the Mombasa Republican Council, therefore, resonate with a lot of coastal people, who have for centuries been robbed of their land and whose region has remained largely underdeveloped due to the politics of exclusion embraced by successive governments.

While Kenya's new constitution and the TJRC report offer a blueprint to address historical injustices related to land and other issues at the coast, most Coasterians

(as the *wabara* like to call them) are sceptical that “Kenyans” are committed to implementing their provisions. Under such conditions, it is likely that there will be increasing sympathy and support for those demanding secession, a scenario that will no doubt be met with brute force by the authorities in Nairobi.

Historical grievances and simmering hostilities

The coastal people’s land-related grievances are multi-faceted, and the result of a series of land grabs by a variety of actors in different socio-economic and political contexts. Landlessness is mostly the result of past practices that did not recognise communal land ownership of indigenous communities, which resulted in the eviction or alienation of these communities from their own land.

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In a paper titled “The Politics of Land Rights and Squatting in Coastal Kenya” published in 2000, Dr. Karuti Kanyinga explains the genesis of the problem, which began with the Arab slave trade in the 19th century when Kenya’s coastal region was loosely federated to the Sultanate of Zanzibar and which continued when the region became a British protectorate in the early part of the 20th century and when Kenya achieved independence from Britain in 1963:

“While slavery and colonialism clearly disrupted the existing structure of land tenure on the coast among the indigenous Mijikenda, the absence of a comprehensive land policy on squatters and an expanding tourist industry have further deepened the ‘Land Question complex’ in the post-colonial period. On the one hand, the growth of tourism as an economic activity around the coastal belt led to a sharp increase in the value of land and to the emergence of an active land market that extended beyond the coastal strip...On the other hand, no comprehensive policy on landlessness and squatters was formulated, nor was there a firm commitment on the part of the government to address the issue as it did with the resettlement efforts upcountry in the 1960s and 1970s.”

As the TJRC report has noted, the process of land adjudication, consolidation and registration was never conducted in the coast region after independence, leaving

many families without evidence of ownership of the land they occupied, which made their land more vulnerable to grabbing by outsiders.

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Worse, settlement schemes in the region, such as the Lake Kenyatta Settlement Scheme in Lamu West, instead of focusing on the indigenous population, were geared towards resettling landless Kikuyus from upcountry. Many of the locals who were pushed off these settlement schemes ended up becoming internally displaced; many were forced to move into slums in urban areas or had to migrate to other parts of Kenya or to Tanzania. These settlement schemes have thus been the source of much tension and conflict among the local population.

The land issue in Lamu County is complicated further by the fact that prior to the promulgation of the 2010 constitution, all land in Lamu was considered government land. This categorisation was greatly abused by the political elite, who dished out land in Lamu to those deemed loyal to the administration. It is estimated that the indigenous local population owns only between 10 and 20 per cent of land titles in Lamu County. What's worse, those who own or acquire titles often sell the land because of poverty or because of the costly land adjudication processes.

Simmering conflicts between the indigenous population and the settlers and landowners from outside the region came to the fore in June 2014 when Al Shabaab militants brutally killed more than 60 men from the ethnic Kikuyu community in the villages of Mpeketoni and Poromoka in Lamu West. Most Kenyans were not even aware that there was a large Kikuyu community living in Lamu until the attack. Mpeketoni is one of the settlement schemes that was set up by the late President Jomo Kenyatta in the 1970s for poor and landless Kikuyus from the central highlands of Kenya. Although the Kikuyu settlers are not indigenous to the area, they have lived relatively peacefully for decades with the local Bajuni and Swahili populations and have even turned Mpeketoni into a thriving rural settlement.

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However, given the endemic landlessness and historical grievances of indigenous coastal communities, Mpeketoni stands out as a community that has benefitted from political patronage and favouritism, and is, therefore, often viewed with suspicion by the locals. The settlement schemes in Lamu West have even been described by some locals as a “cultural invasion” or what Professor Abdalla Bujra, a respected scholar from the coast region, describes as “internal colonialism”. As one Lamu resident lamented: “How do you go to someone’s home, grab their land, kick them out, bring your own family members, and recreate and rename the neighbourhoods after your own villages upcountry?”

However, some of those who have been settled under these schemes, or who acquired land legally, say that the “Kikuyu problem” is often used as a scapegoat to gloss over injustices that predate the arrival of the settlers. As Kinyua Thuku, an engineer based in Mombasa, explained to me in an e-mail:

“Now, I’m in no way downplaying the issue of historical injustices. As someone who lives and has spent a considerable time at the Coast, I’m well acquainted with the issues. However, one issue that rarely gets mention is the fact that a significant chunk of land in Mombasa is owned by absentee landlords of Arab descent who live in Oman, Saudi Arabia and Yemen. A cursory look at Mombasa’s history will show you how these lands were forcefully acquired from the Mijikenda during the Sultanate era. In Shanzu, Mshomoroni and Utange, vast tracts of land are owned by these absentee landlords while the indigene population stay there as squatters. There is land around Chagamwe which is still under the administration of the pre-colonial Waqf Commission! However, when the ‘historical injustice’ issue is talked about, it is displayed as one where greedy upcountry people invaded and grabbed all prime land.”

Thuku says that the problem is not the smallholder farmers from the Kikuyu community who have acquired land through settlement schemes but the politically connected Arab/Swahili tycoons who incite locals to repossess their land while they sit on acres of land that they themselves grabbed. “If it is justice we are talking about, then it should apply both ways,” he argues.

Political patronage

Thuku's assessment is right on at least one count: politicians and politically-connected individuals from the coast region during the Jomo Kenyatta and Daniel arap Moi eras have been among the main beneficiaries of illegally acquired land at the coast. In Lamu and Mombasa, some of these politically connected individuals were allocated prime beach properties without any consultation with the indigenous population, who were not even compensated for the land.

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Even in cases where the locals were compensated, they were often deceived about the land's real value or intended use. The Save Lamu Coalition has documented a case where land was procured in the Magogoni area in the 1990s. The locals were told that the land was to be used as a naval base when in fact it was registered privately in the name of a former senior navy officer, who later sold the land to a notorious Mombasa-based business tycoon who is associated with drug trafficking and other criminal activities.

During the Daniel arap Moi era, Kanu politicians, politically connected business tycoons and senior civil servants were illegally allocated land in and around Mombasa. When the extent of the land grabs in Mombasa were revealed by the Ndung'u Land Commission, there were demands for the illegally acquired land to be returned to the government. As a result of these demands, the Kanu-linked businessman Rashid Sajjad returned 18 plots of land worth Sh.1.6 billion to what was then known as the Mombasa Municipal Council. However, these plots are just a drop in the ocean of an estimated 400 properties, including government houses, road reserves, cemeteries and public beach plots, that have been stolen from the public.

Some might argue that beach property that has been grabbed and then used to build hotels and resorts boosts tourism in the region, and therefore contributes to the local economy. However, it is worth noting that few of these hotels are owned by locals - most are owned by foreigners or multinational chains. Further, it is estimated that between 40 and 70 per cent of tourism revenue generated does not stay in the region or even in the country because of package tours where payments for airlines and hotels are made abroad.

Tourism in the region is also seasonal and does not provide a steady source of

income to the local population; in the low tourism season, or whenever there is a slump, as happened in the recent past after a series of Al Shabaab terrorist attacks, entire households and communities suffer and poverty levels escalate. When people don't own the land they live on, their economic prospects are further diminished, which is why the land issue has become so critical. Unemployment in the region is also made worse by the fact that the local economy has not been sufficiently diversified beyond tourism.

Moreover, while tourism is often cited as the economic lifeline of the coastal region, it has also been blamed for eroding the locals' culture and for introducing vices such as sex tourism, drug trafficking, heroin addiction and prostitution. Malindi, a favourite destination of Italian holidaymakers, has become notorious for being the site of child sexual exploitation, so much so that some local NGOs, with the Italian government's support, even started a campaign some years ago to stop foreign tourists from engaging in sex with children. The vice had become so alarming that many beach hotels in Mombasa and other coastal resorts began putting up signs warning tourists not to engage in paedophilia.

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Beach property was not the only land that was grabbed; agricultural land was also illegally or fraudulently acquired. According to the TJRC report, at independence many communities in Taita- Taveta settled on land that they believed to be public land in the hope that that the government would officially resettle them. This did not happen; on the contrary government officials and senior civil servants loyal to the government of Jomo Kenyatta were allocated the land. In 1972, the Kenyatta family itself, in partnership with the Greek Criticos family, acquired thousands of acres of land in Taveta to establish a sisal plantation, which rendered the indigenous population homeless once again. Over time, the Criticos family has sold off a substantial part of its land to the government at concessionary rates so that the government could settle the squatters. However, this has not materialised so far.

In 2016, President Uhuru Kenyatta, in a rare gesture of generosity, handed over 2,000 acres of his family's 30,000-acre plantation in Taveta to squatters.

However, this piecemeal approach to landlessness in the region has had little impact on the estimated 20,000 landless people in Taveta. It also reflects a patronising attitude that assumes that a “gift” of small parcels of land will resolve decades-old disputes that should ideally be determined through a comprehensive land policy that takes into consideration local people’s concerns.

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There are also ecological and environmental concerns in the coast region that are not being addressed in a consultative or participatory manner, such as the construction of the controversial coal-powered energy plant in Lamu, which local politicians and groups, such as the Save Lamu Coalition, have been resisting due to its negative health and environmental implications. The complete disregard for local people’s views on projects such as this have further created an impression among the locals that their opinions do not count and that they exist just to be exploited by those in power.

Although an increasing number of people are going to court to lay claim on their ancestral land - and some are even winning their cases - it is evident that without a comprehensive land policy that addresses historical injustices and without a firm commitment by the government to take the local population’s grievances seriously, land will be an issue that people in Kenya’s coast region will continue to agitate for, especially now since devolution has emboldened communities to speak out about historical injustices. Calls for the secession of the coast region from the rest of Kenya are also likely to intensify.