

Kenya's Coast: Devolution Disappointed

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I. Overview

The huge public expectations raised by devolved government on Kenya's coast have turned into disappointment. Patronage politics that marked the former centralised system has been replicated in the new counties, making government even more inefficient and expensive. Though political leadership is now local, power is closely held, and leaders are suspicious of both national and local rivals. Certain regions, communities and many youth still feel marginalised. Political devolution has deflected but not resolved grievances that fuel militancy, which continues to be met by hard security measures driven from Nairobi. Greater inclusion and cooperation within and between county governments, as well as national-county dialogue, is needed to maximise devolution's potential and ensure militant groups, like Al-Shabaab, have fewer grievances to exploit.

The 2010 constitution prescribes partnership between national and county institutions; instead there is competition and confrontation (at least for now peaceful). The former Coast province is divided into six new coastal county governments. They are caught between the popular and still potent idea of *majimbo* – greater political and economic autonomy and authority devolved to the regions – and a central government that expects them to focus on service delivery and only play a parochial political role that many dismiss in frustration as *vijimbo* (little regions). National government (including the president) have undertaken a number of high-profile, if piecemeal, initiatives that the coastal county elite has interpreted as a challenge to the spirit of devolution and its local political primacy. In response, leading coastal politicians are stirring up local discontent and threatening unilateral takeover of key revenue resources such as Mombasa port. However, the coastal retreat into defensive regionalism is likely only to exacerbate county-capital frictions, not extract concessions from the national government.

The tension between national and county government is not unique to the coast, but coastal grievances, historical and current, are particularly acute and have fuelled the recent rise in nativist and Islamist-inspired militancy. Militant networks, though damaged and presently dormant, are by no means dismantled, and parallel networks of urban youth gangs and armed political entourages make for a still combustible mix. The coastal counties also remain an opposition stronghold into which the ruling party would like to make inroads. This risks a convergence of national and local political competition in the 2017 elections of a sort that in the past has produced communal tensions and localised violence.

The gulf of mistrust – exploited by all sides – not only limits the full delivery of devolution's benefits; in the case of the coastal counties, it also undermines efforts to combat militancy and attendant violence now subsumed under a “countering violent extremism” (CVE) agenda that is a priority of both Nairobi and its international partners. Rather than focus solely on building the capacity of the security and intelligence services, international assistance to counter radicalisation should give equal and increasing emphasis to outreach and reconciliation, so as to find political common ground and articulate and address the region's grievances within the coast's newly devolved political structures.

A renewed civic education campaign to underline the potential gains of devolution, as well as the responsibilities and roles of county government and its elected representatives, is urgently needed. Promising initiatives like the “Commonwealth of Coast Counties” (Jumiya Ya Kaunti Za Pwani, JKP), which aim to amplify the benefits of county government through regional (cross-county) projects, need to be depoliticised and given technical support by relevant national ministries and authorities and multilateral institutions (eg, the World Bank). There should be greater institutionalisation of welcome, but currently ad hoc, interventions toward resolving long-term land grievances, specifically the regularisation rather than wholesale redistribution of land titles.

Overall, renewed reconciliation work is needed at all levels in the coastal counties ahead of elections; specifically, national and county governments and donors need to reach a renewed understanding of the role and limits of civil society and community-based organisations (CSOs and CBOs), which are still best placed to identify and diffuse potential conflict flashpoints at local levels. The promotion of greater partnership between national and county governments (even as a regional bloc) should be a security and developmental priority for Kenya and its partners.

II. Disappointment with Devolution

Implementation of the 2010 constitution, following the 2013 general elections, divided the former Coast province into the littoral Mombasa, Kwale, Kilifi, Lamu, and the expansive inland Tana River (which has a narrow strip connecting it to the coast) and land-locked Taita-Taveta counties.¹ In spite of some historical and cultural commonalities, the coast is also divided geographically and ethnically, its local differences reflected to an extent in the new counties. However, the coast as a discrete region long figured in popular imagination as qualitatively different from the rest of Kenya – a belief that coastal populations also cultivated. But far from a unified region different from up-country Kenya, its communities were riven with historical, social and cultural divisions.²

Though a common coastal political bloc has remained elusive, the idea is still powerful. When devolution arrived, popular sentiment expected *majimbo* but was disappointed with the system of enhanced local (county) government that the constitution delivered (and for which the three-year transition had notionally prepared the ground) – and dismissed it as *vijimbo*. It is true that national government retained

¹ Tana River and Taita-Taveta have less in common with littoral counties.

² Research for this briefing was carried out 2012-2016 with regular visits to coastal counties, including Lamu, Tana River, Kilifi, Kwale and Mombasa, to interview a range of interlocutors.

primary control over most issues that drive coastal grievances, specifically land and its distribution, resource ownership (eg, revenue from Mombasa port and big mines) and security.³ Nevertheless, county governments do have some authority to act. Their governance and development efforts, however, have been undermined by the demands of rewarding supporters with jobs and contracts and keeping political rivals at bay. As a result, many view them with increasing scepticism.⁴

A. *The Roots of Majimboism on the Coast*

Coastal cities and their immediate hinterland had a different administrative history from the rest of the country, based on the (Arab Omani) Sultan of Zanzibar's claims over "a ten-mile strip" inland, which the then British colonial protectorate leased in 1895. This bureaucratic anomaly has provided the historical basis of periodic claims for a special status and greater regional autonomy (or *majimbo*, see below) for the coast and its mixed communities of African (many of whom under colonialism began to self-identify collectively as Mijikenda), Swahili (Afro-Arab) and Omani (Arab) populations.⁵

In the run-up to independence and fearing African majority rule that looked increasingly inevitable, the coastal Arab and Swahili communities organised to defend their privileged land rights. Under British colonial rule those classed as "Arabs" (as well as Europeans and Asians) could own land in the coastal strip but "Africans" – largely Mijikenda – could not; where no claim was made, it was judged to be "Crown Land". Some Crown Land was reserved for Africans, but many became squatters on freehold or leasehold land that (non-African) title-holders did not have the labour to exploit.⁶

³ In fiscal year 2013/2014, Mombasa port generated 30.7 billion Kenya shillings (approximately \$300 million) for the national treasury. Some of the money is used to run the Kenya Ports Authority, but the bulk is retained by the national government. "Revenue team supports sharing of Mombasa port income", *Business Daily* (Nairobi), 24 November 2015.

⁴ Crisis Group interviews, civil society organisation representatives, Kilifi county, May 2016; Justin Willis and Ngala Chome, "Marginalisation and Political Participation on the Kenya Coast: The 2013 Elections", *Journal of East African Studies*, vol. 8, no. 1 (2014), p. 7. The constitution devolved fourteen key functions, including roads and transport, trade and tourism, health, agriculture and pre-primary education to 47 county governments. Chome, "'Devolution is only for development'? Decentralisation and Elite Vulnerability on the Kenya Coast", *Critical African Studies*, vol. 7, no. 3 (2015), pp. 299-316. A local study captures the mix of enthusiasm for devolved government theory and disappointment with practice. "Perceptions of County Government Performance on Kenya's Coast: Survey Research Assessing Public Perceptions of Devolution and County Governance in Three Coastal Counties", Supreme Council of Kenyan Muslims (Mombasa) and The Mohammed Jaffer Foundation, April 2016.

⁵ A good account is Justin Willis and George Gona, "Pwani C Kenya? Memory, Documents and Secessionist Politics in Coastal Kenya", *African Affairs*, vol. 112, no. 446 (2012), pp. 50, 52, 53. Despite growing local use of the half-joking terms "coasterian" or "wapwani" to identify those who claim to be indigenous to the coast and "wabara" for "up-country" incomers (some of whom have been settled for several generations), the intra-communal divides among the "native" coastal populations still run deep. Hassan Mwakimako and Justin Willis, "Islam, Politics and Violence on the Kenya Coast", *Observatoire des enjeux politiques et sécuritaires dans la Corne de l'Afrique*, July 2014, p. 8.

⁶ For a detailed explanation and history, see Karuti Kanyinga, "Re-distribution from Above: The Politics of Land Rights and Squatting in Coastal Kenya", Research Report no. 115 (2000), Nordiska Afrikainstitutet, Uppsala, pp. 31-45.

Arab and Swahili communities agitated either to join the Zanzibar Sultanate (then still notionally ruled by an Arab-origin dynasty) or form an independent *mwambao* (coast) territory. In response, representatives of the coastal African communities – those collectively known as Mijikenda – created small political parties opposing *mwambaoism*. Given these communal disagreements, as well as the Sultanate of Zanzibar's residual claim, the colonial government appointed the Robertson Commission in 1961 to advise on the coastal strip's future. Though its findings in favour of formal incorporation as part of Kenya were never really officially in doubt, its hearings demonstrated how divided coastal populations were, in particular the native African and Swahili/Arab communities.⁷

The commission coincided with the emerging competition between a number of nascent African (often regional in origin) “nationalist” parties that coalesced into two main blocs: the Kenyan African National Union (KANU); and the Kenyan African Democratic Union (KADU). They largely agreed on the future of the coastal “ten mile strip” with the eventual Robertson recommendations for it to remain part of Kenya. But KADU argued for a constitution favouring *majimbo*, because its supporters believed KANU's main ethnic constituencies would use the central state to further (Kikuyu) agrarian expansionism and (Luo) dominance of the skilled urban labour market.⁸

To ensure independence negotiations were not derailed, KANU tactically agreed to a constitution favouring *majimbo*, which it started dismantling once it won an overwhelming pre-independence electoral victory in 1963. At this point, the leading KADU coastal politician, Ronald Ngala, returned to requesting Kenya's partition. After independence in late 1964, KADU was subsumed into KANU, and a new permanent constitution abandoning regionalism was passed.⁹

For much of the following decades, the coast tended to follow the KANU-led government. When opposition grew in the 1990s, KANU even revived the prospect of *majimbo* to keep dissent at bay in Coast province. The opposition's 2002 election breakthrough brought the National Rainbow Coalition (NaRC) to power with the promise of a new constitution, including greater devolution, but the NaRC president, Mwai Kibaki, then walked back from a draft with several radical proposals, leading

⁷ Jeremy Prestholdt, “Politics of the Soil: Separatism, Autochthony, and Decolonization at the Kenyan Coast”, *Journal of African History*, vol. 55, no. 2 (2014), pp. 249-270. The “African” or Mijikenda parties were also originally secessionist, claiming the whole Coast province, not just the ten-mile “protectorate” strip. They opposed the coastal Arabs primarily around land ownership issues. *Ibid.*, pp. 262-266.

⁸ KANU's support came from better educated, more economically developed areas and communities of central (Kikuyu) and western (especially the Luo of Nyanza) Kenya. KADU drew support from more politically fragmented ethnic communities in the marginal, rural, western areas (especially Luhya), the Rift Valley and South (Kalenjin and Maasai), Coast (Mijikenda) and North East province (Boran and Somali). For the full history of *majimbo*, see David M. Anderson “‘Yours in Struggle for Majimbo’. Nationalism and the Party Politics of Decolonization in Kenya, 1955-64”, *Journal of Contemporary History*, vol. 40, no. 3 (July 2005), pp. 547-64.

⁹ The *majimbo* constitution would create six regions (singular *jimbo*) with a federal capital in Nairobi and a bicameral legislature, regional assemblies and many other checks against centralised power; however, the final draft to guide the interim government was much watered down. *Ibid.*, pp. 554-558, 562-563.

to the breakdown of the coalition government.¹⁰ Widescale violence and national crisis followed the close and disputed result of the 2007 December presidential election. The eventual negotiated settlement brought a government of national unity committed (again) to constitutional reform. The resulting constitution, approved by a 2010 referendum, brought devolution via the existing administrative districts gazetted in 1992 rather than the much larger post-independence provinces favoured by *majimbo* proponents. After a three-year transition, 47 county governments were elected in March 2013.¹¹

B. *County Government – Confusion and Corruption*

In 2013, voters in each county elected a governor and members of county assemblies (MCAs); a senator and women's representative to the newly created upper house; constituency-based members of the national assembly (lower house); and the president. In spite of the transition, much of the coastal counties' population was unaware of the roles and responsibilities of the national and county governments and their elected officials. Three years later, public knowledge of and participation in county government is still limited, and many of devolution's lower-level structures have not been established.¹²

Though devolution did not deliver the political autonomy that some expected, it did bring unprecedented financial resources to improve local basic services and infrastructure. The impact of the new money flowing into county coffers has been uneven; though people report some improvements, many high-profile projects still come from national government. In some counties, recurrent expenditure for bloated bureaucracies rather than development accounts for most spending.¹³

Overall, coastal county governments have followed the national pattern of "informalisation", by which formal bureaucratic structures are subject to personalisation and political patronage: recruitment for county jobs is often not meritocratic, and tenders for services and supplies are awarded to supporters or even front companies owned by county officials. In 2014, the Ethics and Anti-Corruption Commission reported numerous cases of alleged corruption across all coastal counties, especially bid

¹⁰ Known as the 2004 "Bomas" draft constitution, it proposed transferring most presidential powers to a prime minister, checks on executive appointments and devolved government. The government instead put forward the 2005 "Wako" draft, later rejected by a referendum.

¹¹ Crisis Group Africa Report N°137, *Kenya in Crisis*, 21 February 2008. For an overview of the background to devolution and its practice, see Nic Cheeseman, Gabrielle Lynch and Justin Willis, "Decentralisation in Kenya: the governance of governors", *Journal of Modern African Studies*, vol. 54, no. 1 (2016), pp. 1-35.

¹² County assemblies vary in independence and ability to hold the governor to account. Crisis Group interviews: "[W]e don't know what the roles of the leaders are, and there is too much politics in the devolved system If we cannot, in unison, agree, then how will devolution work?", Mombasa county constituency Member of Parliament (MP), Mombasa, June 2014; "The public are not aware of the county assembly's role", Kilifi county MCA, Kilifi, June 2014; civil society organisation representatives (group interview), Kilifi county, May 2016. "Mombasa County Operational Analysis", Muslims for Human Rights (MUHURI), 2015.

¹³ The region was allocated 24,614,725,382 Kenyan shillings (\$236,339,000) in fiscal year 2015/2016. "The County Allocation of Revenue Bill 2015", Kenya Gazette Supplement, no. 41. "Perceptions of County Government Performance", op. cit., pp. 31-37; MPs have also retained the old Constituency Development Funds (CDFs), which have sometimes outshone county-based schemes; MCAs also managed to get Ward Development Funds, *ibid*, p. 3.

rigging and other tendering and procurement irregularities, including theft of assets and property by county officials.¹⁴ Mombasa, the region's largest city and economic hub, has the worst record: a nationwide survey ranked it second to bottom in the County Open Budget Index (COBI). An auditor general report unearthed a litany of irregularities.¹⁵

C. *Redressing Land Ownership Inequalities*

Coastal county governments' ability to address core grievances has been reduced by competing national and county authorities.¹⁶ This is particularly true for one of the most urgent issues, the coast's complicated and contentious land tenure.

After independence, pre-existing tensions over land, especially between Arab and African, continued with little means of political resolution. Many "African" Mijikenda remained technically squatters (often on Arab-held land). The growing presence of "up-country" Kenyans, as state employees or in search of jobs and land, proved a useful distraction for unresolved, historical intra-coastal divisions over land. Indeed, post-independence settlement schemes, originally conceived as limited reform to resolve the landless and squatter problem, were perceived to benefit other communities. For example the Shimba Hills (Kwale) and Mpeketoni (Lamu) settlement schemes were largely occupied by up-country people.¹⁷

Though land grievances are coast-wide issue, they are also particular to localities and do not lend themselves to sweeping reform. County governments are partly mandated to lead on land issues through the County Land Management Boards (CLMBs), working with national institutions. However, their establishment was drawn out by local wrangles over recruitment, and most CLMBs lack the capacity and competence to discharge their functions effectively.¹⁸ Furthermore, national-level action, as well

¹⁴ Crisis Group interview, Mombasa-based national newspaper journalist, May 2016; Ngala Chome, "Devolution is only for development", op. cit., p. 13. "Report of Activities and Financial Statements for the Financial Year 2013/2014", Ethics and Anti-Corruption Commission.

¹⁵ Mombasa is "the best mix of the worst". Crisis Group interview, civil society organisations (group interview), Kilifi county, 10 May 2016. "Sub-national Budget Transparency: The Case of Ten Counties in Kenya", Institute of Economic Affairs, 2015. The constitution, especially Articles 196 and 201, requires transparency. The report included a failure to deposit 496,262,124 Kenyan shillings (\$4,763,050) from local revenue collection into the County Revenue Fund account, required by regulations and spent without authorisation. "Report ... on the Financial Operations of the County Government of Mombasa ... 1 July 2013 to 31 June 2014", p. 14.

¹⁶ "When voting in the referendum we thought it [the constitution] was good, but we haven't seen many changes, especially with land issues". Crisis Group interview, Mombasa MCA, Mombasa, June 2014.

¹⁷ Mwakimako and Willis, "Islam, Politics and Violence", op. cit., p. 16. A short overview of coastal land issues, including post-independence trends, is in Paul Goldsmith, "The Mombasa Republican Council – Conflict Assessment: Threats and Opportunities for Engagement", Kenya Civil Society Strengthening Programme, November 2011, pp. 12-17. Crisis Group interviews, woman's representative in coastal county assembly, Mombasa, 16 June 2014; land rights NGO representatives, Kilifi, March 2014. Kanyinga, "Re-distribution from Above", op. cit., pp. 64-79; Goldsmith, "The Mombasa Republican Council", op. cit.

¹⁸ Crisis Group interview, county official, Mombasa, November 2015. Under The National Land Commission Act 2012, CLMB functions are stipulated as: (a) subject to the physical planning and survey requirements, process applications for allocation of land, change and extension of user, subdivision of public land and renewal of leases; and (b) perform any other functions assigned by

as cooperation with CLMBs, has been distracted by a supremacy battle between senior officials in the land ministry and the National Land Commission (NLC).¹⁹

Faced with bureaucratic turf wars and the limited capacity of new institutions, President Uhuru Kenyatta has spear-headed several initiatives to fast-track regularisation of land ownership and resettlement of squatters, including in the Waitiki estate in Likoni (Mombasa county). Lamu county, where the importance of the large Lamu Port-South Sudan-Ethiopia Transport “LAPSSET” infrastructure project and then the June 2014 Al-Shabaab attack on Mpeketoni (see below) demanded prompt action, has also received special attention. Critics have dismissed the president’s initiatives as part of a coast vote-buying strategy to secure a second term in 2017; arguably in the Likoni case, Mombasa county government has done the same by promising to pay for the titles. Though certainly popular, Kenyatta’s redistribution initiatives in Likoni and Lamu by-passed a more methodical institutional approach that is needed across the coastal counties to address long-term grievances that have helped fuel militancy.²⁰

D. *Resources and Development*

Cooperation between national and county government is even less in evidence on the equally politicised question of managing national resources at county level.²¹ As well as Mombasa, East Africa’s busiest port, other large-scale resources and infrastructure in coastal counties include a titanium mine in Kwale and the planned LAPSSET project in Lamu, both mainly conceived and licensed from Nairobi.²² Counties argue that these resources (and their revenues) do not sufficiently benefit local communities, especially when set against the coastal counties’ historic and continuing poverty.

the commission or by any other written law. They cannot reclaim land on behalf of the landless or undertake reform favoured by coastal people in their own right.

¹⁹ Specifically between NLC Chairman Muhammed Swazuri (coincidentally of coastal origin) and the previous land cabinet secretary, Charity Ngilu, whose ouster in 2015 in an unrelated corruption probe led to Swazuri and Mariam al-Mawy (permanent secretary in the land ministry, and another coastal appointment) receiving increased discretionary powers to work out local land deals. The two were instrumental in President Kenyatta’s Waitiki land deal (see below). Crisis Group telephone interview, CLMB member, Kilifi, November 2015.

²⁰ The state took over the 930-acre Waitiki farm of a Kikuyu businessman in 2016. Kenyatta presented 5,000 lease certificates in a loan scheme that will eventually see over 7,000 squatters receive plots. “President Uhuru Kenyatta issues Waitiki farm squatters with title deeds in historic event”, *The Standard*, 10 January 2015. Crisis Group telephone interview, Lamu resident and youth leader, May 2016. “You must pay for title deeds, Uhuru tells Waitiki squatters”, *The Star*, 10 January 2016; “Mombasa to pay Nairobi Sh. 1.25 billion on behalf of Waitiki squatters”, *The Star*, 15 April 2016. “The key question about land is redistribution, especially at the coast, which to date has not happened ... someone will have to give up something for this issue to be resolved”. Crisis Group interview, land rights NGO representative, Kilifi, March 2014.

²¹ Historically, poor governance is blamed for lack of development and services. Crisis Group interviews, local political activist, Mombasa, 20 June 2012; academic, coastal higher education institution, Kilifi, August 2013, March 2014.

²² Australian Base Titanium (BT) began mining in Kwale in late 2013 and ships large quantities of mineral sands to international markets, principally China. In 2014, the Mombasa county government unilaterally attempted to impose new levies on BT, which the company challenged as illegitimate double taxation, and the treasury agreed. “Kwale – Counties barred from imposing illegal mining taxes”, *Daily Nation*, 13 November 2014. The development goal of the LAPSSET project is popular in Lamu county. Adrian J. Browne, “LAPSSET: The History and Politics of an Eastern African Megaproject”, Rift Valley Institute, 2015, pp. 51-54.

In July 2014, Mombasa county politicians, including Governor Hassan Joho, threatened that the county would forcibly take over the port if the government did not cede management to them.²³

A potentially more constructive discussion has grown over how coastal counties can work together to reach their full development potential. In June 2015, the six governors launched the “Commonwealth of Coast Counties” (Jumiya Ya Kaunti Za Pwani, JKP) economic bloc. Originally a technocratic initiative, it was rapidly politicised by the opposition-dominated county governments to highlight their development credentials. Since county governors’ political imperatives remain re-election, the looming 2017 polls have distracted from further progress on JKP.²⁴ Once elections are over, the initiative should be revisited, since the coastal counties vary greatly in resources, infrastructure and human capacity, and thus economic viability. Greater regional intra-county cooperation might also cut wasteful duplication at county level, leaving more resources for services and development, as well as reduce the need for subventions from national government.

III. Coastal Militancy

Coastal politics, post-independence, was traditionally quiet, until street protest in the 1990s and some isolated though lethal election-related violence in 1997 revealed simmering grievances. The nationally disputed 2007 election also saw some localised violence and targeting of up-country communities. Coastal militancy has returned since 2012, associated in particular with the Mombasa Republican Council (MRC) and later with what appears to be a distinct Al-Shabaab-affiliated coastal Kenyan group. Despite deep ideological differences, and though individual motivations and paths were often different, the MRC and Al-Shabaab have recruited from a similar pool of disenfranchised youth and mobilised around similar grievances, including land. They have had very different operational capacities, but both militant strands have been met with a harsh security response, effective in disrupting and dissipating their organisation and activities, but at the cost of further hardening anti-national government sentiment.²⁵

²³ The Kenya National Bureau of Statistics (KNBS) ranked Coast below all except North Eastern province in 2007 in rural poverty. Its 2014 figures indicated continuing severe poverty and income inequality (the most unequal counties being Tana River, Kwale, and Kilifi). In 2013, the Truth Justice and Reconciliation Commission found historical and contemporary coastal grievances, including inadequate land adjudication, political exclusion, poverty and unemployment, were primary causes of the region’s discontent and violence. “Final Report”, vol. IIB, 17 May 2013. “Leaders want Mombasa port devolved”, *The Star*, 30 July 2014. The constitution provides for county consultation and involvement in the port’s operation, but regulation of shipping and international waters is still a national government preserve (Schedule 4, Part 2, and Article 187 respectively).

²⁴ Crisis Group interviews, academic at coastal university, Mombasa, November 2015, May 2016; civil society activist, Lamu, November 2015. “Coast counties join forces to tackle economic woes”, *Daily Nation*, 16 June 2015. “Why the Coast Counties Economic Bloc is Collapsing”, *The Star*, 9 April 2016.

²⁵ In the 1990s, the Islamic Party of Kenya (IPK) took up the coast’s marginality through an Islamist perspective; its leadership divisions and the then still strong KANU state ensured the moment was short-lived, but a precedent was set. During the 1997 elections, an indigenous militant group, the Kaya Bombo (Kayas are the Mijikenda’s sacred forest groves) attacked Likoni, south of Mombasa. Most believe the KANU government covertly revived hopes in *majimbo* among coastal

After a period of escalating violence (2011-2014), 2015 saw restoration of security to the extent that Western governments' travel advisories – devastating to the coast's tourism industry – have been lifted. The army's local deployment, aimed at dislodging an estimated 300 Al-Shabaab-trained militants from the Boni forest that straddles the Somalia border along Lamu and Garissa counties – “Operation Linda Boni” – began to show progress in late 2015. However, most sources believe the threat has not ended and that a hard core of local militants is waiting for the right moment to resume activities.²⁶ There is also a related concern political networks could instigate unrest and violence as elections approach.

A. *The Mombasa Republican Council (MRC)*

The MRC emerged as a political grouping in the former Coast province as early as 2005. Founding members claimed it adopted radical secessionist rhetoric, captured in its slogan *Pwani Si Kenya* (Coast is Not Kenya), so the government would take its grievances more seriously, while most just wanted more autonomy and control over key resources, principally land.²⁷ There was some political sympathy from national politicians, but the government declared it illegal in 2010, and security forces continued to make MRC-related arrests well into 2013.²⁸

As the 2013 elections grew closer, political sympathy for the MRC's cause declined, not least due to pre-existing political and communal divisions between Arab and African-Mijikenda; among African Mijikenda groups and their distinct regional strongholds; and between urban and rural populations.²⁹ The MRC was blamed for a multitude of sins, including growth in criminality on the coast, much of which was likely not directed by the notional leadership. There were also widespread, con-

people in return for attacking (Luo and Kikuyu) communities which then made up the opposition vote. Mwakimako and Willis, “Islam, Politics and Violence”, op. cit., pp. 12-16. Goldsmith, “The Mombasa Republican Council”, op. cit., p. 20. Anneli Botha, “Radicalisation in Kenya: Recruitment to al-Shabaab and the Mombasa Republican Council”, Institute of Security Studies, Paper no. 265, September 2014. “Youth in Mombasa are hardened, not engaged”. Crisis Group interview, senior coastal Muslim cleric, Mombasa, May 2016.

²⁶ Crisis Group interviews: “There is definitely a marked tactical improvement in the security services' response – better coordination; better intelligence gathering.... [T]he challenge is how to progressively improve on these modest gains going forward”, Western diplomat, Nairobi, December 2015; security officials, Garissa and Mombasa, November 2015. Sources believe a number of militants have left for other locations, including Tanzania and even Islamic State (IS)-controlled territory in the Middle East. Crisis Group interviews, security officials, Nairobi and Mombasa, November 2015.

²⁷ Paul Goldsmith, “‘The Coast is Not Kenya’. An Oral History of the Mombasa Republican Council”, *Kwani?*, no. 8 (2015); and Gona and Willis, “Pwani C Kenya?”, op. cit. MRC had a council of both Christians and Muslims but alienated some coastal constituencies by refusing civil society organisations that wanted to facilitate dialogue. Crisis Group interview, youth-focused NGO activist, Mombasa, 30 October 2012; Goldsmith “An Oral History”, op. cit., p. 61.

²⁸ During the government of national unity (2008-2013), Prime Minister Raila Odinga and his Orange Democratic Movement (ODM) initially signalled sympathy and willingness to negotiate with the MRC (the coast was a traditional Odinga constituency). This was dropped following opposition from other government parties. Crisis Group interview, county official, Kwale, November 2015. Gazette Notice no. 12585 under the Prevention of Organised Crime Act added MRC to the list of 32 other banned organisations; a Supreme Court ruling overturned this and was challenged by the government.

²⁹ Much of the MRC's traditional support base is in rural Kwale, Kilifi counties and among the African Mijikenda ethnic groups, especially the Digo – the largest of the ten Mijikenda tribes.

tradictory and unfounded rumours that the group was being funded by a variety of mainstream politicians, despite its official call for an election boycott. An especially violent attack on a rural polling station on election eve brought the arrest of its leadership.³⁰ Despite the existence of a formal MRC leadership council, direct control over members was limited; much of the violence blamed on the MRC as a political organisation was opportunistic and organised locally (in contrast to the more lethal and deliberate Al-Shabaab attacks).

B. *Al-Shabaab*

Al-Shabaab's increasing activities in Kenya from circa 2011 (including a sharp up-tick after the Kenya Defence Forces intervened in Somalia) allowed the authorities to conflate it with the MRC; this may not have been entirely cynical: in the heightened pre-devolution atmosphere, there was a genuine, though largely misplaced fear in Nairobi of a hostile coastal bloc bent on violent secession. Amorphous as the MRC was, the government's failure to engage on the issues driving it may have helped Al-Shabaab adopt its social justice agenda and possibly attract its more militant fringe. But by 2011, Al-Shabaab had already established recruiting networks across Kenya, including in the coast region. If there were MRC and Al-Shabaab links, they likely were individual, not organisational.³¹

Escalating from small attacks (mainly abductions and targeted killings), Al-Shabaab carried out a carefully planned assault in June 2014 on Mpeketoni, a largely Kikuyu settlement scheme in Lamu county, killing more than 70 people. This underscored its intent to instrumentalise coastal grievances over up-county immigrants and apparent grabbing of "coastal" land from indigenous communities. Its oversimplification of a much more internally contested history of land rights between African and Arab coastal communities was surprisingly echoed by the national government. President Kenyatta alluded to the divisions between coastal natives and upcountry settlers, blaming "local political networks" and not Al-Shabaab. The nationally-appointed county commissioner (accountable to president's office) had newly-elected Lamu Governor Issa Timamy arrested in connection with the Mpeketoni attacks.³²

³⁰ Willis and Chome, "Marginalisation and Political Participation", op. cit., pp. 5-6. Crisis Group interviews: "One of the weaknesses of MRC is their leaders have failed to control the radical element of the group responsible for criminal activities. The leadership should try and rein in these group", youth-focused NGO activist, Mombasa, 30 October 2012; security office, Mombasa, 2012. Goldsmith, "An Oral History", op. cit., p. 56; Willis and Chome, op. cit., p. 5. The official leadership denied responsibility but was arrested regardless.

³¹ "MRC has links with Al Shabaab, says Coast PC", *The Star*, 7 May 2012. Crisis Group Africa Briefings N°s 85, *Kenya Somali Islamist Radicalisation*, 25 January 2012; and 102, *Kenya: Al Shabaab – Closer to Home*, 25 September 2014. The prevalence of militants in both organisations originally from Kwale, where marginalisation and unemployment is acute, is probably no coincidence. Crisis Group interview, coastal university academic, Mombasa, May 2016. Goldsmith cautions against identification of militancy with any one group or region, "An Oral History," op. cit., p. 52.

³² On the Mpeketoni attacks and security response, see "Report Following the Mpeketoni Attacks (15 and 16 June 2014)", Independent Policing and Oversight Authority (no date). Kikuyu in Lamu West constituency were sufficient to ensure the election of a Kikuyu MP, Julius Ndegwa Kariuki, in 2013. An example of the nativist feeling against the Mpeketoni scheme is "Mpeketoni Ni Ya Walamu Milele", *Unchunguzi Online*, 2 March 2011. "Statement by President Uhuru Kenyatta on the

C. *The Rise of Youth Gangs and Armed Entourages*

The problem of youth gangs in urban and peri-urban areas, particularly in and around Mombasa, grew at the same time as MRC and Al-Shabaab activities.³³ Their actions have been confused with militancy, since gang members in Kisauni have at times appeared to target and assault Christian pedestrians and passengers in *matatus* (minibuses). Some gangs, especially in Mvita, Kisauni and Likoni, are also said to be occasionally “rented” by politicians to intimidate opponents. This has also forced politicians to hire some youths to provide protection. The growing securitisation of politicians’ entourages has been replicated under county government, where the line between public and private security is increasingly blurred; an example is Mombasa’s “City Inspectorate”, a locally raised constabulary apart from the national Kenya Police Service that some contend has become a partisan arm of the county executive.³⁴

D. *Dealing with Militancy*

MRC and Al-Shabaab militancy grew in a context of worsening insecurity, compounded by increasing criminality and the growing problem of the proliferation of public and private security arrangements, especially in urban settlements. This was partly the result of political and bureaucratic flux as devolution was implemented and the old provincial system wound down. A new security management system of both locally-elected county government and county commissioners appointed by and accountable to the president’s office was supposed to work collaboratively. Instead, the centrally-appointed commissioners who controlled the security apparatus, were (and still are) viewed with suspicion on the coast and perceived as rivals by the new county executive.³⁵

The central government’s response to coastal militancy – beginning with the MRC’s grassroots social protest and then the more pernicious threat of Al-Shabaab, supported by a network of radical preachers and mosques – was a campaign of prohibition, disruption of meetings and security sweeps, including mass arrests across entire neighbourhoods.³⁶ The mutual distrust between security forces and especially

Attack in Mpeketoni, Lamu County”, State House Kenya, 19 June 2014. Al-Shabaab had claimed the attack two days previously. Radio Al-Furqaan, 17 June 2014.

³³ Including Wakali Kwanza, which operates in Kisauni district – especially Bersheba, Mwandoni and Bamburi; Kakende Family in Nyali – especially Bombolulu, Vietnam and Ziwa la Ng’ombe; Mvita Gang, which operates in Majengo and Kingo’rani; and Likoni Gang or Wakali Wao operating in Likoni, Ukunda, Diani.

³⁴ Crisis Group interviews, security officials, Mombasa, May, November 2015; Mombasa-based national newspaper journalist, May 2016; representatives of civil society organisations (group interview), Kilifi county, May 2016.

³⁵ “Perceptions of County Government Performance”, op. cit., p. 7. Others have noted that the tendency of some county governments to make under-qualified and inexperienced “political” appointments to technical posts justifies the continuation of national oversight over security; Crisis Group interview, senior coastal Muslim cleric, Mombasa, May 2016.

³⁶ Since 2006, radical preachers and mosques that have supported Al-Shabaab have expanded in Mombasa. In some places well organised and led by charismatic youthful clerics, they capitalised on previously weak local mosque leaderships to cement their control. In Majengo, a densely populated and rundown district in Mombasa’s historical quarter that is hard for the security services to navigate, various mosques, notably Masjid Musa, which was controlled by militants until 2014, have recruited hundreds to fight alongside Al-Shabaab. Crisis Group interviews, 2012-2106.

youthful coastal Muslims grew with unexplained killings of radical preachers that many attribute to the Kenyan security services.³⁷

In Mombasa county, security forces also took control of mosques suspected of radicalisation, and many were closed. Though eye-witness accounts attest that there were groups of radicals in certain mosques, closure was very unpopular with local Muslims, who saw it as an attack on their freedom of worship. The county government worked quickly to reopen them under new “management committees”.³⁸

County government’s limited stake in security provision may explain its relatively limited political leadership in addressing militancy. The same pattern is seen in some local implementation of the nationally-led policies the government categorised as “countering violent extremism” (CVE), county government input into the development of which is also perceived to be minimal. The National Counter-Terrorism Centre (NCTC) has been tasked with formulating and implementing a national CVE strategy to complement enhanced traditional counter-terrorism operations.³⁹

“Soft” CVE policies, as opposed to “hard” counter-terrorism measures, include rehabilitation of extremists, not least Al-Shabaab “returnees”. These programs face a huge trust deficit, and outright fear, especially given heavy-handed security tactics that continue to alienate communities. A coastal Muslim cleric said:

The state cannot ask for Muslim support while at the same time engaging in extrajudicial killing, indiscriminate crackdowns and arrests and shutting down Muslim human rights organisations. Muslim support will be unqualified and automatic but that is dependent on the security agencies changing their behaviour.⁴⁰

Religious leaders have paid a high price for participating in CVE programs following a suspected retaliatory assassination campaign against “moderate” clerics by extremist networks.⁴¹ As long as the low-level campaign of assassinations and disappearances continue, those caught between the authorities and groups committed to violent jihad, including Al-Shabaab affiliated groups, are fearful of seeking assistance.

³⁷ Among the most high profile slain clerics were Aboud Rogo, Ibrahim Rogo and Abubakr Sharif “Makaburi”; an alleged “financier”, Shahid Bhatt, was killed in similar circumstances. “Kenya: Killings, Disappearances by Anti-Terror Police, Donors Should Suspend Support for Abusive Units”, Human Rights Watch, 18 August 2014; “The Error of Fighting Terror with Terror: Preliminary Report of KNCHR Investigations on Human Rights Abuses in the Ongoing Crackdown against Terrorism”, Kenya National Commission on Human Rights (KNCHR), September 2015, p. 31.

³⁸ Five mosques, Musa and Sakina in Majengo district and Swafaa (Kisauni), Rahma (Kisauni) and Mlango wa Papa (Old Town, Mvita), have been allowed to reopen under new management committees selected by “moderate” elders. Sources note that the new committees have not received promised support from county governments. Crisis Group interviews, senior coastal Muslim cleric, coastal university academic, Mombasa, May 2016.

³⁹ A security officer questioned by an academic researcher in Kilifi county on whether county government had improved security said “devolution is only for development”. Chome, “Devolution”, op. cit., p. 308. The bulk of support to the NCTC comes from traditional Western allies, but there are also reports of Gulf state funds (especially the United Arab Emirates) and technical advice. Crisis Group interviews, security sources, Nairobi, January 2016.

⁴⁰ Crisis Group interview, Mombasa, November 2016.

⁴¹ “Moderate” clerics killed include Salim Bakari Mwarangi, involved in community policing and CVE programs in Likoni, in November 2014 on his way to the mosque for evening prayers; and Mohammed Sheikh Idris, supported by the state in his bid to take over Masjid Musa, in June 2014. Kenyan intelligence sources believe the killers are linked to the Al-Shabaab affiliated Kenyan Al-Hijra network, which trained in Somalia. Crisis Group interviews, Muslim clerics, civil society leaders and security sources, Mombasa, May, November 2015.

Kwale county has recently witnessed a spate of retaliatory killings that started in Msambweni, where a number of local clerics, chiefs and village headmen had to go into hiding for fear that militants disillusioned with the government amnesty and “rehabilitation” programs were targeting them. Civil society organisations (CSOs), too, are increasingly reluctant to engage in CVE work given the parallel hard security measures and since the two leading coastal CSOs had their assets frozen for alleged links with terrorism.⁴²

Given the stakes in restoring security, it is unlikely the government will let up on hard measures. Outreach and reconciliation are sorely needed; there are cases, such as Lamu county – site of the Mpeketoni attack – that have seen sustained local efforts, assisted by national institutions, to heal communal divisions and dispel mutual suspicion between county and national government.⁴³ This work, by addressing the local competition violent groups feed off, helps reduce their ability to recruit. But as campaigns for the 2017 national and county elections begin in earnest, it is likely that mutual suspicion between national and county leaderships will deepen in some counties and hinder their ability to implement local peacebuilding initiatives.

IV. Elections in 2017

The 2017 elections present a complex picture, with potential for communal violence generated by both the county and national contests. The intense local competition for county positions and the resources they control, as well as the militant support, often along ethnic lines, some governors have cultivated, will inevitably bring tensions. It is likely that the interest from 2013 – despite the MRC’s call for a boycott, some very localised lethal election-eve violence and minority Islamist slogans against a vote higher than any previous election – will be sustained in 2017. In 2013, much of the coast voted for the opposition, including its presidential candidate, Raila Odinga, who appealed to coastal concerns about marginalisation. Local candidates also capitalised on general distrust of government.⁴⁴ The coast will likely remain an opposition stronghold, though President Kenyatta’s Jubilee alliance is working hard to make inroads.

⁴² Crisis Group interviews, senior coastal Muslim cleric and coastal university academic, Mombasa, May 2016; telephone interviews, two local journalists working on the Kwale killings, June 2016. “Six Terror Suspects Arrested in Kwale”, *The Star*, 22 June 2016. “Statement on Gazettement of Civil Society Organisations”, KNHCR, April 2015.

⁴³ The divisions in Lamu, especially between indigenous and upcountry communities, were acute, and security measures were resented; the situation has improved but tensions remain. Crisis Group interview, Lamu resident, Lamu, November 2015; telephone interview, Lamu resident and youth leader, May 2016.

⁴⁴ Mombasa Governor Joho faces opposition from Arab/Swahili voters (Mvita, on Mombasa island) and Luo (principally in Likoni and parts of Kisauni). Crisis Group interview, senior local journalist, Mombasa, November 2015. Coast turnout remained relatively low in 2013, however, compared to other parts of Kenya. Willis and Chome, “Marginalisation and Political Participation”, *op. cit.*

A. *Tana River*

Tana River presents the clearest risk (and precedent) for intra-county communal electoral-related violence, but for different reasons than other coastal counties. In late 2012, prior to the elections, an estimated 180 people in the county were killed in intra-ethnic violence. This was based on pre-existing conflict over grazing land and water between Pokomo farmers and Orma and Wardey herders and against a backdrop of an increase in large commercial farms in the Tana River delta. The new county electoral system also enabled an alliance of the previously politically marginalised Orma and Wardey to squeeze out the numerically dominant Pokomo. Tensions remain, but the breakdown of the Orma and Wardey bloc may lead to more balanced county representation and leadership.⁴⁵

B. *The Coastal Counties as Opposition Stronghold*

Elsewhere on the coast, the likely strong vote for the opposition, especially if the results are nationally contested, may also bring violent protest and the potential targeting of certain communities. There are rumours some “up-country” communities are encouraging non-resident kin to register to vote in their areas to ensure greater representation in counties. However, as long as county governments as a whole remain the preserve of locals, it is unlikely protest will escalate.⁴⁶

Nevertheless, the national government dislikes strong “opposition” governors. The relationship between Mombasa Governor Hassan Joho (also deputy leader of Raila Odinga’s Orange Democratic Movement, part of the opposition Coalition for Reform and Democracy, CORD) and President Kenyatta and his Jubilee alliance members is particularly poor. At a townhall-style meeting in Mombasa, where the president was seen to be listening to coastal grievances and acting on land and youth employment, Joho openly criticised him for “bypassing” elected leaders and not consulting them “on development matters”. This led to a war of words between Joho and the national government, apparently culminating in the Mombasa Port Authority closing a freight business operated by his family in February 2016.⁴⁷

Relations deteriorated further during the Malindi by-election in March, when high-profile Jubilee supporters overdid their canvassing on behalf of an otherwise credible local candidate. With Joho’s support and electioneering on the ground, and despite the poor record of the incumbent CORD governor, Amason Kingi, the oppo-

⁴⁵ Tana River’s expansive hinterland means it has more in common with the northern rangelands than coastal counties, including tensions over water and livestock grazing in areas where herders and farmers meet. Katja Kirchner, “Conflicts and Politics in the Tana Delta, Kenya; An Analysis of the 2012-2013 Clashes and the General and Presidential Elections 2013”, MA Thesis, African Studies Centre, Leiden (August 2013). The existing alliances are weakening. Crisis Group telephone interview, youth leader in Tana River county, 19 May 2016.

⁴⁶ The rumours are particularly prevalent in Lamu county, with a large Kikuyu minority associated with the Mpeketoni settlement scheme. In 2013, Kikuyus won a number of elected positions: deputy governor, a constituency MP and several MCAs. Crisis Group telephone interview, Lamu resident/NGO worker, May 2016. The MRC remnants are encouraging voter registration. Crisis Group interview, Mombasa-based national newspaper journalist, May 2016.

⁴⁷ From December 2015 to January 2016, the president spent a full month on the coast. “Uhuru has snubbed me in Mombasa, says Joho”, *The Star*, 7 January 2016. The closure order came a day after Joho hosted Odinga and inaugurated a road named for the opposition leader’s late son. “KRA closes down two Joho family freight businesses”, *Daily Nation*, 28 January 2016.

sition Orange Democratic Movement candidate won the national assembly seat. After the Jubilee defeat, the government withdrew Joho's official bodyguards and gun license. The risk is that Joho overplays his self-styled role as the coast's "defensive champion", prompting greater pressure from the national government, which in turn could trigger a backlash of popular protest (and targeting of up-country communities).⁴⁸

V. Conclusion

After the 2013 elections, the MRC's retreat and the new county governments gave elected county leaders a fresh opportunity to defuse local discontent and seek a lasting solution for the coast's numerous social and economic problems. For a number of reasons this did not happen. Because the coast is an opposition stronghold, the national government was suspicious and took a guarded approach to granting prerogatives to the county governments. New county politicians found their powers and political space limited not only by the constitution, but also by the way the new bureaucracies were subjected to the national practice of "informalisation", including political patronage, and underlying racial, religious and regional divides within their constituencies.

This has led to general disappointment with the county governments' delivery of devolution benefits that should help address the coastal grievances that have simmered since independence.⁴⁹ In the short term, with a looming election and heightened political stakes, there is risk of political violence from various quarters. Militancy – dormant but not destroyed – as well as youth gangs and armed political entourages mean that the instrumentalisation of violence for political ends is a continuing danger. While domestic and international attention is still focused on possible extremist violence, the biggest security risk remains politicised communal violence, especially at county level.

Nairobi/Brussels, 13 July 2016

⁴⁸ "Brief on Status of Malindi By-Election", MUHURI, 7 March 2016. Joho has unveiled a development blueprint for Mombasa, "Vision 2035", the centrepiece of his re-election bid and a potential presidential run in 2022. "Joho storms commander's offices after his security officers withdrawn", *The Star*, 10 March 2016. Crisis Group interviews, representatives of civil society organisations (group interview), Kilifi county, May 2016. A central government official regretted Joho's "reckless" populism and "resurgent Coast radicalism" that must be contained "by all means necessary". Crisis Group telephone interview, March 2016.

⁴⁹ Though the county system itself is still generally supported. "Perceptions of County Government Performance", op. cit.

Appendix A: Kenya's Coastal Counties

