



SAVING KENYA'S LAST COASTAL WILDERNESS

BY DEFENDING RESIDENTS' RIGHTS

BY KEVIN M. DOYLE

In early January this year, a handful of residents in the coastal Kenyan village of Mkokoni noticed land surveyors setting up equipment on a stretch of undeveloped dunes. Tension in the community had been growing as outsiders brazenly acquired prime beachfront property while, under Kenyan law, the villagers themselves were still considered “squatters” on land they had lived on for generations. Villagers attributed these new developments to possible corruption and backroom deals.

On this occasion, the residents rushed back to the village to spread the news. Soon a crowd gathered, words were exchanged, sticks and stones wielded, and

tempers flared. The surveyors packed up their gear and left. The beach regained a measure of peace – temporarily. Shali Mohamed, a Mkokoni resident, said: “We feel that if we didn’t show them that we are prepared to fight for our land, then all of it will be taken right out from under our feet.”

The confrontation was a microcosm of the pervasive land tenure issues facing coastal residents of Kenya, as conflicts intensify between traditional users of land and outside speculators and developers.

Forty-six years after independence from Britain, Kenya is finally beginning to address one of the most fundamental

and contentious issues that the country and its people have faced: in December 2009, a new national land policy was adopted which, if and when implemented, will address historical inequities and emphasize the rights of citizens to the use of and access to land.

Mkokoni is just one of many villages in the northernmost corner of the Kenyan coast, just south of the Somali border, in one of Kenya’s last wilderness areas. This region includes the Lamu archipelago, home to a most unique and diverse ecology on both land and sea.

Lamu, which is separated into East and West districts, is home to the Bajuni and the Boni (or Aweer as they are also



KEVIN DOYLE



Opposite page: Pristine coastline of Kiwayu Island, Kiunga Marine National Reserve.
Top: Newly hatched Green sea turtle (Kiunga Marine National Reserve).

THE CONFRONTATION WAS A MICROCOSM OF THE PERVASIVE LAND TENURE ISSUES FACING COASTAL RESIDENTS OF KENYA, AS CONFLICTS INTENSIFY BETWEEN TRADITIONAL USERS OF LAND AND OUTSIDE SPECULATORS AND DEVELOPERS.

often called.) and a designated UNESCO World Heritage Site. The Bajuni, closely related to the swahili, are seafarers, fishermen, boat-builders, farmers, and craftsmen – their lives are intricately intertwined with the land and sea on which they live. The Boni, one of Kenya’s last hunter-gatherer groups, still collect honey and wild fruits from the forest, have sacred forest shrines, and are romanticised for their ability to whistle to birds, which then lead them to honey.

For centuries, life was simple for the people of this region and natural resources were abundant. But in the 1960s, new forces came into play in these remote corners of the archipelago, shaking the foundations of the age-old society, and setting the stage for the fundamental challenges facing the area today.

The Shifita War broke out soon after Kenyan independence when ethnic Somalis in Kenya’s Northern Frontier District attempted to secede and become part of the Republic of Somalia. They simultaneously attacked and plundered most of the villages in the area, sparking a mass exodus and migration southwards. Locals refer to the period as “daba”, or when “time stopped.” In some ways, particularly when it comes to economic development and social services, the clock has seemingly never been reset. The Bajuni abandoned many of their

villages along the coast, and either moved to the safety of the islands or to Lamu, or points further south. Inland, the Boni were even more affected. Most were moved to makeshift camps along government - controlled roads with the promise of security, social services and other benefits. This movement eroded a large part of their delicate relationship with the forest.

The Shifita War officially ended in 1967, although armed bandits from Somalia continue raiding even to this day. To make things worse, soaring demand and prices for elephant ivory in the late 1970s led to a poaching epidemic in Kenya. Nowhere was spared, and the inland areas of the Lamu archipelago, at the time considered to have one of the highest densities of elephant (*Loxodonta africana*) in East Africa, came under severe attack. From an estimated 30,000 in the 1970s, the current population of elephant in the region is estimated to be about 300, and yet poachers are still at hand.

Fortuitously, it was at about the same time that the Kenyan government, through the Wildlife Management and Conservation Department (WMCD) - the predecessor of Kenya Wildlife Service (KWS) - recognised the unique biodiversity of the region and gazetted the Boni and Dadori National Reserves in 1976, and the Kiunga Marine National Reserve in 1979.

KEVIN DOYLE

The Kiunga Reserve incorporates 250 km² of coastal wilderness. Including over 50 calcareous islands and atolls, it forms a rare mosaic of terrestrial, estuarine, and marine ecosystems. Gazetted primarily as one of the only nesting areas for the Roseate Tern (*Sterna dougallii*) and other migratory seabirds, and a critical nesting area for Green sea turtles (*Chelonia mydas*), it persists as one of the few remaining places in East Africa where intact wilderness meets the sea. The waters of the region host rich coral reefs and sea grass beds, which host the critically endangered Dugong (*Dugong dugon*), and six species each of dolphin and sea turtles, while the coastline is hugged by the most extant mangrove forests in Kenya, boasting seven varieties.

The Boni National Reserve contains 1,339 km² of indigenous coastal forest, harbouring densities of almost implausibly tall hardwood tree species and at least five threatened plant species. It opens out to the west into acacia bush, supporting herds of over 1,000 buffalo, with associated predators such as lion, leopards, and hyenas. Gazetted primarily as a dry season refuge for elephants and other wildlife, not least of which are the Golden-rumped Elephant shrew



KEVIN DOYLE

(*Rhynchocyon chrysopygus*), African wild dog (*Lycaon pictus*), Abyssinian bushbuck (*Tragelaphus sp*), Ader's duiker (*Cephalophus adersi*), Desert warthog (*Phacochoerus aethiopicus*) and the critically endangered Hirola (*Beatragus hunteri*) or Hunter's hartebeest as it is also known.

The Dodori National Reserve covers 877 km² of coastal savanna, woodland and mangrove forest, sustained by the Dodori Creek which flows out of the Boni forest through the reserve which now bears its name to the sea. A crucial water source for diverse populations of wildlife, it was primarily gazetted as a breeding ground for Coastal Topi (*Damaliscus lunatus spp.*) and Hirola. Today it still hosts large populations of buffalo, Coastal topi, and unknown populations of lion, leopard, and other species.

"These three reserves," said Michael Gichure, the senior warden for KWS in Lamu, "are true gems, even if they may not shine as bright as some of the well-known parks and reserves in the country. And it is our hope that through scientific research we will better understand this unique ecosystem, which will help us better manage it in partnership with the communities in the region."

But the reality is that the wildlife and the viability of their habitats in the Lamu region are under severe threat. As is the case along the shoreline in and around Mkokoni, irregular land allocations on Kiwayu and other islands to land speculators and developers, with

no formal or public announcement, threaten turtle nesting sites and other habitats within the Kiunga Reserve. And although legal, mangrove harvesting is difficult to regulate and current practices risk being unsustainable. For the Dodori Reserve, unclear boundaries invite encroachment by farmers, and there is even a call by some to degazette all or parts of the reserve to make way for expanded farming and other unspecified enterprises. And in the forest areas adjacent to the Dodori Reserve, called the Boni-Lungi forest, illegal logging, widespread slash-and-burn agriculture and shifting cultivation threaten to wipe out a forest rich in biodiversity and essential to maintaining a semblance of the Boni way of life. Outside the national reserves, rumours persist that large areas, ranging from 2,000 - 5,000 hectares, have been irregularly allocated to multinational companies to be turned into ranches.

Other ideas, such as the proposed Lamu Port and associated railways, roads, oil refineries, etc., have so far been floated with no plan for mitigating the potential negative impact on tenure security of residents, possible escalation of conflicts, land speculation, or the effects on fragile ecosystems. A new project to tarmac the often impassable dirt road, which cuts through the corridor between the Boni and Dodori Reserves and ends in the border town of Kiunga, is overwhelmingly welcomed by residents for the improved security and access to markets it will provide.



KEVIN DOYLE

Top: Yellow-Billed Storks (Ibis ibis) in Kiunga Marine National Reserve

Below: Slash and burn agriculture and illegal logging of hardwoods is destroying large swaths of the ungazetted Boni-Lungi forest.

But little if any consideration has been given to the potentially devastating impact the paved road could have by facilitating land grabbing, illegal logging and slash-and-burn agriculture, not to mention the blow to the fisheries of the Kiunga waters, regarded as perhaps the richest in Kenya, as the road would allow for fish and shellfish to be shipped to Lamu and Malindi within hours of being caught, perhaps stimulating overfishing if proper controls are not put into place.

But it is not all bad news. There have been some attempts to counter these questionable deals. A coastal advocacy group called the Shungwaya Welfare Association has initiated litigation against a number of land transactions, and has trained residents to look after their own interests. Non-governmental organisations, like the Kibodo Trust and World Wildlife Fund (WWF), are working to help communities better manage their natural resources and develop alternative livelihood opportunities. With improved security in the region, the potential for ecotourism is enormous.

The debate about land rights should become clearer now that the Kenyan parliament has passed a National Law Policy, after almost five years of discussion. This new policy should demystify land ownership, address historical injustices related to land, release land for the resettlement of the landless, and economically empower youth, women and the disadvantaged and vulnerable.

Under the old tenure system, land in Kenya was designated as government land, trust land and private land. The National Land Policy calls for a new tenure classification: public land, private land, and, community land. It is this latter category that is of great interest to many communities throughout the country, but in particular along the coast, where picturesque landscapes, pristine beaches, and abundant natural resources have caught the covetous eyes of land speculators and surveyors. The arrival of these developers often signals the demise of customary community rights,

KEVIN DOYLE



Forest areas outside of protected areas are under assault by slash and burn farmers, but poor soils force them to search for new land after just a season or two, called shifting cultivation, which leads to more deforestation

as well as biodiversity. Victor Liyai, deputy director of the Land Rights Transformation Unit of the Ministry of Lands, the department responsible for the development of the land policy, says: "The policy calls for a Land Act which is now being drawn up by the Ministry. This act will amalgamate and modernize at least 67 laws and statutes, many of which date back to colonial times at the beginning of the 20th century, that affect land ownership and its usage."

Enter the USAID-funded Kenya SECURE Project, facilitated by ARD Inc in collaboration with the Ministry of Lands and KWS. This pilot project began, in September 2009, to test many of the principles of the land policy and develop a process for securing customary land and resource tenure for indigenous communities along the north coast. Clarifying and securing land rights, particularly those of resident communities, will mitigate and prevent conflict over land and resources and motivate residents to actively participate in the co-management of natural resources with agencies such as KWS, Kenya Forest Service and the Fisheries Department, with the assistance of local NGOs such as the Kibodo Trust (see SWARA, Jan-March 2005). Prevention of conflict and sustainable use and management of resources will in turn help conserve biodiversity in this region. "As much as the SECURE Project is about land rights and biodiversity, this is really about the Kenyan government reforming the way it conducts itself as it moves towards a more open and transparent

democracy," says one senior Western diplomat.

As tempers and accusations flared among residents who felt cheated and disenfranchised by their own government and greedy speculators, the SECURE Project worked to start a dialogue between community members, the Ministry of Lands and other government officials and to forge a plan of action to secure land and resource tenure that will satisfy a consensus so that communities can more confidently pursue their livelihoods and play a meaningful role in managing the resources on which they depend.

The process is painstaking. After all, it stresses greater transparency, equity, and accountability – principles that were not always evident when land was allocated and transferred in the past, as the government admits. The sea turtles and Hirolas, and the Boni and Bajuni ways of life, hang in the balance. ●

KEVIN DOYLE

is the Team Leader for the USAID-funded SECURE Project based in Lamu. The project is being implemented by the Ministry of Lands with facilitation by contractor ARD, Inc., and in collaboration with the KWS, as well as a number of civil society organisations and community-based organisations, and the members of the targeted communities themselves.