

Kenya: How the Coastal Strip Was 'Saved'

BY MARK AGUTU, 11 SEPTEMBER 201

Imagine Kenya paying tidy sums to the Sultan of Zanzibar for the use of the Port of Mombasa. Picture up-country folks having to produce entry visas just so that they can sample the pearly beaches. Well, as inconceivable as it might sound, this was the reality until 1962.

But, a report by a British colonial officer dismissing the idea of an independent Coastal Strip as completely inviable and impractical is what ensured that present day Mombasa County became a part of Kenya.

The detailed recommendations in the report compiled by Commissioner James W Robertson in 1962, pushed the British Government, the Sultan of Zanzibar and pre-independent Kenya's Prime Minister Jomo Kenyatta into intense negotiations and concessions that saved Mombasa and several other coastal regions from being yanked away from mainland Kenya as autonomous territories to be administered by the Sultan of Zanzibar.

The Coastal Strip stretched from Vanga near the Kenya-Tanzania border to Kipini in Lamu and was 10 nautical miles inland from the shoreline. Mombasa County sits in the middle of this geographical entity, which also encompasses the present day Kilifi, Kwale and Lamu counties, all of which was under the Sultan of Zanzibar but which had been placed under British rule following a 1895 agreement with the British government.

Mr Robertson had been expressly and jointly mandated by the Sultan of Zanzibar Abdulla bin Khalifa and British Secretary of State for the Colonies Iain Macleod "to report to the Sultan of Zanzibar and the British Government on the changes which are considered to be advisable in the 1895 Agreement relating to the Coastal Strip of Kenya, as a result of the course of constitutional development in East Africa..."

In particular, Mr Robertson was asked to explore the viability of the Coastal Strip -- then known as Kenya Protectorate -- as an autonomous entity from the rest of Kenya and later on, possibly becoming an independent nation of its own.

After his countless trips across the larger East African region and Zanzibar, during which he interviewed hundreds of residents, groups and organisations, he captured his far reaching findings and recommendations in his report, which later became a sessional paper titled: Sessional Paper No. 9 of 1961: The Kenya Coastal Strip Report of the Commissioner.

"From all the information available to me, it is clear that the Coastal Strip is neither economically, nor ethnically, nor politically, nor administratively viable; and that it cannot hope to be viable in any or all of these terms within the immediately foreseeable future. To add to the present lack of viability, the creation of a new State implies the creation of many new services and institutions which would be expensive: a new government with ministries and an assembly; a separate civil service with a central secretariat, treasury and departmental headquarters offices; a large police force with police headquarters, and so on," read one of his key recommendations.

On the economic aspect, Mr Robertson observed that the Coastal Strip's real strength at the time lay in the position of Mombasa as a port with minor industries backed by a nascent commercial agriculture and a tourism industry that was just beginning to expand. However, these could not make the Coastal Strip, as then administered, be regarded as economically self-supporting. This was reinforced by the glaring shortfall between revenue and expenditure, which the colonial treasury put at around £1 million.

"Even if, with confidence and stability, the necessary capital became available for the development of the Strip, it would take many years for it to become economically self-supporting," the report concluded.

The only practical alternative was for the 1895 Agreement to be abrogated and the Coastal Strip fully integrated with the rest of Kenya, Mr Robertson concluded. This, he argued, met the wishes of the majority of the inhabitants in the Strip "who being Africans, regard Kenya as one State from the Coast to Lake Victoria".

It would prevent the disintegration of Kenya and "balkanisation" of East Africa as a whole; allow Kenya's port to remain within Kenya; prevent creation of a new boundaries problem and satisfy arguments based on geographical, economic, ethnic, political and administrative grounds.

"In all these circumstances, it is my recommendation that the Coastal Strip should be administratively integrated with Kenya just before Kenya becomes self-governing and that the 1895 Agreement entered into by Her Majesty's Government and His Highness the Sultan of Zanzibar should be abrogated."

Robertson also suggested that the British Government gives up the right of administering the Coastal Strip to pave way for the Sultan and the new Kenya Government to enter in a deal on terms similar to those it had with the Sultan.

"Should it prove impossible to negotiate such a new agreement, then the Sultan of Zanzibar should be invited to renounce his sovereignty and the Strip should be annexed to Kenya. In such circumstances, I recommend that the Sultan should receive suitable compensation for the loss of his sovereignty, and I have suggested the sum of 100,000 sterling pounds, which I recommend that Her Majesty's Government should pay."

In the event that this position was adopted and the Coastal Strip was incorporated administratively or completely with Kenya, necessary safeguards were to be included in the new Kenyan Constitution to preserve the rights of the Coastal people.

In recognition of the regional significance of the Port of Mombasa, the report recommended that the self-governing and independent constitution of Kenya have provisions securing the rights of the Uganda and Tanganyika governments to the facility. It further recommend that if any system of regional or country administration is set up, in Kenya, the Coast province of Kenya, including the Coastal Strip, should form one of those counties.

Similarly, the report recommended, should East African territories decide to enter into a federation later, "careful consideration should be given to the suggestion that Mombasa -- and perhaps the Coastal Strip itself -- be declared Federal territory and be administered by the Federal Government.

The contents of the report were the subject of discussions in London during the first quarter of 1962 at which key resolutions were made and which shaped the destiny of East Africa, and Kenya in particular.

Among forums at which these findings were discussed was the Lancaster House Conference convened between March 12 and 18, 1962 by the Secretary of State for the Colonies. Those who attended the conference were six representatives of the Coastal Strip, eight elected members of the Kenyan and Zanzibari legislatures, the Governor of Kenya, and the Sultan of Zanzibar who was represented by a legal adviser.

In the delegation from the Coastal Strip and Bajuni Lands were Sheikh M A Alamoody, S J Anjarwalla, O S Basaddiq, T M Chokwe, R P Cleasby, A M Jeneby, Sheikh A Nassir and A J Pandya. The Kenyan delagation, on the other hand, included in the talks included Ronald Ngala, Robert Matano, Daniel arap Moi, Masinde Muliro, Jomo Kenyatta, Tom Mboya, Dawson Mwanyumba and L R Welwood.

During the talks, the Sultan acknowledged the economic and political developments that had taken place in the region under the 67-year British rule but pointed out that with colonial rule fast drawing to an end across Africa, his concerns were mainly about how the Coastal Strip was to be governed in future and how his subjects would be taken care of.

"His Highness' sole concern is for the welfare of his people. Before he could agree to any arrangement for their future government, he would wish to be satisfied that their

institutions and way of life would be fully safeguarded," the Sultan's legal adviser said. Among these safeguards were a declaration of human rights including security of religious worship; safeguards of the maintenance of Shariah law for Muslims and retention of the Kadhi's Courts; arrangements for the future appointment of Muslim administrative officers; and the establishment of the Coast's lands and education boards.

The issue of safeguards for the human and religious rights of the Sultans' subjects was a thorny one, forcing the conference to convene another round of talks later to break the impasse.

This took place on April 7, 1962, during which delegates agreed to await the outcome of an ongoing Kenya Constitution Conference which, it was told, could effectively capture the Sultan's concerns.

Negotiations intensified between Kenya's Prime Minister Jomo Kenyatta, his counterpart in Zanzibar and the British Government. Ultimately, the Kenyatta government agreed to uphold Robertson's recommendations on this issue of the rights of the Muslims in the Coastal Strip and which the Sultan had given as a condition to his relinquishing hold of the Coastal Strip.

In a letter to the Zanzibari Prime Minister Mohammed Shante dated October 5, 1963, Mr Kenyatta accepted the Sultan's conditions and undertook to guarantee the Muslims their freedom of worship; preserve the jurisdiction of the Chief Kadhi and other Kadhis on determination of Muslim Law relating to issues such as marriage, divorce and inheritance where all parties are Muslims; provide aid to Muslim educational institutions and recognition of freehold titles already issued in the Coast Region.

A final agreement was signed on October 8, 1963 replacing the 1895 deal that placed the Kenya Protectorate -- the Coastal Strip and the mainland and other adjacent islands with the exception of Pemba and Zanzibar -- under British rule.

"It is hereby agreed that and declared that on the date when Kenya becomes independent, the territories comprised in the Kenya Protectorate shall cease to form part of Her Highness' dominions and shall thereupon form part of Kenya... " the new agreement read in part. And so it was that the coastal area became a part of Kenya.