

MOORINGS: INDIAN OCEAN TRADE AND THE STATE IN EAST AFRICA

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Nidhi Mahajan

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MOORINGS: INDIAN OCEAN TRADE AND THE STATE IN EAST AFRICA

Nidhi Mahajan, Ph. D.

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Ever since the 1998 bombings of American embassies in Nairobi and Dar es Salaam, especially post - 9/11 and the “War on Terror,” the Kenyan coast and the Indian Ocean beyond have become flashpoints for national and international security. The predominantly Muslim sailors, merchants, and residents of the coast, with transnational links to Somalia, the Middle East, and South Asia have increasingly become the object of suspicion. Governments and media alike assume that these longstanding transnational linkages, especially in the historical sailing vessel or dhow trade, are entwined with networks of terror. This study argues that these contemporary security concerns gesture to an anxiety over the coast’s long history of trade and social relations across the Indian Ocean and inland Africa. At the heart of these tensions are competing notions of sovereignty and territoriality, as sovereign nation-states attempt to regulate and control trades that have historically implicated polities that operated on a loose, shared, and layered notion of sovereignty and an “itinerant territoriality.”

Based on over twenty-two months of archival and ethnographic research in Kenya and India, this dissertation examines state attempts to regulate Indian Ocean trade, and the manner in which participants in these trades maneuver regulatory regimes. Ethnographic research on board sailing vessels or dhows as they are docked at Mombasa’s Old Port, and amongst residents of Mombasa and Lamu suggests that regulation has pushed these trades into the shadow economy where the lines between legal and illegal trade are blurred. This has led to increased insecurity, giving rise

to many rumors that attempt to make sense of uncertainty. In an environment of increased regulation and surveillance, participants of these trades and residents of these port cities also respond by seeking to establish social orders that are not anchored in the modern nation-state, harnessing imaginaries that gesture to an Indian Ocean past and alternative conceptions of belonging. Focusing on the everyday life and maneuvers of sailors, merchants, and activists, this dissertation demonstrates that Indian Ocean trade and social relations persist in the contemporary era, these linkages only made visible through a focus on trade and social relations that lie at the margins of the Kenyan state.

BIOGRAPHICAL SKETCH

Nidhi Mahajan completed the International Baccalaureate at Kodaikanal International School in India in 2002. She then began her undergraduate degree at the University of Michigan – Ann Arbor, receiving a B.A. in Anthropology (with High Honors) and Social Science, with a minor in Afroamerican and African Studies in 2006. Nidhi received the M.A. in Anthropology in 2011, and PhD in 2015 from Cornell University.

For my grandparents

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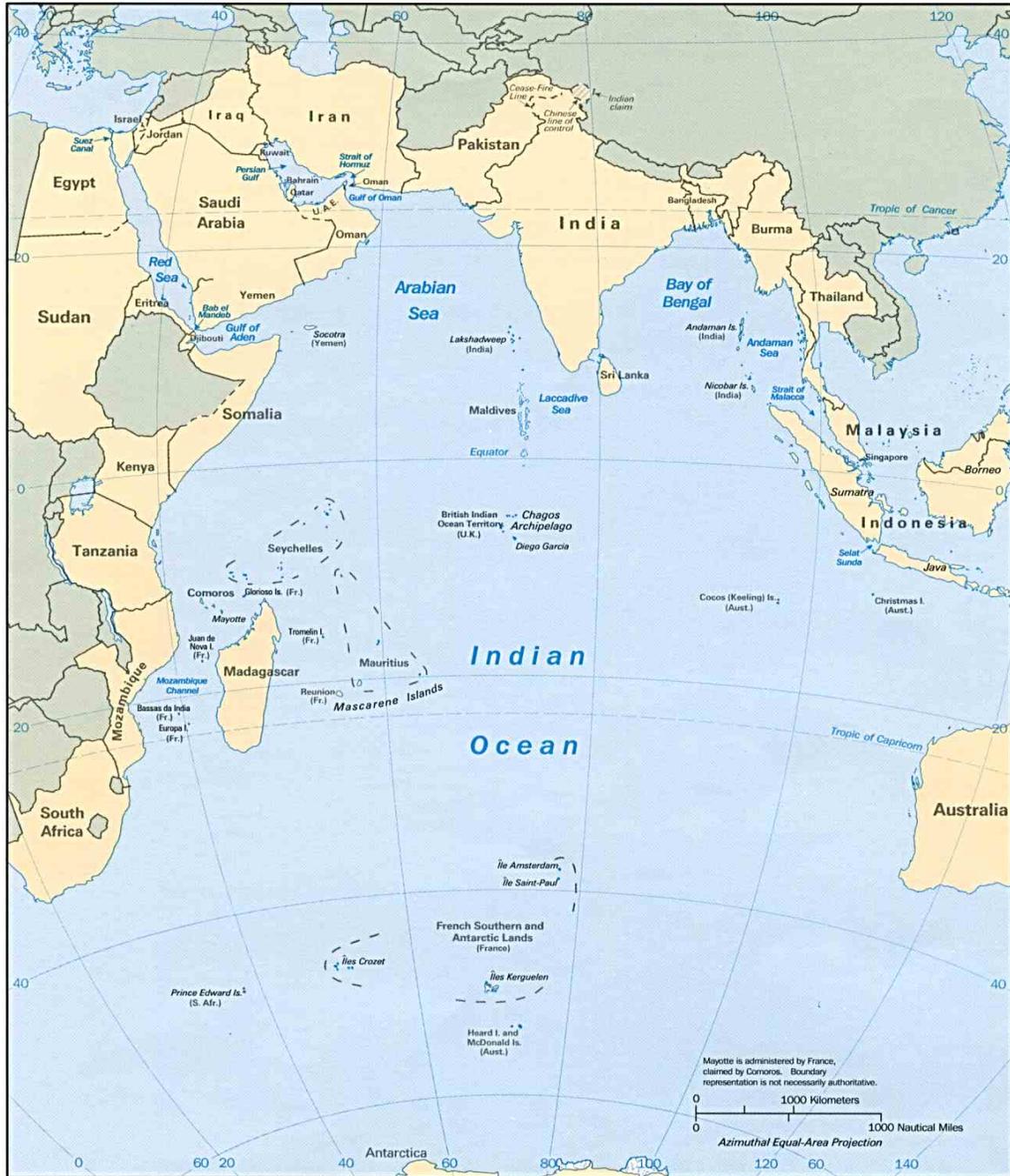
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MAP 1

Indian Ocean Area



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(University of Texas Libraries: 1993)

MAP 2

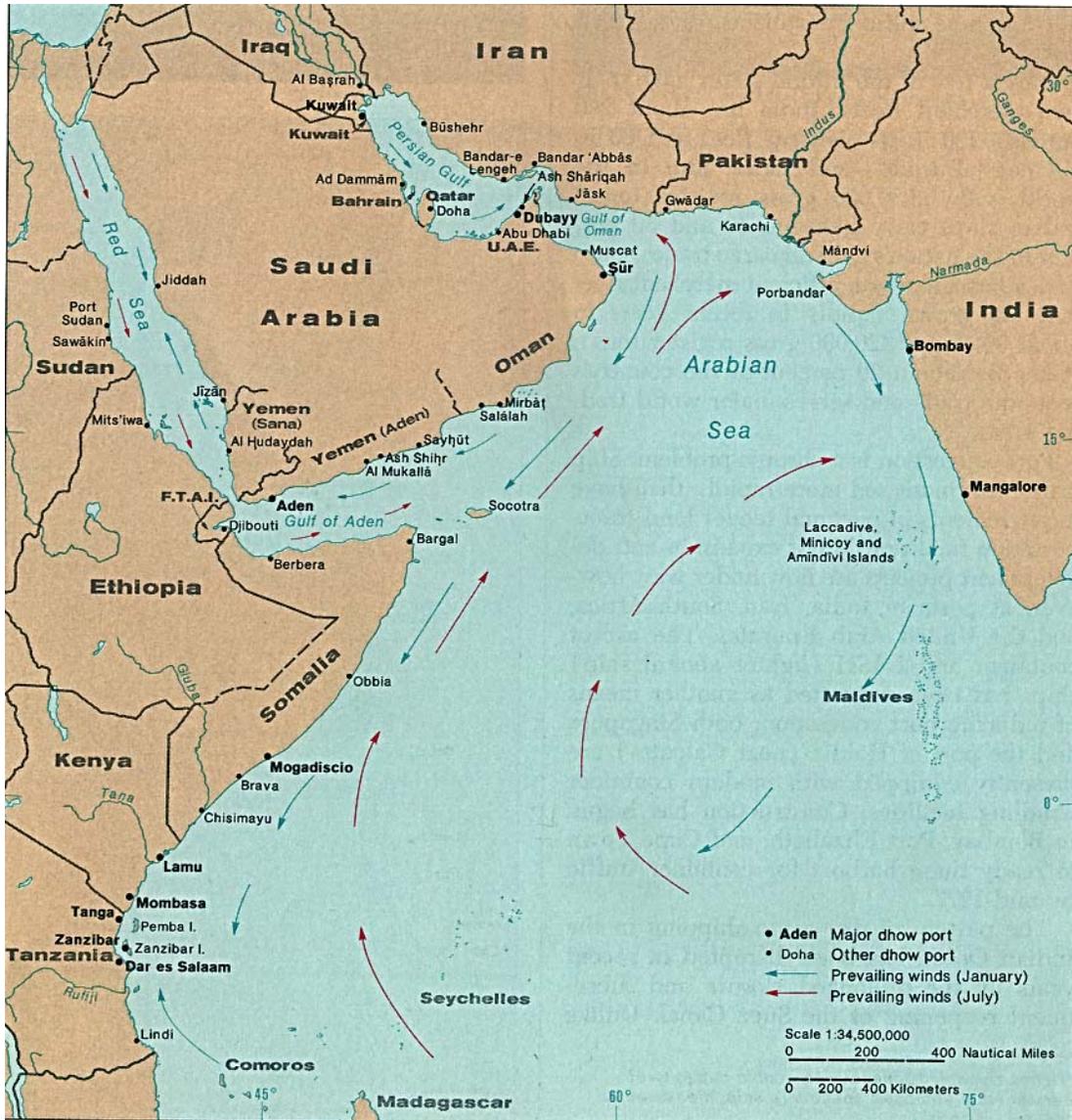
Western Indian Ocean



(University of Texas Libraries:1996)

MAP 3

Dhow Ports of the Indian Ocean



(University of Texas Libraries: 1976)

INTRODUCTION

Mooring:

1. The action of securing a boat or other vessel in a particular place.
2. In *pl.* Ropes, chains, cables, etc., by which a floating object is moored.
3. A place in or along a river, canal, or a harbor where a vessel may be moored.

- Oxford English Dictionary Online

Yusuf, the captain or *nakhoda* of the *Sagar Sanpati*, a sailing vessel, or dhow from India was anxious. It was a rainy afternoon in July 2011, and he and his crew had just returned to Mombasa, Kenya from Kismayu, Somalia. The wooden ocean-going vessel, built by carpenters who had had learned their trade from their fathers and grandfathers in Yusuf's hometown of Mandvi in Kutch, was in dire need of repair. The hull had become susceptible to leaks, and seawater was slowly filling the cavernous cargo hold in the belly of the vessel. The crew had been busy fixing leaks, ensuring that the engine would run unhindered. The rarely used lateen sail that gestured to the mechanized dhow's historical beginnings as a sailing vessel, was tucked safely around the mast. Yusuf knew that the minor leaks would be fixed and that the vessel continue to voyage up and down the East African coast, transporting household goods such as coffee, tea, and milk powder from Mombasa to Kismayu, and Mogadishu in Somalia. The crew would bring back cargoes of dried fish from these ports, becoming accustomed to the rancid smell of gigantic carcasses of dried shark. A leak in the vessel was not the cause of Yusuf's anxiety.

Yusuf's concerns lay beyond the vessel. It had been a month since I had last seen him in Mombasa. Yet, as he warmly welcomed me into the small cabin on board, he seemed nervous and preoccupied, fidgeting with the fringes of his collared *kurta* or long, Indian shirt. The last time I had been there, he had given me a tour of the dhow, and had unlocked the cabinets showing me how they used radio, a GPS system, and a satellite phone to navigate and

communicate at sea, even confessing that they sometimes switched off these systems, becoming untraceable. But today, he was anxious about all that he had revealed to me. “You’re not from the CID [Crime Investigation Department], are you? You know, I’ve told you everything.” He asked, in Urdu, feeling vulnerable but yet sounding apologetic about the hint of an accusation. On my previous visits, I had assured him that I was a PhD student and hoped to write a book, one day. But the anxiety had resurfaced.

“No, I am only a PhD student.” I responded. “But I can understand your worries, I know things are risky. But is something particular worrying you?” Yusuf put his hands in his pockets, looked down, and confessed, “People are always suspicious here. There is a lot of drug trafficking and *hera-pheri* (literally, chicanery but here illegal trade), but all of our business is official, everything is official, but still...” he whispered, looking up at me, relieved. He paused, and then said thoughtfully, “Fishing boats come here from Pakistan, but they don’t carry any fish...” He then took a sip of his soda and asked me of news of home. The sun had begun to set. It was almost my time to leave. I walked gingerly down the precariously positioned, narrow wooden gangplank that attached the vessel to land. As the plank swayed against the force of the wind, I thought again of Yusuf’s apprehensions.

Yusuf’s worries about smuggling, illegality, and the possibility of my entanglement with security forces can be viewed as an example of the types of anxieties sailors experience everyday amidst growing state concerns about mobility and insecurity in the Indian Ocean. Ever since Al-Qaeda’s bombings of American embassies in Nairobi and Dar es Salaam 1998, and especially post-9/11, the Kenyan coast and the Indian Ocean beyond have become flashpoints for international security. Governments and media have assumed that weapons and people move easily along the coastlines and across the Indian Ocean, dhows and fishing boats that traverse

these waters escaping surveillance, moving unmonitored in spaces that have been difficult for governments to police, regulate, and protect. Writing about Kenya's porous border with Somalia in the wake of a 2002 attack on an Israeli hotel and passenger jet in Mombasa, the New York Times reported:

“The attention on the illegal traffic across the Kenyan-Somali border casts new light on the historic smuggling routes that form a 2,000 mile arc from Pakistan down the eastern coast of Africa to the Comoros Islands, between Mozambique and Madagascar. Western officials suspect that in recent months Al-Qaeda operatives have used the routes to move guns and people around the region, taking advantage of the predominantly Muslim areas along the coastline.” (Filkins and Lacey 2002)

The article expresses multiple fears about mobility in the Indian Ocean. It suggests that the vast maritime space of the Indian Ocean, that has historically connected Asia, the Middle East and East Africa, has essentially become a “safe haven” for the illegal movement of weapons and terrorists. The threat of this mobility is also immediately linked to the “Muslim” inhabitants of the Indian Ocean littoral, the assumption being that Al-Qaeda operatives can easily find sympathizers, if not accomplices amongst co-religionists along these shores. This evident Othering of Muslims can be viewed as part of the problematic logics of the “clash of civilizations” (Huntington 1996) type of thinking prevalent in popular discourse and politics as the US took the lead in the global “War on Terror.” But the article also gestures to a more situated unease with the past – it exemplifies a deep-rooted anxiety about the long history of trade and social relations across the Indian Ocean. In the article, the complex networks that have historically connected the Indian Ocean are simply viewed as “smuggling routes,” when in actuality, people like Yusuf also transport quotidian goods such as dried fish, dates, onions, and fruit legally along these shores.

The dhow emerges as a locus around which some of these anxieties are situated. The article goes on to state, “The centrality of the dhow in the East African smuggling network has not been

lost on American officials. This afternoon, two American investigators were spotted poking around Mombasa's old port, the entry point for many of the wooden boats.” (Filkins and Lacey 2002) Yusuf, a captain of one such dhow at the Old Port, was not simply being paranoid in questioning my identity, but perhaps cautioning against a leak, a security agent who may be allied with a different set of interests.

The news article is not alone in its conflation of dhows with unregulated, illicit, illegal commerce. A recent report by the Indian-based think tank, the Institute for Defence Studies and Analyses similarly views dhows as security threats, stating that dhows from India “smuggled in heroin, arms and explosives from Pakistan either via Dubai or when they make a stopover at the Karachi port. This illegal practice continues even today.” (Das 2013:10) Bemoaning the lack of regulation and monitoring of these dhows by the Director General of Shipping, Customs departments, and Mercantile Marine Department in India, the report insinuates that these vessels and the types of mobility that they engender are inherently threatening to international security.

Dhows have been used to transport goods and people across the Indian Ocean since people first navigated these waters. The term “dhow” itself is an English word that came to be used in the nineteenth century to refer to different kinds of wooden sailing vessels used in the western Indian Ocean to carry goods and people along coasts and across the ocean (Gilbert 2004:37). These “native vessels” were constructed differently in East Africa, Arabia and India, and varied in size. Vessels known as the *bagala*, *boom*, and *sambuk* that came from the Arabian peninsula, and the Indian *kotia* and *ganja* were used in long-distance trade across the Indian Ocean. Smaller boats known as *bedan* were also used to transport lower volumes of cargo across the ocean. In East Africa, the *mashua*, and then the *jahazi*, were used for coastal trade, other smaller varieties of vessels such as *mtepe* being used for coastal trade in the Lamu archipelago (Gilbert 2004). These

varied types of sailing vessels were categorized as “dhows” by the British in the Indian Ocean. It was widely recognized that prior to the fifteenth century, these wooden vessels were sewn together using coir or leather. It was only after the arrival of the Portuguese that nails came to be used in the construction of these sailing vessels. These dhows moved between different parts of the Indian Ocean littoral, carrying not only goods and people, but also allowing social interaction between sailors and their hosts, sustaining trade and social relations in the Indian Ocean since at least the early modern period (Sheriff 2010).

Yet, today, dhows and the social relations they have enabled are increasingly associated with illegality and terror. How have these Indian Ocean trade circuits converged with networks of terror? What valence do these connections have in everyday life and historical imagination? How has the Indian Ocean become a source of national and international insecurity? Rather than taking a presentist view of these security concerns, I believe that current conflicts on the Kenyan coast and the Indian Ocean beyond can be situated within a longer history of tensions between mobile Indian Ocean trade networks and state power – whether imperial, colonial, or national. Contemporary anxieties about dhows and mobility in the Indian Ocean are revealing of tensions between state forms of power and mobile sailors and merchants in the *longue duree*. In the present moment, these anxieties reveal how overlapping and interconnected state policies in Kenya, India, and in the post 9/11 “War on Terror” led by the US seek to regulate Indian Ocean networks in the name of anti-terrorism, and pro-development. These tensions have particular bearing on the East African coast, where they also reveal deep-seated anxieties about the relationship between the state and the coast, the coast’s integration into the Kenyan state being tenuous and precarious as coastal residents respond to regulation and surveillance by looking to a history of connection to the Indian Ocean world rather than the Kenyan state.

At the heart of these tensions lie questions about territoriality and sovereignty. Dhows and the trade networks they engender have historically functioned as an “itinerant territoriality” (Mbembe 2000:263) in which dynamic social and political allegiances, rather than the physical geography of sovereign polities, have shaped cultural, political and commercial exchanges (Cooke and Lawrence 2005). This itinerant territoriality operated by “thrusts, detachments, and scissions” (Mbembe 2000:263), political entities being marked by an “imbrication of multiple spaces constantly joined, disjoined, and recombined through wars, conquests, and the mobility of goods and persons.” (Mbembe 2000:263) Indeed, in the pre-colonial era, dhows in the Indian Ocean were free to navigate the seas freely, no one political entity claiming that its power extended beyond land to sea. In addition, the spaces in which these dhows would dock – especially the Swahili coast – were characterized by political entities that operated on a shared, overlapping, and layered sovereignty. However, since the colonial period, mobile dhows and their dynamic trade networks have been forced to contend with the boundaries of the sovereign state, defined and delimited by British colonial and subsequently, Kenyan national and international law and policy. These shifts in understandings of territory and sovereignty have concurrently led to the creation of regulations that seek to tightly monitor and control mobile peoples, goods, and vessels.

Given these larger shifts and tensions around notions of territoriality and sovereignty, how have states attempted to regulate dynamic Indian Ocean trade? And how have participants in these trades responded to regulation in everyday life? These questions have particular valence against the backdrop of 9/11 and the “Global War on Terror,” after which mobile Muslims became subjected to greater suspicion and surveillance, the movement of dhows in the Indian Ocean being seen as a threat to international security. How then have participants negotiated and

responded to tighter regulation and surveillance? As I argue, they maneuver multiple regulatory regimes by reworking their networks in the shadow economy, the line between regulated and unregulated, legal, and illegal commerce being blurred. These trade networks therefore persist, albeit at the margins of the state. Yet, the response of participants in these trades is not simply an economic one. The persistence of these trades – both in everyday life and in historical imagination – has enabled participants to imagine social belonging in a manner that goes “against the grain” of the centralizing power of the Kenyan nation-state and provides an alternate route of integration into the global economy.

Ultimately then, this dissertation is about moorings. It is about regulations that seek to control, fix, secure, and attach mobile vessels and dynamic maritime trades to a particular place. It is about a link between land and sea, and the Kenyan coastline that becomes the site of this mooring. I am interested in the ways in which states seek to regulate diverse groups of sailors, traders, and the goods that they carry, and trade in across the vast maritime space of the Indian Ocean. Alongside these regulations that seek to moor mobile trades and peoples, I also analyze the varied ways in which participants in these trades maneuver and navigate regulation, becoming moored to states in certain moments, and unmooring themselves in others. While it may first appear that this work is not about a distinct unit of people, a specific place, or a particular trade, it is indeed about one place – the Kenyan coast – but also about the many elsewheres that meet and mingle there, and have in fact, made this the western periphery of the Indian Ocean. The long history of the Indian Ocean serves as the backdrop for these regulations, movements, and moorings. This then is a historical ethnography that focuses on key moments of mooring and movement, of regulation and maneuvering. In order to show the interplay between regulation and maneuvering, I rely on certain key concepts such as layered sovereignty, shadow

economy, and a historical understanding of the Swahili coast and the Indian Ocean. It is to these themes and histories that we now turn.

Historiography: A Route to a Contested Geography

Much of the historiography of the Indian Ocean focuses on the pre-modern and early modern periods, the middle of the eighteenth century usually taken to be the point of rupture: one in which the Indian Ocean became a “British Lake.” The movement of people, goods, and ideas in this region from the nineteenth century onward is viewed as being held under British imperial sway, the old maritime world of the Indian Ocean being reassembled, never to be the same as it came to dominated by the British. While it would be tenuous argument to suggest that these oceanic connections continued unchanged under the British and persist into the contemporary era, questions about how Indian Ocean connections articulate with forms of states – whether colonial or post-colonial – remain to be answered. How do Indian Ocean networks contend with colonial state power? What happens to these connections, this maritime world, with the end of the British empire and the rise of nation-states? How can one situate the contemporary movement of dhows, goods, and peoples across the Indian Ocean within this longer history?

Scholars of the Indian Ocean have traced early exchange across the Indian Ocean to 5000 BC. Yet, it is by the beginning of the Common Era¹ that maritime trade began to link the different littorals of the Ocean, fisher folk, sailors, pilgrims, traders and travelers traversing its waters (Pearson 2003; Bose 2006; Chaudhuri 1985). The rise of Islam in the seventh century gave a new unity to the Indian Ocean, creating a massive Dar al-Islam or Abode of Islam stretching across the Iberian peninsula, the Mediterranean, the Middle Eastern heartland, and the Caspian Sea to

¹ The anonymous author of the famous Egyptian Romano-Greek merchant’s guide to the western Indian Ocean, the *Periplus of the Erythraean Sea*, dated 100 BC - 50 AD, traveled from the West coast of the Red Sea to Malabar, describing maritime skills and practices on the East African coast, the presence of Indians in Socotra (the name of the island itself coming from Sanskrit) and the way in which Arabs traded

the Indus (McPherson 1993:94). The growth and expansion of Islam stimulated commerce and trade in the ocean, the spread of the faith being entangled with commercial aspirations as Muslims came to control trade routes, sea lanes and customs revenues (Risso 1995:14). Muslims from the Middle East and South Asia emerged as a dominant force in the Indian Ocean as faith and commerce was woven into the fabric of life along the Indian Ocean Rim (McPherson 1993; Chaudhuri 1985). On the eve of European arrival in the Indian Ocean in the fifteenth century, it has been suggested that people across the Indian Ocean, from East Africa to Southeast Asia were linked through a complex web of maritime connections. Trade in the Indian Ocean prospered, peaceful oceanic navigation and commercial freedom for foreign merchants on most shores of the Indian Ocean being characteristic features of the region (Pearson 2003).

In the fifteenth century, the Portuguese entered the Indian Ocean, Vasco da Gama leading the way in 1498 as he traveled across the Arabian Sea from East Africa to Calicut in Malabar (Chaudhuri 1985:64). While the Portuguese introduced new forms of trading that combined trade and warfare, and sought to monopolize trade and claim exclusive sovereignty, they were largely unsuccessful. Nevertheless, the Portuguese opened up the Indian Ocean for the Dutch, English, and French who followed close at Portuguese heels. Yet, the period between the end of the fifteenth century and until the mid-eighteenth century has been characterized as “An Age of Contained Conflict” or an “Age of Partnership,” European entry into the Ocean being dependent on indigenous groups, marked by some conflict but also cooperation between Europeans and indigenous groups and among the Europeans as well resulting in Europeans being placed “within the traditional trading world of the Indian Ocean rather than European domination.” (McPherson 1993:140)

The middle of the eighteenth century is usually taken at the point from which “a long process

began which led over the next hundred years to a very dramatic change in the history of the ocean and its peoples.” (Pearson 2003:190) Through this period, many of the lands around the ocean came to be dominated and controlled by the British, McPherson even suggesting that this process led to a “crumbling” of the boundaries of the Indian Ocean as “it was overwhelmed, physically and economically, by European merchants and soldiers.” (McPherson 1993:4) While Europeans, more specifically, the British, did shift the terms on which the Indian Ocean trade was organized, non-Europeans, especially South Asians and Hadramis continued to ply the waters of the Indian Ocean, the terms on which they were able to do so shifting based on British control.

Thomas Metcalf (2007) has argued that in the period between 1860 and 1920, Indian troops, traders, policemen, laborers, engineers, coolies, administrators, clerks and surveyors moved across the Indian Ocean. He argues that India, rather than the British metropole, was the nodal point from which British conquest, control and governance was made possible in the Indian Ocean. The picture that emerges is one in which Indians, rather than Britons, were the ones tying the different areas of Indian Ocean together, albeit under British control. Similarly, pointing to the movement of non-Europeans, particularly Indians in the Indian Ocean under British imperialism, Sugata Bose has suggested that “the Indian Ocean in the nineteenth and first half of the twentieth centuries was both a British lake and it was not...” (Bose 2006:274) He argues that the British Empire achieved “dominance without hegemony.” (Bose 2006:273) Pointing to the movement and activities of non-Europeans such as the poet Tagore, the Sufi mystic Khwaja Hassan Nizami, Gandhi, various Indian soldiers, capitalists, laborers and expatriate nationalists, Bose suggests that the Indian Ocean remained a space in which alternative universalisms and various forms of cosmopolitanisms were imagined by non-Europeans even after British

domination in the mid-eighteenth century, through the colonial and imperial periods.

However British dominance was made possible in the nineteenth century due to several factors. Eric Tagliacozzo has argued that British came to dominate in the nineteenth century (first through the East India Company and then through the British Crown) as they were successful in moving from mercantilism to controlling local means of production, the process unfolding gradually and “often *not* at the point of a gun.” (Tagliacozzo 2002:77) It is through this process that Britain was able to become the dominant imperial and colonial power in the Indian Ocean.

Despite British dominance, others also continued to traverse the Indian Ocean. Engseng Ho’s work shows that Hadramis, who were to be found on all of the different littorals of the Indian Ocean starting the sixteenth century, continued to move across the littoral, their movements often overlapping with those of imperial powers. As Ho’s work demonstrates, both, imperial powers and Hadrami diaspora “were very mobile affairs and traveled the same routes, often in the same vessels.” (Ho 2006:248) Through the colonial and imperial periods, Hadramis managed both British and Dutch colonial systems, often seeking to use imperial peace and infrastructure to further their mobility. However, the rise of nation-states seems to have fractured this mobility.

The historiography of the Indian Ocean is largely silent about the articulation of Indian Ocean trades and networks with nation-states. As decolonization led to the marking of national boundaries in this interregional arena, it is generally assumed that these connections become subsumed by nation-states (Gilbert 2002), notions of belonging being shaped by national imaginaries rather than transoceanic ones. How then can one consider the movement of people such as Yusuf, and dhows that continue to traverse these old routes? How are notions of belonging to an Indian Ocean world understood in the face of the “imagined communities” (Anderson 2006) of nation-states? In this dissertation, I argue that some of these connections –

both in everyday, material life, and in historical imagination – persist, albeit at the margins of the state. My ethnographic research shows that dhows continue to move along these shores, serving a particular economic niche in the shadow economy. Memories of an Indian Ocean past continue shape ideas of belonging, especially on the East African coast, where secessionist movements look to this Indian Ocean past to argue for alternative political legitimacies that are not anchored in the modern nation-state of Kenya.

By focusing on the East African coast, this study also aims to overturn a long-standing presumption within Indian Ocean historiography that has ambivalently placed East Africa in the Indian Ocean arena. For example, K.N. Chaudhuri, a pioneer of Indian Ocean studies famously stated, “In spite of its close connection with the Islamic world, the indigenous East African communities appear to have been structured by historical logic separate and independent from the rest of the Indian Ocean world.” (Chaudhuri 1985: 36) While others such as Bose (2006) and Alpers (2009) have accused Chaudhuri of marginalizing East Africa and its role in the Indian Ocean system, Chaudhuri seems to be just one example of a wider tendency in Indian Ocean studies, where East Africa has somewhat been recognized to be part of the Indian Ocean world, but yet apart from it. For example, even Chaudhuri, now famous for his marginalization, recognized that oral traditions, written chronicles, and archeological excavations show that Asian trans-continental, and oceanic trade was supplemented by a “lesser network in the direction of East Africa.” (Chaudhuri 1985: 56) Other Indian Ocean and Africanist scholars have viewed the East African coast as being a periphery within the Indian Ocean system, some using dependency theory to show how East Africa was “underdeveloped,” as it provided raw materials – ivory, mangrove poles, cloves, slaves, gold - whilst importing luxury goods such as beads, and textiles (Alpers 1975), viewing maritime trade networks of the Indian Ocean as exploitative (Alpers

1975; Beaujard 2005; Horton and Middleton 2000). However, Jeremy Prestholdt (2008) provides an important corrective to this narrative by focusing on how logics of consumerism in East Africa have shaped the world economy and the terms of trade in the nineteenth century (Prestholdt 2008). Yet these correctives also end in the nineteenth century, when in fact, East Africa continues to be embedded in these Indian Ocean networks in the contemporary era. These connections often lie at the margins of the Kenyan state, and are only made visible through a focus on the shadow economy and on notions of belonging deemed illegitimate by the Kenyan state. As this study suggests then, connections to the Indian Ocean world continue to shape not only commercial connections but also historical imaginaries in the present. Sailors from different parts of the Indian Ocean littoral continue to visit the East African coast, and coastal communities are still grappling with the implications of being embedded in trade and social relations across the Indian Ocean and the interior. Thus, although Indian Ocean scholars have viewed East Africa as historically peripheral, within East Africa itself, connections to the Indian Ocean continue to shape economic, social, and political life. The Swahili coast can therefore be viewed as a site of a mooring for trans-oceanic networks, raising questions about notions of sovereignty – a concept that has been deeply contested on the coast – in the *longue duree*. A brief discussion of Swahili coast history, with an eye to political transformations, might make these connections more clear.

The Swahili Coast: A Mooring on the Margins

The Swahili coast extends from Mogadishu in the north to southern Mozambique in the south, and includes the islands of Zanzibar, Pemba, Mafia and the Comoros Islands. Historically, early settlements did not extend a beyond a mile or two from the coast, the inhabitants of these settlements becoming crucial mediators, brokers, and middlemen for trade that connected the

East African interior to the wider Indian Ocean world. Yet, these settlements “never formed a single autonomous polity with clearly marked boundaries or an obvious center or capital” (Horton and Middleton 2000:5), multiple urban towns and settlements becoming a part of this society driven by commerce, and consisting of many loosely defined ethnic groups that became Muslim and spoke different dialects of Kiswahili.

Earliest settlements on the coast have been traced to Shanga and Manda dating about 800 A.D., their economy based on trade with the Persian Gulf (Middleton 1992:37). Other early centers included Pate, Siyu, Faza, Lamu, Shaka, Ungwana, Malindi, Mombasa, Vumba, Utondwe, Kilwa, and sites on Zanzibar and Pemba (Middleton 1992). Much of what we know about early social processes from the first to the sixteenth centuries comes from the archeological record. At first, these early settlements were engaged with trade with southern Arabia, the Levant, and the East. By the eleventh century, Islam became the predominant religion along the coast and drew these settlements further into maritime commerce and gave unity to a Swahili society (Pouwels 1987). The town of Kilwa was particularly predominant from the fourteenth to seventeenth centuries, its two main harbors supplying gold, ivory, and slaves (Middleton 1992:39).

Political organization for these autonomous mercantile city-states consisted of either a king or queen, towns like Lamu being ruled not by a single ruler but a patriciate. Yet, authority was not seen as singular and all-powerful in these city-states, but delegated amongst different officials responsible for relations with outsiders, internal order, and religious and legal matters (Middleton 1992:41). Sovereign power was disaggregated, and shared amongst multiple leaders. For instance, the Mombasa polity was not ruled by a singular authority, but consisted of twelve groups known as the Thenashara Taifa or “Federation of Twelve” that made up two confederacies (Berg 1968). The twelve groups were known as *mji* or *taifa*. The confederacies

were known as Mvita or Mombasa (comprising “The Nine Towns” or Tisa Taifa) and Kilindini (“The Three Towns” or Thelatha Taifa). Each of these had a head, the Kilindini section being the president of a council of twelve sheikhs. Yet no one figure could exercise more than delegated authority (Middleton 1992:42). In general, historians and archeologists agree that coastal city-states, prior to the rise of the Omani empire, were governed by a loose organization of kings and queens, much of the authority actually laying with a council of elders elected from particular resident lineages and social groups, these councils being dominated by the *waungwana*, an elite class of free-born nobles (Kusimba 1999:139-140). These dispersed, autonomous city-states were closely linked to each other by trade, formal alliances linking different city-states in some moments, while rivalries between polities led to war in others. Yet, as John Middleton notes, “profit, not power, was what counted, and the towns gave their rulers as little authority as they could: they were merchant-princes whose main duties were to act as representatives vis-à-vis other states.” (Middleton 1992:44) Some of these dynamics shifted with the coming of the Portuguese in the fifteenth century and the subsequent rise of the Omani empire.

Vasco da Gama arrived at the East African coast on his voyage to India in 1498. He stopped at several Swahili port cities before the ruler of Malindi assigned him an Indian navigator to guide his trip to Calicut in India (Prestholdt 2001). This ultimately led to an intermittent Portuguese presence on the coast until 1729. The Portuguese looked to establish a presence on the coast by forcing local Swahili rulers to pay tribute and abide by the *cartaz* system, and attempted to enforce this system by sacking several port cities, building forts in Sofala in 1505, and Fort Jesus in Mombasa starting 1593 (Pearson 1998:132). The Portuguese took advantage of the rivalry between city-states to gain control over the coast. In the sixteenth century, Malindi and Mombasa were in fierce competition, Mombasa viewing the Portuguese as a threat, while Malindi saw

them as an ally. The alliance between Malindi and the Portuguese led to Mombasa coming under Portuguese control in the 1590s, until they were expelled in 1631, only to be sacked again in 1632. Mombasa once again rose against the Portuguese, looking to the Omanis for an alliance. By 1652, Omanis were seen all over the coast, Pate and Mombasa turning to them for assistance in pushing out the Portuguese. In 1694, Pemba, the granary of Mombasa rebelled against the Portuguese, and in 1696, the Omani (assisted by members of the Thenashara Taifa) began their three-year siege on Fort Jesus, with the help of Pate and Lamu (Sheriff 1987:17), Mombasa finally being taken from the Portuguese in 1698 (Nicholls 1971:21).

When Mombasa was taken by Omani forces allied with members of Mombasa's Federation of Twelve in 1698, the Imam of Muscat appointed governors from the Omani Mazrui dynasty to act as his representatives in Mombasa. But Mombasa was lost once again to the Portuguese in 1727, and regained in 1729, the Omanis then appointing non-Mazrui representatives. Internal disturbances in Mombasa led to the reestablishment of Mazrui governors in 1729, the logic being that the Mazrui had by now intermarried with local elites and could therefore have greater control over the city through alliances with the Thenashara Taifa. From 1729 onward, Mombasa was nominally linked to Oman, sending revenues to Muscat although the city remained somewhat autonomous in the hands of the Thenashara Taifa, and the Mazrui, who acted as mediators amidst tense relations between the local confederacies (Berg 1968:50). However, as Oman itself saw political upheavals with the end of the Ya'rubi dynasty in the 1740s and the rise of the Al Busaidi clan, Mombasa sought to break away from Oman (in practical terms this only meant that no revenues were sent), political authority being shared between the Thenashara Taifa and the Mazrui. Omanis, however, were able to expand their interests on the coast by taking control of the Lamu archipelago in 1824 (Nicholls 1971:125). They had already established a

presence in Zanzibar, eventually moving their capital from Muscat to Zanzibar in 1832. Fearing the growing power of the Busaidis, Mombasa looked to the British in India for assistance, and an unauthorized British Protectorate was established over the town by Royal Navy Captain W.F. Owen from 1824-1826, ushering in a period of British influence. Yet, the years of British protection were a double-edged sword for Mombasa, as although it protected the Mazruis and the Thenashara Taifa from the Omanis, Captain Owen, under whom the port city was now being administered, interfered far too much in local affairs, and sought to prohibit the importation of slaves (Nicholls 1971:142). Mombasa was able to have the protectorate withdrawn, but was finally annexed by Said bin Sultan, Sultan of Muscat and Oman in 1837, becoming incorporated into the Omani empire (Sheriff 1987:30).

The expansion of the Omani empire to East Africa can be attributed to the rise of the Busaidi dynasty in Oman from 1741, a dynasty of rulers that were mercantile and maritime and drew their strength from commerce, trading in slaves, food grains, dried fish, dates, cloth, ivory, and mangrove poles (Sheriff 1987:20-21). However, the success of the Omanis came to depend upon their alliance with the British, whose interests were expanding in the western Indian Ocean. As the French-British rivalry in Europe and the Napoleonic Wars spilled into the Indian Ocean, Oman with its strategically located port at Muscat was caught between the two European powers. In 1798, Oman struck an alliance with the British that allowed the exclusive establishment of a fortified British factory on its territories, this beginning a process by which Oman was converted into a “compradorial state that acted as an economic and political agent of the foremost capitalist state of the era, Britain.” (Sheriff 1987:30) Yet, it was Oman’s relatively neutral position during the Napoleonic Wars that led to its rise as a commercial state, Indian vessels choosing to fly the neutral Omani flag as protection against the French. During this period, there were closer

connections between India, Muscat, and Zanzibar, eventually leading to the rise of an Indian merchant class in Muscat and in Zanzibar. In 1837, Zanzibar became the capital of the Omani empire, and its fortunes as an entrepot that connected Africa to India, America, and Europe grew. The period also saw the rise of a large Indian merchant class in Oman, and in East Africa, merchants from Kutch dominating the trade in ivory and textiles. It is generally understood that despite its rise as a commercial empire, Oman and Zanzibar's coastal East African territories enjoyed great autonomy, revenues being collected by the Sultan, but power continuing to be vested with local authorities.

Through the nineteenth century however, the Omani empire based in Zanzibar came into closer alliance with the British, who sought to limit French and American influences in the region, while also spear-heading movements to end the slave trade in the Indian Ocean. As Sheriff (1987) and Bhacker (1992) suggest, the anti-slave trade treaties between Zanzibar and Britain (as we will see in chapter 2) and Britain's control over the Indian merchant class ultimately led to the subordination of the Omani empire to Britain. By 1888, the Sultan of Zanzibar leased the ten-mile strip of East African coastline to the Imperial British East Africa company (IBEAC). In 1895, this area came to be leased directly by Britain, a treaty granting it a special status as British "protectorate," while the rest of Kenya was governed as a "colony." As a protectorate, the coast was governed by governors or *liwalis* appointed by the British. Over time, the rights of the Thenashara Taifa to collect customs annuities were stripped (Brennan 2008:840), but the Sultan of Zanzibar remained as symbolic ruler. Under the British, Mombasa became the capital of the Protectorate and the eastern terminal of the Uganda Railway. During this period, ties between India and East Africa expanded, there being a large Indian migration to the coast. These migrants were traders, bureaucrats, and also laborers. The period of British rule was wrought with

transitions in leadership on the coast, the power of the confederacies being greatly reduced, and administration falling upon the British (Salim 1973).

As Kenya approached independence, leaders of the coast and the rest of Kenya debated the status of the Protectorate of Kenya, the narrow strip of land that stretched along the coast from Lamu to the Vanga, near the Tanganyika border. While the Sultan of Zanzibar had retained titular sovereignty over this region, leaders on the coast feared that integration into the state of Kenya would lead to marginalization of coastal communities, who would become minorities in a nation governed by *wabara* or those from “upcountry.” Instead, leaders such as Sheikh Abdilahi Nassir, Mombasa’s representative to Kenya’s Legislative Council argued that the coastal strip had “always been a distinct country” (Prestholdt 2014: 250), using a discourse of autochthony to suggest that the cosmopolitan populations of the coast – including Arabs, Swahilis, and Asians – were the indigenous people of the coast, and that upcountry *wabara*, were in fact “foreigners” (see Prestholdt 2014). As Jeremy Prestholdt (2014) has argued, much of these distinctions between residents of the coast or *wapwani*, and *wabara*, were established in the colonial period when administrative divisions between “native,” and “non-native” were made whereby the foreign origins of Europeans, Asians, and Arabs conferred to them a non-native status and the privileges that came with this status (Salim 1973). The Swahili occupied a nebulous position within this dichotomy, technically being classified as “African” but yet many of mixed-ancestry claiming Arab origins and hence non-native status (Prestholdt 2014:256). Race emerged as an important category of classification as well, Arabs dominating prestigious positions of governor or *liwali* and *kadhi* or judge. Swahilis often claimed to be in the Arab category in this highly classified society where Europeans enjoyed greatest privileges, followed by Arabs and Asians. The Mijikenda, whose ethnic identity was once fluid, were tightly classified as African (Willis

1993). These classifications around race and native status became the grounds on which arguments for coastal incorporation and autonomy were being made.

Several groups argued for coastal autonomy, giving rise to a movement for coastal nationalism or *mwambao* (Prestholdt 2014). The *mwambao* movement based its claims to autonomy on the legal status afforded to the coast through the treaty of 1895. This treaty between Britain and the Sultan of Zanzibar allowed the British government to lease the ten-mile strip along the East African coast for 17,000 pounds per annum indefinitely – 11,000 pounds on rent (the amount the Imperial British East Africa Company, the Sultan’s previous tenant on the coast had been paying since 1888) and 6000 pounds in interest on the 200,000 lent by the Sultan to the British government. This allowed Britain to take over the administration of the coast as its “Protectorate.” However, in contrast with the rest of Kenya, people on the ten-mile strip were not British subjects but British-protected persons and subjects of the Sultan of Zanzibar, the territory now Kenya being divided in Kenya Colony and Kenya Protectorate (Brennan 2008).

As James Brennan (2008) has argued, symbols and loyalty to the Sultan of Zanzibar as sovereign persisted long after the treaty of 1895. The *mwambao* movement emphasized the Sultan’s “ownership” of the coast by emphasizing that the British had only *leased* this property, that too, for a much lower value than it was actually worth. However, the legal implications of the 1895 treaty only came to the fore for the administration at the point of decolonization, when the future of what is now Kenya and Tanzania was being pondered by the British. While the idea of an independent coast was never seriously considered, the option of Federated East Africa had become somewhat popular among pan-African idealists and some British administrators. However, when the viability of an autonomous coast province was being floated, the Colonial Office appointed Sir James Robertson to lead a commission to determine the future of the coast –

whether it should become a part of Kenya – and after much debate the Robertson Commission concluded that the coastal strip should be incorporated into Kenya.

In March and April 1962, at the Coastal Strip Conference at Lancaster House, the findings of the Robertson Commission were hotly debated. Abdullahi Nassir led the Mwambao United Front (MUF) and categorically refused to discuss the possibility of the coast being incorporated into Kenya, refusing to sign off on the conference’s published statement. Then, on October 8 1963, an agreement was reached between the colonial Secretary, the Sultan Jamshid, Jomo Kenyatta and Zanzibar Prime Minister, Mohamed Shante. This was followed by Jomo Kenyatta and Mohammed Shante signing letters guaranteeing five safeguards for the Sultan’s subjects: free exercise an worship for Muslims, the retention of the kadhi courts’ jurisdiction over Muslim personal matters, the appointment of Muslim administrators in predominantly Muslim areas, Arabic instruction for Muslim children and protection and registration of freehold land (Brennan 2008: 858). As the coast was incorporated into Kenya in 1963, *mwambao* died a slow death, only to resurface with a new secessionist group that became popular in 2010, the Mombasa Republican Council.

The coast’s status in Kenya has always been tenuous, residents of places like Nairobi remarking on the distinctiveness of “coasterians,” while in Mombasa and Lamu, people complain of the increasing migration of *wabara* from upcountry. These prejudices are still visible in everyday life, and continue to shape notions of belonging and ideas about political authority on the coast. Conflicting notions about sovereignty lie at the center of these tensions. Historically, the Swahili coast has been shaped by loose, shared, and layered understandings of sovereignty, no singular figure being vest with sovereign power. Habituated to a world of delegated and overlapping authority, the notion of nation-state sovereignty is perhaps most contested, and as

we will see in chapter four, residents of the coast continue to deploy alternative conceptions of sovereignty to maneuver current political and economic tensions between the coast and the central government.

Negotiating a Layered Sovereignty

Anthropologists concerned with the study of sovereignty have focused on defacto sovereignty – i.e. the ability to kill, punish, and discipline with impunity, as well as legal sovereignty – i.e. the legitimate right to rule (Hansen and Steputtat 2006). Drawing from the works of Carl Schmitt and Giorgio Agamben, scholars have focused on questions of “bare life,” and the body as the object of sovereign power. Other scholars have focused instead on the negotiation and contestation of state sovereignty. Studies of state sovereignty have generally traced the concept as having emerged from the treaties of Westphalia in the 1640s, where it was envisaged that the state would be the sole sovereign authority upon a given territory, giving rise to an international system of mutually recognized sovereign territorial states (Howland and White 2009; Hinsley 1986). Yet, as Douglas Howland and Luise White (2009:3) insist, while the Westphalian treaties linked the concept sovereignty to territory by specifying which lands were ruled by which sovereign power, they did not produce a normative international system of sovereign states. Instead, they argue that the notion of sovereignty in practice does not have a fixed meaning, but is contested and continually negotiated on the ground, in particular historical moments and in specific places (Howland and White 2009:2).

It has been argued that sovereignty is especially contested terrain in postcolonial societies, and poses a particular type of problem. As political scientists Mark Denham and Mark Lomardi (1996) suggest, notions of Westphalian sovereignty are constantly challenged in postcolonial states. Anthropologists too, have pointed to the peculiar nature of sovereignty in postcolonial

states, Hansen and Steputtat (2006) arguing, “although effective legal sovereignty is always an unattainable ideal, it is particularly tenuous in many postcolonial societies where sovereign power historically was distributed among many forms of local authority.” (Hansen and Steputtat 2006:295) Similarly, Jean and John Comaroff observe, “Because of their historical predicaments, post colonies tend not to be organized under a single, vertically integrated sovereignty sustained by a highly centralized state. Rather, they consist in a horizontally woven tapestry of partial sovereignties.” (Comaroff and Comaroff 2006:35) Arguing that plurality is in fact endemic to postcolonies, they suggest that the very notion of sovereignty is contradictory to plurality, sovereignty therefore always partial and fragmented. However, this is not to say that the postcolonial state has failed, but that this type of sovereignty is characteristic of the state itself.

The entanglement of official and unofficial forms of authority in contemporary postcolonial societies has also led to much debate on the question of sovereignty. Hansen and Steputtat (2006) suggest that figures in the shadow economy such as pirates, bandits, criminals, smugglers and warlords operate as informal sovereigns. These figures are intimately tied to the state (Schneider and Schneider 1999; Verdery 1996; Das and Poole 2004), leading to what some have called, a “nested” or “outsourced” sovereignty (Buur 2005). What does this suggest for the nature of state sovereignty in the postcolony? Does it imply a failure of the state? Janet Roitman (2005) has argued that the entanglement of official and unofficial forms of regulatory authority in the Chad Basin represents a pluralization of regulatory authority. However, this does not mark a “demise of state sovereignty or the emergence of alternative sovereigns to the state,” (Roitman 2005: 200), but that this pluralization of regulatory authority is a part of the political logic of the state, suggesting that state sovereignty needs to be understood within a larger field of power.

Similarly, in a study of customs authorities in neoliberal Ghana, Brenda Chalfin (2010) argues

that the “regulatory capacities of the state in a given location are situated within and a product of a more extensive field of power.” (Chalfin 2010:238) Her work suggests that sovereign power is constituted through the logic of the network, viewing “the many faces of sovereignty as being intersubjective and historically derived rather than abstract or wholly formalized figurations of power.” (Chalfin 2010:3) State sovereignty is therefore viewed as competing with other centers of power, the existence for these centers not marking a demise of state sovereignty, but being a part of a larger field of power within which it is embedded.

While anthropologists have viewed postcolonial sovereignty as being defined by multiple fields of power, or fragmented and partial, perhaps this understanding of sovereignty is not entirely new, but is rooted in the history of empires, that these postcolonial states were once a part of. In an extensive study of empires and the rise of nation-states in world history, Jane Burbank and Frederick Cooper (2010) argue that the world has never consisted of separate states with impermeable sovereignty. Instead, they argue that imperial histories reveal that sovereignty is “shared out, layered, and overlapping,” (Burbank and Cooper 2010:17) where imperial authority world over depended on the power of local authorities and elites, empires accommodating differences within the populations they ruled over through these localized, delegated authorities. The nation-state, they argue, is a new phenomenon as it is a political unit unlike any other in that it seeks to represent a single people and claims total sovereignty over them.

Indeed, Lauren Benton (2010) also suggests that “layered sovereignties” are a defining characteristic of empires, in which the relations between delegated legal authority and imperial sovereignty led to the articulation of indigenous legal and political systems with imperial and colonial law. Yet, she argues, “the analogy of layers is useful but also incomplete. Centers of

delegated legal authority produced irregular and only roughly concentric zones of control around them. The layers of authority thickened and thinned as one traveled between enclaves and through the territories at their margins.” (Benton 2010:31-32) Sovereignty, even if layered with delegated local authorities at the bottom tier and imperial authority at the top, still operated and competed with other forms of control and power, especially at the margins of empire.

My understanding of layered sovereignty is derived from the work of Jane Burbank and Frederick Cooper (2010) where I understand a layered sovereignty to function with delegated local authorities at the bottom of the tier, and imperial or state authority at the top. Yet, as suggested by Benton (2010), these tiers function in loose and irregular ways, operating and competing within a larger field of power, especially at the margins of polities, and are continuously negotiated and contested in everyday life.

This notion that sovereignty is shared and layered is particularly relevant on the Swahili coast and the wider Indian Ocean world. Historian Sugata Bose (2006) has argued that pre-colonial states and polities in the Indian Ocean operated within a logic of shared and layered sovereignty, in which autonomous spaces continued to exist for inhabitants of port cities. This concept of shared, layered sovereignty does not become seamlessly integrated into notions of nation-state sovereignty, but as James Brennan (2008) argues, strands of resilient, local political legitimacies remain.

The tensions between coastal residents and the state that I examine in this dissertation reveal some of these strands of local political legitimacies, and the novel ways in which a history of layered sovereignty is remembered and reimagined in contemporary Kenya. Even as the Kenyan state seeks to control and regulate maritime trade, and further integrate port cities such as Lamu, residents look to these other forms of political legitimacy, remembering pre-national histories,

and resurrecting a history of layered sovereignty to argue for secession in the present. The concept of layered sovereignty is therefore not only relevant to the history of empire, but continues to persist today, in legitimizing claims for autonomy in the margins of the post colony. Some of these tensions are also visible within the workings of the shadow economy, a blurry space within which sailors, traders, merchants who continue to rework older networks of trade negotiate with state forms of authority, at times working with these authorities and at other moments, evading state control entirely. In order to understand this dynamic better, a conceptualization of the “shadow economy” is perhaps useful.

An Ocean of Shadows: Regulation, and the Creation of a Shadow Economy

Scholars have historically viewed unregulated trade as part of the “informal” sector of the economy (Hart 1973; Valenzuela 2003), the formal sector referring to legal trade that is regulated and considered legitimate in the eyes of the state. Africanists in particular, have stressed the importance of the informal economy (Apter 1999, 2005; Bayart, Ellis and Hibou 1999; Chalfin 2006, 2008; Comaroff and Comaroff 2006; Crummey 1986; Diouf 2001; Guyer 1997; King 1996; Lubkemann 2008; MacGaffey 1991; MacGaffey and Bazenguissa-Ganga 2000; Nordstrom 2007; Reno 1998, 2009; Roitman 2005; Smith 2007; Stoller 2002), some suggesting that in many countries, the informal sector is in fact larger than the formal sector (Ferguson 2006). However, the relationship between the so-called formal or official and informal or unofficial sectors of the economy has led to much debate. Some scholars have argued that the informal sector is unrelated to the formal economy (Sethuraman 1976; Tokman 1978), and runs parallel to it. For instance, Gargi Bhattacharyya (2005) discusses Manuel Castells’ influential work on criminal economies. In writing about the global criminal economy, she says Castells “identifies a parallel world alongside the flashing lights and high jinx of the informational

economy.” (Bhattacharyya 2005:31) This parallel world consists of criminal economies and other informal processes. Castells implies that populations excluded from the benefits of globalization find alternatives to poverty within these criminal economies. These transnational criminal economies are well organized, singular and interconnected, forming global syndicates that run parallel to the other sphere of global capital operating through multinational corporations.

In a similar vein, in his work on West African traders and street vendors in New York City, Paul Stoller evokes Castells in arguing, “the expansion of the gulf between rich and poor in New York City has created space for the rapid growth of an informal economy.” (Stoller 2002:18) Stoller then goes on to argue that while West African immigrants previously expected to find work in the formal economy, recent immigrants expect to work in the informal economy. Castells and Stoller view the formal and informal economies as having a binary relationship – they believe that the two run parallel to each other, without traversing boundaries, people unable to find membership in the official economy, turning to another, darker world.

Other scholars have insisted that the formal and informal economy are inherently interlinked and connected, the informal economy actually supporting the official, regulated, formal economy (Das and Poole 2004; Ferguson 2006; Hansen and Stepputat 2006; Little 2003; Mantz and Smith 2006; McMurray 2003; Portes et. al 1989; Ritzer 2004; Schneider and Schneider 2008; Taussig 2003). For instance, Bhattacharyya states that informal or even criminal economies provide alternative routes into the wider global economy (Bhattacharyya 2005:32). She argues that these informal economies are intertwined with the formal economy and have become essential for the functioning of globalization as we know it. Bhattacharyya critiques the idea that informal economies are parallel to formal and legal institutions by showing how the informal sector is

inextricably bound up with the formal sector, providing an alternative route into the global economy for participants.

I understand the term “shadow economy” as emphasizing this connection between regulated and unregulated economic activity. This conceptualization of shadow economies is derived from James Ferguson (2006), who, in a discussion of globalization and Africa argues that the relationship between the “official” as represented by the Western model of the state or the economy and its dark double or “African” model is not one in which African states, institutions, and economies are poor “copies” of the West. Instead, he employs the imagery of a shadow, arguing:

“a shadow, after all, is not a copy but an attached twin – a shadow is what sticks with you. Likeness here implies not only resemblance but also a connection, a proximity, an equivalence, even an identity. A shadow, in this sense, is not simply a negative space, a space of absence; it is a likeness, an inseparable other-who-is-also-oneself to whom one is bound.” (Ferguson 2006:17)

Ferguson’s argument about the image of the shadow is directed toward broader issues about Africa’s place in the world system, whereby Africa is ignored in narratives about globalization, or spoken of being embedded in the “darker side” of the global economy. When thinking about African economies and their relationship to global economy, this image of the shadow as a twin is particularly useful. It enables one to imagine the ways in which the illicit and the illegal in an “informal” economy is not only connected at points to the formal economy enabling it to function, but is also constitutive of it, the two dialectically forming the whole. The term “shadow economy” gestures to this twinning and mutually constitutive relationship between the formal and informal.

Yet, as I conceptualize it, this shadow economy is not a pre-existing presence, but is actively produced through law and regulation. The creation and existence of the law invariably classifies certain practices as legal and others as illegal. At the risk of stating the obvious, it is with the

production of the law that the “illegal” is defined. As Foucault states, “the existence of a legal prohibition creates around it a field of illegal practices.” (Foucault 1977: 280) Whilst the very existence of a law defines something as “illegal,” a focus on the rule itself does not emphasize the active processes and the social and economic dynamics involved in the production of the law and illegality. Accordingly, in a study of migrant “illegality,” De Genova (2002) reminds us that it is necessary to analyze the sociopolitical processes of “illegalization” which he defines as “the legal production of migrant ‘illegality’” (De Genova 2002). This focus on the active process of illegalization, whereby migrants are produced as “illegal” through the law, reflects a social relation to the state (De Genova 2002). While De Genova’s discussion of illegalization is limited to migrants, perhaps the notion that the production of the law and illegality is guided by social, political, and economic relations can shed light on the creation and functioning of the shadow economy more generally.

The work of Willem Van Schendel and Itty Abraham (2005) is particularly instructive here. In an analysis of illicit transnational flows, Van Schendel and Abraham argue that the law is produced and enforced unevenly along the contours of power (Van Schendel and Abraham 2005). The implication here is that the law is created through the social and economic relations it eventually seeks to control, and also that these laws are both, produced and enforced in uneven and irregular ways, depending on a social relation to the state. As they argue, this creates a field of practices that can be classified as legal, illegal, as well as licit and illicit. Legal practices function according to the law and are therefore regulated, illegal practices falling outside the purview of regulation. Rather than focusing solely on the legal and illegal as defined by the state, they instead suggest that a more subtle approach needs to be taken, where legal practices refer to those that are considered to be legitimate by the state, and licit (even if illegal) practices refer to

that which people participating in these economies consider to be legitimate (Van Schendel and Abraham 2005:4). This is particularly useful then in shifting the focus away from a state's view, but also considering other ways in which people classify and understand economic practices.

Dhows can be understood as moving within this blurry realm of the shadow economy, shifting in and out of legal/illegal/licit and illicit status. As regulations shift and change through the western Indian Ocean world, sailors and dhow owners navigate multiple regulatory regimes by moving in and out of the shadow economy, traveling in the interstices of the legal/illegal/licit/illicit. Yet, despite this purposeful maneuvering, dhows have actually been pushed into the shadow economy, the creation of a shadow economy being an active process. As we will see in chapter one, liberalization of the economy in India dispossessed dhows from traditional markets and pushed them into an economic niche in the shadow economy that ultimately converges with terror networks. However, this process is not new. Dhows have been associated with illegality since the nineteenth century, as the British sought to put an end to the slave trade. In this period, maneuvering by sailors and dhow owners who played with the boundaries between legal and illegal, ultimately led to the conflation of the dhow trade with illegality. Yet, these maneuvers and participation in a shadow economy caused the British to redefine ideas of jurisdiction, subjecthood and sovereignty, thereby tightening regulation. However, dhows continue to persist and operate in the slippery edges between official and unofficial trade the contemporary period in, as we shall see in chapter three. The shadow economy is therefore not only produced through the law, but is also actively harnessed by participants in particular moments in time. The shadow economy is a space in which sailors and dhow owners can maneuver state regulation, but also at the same time, contribute to the making of the state as concepts such as subjecthood and jurisdiction are re-defined based on their actions.

Each of the following chapters then analyzes the active manner in which quotidian, legal and licit activities are pushed into the shadow economy based on shifting relations of power in different historical moments. This shadow economy does not run parallel to an official economy, but is another face, an alternate route of integration into the global economy for those pushed out of the official sector through international regulations and policies.

A Note on Methods

Dhows like the *Sagar Sanpati* set off from India, their entire voyage unpredictable. While their first destination is usually known and predetermined, the rest of the voyage is marked by uncertainty. The *Sagar Sanpati* may first dock at Dubai, from where it may go to Kismayu, and then, the captain may receive a phone call from the owner or their agent in Dubai, and be asked to travel to Mombasa, or Mogadishu. The routes are well known, but the itineraries change quickly, depending on the whims of weather, and the availability of cargoes. Yet, the *nahoda* or captain knows he must maneuver uncertainty, be flexible enough to accommodate the vagaries of weather and commerce. In many ways, my sixteen months of fieldwork in Kenya were marked by uncertainty, the ethnographer having to be comfortable with ambiguity in the field.

I began fieldwork in Nairobi in March 2011, the process of getting access to archives and research permits requiring patience with bureaucrats. Once my permits finally came through, I was able to land in Mombasa, a city that was immediately markedly different from Nairobi. It was almost immediately familiar, the architecture reminiscent of my own hometown of Bombay. When I first arrived in Mombasa, I imagined doing a very local, situated ethnography that focused on everyday practices of regulation and maneuvering of these regulations by sailors, merchants, and activists located in the port and bazaars of the city. But I soon found that in order to understand regulation and commerce in the city, one had to look to other places.

Residents of Mombasa constantly talked of India, Lamu, Oman, and Zanzibar, family ties and the memory of historical connections continuing to shape notions of belonging to this wider Indian Ocean world. As I began fieldwork at the Old Port in Mombasa, I found that a dhow from India was visiting the port that season. This dhow quickly became the talk of Old Town, the neighborhood I lived in that flanked the port. Neighborhood residents who knew I was interested in studying trade would rush up to me on the street, insisting that I visit these sailors from India, claiming that they represented the original trade networks that have historically connected East Africa to the Indian Ocean world.

Participant observation on board the dhow for several months as it was intermittently docked at Mombasa led me to realize that this seeming simple wooden vessel was embedded in a much more complicated web of relationships that included Somalis in Kenya, Somalia, and the UAE. More importantly, the network was shaped by policy not only in Kenya, but perhaps more so by developments in Somalia, the UAE, and India. While I did not have the means or logistical support to conduct research in Somalia or the UAE, I was able to trace the dhow back to India, interviewing its owners in Mumbai, who themselves insisted that I follow the network to Kutch, where much of the dhow trade was organized. Thus began a journey back from Mombasa to Mumbai, and Kutch that has allowed me to study global developments that have ultimately pushed the dhow into the shadow economy. Multi-sited fieldwork, not just in India but also in other regional centers within East Africa, allows one to trace these global and regional developments, similar dynamics becoming visible not just in Mombasa but also in closely linked port cities, at different historical junctures.

Accordingly, other places that figure in this dissertation include Muscat, Zanzibar, and Lamu. As I have shown, coastal East Africa was shaped by its historical connections to Muscat and

Zanzibar, port cities along the coast like Mombasa and Lamu being closely related to each other but also to these other centers across the ocean. In many ways then, a multi-sited project was not simply a choice, but a necessity. Tracing the mobile dhow through time and space and the regulations that have shaped this trade meant that I would have to consider these other places and histories that continue to influence coastal Kenya today. This study then, is not a complete picture of one place, at one time, but instead, follows and traces a network, guided by the movement of the dhow itself.

Taken together, these different sites – Mombasa, Mumbai, Kutch, Muscat, Zanzibar, and Lamu – enable us to see the larger dynamics of illegalization and the construction of regulatory regimes that are continuously challenged by sailors, merchants, activists, and other residents of the coast in the *longue duree*. They point to similar logics of governance operating in Kenya and India, especially in the post 9/11 “pro-development” era. This comparative approach also shows that the shadow economy remains a space in which dhows can maneuver regulation, in India and in East Africa. What follows then, can be seen as a singular voyage along a particular route, one that stops at key ports at strategic moments along the way. This voyage began in Nairobi in March 2011, and ended in Mombasa in June 2012. During this time, I spent a week in Mumbai, and was able to continue to follow the network to the Kutch in India in March 2014. Over sixteen months of fieldwork in Mombasa and Lamu, and subsequent trips to India, my own multi-sited fieldwork can be seen as moored in key cities at certain points in time, and unmoored in others. Typically, I used a combination of semi-structured interviews and participant observation in places such as the dhow, government offices, and the offices of dhow owners, and met with shipping agents, activists, mangrove pole cutters and merchants of Yemeni, Indian, Swahili, Arab, and Mijikenda descent. This motley crew of interlocutors charted my research,

each one leading to another person along this network.

The Itinerary

This dissertation moves from sea to land. Just like the networks that it is grounded upon however, this work does not cover an entirety of East African or Indian Ocean history. Instead, it is moored in certain places in certain moments in time. The vast history of the Indian Ocean serves as its backdrop, but it traces only some patterns, just like monsoon winds that have helped sailors guide and navigate ships at sea. Dhows – and the networks that enable their movement across the Western Indian Ocean – move through the chapters as well. We see them traversing in the contemporary period from India to Somalia and Kenya, carrying foodstuffs and charcoal, guided by the forces of liberalization, and across these waters in the nineteenth century, laden with slaves. We see them dock at places like Mombasa in the contemporary moment, examine how cargoes of dried fish and coffee husks are regulated at the Old Port in Mombasa, the simultaneous circulation of rumor and documents in the port making visible the entanglement of official and unofficial authority at a border zone. Finally we examine the demise of dhows that once carried mangrove poles and contraband ivory and animal hides from Lamu to the Middle East, and the ways in which networks of sailors and merchants once engaged in this trade have become incorporated into the Kenyan state through the shadow economy. While grounded in networks of quotidian trade, this work also highlights the imaginaries that travel alongside trade. These imaginaries are often historical narratives that are harnessed to make sense of present insecurities and political economic transformations. In particular, memories of a layered sovereignty are remembered to contest the workings of Kenyan state sovereignty, giving rise to a coastal nationalism that is predicated on historical understandings of belonging to an Indian Ocean world rather than the Kenyan nation-state. Thus, notions of the past, rumors about the

present, ideas about sovereignty, subjecthood, and jurisdiction, as well as nationalism also move through these pages.

Chapter one follows the movement of the *Sagar Sanpati*, an Indian-owned dhow from India to the UAE, Somalia and Kenya. While the UN has recently linked the dhow trade in charcoal to Al-Shabaab, my ethnographic research in India and Kenya indicates that the participants of the trade are often unaware of these connections. I argue that liberalization in India since the 1990s has dispossessed dhows from traditional markets and have pushed them into the shadow economy, implicating them in networks of terror, resulting in increased insecurity for the industry and the region more generally. Ethnographic research onboard the dhow highlights how sailors react to this insecurity by clinging to the dhow as home and a source of comfort. The chapter therefore serves to 1) examine the way in which the dhow trade functions today 2) show how dispossession and illegalization have led to the marginalization of the dhow trade creating greater insecurity in the region 3) examine the effect of this insecurity on the participants of this trade, for both dhow owners as capitalists and sailors as wage laborers.

The second chapter of the dissertation traces the contemporary suspicion of dhows to the nineteenth century. More specifically, it analyzes how British attempts to put an end to the slave trade carried on in dhows, led to a suspicion and indiscriminate destruction of all dhow trade more generally. Using memoirs of naval officers, files of the colonial political and secret department, and court cases I highlight the ways in which the British sought to suppress the slave trade and how merchants, sailors and slaves negotiated British attempts at control, ultimately redefining jurisdiction and subjecthood in the Indian Ocean. Reading closely the journals of British naval officers and a court case, this chapter argues that the extension of British jurisdiction into the Indian Ocean from Oman to East Africa was not a seamless process, but was

actively resisted by slave traders and sailors who continually played with the boundaries between legal and illegal trade. While Britain sought to control the slave trade through a series of treaties with the Imam of Muscat, traders and sailors contested the law by tricking patrollers in moments of encounter, and through careful legal maneuvering once caught. I argue that the illegibility of the slave trade and maneuvering by sailors and traders is central to emergent legal understandings of subjecthood and jurisdiction.

Chapter three focuses on Kenyan state attempts to control the dhow trade. Situating myself at Mombasa's Old Port, a historical dhow dock, and a border point, I examine the concurrent circulation of both bureaucratic documents and rumor to understand how the territorial sovereignty of the state is negotiated by multiple actors. I interview Kenyan government authorities, sailors, brokers, and shipping agents to highlight the entanglement of official and unofficial authorities in the regulation of circulation at the port. I argue that the circulation of documents often obscures the movement of contraband at the port, these illegal circulations only being made visible through rumors. These rumors act as a form of news that shed light on the operation of multiple regulatory authorities at the port, both official and unofficial. However, this pluralization of regulatory authority does not threaten state sovereignty, but is in fact, part of the logics of state power.

The final chapter examines the economic decline of Lamu – once embedded in Indian Ocean trade networks through the mangrove pole trade – and current tensions in the archipelago as the Kenyan government proposes to build East Africa's largest port in the area. I examine how the long-standing mangrove pole trade folded into the shadow economy. Coastal residents believe that the laws restricting the mangrove pole trade were unfairly produced, in a purposeful move to economically marginalize and dispossess them from older networks of trade, and forms of

belonging. Even as the government of Kenya seeks to build a new port at Lamu, the town has seen a resurgence of coastal nationalism or *mwambao*, where historical narratives about the coast's distinctiveness from the rest of the country are being harnessed to argue for secession. Yet, the persistence of a coastal nationalism and notions of belonging to an Indian Ocean world should not be seen as anachronistic. I argue that by invoking Lamu and the wider Swahili coast's connections to the Indian Ocean world, activists and residents of Lamu are harnessing Indian Ocean imaginaries to argue for a different type of political legitimacy, an alternative conception of a layered sovereignty that is rooted in an Indian Ocean past. This conceptualization of a layered sovereignty therefore persists in the present, and is another way in which coastal residents navigate and maneuver current economic and political tensions.

In place of a conclusion, I offer a coda, which suggests that this dissertation be read as a *longue duree* study of the everyday negotiation of layered sovereignty in the Indian Ocean, in a post 9/11 context. At the heart of the tensions between regulatory state practices and the everyday ways in which regulation is maneuvered, lies the question of competing notions of territory and sovereignty. The Indian Ocean world, habituated to notions of layered, shared, and overlapping sovereignties must now confront the nation-state and wider geopolitical powers. Yet, even in the face of the ambiguous nature of power in the global arena, dhows and Indian Ocean imaginaries persist, continuing to navigate choppy waters.

CHAPTER 1

ONBOARD THE *SAGAR SANPATI*: TERRORISM, THE STATE, AND THE DHOW TRADE IN THE WESTERN INDIAN OCEAN

“In October 2009, Al-Shabaab won a decisive battle over the Ras Kamboni forces for control of the port town of Kismaayo, which, together with the secondary ports of Marka and Baraawe, has since emerged as the most important source of income for the group. Al-Shabaab generates between \$35 million and \$50 million per year from port revenues, of which at least \$15 million is based on trade in charcoal and sugar.”

- Monitoring Group on Somalia and Eritrea, UN Security Council (2011: 28)

A shadow looms large over the Western Indian Ocean. This shadow has a haunting presence, lurking in the murky waters that lap the shores of East Africa, the Middle East and South Asia, appearing in moments of intense tension in the international order, and at other times, disappearing, biding its time as the soothing rhythms of the monsoon winds lull trade and life along the littoral into routine. However, every now and then, the mundane is punctuated by the actual figure of the shadow – terrorism - and its spectacular violence. Recent events in East Africa such as the attacks at Westgate Mall on September 21st, 2013, the bombing of an Israeli owned hotel in Mombasa in 2002, and Al-Qaeda’s attacks on American embassies in Nairobi and Dar es Salaam in 1998, have brought into sharp relief the region’s long entanglements with terror. On other shores across the Indian Ocean, the siege of Mumbai, India by armed gunmen in 2008 was a clear instance in which trade and shipping in the Indian Ocean was implicated in large scale violence as reports indicate that the maritime movement of weapons and people were crucial in planning these attacks (Rahman 2008). Apart from these examples of episodic violence, recent reports by the Monitoring Group on Somalia and Eritrea (as quoted above) have also pointed to the way in which trade in the Indian Ocean has become crucial in funding the

long, protracted conflict in Somalia through the control of port cities such as Kismayu, by Al-Shabaab, a Somalia based organization linked to Al Qaeda.

After 9/11, Engseng Ho (2004) called for an anthropological understanding of the history of relations between transnational Muslim societies of the Indian Ocean and Western powers, arguing that a decoupling of imperialism from colonialism was crucial to understanding the massive global conflict that was unfolding. While this is a critical and useful project, recent events on the Swahili coast of Africa also suggest the need for a different, albeit related project: one that disentangles the complex networks of these transnational Muslim societies themselves, focusing not only on the relations between the West and non-West (Wolf 1982) but the transformations that are taking place among and between the people of Indian Ocean societies, who have been trading with each other since the beginning of the common era (McPherson 1993; Pearson 2003). By this, I do not mean that a distinction between “good Muslim” and “bad Muslim” (Mamdani 2005) is required – this has been done by imperial and colonial forces with awful consequences (see Mamdani 2005; Ho 2004). Instead, the broad swath of history and relations between different Indian Ocean societies needs to be sifted to reveal the events and patterns that have shaped social life and relations among and between people in the region. However, rather than focusing on these relations in the *longue duree*, this chapter examines a very recent slice of Indian Ocean history, even as it is currently unfolding.

The need for such a project becomes clear in the context of the armed incursion of Kenyan and the African Union Mission in Somalia (AMISOM) forces into southern Somalia. In October 2011, with the kidnapping of foreigners from its own territory, the Kenyan army went into neighboring Somalia looking to suppress Al-Shabaab, allegedly responsible for the increasing insecurity within Kenya’s borders. One of the prime targets in this “Operation Linda Nchi”

(literally, Operation Protect the Nation), was the port city of Kismayu, long considered to be an Al-Shabaab stronghold, and as the UN report quoted above indicates, the main source of revenue for Al-Shabaab, until Kismayu was taken over by AMISOM forces in September 2012. More recently, the effect of this incursion was felt in the very heart of Kenya in Nairobi, the siege of Westgate Mall by Al-Shabaab in a “revenge” attack, paralyzing the city for days. However, even prior to the spectacular violence at Westgate Mall, the effect of the struggle between Al-Shabaab and Kenyan and AMISOM forces had rippled across the Indian Ocean, affecting trade in East Africa, the Middle East and South Asia.

The UN report quoted above examines the cyclical trade in charcoal and sugar and the manner in which Al-Shabaab derives its revenues from duties collected at Kismayu on these trades. However, it does not examine the larger networks involved in this trade. Some of the trade with Somalia – be it charcoal, sugar or livestock - takes place through wooden sailing vessels, or dhows. Dhows have been used to transport goods and people across the Indian Ocean since the early modern era (Sheriff 2010). Today, these dhows are mechanized unlike the sailing vessels of yore, but continue to carry cargoes across the Western Indian Ocean although on a smaller scale. These dhows are run by a complex network of Somalis, Swahilis, Arabs, Indians and Pakistanis, all of who are involved in the trade in charcoal from Kismayu. Hence, when Operation Linda Nchi led to greater insecurity around Kismayu and when the Kenyan government placed an embargo on the port, it affected not only people in Kismayu, but also across the Indian Ocean in the UAE, Kenya, India, Saudi Arabia and Pakistan. However, this does not mean that this entire network was involved with Al-Shabaab. A disentangling of the complex network of people embedded in this trade suggests that many of these actors are simply proceeding in a way concomitant to “business as usual,” even unconscious that they were contributing to the funding

of Al-Shabaab.

This chapter disentangles the networks that enable an Indian-owned and operated dhow, the *Sagar Sanpati* to move between India, the Middle East, Somalia and the Swahili coast of East Africa. By focusing on the operation of this one dhow over an entire season at sail and the everyday lives of sailors while they were in Mombasa from June until October 2011, I draw attention to national and international developments in the global marketplace that have pushed the dhow trade into an economic niche in the shadow economy that implicates it in networks of terror. First, I analyze liberalization in India and how government policy on dhows (known as mechanized sailing vessels in India) shifted in the 1990s, the lifting of regulations that once supported this industry, eventually pushing it into niche markets in Somalia. I argue that the expansion of liberalization policies “dispossessed” (Elyachar 2005) participants of the dhow industry, forcing them to look for new markets. These new markets are the ports of Somalia, such as Kismayu (under Al-Shabaab) that are most profitable for the dhow industry.

Using Anna Tsing’s conception of “friction,” (Tsing 2005) I argue that as these networks are connected to others, a different set of global power relations are set into motion, one in which sailors and dhow owners are caught between two international developments – liberalization policies in India and the rise of Al-Shabaab in Somalia. Sailors and dhow owners struggle to navigate these shifting regulatory regimes and global power relations, occasionally becoming entangled in networks of terror in their search for new markets. However, I argue that despite certain ports they visit being controlled by terrorist organizations, sailors and dhow owners may not be complicit with them but are simply attempting to eke out a living in an increasingly difficult economic climate. While wealthier dhow owners as capitalists and entrepreneurs are able to alter their economic strategies and diversify their businesses based on market trends and

global economic developments, smaller dhow owners and sailors as wage laborers find themselves in an increasingly insecure position. Not only are their lives continuously under threat as they are away at sea, but they are the ones who negotiate with shipping agents and brokers in places like the UAE, Kenya, and Somalia, often unaware of their links to networks of terror. Finding themselves in foreign lands amongst strangers, the dhow itself becomes their home, the last vestiges of a mooring in an unknown territory. This marks a shift from previous histories of connection across the Indian Ocean as even though these sailors place themselves within an Indian Ocean past, the old routes are now strange and foreign to them. Yet, this familiar past is remembered and recalled even as the future of the dhow industry is increasingly precarious, sailors clinging to the historical dhow as a source of comfort and security. Rather than providing security or certainty however, this attachment puts them further at risk, the future increasingly precarious.

Ultimately, this chapter suggests that liberalization policies in India have actively led to the creation of a shadow economy, participants in the dhow industry looking for new markets and an economic niche in the blurry interstices of the legal and illegal, licit and illicit. Participation in the shadow economy emerges as one way in which sailors and dhow owners maneuver regulatory regimes in India that are guided by the logics of economic liberalization. However, entanglement in the shadow economy produces greater insecurity as this shadow economy converges with networks of terror in Somalia, and ultimately leads to greater government suspicion of dhows in the international arena.

The *Sagar Sanpati*: Strange Travels Along the Old Routes From India to East Africa

“The most valuable branch of traffic carried on from Kutch is with the eastern coast of Africa or, as it is here called “Swally.” Twelve vessels have returned from thence, a distance of nearly 3000 miles, within these few days laden with ivory, rhinoceros hides and other valuable articles.”

-Burnes (1835: 27)

The monsoon winds have historically fostered the cyclical movement of goods, people and ideas between the East African coast and the west coast of India. The two coasts have had vibrant economic and social exchanged for millenia. When the Portuguese arrived on coast of East Africa in the fifteenth century, they found themselves not be the only foreigners or even non-Muslims, both Hindus and Muslims from Gujarat living on the coast, some temporarily while others more permanently (Pearson 1998). In fact, the navigator who brought Vasco da Gama from East Africa to India was originally from Mandvi, Kutch. Even in the pre-Portuguese era, the Swahili coast was draped in cloth from the Gujarati port city of Cambay, Mombasa being the major port through which goods from India were transhipped throughout the coast, going as far south as Sofala. Imports from Cambay consisted mainly of cloth, glass beads, and Chinese porcelain, and food stuffs – wheat being imported from India for consumption by the large Gujarati community who had made East Africa their home, if only temporarily (Pearson 1998). Exports from the coast consisted of luxury goods much coveted in India and China – ivory, gold, ambergris, tortoise shell, rhinoceros horn, and some slaves. Trade in essentials also existed - mangrove poles from the coast being shipped to ports in the Red Sea and the Persian Gulf for building homes.

Prior to the sixteenth century, this trade was perhaps organized in Mombasa, Kilwa, and Mogadishu in East Africa. According to Ibn Battuta, travelling in these parts in 1331, trade between strangers from distant shores took place through a social understanding of patron-host and guest. Ibn Battuta recalled that when his ship anchored in Mogadishu, men from the city came on board carrying plates of food for the visiting merchants. These merchants were obliged to take the “protection” of the host who offered him the food, staying in his home, the host acting

as a broker in transacting all business carried on through the season (Dunn 2005). Gujarati sailors and merchants visiting Mombasa and other port cities on the coast would perhaps have had a similar experience.

The organization of this trade shifted upon the violent entry of the Portuguese into the Indian Ocean. As Edward Alpers (1976) explains, in the beginning of the sixteenth century, Gujarati merchants were a diverse lot – Muslims of Arab, Turkish and Persian extraction, Hindus and Jains, especially *vaniyas* of the trader caste were predominant. The *vaniyas* were highly organized as a community of merchants with a governing council (the *mahajan*) and elected headman or *sheth*. The *mahajan* handled commercial affairs such as prices, internal adjudication, and the representation of members with other organizations and governments. Alpers (1976) surmises that Gujaratis in East Africa had similarly organized themselves in port cities such as Mombasa and Malindi where they had a large presence.

As the Portuguese attempted to control trade in the Indian Ocean, the existence of the organized *mahajans* and their objections to Portuguese attempts to push out non-Christians from the trade ensured their continued importance in the commercial life of the Indian Ocean. When the Portuguese faced increased competition from the English, Dutch and Omani empires, they came to rely heavily on the revenue collected from this trade – conducted largely by Gujaratis. Alpers (1975) argues that despite Portuguese attempts to monopolize trade in Portuguese East Africa in the early sixteenth century, Gujarati cloth continued to be the principal trading item.

In the later part of the sixteenth century, as the Portuguese came to secure Mombasa, *vaniyas* made the narrow main street - still known as *Ndia Kuu* - with its intricately carved doors and balconies reminiscent of the crafts of Gujarat, their home. Gujaratis had reinvigorated trade with East Africa. Alpers (1975) even attributed the Swahili coast's commercial prosperity in the

beginning of the seventeenth century to Gujarati capital, Mombasa becoming a center for trade. However, this prosperity was disrupted as Omanis entered East Africa, sacking Mombasa in 1660 as the Thenashara Taifa had sought them out to remove the Portuguese. Despite the political upheavals in the coast at this time, trade between Gujarat and the coast continued through the seventeenth century, *vania* merchants from Diu and later, Surat becoming central to this trade in the eighteenth century (Alpers 1975). Despite the shifting patterns in trade and politics, Gujarati textiles continued to dominate East African trade well into the nineteenth century (Alpers 1975).

The work of historian Jeremy Prestholdt (2008) points to the ways in which trade between East Africa and India shaped the city of Bombay in the nineteenth century, the bustling metropolitan becoming one of the most important port cities in the Indian Ocean. However, much of these developments had to do not only with Bombay and the Swahili coast, but also changes in Gujarat, especially Kutch. Mandvi, Kutch's famous port city became the center of the textile industry for the East African market, exporting large volumes of cloth to the East African coast and importing ivory. Kutchi capital whether based in Kutch or Bombay has been attributed to fuelling the expansion of East African commercial boom, Bombay and Zanzibar emerging as centers for trade. Prestholdt (2008) argues that East Africa and Bombay were drawn closer together in the 1860s, Bombay-based merchants exporting British and Indian made textiles and other goods from Bombay to Zanzibar and the rest of the Swahili coast, leading to the expansion of East African economy, and shaping Bombay's industrialization.

Similarly, Thomas Metcalf (2007) has argued that commercial and political ties between India and East Africa expanded in the nineteenth century, as trade connections expanded from the coast to the interior. He estimates that by 1897, there were one thousand Indian shopkeepers,

clerks, and traders in the city of Mombasa alone (Metcalf 2007:171). The construction of the Uganda Railway further strengthened these links as it brought not only Indian traders, but also coolies, laborers, and lower level bureaucrats to East Africa. With these commercial and political ties, by the early twentieth century, Metcalf argues, “For many traders, East Africa was little more than an extension of Gujarat.” (Metcalf 2007:182)

While this long history of connection between India and East Africa is well known, few scholars have focused on the seafarers – the dhow captains and crews – that navigate these seas, carrying both passengers and goods across these shores. Yet, as Janet Ewald (2000; 2010) shows, East African seamen, both enslaved and free, were crucial to enabling the creation of an Indian Ocean world, especially in the nineteenth and twentieth centuries. In the case of seafarers from India, Edward Simpson (2006) similarly argues that although the historical record is largely silent about the Bhadala community of Muslim seafarers from Kutch, they were central to creation of these connections between India and East Africa, sustaining shipping in the Indian Ocean even after the nineteenth century, through the 1950s, 1960s, 1970s and 1980s. Despite these historical connections however, in 2011, sailors from India traveling to East Africa experienced themselves as strangers in a foreign land.

These days, sailors from Kutch, India dread anchoring in Mombasa, Kenya. The city is dull – there are not many spectacular buildings or malls to visit – unlike in other ports like Dubai. Communication is difficult - they do not speak Kiswahili - and have to rely on local translators. They do not feel safe enough to wander freely in town, afraid of the many hustlers, thieves, crooks, drug addicts and pickpockets that are rumored to stalk the streets. Most importantly, the journey from Kutch to Mombasa is a long and arduous one, especially in the months of April to November, when the monsoon winds blow from south to west, strong winds and rain making it

difficult to navigate wooden dhows at sea. Despite these troubles, in June 2011, twelve Kutchi sailors docked the dhow *Sagar Sanpati* at the Old Port, Mombasa and decided to make the most of Mombasa's simple pleasures. The younger ones would walk along the seashore by the lighthouse, the strong *kusi* or southwest monsoon breeze being welcome on the safety of land. It was here that they tasted the coconut water, *madafu*, of East Africa, often sweeter than its Indian counterpart, munching on freshly fried cassava chips drenched in lime and chili powder, the tart spiciness reminding them of the food they savor at home. The older ones however, preferred the *paan* houses in town, chatting over betel nuts with the children of those whom had left Kutch centuries ago, making Mombasa their home. These men of the diaspora became the “family” of the ever-itinerant sailors while on the Swahili coast.

However, Yusuf, the *nahoda* or captain of *Sagar Sanpati*, rarely left the dhow or *jahazi* as his East African peers called it. The dhow became his sanctuary and his refuge on strange shores. He was acutely aware of his responsibilities, and worried about the health and well being of his crew so far away from home, concerned that Mombasa's infamous nightlife, and easily available prostitutes might lead them astray. While such opportunities would also present themselves in cities like Bombay, Yusuf was particularly concerned about the morality of his crew in foreign lands, feeling a need to monitor them even more closely as the risks were amplified by their distance from familiar places and people. So he led by example, leaving the dhow only to visit fellow Bhadas,² run errands or attend Friday prayers at the mosque. The dhow was his home, and he carefully tended to its every need. The *Sagar Sanpati* was after all, built in Yusuf's hometown, Mandvi, in the same shipyard where he begun his apprenticeship as a young boy, climbing through the ranks until he finally became *nahoda*.

² A community of seafarers from Kutch, India. See Simpson (2006).

Indeed, the MV *Sagar Sanpati* felt like home. The main cabin, in particular, had the warmth of a middle-class Indian living room. It was always impeccably neat and clean, the cabinets that lined the periphery of the room tightly shut, the floors always swept and mopped, the large collection of VCDs and DVDs that kept the crew entertained at sea and in port, stacked carefully in the cabinet under the television, along with the DVD player. The tops of the other cabinets acted as a bed and sofa, the thin mattresses covered in bedspreads from Gujarat. When sitting on these seats, one could turn around and peer through the windows, out to the sea. Even the curtains had been carefully chosen – a decorative arabesque print in maroon and gold – that further created a sense of home. The cabin also had the freezer, where cold drinks, mangoes, fish, bottled water and all other perishable supplies, typically consumed by the captain and his guests, were stored. The cabinets were full of things that were important for the crew, especially the large bags of *supari* or betel-nut that they bought from different ports, every man on board cutting his own fresh *supari* as and when he wanted.

Despite acting as a living room and occasionally, bedroom for the entire crew, the cabin was a place of business. The wall unit that held the TV also had the vessel's navigation equipment – the GPRS, radio, Universal AIS, international phone, and navigational charts. It was from here that Yusuf navigated entire voyages on the treacherous ocean. The cabin was also where most negotiations were made with local agents, although major decisions were taken over the phone, in consultation with either the owner, or *seth* in Bombay or more often, his Somali agent in Dubai. But it was usually in this room that even these cell phone conversations took place, the captain and his crew charging their phones constantly as they wanted to be easily contacted by friends and family, whether far or near.

The little kitchen behind the cabin was another special place on board. It was in this little

alcove with just about enough room for one gas cooker, a shelf of aluminum tins filled with spices, and a tiny low wooden seat on which Jamal, the cook, would sit and roll out *rotis* or flat breads, grind fresh spices, and stir large pots of *khichdi*³, feeding the crew, guests of the captain, and whoever else would show up at meal times when they were at port. While the captain reigned supreme in the cabin, the kitchen was clearly Jamal's domain. Jamal was young, and couldn't swim. This was a source of constant amusement for the older crewmembers, but he was very well respected, not in the least for the delicious meals that he churned out in that little kitchen. "If the launch [dhow] capsizes, he would drown, but he is an artist in the kitchen. He cooks better than my wife!" Yasin, the *serang* or foreman once told me, confessing that he ate better at sea than he did at home because they had more generous rations. The food on *Sagar Sanpati* was popular in port, as even the many sketchy brokers who hung about the port made their acquaintance with the captain who would never refuse them a meal. Indeed, the spicy fish curries, perfectly seasoned vegetables and ample *khichdi* were perhaps some of the best meals I had in Mombasa, reminding both, me and the crew of the flavors of home. When I would compliment Jamal and Yusuf on the food in this way however, they would disagree and retort, "Nothing here can be how it is at home, especially in Africa."

Longing for home and practices of home-making on board were a source of comfort for Yusuf and the crew; a bowl of warm *khichdi* and mangoes for dessert, the easily available *supari* and the many Indian movies they watched, all helped them remember home, indeed, live it on board. The crew typically spent nine months of the year away at sea, a majority of the time being spent in ports that they were familiar with and visited each year, such as Dubai and Sharjah. This was the first time most of them had come to East Africa, especially the younger ones, even the older

³ Mixed rice and lentils, a popular dish in Gujarat, and India more generally.

crewmembers such as Yusuf only having been to the Swahili coast a handful of times. Mombasa was strange to them, and they looked for every way to remember home. Most of them even came from the same town – while Yusuf and a young “helper” came from Mandvi, the others were from Jam Salaya, another town in the state of Gujarat.

How did the Swahili coast, once such a crucial place for Kutch, come to feel so far away? Certainly, the crew actively remembered Kutch's long connections to the Swahili coast. Yusuf remembered that many elderly people in his town even spoke Kiswahili. They all knew Kutchis in Mombasa, descendants of those whom had traveled and settled in East Africa many decades and centuries ago. Mombasa was a part of their historical imagination, it gestured to the long history of Indian Ocean trade of which they saw themselves as a part, recognizing that dhows, such as the one they were currently on, used to be sailed and navigated only with a sail and no engine, their forefathers traversing the seas without the maps and technologies of today. Despite this recognition, Mombasa no longer featured in the list of places they dreamt of being at – here it was only home that they dreamed of and talked about longingly.

Despite their express disdain for Mombasa, the crew of *Sagar Sanpati* was also accustomed to being away from home, usually spending nine months of the year away at sea. One breezy afternoon in June, Yusuf, the captain or *nahoda* reminisced about the many voyages he had been on, the many port cities he had visited. Kismayu, Mogadishu, Mocha, Bossaso, Aden, Jeddah, Dammam, Dubai, Sharjah, Muscat, Sur, Karachi, Bombay, Calicut, Khorramshahr, Bandar Abbas, Basra, Aden and Mukalla were all etched in his mental map of the Indian Ocean. Yusuf, a native of Mandvi, Kutch had been a sailor on dhows for the past forty years, carrying different cargoes each year along the well-worn routes of the Indian Ocean. Among all of the ports he had been to, Dubai was particularly important as it was the fulcrum around which trade was

organized – the free port with its liberal tax regime emerging as a crucial entrepot, not only for containerized shipping but also for dhows.

While the routes Yusuf and his crew traversed tended to stay the same, the cargoes they carried changed based on the whims of demand, supply and government policy. Usually, food produce such as rice, oil, onions, soya beans, maize and wheat flour were shipped from India and Pakistan to the Middle East, becoming staples of local cuisine. Swinging over to the Gulf of Aden, the cargoes consisted of livestock and charcoal from Somalia headed for Yemen or the Gulf, Somali cows and coal being at the center of many a barbeque in the Middle East. Dates were usually exported from the Gulf ports to towns all along the Indian Ocean littoral, the demand for them being particularly high prior to Ramadan, when Muslims in homes all over the Indian Ocean would hungrily break their fast with a date from Iran, Iraq, the U.A.E or the Gulf, solidarity amongst Muslims in the Holy Month being actualized in food as in prayer and the pious hunger pangs of fasting.

This season however, Yusuf and his crew of twelve were travelling a slightly different route than the usual. In March 2011, they set off from Mundra in Kutch, India heading west toward Muscat, Oman with a cargo of soybeans. Leaving Muscat with empty holds, they headed back toward the Indian sub-continent to Karachi, Pakistan where they filled the 450 ton-capacity dhow with rice for the bazaars of Mogadishu, Somalia. This was not an unusual route; dhows from South Asia often go between Somalia, South Asia and the Gulf, bringing cargoes of foodstuffs, electronics and clothing to Somalia and taking back charcoal and livestock. What was unusual for Yusuf however, was that following their trip to Mogadishu from Pakistan, there were instructed to head further south along the Swahili coast to Mombasa. For the next three months then, they consistently went between Mogadishu, Kismayu, and Mombasa, supplying Somali

ports with mixed cargoes of tea, plastic products and medicinal supplies, usually returning to Mombasa with empty holds or on occasion, dried fish, a cheap and imperishable source of protein that has a large market in the coast and interior of East Africa.

Despite having worked as a sailor in the western Indian Ocean for over forty years, prior to this year, Yusuf had only been to Mombasa four times. The first time was thirty years ago, when he was a young helper - an entry-level member of the crew - on a voyage from India to Mombasa, Tanga, Dar es Salaam and Zanzibar, via the Middle East. He remembers that even only thirty years ago, dhows from his native Mandvi, would often go to the Swahili coast, Mombasa being an important port-of-call on their itinerary. These days, however, dhows such as the *Sagar Sanpati* rarely visited Mombasa and almost never ventured further south.

“Our ancestors used to travel these same routes with only a *sud* (sail). But now we rely on the engine” Yusuf observed. He and his crew were acutely aware that they were part of a longer history of seafaring in the Indian Ocean, especially since they were Muslims of the Bhadala community from Mandvi and Salaya, both community and town being long associated and entrenched in ship building and maritime commerce (Simpson 2006). However, technology was not the only break from the past. Another shift had occurred in the way in which trade was organized. Since the fifteenth century, the Swahili coast had been one of the most important destinations for Kutchis and Gujaratis more generally (Alpers 2009), dhows carrying both people and goods, a Kutchi diaspora flourishing along the coast and goods made in India filling East African homes. But much of this has changed – the destinies of Kutch and the Swahili coast were no longer intertwined, dhows no longer travelling as frequently between Kutch and the Swahili coast.

The dwindling dhow trade between Kutch and Mombasa is also symptomatic of a general

decline in the importance of dhows for Mombasa, a city now known for having the largest port in East Africa, Kilindini Harbor, where large container vessels transported goods, rather than smaller, wooden dhows that dock at the Old Port. However, Mombasa has historically been shaped by the dhow trade, older residents of the city fondly remembering the festive atmosphere in Old Town, the neighborhood surrounding the Old Port, during the dhow season. A resident once recalled that even in the 1950s it was common to see fleets of dhows at the Old Port – from Iran, the UAE, Yemen, Oman, Somalia and India. The presence of these foreign sailors painted a rather vibrant picture, men in long robes and beards wandering the narrow alleys of Mombasa, looking for goods to buy and sell here and there, the pleasures of Mombasa making themselves evident the longer they stayed in the Port.

“I remember the port used to be full of dhows. And many of the sailors would dock near Fort Jesus, you know, where the football field is now, and they would repair the sails there. One day, when I was playing there, a sailor starting chasing me. Luckily, my father saw me there and ran after the sailor, telling him that he should stay away from me. They liked young boys, you know!” A local resident recalled, the stay of sailors having particular significance as these itinerants would become entangled in relationships – romantic, familial, and platonic – with residents of the neighborhood. Mombasa was also particularly appealing for these sailors who often came from conservative, close-knit communities in South Asia, the Gulf, or the Middle East, their relative anonymity in Mombasa providing room for transgression. To them, Mombasa was a place where pleasures of the flesh were always available, literally under the cloak of piety – a *buibui*⁴ here or a *kanzu*⁵ there representing not religiosity and prudishness but often becoming

⁴ The long black robe worn by Muslim women over their clothes, also known as *burkha*, *abaya* and *chador* in different parts of the Muslim world.

⁵ Long white robe worn by men, also called the *thobe* or *jallebya*.

useful disguises in the pursuit of forbidden love – married women cloaking themselves in the *niquaab*⁶ as they set off on a secret rendezvous with their lovers and the *kanzu* becoming a show of piety as vocally religious men found their way into dark alleys in the neighborhood and secret coves along the shore with their gay lovers.

However, Mombasa was no longer a large center for dhows. These days, visits from foreign dhows were few and far in between, perhaps one visiting each season. Where Mombasa's fortunes as a center of the dhow trade were falling, the routes leading to Somalia – especially the port of Kismayu were rising. Trade with Somalia – whether between Mombasa or from Yemen and the Gulf – is now the most profitable sector of the dhow trade, especially during the south west monsoon when vessels do not traditionally ply this route as it went against the direction of the wind, the rough waters and strong winds being a deterrent to the wooden dhows at sea. In order to understand how this shift occurred, we must travel to Mumbai, India where the owners of the *Sagar Sanpati* are based.

Returns: From Mombasa to Mumbai

The office of “Joshi and Brothers Shipping Agents,” is tucked into a by-lane in Mumbai's busy commercial, largely Muslim neighborhood of Dongri. As I attempted to navigate this unfamiliar part of my hometown, the shops selling sweets, and household goods gave way to transporters offices and warehouses, the hustle of porters as they loaded and unloaded trucks reminding me of the Old Port in Mombasa. Narain Joshi, the managing director and owner of *Sagar Sanpati* had warned me that the office was difficult to find – it was marked by a sign for a different business, under a different name. The interiors were less confusing. Maps and nautical charts of the Western coast of India, the Gulf, and the East coast of Africa covered the walls. Upon entering

⁶ Black veil worn across the face by some Muslim women.

the office, it was clear that the movement of the *Sagar Sanpati* in the Western Indian Ocean were controlled from these two small rooms in Bombay.

While these offices are relatively new, the Joshis have engaged in maritime commerce as far back as family history is remembered. The structure and fortunes of their business have been shaped by wars, weather, accidents, death, and the vagaries of supply, demand and government policy. As Kutchi Hindus, they had traditionally been brokers in Kutch but had moved to Bombay over two generations ago. In the 1960s, they began to buy small country crafts of about 100-200 tons that plied along the Indian coast, from Gujarat to Goa. However, in 1961, as Indian and Portuguese forces fought over the territory of Goa, Joshi's country crafts sank. The loss of these assets forced the family to move back into their role as brokers until the late 1980s and early 1990s, when they had enough capital to once again build and own their own dhows. The *Sagar Sanpati* was their first and the smallest of their current fleet of four. While the family business' past was clear, its future was less certain. "We have been in this industry for generations, but now, this is a dying business," Narain explained to me, shaking his head in dismay.

Two key moments in India's recent history have altered the shape of the dhow industry, forcing it to seek out new markets. First, the liberalization of India's economy on the 1990s and the lifting of protectionist policies drastically changed the types of cargoes that dhow could carry profitably. Second, policies on maritime security in the wake of the 26/11 terror attacks in Mumbai in 2008 led not only to increased surveillance and suspicion of dhows but also re-routed dhow traffic, vessels now being forced to move in different directions, tentatively carrying new cargoes in their holds as they anticipate a whirl of changes in national and international policy and in the global marketplace.

Dates, Gold, and Dispossession: Economic Liberalization and the Indian State

Prior to economic liberalization in 1991, the Indian economy under a “developmental state” (Gupta and Sivaramkrishnan 2011) functioned through a complex set of regulatory policies. Ever since Independence in 1947, the state had adopted protectionist, economically nationalist policies that sought to “undo” the effects of de-industrialization under British rule and achieve economic independence through the development of heavy industries. However, the manner in which these policies were assembled was complex and gave rise to an economy that was not entirely “open,” nor designed along completely centralized-planning lines. Instead, the state assumed a large role in certain sectors of heavy industry while other economic activity was left to private enterprise, the regulatory powers of the state being harnessed to create a self-reliant economy, protectionist policies being put in place to develop domestic industries (See Kaviraj 2010).

The underlying logic of protectionism was for industries to develop on their own, certain regulations and quotas being placed to encourage growth within these sectors and assist in long-term development. This general policy of protectionism translated differently for each industry – subsidies, import barriers, export incentives, lower tariffs, and quotas being used in different combinations. In the case of the dhow industry, known in India as “Mechanized Sailing Vessels,” the most significant protectionist policy was that of the quota. As an industry focused on circulation rather than production, the government instituted a quota for cargoes that could be transported through dhows - the importation of wet and dry dates being restricted to dhows, containerized ships being unable to transport to import the dry fruit in constant demand in India.

Until 1991, dhow owners such as the Joshis relied on imports of wet and dry dates from the

Gulf, especially Iran and Iraq. Their entire business was structured around this commodity – the government’s protectionist policies enabling them to continue to ship a cargo traditionally carried in dhows. Dates have long been carried across the Indian Ocean, Muslims across the littoral breaking their Ramadan fast with a date, joining their co-religionists in prayer as in food habits. These cargoes of dates were carried in dhows not only because of their demand or symbolic value, but also due to the mechanics of sailing in a dhow. The wooden vessels that carried a limited quantity of small, high value goods also needed ballast to stabilize them at sea. It made most sense to maximize freight revenue by using cargoes that had some value. Dates were effective ballast and had traditionally been used on the routes between Arabia, India and Southeast Asia, to the extent that baskets of dates have even been used as the standard measurement of shipping space and vessel size in the long history of trade in the Indian Ocean, prior to the eighteenth century (Chaudhuri 1985: 184).⁷

The Indian government’s protectionist policies on the importation of dates enabled the dhow industry to survive, continuing to transport a cargo that has a long history in the Indian Ocean. Until 1991 then, the Joshis continued to trade in foodstuffs: importing dates and exporting rice, wheat, onions, fruits, potatoes, mangoes, and watermelon from India. Much of this produce came from the hinterland of Mumbai – the farms of Maharashtra feeding the Gulf. Other dhow owners also exported livestock, but being pious Hindus, the Joshis refused to carry such cargoes, focusing on the date trade.

Apart from the date trade, some sectors of the dhow industry were also engaged in a trade in luxury goods, especially gold and electronics. In keeping with the government’s protectionist policies, a 300 per cent tax was levied on imported electronic goods (Charles 2001).

⁷ Writing even in 1948, Allan Villiers commented that dates were the most important outward cargo from the port of Kuwait (Villiers 1948: 401).

Furthermore, in the 1960s, the Gold Control Act was passed to control the movement of foreign exchange in a period of economic stagnation (Naylor 1996). In this period, dhows that were already frequenting the free port of Dubai, where both gold and electronics were available on the cheap, began to be used to smuggle these luxury goods into India. Much of this trade was controlled by crime syndicates headed by Haji Mastan, Yusuf Patel, and Dawood Ibrahim who were able to bribe customs authorities, bureaucrats, and elected government officials to bring in gold and electronics to the port of Bombay.

Smaller vessels of about 50- 150 tons were used to transport contraband gold and electronics from Dubai. Seafarers, typically from Salaya near Jamnagar were employed on these dhows, receiving a very small cut of profits for their services. This town of Jam Salaya became particularly notorious as money from these activities led to a spurt in building both houses, and dhows near its docks. Sailors from Jam Salaya still recall pivotal figures involved in gold smuggling. For instance, the name of Talib Shughar is still whispered in these parts, as a story of fame and downfall. Talib made much money in the gold trade, there being rumors that dollars were stashed under his mattress. When he died however, much of the wealth had been squandered, neighbors having to pay even for his coffin. Such stories of ill-gotten wealth are common, active members of this trade cautioning that people and families engaged in this trade did not survive, their once newly built houses now lying decrepit. Gold smuggling, lucrative in the short term, was dangerous and morally reprehensible in the long run.

In fact, Yusuf himself recalls his youth and a singular voyage on board one of these dhows. In 1984, a young Yusuf was a crewmember on board a vessel that was bringing dates and contraband gold worth over Rs. 3 crore. The vessel was seized by the police, and a case was filed, Yusuf languishing in prison for over a year. He and other crewmembers did not disclose

the name of their higher-ups, being rewarded in a small way for their loyalty. But the episode served as a lesson for Yusuf, ill-gotten wealth was simply too risky and he subsequently refused to participate in the thriving trade that seemed to be making many a seafarer richer, even if only for a brief moment.

However, both the legitimate trade in dates and the smuggling of gold and electronics did not last. While the idea of liberalizing the Indian economy had been debated prior to the 1990s, in 1991 reforms were finally put in place in a moment of deep political and economic crisis. The liberalization of the Indian economy was spurred by pressures both, inside and outside the country. Facing a balance of payments crisis and international pressure from the WTO, as well internal political and economic tensions, the precariously positioned government of Narisimha Rao with the unending support of his Finance Minister Manmohan Singh, introduced reforms that moved away from the protectionist policies of yore, spurring economic liberalization. This included reducing import tariffs, subsidies, and licensing regulation, the creation of a flexible labor market, and privatization (Kaviraj 2010), and in the case of mechanized sailing vessels – lifting their monopoly on the importation of dates. Containerized shipping now emerged as a more cost-effective form of importation – large volumes being able to be carried across the same distances in shorter periods. The illicit trade in gold and electronics too came to an end, as import barriers on both were lifted. Dhows were no longer required for smuggling, but the association of dhows with shadowy activities remained, government officials continuing to associate mechanized sailing vessels with the gold trade even in 2012 (see chapter 2).

While dhows continued to carry dates even after 1991, they did so less profitably and on a much smaller scale. Liberalization had set into motion transformations in the economy that “dispossessed” dhow owners from their traditional good, one that had enabled the industry to

survive. Writing about a similar period of neoliberalism in Egypt, Elyachar (2005) has argued that the expansion of the neoliberal market is also a mode of dispossessing the poor, the neoliberal market taking possession of social networks that enable the poor to survive. Drawing from Marx's argument that violent dispossession through primitive accumulation is a characteristic feature of capitalism, she builds upon Harvey (2003) who argues that dispossession continues to be central to neoliberalism. Her work points to the way in which the neoliberal market is not the only one in existence, but that it has a way of subsuming other markets, leaving increased poverty in its wake. This understanding of the operation of neoliberalism is useful in thinking about the effects of liberalization on the dhow industry.

Liberalization no longer allowed the dhow industry access to the same cargoes and networks in the date trade that had once enabled the industry to survive. Dispossession through deregulation meant that the market for dates was supplied not by dhows but containerized ships, dhows no longer competitive as containerized shipping brought back greater volumes of dates more cost effectively. The market and its logistics had changed – dates being subsumed into the neoliberal market, supported by a different tertiary industry that broke from tradition, drawing on a different set of networks and logics. However, the dhow industry, although being dispossessed from one market, sought out a different one, the logic of capitalism even in the hands of small-scale entrepreneurs remaining the same, capital constantly seeking out new markets despite being pushed out from another.

From Dates to Charcoal: All Routes Lead to Somalia

With liberalization in 1991, the Joshis continued to import dates, although on a much smaller scale. Simultaneously, they sought out new markets, travelling along different routes, searching for new commodities. Within a decade, their industry had been transformed. Rather than focus

on the import of dates from the Gulf, they reached further west to the Horn of Africa, substituting one seemingly innocuous commodity for another: the trade in dates turning into charcoal under the grind of economic liberalization. Nowadays, their business is structured to serve the thriving trade in charcoal between Somalia and the UAE. Even the day-to-day running has changed - they no longer pulled the strings in this trade.

Instead, they charter out their vessels to Somali merchants based in the UAE. These contracts last for about five months, during which the vessels make multiple trips between the Gulf, Somalia and sometimes, the port of Mombasa. Narain explained that the nature of this trade was diverse, included many ports and commodities. He explained that they went to:

“Bosasso, Berbera, Mogadishu, Kismayu and Yemen, that is, all African [sic] countries. They carry everything – you name it and they have it. If you go to Dubai you will see how and what they load, all household items, fridges, TVs, rice, wood, nuts, bolts, everything. From Somalia they usually get back charcoal at a very good rate and so go between the two places – UAE and Somalia with trips to Kuwait and Iraq also.”

Hence while Somalia imported a plethora of goods, the primary export was charcoal. During the time that the vessels were chartered, Narain did not have much control over the commercial networks, but continued to communicate with the crew every now and then.

For the most part, the details of the trade were left up to the contractor, in this case, Abdulahi. Abdulahi and Narain had been in business together for over ten years and had built up a good network and system of mutual trust and benefit. When the vessel was contracted to Abdulahi, Narain did not interfere and therefore did not know much about the details of the trade between the UAE and Somalia. “It is up to them. They pay for the vessel and we give it to them. I have never been to Somalia, I don’t know what happens there.” Narain said, shrugging his shoulders, helplessly. Nevertheless, the survival of the Joshis business depended on their successful entry into this new, niche market.

Trade with Somalia has emerged as the most profitable sector of Indian Ocean dhow trade

despite the conflict in Somalia. Ever since the collapse of Said Barre's regime in 1991, Somalia has not had a functioning government, the country being fragmented and controlled by different groups, power dynamics being ever volatile under the force of the gun. In fact, at the time *Sagar Sanpati* was ply this route, the two main ports, Kismayu and Mogadishu, were under different administrations. Al-Shabaab controlled Kismayu and the Transitional Federal Government (TFG), the internationally backed government of Somalia, was in charge of Mogadishu.

"Which port do you prefer? Kismayu, or Mogadishu?" I asked Yusuf one day. He responded, "Kismayu, it is more peaceful." Yusuf's response was prior to the beginning of Operation Linda Nchi, when Al-Shabaab still had complete control of Kismayu. However, there was another reason for Kismayu being preferred over Mogadishu. Duties charged by Al-Shabaab were lower than those charged by the TFG at Mogadishu. However, Yusuf knew little about these matters. When they were in Somalia, a local agent handled their business and they stayed on board the vessel the entire time they were there. "Things in Somalia are difficult. We can hear the guns outside the port. They are always fighting, especially in Mogadishu. There is no real government." Yusuf stated, matter of fact. Despite Yusuf complaining about unrest in Mogadishu, Kismayu too had been in flux, although a certain level of stability had been afforded to it under the administration of Al-Shabaab, Kismayu serving a large part of Southern Somalia and becoming a major source of revenue for Al-Shabaab since 2008.

The TFG had control of Kismayu until 2007, when they were ousted by the Marehan clan. Given the importance of the port however, the city became a major site of struggle as various clans, the TFG, and Al-Shabaab vied for control. In 2008, Al-Shabaab, in alliance with Ras Kamboni forces and other clans such as the Ogadeen that had been dominated by the Marehan, laid siege upon the city, gaining control on 22 August 2008. From then on, the city was

administered through a council of seven including three members of Al-Shabaab, three members from the former Sharia Court group and one member from local clans. City residents, tired of the lawlessness and crime under both, the TFG and Marehan, lauded al-Shabaab's intolerance for crime and corruption. Commerce thrived under the relative security offered under Al-Shabaab (see Hansen 2013).

As commerce thrived, so did Al-Shabaab's tax revenues. By 2010, Al-Shabaab taxed every dhow that docked at the port USD 1000, and \$2000 for every ship. Imported goods were taxed at USD 0.60 for every 50 kg bag of imported food, every car at USD 200, and every truck for between USD 400 to 500 (Hansen 2013: 91). This was supplemented by other taxes collected in the city from land, farms, the construction sector, stores, and businesses. However, given the complex taxation system in the city, the taxation at the port was transferred to the central organization and its Ministry of Finance, rather than being left simply to local Al-Shabaab representatives.

Although much of Al-Shabaab's revenue is derived from taxation on the quotidian business of social and commercial life, the trade in charcoal and sugar has been particularly lucrative. Al-Shabaab taxes the entire commodity chain 2.5 per cent, whether it is at Kismayu or the other ports under the group's control, such as Merka, Brava, Buurgabo, El Maan, and Qudha. UN reports point to the charcoal trade being Al-Shabaab's "single most important source of revenue." (UN 2012:14) So much so that in February 2012, the UN Security Council passed a resolution to ban the import of Somali charcoal. While Kismayu was no longer under Al-Shabaab control, the trade continued through other ports such as Baraawe and Merka, as importers, primarily the UAE and Saudi Arabia had been slow to implement the ban. Despite the efforts of Operation Linda Nchi, charcoal exports from southern Somalia increased that year,

generating over \$25 million for Al-Shaabab. The UN attributes this increase to not only a higher demand for charcoal in the UAE and Saudi Arabia, but also to a more general increase in traffic between Somalia and these countries such that a greater number of vessels would now carry charcoal back from Somalia on their return journeys. The takeover of ports by Kenyan authorities in 2012 only resulted in increased traffic through other ports. Finally, the UN attributes the increase also to the pouring in of humanitarian assistance: vessels that carry aid offload those cargoes at Mogadishu and then go to other ports such as Kismayu, Merka or Baraawa in order to load cargoes for the return journey, reducing transport costs.

Despite Operation Linda Nchi, the *Sagar Sanpati* continued to plow this route – travelling no longer to Mombasa as the Kenyan government had placed an embargo on trade between Somalia and Kenya. Nevertheless, business between India, the UAE, and Gulf continued, Narain and his associates continuing to deal in a banned commodity that had once filled the coffers of Al-Shabaab. However, according to Yusuf it was the route from Mombasa to Somalia that was the most profitable one they ever went on, even more so than the Dubai to Somalia route that they normally undertook. Yusuf calculated that in a single trip from Dubai-Somalia, they could expect revenue of 300-500 dirhams per ton. At a capacity of 400 tones, revenue would be 120,000 dirhams or Indian rupees 14,40,000. But the costs were approximately Rs. 10,00,000 and so they would only make Rs. 4,40,000 in profits.

But with multiple trips from Mombasa to Kismayu, these profits could be multiplied. In October 2011, the trip from Mombasa to Kismayu took thirty hours, the return journey taking three days. It was low season, and no dhows were currently coming to Somalia from Dubai. There was just one other-, a Pakistani crew, their owner based in Dubai. They stood to make grand profits. However, Yusuf did not know the precise numbers for the trade between Mombasa

and Kismayu – this was all handled by the Somali agent in Dubai. “Why is the Somalia route so profitable?” I asked. Yusuf responded, “Somalis have a lot of money. Now from here, they will sell the goods at double the price in Somalia.” “And people there will buy it? How do they get the money, despite the war?” I asked. “They have to feed themselves, so they pay.” He asserted. “How do the Somalis get the money in the first place?” I asked, trying to push him a little. “I am not sure, but I know that they do a lot of unofficial types of business.” Yusuf claimed that he was not sure what this business was, but he knew that there were all kinds of smuggling going on, boats often stopping outside the Port, loading and unloading goods and even people in the cover of the night. The networks that these shadow economies are a part of extend beyond East Africa, having resonances in the U.A.E, and India, so much so that events on the coast of India similarly point to an entanglement with a another network of terror.

Contraband in Kenya, Terror in Mumbai: Translating Implications

Date: July 13, 2011

Location: Mombasa, Kenya

Time: 15:35

Place: On board the *Sagar Sanpati* at Old Port

Yusuf was tired. It had been a long, hot day of loading cargo on to the vessel, the multiple agents dealing with the cargo arguing about the quantities each of them would be allowed to load, Yusuf having to intervene and once again, remind them that the waters were treacherous – it was dangerous for an overloaded vessel to be at sea. However, the seaman’s wisdom was lost upon the calculating mind of the businessman, seeking to maximize profits on every voyage. The problem of communicating a different logic was exacerbated by the fact that Yusuf had to rely upon translators to understand his Somali agents, who spoke no Urdu or Kutchi, and only the most basic Kiswahili that a local man of Kutchi origin would then translate. As I sat in the cabin,

taking my usual notes about the happenings of the afternoon, Yusuf was relieved to finally have a break, chatting with me about the latest Hindi films as Jamal brought us steaming cups of sweet *masala* chai.

A visitor interrupted our tea break. Salim, an acquaintance of Abdulahi, Yusuf's agent had come to visit on a personal matter. They had met several times as Salim had accompanied Abdulahi on his visits to the Port. Yusuf was surprised to see him come alone, just as Salim was startled by my presence. "Can we talk in private?" Salim asked Yusuf, looking in my direction. "Don't worry about her, she's alright." Yusuf responded, giving my presence on board legitimacy only the *nahoda* had the authority to give. With an uneasy expression, Salim continued. "Can you carry something small for me to Somalia? He asked Yusuf.

Yusuf looked perturbed. "There is no space on board." "Its so small, it can fit right here in the cabin – its just some rice, a mattress and water – gifts for my mother back in Kismayu." Salim added, pointing to the space between the seats in the cabin. Yusuf shook his head. *No*. "No! Look there is no space!" He exclaimed. As the heated voices of Yusuf, the interpreter and Salim in Kutchi, Kiswahili, and smatterings of Somali rose, I sat there dumbstruck. In previous conversations, Yusuf had always joked about the quality of the water they got in Mombasa, faucets at the Port with which they filled the vessels tanks being full of worms.

"The infrastructure here is terrible, even water in Somalia which has no government is better!" he would complain. As I sat there, the cabin's fan whirring above my head, listening to Yusuf repeatedly and vehemently refusing to carry the cargo, I wondered. *Why would Salim want Yusuf to carry water, rice and mattresses when there was ample water in Somalia? And why would the request evoke such a strong reaction from the usually mild-mannered Yusuf?*

After a few minutes of heated debate, Salim gave up. He grabbed a soda from the freezer and

angrily stormed off. Yusuf wiped his brow and gratefully picked up his cup of tea, now cold, a thin layer of cream settling atop the cup. “What exactly did he want to send to Somalia?” I asked. “Nothing, nothing, something small. But I won’t take it.” Yusuf dismissed the matter and noticing his discomfort and exhaustion; I did not push him on the subject.

Date: July 13, 2011

Location: Mumbai, India

Time: 18:54

Place: Zaveri Bazaar

Mumbai’s jewelry district, run by Gujaratis has exploded, shop doors shattered, jewelers and shoppers negotiating the price of gold interrupted by the sound of screams, corpses and those injured filling the streets. A bomb had been hidden in an umbrella by a motorcycle. Objects of everyday life in a monsoon-pelted city combust in an instant.

Time: 18:55

Place: Opera House

Diamond merchants outside Panchratna, a building that fades into Mumbai’s skyline, identifiable only by the colorful clothes hanging out to dry from its many windows, scatter in panic. There has been an explosion near the hub for a billion-dollar diamond trade, casually conducted by phone by Gujarati diamond dealers in Mumbai talking to their Hebrew-speaking counterparts in New York and Antwerp. Do bombs dream of diamonds? The blast is bad for business. Diamond debris is recovered along with dead bodies.

Time: 19:06

Place: Dadar

Terror strikes a daily commute in the city, its roads bursting with traffic. Middle-class Mumbaikars weary from a long day at work wish they had called in sick. A bomb explodes atop a bus stop. The school that stands behind the bus stop is thankfully, closed for the day. The bomb was in an electric box near the bus stop. The city’s infrastructure crumbles under a low intensity bomb.

The bomb blasts that hit Mumbai hours after Salim tried to strike a deal with Yusuf left 26 dead and 130 injured. The three blasts that went off within minutes of each other reminded the city of the shocking siege that had taken place three years earlier. On 27th November 2008 my hometown of Mumbai was under siege. Leopold Café, a popular bar and restaurant in the busy

tourist Colaba area saw two gunmen open fire. Bottles of Kingfisher beer were smashed, peanuts strewn everywhere as blood stained the red and white tablecloths. Ten people were killed, bullet holes in the wall from the attack being visible even a year later. Almost simultaneously, two other gunmen opened fire in Chattrapati Shivaji Terminus, one of Mumbai's main railway stations. The Gothic building, also a UNESCO World Heritage site saw the passengers who would usually sit on the floor waiting for their train, flop over, dead. The rest of the city was in panic.

The Jewish Centre in downtown Mumbai had been attacked, residents held hostage, the choice of attack pointing to a conflict that went far beyond the city of Mumbai and South Asia. Mumbai had become a battleground for Palestine and Israel for the day. There were bomb blasts in taxis-by Metro cinema, near St. Xavier's College. South Mumbai, the home of the elite and the city's throbbing financial center was aflame.

The most shocking news was that of the Taj Hotel and Oberoi Trident Hotel. Both five-star hotels were located in South Mumbai by the sea, and were the city's oldest and best-loved hotels. The domes of the Taj were spouting dark, black smoke, the entire hotel and its guests held hostage for several days. Nearby, the Oberoi Trident reported an explosion. However, it was the iconic Taj was laid to siege over the coming days, India's Rapid Action Force, Marine Commandos and National Security Guards storming into the Hotel days later on 29th November, 2008, when the fires were finally put out all over the city.

Investigations later revealed that the attackers had arrived in the city by sea. Setting off from Karachi, they hijacked a fishing trawler near the dhow-building town of Porbander in Gujarat and arrived ashore in a Maharashtrian fishing community in Cuffe Parade on a dinghy. The Indian government sought to seal the sea. The Arabian Sea and Indian Ocean beyond had

become a threat. Little boats and bigger dhows connected the dots between Karachi and Mumbai. The government responded by closing off Mumbai's port to dhow traffic, while containerized ships continued to feed the city. Dhows are simply too difficult to monitor and control.

Date: July 13, 2011

Location: Mombasa, Kenya

Time: 21:30

Place: A room in Ingilaani, a neighborhood in Mombasa's Old Town

My head was reeling from the day's events. After frantic calls home – my parents usually drove through Dadar on their way home from work – I tried to make sense of what I had witnessed on board that afternoon. *Why would Salim's request produce such a strong reaction from Yusuf?* Carrying gifts for a mother would hardly be the cause of such stress. My mind immediately switched tracks. I had been told that those involved in *magendo* (smuggling, unofficial trade) used code names – the names of harmless everyday objects for sinister weapons of war and contraband. *Embe* or mangoes could be *pembe* or ivory. *Unga* or flour was heroin. *Maji* or water could be mercury or a chemical used to make bombs. In South Asia, *gadda* or mattress refers to guns. *Could it be that Yusuf had been asked to smuggle weapons to Somalia? Into a port held by Al-Shabaab, an Al-Qaeda affiliate?* Images of Salim's nervous expression on seeing me on board, Yusuf's agitation on hearing the request, and the image of armed gunmen rushing onto Mumbai's coast flipped through my head, like the film slides of yore.

While I will never be sure, Yusuf *had* been offered to smuggle contraband and had refused. Kismayu, Somalia's busiest port was under Al-Shabaab administration. Terror suddenly had a real face. My friends, such as Yusuf were continually faced such risks and refused to participate. Terrorism lurked in the waters of the Ocean but so did the adamant refusal to be a part of it. Sailors such as Yusuf were simply trying to make an honest living in an economic climate that

was unkind, in an industry in slow ruin. The only routes keeping it alive, being ever combustible.

Terror in the Future: An Unstable Industry

“Business is slow right now, we have nothing to do!” Narain said, looking relaxed as we met again in June 2013. At this time of the year, the *Sagar Sanpati* was anchored in Mandvi, being repaired for the next season. Yusuf and the rest of the crew were home, mothers, sisters and wives pampering them before they set sail again after the monsoon. While the seasons and cycles of the dhow trade - dependent on the monsoon - have been predictable for millennia, its future now seemed less certain. “This business will not last long – maybe another ten years – after that I don’t know what people will do.” Narain commented, matter-of-factly. The dhow trade was no longer a sustainable business. This was not only because containerized shipping was more cost-effective and efficient but also because a confluence of government policy and geopolitical developments have slowly pushed dhows further into the margins.

The specter of terror haunts businessmen like Narain. “Nothing has been the same since 26/11,” he explained, referring to the siege of Mumbai by armed gunmen who entered the city after hijacking a fishing trawler near the coast. In the months and years following the attacks in 2008, Indian intelligence and defense agencies have been attempting to “secure” India’s long coast through new surveillance mechanisms, increased patrolling and new warning mechanisms for boats in distress. However, these new mechanisms have raised costs for dhow owners who are now expected to equip their dhows with new, expensive instruments such as AIS transponders, Radio Frequency Identification Device (RFID) and other tools to ease surveillance by patrol boats and strategic ports along the coast. Narain complained, “These tracking devices are unnecessary and terrorism has led to our harassment.” The dhow trade is in a double-bind: one the one hand, terrorism puts sailors at sea at risk to hijack and on the other, it causes the

trade to be suspect, of transporting contraband and illegally moving people and weapons across international boundaries.

Indian government attempts to increase security has also altered the routes that dhows traverse. Prior to 2008, dhows would dock at the port of Hay Bunder in Mumbai, loading and off-loading cargo, captains of the vessel being able to work directly with the Mumbai-based owners.

However, since the increased surveillance, not only had traffic at the port of Hay Bunder slowed down, but by June 2013, had come to a complete stop. However, this was not without incident.

In April 2013, the Coast Guard intercepted a dhow, the MV Yusufi, off the coast of Mumbai. Carrying a cargo of 24 goats, 250 cartons of cigarettes, mobile phone parts, a television set, and an illegal satellite phone, the Coast guard seized the goats, X-rays revealing that foreign objects were to be found inside the goats – contraband (consisting of microchips) being smuggled by sea, within animals habituated to land (Times of India: 2013). To put an end to smuggling, the Mumbai Port Trust was asked to close down Hay Bunder – a jetty frequented by dhows – as it did not have adequate security measures in place. The closing of this port redirected the dhows to Gujarat, the port of Mundra being most frequently used by dhows such as the *Sagar Sanpati*. However, this is not just a simple re-routing. Government policies and news agencies are increasingly suspicious of dhows, finding them difficult to control. While Narain bemoaned, “Why can’t the government give us an incentive to export? Support us as a cottage industry?” I had not the heart to point out the obvious: the wooden ships that have been connecting India to the Middle East and Africa for centuries were a threat to the nation-state, their mobility evading state surveillance, operating outside of government control.

What then becomes of families such as the Joshis, whose roots lie in the business of the sea? Like other capitalists, they adapt, their vines moving in the direction of money, entwining around

a sector of the economy that may be more lucrative, allowing the family tree to grow. While Narain's son was studying abroad and his two daughters were still in high school, his nephew, Harish was of age and had entered the family business with the aim of diversifying. Harish had abandoned the dhow trade, entering the world of shipping through freight forwarding. Freight forwarders are the ones who link merchants of goods to shipping channels – the crucial intermediaries who handle the logistics of circulation. Harish's freight forwarding business operated from the offices of Joshi Brothers and provided services for freight forwarding from India to Africa.

The goods that the Harish dealt in were quotidian, consisting of rice, wheat and medicines. Dhows and even containerized ships were located for merchants of these goods, Mogadishu rather than Mombasa being the destined port. A young, unassuming man of twenty-five, Harish explained that Mogadishu had emerged as the center for this trade, goods arriving in the port and then being sent to Sudan and other countries inland, the sea feeding the land. Why Mogadishu, a port in a region wracked with instability, the state of Somalia in crisis, leadership changing hands regularly? Why not Mombasa, with a more stable government and a well-established port? "Mogadishu is much more convenient, there is much less government interference and things run smoothly. In Mombasa, the government interferes too much, and you have too many people to deal with all the time." Harish explained.

While one would assume that a functioning government, with infrastructure and resources to handle the logistics of shipping as in Mombasa (while the port is notorious for its inefficiency, the skeleton of order remains), it is Mogadishu, run by the government of Somalia – one in which regime changes are often, civil war and then international action on the hinterland of Mogadishu creating a climate of instability – that emerges as more business-friendly. It is

perhaps precisely due to the lack of what Harish calls “government interference” that makes Mogadishu a friendlier port. As we have seen, governments world over, especially the Indian government, have sought to limit the dhow trade, rigid policies necessitating dhow owners and sailors to react creatively. As the next chapter shows, this tension between government and the dhow trade is not a new one – it was forged in the colonial period. Nevertheless, Harish’s new venture builds upon the old.

“We manage because of our connections - we already know Somalis and have been dealing with them for years. We have contacts in shipping and freight forwarding. People know us. If you tried to do this business, it would not work. You have to be established.” Narain explained, his young nephew beaming with the support of his uncle and father. While Narain is not hopeful for the future of dhows and his position as the owner of dhows, his network that extends from India to the UAE, Somalia and Kenya continues to enable him and his family to make a living although in a different sector of the economy – the new building upon the old – the family itself a palimpsest for the economy.

Concluding Remarks

International agencies such as the U.N. Security Council have recently turned their attention to the trade in charcoal and sugar through Somalia, showing the way in which collection of revenues at the port of Kismayu have been the main source of funding for Al-Shabaab, a terrorist organization linked to Al-Qaeda. The report suggests that the entire network embedded in this trade is complicit with, and even sympathetic to Al-Shabaab.

However, by tracing the movement and network of the *Sagar Sanpati*, a dhow owned by a Hindu based in Mumbai, run by an Indian Muslim crew from Gujarat, India and chartered by Somalis based in the UAE, this chapter sheds light on the complex processes that in fact make up

Indian Ocean trade. While the *Sagar Sanpati* has transported charcoal from Somalia in the past, it is also involved in the trade of other commodities, in other parts of the world. In fact, its entry into the charcoal trade in the shadow economy is relatively new, and a result of its dispossession from other markets such as the import of dates, through liberalization. As they are dispossessed from one industry and pushed into another, the friction of global connection (Tsing 2005) opened up a new, riskier avenue for business, participants of this trade maneuvering a new set of government regulations (and deregulations) by entering this new shadow economy. While Yusuf, the captain and Narain, the owner, are both aware that the Somalia trade is perhaps most profitable due to reasons they cannot quite put their finger on, they have no choice other than to continue trading along these routes as an increasingly competitive, large scale shipping industry takes over those routes that were traditionally their own.

However, Yusuf and his crew were adamant that they did not want their children to work on dhows. “They are unsafe and don’t make that much money.” Yusuf always insisted. However, he also recognized that some people stood to gain. “Somalis are becoming very rich on this business,” he would say. This restructuring of the trade toward Somalia – a place without a functioning government authority – indicates that the dhow trade does have a niche. It can go where others fear to go, take risks that others have the choice not to make. Meanwhile, sailors such as Yusuf have no choice but to look to the dhow as their home, the future precarious as the industry becomes entangled with networks of terror due to economic reforms, the industry being ultimately viewed as a threat to national and international security. However, as I argue in the next chapter, suspicions about the dhow industry are not new. Dhows have been associated with illegality not only in the contemporary era, but ever since the British attempted to regulate the slave trade in western Indian Ocean in the nineteenth century. It is to these connections between

past and present that we now turn.

CHAPTER 2

A SEA OF SUSPICION: ILLEGALIZATION AND THE MAKING OF BRITISH JURISDICTION

This chapter asks a rather unconventional question: what can mid-nineteenth century British naval and legal efforts to put an end to the slave trade in the western Indian Ocean, tell us about the contemporary entanglement of dhows with illicit and illegal trade? In what follows, I trace the association of dhows with illegality to the nineteenth century, as the British sought to suppress the slave trade. Reading together contemporary suspicions of the dhow trade and the story of the suppression of the slave trade, I argue that current suspicions of the dhow trade and illegality have emerged from this longer history of dhows being associated with illegal trade through British anti-slavery policies and naval action in the nineteenth century. The suppression of the slave trade and ideas about dhows that emerged in the nineteenth century thereby act as a historical precedent for notions about illegality and the dhow trade in the present. Indeed, this historical moment can be viewed as the first in which dhows came to be viewed with suspicion by state authorities. Similar suspicions can be seen today, states continuing to seek to regulate dhows, viewing them as a threat. Rather than providing a complete historical trajectory or genealogy for these ideas however, this chapter focuses on a particular moment in the nineteenth century in which these suspicions came about as the British sought to expand their empire in the western Indian Ocean.

Simultaneously, I examine how sailors and dhow owners respond to regulatory authorities. I argue that in the nineteenth century, sailors and dhow owners maneuvered regulations by playing with the boundaries between legal and illegal, their actions ultimately forcing the British to redefine notions of subjecthood and jurisdiction. Although these ideas about subjecthood and

jurisdiction have now become more fixed, dhow sailors and owners now maneuver regulations in the shadowy, blurry interstices of the legal and illegal, entangled within the official and unofficial regulatory apparatus of the state (this will be discussed in chapter 3). This chapter then, tacks back and forth between actions and reactions of regulatory authorities and sailors and dhow owners in the nineteenth century, framing and perhaps even foreshadowing things to come.

At the heart of these tensions – between the regulatory apparatus of state and empire and dhow owners and sailors – are ideas about subjecthood, and jurisdiction. As I demonstrate, in the nineteenth century notions of subjecthood, and jurisdiction were hardly settled matters and were consistently fluid, sailors and dhow owners ever cognizant of the slippery definitions of these concepts. However, their maneuvering of these unsettled notions ultimately led to the solidifying of these concepts. In contrast, dhow owners and sailors in the contemporary moment maneuver more fixed conceptions of sovereignty, subjecthood, and jurisdiction, all the while being pushed further into the shadow economy. This chapter therefore provides a glimpse into a world in which these concepts were initially unsettled and eventually came into being, acquiring the lives they currently have, therefore setting the stage for what is currently unfolding.

The Current Trouble With Dhows: From Contraband to Terror

The Regency Hotel sits along a busy street in Jamnagar, Kutch alongside car service stations, hardware stores, grocers, stationers, and general stores. The town, once an important port city for dhows that carried cargoes and people from Kutch to East Africa, is now a center for oil. Jamnagar is home to world's largest oil refinery, owned by Reliance Industries, India's second largest publicly traded company, and yet another refinery owned by Essar, another multinational conglomerate. While the Regency typically hosted guests passing through for the business of oil, its owners were concerned about trade in a different fuel source – charcoal. The Sikkawalas, who

traced their roots to the nearby historical port town of Sikka, were now owners of this prominent hotel. But they came from a long tradition of shipping, having been seafarers and dhow owners for generations, and continued to operate a small fleet of dhows. They had also inherited the stewardship of the All-India Mechanized Sailing Vessel Federation (AIMSVF), an organization that represented members of the dhow industry both domestically, and internationally.

Amir, the current chairman of this organization was a lawyer by training and had inherited this post from his father. Sitting in his office at the Regency one evening in March 2014, eating a bright pink ice cream sundae, Amir confessed to me, “Representatives from the UN and the CID (Crime Investigation Department) came here a few months ago. They told us that dhows from Kutch were dealing in charcoal and that this was funding terrorists. Was he calling us terrorists too? How are we supposed to know that charcoal in Somalia funds terrorists? They even threatened us, as if we were terrorists. *Jaise main aur Narain, haath mein banduk leken Somalia mein khare hain.*” Translated from Urdu, *as if, Narain (the owner of Sagar Sanpati who we met in the first chapter) and I were in Somalia, guns in hand.* He lit a cigarette as we both laughed. The thought of Narain, a soft-spoken Bombay-based engineer who now ran his family’s fleet of three dhows, and middle aged pot-bellied Amir, with a penchant for Indian Ocean history, strawberry ice cream, and History channel documentaries, running through the arid scrubs of Somalia with Al Shabaab was truly amusing because it was highly unlikely. Yet, their dhows did transport charcoal from Kismayu, Somalia (once an Al-Shabaab controlled port) to the UAE. Amir expressed his helplessness over this development – “What else are we supposed to do? We used to carry dates, but now those go on containers. There is no other cargo for us to carry anymore.”

As outlined in the previous chapter, Amir complained that ever since economic liberalization

in 1991, the industry had been struggling to find an economic niche. Prior to 1991, the government of India had a very different view of dhows or what they called, “the sailing vessels industry.” In accordance with wider protectionist policies, in 1948 the Indian Ministry of Commerce organized a “Sailing Vessels Committee” to assess how dhows could be utilized to “sustain and develop the Economy of the country.” (Sailing Vessels Committee 1949:1) Based on this report published in 1949, the importation of wet and dry dates was exclusively restricted to dhows, containerized ships being unable to transport the dried fruit. But even as this committee sought to protect this industry, it simultaneously recognized the state’s inability to properly regulate and control dhow trade and movement. The report expressed concerns over smuggling, referred to as somewhat lightly in the report, as a “malpractice” of “fraudulent jettisoning.” (Sailing Vessels Committee 1949: 14) This refers to a practice in which captain and crew of vessels would partner with a broker and offload cargo at a predetermined point at sea. These goods were sold on the black market, often without the knowledge of the ship owner. The crew would then purposefully damage some of the cargo on board, and report the missing cargo as having been lost at sea.

The committee viewed this “malpractice” as having emerged from the loose organization of the industry and stressed the need for greater controls. Despite state suspicion and fears of transgression in this period, the logic of protectionism prevailed, the dhow industry not yet being viewed as inherently dangerous or threatening. Smuggling of cargo by the crew was considered relatively harmless, mere, pilfering. As seen in the previous chapter, by the 1990s, there was a clear shift in this narrative. Smuggling by dhow was no longer labeled “fraudulent jettisoning” but became associated with more organized networks of gold smuggling. While gold smuggling came to end in the 1990s, in official government discourse in India, dhows continued to be

associated with smuggling, even in 2014.

When Amir visited Mumbai in April 2014 for meetings with the Director General (DG) of Shipping, as soon as he walked into the meeting room, he was asked by the DG, “So how is the gold business these days?” The question infuriated Amir. As he told me after the meeting, “The government knows nothing about our industry. They assume we were all smuggling gold, but most of the gold wasn’t coming in through our date-carrying *vahans* but on *manjis*!” These *manjis* were not large dhows like the *Sagar Sanpati*, but were only 45 feet in length, with typical capacities of 50-100 tons and could easily speed across choppy waters, evading patrol boats on their way to Bombay, contraband gold being offloaded onto fishing boats that would then bring in glistening bricks and biscuits of gold along with the daily catch. Yet, in the DG’s eyes, there was no distinction between *manjis* and the larger vessels - both were the same.

Amir also expressed his frustration with the conflation of the entire dhow industry with smuggling. He said, “Some sailors and owners may have smuggled gold in the past. But what about planes, trains, and trucks? Drugs, gold, and cash come in through the airports all the time. Does it mean that all airlines should be shut down?” Amir asked, exasperated. He had been battling the association of dhows with illegality in other contexts as well. As discussed previously, ever since the events of November 26, 2008, the government of India had “cracked down” on the dhow trade. Investigations revealed that the ten militants who attacked Mumbai had arrived in India by sea from Karachi, hijacking a fishing trawler near Porbander in Gujarat, finally entering the city on a dinghy. After these events, the government closed down facilities that would allow sailing vessels to dock in any of Mumbai’s many ports, citing a “lack of security.” The inability to dock in Mumbai had further damaged prospects for dhow owners, and had simultaneously linked dhows with terror. As Amir again observed, “Kasab (the sole terrorist

taken alive after 26/11) and his friends came on a fishing trawler, not on a dhow. But the government doesn't see the difference and now we are the ones suffering.”

Like Narain in the previous chapter, Amir also stressed the need for protectionist policies for the dhow industry. “Kutchis have been building these *vahans* for centuries. Why can't they just give us status as a cottage craft industry?” He had even appealed the National Shipping Board for such a status, but it had been declined. The Federation had also petitioned to reintroduce some form of cargo reservation for sailing vessels, but that too was declined, the DG of shipping saying that his hands were tied and such protectionist policies were no longer in line with wider economic policy.

But yet, Amir and I both knew that there were perhaps other forces at play here. After all, despite “economic liberalization”, the government had a “Transchart” policy in place to encourage Indian containerized shipping. According to this policy, preference is given to Indian flagged container ships for moving cargo into the country so long as they matched the lowest bid quoted by foreign ship owners. As Amir would often say, if such a policy could be put in place to encourage Indian containerized shipping, why not also encourage sailing vessels? Many members of the AIMSVMF believed that this was the work of a strong Indian shipping lobby, that not only had high level contacts in the government, but also financial resources that could allow them to bribe officials to make decisions that would encourage the growth of their industry.

In contrast, government policy on dhows continued to not only be unsupportive but also actively harm the industry. As incidents of piracy off the coast of Somalia began to increase around 2008, the Director General of shipping released a circular that aimed to discourage, if not outright ban, Indian vessels from visiting ports in the northwest Indian Ocean. Smoking yet another cigarette, Amir began listing off the ports that the government now forbade them to visit

(without much success, I might add), “They are trying to place a ban on minor ports that our vessels typically service – places like Salalah, Mukalla, Berbera, Mocha, Aden, Bossasso, Mogadishu, and Kismayu, from where over 90% of our profits come from.” As Amir explained that the government of India had drawn an invisible line prohibiting vessels from travelling to many of the Red Sea ports and North and East Africa, my mind switched tracks.

Less than a year before this conversation, I had been researching the illicit slave trade in nineteenth century Zanzibar. As I was talking to Amir, the parallels between efforts to suppress the slave trade and current prohibitions on the dhow trade became clear – not only were lines being drawn in the same geographical region, restricting the same sailing vessels that have been plying these routes, but a familiar logic seemed to be in operation, with similar effects. Indian state efforts to regulate the movement of dhows today have produced a discourse of suspicion and illegality that has been damaging for the industry in manner similar to how British efforts to suppress the slave trade in the nineteenth century led to the indiscriminate destruction of dhows, and to a lasting association of dhows with illegality. In the following sections, I trace efforts to suppress the slave trade with an aim to suggest that this slice of history can shed light on the destructive associations of dhows with illegality, and the conundrum being faced by dhow owners, sailors, and regulatory authorities today.

Piracy, the Slave Trade and Imperial Expansion in the Nineteenth Century

On 10th May 1821, Robert Townsend Farquhar, the Governor of Mauritius, congratulated the Imam of Muscat for bringing piracy to an end in his kingdom, with the aid of the British in India. Yet, Farquhar gently reminded him that their alliance still had much work to do. He hoped that the Imam would now “zealously cooperate with the British Government in exterminating the piratical trade that has lately begun to be carried on.” (Farquhar 1821:102) This “piratical trade”

was the slave trade between Zanzibar, other parts of the Imam's dominions, and European settlements in the region, especially the French island of Bourbon. Comparing the slave trade to piracy, Farquhar urged the Imam to abolish the trade for the sake of humanity. He enticed him to prevent the sale of slaves to European possessions in the region with promises of British protection and privileges.⁸

The Governor of Mauritius was not alone in his labeling of the slave trade as "piratical." The conjoining of the slave trade with piracy was commonplace in British abolitionist discourse, and sometimes, even in legal agreements. For instance, Article 9 of the General Treaty of Peace of 1820 between the Qawasim based at Ras-Al-Khaymah and rulers of large swathes of the Persian Gulf in the eighteenth century, and the British stipulated, "The carrying off of slaves, men, women, or children from the coast of Africa or elsewhere, and the transporting them in vessels is plunder and piracy; and the friendly Arabs shall do nothing of this nature." (Alpers 2013:48)⁹ Piracy and the slave trade were both seen as "crimes against humanity," and hence reprehensible in spaces of British influence.

Historians have argued that the tying together of slavery and piracy was an important tool of British imperial expansion. Lauren Benton has argued that in the nineteenth century, abolitionists and some prize court rulings sought to ban the slave trade on universal principles that drew an analogy to piracy. These universal principles in turn, would have allowed piracy and also slave

⁸ These protections and privileges ranged from the cancellation of port charges for vessels moving between the Imam's dominions and that of the British, and more vague suggestions that the Imam's subjects in Mauritius would have every protection so that they may continue their legal trade. See Farquhar (1821:107). Farquhar himself was a controversial political figure as he had been accused of encouraging the French slave trade in Mauritius. While these accusations have been largely seen as false, his tenure as governor was a ripe time for anti-slavery debates. See Barker (1996).

⁹ Qasimi ships had been attacking British vessels in the waters between the Persian Gulf and the Makran coast, until the British finally seized their headquarters at Ras-Al-Khayma in 1819. See Hawley (1970:129).

trading to be subject to universal jurisdiction in which any polity could rightfully apprehend, try and punish offenders (Benton 2011: 225). However, the analogy did not hold in most courts of law, the legal status of the slave trade being uneven across the range of polities bordering the Indian Ocean. Nevertheless, the analogy to piracy was important for abolitionists and British agents, who “defined the actions of slave traders as piratical in order to justify attacks,” (Benton 2011:237) and was used to support the creation of a uniform maritime regulatory regime dominated by Britain. As Benton suggests, in the nineteenth century, the expansion of British commerce and naval dominance was made possible through a labeling of all maritime violence not sanctioned by Britain as piracy, the vague legal meaning of term becoming an important tool of imperial policy.

Similarly, Edward Alpers (2013) argues that the incorporation of the suppression of the slave trade and slavery into the struggle against piracy was crucial to the making of a “British Lake” in the Indian Ocean in the nineteenth century. In both cases, humanitarian concerns were used to justify British intervention at sea. Other scholars have similarly pointed to the use of humanitarian arguments against the slave trade in the Indian Ocean, and the attendant expansion of British Empire in the region.¹⁰ Guillemette Crouzet (2014) argues that British policies against the slave trade in the Persian Gulf, couched in humanitarian terms, were used to expand British imperial interests; first through treaties with the Imam of Muscat, and later through surveillance and patrols at sea, the waters of the Indian Ocean giving birth to a global maritime law. She asserts, “After 1880, the Gulf and the Indian Ocean emerged as a transnational space of law, the ‘British Lake’ in which British cruisers patrolled.” (Crouzet 2014:235). However, she recognizes that even as British law and jurisdiction were being extended into the Indian Ocean, spaces of

¹⁰ Abolitionism in both, the Atlantic and Indian Ocean have been viewed as central to British imperial expansion. See Huzzey (2012) and Colley (2009).

resistance remained, an illegal slave trade flourishing between coastal East Africa and Muscat until as late as 1890.

Indeed, even five years after the Moresby Treaty of 1822 that forbade the sale of slaves to Europeans within the Imam of Muscat's domain, the alliance of the Imam and the British was unable to put an end to the illegal slave trade in East Africa. Sometime in 1828, a beleaguered Said bin Sultan, the Imam of Muscat wrote to his agent in Bombay, seeking advice. Having arrived in Mombasa, newly under his control since 1826, the Imam realized that three French vessels had recently arrived in the port city and had clandestinely purchased slaves at an inflated rate. The numbers were staggering – the first vessel bought two hundred slaves, the second one hundred and eighty, and the third, one hundred and fifty. The Imam was afraid that even if he were able to stop this trade, the French would simply move down the coast to Mozambique, where the slave trade was openly carried on. Caught between the French and the British, the Imam asked his agent: what did the British government recommend? (Imam of Muscat 1828: 136-7)

These sets of letters between the Imam of Muscat and the British government gesture not only to the complexities of slave trade suppression, but also the wider dynamics of imperial expansion, competition, and establishing jurisdiction over the northwestern Indian Ocean that was still a patchwork of different empires and polities in the early nineteenth century, the British and the French and several non-European rulers vying for power. Through this century, as treaties were made to restrict and eventually abolish the slave trade, an illegal trade in slaves continued. Even as the British attempted to expand their jurisdiction in the region, merchants and sailors contested the terms of this control, navigating multiple legal spaces and regimes, tricking authorities, and toying with the boundaries between legal and illegal.

Rather than focusing solely on British attempts to create a uniform jurisdictional space across the Western Indian Ocean by regulating the complex slave trade in East Africa and the Gulf, this chapter instead emphasizes the ways in which slave traders and dhow captains contested regulations around the slave trade. I argue that traders and sailors not only resisted the creation of a uniform jurisdictional space, but that their evasion of laws and surveillance at sea forced the British to redefine ideas of subjecthood and jurisdiction. I highlight the ways in which the functioning of the slave trade was not legible to British authorities as sailors and traders played with the boundaries between legal and illegal. Understanding “legibility as a central problem in statecraft,” (Scott 1998:2) I focus on how sailors and traders evaded patrollers in some moments of encounter, and redefined subjecthood in others. My work shows that participants of the trade flexibly adapted to new legal regimes and surveillance at sea by playing with the complexities of legibility, continuing the slave trade in ways that were difficult for the British to understand and monitor. Ultimately, this illegibility of the slave trade led to widespread suspicion and harsh punitive action by the British against the dhow trade, leading to lasting associations of the dhow trade with illegality.

Building upon the work of Abdul Sheriff (1987) and M. Reda Bhacker (1992), who have argued that suppression of the slave trade was one way in which the Omani empire came into the British fold, I focus on negotiations of jurisdiction and sovereignty “on the ground,” and at sea, emphasizing the resistance against the creation of a uniform legal and sovereign authority in these parts, not as a way to subvert empire, but perhaps to best serve personal interests in particular moments. My work suggests that through the nineteenth century, the slave trade in East Africa was not yet legible to British authorities, jurisdiction at sea being continuously made by different authorities, and then contested and re-made by non-state actors. The actions of these

sailors and traders ultimately prompted the British to turn to the Permanent Court of Arbitration at The Hague¹¹ to settle questions of subjecthood and jurisdiction.

Extending Empire through Law: The Creation of a Slave Trade Jurisdiction

British policy against the slave trade was crucial to establishing jurisdiction over the waters of the Indian Ocean. Prior to the fifteenth century, it mattered not under whose authority you were at sea in the Indian Ocean, but where you landed. The oft-quoted Mughal adage, “wars by sea are merchants’ affairs, and are of no concern to the prestige of kings,” suggests that in the pre-colonial era, rulers in the Indian Ocean world did not see their sphere of power extending beyond the land to the sea. Therefore, prior to the arrival of the Portuguese in the fifteenth century, the sea remained a non-militarized space, being not an extension of any land-based sovereign power, but free to navigate. Scholars such as Philip Steinberg (2001) have argued that prior to Portuguese presence in this region, maritime jurisdiction in the Indian Ocean had no parallels to European ideas.¹² The Indian Ocean became militarized with the entry of the Portuguese, who introduced a Mediterranean-style pass or *cartaz* system in the Indian Ocean, vessels being required to carry a permit for safe passage.¹³ While the Portuguese were unsuccessful in creating a monopoly over Indian Ocean trade in this fashion, the British proved to be more successful, especially in the western Indian Ocean in the nineteenth century.¹⁴ This expansion of British power can be traced not only to their conquest of India by 1858, but also earlier to their

¹¹ The Permanent court of Arbitration at The Hague was established in 1889 and is the oldest global institution for settling international disputes.

¹² For a discussion of European ideas of jurisdiction in the Indian Ocean, especially the application of Grotian notions of freedom of navigation see Benton (2005); Steinburg (2001); Van Ittersum (2006); and Alexandrowicz (1967).

¹³ For early modern Portuguese entry into the Indian Ocean see Pearson (1998).

¹⁴ See Tagliacozzo (2002).

suppression of the Qawasim in the Gulf in 1819, and in the extension of British jurisdiction in ending the slave trade.

In this section, I outline British efforts to control the slave trade in East Africa and Oman through treaties with the Imam of Muscat, and later, the Sultan of Zanzibar, the suppression of the slave trade using humanitarian arguments enabling the expansion of British jurisdiction in the region. I then turn to the difficulties of enforcing these treaties in practice, highlighting how the slave trade was illegible to naval patrollers as sailors and merchants evaded these laws, complicating British attempts to create a uniform regulatory space at sea.

Treating Slavery, Trying an Empire: Slave Trade Jurisdiction from the Gulf to East Africa

The expansion of British jurisdiction from the Gulf to East Africa was made possible through a series of treaties between the British authorities, the sheikhs of the Trucial Coast, and the Imam of Muscat from 1820 onward. While humanitarian concerns appeared to be guiding British anti-slavery treaties and action, in actuality, these treaties were formulated with wider political and economic interests in mind. The first of these treaties against the slave trade emerged from Britain's anti-piracy action along the Trucial Coast from the late eighteenth century onward (see Hawley 1970). The General Treaty of Peace signed between Britain and the sheikhs in 1820 conflated the slave trade with piracy and sought to prevent both, creating a sphere of British influence in the Gulf. This treaty also expanded a British regulatory regime as vessels from the coast were expected to fly red flags with a white border to mark their 'friendly' relationship with Britain, carry a license, port clearances, and papers detailing the vessel, its crew, date of departure, destination, and the types of cargo. Vessels were subject to being searched by the Royal Navy, the dhow captain or *nakhoda* having to produce these papers upon request (Crouzet 2014; Kelly 1968). British jurisdiction began to be extended at sea, British patrol ships being

authorized to search dhows suspected of engaging in the slave trade.

Britain also entered into a series of treaties with the Imam of Muscat to restrict the slave trade in Oman and in the Imam's dominions in East Africa. These treaties were guided by concerns about Britain's power relative to other Europeans both in Europe and in the Indian Ocean. As the Napoleonic Wars raged in Europe, the British sought to restrict French influence in the rest of the world, especially in and around its own territories in Asia and the extensive maritime trade routes weaving these territories into the global economy. The French had been active in the southern coast of East Africa, supplying slaves for its Indian Ocean territories from the southern Swahili coast city-state of Kilwa, and Zanzibar. Kilwa was especially important for the procurement of slaves, the Sultan of Kilwa having entered into an exclusive agreement with the French trader Morice, pledging to supply him with a thousand slaves a year for one hundred years at a fixed rate. It was only after fulfilling this pledge that the rulers of Kilwa were to trade with other Europeans. A clause of this agreement also stated that the two would ally against any threat from a third party (Freeman-Grenville 1962:191). It was perhaps this kind of French influence that the British sought to contain on the Swahili Coast.

For instance, in 1826, even as the fierce struggle for control over Mombasa between the Mazrui and the Imam of Muscat was underway (see introduction for historical outline), the British authorities feared that the "chiefs of Mombasa" would make overtures to the French government at Bourbon so as to renew the slave trade that had been stopped while the city was temporarily under British protection since 1824. British officials in both, Mauritius and Bombay thought it prudent to support the Imam's claims over Mombasa so as to restrict French influence and also prevent the renewal of the slave trade (Port Louis 1826:352-354). The slave trade was therefore a convenient mechanism through which the British, and their ally, the Imam of Muscat,

were able to exert political control of places like Mombasa, anti-slavery campaigns, policy, and discourse being crucial in restricting French influence and paving way for the rise of *Pax Britannica* in East Africa, both on land, and at sea.

Britain's attempts to control the slave trade in order to protect her own imperial ambitions in the Indian Ocean region is further underlined by the first slave trade treaty with the Imam of Muscat and Zanzibar. The Moresby Treaty was entered into by Sayyid Said, the Imam of Muscat and the British representative, Captain Moresby, an avid anti-slavery crusader on 9th September 1822. Article 1 of the treaty states, "That you (the Imam) instruct all the Officers in your dominions to prevent the subjects from selling slaves to Christians of all nations." (Beachey 1976:104) The treaty also allowed for the stationing of a British Consul in Zanzibar and permitted colonial officers in any part of the empire to seize and punish Arab vessels buying slaves with the intent of taking them to "Christian countries." A subsequent article was added to the treaty in 1839, prohibiting the export of slaves to the east and south of a line drawn from Cape Delgado to a point sixty miles east of Socotra and from there till Diu, permitting ships suspected of trafficking outside the designated area to be detained and searched (Beachey 1976:107). This sphere of British influence was further extended with the Hamerton Treaty of 1845, in which the exportation of slaves from the all of the Sultan of Muscat's African dominions was completely prohibited. More importantly, the treaty also allowed the ships of the Royal Navy and the East Indian Company to seize and confiscate any of vessels carrying on the export slave trade, except those carrying slaves between ports within the Sultan's dominions in Africa (Beachey 1976:109-10). This differentiation and fragmentation was important as it preserved the Sultan's sovereignty, slave trading still legal within his dominions, but yet allowed for a British presence in his territories.

These treaties ultimately led to the abolition of the slave trade entirely, through an agreement in 1873. This agreement forbade the slave trade at sea even within the Sultan's African dominions and led to the closing of slave markets in Zanzibar. However, evasion was common, as slaves continued to be shipped under the guise of being domestic slaves, servants, passengers, or crewmembers, traffic in slaves of all classifications, including domestic slaves, being banned only in 1890 (Beachey 1976:122-3). However, until the abolition of slavery within the Sultan's domain in 1897, motley crews of merchants and sailors consistently found ways around these treaties and laws, adapting deftly to the changing legal environment.

In the next section, I examine the enforcement of these laws through naval patrols at sea, focusing on how the slave trade continued to be illegible to British authorities even as their legal regime was extended to control it. Sailors and merchants found many ways to evade control, their evasion ultimately leading to a widespread suspicion of all dhows, such that patrollers were able to destroy dhows with legal impunity on the smallest suspicion of slave trading.

Enforcing the Treaties: British Patrols at Sea

Enforcing the antislavery treaties required a contingent of naval officers to patrol the sea, searching, seizing, detaining, and destroying suspected vessels. Yet, the British East Africa Squadron that patrolled the coast of East Africa, the Mozambique Channel, and islands to the east as far north as Baluchistan, consisted of only three to seven ships at a given time (Edwards 2007:162; Coupland 1933; Lloyd 1949; Nwulia 1975). Patrollers were spread thin across a wide maritime space, dhows easily evading surveillance (Miers 1974). These patrols lacked not only in material resources, but also in knowledge of the slave trade and its nuances on the East African coast. For these naval officers at sea, the particularities of the East African slave trade were often illegible, the lines between legal and illegal, enslaved and free on board being

indecipherable, patrollers learning slowly through experience, and often taking matters into their own hands as instructions provided to them were inadequate.

In this section, I examine the well-known journals of two British officers who patrolled the East African coast, Captain G.L. Sullivan and Captain Colomb. Capt. Sullivan worked to suppress the slave trade for over twenty-six years, intermittently from 1849 to 1875, while Capt. Colomb's journal is based on his experience in 1868. While both their journals have been widely published and recognized in the literature on East African slavery (Beachey 1976; Sheriff 1987), in this section I read them closely to draw attention to the ways in which these officers sought to make legible a trade that always seemed to slip from their grasp, traders and nakhodas often foiling their efforts, evading surveillance or tricking officers under their very nose. I examine here some moments of encounter between patrollers and suspicious vessels, arguing that the illegibility of this trade, and the ever-present potential of evasion enabled officers to destroy vessels with impunity on the mere suspicion of smuggling, ultimately leading to a lasting association of dhows with illegality and the ultimate heavy-handed destruction of dhows.

Sail's Up! : The Early Years of Patrol

On 15th March 1849, G.L. Sullivan, a midshipman in the *Castor*, a 36-gun ship charged with suppressing the slave trade along the East African coast, was befuddled. The *Castor* and its detached boats had been patrolling the waters near Cape Delgado since May, to put an end to the illegal slave trade. While some days on this voyage had been dull and uneventful, that morning turned out to be an exciting, although confusing one. Sullivan and his fellow-officers had been chasing a dhow, a suspected slaver, with no luck or hope, the dhow being quicker and more agile than the vessels available to the patrollers. But suddenly the wind came to a calm and they were able to row up to a dhow in a little boat. Once on board, Sullivan was audience to what seemed

like, an absurd, unconvincing performance. He described what he saw before him:

“There were about twenty or thirty negroes pretending to be very busy accomplishing wonders in unstowing or stowing some cargo, rolling up sails, hauling taut ropes that ought to be let go, and letting go ropes that ought to be hauled taut; they had no doubt been frightened into this vigorous and deceptive action by the usual Arab story that ‘white man eat black man if he get him.’” (Sullivan 1967:64)

This group of actors - seemingly the crew - was joined by a less active group of black men “dressed up in Arab costume,” (Sullivan 1967:64) accompanied by elaborately adorned black women, “who never before were so rolled up in cotton” (Sullivan 1967:64) and “half a dozen genuine Arab brutes.” (Sullivan 1967:64) Despite being aware that something was amiss, and suspecting that the crew and free people on board were actually disguised enslaved peoples, Sullivan and his men could not comprehend what they had just seen. Was this truly a slaver, or a legal trading vessel?

Sullivan could not know for sure. No one on board spoke fluent English, and the British officers did not speak Arabic. Through gestures and signs, they were able to ask the nakhoda for the vessel’s papers, but none of the officers could read them¹⁵. Sullivan felt helpless. The chase had been for nothing. He says, “We could do no more, we had no proof of her being a slaver, or that what they given us to understand was true, and we knew so little of this trade, and had no conception of it being carried on that way.” (Sullivan 1967:66) Sullivan and his men dejectedly left the dhow, their departure being met with astonishment and gratitude as the performers passed down gifts of poultry and coconuts to their would-be prosecutors.

While it is difficult to gauge from Sullivan’s account whether the dhow was actually a slaver, with the enslaved disguised as crew and passengers to evade the British gun, the incident is telling of the how little the British actually knew about the slave trade at this time, unable to distinguish between crew, passengers, and enslaved on board. It also gestures to the multiple

¹⁵ The dhow and its owners remain unknown in the records.

ways in which nakhodas and slave traders could not only escape surveillance, but also, toy with the authorities who could not even read the vessel's basic papers, or determine its port of origin and destination. The illegal slave trade could easily have been carried on even as patrollers performed their duties of searching suspicious vessels, their inability to make the trade legible providing cover for its continuation.

This incident was one of many that enabled Sullivan to grasp some of the complexities of the slave trade and its suppression along the eastern coast of Africa. Over the course of the two-year voyage with the *Castor*, Sullivan was able identify some of the ways in which nakhodas and slave traders played with the boundaries between legal and illegal, enslaved and free. He realized that the incident above was in fact, a common occurrence. Nakhodas often disguised slaves as crew or passengers, enslaved women disguised as their wives.¹⁶ Sullivan believed that many dhows slipped through their fingers through these performances, patrol officers working without interpreters being unable to distinguish a slave from his disguise.

Apart from these deceptive performances, misdirection was another instrument of evasion. Sullivan and his fellow officers learned a cruel lesson as they once boarded a dhow, and were informed by the nakhoda that a large, three-masted ship transporting slaves had been sighted north of their location. Gullibly believing the cunning nakhoda, Sullivan and his men cruised north, only to find an empty, old barge being repaired. It then occurred to Sullivan that they had been purposefully misled: the nakhoda perhaps knew of a slaver in the south and had ensured the dhow would not be caught by sending the patrollers on a false trail. Traders and nakhodas were not only able to evade patrols in this way, but were also acutely aware of the ways in which the law functioned and were able to slip through the cracks by playing with categories of legal trade

¹⁶ Enslaved crewmembers were a common on board Indian Ocean dhows. See Ewald (2000).

(Sullivan 1967:68).

The transport of “domestic slaves” – enslaved peoples who labored in households as servants - by sea was legal until 1873. Aware of this loophole in the law, and perhaps, the ineptitude of hapless patrollers to once again distinguish between domestic slaves and other kinds of enslaved labor, passengers on dhows often brought aboard an enslaved people from the mainland to be sold in the bazaars of the north, but passed them off as “domestic slaves” travelling legally with their masters, if the dhow was intercepted. Indeed, slave traders and nakhodas played with the blurry lines between legal and illegal, often slipping through the cracks, legal and illegal trade being enmeshed together.

Through his experience on the *Castor*, Sullivan was most confounded by this entanglement of the legal and illegal, especially in the form of what he called the “legal trader’s slave trade.” (Sullivan 1967:57) In this extensive trade, particularly south of Cape Delgado where the entire slave trade was illegal, dhows would legally transport goods such as rice, corn, ivory, copal and hides, but also smuggle a few slaves on board. Over the course of 1849-1851, Sullivan realized that dhow captains and slave owners in this type of trade were especially adept at evading British surveillance, patrollers being unable to disentangle legal trade from its illegal counterpart. Although Sullivan himself confesses that one of their prime objectives in this period was to restrict slave trading by European and American vessels that often carried larger numbers of slaves, and were hence, easier to identify, in later years the so-called “Arab slave trade” and its complexities became a central concern for British officers.

In the next section, I examine closely the journal of Capt. Colomb who patrolled the western Indian Ocean in 1868. His journal shows that although the British were slowly able to make this slave trade legible, the process forced patrollers to use their own judgment, officers acting in

some ways, as pirates, destroying dhows on the smallest suspicion of slave-trading (Sheriff 1987:232).

Patrols in Later Years: Illegibility, Suspicion, and Destruction

In 1868, Capt. Colomb, the commander of the *Dryad*, found himself in a peculiar conundrum. Colomb's orders were to cruise in the Indian Ocean between Madagascar and Bombay to suppress the slave trade. However, this ostensibly straightforward mission, proved to be much more complicated. Colomb was flummoxed: how does one separate the legal from illegal trade in the region? He also quickly realized that in the waters between Zanzibar and Bombay, legal trade was closely entwined with illegal trade in slaves. Dhows that brought carpets, cloth, dates and other such quotidian commodities from the Arabian peninsula to Africa, brought back mixed cargoes of rice, grains, arms, and coconuts, slaves often being transported alongside these legal goods. Like Sullivan, he found, "wherever the slave trade is found lurking about for a cargo, there is also his legal brother." (Colomb 1968:452) He learned that dhows may carry a few slaves, alongside a bulk of legitimate cargo, or a dhow that intended to sail with a legal cargo, may end up carrying an illegal cargo of slaves, as other commodities may not be available. How then, was one to know if a dhow was indeed a "slaver"?

Colomb realized that he had been woefully unprepared for the challenges that lay before him. Before setting off on this voyage, he had been given a set of instructions by the British authorities in the form of a volume called "Instructions for the Suppression of the Slave Trade." However, these instructions were based on British experiences of slave trade suppression in the Atlantic and proved to be unhelpful for the Indian Ocean context (Colomb 1968:61). According to these instructions, a dhow in British territorial waters could be searched, detained, and destroyed if: 1) there were slaves on board and 2) if the vessel had signs of holding slaves, such

as hatches, spare planks, and a larger quantity of provisions than required for the crew (Colomb 1968:71). But these seemingly “clear” instructions proved to be entirely inadequate, and failed to capture the nuanced ways in which the slave trade actually operated in the Indian Ocean.

First, there was no clear way for Colomb to identify whether there were actually any enslaved people on board. Just like Sullivan before him, Colomb could not easily differentiate between slaves being transported illegally, crewmembers, passengers, and domestic slaves. Unlike, in Sullivan’s time however, Colomb worked with an interpreter, a man named Saleh bin Moosa, from Nzwani, in the Comoros, relying on his judgment to make decisions. Saleh would interrogate suspected slaves, judging them to be slaves if they did not speak any Arabic. The assumption here was that those who had been recently enslaved would not speak any Arabic, legal passengers and domestic slaves having some knowledge of the language. Colomb relied on Saleh to determine if there were any slaves on board a dhow. However, Saleh was ever-suspicious of all dhows, even Colomb being struck by the ease with which he made his judgments, each dhows considered guilty of slave trading even before being proved to be a slaver. Colomb states, “he knows nothing of the northern trade, and at first appears to consider that a *prima facie* suspicion attaches to every native craft that sails the northern seas, and that it is a safe proceeding to burn, sink, and destroy them without further question.” (Colomb 1968:107) Nevertheless, Colomb relied most upon this ever-suspicious interpreter to identify slaves, the instructions handed by the authorities being less helpful than Saleh’s language skills. The second instruction given to Colomb was similarly unsuited to the Indian Ocean context. This instruction asked patrollers to identify slavers by looking for signs such as chains, hatches and provisions that may have been used to hold slaves on board. But as Colomb found, unlike in the Atlantic, in the Indian Ocean slaves were rarely, if ever, chained on board dhows, and provisions

were often procured in small quantities along trading routes, making this instruction unhelpful in distinguishing a slaver from a legal trader (Colomb 1968:42-3).¹⁷

Other instructions were similarly inapplicable, forcing patrollers to take action independently, based on their own personal judgments. For instance, the instructions called for suspected slaving vessels to be detained and sent to ports of adjudication, such as Zanzibar, Aden, or Bombay, before being destroyed. These ports were typically hundreds of miles away from where dhows were initially caught and would have to be towed the entire distance, the British patrol ship being inconveniently forced to abandon its post. The instructions also stated that if the vessel did not appear seaworthy enough to be sent to the port of adjudication, an officer would survey the ship and then have the power to destroy it. Colomb realized that given the impracticalities of these instructions, naval officers not only patrolled this maritime space, but, while traversing it, became legal authorities unto themselves. Rather honestly, he states “every detained vessel, unless the capture be made almost within sight of the port of adjudication ‘appears to be unfit to proceed’ there, is formally surveyed, formally reported unfit, and very informally scuttled or burnt. The captain of the ship is judge, jury, and executioner; and in these capacities he must exercise his functions.” (Colomb 1968:74) It was also in the financial interest of the British captain and his crew to take the law into their own hands, in this way and not follow the instructions provided. As per their terms of employment, the British captain and the crew were rewarded a bounty for each vessel destroyed. Naval officers in some ways, acted as pirates, although they were not classified as such, their violent acts at sea being sanctioned by the British government.

Patrols therefore became an extension of British jurisdiction at sea, and also made possible a

¹⁷ Indeed, ideas about slavery in trade and in practice were much different in the Indian Ocean world than in the Atlantic. For a detailed discussion see Campbell (2003).

somewhat indiscriminate destruction of dhows. Even Colomb understood that the main purpose of the patrol ship, the *Dryad* in spaces like the Gulf was “ ‘to show the British flag,’ ” (Colomb 1968:133) whilst simultaneously being engaged in suppression of the slave trade, believing that without their presence, “the gulf would soon become a sea of blood and plunder.” (Colomb 1968:133) Yet, naval captains at sea were able to extend their powers in a way that authorities at land could not, the exercise of power at sea not susceptible to the limitations and concerns of British authorities on land. Colomb understood that he could exercise powers at sea that the British authorities on land simply could not, due to political concerns. Despite the 1820 agreement in which the slave trade was seen as reprehensible as piracy and hence forbidden in the Gulf, in practice British political agents stationed at the Gulf could not implement this policy effectively as their efforts were met with hostility as the suppression of the trade meant a destruction of Arab property. Colomb, like other officials, feared that animosity toward the British would increase if political agents on land would destroy Arab property “at their doors.” (Colomb 1968:140) In comparison, the naval officer commanding a ship had almost an “independent jurisdiction” (Colomb 1968:140) and could be less restrained in the destruction of dhows suspected of carrying slaves.

Historians have argued that anti-slavery campaigns irreparably damaged the dhow industry. Abdul Sheriff (1987:233) has estimated that in the years 1868-1869, over ninety-eight dhows were destroyed, despite the question of whether these were actually carrying slaves remaining unanswerable. Along similar lines, Erick Gilbert has argued that anti-slavery campaigns had piratical qualities, officers in the Royal Navy benefiting from misrepresenting legitimate trading vessels as slavers. He further adds that as a result of these campaigns, “dhows became associated in the minds of colonial powers with illegal trade rather than with legal trade.” (Gilbert 2004:65)

As I have shown in this section then, even as the slave trade was confusing and illegible in the eyes of British patrollers, anti-slavery laws and naval action enabled the extension of British jurisdiction in the waters of the Indian Ocean, this jurisdiction in the hands of naval officers leading to the undiscerning destruction of dhows, these vessels being associated with illegality.

This historical narrative sheds light on current associations of the dhow trade with illegality, as explored in chapter one and the ethnographic vignette outlined at the beginning of this chapter. Just as both legal and illegal dhow trade came under fire of British guns supported by a legal apparatus, dhows today continue to confront not only an unsupportive Indian state, but one that actively seeks to dislodge the industry from its economic moorings simply based on suspicions of illegality. While the British sought to suppress the slave trade, despite difficulties in understanding the nature of the trade and the institution of slavery itself in the Indian Ocean, the Indian government and the UN are unable to make “legible” the complex ways in which dhows now operate carrying both, legal cargoes of foodstuffs and illegal charcoal. Just as the British could not distinguish between enslaved and free on board dhows, the Indian government cannot differentiate between legal and illegal cargoes being carried on board dhows today. Nevertheless, the effects of this “illegibility” appear to be similar – destruction of the dhow industry. Despite being mindful of the limitations of this historical parallel- some things “fit” and others don’t – the actions and consequences of British anti-slavery patrols act as a historical precedent for discourses around illegality and the dhow trade today.

Scholarship on illegality points to the manner in which illegality is a deliberately constructed social relation to the state, with the law produced and enforced unevenly along the contours of power (De Genova 2002; Van Schendel and Abraham 2005). In both of these historical junctures, the dhow trade was actively construed as illegal, paving the way for powers more

aligned with state interests. In the case of the slave trade, illegalization of dhows allowed for a greater British presence in East Africa. In the case of the Indian dhow industry today, policy has served to discourage small-scale entrepreneurs in the sailing vessel industry, in the face of economic liberalization and fears of terrorism.

In the nineteenth century however, despite the heavy-handed use of force by patrollers, merchants and sailors continued the illegal slave trade, evading British surveillance by using French flags for their dhows. In the next section, I turn to this evasion of patrols that ultimately prompted the British to file a case against the French at Permanent Court of Arbitration at The Hague to answer complex questions about jurisdiction and subjecthood.

Under Cover of a Flag: Making Subjects, and Jurisdiction in Law

In the years leading up to and even after the abolition of slavery, a curious phenomenon was brought to the attention of the British. Dhows from the port city of Sur in Oman had begun to fly the blue flags of France, rather than the red flags of the Sultan of Muscat. Take for example, Nakhoda Salim-bin-Abdulla who stated, “My name is Salim-bin-Abdulla, and I am owner and Nakhoda of buggalow ‘Attiath-el-Baari.’ I fly the French flag by permission, and I have my own reasons for doing so, but I do not care to give them.”(Muscat Dhows Arbitration 1905:49) The extent of this practice was rather widespread, the French reporting that thirty Omanis possessed French papers for fifty-six dhows, about one-third of all dhows at the port of Sur (Muscat Dhows Arbitration Countercase 1905:12). The owners and crewmembers of these dhows were from Sur, and were viewed by the British and the Sultan as his subjects, and therefore should have been carrying the Sultan’s flag. Yet, nakhodas such as Salim-bin-Abdullah not only sailed under the French flag, but also claimed to be French subjects. Salim boldly said, “I have declared myself a French subject, although an inhabitant of Sur.” (Muscat Dhows Arbitration “The Case on Behalf

of Muscat” 1905:49) Dhow owners went so far as to claim that these French papers provided French protection not only for themselves and their vessels, but also for their families and crew.¹⁸ How and why did these Suri shippers fly the French flag and claim to be French subjects?

Although Salim refused to divulge his reasons for carrying French papers, the advantages of doing so were obvious to the British authorities. Many of the dhows flying the French flag carried not only licit, legal cargoes but also conducted an illegal trade in slaves. As Colonel Mockler of Muscat stated, “it seems to me the only object such boats can have in carrying the French flag and papers must be to cover unlawful traffic, viz., slaves – there are no French merchants here, or market for French goods.” (Muscat Dhows Arbitration “The Case on Behalf of Muscat” 1905:51) After all, Sur was a notorious center for the slave trade.¹⁹

The French flag was a convenient cover for this trade. Western powers such as the French, British, and the Americans had agreed in the General Act of the Brussels Conference of 1890 to put an end to the slave trade. The agreement authorized officers of war vessels to detain and verify papers of any vessels less than 500 tons that they suspected of carrying on an illegal trade in slaves or of fraudulent use of a flag (Muscat Dhows Arbitration, “The Case on Behalf of Muscat” 1905:182) While the General Act was ratified by France in 1892, it was only partially done so, vessels under the French flag not being subject to being searched and detained at sea (Muscat Dhows Arbitration, “The Case on Behalf of Muscat” 1905:10).

Suri dhow owners and captains such as Nakhoda Salim-bin-Abdulla quickly understood the

¹⁸ The British claimed that this would mean one-fourth of Sur’s entire population would be considered French subjects. See Muscat Dhows Arbitration “Counter-Case” (1905:12).

¹⁹ The counter-case by the British reads, “The inhabitants of Sur have had more many years an unenviable but well-earned reputation as the most notorious slave traders in the Indian Ocean, and so lately as 1902 the Portuguese Government captured over 100 of them in Mozambique, with their vessels, and with slaves ready for shipment.” See Muscat Dhows Arbitration “Counter-Case” (1905:5).

ramifications of this: hoisting the French flag protected them from surveillance and detention at high seas. Vessels from Sur and elsewhere in Oman sought to obtain the French flag through French Consuls in the East, or from authorities at French Colonies or Protectorates, or by simply hoisting it illegally. This practice raised many questions for the Sultan of Muscat, the French, and British: how was jurisdiction at sea to be understood? How was a subject defined in a region that was still a patchwork of different imperial powers? But, one thing was clear: even as legal measures were put into place to abolish slavery, loopholes in the law were being harnessed to continue the slave trade. The protection provided by French flag not only led to an illegal traffic in slaves, but also brought into focus legal questions around subjecthood, sovereignty, and jurisdiction of the Sultan of Muscat, the British, and the French.

Three events concerning Suri dhows with French papers prompted the British to turn to The Hague to answer questions about jurisdiction and subjecthood. Each of these instances point to the varied use of the French flag, not just for continuing the slave trade, but also as a means to evade other laws and regulations on land. The first such incident points to how the French flag offered protection during times of internal crises. In 1903, Abdulla-bin-Salem, resident of Sur and Chief of the Gafiri Arabs was at war with another Arab faction. Given that his opposition was receiving supplies through the port of Sur, he levied a fine upon the town and forbade the departure of native vessels until the fine had been paid. A dhow owner, Mubarak-bin- Hamed Razaiki and his son Khamis-bin-Mubarak Razaiki, decided to fly the French flag, so as to not pay the fine. As the ship left the port, Abdulla-bin-Salem's men fired at the vessel, shots flying through the flag. A furious French Consul demanded compensation from the Sultan, the British Consul challenging the claim until it was withdrawn or postponed. (Muscat Dhows Arbitration, "The Case on Behalf of Muscat" 1905:18)

In the same year, yet another incident prompted attention to the issue of subjecthood. On 8th April, 1903, a British steamer, arrived from Bombay to Muscat with five residents of Sur as passengers on board. Arrivals from Bombay to Muscat were subject to quarantine laws and the five were quarantined in accordance with the Sultan's regulations. The next night, the five Arabs broke their quarantine and escaped on a *badan* (a small, wooden sailing vessel). The Sultan's forces along with the British, chased and caught this *badan* and the five men were arrested and taken back to Muscat, to be detained for the full term of their quarantine. One of these men, Abdulla-bin-Khamis-bin-Ali, a native and resident of Sur and owner of three dhows sought French protection against his detention. Although he had never lived anywhere other than Sur, he claimed, "I am not a subject of the Sultan at all. I consider myself an out-and-out subject of the French Government, and possess two sets of papers given me by that Government, one being a set of articles for my three dhows, and the other a paper setting forth my status as a French subject" (Muscat Dhows Arbitration, "The Case on Behalf of Muscat" 1905: 86). The French Consul supported his claims to French protection, perhaps in an effort to continue having an imperial presence in these shores.

On the day of his detention, the French Consul, M. Dorville complained to the British of the imprisonment of three French protected persons, or protégés. Of the five Arabs arrested, M. Dorville requested that the three be freed since they were Suris under French protection. The Sultan refused to do so, stating that they were his subjects and hence had to abide by his quarantine laws. A few days later, the Sultan tried and imprisoned them for three months for breaking their quarantine. The French Consul objected to this sentence and consulted with the British government, the question of whether they were French subjects being referred to The Hague.

The third instance begged the question as to whether French papers and protection could be transferred within the family of dhow owners. In 1904, two dhows collided in the harbor of Debai, resulting in the destruction of the dhow “Fath-ul-Khair.” The “Fath-ul-Khair” was once owned by Salim-bin-Mahomed who had originally carried French papers, and upon his death, the dhow was inherited by his son Ali-bin-Salim. Upon the destruction of this dhow, Ali-bin-Salim used the same French papers on a different dhow as a substitute, and claimed to be a French protégé as well (Muscat Dhows Arbitration, “The Case on Behalf of Muscat” 1905: 21).

These three different examples of the use of French flag by inhabitants of the Imam’s dominions to claim French protection prompted the British to clarify the terms of subjecthood and jurisdiction. To answer these questions, in 1905, the British government and the Sultan of Muscat filed a case at the Permanent Court of Arbitration at The Hague. This case sought to prevent the flying of the French flag by “Native vessels” or dhows owned or run by subjects of the Sultan of Muscat and render illegal the practice of those sailing under the French flag to be treated as French subjects. The case - argued carefully by the British - raised questions not only about the jurisdiction of the Sultan, Britain and France in the western Indian Ocean, but also brought into sharp focus the agency of dhow owners, captains and crew members, who were able to harness regulatory controls to their own advantage, laws no longer being simply constraints but being used in clever ways to achieve ends that were contrary to the aims of government – be it British or Omani. These actions of dhow owners and captains, therefore forced a clarification of issues of subjecthood and jurisdiction, making the regulatory regime that came to be.

Ironically, the argument put forth in court by the British was couched in terms of ensuring the Sultan of Muscat’s sovereignty rather than directly safeguarding their own sphere of power in the area. One can surmise that the logic of this was that in this time, British power in the region was

refracted through their local ally, the Sultan, and any outright claims to British sovereignty would not have been recognized as valid in a court of law, or “on the ground.” Instead, the British argued that the Sultan of Muscat was entitled to police and enforce laws in his own territorial waters and that without any special conventions, no foreign authority was entitled to exercise extraterritorial jurisdiction over persons within his territory. While the Sultan of Muscat had entered into a Treaty with France in 1844 (Nicholls 1971:184), the British argued that this treaty offered French protection within the Sultan’s territories only to French citizens and Omani subjects who were in service of French citizens. The French could not offer protection to those who did not meet these two conditions. Nevertheless, there was some ambiguity in this understanding, for even in 1903, the French Ambassador in London argued that the Treaty of 1844 could not be applied to the case of dhow owners whose rights and claims could be viewed as originating even prior to the Treaty and that protection was claimed for them not under this treaty but by the fact that they held French papers and flew the French flag (Muscat Dhows Arbitration, “Argument,” 1905:24).

The British objected strongly to this claim and interpretation of not only international law but also French maritime law. They argued that the French interpretation would allow them “spontaneously create as many protégé as it chooses,” (Muscat Dhows Arbitration, “Argument,” 1905:24) without the existence of a formal legal process. They questioned even the legal process under which French papers were being granted. The British claimed that the maritime laws of France did not usually grant French papers to vessels unless at least half of the vessel was owned by a French citizen. In the case of Suri dhows, this condition was not met. Moreover, dhow owners had begun to transfer French papers from one dhow to another, families even claiming French protection based on inherited vessel papers. The British viewed these practices as illegal

and extra-judicial. Instead, they suggested that no subject of the Sultan could be immune to his jurisdiction by merely obtaining French papers for his vessel, and that subjecthood ought to be understood differently. Even if dhow owners had French papers for their vessel, they remained subjects of the Sultan. The British claimed that a vessel's papers could not be transferred, or inherited, and that unless proved to be legitimate subjects of France based on the treaty of 1844, France should rescind any French flags and papers owned by the Sultan's subjects (Muscat Dhows Arbitration, "Argument," 1905:29-30).

Even as the British made these demands to clarify ideas of subjecthood, there was confusion as to the number of people carrying French papers. In 1894, the British had found that twenty-three dhows from Sur carried French papers and had asked the French authorities to verify the authenticity of these documents. The British claimed that the results of this investigation were not communicated to the Sultan or the British, but the French had reassured them that the common practice of issuing French papers at Obokh in Djibouti was to be stopped. Nevertheless, the practice continued, not only at Obokh but also at the French Consul in Zanzibar. The Sultan finally protested this practice, writing to the French Consul in Muscat in 1899, stating that he did not recognize the right of France to exercise jurisdiction over inhabitants of his dominions, whether or not they carried French papers for their vessels. He simultaneously asked the authorities at Sur to return French flags carried by Suris (Muscat Dhows Arbitration, "Argument," 1905:15). He even visited Sur in 1900, and after determining which of his subjects had French flags, got them to sign an agreement that the French flags would be returned, and his own red flag would be hoisted.

Yet, as the case proceeded, the British realized that this agreement had not been upheld. A comparison between the British and French list of Suri dhow owners with French papers

revealed that despite their promises, Suri signatories to the agreement with the Sultan in 1900 had continued to hold their French papers. The list was also difficult to make legible: it contained only personal names, which were often very common, and could belong to many different people (Muscat Dhows Arbitration, “Counter-Case,” 1905:12). It did not contain enough information such as father’s name, grandfather’s name, nickname, clan, and tribe, so that the person could be properly identified (Muscat Dhows Arbitration, “Counter-Case,” 1905:42). The list also did not outline the basis on which each of these people were given French flags, and there were many other inconsistencies between the lists made by both, the French and the British.²⁰

This lack of commensurability between the records of the French and British demonstrates the ways in which the dhow trade and its participants were not legible to the authorities, papers easily being transferred among owners and their children, even the names of these owners being muddled in the records. Dhow owners played with the definition of a “subject,” making claims based on a particular understanding of the law – one that was not yet clear even to the law makers, whether British, Omani, or French. For example, Abdulla-bin-Khamis-bin-Ali, who was quick to declare himself a French subject, understood that if he owned property in a French possession, he could perhaps claim to be a French subject. He therefore suggested that he was a French subject since he owned a house in Djibouti, even though the house was being rented and he had never actually lived there (Muscat Dhows Arbitration, “The Case on Behalf of Muscat” 1905:86). This type of nuanced, legal maneuvering ultimately prompted a clarification of notions of subjecthood and jurisdiction.

The Court’s Decision

While it was the British and the French who put forth arguments at The Hague and raised the

²⁰ These inconsistencies included naming people who were actually dead, misnaming owners of vessels, and omitting the place of residence for others. Muscat Dhows Arbitration, “Counter-Case” (1905:13-17).

issues of jurisdiction at sea, the case was framed as one that would determine whether the French issuance of papers to Muscat dhows was in fact a threat to the sovereignty of the Sultan of Muscat. The court debated whether the issuance of French papers was a violation of an agreement between France and Britain made on 10th March 1862, “to engage reciprocally to respect the independence” of the Sultan (Wilson 1990:65). But in fact, there were much larger questions being answered here: how was a subject defined? How did the granting of papers to vessels define the subjecthood of its owner?

The court decided that the granting of French flags to the Sultan’s subject did not “attack the independence of the Sultan.” (Wilson 1990:73) Yet, this ruling was not unconditional, it was subject to the General Act of the Brussels Conference of 1890 in which the right to authorize native vessels to fly flags had been “limited for the purpose of suppressing slave trading and in the general interests of humanity.”²¹ Based on this agreement, the court judged that prior to 1892, France would have been entitled to authorize vessels to use her flag based on her own rules, and that owners of dhows who had obtained these papers prior to 1892, could continue to carry the French flag. However, after 1892, France was no longer entitled to allow subjects of the Sultan to fly the French flag, unless they had been considered “protégés” or protected people’s or subjects of France before 1863.²² Limiting the issuance of French papers in this way, the court

²¹ According to article 32 of this Act, signatories were only allowed to grant flags to native vessels if 1) the owners are subjects or protected by the Power whose flag they seek to fly 2) if they owned real estate in the district of the authority whom they seek a flag from or supplied a solvent security in the event that fines would need to be paid and finally 3) if the dhow owners could prove that they had a good reputation and have not been engaged in the slave trade (Wilson 1990).

²² The date of 1863 refers to an agreement between France and Morocco, and an Ottoman law of the same year in which the defining of protégés was limited to 1. Persons being subjects of a country that was a protectorate of the Power whose protection they claimed 2. Individuals stated to be protégés as per specific legal agreements 3. People recognized as protégés through special treaties 4. People who had been considered protégés before 1863. The court here used the definition of a protégé based on an analogy to Turkey and Morocco to other “Oriental States.” Wilson (1990:77).

also defined subjecthood in more nuanced ways than had previously been understood.

The court ensured that the issuance of French papers for vessels did not grant rights to extraterritoriality, i.e. Suri dhows with French flags would still be subject to the laws of Muscat whilst in her territorial waters. Dhow owners, their crew and their families would still be subject to the jurisdiction of the Sultan, even if they held French papers for their vessels, the transfer of these papers to other people and vessels being illegal (Wilson 1990:81). The loose notions of subjecthood, jurisdiction, and sovereignty had finally been redefined along more strict and clear legal lines. As Jean Allain (2008) has suggested, this decision at the “Permanent Court of Arbitration had, at the behest of Great Britain, sounded the death-knell Of the slave trade at sea” (Allain 2008:387). However, as this section has shown, the making of these laws should not be seen simply as spear-headed by Britain, but instead be reframed as prompted by the actions of dhow owners and captains, who were aware of loopholes in existing legal frameworks, and whose deft navigation of these laws ultimately redefined terms of subjecthood and jurisdiction.

Conclusion

This chapter has sought to emphasize the unevenness of the legal terrain in which British jurisdiction was established in the Indian Ocean, through the abolition of the slave trade. While British officials often conjoined piracy and the slave trade using humanitarian arguments for universal jurisdiction, the realities, both in the law and in enforcement at sea, were much more complex. The making of anti-slavery laws in the western Indian Ocean was a slow and uneven process, enforcement of these laws being difficult as dhow owners and sailors played with the boundaries between legal and illegal, confounding patrol officers in moments of encounter as the slave trade was illegible to them. Furthermore, these officers often acted in illegal ways

themselves by destroying dhows on the slightest suspicion of slave trading.

Illegibility was an issue not only at sea, but also in the court. As dhow owners from Sur began flying the French flag and claiming to be French subjects, the Sultan of Muscat and the British were prompted to redefine subjecthood through the Permanent Court of Arbitration at The Hague. This case, although known to have led to the end of the slave trade, also sketched out notions about subjecthood and jurisdiction that had a lasting effect as Britain projected its power in the Indian Ocean. These legal definitions were spurred by the actions of dhow owners and sailors who deftly navigated previously loose legal meanings, and sometimes, even acted in blatant contravention of existing laws. The process of extending British jurisdiction in the Western Indian Ocean must therefore be seen as having been constituted by the very contravention of the law, the actions of dhow captains and owners leading to the making of new legal definitions and a global law of the sea.

This piece of Indian Ocean history also frames current tensions between dhow owners, sailors and regulatory authorities, being the first instance in which dhow came to be associated with illegality. It suggests that the illegibility of the dhow trade in the short term, allowed dhows and slave traders to evade the authorities. Yet, the effects of this illegibility in the long run were that dhows came to be associated with illegality, their illegibility also forcing more fixed definitions of concepts such as subjecthood and jurisdiction. However, as we will see in the next chapter, dhow sailors and merchants continue to maneuver efforts at state regulation, deftly navigating the regulatory regimes of the state using its own bureaucratic apparatus and also rumors, to continue, official and unofficial forms of trade.

CHAPTER 3

REGULATING TRADE AT AN AMBIGUOUS BORDER: PAPER AND RUMOR AT MOMBASA'S OLD PORT

The monsoon breeze whistled through the windows of the cabin of the Sagar Sanpati, a dhow from India. Docked at the jetty of the Old Port of Mombasa, Kenya, one window of the cabin looked out to the sea, and the other to the whitewashed offices of the Old Port, the trucks being unloaded at the gates of the Port visible from this vantage but the wind drowning out the sounds of porters lifting and stacking sacks of cargo. Here in the cabin, I could only hear the news that Yusuf, the captain of the vessel, shared with me. Sipping on a cold soda, Yusuf asked me in Urdu, "You know Mohamed, the shipping agent?" "Yes, I know Mohamed." I replied. "Everyone says that he goes to Kismayu from here, to visit his mother who lives there. People say that he sneaks onboard before the dhow leaves the Old Port. Then on its way back from Kismayu, he gets dropped off somewhere along the coast, in the dark, before reaching the port. No papers, nothing. You should come with us to Somalia too." Yusuf offered generously, slapping his thigh and laughing in order to make light of a rumor about the illicit movement of people from this port to one controlled by Al-Shabaab. As the gust died down, we could suddenly hear the sounds of the porters and port officials once again, reminding both Yusuf and me that we were not away at sea, but in fact, anchored to the Port and the offices that regulated the movement of cargo, people, and vessels between sea and shore.

Approaching Mombasa's Old Port by sea, one immediately gets a sense of the city's history. Built atop a coral ridge, the imposing Fort Jesus reminds one of Portuguese attempts to control the city and its trade networks across the Indian Ocean in the fifteenth century. Past the terraces

of the Mombasa Club with its fading colonial past lies the relatively new house belonging to the sister of the governor of Mombasa. Even more prominent however, is the older, stout, pillared house of the former Liwali or governor – Sir Mbarak Ali Hinawy – an important mediator between the Sultan of Zanzibar and the British government in the years leading up to independence. Further, the courtyard in front of Leven House, once the base of British anti-slaving operations, marks another stubborn presence on these shores. Somewhere between the Liwali’s mansion and Leven House, a couple of sailing vessels or dhows bobbing up and down connect land to sea, reminding one of Mombasa’s long history as a port city.

This is Mombasa’s Old Port, used not by containerized ships but exclusively by dhows that traverse the old routes between East Africa, the Middle East, and India (see Sheriff 2010). At this node between land and sea, dhows dock to load and unload cargoes of dried fish, tea, coffee, plastic bags, mattresses, and dishes. While trade all across the Indian Ocean was once carried out through these vessels, these days the Old Port is used only by dhows that serve the trade in quotidian household goods between Somalia, Kenya, and Zanzibar. However, what may seem like a coastal, East African trade actually ripples out across the Indian Ocean, as South Asian and Persian dhows and sailors visit the Port, even if only occasionally, going between the ports of Somalia and Mombasa, the Old Port being the last stop on their journey across the Indian Ocean.

While the jetty of the port opens out to the sea and these maritime connections, the other end of the port is an entryway into the neighborhood of Kibokoni, or Old Town. The blue gates of the Old Port act as a physical boundary between Old Town and the ocean beyond. Guards and police sitting on benches at the gate lazily watch over the entry and exit of people and goods through the port, the courtyard by the entrance acting as a warehouse for cargo as sacks of coffee husks and tea are piled up by a weighing scale. To the left, a flight of wooden stairs lead up to the

offices of the officials who supervise, authorize, plan, and document the dhows, people, and cargoes that travel through the port. The port is therefore a space in which the movement of goods and people between land and sea are regulated.

As a port-of-call for international trade, the Old Port is a border point for the state of Kenya. Teafuu, an agent of the Anti-terrorism Police Unit at the port once explained to me, “This is an entry or border point. It is very strategic. It is my job to prevent the illegal movement of people and bomb products. People can easily move between Somalia and here – it is very easy because there are no roadblocks. This is the sea route and so the port is important for the security of the country.” Indeed, the Old Port is a border space in which territorial sovereignty defined by Brenda Chalfin (2010) as “the even extension of power and control of entry and exit throughout a bounded territorial domain”(Chalfin 2010:55) is negotiated “on the ground.”

Like any other frontier, numerous government officials and authorities use documents and paper to regulate the movement of goods and people through this site. Yet, alongside the movement of goods and people, another circulation also takes place. Information in the form of stories, rumor, and gossip travels with people and things. Most strikingly then, the port is a space in which rumors circulate - about spies, human trafficking, smuggling, and profit. Yusuf’s story about the illicit movement of people is just one such rumor, many others being whispered in and around the Port and the narrow alleys of the neighborhood beyond its gates. These rumors point to ways in which regulation by authorities is evaded and maneuvered by non-state actors through the Port.

In this chapter, I trace the multiple ways in which the movement of goods and people is regulated at the Old Port. Focusing on the simultaneous circulation of bureaucratic papers, and rumors, I that while the tools of bureaucracy – papers and documents – facilitate some official

movements, they also obscure and enable more shadowy exchanges of contraband that are made visible through rumor. A focus on rumors (such as the one Yusuf told me above) allows me to show that these seemingly “invisible” movements of contraband are regulated by a diverse set of actors – merchants, brokers, shipping agents, sailors and also corrupt government officials. This focus on both, papers and rumor, therefore makes visible the entanglement of official and unofficial actors at the port in facilitating the legal and illegal, licit and illicit movement of goods and people. As I will show, regulatory authority at the port is pluralized (Roitman 2005), this pluralization of authority only being visible through an analysis of both, paper and rumor.

Situating myself in the Old Port of Mombasa, a historical dhow dock and a border point, I interview Kenyan government authorities, sailors, brokers, and shipping agents to highlight how the Port is a space in which the control of circulation is continuously negotiated amongst various actors, both official and unofficial. The Old Port is therefore a border zone in which negotiations take place – not just business deals about quantities of cargoes but also about regulatory authority and state sovereignty.

Rustling Paper at the Margins: Regulation through Bureaucracy and Documents

Regulation of trade at the Old Port extends far beyond its gates to larger government agencies such as the Kenya Ports Authority (KPA) and the Kenya Revenue Authority (KRA). The KPA is responsible for the administration of the Old Port. Established in 1978, the KPA is a successor to the East African Harbor Cooperation that used to oversee the ports of Tanga, Dar es Salaam and Mombasa for the East African Community (EAC), established jointly by Kenya, Uganda and Tanzania. With the collapse of the EAC in 1977, the administration of all Kenyan ports fell to the Kenyan government. Thus the KPA was born - to maintain, develop and operate all of Kenya's ports, especially that of Kilindini in Mombasa, the largest port in East Africa, and the

Old Port. The city of Mombasa has two ports, the dhow dock or Old Port, and Kilindini, which serves containerized ships. The main offices of the KPA are located in Kilindini, the official business of running these ports taking place in large, administrative buildings, a stone's throw away from the container warehouses and the containerized ships themselves.

Located twenty minutes southwest of the Old Port by car, Kilindini is a modern port, with three berths for containerized ships. When I first arrived at Kilindini to get my research permits for the Old Port from the KPA, I was struck by the differences between the Old Port and Kilindini. The Old Port, even at first glance, is reminiscent of days gone by as fleets of dhows would have once docked there, perhaps carrying ivory, rhino horns, and textiles across the Indian Ocean. It's location in Old Town and the easy movement between the Old Port and the neighborhood gestured to the ways in which it was part of the history of Mombasa, city and port seamlessly integrated. In contrast, Kilindini felt new and industrial. Although it was not located far from the city center, one would only be in its vicinity to conduct business at the port, the space clearly marked off from the rest of the city. Kilindini also ran at a quick, industrial pace. When I first arrived at Kilindini, I noticed that port workers entered and left the heavily guarded gates only as their shifts changed. As I boarded one of the blue KPA buses that transported workers within the large port premises, I saw huge stacks of containers, and cranes parked nearby ever ready to load them on to ships. On the way to the main administrative headquarters, we passed laborers in bright neon vests busily going about the day's work. Rows of imported Japanese used cars lined the road.

As I finally made my way into one of two tall administrative buildings, I realized that the Old Port felt like a world of its own, in comparison to Kilindini. Although administered through these offices, it felt very distinct from Kilindini. Indeed, most administrators at the KPA headquarters

knew little about the Old Port, and were confused when I expressed my interest in studying it. “Why not study this, Kilindini? It is the largest port in East Africa!” Wambui, a Public Relations Officer in charge of my permissions, asked me. “This is the place to study. Nothing happens at the Old Port.” She easily wrote my permission letters, quickly dismissing me, and my seemingly misplaced interest in the Old Port.

After all, the Old Port was simply a shallow harbor that can only cater to dhows. There was not much traffic outside, or even inside the Old Port. At any given time, only about two or three dhows were docked at its jetty. One of these dhows was owned by a well-known Swahili man from Zanzibar, the vessel being a common sight at the Old Port as it typically went back and forth between Mombasa and Zanzibar carrying quotidian goods such as tea, coffee, mattresses, cement, and plastic household goods. Other vessels were a less permanent presence. Indian, Pakistani, and Persian dhows could be seen seasonally at the Port, their arrival and departure being unpredictable. The dock was quiet and calm even when it had multiple dhows anchored at its shores. As opposed to Kilindini, with its large administrative buildings, a single old, two-storied colonial building acted as both, the administrative center and warehouse for this Old Port. While the KPA with its headquarters in Kilindini regulated both ports, the day to day running of the Old Port took place in this building, orders coming from Kilindini but being executed by staff operating out of the Old Port itself.

Similarly, the collection of revenues at the Old Port were handled from afar, by the Kenya Revenue Authority (KRA) that was responsible for the collection of taxes and duties. Established by the Kenyan government in 1995, the Customs Services department of the KRA assesses, collects and accounts for revenues and duties due according to Kenyan law and the International Harmonized System Code for tariffs on imports and exports. While the main KRA offices were

in Nairobi, the Old Port had a smaller office with three officials onsite. Much of the actual documentation for revenue collection went through an online system for approval in Nairobi, the officials in Mombasa simply ensuring that the goods being received and sent out were being accurately reported on the ground.

Offices at the Old Port housed representatives from multiple larger government agencies. This included Jetty Inspectors assigned by the KPA, customs officials who reported to the Customs Services Department of the KRA, Immigration, Health, the Kenya Bureau of Standards (KEBS), Security appointed by the KPA, Police, and the Anti-Terrorism Police Unit (ATPU). These regulatory authorities (except for the ATPU) relied on documents and papers – the tools of bureaucracy – to manage the port. Thus, like any other border zone, the port is also a space in which paper, documents, and files circulate. The control of this border necessitates the movement of paper – between government officials, merchants, sailors, shipping agents, and brokers.

How might one conceptualize the function of paper in bureaucracy and its larger role in state governance? Paper and writing have been viewed as central to formal organizations since at least the mid-eighteenth century, when the French political economist Jean Claude Marie Vincent de Gournay coined the term “bureaucracy,” literally “rule by writing desk.” (see Hull 2012a:252) Documents, files, paper are also central to Weber’s understanding of bureaucracy. Weber (1978) famously noted that modern offices are managed through written documents or files, the officials who work with these files forming a bureau. This bureaucracy then, functions as a regulatory authority, bureaucratic administration dominating through a control of knowledge (Weber 1978). Bureaucracy, through classification and record keeping can also be seen as a form of Foucauldian disciplining, creating a network of power that is seemingly disindividuated.

Anthropologists have long been interested in the role of documents in bureaucracy (Cohn 1987; Fallers 1950), focusing on the effects of bureaucracy on those governed (Bernstein and Mertz 2011; Hoag 2010; Gupta 2012) and also on how paper and bureaucracy operate in practice, state presence felt through documents that make up these bureaucracies (Hull 2012b; Hansen and Steputtat 2001). It is now commonly understood that documents are more than what they say (Garfinkel 1967; Hetherington 2008; Riles 2006). Thus documents and paper are not all that they appear to be, but are messy and can be used in varied ways to engender different feelings amongst those who use them (Navaro-Yashin 2007). Paper, documents, and bureaucratic processes do not operate in straightforward ways, but are embedded in social life in multiple ways, even being used to contest government control (Hull 2012b).

In this chapter, I understand that paper and documents are not only tools for governance, but have multiple uses in everyday practice. I argue that while bureaucratic processes and documents enable the KPA and KRA to regulate commerce at the Old Port, in practice bureaucrats, sailors, shipping agents and merchants operate in multiple ways, shifting between official regulation and other unofficial practices that have become a part of everyday life at the Port. This is visible not only through an analysis of the role of paper, but also through a focus on rumor. I argue that the circulation of rumor alongside paper gestures to a pluralization of regulatory authority (Roitman 2005) at the port, this pluralization signaling not a failure of the bureaucracy and state governance, but becoming a part of its normal functioning.

The circulation of rumor alongside the circulation of paper hints at the unofficial processes that are a part of everyday transactions at the port, the ambiguous way in which pluralized regulatory authority operates at the Port being expressed in material form on paper and in verbal form through rumor. In order to understand the ways in which this pluralization of regulatory

authority functions, we must first examine the official process for circulation at the Port. Then we will take a closer look at these officials and the processes that they oversee, highlighting both the movement of paper and rumor through the port.

Paper and the Bureaucratic Process

The bureaucratic process for regulating the movement of goods and people at the port was described to me in similar ways by government officials, shipping agents, brokers, and sailors. As is the case with any bureaucracy, forms needed to be filled and approved, shipping agents making a living of filling out paperwork for merchants, moving paper between the offices of the Old Port, the Kenya Revenue Authority, and the merchants themselves. However, this seemingly procedural, systematic movement of paper that was used to record, regulate, control and facilitate the goods and people entering and leaving the Port obscured other movements. As I argue, paper and documents were used to lend a veneer of officiality to the illegal movement of goods and people. Bureaucratic paper can therefore be maneuvered, providing cover for the movement of contraband. In order to understand how this occurs, we must first grasp the formal regulatory process.

One hot, quiet afternoon, George, the Assistant Jetty Inspector sat down with me and explained the process for exporting and importing cargo. We were sitting in his office in the half-empty warehouse, stacks of mattresses and cooking utensils destined for Zanzibar laying in wait in organized squares marked on the floor of the warehouse. Many other such squares, marked out for export were empty, the small “export shed” being surprising airy and cavernous. It was a slow day at the port, and George seemed happy to chat. “What do you do here, at the port?” I asked George, who beamed at me behind his desk.

“I am the Assistant Jetty Inspector, so I supervise incoming and outgoing vessels and cargo.”

He said, proudly. He then added, “To understand this, you need to look at the registers and forms we use.” He then got up and went to large filing cabinet beside his desk and brought out a thick register book. This was the “Dhow register” used to record incoming and outgoing vessels. He flipped the book open to a random page. The lined register was full of printed rows and columns. Neat cursive handwriting filled the pages, marked “Arrival” and “Departure.” Under the “Arrival” section, printed columns were labeled, “Berth No.,” “Name of Vessel,” “Nationality,” “Master’s Name,” and “Tonnage.” The “Departures” section of the page listed “Arrived from,” “Cargo Imported,” “Passengers Disembarked,” “Remarks,” “Bound to,” “Cargo exported” “Passengers embarked,” and “Departure date and time.” It was George’s job to fill these columns and rows. He also took out copies of other documents such as “Export Acceptance/Clearance,” and “Delivery Orders” used to facilitate the movement of cargo. He then explained to me the long paper trail involved in regulating the movement of goods.

For exports, a “Delivery Order” was required for goods to be received and stored at the port, the actual cargo being tallied against the delivery order. Then, the owner of the cargo would nominate a vessel to transport the cargo, lodging an “Entry Form” with the KRA in Nairobi through an online system that is verified by the KRA offices in Kilindini and then at the Old Port. Once verified, an internal memo is brought to the Jetty Inspector who then checks the cargo and charges a Jetty Fee, only then allowing the owner to load cargo onboard.

The process for importing goods was different. Before the arrival of a vessel to the port, the shipping agent was to use a form to notify the Harbor Master at Kilindini that the vessel would be arriving with specific cargo. On arrival of the vessel, the lighthouse would communicate with the captain, crosschecking information provided on the form by the shipping agent. Once the vessel was at the dock, the Health department would go onboard to conduct an inspection, filling

out a “Clearance of Ships” form to record the cleanliness of the vessel, mark vaccination papers and the current health of the crew. Then the KRA would go onboard and tally the cargo according to the forms sent in prior to the vessel’s arrival by its shipping agent. Once the KRA had done its job, the Police and Immigration departments would be notified. The Police would conduct a quick inspection on board, following which, the Immigration department would check the crew’s documents, such as discharge books, passports and vaccination cards, recording these in an “Immigration General Declaration Form” and a “Crew List Form.”

Once these checks were complete, the shipping agent reported back to the KPA in order to store the imported goods and register the vessel with the Dhow registrar. After that, the captain would report to Security and Police, and finally goods were offloaded into the import shed. Once verified by the KRA and Kenya Bureau of Standards (KEEBS), import duties were charged, and the goods could finally make their way to the bazaar.

While the system seemed seamless when described and set in writing in this way, in practice, as government officials and shipping agents often reminded me, there was room to maneuver, or “work the system,” documents being carefully maneuvered to facilitate the movement of contraband. Documents that were supposed to be tools of regulation were manipulated to conduct illegal trade, all under the veil of regulated commerce. Paper and documents are therefore not only tools of governance, but also used to undermine regulation.

Anthropologists have pointed to how documents are not only used to govern places but can also undermine the power of the government. For example, in a study of bureaucracy in Islamabad, Matthew Hull (2012b) argues that while paper is required for governing the city, it was also the means by which governance is accepted, contested, and used by residents. Using government plans, visiting cards, petitions, parchis or chits, and files as units of analysis, Hull

argues, “documents are not always the obedient tools of government.” (Hull 2012b: 245) Instead, they can be undermined as techniques of control as their function is transformed in practice. This includes practices of writing, and its converse. i.e., leaving things unwritten. Hull (2012b) suggests that files or documents that circulate heavily amongst different functionaries do not result in greater institutional control. Rather, the movement of files through multiple offices makes it difficult to keep any one accountable – it is unclear who is responsible for what. This can lead to ambiguity and ultimately, provide cover for illegal activities. Hull’s work shows that it is not just the written word that can result in ambiguity. He argues that the act of writing simultaneously leaves things unrecorded or unwritten, creating a sense of ambiguity. Thus the act of writing, and of leaving things unwritten can lead to an ambiguous situation, being a tool of governance for bureaucrats in certain moments, but also being used by those governed to evade control. Yet, this is not to say that bureaucracy or the state has failed, but that state control is extended “not only through specification, but through ambiguity.” (Hull 2012b: 248) Paper is therefore a tool in the interplay between government and those governed, leading to an ambiguous situation.

Hull’s framework lends itself to the bureaucracy at the Old Port. As I will show in the coming sections, documents are not only tools of governance for officials. They are also carefully used and manipulated by shipping agents, merchants, and sailors to evade control. Indeed, everyone at the Old Port was aware of the limitations of paper and documentation. Government officials were aware of underreporting by merchants and shipping agents, and shipping agents and brokers were familiar with the bureaucratic process and how it could be harnessed to evade taxation. The smooth movement of paper and the bureaucratic process more generally, was maneuvered to lend a veneer of officiality to illegal practices. However, these movements of

paper went alongside another form of communication – rumor - such as the one told to me by Yusuf at the beginning of this chapter. Rumors, moving alongside paper, are therefore another tool by which officials and non-officials navigated and made sense of ambiguity at the Port.

Rumor as News: Making Known, the Unknown

Did Mohamed, the shipping agent, truly travel illegally to Somalia from the Old Port? It is not my task here to ascertain the truthfulness of the rumor, but to point to the significance of the existence of these types of rumors. Rumors, as Kapferer argues, arise from “raw, confused facts” and do not “take off from the truth but rather seek out the truth.” (Kapferer 1990:3) Despite being information that is unverified and possibly untrue, rumors are telling of the wider setting in which they are born and spread. Scholars have long been interested in rumor as a category of analysis, pointing not only to how rumors are uttered and spread, but also how they may be used to reveal the anxieties of specific places in particular historical moments. Much of the scholarly literature underlines how rumor is a form of news that provides information in otherwise ambiguous, indeterminate situations. For instance, Allport and Postman (1947) argue that rumors are spread when there is a lack of news about important events. In a similar vein, Shibutani (1966) suggests that rumor is “a recurrent form of communication through which men caught together in an ambiguous situation attempt to construct a meaningful interpretation of it by pulling their intellectual resources.” (Shibutani 1966:17) Rumors then, become a way of filling gaps between the known and the unknown, an attempt to understand and explain events and situations that cannot be explained through “fact,” because there is some dearth in the information at hand. In the African context, Luise White (2000) argues that rumors are not only a source of local history but also reveal the contradictions and anxieties of particular places.

In this chapter, I understand rumor as source of news: information that seeks to explain the

goings-on in an ambiguous space. Rumor allows us to think about uncertain times and situations, and as I argue, provides information that papers and documents cannot. Rumors instead, emerge as a way to make sense of the ambiguity created by paper. They provide information on the undocumented and even illicit movement of people and things, communicating “news” about the flow of contraband through the port. By signaling the movement of contraband, rumors also allow one to see that regulatory authority at the port is pluralized, both official and unofficial actors overseeing the movement of goods and people through the port. Rumor therefore emerges as a way to negotiate ambiguity at the Port, growing in the interstices of what is known and unknown, becoming, a way to “make sense of” an ambiguous situation.

In the next section, I focus on Kenyan state attempts to control circulation of goods and people at the port through bureaucratic processes. Highlighting the ways in which paper and documents make up the bureaucracy at the port, I argue that the movement of official papers shrouds the illegal movement of information, people and things. Rumor provides information about these movements of contraband, gesturing to the operation of a pluralized regulatory authority at the port.

In Other Rooms, Other Rules: Rumors and the Pluralization of Regulatory Authority

An intricately carved Swahili door, typical of coastal architecture opens into the offices at the Old Port, the colonial building unusually quiet for a government office. Traffic at the Port is always slow, at the most two or three vessels anchored at the jetty. Entering the quiet building, it is difficult to believe that it was not in fact, empty. The wooden steps lead up to a lobby where one can clearly see doors leading into different rooms. Some of these rooms were clearly marked and corresponded to the department they housed. The offices of the Jetty Superintendent, the Kenya Revenue Authority (KRA), Immigration, Kenya Bureau of Standards (KEBS), Public

Health, Kenya Port Authority Security, and the Anti-Terrorism Unit were visibly present.

Entering the offices – indeed the world of each of these departments – may help understand the layers of regulatory authority and their function at the Port.

The Jetty Superintendent

“This is a border point, so there are many different parties involved in running it.”

Mahmood, the Jetty Superintendent and the highest ranking official at the port explained to me one morning. The window of Mahmood’s office looked out to the jetty, the dhows visible from his perch behind a large wooden desk. Steel cabinets marked “Vessel Calls,” and “Dhow Registers,” hugged one corner of the room, marking the office as that of a bureaucrat. Mahmood, a portly man in his fifties sat comfortably behind his desk, with the air of a bureaucrat who was easily settled into the daily routine of his job. Mahmood had been working at the port since 2002 and explained that ever since then, it had been his responsibility to “oversee the operations and administration of the port, ensuring that revenue was collected promptly, looking over the loading and unloading, and security.” He acted as liaison between different departments at the port, ensuring that the wheels of the Port bureaucracy churned as planned, he and his Assistant Jetty Inspector facilitating, recording and filing the movement of vessels, cargo and crew in and out of the Port.

“How do you record and facilitate the movement of goods and people through the port? What is the process?” I asked. Mahmood looked mildly annoyed at my inconvenient question that had a long answer. Nevertheless, he patiently outlined the procedure that had already been described to me by George, his Jetty Inspector. “Do you think there are any flaws or faults in this system?” I asked. Mahmood looked at me stoically and responded, “No, no everything runs smoothly.” “Have you ever heard of anything going wrong?” I probed, further. Mahmood looked thoughtful.

“You know the beaching area close to here?” He was referring to a small inlet close to the port where vessels would often anchor to do repairs. “Yes, what about it?” I asked. “Before my time here, I heard that a vessel once went there from this port and then came back, loaded with ice.” He then sat back and smiled, waiting for my reaction. “Ice? Just ice?” I asked, in disbelief. “Yes, people say it is just ice. They say that everyone at the port was very worried about this.” He sat back in his chair, thoughtful. I wondered if ice was actually a code word for another type of good. Mahmood was perhaps wondering, *if they can move ice from there to here, what else are they loading in that area, unbeknownst to me?*

For Mahmood, the daily running of the port, filling out documents and papers authorizing vessels to move in and out, regulating goods and people was procedural and simple. But beyond the transactions recorded on paper, other movements of goods and cargo could also take place. It was only through a rumor that he would learn of this illegal movement.

The Health Department: Intangible Dangers of Disease and Contraband

The circulation of goods and people pose a threat to nation-states not only because of the potential for illicit and illegal flows, but also because of the intangible dangers that goods and people may carry with them. The Public Health department was responsible for monitoring such invisible threats as disease, ailments and viruses that could easily be brought into the country through this maritime border. As Alan, a Public Health Officer informed me, it was his department’s duty to ensure that crew or passengers were not bringing in diseases such as yellow fever to the country. In addition, the department also checked that goods, especially food products and medicines were up to standard, and that vessels were maintained with a basic level of hygiene.

Again, there was a standard process for these checks. When a vessel first arrived at the port, a

Health Officer was to go on board to ensure conditions were sanitary, and to quarantine sick crewmembers. The crew was then expected to submit several forms – an internationally recognized Maritime Declaration Form, a local ship clearance form and vaccination records – which were then compared against the crew list prepared by the captain of the vessel. Similarly goods such as medicines and food products were sampled and tested at random to ensure they met quality requirements. While much of this was the responsibility of Kenya Bureau of Standards (KEBS), the Health Department often intervened as well, particularly when medicinal products were involved.

However, even in this seemingly straightforward process with health officers concerned with the regulation of health, there was ambiguity and ample opportunity for rumor. A common one heard through these offices was one about contraband and dried fish. As Alan told me, “A few years ago, there was a shipment of dried fish from Somalia. But hidden within the large carcasses of dried shark were little pills of Viagra.” The merchants involved in the dried fish trade were well known, and continued to operate through the port. “How did they do this?” I asked Alan. “We don’t know,” he responded. “But there is a court case and people say they [the dried fish merchants] are facing charges. Do you see the dangers here? Health is the biggest risk. Things that are not allowed can easily come in from here [the Old Port]. Have you ever heard of the container that was dumped in the sea near Kipevu? It could be toxic waste even.” The dangers of maritime movement across borders, were seen as a threat to territorial sovereignty both on land and at sea. These dangers were sometimes tangible in the form of contraband, and other times, intangible in the form of disease.

The Immigration Department: Moving Paper and People

The threat of illicit and illegal movement of people and goods foregrounded the work of

officials at the port, official regulation being used to keep threatening elements at bay. The Immigration Department oversaw the movement of people, the potential for illegal movement between Kenya and Somalia being particularly dangerous. John, one of three Immigration Officers at the Old Port reminded me, “This is a sea port, a port of entry into the country, and there are always security issues involved in allowing people to enter and leave,” highlighting the importance of the role of his department for maintaining the territorial sovereignty of the state.

The Immigration Department at the Old Port dealt primarily with crew, passenger traffic at the port being a rare occurrence. The process for crew to enter the country was relatively simple: upon arrival at the Old Port, the captain notified officials of the arrival and the shipping agent was submitted several documents for the entire crew: a seaman’s pass, crew manifest, “Transire” from the last port of departure, and entry declaration form. Following these submissions, a “Shore Pass” was issued to each crew member, this pass allowing them to stay in the country for fourteen days, following which the deadline could be extended if the vessel remained in Kenya.

The process, like many others at the Old Port was routine, becoming a part of the every day drudgery of bureaucratic work at the Port. But, the tedium of the day to day was foregrounded by the threat of transgression. “There is always the possibility of stowaways on these vessels,” John said, matter-of-fact. Yet, during his two-year tenure at the Port, to his knowledge, no such incidents had occurred. Even legal passengers were a rarity, only occasionally coming through from Zanzibar. The other route frequented by vessels stopping at the Port was through Somalia. Unlike Tanzania, passenger traffic from Somalia was completely forbidden at the Old Port. John explained to me, “Passengers from Somalia would be classified as refugees. The standard process is that refugees must report to the nearest port, as soon as they are in Kenyan territory.” Mombasa was much further south from Somalia, other minor ports being closer to the Somali

border, and so no passengers from Somalia were allowed to enter the Old Port. In addition, any vessels arriving from Somalia were first to report to Kilindini Harbor. Vessels arriving from Somalia were considered high-risk and subject to greater security checks. Kilindini was better equipped to handle these security checks than the Old Port, and so any dhows coming in from Somalia would first make their way to Kilindini and then to the Old Port.

Despite these seemingly strict measures to prevent the illegal movement of people, rumors of transgression indicated that there was room for evasion. The rumor shared by Yusuf at the beginning of this chapter suggests that the illegal movement of people was possible through the port. As the rumor went, Mohamed, the shipping agent, boarded a dhow at the port and went illegally to Somalia. On the return journey, he simply avoided regulation by slipping out before the vessel called at the port. In this case, the rumor points to ways in which the bureaucratic apparatus could be completely avoided, papers and documents being easily evaded for this illegal movement. The power of the Immigration Department was seen as incomplete, people such as Mohamed being rumored to have evaded it entirely. It is only through rumor that sailors like Yusuf were able to learn of this possibility for transgression. However, as we shall see, in other cases, even official documents could be maneuvered for illegal activity.

The Kenya Revenue Authority: Customs and Corruption

A sign outside the outside the office of the Kenya Revenue Authority reads, “Do not pay any bribe,” and “Kulipa Ushuru ni Kulinda Uhuru,” i.e. to pay taxes is to gain freedom. Entering the office of Paul Kamau, a Revenue Officer, one’s attention is immediately drawn to the cartoons on the notice board that warned against the payment of bribes. While such notices are common in any government office in Kenya, here, at the Kenya Revenue Authority (KRA) at the Old Port, they had a particular significance. The visibility of these signs warning against corruption

actually suggested that the space is one in which corruption could thrive. These types of signs therefore acknowledged corruption as a common practice. Such a sign would not be necessary in a space where corruption was not a part of everyday life.

Corruption at the KRA did not simply hang on the walls, but was embedded in the routine transactions between traders and government officials. As Paul Kamau, a young and enthusiastic officer put it, “When goods arrive or leave the port, traders want to maximize profits. Their sole goal is to evade tax.” While the KRA systematically charged duties according to the standardized International Harmonized System Code, its actual functioning was far from consistent. Although Paul had only just started working at the port a few months ago, he had already heard rumors about the illegal movement of contraband – be it harmless, licit goods like tea, underreported to avoid taxes, or illicit goods like medicines and weapons that were not reported at all. Upon being asked if he had heard of any smuggling through the port, he fiddled with his pencil and softly said, “I have heard that the people who bring in dried fish have also smuggled in other goods. Were they medicines or weapons? I don’t know.”

While this rumor signals transgression on the part of merchants, others pointed to the KRA being complicit with these illegal exchanges. As a shipping agent once explained to me, “There are many ways to pay less duty, you can underreport goods, or report different goods. It depends on the arrangement between the owner and customs officer.” Merchants and shipping agents therefore worked closely with customs officials, the passage of contraband hinging on their personal relationship with officials. These arrangements would have necessitated discernment in practices of documenting transactions, i.e., some things were written and others were purposefully left unwritten. For instance, if there was a shipment of dried fish and contraband medicines, customs officers could record the shipment of dried fish, the cargo of medicine

remaining unrecorded. On paper then, it was only dried fish that passed through the port, when in actuality, this official movement of dried fish provided a cover for contraband medicines. Thus paper and documents were easily maneuvered, the greased palms of customs officials ensuring the smooth movement of contraband.

Suffice to say, corruption was a common practice at the port. This is particularly significant as the port is a border point, a locus at which the sovereignty of the Kenyan state is negotiated. How then can we understand the entanglement of government officials with merchants and shipping agents in illegal activity? The corrupt official acts as the face of the state, representing, “both highly personalized forms of private power and the supposedly impersonal or neutral authority of the state.” (Das and Poole 2004:14) As Das and Poole (2004) argue, figures who can employ both these forms of power can move between legal and extralegal enforcement only due to their role as representatives of the state. Yet, these figures should not be seen as having overturned the power of the state, but being a part of it. Akhil Gupta (2012) has similarly argued that corruption is not a dysfunction of state organizations, but is a “mechanism through which the state itself is discursively constituted.” (Gupta 2012:78) The corrupt official and his involvement with illegal activities should not be understood as a failure of the state, but instead, as constitutive of the state. Shipping agents and brokers at the Old Port were able to harness this feature of the state for their own ends, making “arrangements” with corrupt officials in certain moments for particular ends. Yet in other cases, the movement of contraband did not require merchants and shipping agents to work in tandem with government officials. Instead, they were also able to avoid them entirely.

Kenya Port Authority Security Department

Ismail, a high-ranking official in the Security department of the Kenya Port Authority once

confessed, “Anything can pass through the Old Port – anything you can think of – drugs, contraband, general merchandise, arms and ammunition. There is even human trafficking!” As a security officer, Ismail was familiar with the gaps and lapses in the administration of the port, aware of how the sovereignty of the state was constantly being negotiated and contested through the practices of authorities and non-state actors at the port. As a security officer, he was frustrated by the lapses in regulatory processes at the port, and aware of the entanglement of official authorities with merchants and shipping agents in facilitating the movement of contraband.

Ismail was concerned about illegal activity that took place under the cover of paper and the regular bureaucratic processes at the port, as well as the potential for illegal transactions that evaded regulation entirely. Sitting in his office, the door tightly closed so that others could not hear our conversation, Ismail bemoaned the bureaucratic processes and the way in which documents were used at the port. Doodling on a piece of paper, he confessed that he did not trust the way in which documents were used to regulate the movement of goods and people. First, he questioned the format of the “Crew List and Manifest” that every vessel was to provide the authorities upon arrival. This list was simply that - a list of names of the crew, occasionally with passport numbers handwritten besides names. Crew on this list did not have to provide any photographs or other identification – and the guards who were supposed to check movement in and out of the port did not verify names with faces. After explaining this format of the document, Ismail looked up at me and said in an urgent tone, “You see what this document means and allows? Anyone can come and go as they please with this document.” He suggested that anyone could slip through, disguised as a crewmember, the document providing cover for illegal movement. Formatted in this way, paper and documents could easily be used to facilitate illegal

movement, going unnoticed by the authorities.

It was not just people who could slip through the bureaucratic cracks but goods as well. Ismail complained of the lax security at the Old Port – they did not have scanner to X-ray goods. They relied instead on random checks, the officials of the Kenya Revenue Authority searching boxes and sacks arbitrarily. However, Ismail did not trust this process either. “So why has not a scanner been put in place already? What is the reason?” I probed. “I just don’t know. But this is a question you can ask the Kenya Revenue Authority (KRA), they are the ones who deal most with import and export. All the stakeholders are involved, but they are the main ones.” Ismail then paused, looked at me and added conspiratorially, “You get my meaning?” He was implying that it was in the interest of KRA officials to ignore lapses in security, being bribed for their silence and compliance with the easy passage of goods through the Port – legal and illegal.

The entanglement of government officials with non-state actors was so complex that often it was difficult to discern who was who, even for Ismail, in the security department. “You see that office over there?” He once said, pointing to an unmarked room right by the office of the Jetty Inspector. He then glanced around to make sure no one could hear us and lowered his voice, “It is the office of B-R-O-K-E-R-S.” He spelled out the word brokers on a sheet of paper. I knew the broker who was often seen around that room. I thought he was a shipping agent because he handled much of the paperwork for most vessels using the port. But Ismail claimed that he was not actually licensed or registered to do this work, but knew the authorities and the merchants well, his personal relationships allowing him to take on an unofficial role.

The office of the brokers was in fact the busiest one in the Old Port. As you enter the narrow blue gates of the port, the various government departments were all marked clearly. However, there were two unmarked rooms. One was the office of the Anti-Terrorism Unit and the other,

right next to the office of the Jetty Superintendent, was the room of the “brokers,” its large window looking out the sea. For all purposes, the room looked empty. There were no papers on the desk, and no filing cabinets – the trappings of bureaucracy strangely absent. However, it was in this room that most of the “business” of the Port took place. Hamisi, the unofficial broker and shipping agent often used it to fill out forms, and talk in low voices to merchants that he represented. Non-state actors such as Hamisi had not only become a crucial part of the process of business at the port, but a part of its built-environment as well.

Ismail also recognized that there was also ample opportunity for illegal movement without using paper and documents, and by evading regulatory authorities entirely. Ismail feared the small, rickety fishing canoes and boats in the harbor, often used by the crew of foreign vessels as they were docked at the jetty. These boats could easily surreptitiously load and unload contraband onto ocean-going dhows in the quiet of the Mombasa night, the palm trees and the ocean breeze being their only witnesses in the dark as the night security guards faced the gates of the Old Port, their backs turned to the vessels and the sea. But it was not simply the small moving dots of fishing boats that worried Ismail.

A little past the Old Port was an area known as “Kichinjioni,” or the “ Little Slaughterhouse.” This was a shallow bank a few minutes away from the Old Port, where vessels docked to make repairs. Ismail complained that movement between Kichinjioni and the Old Port was unmonitored. Ismail said, “No one controls the movement of vessels between here and there – there are no checks. They could easily load whatever they want there. Anything can happen.”

While one might expect government officials such as Ismail to pretend to be unaware of smuggling and all that is illegal in departments under their care, here he was, confessing, both his knowledge of the goings-on and his lack of power to change them. He knew that at this boundary

between land and sea, the territorial sovereignty of the state was continuously being negotiated by official and unofficial authorities such as brokers and merchants operating in the interstices of the law.

The Broker and Shipping Agent

I had grown curious about a man I had seen on my frequent visits to the Port. This man usually sat on a bench by the entrance of the port, chatting amicably with the policemen sitting beside him. He typically had a few papers rolled up in his hands. He wore no uniform, had no nametag, and apparently no marked office. But sailors such as Yusuf informed me that he was a key player at the port. Yusuf explained, “All the merchants use him to clear their documents. He is the shipping agent.” Yet, government officials such as Ismail in the security department contended that he was not actually qualified to do the job of a shipping agent. He had taken on that role unofficially.

I finally formally met with Hamisi one slow afternoon at the port. As we sat down together in the unmarked office to chat, I asked Hamisi, “What do you do here at the port?” Hamisi explained with pride, “I am a shipping agent. All the official documents needed by merchants go through me. I used to work in a five-star hotel, but then I lost my job. I was friends with some dried fish merchants and they told me about this business.” “Did you have to do some training to learn to do this job as a shipping agent?” I asked. He smiled, and replied, “No, you learn it on your own.” He explained to me that it was his job to fill out delivery orders, pay customs duties, and ensure that documents were properly filled out for exporting and importing goods. “What are some of the difficulties you face while doing this job?” I asked. “There are no difficulties. Papers move smoothly. It all depends on your relationship with the officers.” Hamisi then paused. “But officers keep changing ever few years. That is the only problem.” Hamisi was suggesting that he

had established relationships with different officers at the port, but the rotation of these officers every few years was an inconvenience as new relationships had to be built, different types of “arrangements” negotiated. Yet, while officers at the port kept changing, Hamisi remained, even in his unofficial role as a shipping agent or “broker” as Ismail called him.

Hamisi’s unofficial role as broker and shipping agent, his relationship with government authorities, and the central role he played in the running of the port signals the complex entanglement of official and unofficial actors at the port. The entry and exit of goods and people at the port is therefore not only controlled by the state and its officials, but also by unofficial actors such as Hamisi. What are the implications of this entanglement for the territorial sovereignty of the state?

Blurred Boundaries: The Pluralization of Regulatory Authority and Ambiguity

As government officials in each of these departments recognized, regulatory authority at the port was plural, where multiple state and non-state actors such as brokers and agents regulated the movement of goods and people from the port. Ismail, the security agent, was aware of the unofficial role of brokers in the day-to-day running of the port, but at the same time, was resigned to their presence. Their role as intermediaries was evident even in the built-environment of the port – a room seemingly devoid of bureaucratic files being a space from which these non-state actors operated. The unofficial broker or shipping agent was therefore recognized institutionally.

People who used the port were familiar with this entanglement of state and non-state power, appealing to both, the Jetty Superintendent on one hand, and the brokers whose offices were just next door. Both official and non-officials had crucial roles in facilitating the movement of goods through the port, despite their very different legal and official statuses. The presence of these

unofficial regulatory authorities however did not undermine the power of the state, but they were entangled in the normal functioning of the port indicating, that the interplay between official and unofficial authority was a part of everyday life at the port.

This entanglement of official and unofficial regulatory authorities is not unique to the context of the Old Port. Anthropologists have commented on how illegal practices are entangled with state officials to varying degrees, their entanglement becoming part of the logics of state power. For instance, Janet Roitman (2005) has argued that the institutionalization of the enmeshing of official and unofficial forms of regulatory authority in the Chad Basin represents a pluralization of regulatory authority where multiple actors, both official and unofficial, are recognized as having legitimate authority. However, this does not mark a “demise of state sovereignty or the emergence of alternative sovereigns to the state,” (Roitman 2005: 200) but as she suggests, it signals a transformation in aspects of state power, the pluralization of regulatory authority being a part of the political logic of the state.

The entanglement of officials and non-officials and the pluralization of regulatory authority has led to the creation of a blurry zone in which legal and illegal trade, official and unofficial actors are difficult to discern. This kind of pluralization does not mark a failure of the state, but has in fact, become a central way in which the state operates, its own bureaucratic form and documentary systems being imbricated in this pluralization. Authority at the port is therefore not only pluralized, but also creates further ambiguity in the border region that is the port, as figures of authority move between official and unofficial status. This ambiguity is navigated through rumor. Thus, rumors abound in the midst of this ambiguity between state and non-state actors, the legal and illegal, licit and illicit. The hallways, offices and warehouses of the Port are filled with rumors, whispered in the hush of a humid Mombasa afternoon. These rumors ultimately

seek to make sense of these ambiguities.

Rumor in Ambiguous Places and Times: Making Sense of the Unknown

*This man, Athman who is always hanging around Hamisi, the agent of the richest dhow owner in Mombasa, is a dog. He is sniffing around for any piece of meat that he can find. Athman was indeed, present at the Port, his “official” and “unofficial” role undetermined by any one I met there. He seemed in fact, to be Hamisi’s assistant, passing forms along between different departments, overseeing the movement of cargo alongside Hamisi and government officials. There were also other rumors, about merchants, goods and vessels. Abdulahi, the dhow owner, only occasionally comes to watch goods loaded. Maybe he is making sure that a box with his smuggled contraband has passed. The role of government officials, non-officials, spies, and informants for the Kenya’s Criminal Investigation Department (CID) and also the CIA were fodder for rumor. Guards and officials assured me “There are many spies hanging about. Even we don’t know who is who.” Another confessed that my own presence there as a researcher had led to many stories. *You see that Mhindi girl? She is a spy.* After all, as Ismail, the security agent had assured me, “There are many of us “spies” here. You know how we operate, without being seen.”*

The pluralization of regulatory authority had led to an ambiguous situation – both officials and non-officials unsure of who was who, even in the tiny space of the port, where rumors about people and things circulated amidst the known and unknown. Rumors at the port were a form of “improvised news” (Shibutani 1996) and enabled people at the port to make sense of and maneuver pluralized regulatory authority in uncertain times. This is perhaps most clear during a war – a particularly insecure time.

Rumor in the Time of War

The Old Port had grown quiet. It was November 2011 and the intermittent buzz of trucks as they loaded and unloaded cargo, the sporadic visits from Indian and Pakistani- owned dhows whose Urdu and Kutchi intermingled with Kiswahili at the jetty, and the slow rustling of documents in government offices had fallen silent, brokers and shipping agents sitting around idly, chatting with guards by the gates of the port. In October 2011, as the Kenya Defense Forces (KDF) launched “Operation Linda Nchi” (literally Operation Protect the Nation) to push Al Shabaab out of southern Somalia, an embargo was placed on the port of Kismayu, one of Al-Shabaab’s main sources of revenue and therefore a central target in the military offensive. As Kenyan military vans, troops, arms and patrol vessels entered southern Somalia through land and sea, the movement of dhows between Kismayu and Mombasa came to an end. The Old Port served primarily two commercial routes: one arm stretched south from Mombasa to Zanzibar, and the other north to Kismayu. The second, more profitable and productive arm, had suddenly been paralyzed. Dhow traffic to Somalia had been re-routed from Kismayu to Mogadishu, but the higher tax rates there did not allow merchants to make much of a profit, and so trade had come to a standstill (see chapter 1).

The warehouses of the Port lay empty, occasionally coming to life as goods were exported to Zanzibar. The offices were quiet, government officials choosing to take longer lunch breaks or idling away their time in the offices. Hamisi, the unofficial “shipping agent” still visited the port each day, spending his time on a bench in the shade chatting with the new policemen on duty as they rotated stations every fortnight. Merchants and some brokers who used the Old Port however, had become reticent. They were no longer to be seen around the Port or in the alleys of Kibokoni. Their telephone numbers had suddenly become non-operational. *The Somali merchants have gone to Dubai. They are scared.* The neighborhood whispered about Somalis

becoming a target for surveillance and police violence. While the buzz of commerce had fallen silent in the face of war, the circulation of stories, rumors, and gossip had quickened, growing in intensity as they swirled about within the offices at the port and in the surrounding neighborhood.

Some of these rumors were about people at the port. My own presence as a researcher had become a cause for some anxiety. When I first began research at the port, people were curious and wondered *Why is this Indian girl going on board these vessels? Is she a prostitute? Why does she ask so many questions?* Suddenly, in October 2011, my presence began to be viewed as a threat, for both officials and non-officials. Even Ismail, in the security department was suspicious. As we sat down for a follow-up interview one afternoon, he leaned over his desk and asked, “So tell me, are you intelligent [*sic* – he meant intelligence]?” playing with a pen on his desk. I sat back in my chair and responded, “No, I’m really just a PhD student.” Ismail guffawed. “You know what people here are saying about you? They are saying ‘huyu Mhindi msichichana ni spy’ [This Indian girl is a spy]. She goes on the boats. She will get into your shoes, even. They ask me, and I don’t know what to tell them.”

Indeed, my visits to the Port had become much less friendly. Shipping agents and merchants suddenly stopped returning my phone calls. Meetings were cancelled. Answers to my questions became brief, officials and non-officials avoided eye contact, and wondered how I could still financially afford to be there. *How did she get permission to do this work? She has a letter from KPA. She has money from America, but her passport is Indian. Who is she really?* My presence at the Port, formerly a harmless curiosity, suddenly became viewed as a threat. My status as an Indian citizen studying in the USA was questioned. Even Ismail, the high-ranking security officer wondered about my research permissions and why I had been allowed access to a

sensitive border zone.

My letter of authorization to conduct research at the Port came from the Public Relations office of the KPA, at its headquarters. They were unaware of the day-to-day going-ons at the Old Port, simply signing a letter and sending me across the island to their small dhow port, where they had no access to types of information I was collecting. At the Old Port, officials such as Ismail and the Jetty Superintendent simply had to abide by the letter of authorization, and gave me a free hand to meet with officials and go on board dhows, wondering if perhaps my authorization came from a higher authority than the KPA, my so-called “spy connections” making me a powerful figure in their minds, some rumors even linking me to the CIA. *This girl works for the CIA. How else can she afford to be here for this long? And get these permissions?* Although at this point I had been in Mombasa for a mere six months, my continued presence there for another year caused even more suspicion.

Yet, I was not the only one whose presence at the port was viewed with suspicion. There were many others whose presence at the port was questioned, through rumor. *Hamisi is not only a shipping agent, and broker, but he is also a spy working for the ATPU.* The ATPU or Anti-Terrorism Police Unit was another regulatory authority at the port, whose presence was often felt in invisible ways. As the Jetty Superintendent explained to me, agents of the ATPU and the National Security Intelligence Service (NSIS) “were mobile, but present.” Teafuu, was one such agent. Occasionally seen at the port, he explained to me that the port had once been a hotbed for illicit trade. “There was under reporting, evading and all sorts of trafficking, even of weapons,” he said. The presence of the ATPU and NSIS had been instrumental in suppressing illicit trade, he believed. Refusing to divulge the number of people who worked in the ATPU, he explained that their presence, although invisible, was well-known to people using the port and acted to

deter the transportation of contraband. Yet, no one, except Teafuu knew who these security agents actually were at the port. Rumors about my involvement with intelligence agencies, or rumors that Hamisi was not only an unofficial shipping agent but also a spy, sought to make sense of uncertainty at the port. These rumors circulated alongside the official documents and papers at the port, attempting to make sense of ambiguity in an insecure time.

Conclusion

This chapter has focused on the circulation of paper, documents, and rumor at the Old Port, a border zone at which the territorial sovereignty of the Kenyan state is negotiated. On the one hand, paper and documents as tools of governance, are used to regulate the movement of people, goods and vessels at the port. Yet, these papers and documents are simultaneously maneuvered to lend an air of officiality to the illegal movement of contraband. While the papers themselves obscure these illegal movements, rumor as a form of news, hints at these illegal movements and the manner in which official authorities are entangled with unofficial authorities at the port. This entanglement of official and unofficial authority creates further ambiguity at the port, that is once again, made sense of through rumor. The entanglement of official and unofficial authorities at the port indicates that it is a space in which regulatory authority is pluralized at the port. This pluralization of regulatory authority however, does not threaten state sovereignty, but is a constitutive of the state itself.

CHAPTER 4

FROM MANGROVEPOLES TO OIL PIPELINES: COASTAL NATIONALISM IN A MOMENT OF DANGER

“ Their mansions bright, with empty echoes ring.
High in the halls the fluttering night-bats cling.
Thou hears't no outcry; no sweet murmuring.
The spiders, o'er the couches, spin their skein.

Where once in wall-niches the porcelain stood
now widdling birds nestle the fledgling brood;
The omened owl hoots 'midst the solitude,
and, faring there, strange wild-fowl make complain.”

- Nasir (1972:81)

Writing sometime between 1749 and 1820 A.D., poet Sayyid Abdallah bin Ali bin Nasir lamented the fading glory of his hometown, the city-state of Pate in the Lamu archipelago, now in northern Kenya. Memorializing Pate's lost grandeur through the written word, the poem *Al Inkishafi* is an important piece in the Kiswahili literary canon. The *utenzi*²³ also has contemporary resonances. Narratives of a glorious past, now lost, continue to haunt coastal residents or *wapwani*, in Lamu. Take for example, a black and white photocopied poster that I encountered on an ornate, carved Swahili door of a furniture workshop in Lamu in 2012.²⁴ Written and designed by Mohammed Omar, a young craftsman, the poster is titled “Kenya's Independence Opened the Door to the Coast's Maladies.” Below the title is an image of two coins: one has “Mombasa” inscribed on it, and the other has the mark of the “The Imperial British East Africa Company.” The “Mombasa” coin acts as evidence of the port-city and the

²³ The *utenzi* is a form of narrative Swahili poetry used to record major historical events such as wars and heroic deeds. It is a modified form of the *qasida* form in Arabic poetry. See Abdulaziz (1996).

²⁴ Lamu and the Swahili coast is famous for woodworking. Furniture of the coast reflects the area's ties to the Indian Ocean and the interior of Africa, styles incorporating Indian, Arab, and African designs and patterns. See Meier (2009), Prestholdt (2006).

wider Swahili coast as being separate from the rest of Kenya, while the other represents the distinct status of the coast as a Protectorate under colonial rule. Below these images is a Swahili poem that translates²⁵:

“The town has been destroyed	it stays in ruins
It has been sold kohl	and we have been blinded
The medicine is land	with which darkened eyes will become bright
Now that we are all clever	we will get rid of cunning and deceit

We must now liberate ourselves and put an end to the distresses that have plagued us

The question is: how can Mombasa separate itself from Kenya?
The cow that breaks its own legs cannot run anymore.
This coin says that Mombasa is not Kenya. We should run with our own legs.

We should free ourselves
We should free ourselves and our Mombasa like it was in the past, as evidenced by this shilling
Every person of the coast should be bear witness to the document
Like this shilling, the document cannot remain hidden.”

In this poem, Mombasa represents the center of an independent Swahili coast. The “document” that the poem refers to is one that may not ever have existed, and is now purported to be lost, a document that supports coastal Kenya’s independence fifty years after its incorporation into the Kenyan state in 1963. While the coins, the document, and the claims being made by the poster may not be historically accurate, the circulation of such posters evidences the popularity of the resurgence of a coastal nationalism based on historical narratives that distinguish the coast from the rest of Kenya.

Mohammed Omar, the poet, is a young man preoccupied with the past. Not an abstract, disconnected, distant past, but one that constantly shapes his present and his future. Steeped in the history of Lamu, he is obsessed with the memory of its grandeur, and visibly moved by its current state of slow ruin. His concern with the past is not just a romantic nostalgia but a call to

²⁵ All translations are my own, unless otherwise stated.

action, influencing his chosen profession and his life as an activist. The past is therefore grounded in his economic and material present. As an artisan in one of Lamu's carpentry workshops, he spends his days carefully crafting the intricate carved doors, chairs and *pili-pili* beds that Lamu is famous for – this practice being rooted in the history of the town as an entrepot – aesthetics as well as economic and social life being shaped by its connections to wider Indian Ocean networks and the mainland.

Yet, while Lamu's residents such as Mohammed Omar look to the past, the government of Kenya looks to the future. The Kenya Ports Authority (KPA) had been advertising the Lamu Port – South Sudan, Ethiopia, Transport and Economic Development Corridor (LAPSETT) project since even before its groundbreaking in 2012. The KPA Handbook of 2010-2011 proudly boasts of a “northern megaport and freight corridor” which is to “offer huge potential for new trade.” (KPA Handbook 2010-2011: 26) Billing the new project at US \$3.5 million, funded by “overseas investors” who will also fund the construction of a new road between Lamu and Ethiopia, the KPA claims that Lamu could become the Indian Ocean terminus for a rail-land bridge that would traverse the entire breadth of the African continent, from Kenya to Cameroon, with Juba in Southern Somalia and Addis Ababa being key stops.

The government and KPA have touted the project as being transformative for Lamu, building grandiose pictures of a future Lamu no longer simply bound to its anachronistic past as a port city where dhows once dominated the waterfront. Government officials claim that the project will bring Lamu into the twenty-first century, the town's maritime past servicing its new future as Kenya's second port city. They project that the problems that have ailed the archipelago since the past fifty years of independence will then disappear as the town is transformed into the “Dubai of Africa.” While the government of Kenya markets this fantasy for the future of Lamu,

its residents look to its unhappy recent past. Residents complain that since independence, the archipelago has been marginalized economically, with a high unemployment rate, a crumbling infrastructure, increased land grabbing, and insecurity. From their view, the LAPSETT project threatens to exacerbate these problems. Local civil society organizations such as Save Lamu have unequivocally opposed the project, and turned to the courts to place an injunction on the project. Alongside, a social movement known as the Mombasa Republican Council (MRC) has been arguing for the secession of the coast from Kenya, even viewing itself as part of a longer genealogy of coastal nationalism or *mwambao*. Mohammed Omar was a youth member of this group, his poem capturing some of the group's ideas about secession.

Against this background, in this chapter, I examine the relationship between the Swahili coast and the Kenyan state from the vantage of Lamu. How and why are Swahili coast residents looking to the past to argue for the coast's secession from Kenya? What is the relationship of the coast to the Kenyan state? What types of historical narratives are becoming popular on the coast and why? How has a new coastal nationalism emerged in recent time? Outlining current tensions between the coast and the central government against the backdrop of the LAPSETT project, I examine the resurgence of historical narratives about the coast's past glory and the economic decline of Lamu after independence. I argue that the persistence of a coastal nationalism and notions of belonging to an Indian Ocean world beyond the boundaries of the nation-state should not be seen as anachronistic, but be placed within the current context, in which *wapwani* desire to retain a distinct coastal identity in the face of being subsumed into a Kenyan state shaped by the inland rather than the coast. I argue that by invoking Lamu and the wider Swahili coast's connections to the Indian Ocean world, activists and residents of Lamu are gesturing to not only to an Indian Ocean imaginary, but are harnessing this imaginary to argue for a different type of

political legitimacy, especially an alternative conception of a layered sovereignty that is rooted in an Indian Ocean past. This conceptualization of a layered sovereignty therefore persists in the present, alongside a political legitimacy that is not atavistic, but is representative of an alternate historical imaginary than the one imagined by the Kenyan nation-state. The persistence of this imaginary does not mark a failure of the state to incorporate these communities more fully into the nation, but can be seen as having emerged from the dynamics of state-building itself, especially as the coast's incorporation into Kenya was already fraught even at independence, with coastal nationalism or *mwambao* being popular amongst certain coastal communities (see introduction). The resurgence of these ideas, and the refusal to forget a pre-national past must then be seen as a way in which *wapwani* navigate and maneuver current economic and political tensions, whilst being embedded in the past.

A Refusal to Forget: Nationalism and History

Nations and nationalism are inherently ideological, grounded in myths or “invented traditions.” (Ranger and Hobsbawm 1983) Carleton Hayes described the manner in which nationalism denotes a “condition of mind,” where the “national mind” emerges as a psychological force such that members pledge their loyalty to the nation, thinking of it as a community (Hayes 1926). Similarly, Kamenka (1976), states that nationalism is a “political ideology,” while Renan (1994) defines a nation as a “spiritual principle.” As Gellner explains, “nationalism is primarily a political principle, which holds that the political and the national unit should be congruent. Nationalism as a sentiment, or as a movement, can best be defined in terms of this principle.” (Gellner 1983:1) Nations and nationalism are therefore ideological, requiring a certain imagination to bring them into being.

Benedict Anderson famously defined the nation as “an imagined political community – and

imagined as both inherently limited and sovereign.” (Anderson 2006: V) These imagined communities were concretized and propagated through various institutional forms such as print capitalism (Anderson 2006); the principles of nationalism being elaborated by intellectuals, reshaped by the masses, and propagated through mass-education (Hayes 1926). These scholars have also underlined the role of historical narratives in the rise of nations and nationalism. As Benedict Anderson argued, the rise of nations is predicated on forgetting, on the “amnesia” of a certain past (Anderson 2006). The historical narratives adopted by nationalist ideologies “silence” other histories (Trouillot 1995) as they are produced in the specific historical context of nation-building along the fault lines of power.

Nations and nationalism therefore require one to forget. Old forms and notions of belonging must be re-shaped, reimagined to become a part of the nation. As Patricia Spyer (2000) argues, forgetfulness of one’s past is needed for indigenous peoples to have a place in the nation-state. How then can one make sense of narratives that refuse to forget social orders that predate the nation-state, and indeed lie outside it? What is the significance of historical narratives of other modes of belonging? Scholars working on coastal regions within nation-states have found that often, coastal communities lie at the margins of the state, and may be more prone to longing for the pre-national past, viewing the nation-state in opposition to this other past. Writing about the Aru archipelago in Indonesia, Patricia Spyer (2000) finds that an Aru longing for the past is shaped by an opposition between two elsewheres: the “Aru,” and “Malay.” The Malay elsewhere is characterized by commerce, church, and state, while an Aru elsewhere speaks to a customary past. This customary past is not entirely forgotten, annual performances continually repositioning both elsewheres together. Spyer argues that these ambivalences are only possible because Aru’s Backshore remains “unevenly integrated within the Indonesian nation-state.” (Spyer 2000:37)

Other anthropologists working on coastal communities have similarly grappled with a sharp distinction between coast and inland in post-colonial nation-states, where coastal folk are viewed as non-modern or primitive, as opposed to inland peoples who are seen as having a closer, more immediate relationship to the state. For instance, Ajantha Subramanian (2009) argues that transformations in South India since the mid-nineteenth century rendered a separation between “democratic inland” from “primitive coast.” Yet, her work among Kanyakumari’s fishers suggests that the community cannot be seen as separate, non-modern, or removed from the historical and political practices of sovereigns. Analyzing together histories of space and rights, she argues that fishers “constitute themselves as subjects of rights in relation to existing histories and hegemonies,” (Subramanian 2009:4) fishers not being atavistic, hesitant political subjects, but participants in a shared political universe. Subramanian’s work indicates that fishers made claims to the state as distinct political subjects. She argues that these subalterns are not ineradicably different from or simply products of governmentalized procedures, but suggests that a dialectical understanding of subalternity is needed in which, “the thorough imbrication of state and community institutions and practices makes it clear that South Asian sovereigns and subjects are cut from the same historical cloth.” (Subramanian 2009:4)

Similar distinctions between coast and inland can be seen in post-colonial Kenya, the coast being at the margins of the state. Scholars have argued that the coastal, cosmopolitan, predominantly Muslim communities of Swahilis, Arabs, and South Asians have “served as a conceptual as well as physical periphery for post-colonial Kenya.” (Eisenberg 2012: 556) Indeed, coastal Kenyan Muslims are situated in a “double-periphery,” vis-vis both, the state and global community of Muslims (Kresse 2009), serving as a counterpoint for the creation of a non-coastal, Christian Kenyan identity (Porter 1995). Historians have suggested that this divide can

be traced to British colonial attempts to demarcate subjects according to ethnic categories. Coastal communities such as the Swahili, with their mixed ancestry, did not fit neatly into official “Native” and “Non-native” categories. In the colonial period, many classified as Arab or Asian took advantage of the privileges afforded by non-Native status, but “most occupied the awkward position of having neither a recognized African ‘tribal identity’ nor the higher legal status of non-Native. By the end of the colonial era, this nebulous position contributed to perceptions of Swahilis as neither completely African, nor, by extension, Kenyan.” (Prestholdt 2011:6) This inability of the colonial state to make these communities intelligible to clear-cut modes of classification has translated into a history of alienation and marginalization by the state in the post-independence period, coastal residents complaining of poor infrastructure, security, education and employment opportunities, land tenure insecurity, difficulty in obtaining identity cards and passports, and exploitation of the coast by the state.

Rather than viewing this marginalization as a failure for the coast to be incorporated into the Kenyan state, I argue that this exclusion and exploitation are characteristic of the state and give rise to novel ways of resistance. For example, I analyze the economic decline of Lamu in the post-colonial era by focusing on the illegalization of the mangrove pole trade, the banning of the export of mangrove poles further marginalizing the coast. Incorporated into the Kenyan state at the margins, the persistence of historical imaginaries that predate the nation-state and alternate political legitimacies in Lamu act as forms of resistance against the state. This resistance however, is fragmented and can be seen simultaneously as being imbricated into state practices. Drawing from Subramanian then, I argue that *wapwani* and the historical imaginaries that they employ to resist the state, are not anachronistic or outdated, but can be viewed as having emerged from the history of the coast and Kenyan state. Thus, rather than drawing on Kenyan

nationalist imaginaries, residents of Lamu instead invoke a pre-national history of a layered sovereignty to question the political legitimacy of the state.

Against the backdrop of the LAPSETT project, I look at the rise of two groups in Lamu and the wider Swahili coast – one is the “Save Lamu” group that has sought to place an injunction on the port project through the legal system, using the state’s own institutions. I then turn attention to the Mombasa Republican Council, a group that has been arguing for secession of the coast from Kenya, pointing to historical narratives and documents that gesture to a coastal nationalist history, rather than a Kenyan one. Coastal residents therefore place themselves within two competing nationalist histories – Kenyan and coastal – each of these histories coming into focus at different moments in the present, coastal nationalism currently providing an alternate notion of belonging. It is not my endeavor to point to the truthfulness or fictions of the historical narratives that are being employed, but to situate them within the current politics of the coast and Kenya and highlight how these imaginaries situate people within social orders that lie outside of the state, but are simultaneously drawn from the same “historical cloth” (Subramanian 2009:4) as the state. As Walter Benjamin once wrote, “To articulate the past historically does not mean to recognize it ‘the way it really was’ (Ranke). It means to seize hold of a memory as it flashes up at a moment of danger.” (Benjamin 1969:255) As Benjamin suggests, the moment in which a particular memory scuttles into the present is just as important as the memory itself, revealing something important not just about the past, but also about the present. It is not only the memory that must be seized then, but the moment in which it flickers into the present. This is the task that this chapter sets for itself.

Lamu: Sailing from Past to Present

I first arrived in Lamu under the cover of dark. The eight-hour long bus ride from Mombasa

had dragged out to twelve, as the bus broke down several times along the dusty route along the coast and arid scrub. My fellow passengers and I were relieved to finally arrive at Mokowe, the jetty on the mainland close to Lamu, the last stop on the bus. However, as we climbed onto boat that would take us to the island of Lamu, I could sense trepidation and fear amongst my fellow travellers. The night was dark and the wide ocean stretched out before us, under a blanket of stars that looked like a child had gleefully thrown fists full of glitter up into the sky and they had miraculously, stuck. However, the mood on the boat through the thirty-minute ride was far from gleeful. The children were scared and tired. The women uttered prayers under their breath, while the men sat strongly silent behind a mask of bravado. My attempts at making jokes with the young girl sitting next to me were quickly shushed by the older passengers. “This is not a time for fun. What if something happens to the overcrowded boat? Can the nahoda even see where he is going?” We were at the mercy of the sea.

Approaching the island of Lamu, one immediately gets a sense of its maritime past and present. The only way to get to the town of Lamu is by boat – whether one flies into the airstrip at Manda island or takes the rickety bus to Mokowe. Motorboats and small sailing vessels or *mtepe* with colorful flags that sway languidly in the breeze line the harbor. Lamu’s main Stone Town is oriented toward the sea, the streets closest to the harbor being the center of commercial and social life in the archipelago. The street along the main harbor runs past the District Commissioner’s office and leads into the town square, flanked by the Lamu Fort on one side and the vegetable, fish, and meat market on the other. The alleys that cut across the main square are lined with general stores, a pharmacy, a baker, tailors and, the Lamu silversmith. Both ends of the main streets lead to furniture workshops – Lamu famous for its carved doors, chests and *pilipili* beds.

The social life of the town also orbits around the harbor. Long evenings are spent walking along the waterfront, gossiping in the teahouses, or when pockets are empty, lounging on the *barazas* or benches watching the waves. It seemed like every male in Lamu had his own hangout or *maskan*, women more likely to gather indoors. While the harbor is now home to many of Lamu's restaurants that serve fresh fruit juices, Swahili dishes and seafood, hints of the town's history as a bustling port city remain. Local residents explain that the dirty vacant lots along the seafont were once used to store mangrove poles before they were loaded onto dhows that came from India, Iran and the Gulf. Homes of prominent merchant families were also located along the waterfront, acting as landmarks for dhows coming in from afar.

Historically, it is this orientation toward the sea and the fortuitous deep natural harbor that gave Lamu its importance. The town of Lamu or Amu, is the largest in the Lamu archipelago which consists of three major islands – Lamu, Manda, Pate and several smaller islands such as Ndao and Kiwayuu. The district is about 5,800 square kilometers and lies close to the mainland of Kenya (Ylvisaker 1979). According to folk history, the town was founded by Muslim migrants from Arabia and the Gulf, politically an independent city-state closely tied to other East African coastal city-states as well as the Gulf, Arabia, and India sometime in the fourteenth century. The town was embedded in Indian Ocean networks and exported agricultural products and imported luxury items and some food, relying heavily on its role as an emporia for trade, agriculture on the mainland feeding its intersecting trade networks (Bujra 1991). With the arrival of the Portuguese in the sixteenth century however, these networks were temporarily disrupted, an alliance between the Omanis and local forces along the Swahili coast finally pushing out the Portuguese in Lamu regaining its independence and organizing itself into a republican form of government until the turn of the nineteenth century (Ylvisaker 1979).

In this period, the dominant town in the archipelago was Pate, Siyu and Lamu slowly gaining importance but still being overshadowed by Pate. These city-states were in competition with each other and increasingly sought foreign assistance in ties to defend themselves from their neighbors next door (Ylvisaker 1979). In 1806, Lamu saw itself threatened by an alliance between Pate and the Mazruis of Mombasa and sought Omani assistance. The Omanis ultimately sent a garrison and a resident governor to Lamu in 1813, Lamu losing its independence but gaining the protection of an imperial government. Despite this formal alliance, Omani authority in the archipelago remained tenuous. However, Lamu prospered under the Omani. As Ylvisaker states:

“Lamu, accepting Omani rule, became the commercial port for the whole archipelago and district. Sayyid Said²⁶ encourages the growth of trade, channeled it through the ports he controlled, brought Indian businessmen under his protection to these ports, and strengthened commercial ties not only with Zanzibar and the rest of his African dominions, but with the Hadhramaut and Persian Gulf. Lamu, as the seat of the Omani government and as the port with the best situation in the archipelago soon overshadowed Pate and the other island towns.”
(Ylvisaker 1979: 109)

Thus while Lamu had always been embedded in Indian Ocean trade and social networks, under the Omanis based in Zanzibar, these ties expanded and Lamu became even more entrenched in Indian Ocean trade networks. Sayyid Said formally developed the port, established a Customs house, and maintained a consistent tariff level that further appealed to traders from the Swahili and Somali coasts as well as from further afar from India, Yemen and Muscat. Western visitors to Lamu lauded its port and the commercial set up (Ylvisaker 1979: 109). By the 1840s, Lamu was established in Zanzibar's networks, exporting hides, ivory, mtama, simsim, simsim oil, matting and mat bags, timber and bark for tanning, and some slaves. It also acted as an entrepot, re-exporting salt fish from Arabia, and salt from Benadir. It imported coffee and dates from Arabia, rice from Zanzibar and Pemba, beads from India and Zanzibar, brass from Europe

²⁶ Seyyid Said was the ruler or Imam of Muscat and had dominion over Lamu.

via Bombay, American cotton goods and salves from the south (Ylvisaker 1979: 11).

While Lamu's economy expanded outward, the town itself saw the influx of people from distant shores. As the Omani government provided the administrative and political framework for the expansion of Lamu's commercial ties, it also encouraged capital and labor from elsewhere, as Lamu society could not sufficiently provide these itself. A large number of merchants, traders, artisans and officials from Oman, the Hadhramaut, Zanzibar, the Benadir coast and western India could be found in Lamu, adding new layers to its already complex, diverse population. In addition, the expanding agricultural activity necessitated the import of slave labor from the south. This influx of capital and labor brought about dramatic changes in Lamu society, "raising it to an economic and cultural zenith never seen before or after." (Bujra 1991) Throughout this long history, Lamu was also connected other parts of the Indian Ocean – especially the Persian Gulf and Yemen through a trade in a less well-known, quotidian commodity – mangrove poles harvested from the many mangrove swamps surrounding the area. It is to this humble commodity that we now turn.

Mangroves and *Magendo*: Trade and Contraband in the Archipelago

"The dimensions of many an Arab room were fixed on the beach at Lamu."

- Allan Villiers (Curtin 1981: 23)

The people of Lamu are at home at two seemingly different landscapes – the land and the sea. On the one hand, they are accustomed to the density of the mangrove forests that surround many of the archipelago's islands, the air thick, branches and foliage obstructing vision and light. The archipelago also depends on the mainland, ownership of farms and property along the coast feeding the islands. On the other, their lives are shaped by the sea, the constant movement of wind and water determining daily routines. As a littoral society (Pearson 1998), Lamu's

economy has historically relied on this complex interaction between land and sea, mangrove poles that flourish only through a particular meeting of land and sea being harvested and sent across the ocean to the timber hungry Middle East and Gulf. This trade in mangrove poles has historically formed the backbone of Lamu's economy and importance as a port city.

The mangrove pole trade has long connected Lamu to the Middle East, perhaps from the beginnings of trade across the western Indian Ocean (Curtin 1981). Growing in the islands that surround Lamu as well as the Rufiji river delta in Tanzania, *Rhizophore mucronata* or *mkoko* from East Africa were used in the Middle East and along the East African coast for structural timber in homes, thatching, irrigation canals, fencing, firewood and raw material for charcoal. This trade enriched the merchants of the town of Lamu, and employed many others such as cutters who would actually harvest the poles, the sailors who would navigate the *jahazis* used to transport the poles, *jahazi* builders, and porters. As sailors and merchants from elsewhere in the Indian Ocean world arrived in Lamu, its economy flourished, the visitors needing to be fed, entertained and supplied with other goods that the coast exported such as cotton, coconut oil, mangoes, sesame, tobacco, fish, cashews and copra²⁷.

Owing to a large demand for timber in the Middle East and Gulf, this trade in mangrove poles became particularly important for Lamu's economy in the twentieth century. By the beginning of that century, Kenya was exporting an average of 24,150 scores of mangrove poles from Lamu. Mangrove poles were especially important revenue-generating commodities in times of war. A revenue of 57,317 sterling pounds was gained during World War I between 1914 and 1919 (see Curtin 1981). Large numbers were exported through World War II and beyond, the average

²⁷ In 1968, Lamu's exports of these goods was worth GBP 185,900 (Martin and Martin 1972: 90).

exports between 1941 and 1956 being 35, 451 scores of *korijas* of poles.²⁸ Demand for these poles remained high throughout the century, Lamu's economy flourishing as it became renown for the quality of its *boritis* (the standard pole exported with a diameter of 11.5 to 14 cm) and the skill of its cutters in selectively harvesting straight poles that were more suitable for building.

The fortunes of many Lamu families came to depend on mangrove poles. The long fingers of the trade stretched into every island of the archipelago, each one serving a unique function such that much of the population depended on its grasp. While the island of Ndau, owing to its proximity to the forests itself became known for its skilled mangrove cutters, the town of Matondoni became the center of the *jahazi* building industry, the boats used to navigate the thick mangrove forests being built on its shores. Merchant families and agents who traded in these poles lived in the town of Lamu.

When dhows arrived in December, residents would rush to the waterfront to welcome the sailors, some strangers, others friends from previous trips. Women would hawk home-cooked meals to the weary seafarers, hungry for the comforts of home. Sometimes, a romance would blossom, marriages between the itinerants and local women taking place, sailors leaving wives and children behind if they chose to leave at the end of the season. These merchants and sailors from the Middle East and India would sell their wares of chests, carpets, and dried fish (Martin and Martin 1972). In, April when it was time for them to leave, the sailors could be seen wandering around town in their long *jallabeyas*, doing their last minute shopping. As one resident remembers, these men with their long beards and clean, starched white *jallabeyas* made quite an impression, a favorite Lamu cat tucked under their arm as they carried the pet on board for the long and lonely voyage home.

²⁸ A score or *korija* is the unit in which poles are counted and exchanged.

Between April and December, the town would prepare itself for the next season. Mangrove cutters would be out in the forests for a week at a stretch, harvesting poles. These mangrove poles would be stored in stacks along the waterfront in anticipation of the arrival of dhows. These heaps of mangrove poles were a source of constant amusement for children who would reenact the stunts of the ever-popular Hindi film heroes atop the stacks. However, the *korijas* were also a menace, rodents and other pests using them as a breeding ground, leading to government concerns about the health of the town.

These days no mangrove poles can be seen along the waterfront. The large lots lie vacant, or have been built into restaurants. Dhows from across the Indian Ocean no longer call at Lamu, the export trade having come to an end in the 1980s. Apart from *jahazis*, *mtepe* and motorboats that ply within the archipelago, no dhows can be seen. The only itinerants who arrive on these shores are tourists from America and Europe, or pilgrims for Maulidi, not sailors and merchants. After 1982, merchant families whose fortunes had once depended on this trade had either diversified into other industries or moved out of Lamu, the less well-off cutters, sailors, and porters struggling to make ends meet in Lamu's fledgling tourist industry or engaged in *magendo* or unofficial, contraband trade and smuggling.

In the next section, I examine the operation of this trade, from the vantage of mangrove pole merchants as well as wage-earning sailors who profited from both, the mangrove trade and contraband ivory that was transported on the same ocean-going dhows. Highlighting the discourse around the eventual ban of the export of mangrove poles, I show how the illegalization of the trade was one way in which current distrustfulness of the government came into being: a sharp distinction between coast and inland being experienced through policies around the mangrove pole trade. The illegalization of the mangrove pole trade pushed sailors into the

shadow economy, many of them engaging in the illegal trade in ivory and animal products. In many ways, this section offers a parallel to larger dynamics of illegalization of the dhow trade, dispossession, and the shadow economy as seen in chapter one. Just as Kutchi sailors and merchants were dispossessed from the trade in dates and pushed into the shadow economy in the charcoal trade, in similar ways, merchants and sailors in the mangrove pole industry were pushed out of the trade, merchants diversifying into other forms of legitimate commerce, while sailors engaged in smuggling or *magendo*. The similarity does not end there – even as the dhow trade in India came to be associated with illegality and eventually, terrorism, in Lamu and East Africa more generally, the mangrove pole trade and maritime commerce have become entangled with the trade in contraband ivory and even drugs (although it is beyond the scope of this chapter to further analyze the drug trade). Lastly, in both cases, participants in this trade evoke the long history of Indian Ocean trade and view themselves as part of it, as a response to increasingly strict government regulations that have shifted the dynamics of the dhow trade more generally, and the mangrove pole trade from Lamu in particular.

Merchants in the Margins: Mangrove Poles and Policy

In the twentieth century, the mangrove pole trade from Lamu was dominated by a handful of merchant families of Arab, South Asian, and Swahili descent. Many of these families remain in Lamu today, no longer continuing the trade but diversifying into other businesses, owning shops or hotels in the town of Lamu, or farms on the mainland. Take for example, the Hassan family. Of Hadrami heritage, they had long settled in Lamu and were well-known and respected all over the coast.²⁹ Ahmed Hassan, now deceased, was a successful Lamu merchant who dealt not only

²⁹ Migrants from Hadramaut have a long history on the East African coast, especially Lamu. Lamu's Riyadhha Mosque, one of the oldest and most influential Islamic institutions on the East African coast was founded in the nineteenth century by a scholar, Salih bin Alwai Jamal al-Layl or Habib Swaleh, who was part of an East African scholarly network that drew from the Hadramaut in Yemen and also had

in mangrove poles but also clothing and general supplies. The family came to own seven *jahazis* through the course of his lifetime, which they employed in cutting and transporting mangrove poles from the forests to the Lamu waterfront. These *jahazis* also traversed the length of the coast, transporting mangrove firewood, the renown sweet mangoes of the archipelago, and other agricultural produce to towns such as Mombasa, bringing back supplies that were unavailable in Lamu. All trade and passenger traffic to and from Lamu took place on such *jahazis*, in the absence of good roads. Deriving their wealth through maritime commerce, the family invested in land in Lamu and on the mainland, and ran a small, successful bed and breakfast in town. In the tradition of merchant families everywhere, Ahmed's sons – Abdallah, Jamal, and Said - had all worked in the mangrove pole trade in its hey day. While Abdallah's interests eventually took him to academia and activism and Jamal became a hotel owner, Said took after his father and continued the family business until about 1989.

I met Said and his wife Rukiya in their home in Lamu one hot February afternoon after Maulidi. Over a delicious lunch of fresh, crisp fried fish and tangy *mchuzi* (gravy), rice and homemade pickle or *achaari* with my favorite tiny, potent red chilis or *pilipili ho-ho*, Said recalled the functioning of the business as he remembered it. “The big dhows used to come between the months of December and April. By April, they must go back, even if they have engines or the tides and wind go against them,” Said reminisced, folding his wife's sleeves so that she could eat. Rukiya had lost an arm in terrible car accident and the couple had long worked out the intricate practicalities of her loss – she frying fish with one hand, and he folding her sleeves, serving her food, and helping her wash up after. Said explained that their family had once exported mangrove poles to Hureira, Mukalla and Aden in Yemen, as well as Iran and

connections to the Comoros Islands further south (Bang 2014). For more on Hadrami connections to East Africa, see Bang (2014, 2003) and Ho (2006). These scholarly and religious exchanges also led to a migration of Hadramis engaged in commercial activities.

Kuwait. Closer along the East African coast, they shipped firewood to Kismayu, Mogadishu, Mombasa and other towns. A vast majority of the merchants they dealt with were from Khorramshar in Iran. These merchants booked quantities of poles in advance with a down payment until the poles were loaded on to the dhows upon their arrival months later. Ali Kaka, a famous Iranian merchant once even came with two ships to load mangroves. However, Said complained that the business that had once been booming died a slow death through several government policies that sought to control the trade.

Said complained about the workings of organizations that had been established to regulate the trade at different moments, such as the Mangrove Advisory Committee set up in the 1950s and the Lamu Mangrove Cutter's Cooperative created in 1976. The Lamu Mangrove Dealer's Cooperative Society was an umbrella organization that bought and sold mangroves under the aegis of the government. Independent merchants could choose to be a part of this cooperative, but Ahmed found that competition amongst merchants coupled with mismanagement made it highly ineffective. He complained that while each merchant was given a quota that he was allowed to harvest, there was much corruption and nepotism in allotting these quotas, the Society itself maintaining a tight monopoly on the entire trade. "The cooperation was just another way for the government to place unnecessary controls on us [the mangrove pole merchants]," he complained.

Ultimately, the entire export trade in mangrove poles was banned in 1982, the government citing concerns about deforestation. The ban on exports was irreparably damaging for the industry. In frustration, Said even moved further south to Tanga, in Tanzania, exporting mangrove poles from there for two years. Many others went the "unofficial route," paying half a million Kenyan shillings for an export permit, claiming that there was an old stock of poles that

needed to be sold off, and then slowly, surreptitiously continuing to harvest and export poles. A long list of government officials was involved in this corrupt practice, all of them having to be paid off, making the entire enterprise risky and unprofitable. Said sighed wistfully, “We had to end the business. First, there was the ban and then the longer channel was risky and it was too expensive to bribe everyone.” The family stopped trading in mangrove poles, moving either into the hotel business or farming on the mainland.

However, on one end of Lamu’s waterfront, hints of this trade remain. The family of Abdulrehman Aboud is still in the mangrove pole business, no longer exporting overseas but supplying the domestic market. As we sat amidst the current stock of poles, Abdulrehman emphasized the importance of mangrove poles for Lamu. “Lamu cannot be Lamu without mangrove poles.” He explained that this was not just because of the historical importance of the mangrove pole trade but also due to the way in which mangrove poles had been used. The many stone houses and other buildings that give Lamu its UNESCO World Heritage status were built using these poles and they are required in order to maintain and build these structures.

Abdulrehman’s business not only supplied these poles within Lamu but also further along the coast to Malindi, Mtwapa, Watamu, Kwale, and Mombasa where they were used to maintain old buildings and build new ones.

Although mangrove poles grew in government controlled forest areas, where usually any kind of harvesting is forbidden, the government of Kenya had allowed a limited harvesting of mangrove poles to continue, with strict controls. While the export of poles had been banned in the 1970s, the harvesting and sale of was permitted for the domestic market through the issuance of special permits known as “Movement Permits,” that cost 2000 Kenyan shillings (Ksh). In addition, they paid a tax of Ksh 500 per score or korija of poles. The profit margin on these poles

was low, a score of boriti, the more expensive variety bringing a revenue of Ksh 2500.

Abdulrehman complained that until recently, the tax levied on each korija was Ksh 230, and that the hike up to Ksh 500 was another, purposeful move by the government to strangle the trade. However, it was not only official policies that were troubling, but corruption amongst officials and forest guards was a perpetual nuisance.

“They [the forest guards] do not want you to go the legal way – they want to be bribed. Their salaries are low and so they harass us and expect us to bribe them in addition to the taxes,”

Abdulrehman complained. Corruption, a common complaint amongst Kenyans (see chapter 3), had a particular ironic valence here as on the one hand, the government was attempting to control the mangrove pole trade using the reasoning of environmental protection, but on the other forest guards even solicited bribes, allowing businesses to go over their allotted quota for harvesting poles. As Abu, another man born into a family that dealt in mangrove poles explained, forest guards were typically bribed Ksh 3000 for cutters to go over the quotas. This has become the norm, even licensed cutting being disrupted by officials soliciting bribes.

Said and Abdulrehman were not alone in expressing frustration with government controls on the mangrove pole trade, and its ultimate demise after the ban. Many others viewed the illegalization of the trade as a purposeful move by the government to impoverish Lamu. Sheikh Abdulkadir, an elderly well-respected Imam and poet in Lamu once succinctly put what many others had told me about the ban. Sitting in his house during Maulidi celebrations, surrounded by a clutter of religious books, pamphlets, and notebooks filled with his own hand-written poetry, the Sheikh told me, “Many people say the ban was a plan to kill the coast, economically. It was planned by upcountry people to finish the coastal area so that we depend on them for everything.”

The circumstances surrounding the ban were shrouded in mystery, rumors abounding about the ban and its logics. In February 1978, the export of mangrove poles was banned by the Forest Department, the orders for the ban originating in President Kenyatta's office. As Curtin (1981) suggests, the circumstances around the ban were controversial. He states, "Some people in Lamu and elsewhere in Kenya believe that the ban was not a wise move to conserve an important natural resource but a scheme designed for the personal gain of those close to the Kenyatta government." (Curtin 1981:30) This ban was lifted in 1981, but then reinstated in 1982, the government again citing concerns about conservation.³⁰ However mangrove poles cutters, businessmen, local scholars, and even environmental activists argued that local knowledge of mangrove forests was more effective in conservation than government rules. They insisted that mangrove forests needed to be pruned, the cutting of old, tall poles allowing for the regeneration and growth of new ones. The local practice of harvesting was a selective one: poles being cut using a based on the length and straightness of the pole, there being no wide-scale harvesting. Instead, the forest was divided into quarters, only certain areas being harvested in a particular year and then being allowed to regenerate. Government claims that the forests were being overcut were widely dismissed by the people of Lamu. *What do people from upcountry know about the mangroves? They are not familiar with the sea nor the forests. How can they make*

³⁰ Government attempts to regulate the mangrove pole trade can be traced to the colonial period. Coastal people have historically viewed mangroves as common property, "a resource free for the taking by anyone with the need or ambition to do so." (Curtin 1981: 25) As Curtin (1981) shows, in the colonial period however, the British government cited concerns about deforestation and over-cutting, and declared mangroves to be crown land. The colonial government then set out to ensure that Crown property would be " 'properly' exploited, which meant initially that they must be profitable to the government." (Curtin 1981:25) To this end, Philip Curtin has suggested that the colonial government granted concessions to private firms, starting with a concession to a British firm, Smith, Mackenzie and Company of Mombasa in 1907. These concession contracts also required concessionaires abide by approved forestry practices. While it is not within the scope of this chapter to examine colonial regulation of the mangrove pole trade and emerging ideologies of conservation and their application, I will take this issue up in a different article using archival materials from the Forest Department of Kenya. Nevertheless, government regulation even after independence clearly drew from colonial logics.

these rules? The people of Lamu questioned the authority of the officials who made these rules arguing that most government officials did not hail from Lamu itself – were not familiar with the unique confluence of land and sea - the Kenyan state itself being representative of a distant “upcountry” landscape of tea plantations and the Rift Valley than the tides and wind patterns of the coast.

Still others believe that the ban was not directed at mangrove poles per se, but a shadow economy that went alongside this business. “Mangroves were the reason [dhows from abroad came to Lamu], but not the business,” Mohammed a former cockswain whispered to me one afternoon. Along with Hamid, who had worked as a porter and Ali, a mangrove cutter, they explained to me that while the dhows that came from the Middle East did so to fulfill the demand for timber, real profits for sailors and cutters lay in *magendo* –the contraband trade in ivory, rhino horns, and leopard skin. Mohammed even believed that the ban on the export of mangrove poles was actually part of a larger national and international effort of putting an end to the illegal trade in ivory, the government being aware of the links between the two. In the next section, I explore the connection between the mangrove pole trade and *magendo* or contraband, arguing that regardless of the reasons for the ban of the mangrove pole trade, since then the people of Lamu have been pushed further into the margins, other forms of *magendo* providing alternate routes of employment.

Savannah and Swamp at Sea: Contraband, Rumors, and Resistance

Animal products of the savannah meet the sea at Lamu. Ivory, rhino horns, and leopard skin were transported alongside mangrove poles, the natural produce of the coast, on dhows docking at Lamu from across the Indian Ocean. While the mangrove poles were visible, “official” cargo, the ivory, rhino horns and leopard skin were hidden below, as contraband smuggled in the dark.

While mangrove pole merchants were able to profitably conduct a trade in the legal mangrove pole trade, wage-earning sailors and cutters were simultaneously engaged in a contraband trade that was more profitable for them, working together with poachers, merchants and agents of these high value goods procured from the mainland. While many of the merchants and agents involved in the contraband trade have moved on – some becoming wealthy businessmen in Mombasa, others long dead - their names linger, rumors of their prowess enlivening many an evening *maskan* or hangout. Those who are still in Lamu speak of their experience in hushed tones, their narrative perhaps exaggerated - or perhaps not. Like most seafarers, Lamu's sailors are full of stories, certain key players in these stories becoming famous in local circles. When asking people about the ivory trade, the name of Naaem Bottlewala came up frequently. Fortunately, he was in Lamu and agreed to meet with me through the efforts of my interlocutor, Said.

Naaem Bottlewala's career as a sailor is etched into his face. His expression is ever alert in the present, but he speaks only of his past travels across the Indian Ocean to Iran, India, the U.A.E, and Oman. Having grown up on ships – both dhows and steam ships – he has the air of the sea, coming from a long line of seafarers. His grandfather was a sailor from the Indian port of Vishakapatnam, seafaring bringing him to Lamu in the 1940s. His father left the family profession to become a businessman in Mombasa, but Naaem grew up in Lamu, running away from school to join a dhow as a crew member when he was a teenager. When the dhow trade began to decline, he got certified to work as a seaman on board container ships, his own life history reflecting the transformations in shipping and maritime commerce.

Like most sailors, he has many stories of his time at sea. However, the ones he likes best are those of his youth onboard dhows. He was visibly moved, and yet, overwhelmed as he attempted

to recall these memories, the details remaining vague, and difficult to remember. These were the stories of contraband ivory, leopard skins, rhino horns – animal material poached in the savannah being smuggled by sea. Slowly, he excitedly began to remember details from his youth:

“The dhows would load the mangrove poles during the day. But at night especially between two and four in the morning, when it was dark, we would take other cargo – pembe [rhino horns], ivory, and leopard skins. We would hide them under water tanks and under the piles of mangrove poles. Other times, smaller boats would take the ivory to the zinyka [sand banks] and we would go there at night and pick up the cargo. I was young, so I don’t remember well, but we needed money for diesel. There was not much profit in mangrove poles. This is how we made money. This ivory was very expensive in places like China, but we would just take them to the Gulf.”

He explained that for sailors, there was not much profit in simply transporting mangrove poles. In order to have enough cash flow to buy the goods of the Middle East and India that were so much in demand in East Africa such as coffee jugs, dates, perfumes like *oudi* [frankincense], silver jewelry, carpets and textiles, they needed to smuggle high price luxury goods such as ivory, rhino horns, leopard skins and *ambari* [ambergris]. This is where they stood to earn profits.

Mohamed, a former cockswain and now Chairman of the Lamu Tour Guide Association recalls working with Themami, a famous ivory merchant, who along with Ali Kaka, an Irani ship owner and Fumo, a local agent, were renown for their many escapades and long careers in smuggling ivory or *pembe*. Mohamed explained that seafarers such as himself, who had worked as mangrove cutters earned perhaps about 20 shillings per koriya of mangroves, spending a week long in the difficult forest terrain. While this was adequate at the time, they stood to earn much more transporting ivory, an attitude of “Kuleni Matunda ya Kenya” [we should all eat the fruits of Kenya] prevailing, especially under the government of Jomo Kenyatta, whose own family was involved in the ivory trade, albeit through a different network that did not go through Lamu or its

maritime connections. During this time, government involvement in illicit trade was rumored not only among the lower echelons of the state, but the very top. Mohamed also explained to me that during President Kenyatta's rule from 1964-1978, the ivory trade flourished. Rumor had it that Kenyatta's wife, Ngina Kenyatta, popularly known as Mama Ngina, was heavily involved in ivory smuggling herself, although she used airplanes to transport this ivory, rather than dhows or ships. Subsequently, President Moi (1978-2002), along with Dr. Richard Leakey, the director of the Kenya Wildlife Service, cracked down on poaching and ivory smuggling, most famously setting fire to a twenty-foot pile of illegal ivory in 1989.

Rumors and stories of political intrigue, corruption, and conspiracy around *magendo* abound. Mohammed recalled that when dhows would arrive at Lamu, customs officers and *askaris* or police would board the ship, some even assigned to stay on board overnight to deter smuggling. However, these guards would be involved in the network, low government wages being supplemented by bribes. "It is a big story, do you want me to tell you?" Mohamed teased, enjoying his audience's attention. "Yes, please tell us," I urged him on. Starting in a low voice, Mohamed said, "Once when Ali Kaka had come to Lamu with a big ship, the government in Mombasa got information [that there was contraband on board] and they asked him to come to Mombasa for security checks." He explained that the police had escorted the ship all the way to Mombasa where the mangrove poles that had already been loaded for the season were unloaded and searched for contraband. Rumor had it that the contraband ivory was indeed found, but Ali Kaka "made it disappear" by bribing the officer in charge. However, his escapade did not end there. He reportedly made an official complaint for damages caused by the delay and received compensation for the losses caused by the delays. Mohamed chuckled at the story, and the audacity that Ali Kaka had in not only getting away but also receiving compensation from a

corrupt government.

Whether this story is true or false is irrelevant. Just as in chapter 3, where I argue that the truthfulness of rumor is less telling than the ways in which rumors capture the anxieties of specific places in uncertain times, stories such as the one above are relevant not because of their truthfulness but because they are telling of the larger dynamics of the relationship between the people of Lamu and the state. This story that celebrates the escapade of the clever, cunning smuggler who outwitted state authorities can be interpreted as a type of resistance against the state. People such as Mohamed tell this story to highlight the ways in which the state's regulatory regime is experienced as oppressive, and even viewed as illegitimate by traders and sailors. Ali Kaka's maneuvers are therefore seen as a successful negotiation of regulatory practices, and as a resistance against the state. However, the binary between state and smuggler is not a clear one, as the corrupt practices of low-level officials such as *askaris* is crucial to both, the procurement and movement of contraband, the state being imbricated in these practices through the actions of the corrupt official. The separation between smuggler and the state is therefore blurred, both depending on each other in certain moments, as state officials are a crucial part of these networks. Just as the brokers who move between legitimate and unofficial status, these *askaris* operate in both official and unofficial capacities, forms of personal and state authority being viewed as legitimate by participants in the trade.

Hussein, an ethnic Boni from the mainland near Kiunga, made this link more clear. A policeman until 1988, after which he became a local politician at the local council level, Hussein was familiar with the ways in which poachers functioned and government reactions to them. While he was hesitant implicating himself in this trade, he confessed that while he was a policeman, he would work with poachers, setting traps for animals. After processing the skin,

horns or ivory, the contraband would be hidden underground until it was safe to be transported to the coast and loaded on to ships under cover of dark. The volumes of this trade were much higher under Kenyatta's time, Moi subsequently cracking down on the trade. Many arrests were made during his time, Hussein specifically remembering a time when he intercepted poachers hiding ivory on the mainland, those arrested being sent to prison at Garissa. He therefore switched between the role of poacher and regulator, exercising the sovereignty of the state on some occasions and his own personal authority in others (see also chapter 3 for a discussion of the pluralization of regulatory authority and corruption).

Mangrove cutters recall similar stories of *magendo*. Mzee Ahmed had cut mangrove poles for over forty years. Over the years, he had spent many weeks out in the mangrove forests in Kiwayuu, Vumbe, Chongoni and Magogoni, near the site of the LAPSETT project. Each of these trips lasted about five days, where the crew hoped to harvesting poles in high tide, when the work was easier, the water helping them load heavy poles on to the dhows. At night they would rest beside the long poles they had harvested during the day, sleeping logs bobbing up and down with the tide. For each trip they would bring back thirty-five korijas, every korija being worth Khs 1200 in 2011. However, like many mangrove cutters of his time, he recalls earning much more transporting ivory from the mainland to the dhows and ships docked at Lamu than cutting and transporting mangrove poles. Yet, even with ivory he complained that the middle man was the one who gained the most, jahazi captains and crews being the ones taking the biggest risk in transporting the contraband in open waters. Coming from Ndau, an island of mangrove cutters and seafarers, he complained, "We, the people of Ndau have been working for rich people." In his own lifetime, he has seen three major commodities being traded – mangrove poles, contraband consisting of ivory, leopard skin, rhino horns, and now: drugs. "When the

government stopped the trade in ivory, people started bringing *unga* [literally, flour in Kiswahili but also the street name for heroin] from Pakistan and India. What else can they do?" He questioned, arguing that the lack of any other opportunities had led to a burgeoning trade in drugs.

The experience of mangrove cutters and sailors in Lamu echo that of dhow sailors from India as seen in chapter 1. Prior to liberalization in 1991, dhow sailors and owners in India were engaged in the legitimate, protected trade in dates, some sailors simultaneously conducting an illicit trade in gold, until regulatory changes after 1991 pushed them into the shadow economy and the trade in charcoal from Somalia. In the case of Lamu, sailors were employed in both, the trade in mangrove poles and contraband ivory. Following regulatory changes during Moi's rule, some sailors maneuvered these shifts by participating in the illegal, and illicit drug trade. In both cases, merchants and dhow owners were able to maneuver regulatory shifts by diversifying their businesses while wage-earning sailors became involved in the shadow economy. In both cases, the memory of Indian Ocean trade served to legitimize their participation in the shadow economy, this new, illegalized form of trade being seen as part of this longer trajectory of Indian Ocean trade that was now under threat as states sought to exercise greater control over maritime commerce. In Lamu, more so than in India however, this participation in the shadow economy seems to be seen as a resistance to the state, especially as the Kenyan state is increasingly viewed as illegitimate and oppressive. It is to this conflict between the Kenyan state and the people of the coast that we now turn.

A Political Performance in a Moment of Danger

The usually quiet town of Lamu was abuzz. It was February 2012 and Raila Odinga, the Prime Minister of Kenya, was rumored to visit the island on a surprise visit prior to the groundbreaking

for the ambitious LAPSETT port project at Magogoni, in the Lamu archipelago. The town had barely recovered from its annual Maulidi³¹ celebrations, and already, tempers were flying, the religious fervor and excitement of Maulidi now being channeled to a rather grave, secular development of national and international proportions. *Would Raila actually visit the town of Lamu? Would he address the people? When was the groundbreaking for the port actually scheduled?* The questions that had filled the town that humid, hot summer were finally answered. On February 21, 2012, residents found out that Raila would address the townsfolk in the square that very afternoon.

The Lamu Fort – once occupied by the armies of the Sultan of Zanzibar and then the British – which now housed the town’s library, meeting space, museum and wedding hall, had once again been transformed to suit the community’s needs. The foyer and steps of the Fort at the center of the town square became the stage upon which this political performance began to unfold. Banners of Odinga’s political party, the Orange Democratic Movement (ODM) drooped over the *kofias* and *buibuis* of the crowd as groups of local youth untiringly held up posters that read, “No land matters, No port.” Crowds of men, women and children gathered in the square below, anxiously awaiting Odinga’s arrival. *Would Raila address the longstanding issues of insecure land tenure policy in the Lamu?*

The sound of beating drums hushed the crowds as dancers rushed into the town square,

³¹ A four-day long religious festival commemorating the Prophet’s birthday that included not only recitations of qasidas and other religious rituals around the Riyadhha Mosque – the center for the followers of Habib Swaleh, a Sufi saint of Yemeni origin - but also cultural events. Local youth competed in competitions such as dhow racing, swimming, pole climbing, and diving – the island’s maritime skill being showcased alongside more land-based events such as dancing, henna painting and donkey-races. Even after the celebrations were over, some of the pilgrims who visited the island from East Africa, Oman, Yemen, Iran, Malaysia, India, the UK and elsewhere, milled about the town’s narrow alleyways, dodging donkey dung as they navigated the streets where only pedestrians and donkeys could venture – no cars being unable to pass through the town at all.

waving tree branches and cheering loudly as the crowd was forced to part and make room for them. The beating of drums, the dancer's loud cheers, and energetic stomping reverberated in the square, giving it a sense of hollow celebration that failed to move the skeptical crowd on that sultry February afternoon. The dancing and music died down as Raila Odinga and his coterie of ministers - Christopher Obure, the Minister of Public Works, Otieno Kajwang, Minister of Immigration, Amos Kimunya, Minister of Transport, Franklin Bett of the Ministry of Roads, James Orengo, Minister of Land, Paul Otuoma, Minister of Sports, Kiraitu Murungi, Minister of Energy and Njeru Githae of the Ministry of Metropolitan Development – entered the stage. A member of the Kenyan Cabinet Sub-committee on Infrastructure, the emcee for the event, introduced the speakers and proudly proclaimed that in the past few days, over 1200 title deeds had been issued to people in the island of Siyu. He reassured the crowd that the issuance of title deeds would continue through the next few days, even though the main purpose of the ministers' visit was to survey the port site. Speeches by the ministers followed. Each speech was clearly part of a well-formulated public relations strategy that sought to sell the people of Lamu a hope for future prosperity, the ministers promising that the port would bring employment, land security, education, commerce, industry and a plethora of visitors to the hitherto economically sidelined archipelago.

Raila Odinga himself however, folded this public relations strategy of future of prosperity into Lamu's past. As Kenya's Prime Minister took the stage, signature beret on his head, he appealed to Lamu's sense of history. "Lamu is an indispensable part of Kenya!" Odinga declared cheerfully, his charismatic on-stage persona evident as soon as he took the stage. "The language of Kiswahili has its origins here – it began in Pate [an island in the Lamu archipelago]," he reminded his audience. Listing the dialects of Kiswahili as spoken in different parts of the

Swahili coast from Lamu to Zanzibar and Tanga, beyond Kenya's boundaries, he harkened back to a time when the Swahili coast was not divided by the political borders of Kenya and Tanzania. Simultaneously, he firmly placed this pre-colonial past within the genealogy of the Kenyan nation-state by insinuating that since the country's national language - Kiswahili - was born here, Lamu itself was an integral part of Kenya. "Lamu is very important for the history of Kenya. So naturally, where should the country's largest port go?" He threw the question at the audience, drums and cheers of paid audience members giving a resounding answer: "Lamu!" Raila confirmed this verdict, "Despite looking far and wide for a site, the government, with God's grace, has decided on Lamu." He attempted to convince the audience that this divine decision was to be beneficial to Lamu.

"The port will bring great prosperity and wealth to Lamu! Look at Dubai – there is nothing there other than the port. The city is dependent on its port, its legendary shops and malls bringing people from all over the world. But nothing is made in Dubai – they are wealthy because of the port." The example of Dubai held particular weight, as many people of Lamu had relatives working as migrant laborers in the U.A.E, bringing home stories of wealth and grandeur, investing their savings typically in land in Kenya. Odinga proclaimed, "Lamu will become like Dubai! Other Africans will come here instead of Dubai! There will be a rail from here through Isiolo up to Addis Ababa. Lamu will supply oil from South Sudan." The illusion of Dubai's wealth refracted into Lamu was complete – here too would be a port, shops, an airport, tourists, visitors and workers – Lamu would be transformed from once wealthy city, now in decay, to the prosperous new African port city fueled by Sudanese oil. However, Raila was aware that the illusion of transformation would not be complete without addressing the issue of land ownership.

Wapwani have long complained that many residents of the archipelago, especially those

outside the boundaries of Lamu town, did not actually have title deeds for their land. The lack of title deeds meant that these people were legally classified as squatters on land that their parents and grand parents had inhabited. The process of applying for title deeds in the post-colonial era was notoriously difficult and rife with corruption. However, Raila Odinga promised his audience that the process would become easier – they would no longer have to furnish the names and birth certificates of their fathers and grandfathers and great-grandfathers to procure a title deed. Just the names of their parents would suffice. “Ever since Independence, Lamu has suffered. But no more - it will not be business as usual. Things will change now.” Odinga left the stage, the drums and dancers trailing behind him. The show was over as quickly as it began.

The audience lingered long after this political performance. The hollow cheers that had filled the square just a few minutes ago were replaced by highly charged reactions. *“Anadanganya watu” He is simply fooling people. Mombasa has a port. It is not like Dubai. This is insulting.* The word “danganya” – to fool or dupe – came up consistently as I talked to local activists and community members about their reactions to Raila’s address. They were insulted at his assumption that they were gullible enough to believe that the LAPSETT project would transform Lamu into Dubai. They insisted that comparisons should be made with Mombasa instead, familiar with Kenya’s main port city further down the coast. *Who gets jobs at the Mombasa port. People from upcountry, not us. What has become of Mombasa? Has it ever been a Dubai? Why would Lamu be any different?*

Residents of Lamu are unequivocally concerned about the repercussions of the LAPSETT project. They believe the port will lead to further land tenure insecurity, an influx of migrants from “upcountry” not only leading to more land grabbing but also tilting the demographics of the archipelago, crucial in terms of thinking about the electoral process in country where ethnic

politics and nepotism shape results. Furthermore, the fear is that given the fewer education opportunities afforded to the youth of Lamu, jobs are likely to go to skilled migrants. Lastly, they fear the environmental and social impact of the port, understanding that a project of such a large scale is likely to change the delicate ecosystem of the mangroves that surround the archipelago and affect Lamu's local culture. Given their deep mistrust of the Kenyan state, local residents, activists, scholars, clerics and even politicians, believed that unless they took some action, the port could only lead to the further marginalization of Lamu— economically, politically and socially.

While several local activists and groups were actively protesting the project, the organization “Save Lamu” emerged at the forefront of these protests. Its Chairman, Maalim Mohamed Ali Baadi along with eight other petitioners, including scholar Dr. Abdalla Bujra, filed a case to place an injunction on the port, arguing that the process by which the port was being built violated the constitution along five major fault lines: environmental impacts, community participation, access to information, social impacts and land tenure insecurity. The case had been filed by Maalim Baadi, Bujra, and others in Nairobi in 2011. They had been given a date for the hearing at the Malindi High Court for February 8th, 2012. However, on the appointed date, they were turned away by the court as the authorities claimed that there were no records of a case being filed. There was a furious uproar among the people. However, Maalim Baadi and Abdalla Bujra were not surprised; they fully understood that court cases, legal papers, and archival records often went “missing” in difficult times, even the mere potential for subversion being nipped by the sleight of a bureaucratic hand.

Despite the legal system having already failed them, Bujra, Maalim Baadi and other activists continued to place their hope in peaceful, legal forms of protest, following up with

authorities in Nairobi. As Maalim explained, the government's actions were unconstitutional, going against several clauses of the new constitution ratified in 2010. He believed that these unconstitutional acts by the government should be of concern not only to people of Lamu or the Coast, but the entire country. Thus, Maalim Mohamed Ali Baadi and other petitioners couched their grievances in terms of constitutional violations, looking to a juridical process that they did not have much belief in, but recognized it to be the only forum to which they can appeal. They hoped that this would bring attention to their cause, and raise awareness about the issues at stake. Save Lamu sought publicity for the cause through press releases, social media such as Facebook and Twitter and a website: www.savelamu.org.³²

³² As outlined on the website www.savelamu.org the case is built around the following:

1. Environmental Impacts: The petitioners demand for an Environmental Impact Assessment report to be undertaken by independent authorities. The lack of this report and the presumed impact on both marine and terrestrial life on the archipelago is viewed as a violation of Article 42 of the Constitution that states, "every person has the right to a clean and healthy environment."
2. Community Participation: Save Lamu refers to Section III (17.1) the Environmental Act (EMCA) of 1999 that states: "during the process of conducting an environmental impact assessment study under these regulations, the proponent shall in consultation with the Authority, seek views of persons who may be affected by the project." (<http://www.savelamu.org/issues/lamu-port/>) This regulation, in combination with Article 69 of the constitution that seeks to ensure the state's responsibility to sustainable environmental practices in consultation with local communities, is viewed as being violated as not only has no Environmental Assessment Report been undertaken, but the local communities have not been consulted or addressed other than a brief "sensitization" meeting with stakeholders.
3. Access to Information: The organization complains that the entire project has been shrouded in secrecy. There has been no transparency about the feasibility, impact and fiscal implications of the project, information being restricted to the Provincial and Central Administration and certain key community leaders. This is viewed as unconstitutional as per Article 35 that states that every citizen has the right of access to information held by the State.
4. Social Impacts: The town of Lamu is a designated UNESCO World Heritage Site, the indigenous population (identified here as Bajun, Orma, Sanye and Aweer) being economically and socially marginalized in the national context. Activists argue that the project would lead to an influx of people from elsewhere in the country, threatening the "bio-culture" of the region, in violation of Article 11 of the constitution that emphasizes the importance of promoting cultural expression and ensuring communities receive compensation for use of their cultural heritage. In addition, they also view the project as violating Article 44 that safeguards language and cultural practices, these being viewed as threatened by the large influx of other communities into the area.
5. Land Tenure Insecurity: In January 2012, the Government of Kenya (GOK) took over farms in the Kililana area to prepare for the port site without informing, compensating or relocating the communities affected. Save Lamu suggests that the incident is emblematic of a larger issue over land tenure insecurity in the archipelago, where much of the land is designated as Government owned, even though indigenous

Apart from concerns about constitutional violations, Maalim Baadi explained to me that the injunction being sought on the port had its roots in deep-seated issues about land and coastal sovereignty and the Kenyan nation-state. “First, the sentiments are almost like the MRC, first and foremost,” he said, referring to the secessionist movement on the coast that sought to secede on the basis of historical injustices faced by the people of the coast at the hands of the Kenyan state. “Secondly, the sentiments are about land,” he said explaining that the “indigenous” tribes of Lamu, whom he identified as Bajunis, Oroma, Aweri, Sanye, Kore, Pokomos, Mijikendas and Somalis, were all squatters, not owning title deeds to their lands. Lamu was indeed notorious for this issue as outside of Stone Town, much of the land had been classified as government owned, people living and working the land not having access to title deeds.³³ As Maalim put it:

“Now all these indigenous tribes don’t even have legal title deeds, even a piece of paper from the sub chief officer of the location showing that “this house I live in is mine” “this farm I get my livelihood is mine,” whereas the Kikuyus have come only in 1974 were issued with title deeds by President Kibaki in 2006 in Witu. And only a handful of indigenous got title deeds during that exercise of Kibaki. Almost 99% of title deeds went to Kikuyus in these 5 settlement schemes. So it is about the land issue. These 5 settlement schemes out of the total population that was censused, that was done in 2009, the results came out in 2010, the entire county has a population of 101,000, out of that 101,000, the settlers who are in these settlement schemes are 40,000; indigenous tribes together are only about 60,000. That 40,000 has come as a result of 5 settlement schemes which were started in 1974 up to 2012. Now these 40,000 have got title deeds, all of them. These 60,000 indigenous who have the history of being in Lamu for the last 2,000 years ago are perpetual squatters. Permanent, perpetual squatters. Marginalized by the government, segregated by the government officially. Is that fair constitutionally? That’s my point number one for going to the court. If the government could have had the courage to give the 40,000 new settlers in Lamu county 40,000 title deeds, why not the indigenous 60,000? The port should not be built until these 60,000 who are permanent squatters and they are equal Kenyans, with longer history in Kenya than the rest of Kenyans, they must, adjudication must be done and they must, they should own their pieces of land, before they construct the port.”

communities claim the land and have been living and working off it for many years. The issue of landownership and the lack of access to title deeds is worrisome in the context of the large port project, the petitioners demanding a clear boundary for the port project to protect local interests in the already sensitive issue of land ownership. The port threatens to violate Article 61 through 63 of the Constitution that seek to provide equitable land ownership as well as safeguard both public land and community land.

³³ See Romero (1997) on land tenure insecurity in Lamu since the colonial period.

Maalim Baadi's comment suggests broader tropes in arguments made in Lamu against the port – the first is that the nepotism and “tribalism” that has allowed for Kikuyus to receive title deeds as opposed to other inhabitants of Lamu will translate into jobs and benefits of the port going to people from “upcountry,” the new opportunities created by the port leading to an influx of migrants into Lamu county. People of Lamu often looked at Mombasa as an example, citing the visibility of “upcountry” folk in important jobs and positions at the Kilindini Port in Mombasa, people from the coast itself usually being employed in unskilled, manual labor positions.

Wapwani believed that part of the problem was that the schools for training were located not in Mombasa, but upcountry in Nairobi, residents of the coast needing the resources to move to Nairobi for education. Second, Maalim's discussion of the settlement schemes in which Kikuyus from the Rift valley region of Kenya were “resettled” in the Lamu district, especially in places such as Mpeketoni, reflected many views about how resources were directed to towns populated by Kikuyus rather than other parts of the district. The recent attacks of June 15, 2014 in which gunmen linked to Al-Shabaab shot 48 people in the town, brought some of these issues to the fore, government and media even accusing MRC for the attacks, or suspecting a link between the MRC and Al-Shabaab. Mpeketoni is one of the few towns in the district with a majority Kikuyu population, and media assumed that the attacks may have been a response to resentments over land ownership in the town (See Nyassy 2014). While reasons for the attacks and the links between Al-Shabaab and MRC remain unfounded, the larger tensions around land tenure insecurity remain a concern for both, the MRC and Save Lamu.

While embroiled in the politics of the present, Save Lamu and Maalim Baadi's sentiments about present inequalities and tensions also engaged with ideas about the past. Maalim Baadi's comment about Save Lamu's sentiments being like that of the MRC gesture to a historical

imaginary of political legitimacy that goes beyond, and even predates the Kenyan state. By invoking the MRC, Maalim Baadi placed current tensions between state and civil society within a historical imaginary that questions the foundations of the state and as I will argue, refuses to forget a pre-national past. Individuals such as Maalim Baadi and groups such as the MRC maneuver and react to present transformations within the imagined community of Kenya by invoking a different imaginary of belonging, remembering a coastal nationalism that is shaped by the coast's long history of trade and social relations across the Indian Ocean, rather than one moored to the Kenyan nation-state.

Thus, despite Raila's attempts to project Lamu's glorious past into an even more successful future moored to the nation-state, wapwani remembered a different past – one that is inured by the disappointments of post-colonial Kenya, economic, political and social marginalization of the coast – not just Lamu – coloring their perspectives on the port project. Issues of contentious land ownership, unemployment, a crumbling infrastructure, nepotism in the government, and fears of a further loss of Swahili (and Muslim) identity haunted residents. In the face of loss, wapwani turned to the past, a particular historical, pre-national narrative being harnessed to imagine a different future for Lamu than the one being sold by the government. In the context of the coast's increased social and economic marginalization as well as ongoing struggles over land ownership and insecurity, several civil-society organizations, such as Save Lamu, have emerged and continuously negotiate with the state in courts, police stations, and in everyday life. However, even Save Lamu looks to the MRC in its unique stance on secession of the coast and the historical arguments used to justify its aims for coastal independence. Thus, not only is the MRC's call for secession the most radical way in which dissent against the state is being expressed on the Swahili coast, but its historical arguments threaten the very roots of Kenyan

statehood.

Mombasa Republican Council: Mwambao in a Moment of Danger

“We, the Coast people are not concerned with the Kenya constitution; the Coast Region (Mombasa) has a separate legal status as a protectorate.

The country, Mombasa which extends from the Indian Ocean to Sultan Hamud, from Lungalunga to Kismayu and owned by natives, namely; the Mijikendas, Taitas, Pokomos, Bajunis, Arabs, Hindus, and other coastal tribes, has suffered a lot since 1963.

Remembering the time after signing of the agreement on 8th October 1963, which placed Mombasa (known as the Coast province) under Kenya’s protection, this country (Mombasa) has become a field of Kenyans looting our wealth.

DEMAND

The original communities as named above are now demanding their colonial masters, Kenyans;

1. To repeal the 8/10/1963 Agreement cmnd 2161
2. Remove their administration
3. To grant our independence”

- Mombasa Republican Council (MRC) Manifesto (n.d:2)

In the course of my sixteen months of research in Kenya, a social movement was brewing along the coast, threatening to uproot the foundations of the state itself. When I first arrived in Mombasa in April 2011, there were hushed whispers about a group of people in the city who were looking for coastal independence. By October 2011, the whispers turned into loud chatter, copies of the Mombasa Republican Council Manifesto wrapped in newspaper being surreptitiously passed around in *maskans*, men and women along the coast gossiping about the movement, being sympathetic to its ideology but disbelieving of the viability of its plans. By February 2012, the MRC had become national news, English language newspapers questioning the legitimacy of its claims³⁴, while local Swahili newspapers outlined its ideologies and

³⁴ For instance, the *Daily Nation* reported that the MRC’s claim to coastal independence after fifty years of incorporation in to Kenya was unfounded as the agreement signed on October 8, 1963 by which the Sultan of Zanzibar’s coastal dominions were transferred to Kenya did not have any provisions for future independence (Agutu 2012).

arguments³⁵. Despite (or perhaps *because* of) its illegal status, MRC's visibility grew, angry graffiti proclaiming "MRC Pwani si Kenya" or "MRC The coast is not Kenya" covering walls in Mombasa and Lamu. Residents of both towns had become more vocal in their sympathy for the MRC, and the group emerged from the shadows to become a movement that was quickly gaining support all over the coast, from Lamu to the south.

Despite MRC's popularity, the basic understandings and definitions of the group were highly contested in the national context. The Kenyan government and English language media interchangeably labeled it as an "illegal organized criminal group," "gang," and even "militia," the group having been banned in 2008, despite a Kenyan court dismissing charges of it being an armed gang (Goldsmith 2011). By 2015, the group had been proclaimed a terrorist organization by the state of Kenya, listed alongside Al-Shabaab, Al-Qaida, Boko Haram and ISIS. The official narrative of MRC being an "armed gang," "militia," or "terrorist group" is simply unfounded. This is not least because the MRC itself is highly underfunded. A recent study indicates that the dues paid by members are range from 1000 Khs. for life membership, 500 khs for ordinary members and 200 khs for self-enrolled members. Despite the low cost, formal membership is poor, their funding coming primarily from voluntary contributions (Goldsmith 2011: 25). However, they have a large support base (consisting typically of the lower strata of the coastal population with limited economic means), most residents of the coast being sympathetic to their grievances and supportive of their larger goals.

In contrast to official narratives, members and leaders of the MRC insist that it be understood as a social movement – not a political party, terrorist organization, gang, or even non-governmental organization. For instance, Omar Bambam, the Mombasa Island Chairman and

³⁵ The Kiswahili newspaper *Pambazuko* published on the coast had regular front page articles about the group throughout the year in which they debated the claims being made and the kinds of actions MRC was willing to take (Pambazuko 2012).

National Treasurer of the MRC defined it as a “revolutionary group,” representing all coastal people, seeking freedom for the coast “by any means necessary.” However, he emphasized that they used only peaceful means and were opposed to any violence or “fugo,” the courts being their main battleground, as they based their grounds for secession within historical and legal arguments about the status of the coast, both in the colonial and post-colonial periods.

The MRC’s actions and underlying logics mapped historical arguments about the legitimacy of the coast’s incorporation into the Kenyan state onto present day concerns. In 2011, the group pronounced the upcoming elections as illegitimate on the coast, even burning voter registration cards in protest. This boycott was especially alarming for the central government in Nairobi that was preparing for the approaching election,³⁶ as it had the potential to bring into question the unity of the nation and the validity of an already controversial election. As Mama Aisha, a women’s representative of the MRC from Kisauni neighborhood of Mombasa explained, “we do not want elections here on the coast. The elections are not for us, others from upcountry can vote. But we will not.” Mama Aisha and the MRC’s boycott was not only in protest of recent inequalities and dichotomies between coast and inland, but were situated within historical arguments about the legitimacy of the coast’s incorporation into the Kenya.

Questioning the historical and legal validity of the Kenyan state, in 2010, the MRC wrote a letter to Queen Elizabeth II outlining their grievances. The letter denounced the agreements of 1963 and 1895 (see introduction) that led to the coast becoming a part of Kenya and argued instead that the coast was a separate country from Kenya based on the Zanzibar Protectorate agreement of 1890 (Willis and Goma 2012: 62-63). Further, as quoted in the Manifesto above,

³⁶ Elections were to be held in August or December 2012. However, on 28th December 2012, the date was set for March 4, 2013. The confusion around the election dates was particularly fraught as it was the first one after Kenya’s new constitution had been ratified. The mood in the country around these elections was also tense, as it was to be the first election since the post-election violence of 2007.

the MRC considered the agreement of October 5, 1963 through which the coast became a part of Kenya (see introduction), valid only for fifty years. They argued that after the fifty years, the coast was to become autonomous. While the MRC grounded these claims in particular readings of historical documents and through a discourse of “missing documents” that were purported to support these claims, it is not the purpose of this chapter to disentangle the truth of these claims from their fictions, but instead point to the logics and the imaginaries guiding such claims.

Recent scholarship on the MRC has viewed the movement’s reliance on historical documents and its particular retellings of history as a “challenge to the esoteric knowledge that lies behind state authority, the distribution of which is profoundly inequitable and it asserts a claim to an alternative authoritative knowledge of documents that can remake power.” (Willis and Goma 2012:50) This work also points at the historical retellings and even fictive documents that the MRC has employed in this challenge to state authority, disentangling “truth” from “fiction.” Simultaneously, this article points to the fractured vision of the MRC, couched for some in terms of autochthony, and for others as a vision of an independent multi-ethnic independent coastal nation that derives its legitimacy from the sovereignty of the Sultan of Zanzibar. Justin Willis and George Goma (2012) situate the MRC’s visions for secession within political debates of the late 1950s and early 1960s when it was being debated whether the Ten-Mile coastal strip (see introduction for background) should become a part of Kenya, and whether Kenya should adopt a regionalist constitution in which the independent state of Kenya would be divided into regions with devolved powers, rather than being centralized.

While situating the MRC within this historical trajectory of secessionist and regional politics is useful, a deeper historical view of the MRC and the structural dynamics that have led to its rise suggest that the MRC can be viewed as having an alternative vision of the coast as a region

historically shaped by the Indian Ocean – the very source of its multi-ethnic, predominantly Muslim, cosmopolitan population, and its distinctiveness from “upcountry.” This interpretation of the popularity of the MRC suggests that there is still a desire for coastal residents to imagine political legitimacy and belonging along a historical narrative that remembers this Indian Ocean past, and the distinctive identity that it has wrought. This turn to a coastal nationalism that refuses to forget this belonging to an Indian Ocean world can perhaps be seen as another way in which coastal residents maneuver and respond to marginalization in the present.

In this section, I argue that while MRC’s grievances against the state gesture to the larger failures of independence and arise out of increased economic and social marginalization of the coast, the logic underlining the MRC has a longer genealogy, and is rooted in complex, contested notions about sovereignty in East Africa in particular and the Indian Ocean littoral more generally. The popularity of the MRC in the contemporary moment must not only be understood alongside the history of coastal nationalism or the *mwambao* movement that emerged prior to Kenyan independence, which similarly used a historical argument about the legal status of the coast to claim its autonomy, but also speak to a longer history of layered sovereignty on the coast. As James Brennan (2008) suggests, *mwambao* must not be seen just as “a small flash in the regional pan of racial and religious politics, but as part of an extended struggle over the meaning of sovereignty.” (Brennan 2008: 832) Simultaneously, however, the rationale of the MRC can also be understood as an effort to maneuver current inequalities and state practices by imagining alternate forms of belonging for people of the coast – one premised on an Indian Ocean past – operating on the basis of a layered sovereignty that was prevalent on the coast and the wider Indian Ocean world prior to the rise of nation-states.

The Persistence of Indian Ocean Imaginaries: Political Legitimacy Beyond the State

Omar Bambam, the Mombasa Island Chairman and National Treasurer of the MRC does not go anywhere alone. “Anything can happen to us. So wherever we go, we go together, in a group,” he said as he arrived for our interview along with six other members of MRC. A native of Lamu, Omar introduced me to the other representatives, emphasizing the fact that they were all of different ethnic groups and even religions. “Our group is inclusive of all ethnicities and religions of the coast – Mijikendas, Swahilis, Arabs, Bajunis, Asians, Muslims and Christians even. We are all united.” He also emphasized that he, like many other members of the group, was the product of inter-marriage, claiming to be of Arab, African, and Indian heritage. This ethnically diverse make-up also translated in religious terms. Bambam emphasized that the MRC should not be viewed as a religious group that simply recruited from mosques, but emphasized that Christian members were just as important, many of the meetings, especially in the south coast being held in churches. These different ethnic groups and religions represented in the membership and leadership of the MRC were held together by a common ideology. As Bambam explained:

“The coast has been suffering since independence. Our land, our wealth, everything has been snatched away. In the fifteenth century the Portuguese came to the Swahili coast. Our ancestors fought them, seeking military assistance from Oman. In the sixteenth century, Oman agreed to send forces to help us and we were able to get rid of the Portuguese, but then came under Omani protection, paying taxes to Sultan, based in Zanzibar. Then in 1895, when the British began to colonize Africa, they made an agreement with the Sultan of Zanzibar whereby the entire coast became a Protectorate of the British. This agreement was to last only fifty years. But then in the 1920s, this agreement was renewed. But, in 1963, when the Kenya Colony achieved independence, the people of the coast made an agreement with Kenya. This agreement made on October 8 consisted of several conditions that were to be met for the coast to become and remain a part of Kenya. The first condition was that starting from the PC to the Village Elder, every administrative office should be held by someone from the coast. The second was the education, from school up to University should be provided (check this). Third, land on the coast should be owned by people of the coast. Fourth, 75% of all jobs on the coast should be available for people of the coast. Fifth, the Kadhi court should exist. All of these conditions have not been met properly. From 1963 until the present, we people of the coast have been suffering.”

Thus, while the MRC’s push for secession is grounded in the economic realities of the coast

in the present, its argument is couched in terms of the past. In his comment above, Omar Bambam referred to the agreement of October 8, 1963, where the incorporation of the coast into Kenya was recommended so long as a certain amount of coastal autonomy was preserved, and issues that coastal leaders brought up during the meetings at Lancaster House were addressed. Citing the failure of the Kenyan state to meet these requirements, Bambam framed these grievances within a deeper historical view, referring to the history of autonomous city-states and periods of Omani and British imperialism and colonialism. By harkening back to this past, Bambam was gesturing to a history of layered sovereignty on the coast, one in which it was first ruled by a council of elders in the era of autonomous city-states, and later, the empires of Oman and Britain, both of which relied on local elders and government officials to rule. Questions about the meaning of sovereignty therefore lie at the heart of these issues and the ways in which Bambam and the MRC more generally, look to the past in the present.

Yet, while the MRC looks to this history of layered sovereignty, its form and organization is increasingly viewed as suspicious by the state. While the *mwambao* movements at the end of the colonial era were viewed as legitimate and were argued through political parties,³⁷ the MRC now has an amorphous legal standing. Unlike a previous history of *mwambao* that had organized political form, in the contemporary moment, coastal nationalism is seen as a threat to the nation-state, the MRC illegalized and finally, stigmatized as a “terrorist organization.” Following the

³⁷ The *mwambao* movement that emerged in 1953 only to be silenced with the coast’s incorporation into the Kenyan state in 1963, sought to protect the coast from being dominated politically, economically and socially by Africans immigrating from upcountry (Brennan 2008). At that point however, the *mwambao* movement was politically organized, although highly fissured. Political parties at the forefront of this movement were the Coast People’s Party led by Mombasa’s Swahilis and Arabs, and the Coastal League, dominated by Arabs and Europeans. Bajuni support for the movement was represented by Shungwaya Freedom Party, while a Malindi resentful of Mombasa emerging as the center for the movement had its own Arab-led party named Kenya Protectorate Nationalist Party (KPNP). Leadership for these parties was weak and support unevenly distributed amongst not just these four major players but smaller parties as well (Brennan 2008). See introduction to dissertation.

attacks at Garissa University College on April 2, 2015, the Kenyan government officially classified the MRC as a terrorist organization alongside groups such as ISIS, Boko Haram, Al-Qaeda, and Al-Shabaab. This move by the state seeks to delegitimize the MRC as a legal political actor, and further pushes it and coastal nationalism more generally, to the margins. Just as in chapter one, where we see the dhow trade illegalized and conflated with terror, similarly, in this case, a coastal nationalism that harkens to notions of Indian Ocean belonging, become defined as illegal, illegitimate, and defined as “terrorism.”

However, even in the face of illegalization and shifting legal definitions and regulations, the MRC continues to look to an Indian Ocean past. It does so by defining itself as representing a cosmopolitan, coastal population that is borne of this past, but also by framing its discontent within a history of autonomous city-states, and Omani and British imperialism. MRC members believe that the Sultan of Zanzibar signed an agreement with the British crown in 1963, where they agreed that the coast would become independent fifty years after its incorporation into the Kenyan state. This document was rumored to be “missing,” some members of the MRC even claiming that it was being held by CIA agents. Rumors about these missing documents allow the MRC to imagine political and social belonging along different lines, circumscribed not by the Kenyan state, but by the memory of a past that predates nationalist narratives. This refusal to forget a pre-national past and imagine it anew, allows the MRC to argue for secession, and resist the Kenyan state through an alternate notion of belonging. The MRC therefore imagines a coastal community that defines itself based on an Indian Ocean past of layered sovereignty, rather than the strict demarcations of national territorial sovereignty. The history of ties across the Indian Ocean therefore remain unforgotten, and are reimagined to forge a new nationalism on the coast.

CODA
THE VOYAGE GOES ON

This dissertation has highlighted the everyday ways in which participants in Indian Ocean trades, and residents of Kenyan port cities maneuver state regulations, whether imperial, colonial or national. Engaging scholarship on shadow economies and sovereignty, I have argued that Indian Ocean trade networks that have historically operated within a field of power in which sovereignty was understood to be shared and layered, are now being reworked in the shadow economy in the face of nation-state sovereignty, which claims to be totalizing and singular. Amidst increased regulation, surveillance, and a climate of suspicion since 9/11, participants in these trades and residents of port cities such as Mombasa and Lamu look to the long history of trade and social relations in the Indian Ocean, establishing social orders and alternative conceptions of belonging that are not anchored in the nation-state. This has led increased insecurity in the region, rumors attempting to makes sense of increased ambiguity and uncertainty. However, even as participants of these trades maneuver state regulations, other forces seem to be at work – U.S. imperialism and corporate power - shifting the terms on which these trade and social relations function. The following coda perhaps offers a glimpse into these other tensions.

In February 2011, there was unusual sighting on the waterfront of Lamu. A long-distance, ocean-going dhow, the MV *Upendo* was docked at the harbor. Dhows of this size had were not a common sight in the town, and residents rushed up to the waterfront, curious about this oddity that appeared to be reminiscent of the past. Yet, as the town was to learn, the *Upendo* was only

there by accident. The *Upendo* had been making its way from Mombasa to Kismayu, when it met with mechanical difficulties. Stranded at sea, it was approached by the Kenyan coast guard, who searched the vessel, suspecting that it was transporting contraband. No contraband was found, but the coast guard asked the captain to dock at Lamu and await further instructions.

I was familiar with the crew of *Upendo*, having seen it docked at the Old Port in Mombasa. A crew member, Fumo, informed me, “We were stranded at a sand bank, and the coast guard came to search us, thinking we were transporting weapons or terrorists. But they found nothing.” The dhow’s presence in Lamu, and the coast guard’s interception were viewed by Fumo and residents of the town as evidence of increased surveillance in the archipelago ever since Al-Shabaab had kidnapped tourists from the vicinity of Lamu earlier that year, sparking Operation Linda Nchi, or Kenya and AMISOM’s armed intervention in Somalia. While the Kenyan government had officially stated that the impetus for Operation Linda Nchi was to protect the state from growing insecurity within its borders, people of Mombasa and Lamu believed otherwise. *It is not Al Shabaab who kidnapped the tourists, but the government itself. They only want an excuse to go to Somalia.* This was a time when Kenyan state sovereignty was under threat, the lines of power and authority at even the national and international level being ambiguous. There were many rumors about US involvement in the Kenyan military offensive in Somalia. *The US government is behind all this. This is their cunning ploy.*

Rumors such as the one above gesture to the complex entanglement of the US and Kenyan governments in counterterrorism efforts that could undermine Kenyan national sovereignty. Ever since the 1998 bombings of US embassies in Nairobi and Dar es Salaam and the “War on Terror,” Africa – and Kenya especially – has become a central site of intervention. US counterterrorism efforts in Africa have taken place through proxy, Kenya being a major ally of

the US, having received funding and training from the US to monitor its Muslim minority on the coast and in parts of Nairobi. Entire government units, such as the Anti-Terrorism Police Unit (ATPU) have been created through US funding and training (Prestholdt 2014). This alliance has also translated in law. In 2002, after a bombing at the Israeli-owned Paradise Hotel near Mombasa and a simultaneous attack on an Israeli airline at the Mombasa airport, the Kenyan government under the leadership of Moi Kibaki introduced the Suppression of Terrorism Bill. This Bill created a special criminal justice system for terror trials, its definition of terrorism being extremely vague (Prestholdt 2014). The Bill was not only modeled on the basis of the U.S. Patriot Act, but produced similar effects, the Muslim minority in Kenya feeling even more marginalized and threatened, leading to many rumors. *Did you hear about the Muslim man who was arrested in Mombasa? There were no reasons for his arrest. He was interrogated by the police and the CIA. And then left somewhere in the bush after they tortured him.*

Muslim residents of the coast were aware of links between the US and Kenyan governments, but were unsure of the exact nature of this relationship, intuiting that there were secrets within this alliance. Ismail, a security agent at the KPA, recalled that sometime in 2003, a training program for security agents of various Kenyan agencies was organized by the US government. This program was to be held over a week, at a five-star hotel near Mombasa. Ismail was excited at the prospect of spending a week in luxury, all expenses paid, and guarded the secret of the workshop carefully. However, rumors about the program reached the media who planned on ambushing the event. Intelligence agencies become aware that the media knew about the program, and eventually cancelled the meeting. This incident not only shows the extent of the links between Kenyan security forces and the US, but also signals the role of secrets, news, and rumor in shaping this security landscape, where the Kenyan state is entangled in indeterminate

ways with the aims and operations of US power in a post 9/11 context.

Secrets and obscurity lie at the heart of sovereign power – whether in the context of nation-states or empires. As Joseph Masco argues, “the modern state form is, in many respects, founded on the assumption of secrecy.” (Masco 2010:454) Invoking Foucault, Masco argues that just as the modern state subjects citizens to surveillance, it simultaneously maintains its own secrets, the logic of the panopticon being a sovereign power that “sees without being seen.” (Masco 2010:454) Further, he argues that ever since World War II, US power has rested on the ability to manage the “public/secret divide through the mobilization of threat,” (Masco 2010: 433) that has become intensified in the context of the “war on terror,” official secrecy being expanded so this secrecy/threat matrix has become a central tool of governmental agency. This has translated also in US policy overseas, the force of US imperial power felt in obscure, invisible ways.

For instance, Engseng Ho (2004) has argued that US imperial power and foreign policy is characterized and represented through invisibility. US military strikes are quick and surgical, military occupation temporary, and the presence of US servicemen is “furtive, their absence fictive.” (Ho 2004: 232) Technologies of surveillance and warfare such as drones make their usually invisible presence felt in swift ways— at once here and then perhaps, gone, at least temporarily. American presence is only really made visible when “someone ‘messes up big time,’ and the military is called in for the duration of a crisis, which by definition is thought exception and short.” (Ho 2004: 232) Unlike the everyday invisibility of US imperial forces, such momentary military action is unusually visible through news reports, the “secret” of US presence becoming public knowledge in a spectacular fashion. These fleeting moments of spectacle however, are few and far in between, and usually preceded by complex covert operations involving surveillance, intelligence, and a network of security agents, informants, and

military bases always on stand-by and high alert.

While news reports may give a clue to the operation of spectacular military action, how can one make sense of more invisible imperial presences? In places like Lamu, and Mombasa, amongst communities and in border spaces viewed as threats, the imperial figure hovers over everyday transactions and exchanges, rumor providing clues to the functioning of an invisible, omnipresent imperial power. In the context of Operation Linda Nchi, rumors about Kenyan state alliances with the US shed light on the ambiguous nature of state and imperial power on the coast of Kenya, the understanding that Kenyan state sovereignty is also subject to a greater authority - US imperialism – gesturing to a form of layered sovereignty not only on a local or national scale, but also perhaps on the international, global scale.

Yet, while dhows and Muslim residents of coastal Kenya have become an object of suspicion in this post 9/11 context, on other shores of the Indian Ocean, lurks another powerful specter – corporate power aligned with the state. In March 2014, I was visiting coastal towns in Kutch, with Amir, the chairman of the All India Mechanized Sailing Vessel Federation. He had taken me to see his family’s first mechanized dhow in the town of Sikka, near Jamnagar. Stills from the past flickered before us as Amir and I stood at the jetty at Hoda Nar creek. Amir explained, “Even until the 1970s, this port was full of *vahans* [dhows]. 20, 30 even 40 of them standing here during the season. All of them belonged to people from Sikka. Now, only two of my family’s vessels remain.” Indeed, amidst the thick sludge of mangrove swamp, and the shallow pools of water that hinted at the sea that lay beyond, stood two dhows. One was currently being repaired to be sold off to a proud ship owner from the Andaman Islands, while the other, the MV Faizal, was docked at this jetty as a precious family relic. “The Faizal was the first mechanized sailing vessel in India. It was my grandfather’s idea to put an engine on a sailing vessel. This vahan will

remain at this jetty forever.” Amir proudly declared. However, Amir knew that his family’s dhow formed just one old sediment of the multiple layers of claims being made to this land, the port and the waters that lay beyond. As we looked out toward the dhow, we could also see mangroves battling the slow construction of a road in their midst, while Reliance Industries³⁸ oil refinery, the largest in the world, towered up behind us, greasily encroaching upon this old dock. Reliance was looking to seize this land upon which both the mangroves and the docks now precariously stood, this other family-owned corporation making quiet in-ways by slowly building raised roads amidst what is actually India’s only National Marine Park.

“This road they are trying to build is illegal. No construction is allowed here, since the port and creek are actually within the limits of the Marine Park. But of course, Reliance has its ways.”

Amir and other townspeople reminded me that the land on which Reliance Industries now stood, had been illegally seized by the government, for Reliance. Even on the road down to the jetty, Reliance had already made its illegal claims – a large fence and signs stating “Property of Reliance,” lined the road, a suspicious watchman standing at the entrance of the jetty. Despite these signs, Amir assured me that the area did not yet belong to Reliance – it in fact belonged to the Marine Park. Despite this, Reliance continued its construction work. A lone worker stood operating a bulldozer amidst the swamp, trying to pave a road even as the tide resisted its construction. Amir went up to him, and convinced him to dredge the silt below his dhow, for free. “Reliance may have its ways, but so do we.” Amir laughed, and encouraged me to surreptitiously take pictures of the illegal construction, whilst pretending to take harmless pictures of the historical MV Faizal. The sun had set behind the dhow, the reflection of crude oil

³⁸ Reliance is one of India’s largest companies, and most profitable. It started as family business, trading textiles, and is now the largest presence in energy, petrochemicals, retail, telecommunications, and natural resources. Its founder was a Gujarati man, Dhirubhai Ambani, who himself worked in Yemen in his early years.

silos glimmering in the pools of water around us. “We will find a way to stay here,” Amir reassured me, smiling, ever hopeful.

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GLOSSARY

Hera-pheri – Chicanery, illegal/illicit trade
Nakhoda, Nahoda - Captain
Thenashara Taifa – Federation of Twelve, a governing authority in Mombasa
Thelatha Taifa – The “Three Towns,” a confederacy part of the Federation of Twelve
Tisa Taifa - The “Nine Towns,” another confederacy part of the Federation of Twelve
Waungwana – Elite, free-born class of elites on the Swahili coast
Wabara – People from “upcountry” Kenya
Wapwani – People from the coast of Kenya
Liwali - Governor
Mwambao – Coastal nationalism
Kusi: Southwest monsoon
Madafu: Coconut
Paan: Betel nut leaf
Supari: Betel nut
Seth: Owner/ boss
Khichdi: Mixed rice and lentil dish
Serang: Foreman
Sud: Sail
Buibui: Burqa, chador, or veil
Kanzu: Long robe worn by men
Niqaab: Veil
Magendo: Contraband
Utenzi: is a form of narrative Swahili poetry used to record major historical events such as wars and heroic deeds. It is a modified form of the *qasida* form in Arabic poetry.
Baraza: Bench
Maskan: A space in which people gather informally
Mkoko: Mangrove poles, Rhizophore Mucronata
Jahazi: A type of sailing vessel or dhow
Korija: A score, the unit in which mangrove poles are counted and exchanged
Boriti: The standard mangrove pole exported with a diameter of 11.5 to 14 cm
Mchuzi: Sauce or gravy
Pilipili hoho: Small red chilies
Achaari: Pickle
Oudi: Frankincense
Ambari: Ambergris
Pembe: Ivory
Askaris: Policemen, guards
Unga: Literally, flour, but also refers to heroin