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The Coast Mining Rights Forum: An Anti-Tiomin or Anti-Titanium Mining Coalition in Kenya?

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This paper examines the opposition to the proposed mining of titanium by a Canadian company (Tiomin) in Kenya. It interrogates the coalitional character of the projects antagonists and inquires into what can specifically be delineated as their driving force. The dilemmas facing this coalition are raised and an inquiry into what they mean for the success and or failure of the coalition is attempted. It is argued that there are contradictions that emerges from an analysis of this coalition which problematizes the character of environmental politics in Kenya.

Tiomin incorporated is a Canadian titanium prospecting company, which has proposed to mine titanium from the Kwale district of Kenya (initially, and later on expand to other parts of Coast province). The proposal has provoked protest from a number of interested groups which describe themselves as "a coalition of Non-Governmental and Community organizations...". This coalition is organized around Action-Aid, Kenya. The members of the coalition include Muhuri (Muslims for Human Rights), Kenya Human Rights Commission, Maumba/Nguluku communities (the villagers owning the land on which the mining is expected to take place), Tsunza Conservation and Development Program, Illishe Trust, Kwale Rural Support Program and Africa Ncha ya Uvumbuzi (CMF, final report, 2000). This coalition commissioned a team of experts to conduct an environmental impact assessment on the proposed mining project.

A conference was held (June, 19-21, 2000) to disseminate the results of this study. The various interest groups that were represented, in addition to those listed above included such environmental groups as Friends of the Colubus and IUCN. The meeting was also addressed by an official of the Kenya National Chamber of Commerce and Industry (Mombasa branch). The state and Tiomin Incorporated were invited but they did not attend. The conference took place for three days and also visited the location of the proposed mining. The spirit of the conference reflected a coalition mentality. They resolved, for instance, that

...the project in its current form should be opposed locally, nationally and internationally. Conference resolved to act immediately to bring these issues to the attention to (sic) all affected communities, interested organizations... (CMF, 2000b: 4).

And as if to respond to the question of who would do this, the conference statement again observed that, "All organizations and individuals represented in the conference commit themselves to challenge the Environmental Impact Assessment commissioned by Tiomin...." (CMF, 2000b: 4). This spirit seemed to pay dividends almost immediately, since the coalition soon increased its ranks by attracting further membership. After the completion of the seminar, other organizations declared their interests in the membership of the Forum. These organizations included, the Mombasa branch of the Chamber of Commerce, National Convention Executive Council --- Mombasa; the Supreme Council of Kenya Muslims-- SUPKEM, the Nguluku Squatters Welfare Group; Nguluku Farmers Association, Citizens Coalition for Constitutional Change-- Labor Caucus, the Commission for Human Rights Justice, and the Maumba Professionals Association (CMF, 2000b:1). These groups formed the coalition referred to as the Coast Mining Rights Forum (CMRF).

Scholars of coalition building are not unanimous on the key substances of a coalition. Jiri Valenta (1989:29), quoting Webster dictionary, sees a coalition as a temporary alliance of distinct parties, persons or states for joint action or to achieve a common purpose. Valenta reviews the notion of coalition within Marxist history and presents one objective of coalition building as being that of tactical alliances (communists forming alliances with socialists and bourgeoisie parties). Here, the aim of the Marxist parties is the enforcement of the momentary interests of the working class (1989:32). Within Marxism, Valenta shows that a coalition need not pose a theoretical or ideological contradiction to the coalescing parties. She, for instance, quotes Lenin as claiming that

only those who are not sure of themselves can fear to enter into temporary alliances even with unreliable people; not a single political party could exist without such alliances (1989: 40).

Thus, Lenin underscored the need to enter into tactical compromises and even concessions in order to achieve the final strategic goal. In this, there is nothing implying the loss of identity of the parties, nor the assumption of hegemonic status by some. If anything, one is tempted to get the impression that each partner emerges stronger, not weaker, from the coalition. This, however, is a question that is at the root of the debate on coalition building. How, and when, should coalitions be built and what are the payoffs that they afford? Paradoxically, in real life situations, Valenta argues that at times, coalition building has not so much been the result of theoretical debate as of practical experience amidst theoretical confusion (1989: 55). With an exception of the question of theoretical confusion, we find Valenta's observation applicable to the case of CMRF.

Other scholars such as Rose (2000) argue that for peace and environmental groups to turn unions into coalition partners, they must broaden their agenda to include workers' rights issues. But Rose also recognizes that workers engaged in high stakes strikes are more open to coalitions. Rose sees greater chances of coalitions among labor and environmental groups (Rose, 2000: 54) than for labor and peace groups. There is, for example, an identity of interests between labor and environmental groups on matters of health (Rose, 2000:103). (Such a discussion does not render itself feasible with respect to the CMRF. It is difficult to make the distinction because the focus of the coalition seems to be oriented towards a very specific issue, irrespective of how these groups relate (or have related) elsewhere. In, for example, an address to the conference of the coalition partners, or better still, interested parties, one of the leading Imam (Muslim religious leader) gave a speech that was not really anti-environmentalism as it may appear in the face value, but nevertheless attacked the attention given to the wildlife over human beings; yet, there were many coalition partners present whose interests are specifically in wildlife. Moreover, the CMRF's Environmental Impact Assessment (EIA) was raising issues concerning the fate of the biodiversity. In the same vein, it can also be noted that before the issue of Tiomin arose, the villagers now fighting on the same front with the environmentalists, such as Kenya Wildlife Service (KWS), were at loggerheads with the latter over wildlife menace in their farms. Nevertheless, they would now seem to have called for a ceasefire in face of common and a stronger enemy. Thus with respect to the CMRF, it seems that the theory of dissimilar vantage points is really verified with the protagonists seemingly taking the attitude that "on this issue, we are together". This, however, raises a question explored by Rose whereby, as if responding to the question of "if" coalitions should be formed, he makes reference to the risks inherent in such coalitions. Rose avers that the environmentalists, for example, risks diluting their proposals if they collaborate with labor (Rose,

2000: 54). (In the CMRF, environmentalism is high on the agenda, yet there are positions being taken that suggests that some coalition partners are not particularly keen on the environment, but rather, in their stake in the new dispensation such that they can easily ditch environmental considerations if they were well incorporated in the project. Also it is not certain how some coalition partners are treating the environmental issue given that they are pushing for fair compensation of the villagers whose land will be taken over by the mining concern. Assuming they were to be compensated well, where would this leave the environmental interests and would that suggest that the coalition is unlikely to succeed?)

Studies on coalitions and their successes show that pursuing of different or even contradictory interests, is not enough to spell doom to a coalition. Mueller's study of the women movement has shown that the movement had been a diverse aggregation of women with different grievances, programs of action and visions of the future. Yet they succeeded in effecting recognition of their interests, diverse as they were (Mueller, 1994). This then shows that totality is not necessary for the success of a coalition. Moreover, even what one would expect to be homogenous groups are beset with differences. Grossberg, making reference to the 1991 National Lesbian Conference, points to the level that schism can infest thus, "the conference demonstrated that the different lesbian groups "do not trust each other" (1992:368). Thus if what we are looking for is homogenous units to form a coalition, then such an eventuality can as well be abandoned. It seems that an acceptance of dealing with disparate groups should be central to coalition building. What may be called for is, as Grossberg seems to suggest, a minimum of "good will," (1992: 368). This seems to be what we get in CMRF. Coalition partners, having accepted the broad issue, to oppose Tiomin (even if for different reasons, see Moberg (2000) below), are prepared to go on with each other in as far as the end is the capitulation of the mining project to their terms.

Grossberg subscribes to the view that the fluidity of subjects and subject positions makes any notion of fixed political subjects anachronistic (1992: 369). (In the CMRF, this unfixedity is exemplified by the fact that some actors are members of several NGOs forming the coalition. Hence, they carry the multiplicity of experiences with them thus further illuminating Grossberg's contention that "the subject is ... internally fractured" and hence, "it is no longer possible to speak of a singular group identity or an authentic grounding experience", (1992: 369). Thus there are many grounding experiences that go to make up an individual, a subject. Indeed, one may as well aver that each subject is a microcosm of a coalition. Consequently, when we move to the political stage for coalition building, the various interests groups that appear need to be given space to flower in any coalition, in as far as there is what Grossberg has referred to above as a "minimum of good will" (1992: 368).

This is also the position that Wilson (1999) pitches for. Wilson calls for acknowledgement of differences (Wilson, 1999: 82) but argues for an emphasis of unity of interests, and less on what is divisive. Thus this is the same framework as that of good will, and Wilson is of the opinion that such an approach would turn differences into resources (Wilson, 1999: 82, 128). Hence, for Wilson, what matters is not the absence of differences, but rather, the way issues are approached. He posits that "... an effective political coalition in part depends upon how the issues to be addressed are defined, ..." (Wilson, 1999: 43). In CMRF, this seems to have been the bedrock on which the coalition is holding together. The focus has consistently been articulated as a human right and environmental issue (the contradictions and/or limitations inherent in this thesis notwithstanding). There has been an absence, or tendency to downplay what Wilson (1999:128) has referred to as "unuseful particularisms" which normally bedevil coalitions manifesting themselves in such terms as who is the spokesperson, whether individual coalition partners should issue statements from their own ranks, pronouncements of courses of action, etc. There is a general line that each coalition partner should do what is within his or her powers and mission to see to it that the mining project is halted. That approach, it would seem, has been the useful particularism. Hence, the CMRF, contrary to what may appear on the surface as anarchic and disparate groupings, can't really be described as lacking the "vision thing" referred to by Naomi Klein (2000). It is possible, as David Moberg (2000) has also claimed, for a coalition to flourish in diversity. Moberg underscores such a possibility of unity in diversity as when he observes that "... unions and environmentalists have worked closely together to mount campaigns against individual corporations that they are fighting for different reasons". (Moberg, 2000: 18). The challenge for the CMRF, however, is not just different reasons, but contradictory interests. Yet, this does not seem to have posed a problem to the survival of the coalition so far.

A study of this anti-Tiomin coalition issues forth a couple of issues, among them:

1. How to explain the fact that the various interest groups forming the coalition represent agendas that are, in a sense, antagonistic. (One is here thinking of whether (and if so, how) conspiracy of silence is used as a language of negotiations.) We made reference earlier to a speech by a leading sheikh (Muslim religious leader), which represent the view that conservation groups are more concerned with animals than human beings. During the first national conference on the mining of titanium, Sheikh Juma Ngao argued that in Kenya it is as if it is better for one to be part of the wildlife than to be a human being. This is because the wildlife are protected by electric fences and guarded by armed rangers who change in shifts and, moreover, to view these animals, one has to pay in foreign currency (Oral Information). Yet, coalition partners whose interest is specifically wildlife did not contest it. Thus here, we would, for example, be interested in the question of how they are then able to work together despite the issues they disagree on.

2. In terms of strategy, how do they address the question of, say, use of demonstrations/protests against the intransigence of the state. While some groups (especially militant human rights groups) are known to favor such tactics, others, such as the business-oriented ones would be expected to stay clear of that line of action because of its implied proximity to violence (and consequently destruction of property). There are then the international NGOs, who would not be expected to participate in open (and supposedly unorthodox) confrontation with the state (a sovereign state). Then there are others like the KWS, which are state bodies.

3. Thus the foregoing is asking for the language of negotiation i.e. how do they resolve these seeming differences in order to share objectives and strategy? It would appear that there is an unofficial consensus to remain focused on the principal enemy. Some commentators have seen it thus,

The amount of compensation to small farmers, their relocation and possible environmental damage are the main issues that unite the local opponents of the project (Mbitiru, 2000)."

What then are the challenges facing such a coalition? It would appear that the objective is clear, but perhaps it is not. The implications of the mining project suggests that the venture is untenable, yet, the coalition is composed of people who do not want mining to take place, while others want it to take place, albeit "on condition". Perhaps as we shall see, this does not necessarily represent a lack of clarity of objectives but rather, contradictory or antagonistic pursuits. A study of the posturings of the various coalition partners elaborates this position.

The villagers owning land in the area of the proposed mining are key in this contest. Some villagers are concerned with the fact that they have not been compensated properly. Even the NGO Council plays into this rhetoric. They state, " There is also need to conduct a thorough valuation of all assets in a bid to arrive at the correct compensatory rates..." (NGO Council, n.d.:20). Thus for this group, if they are paid their bidding, they would defect from the coalition--- this is actually a tactical problem since some coalition partners such as the environmental and human rights groups (e.g. Kituo cha Haki) wanted to use this approach so that Tiomin can be blocked legally since the landowners will have disputed the taking over of their land. Moreover, some villagers are against the revision of the agreement because they have already been compensated far much than what is their entitlement: they inflated their plants and now if another counting were to be done, they would have to repay some money (Oral Information). On the whole, the villagers are first and foremost concerned with the question of an acceptable compensation. The environmental question is marginal and is appended to land restoration, of which they are clamoring for a security bond on their plots (Farmers, 2000). So this group poses a problem not only of calling the villagers a united front, but also of the question of how far the villagers can hold in the coalition in its environmental and nationalist dimensions. As one observer has stated, different parties in this coalition may have conflicting views. He states,

The environmentalists will certainly bewail the likely damage to the environment, whereas local land users, if they are paid compensation on a scale which enables them to set up business elsewhere, will not be interested in what happens to the environment (Fitzherbert, 2000).

What then are the grievances of the villagers?

There is the question of compensation for their lands, their resettlement, and a posting of security bond by the mining company so that their land will be restored to its original form once mining is over. The villagers dispute the amount offered by Tiomin. Tiomin is offering approximately \$110 per acre as a one time fee and \$30 per acre as the annual leasing rate. This amount cannot secure the villagers a similar plot in similar conditions anywhere else in Kenya (CMF, 2000b:19).

Moreover, the farmers expressed their apprehension on Tiomin's land restoration promise thus, "Supposing the company goes burst during the project, or worse still they just pack up and go before the end of the project, to whom shall we complain?" (Achieng, 2000). Consequently, the villagers contend that "We shall only welcome the project if we are satisfied that all safety conditions such as the environment, and compensation are exhaustively discussed" (Nation Team, 2000b). But what is the environmental question so far? Restoration, perhaps?

The villagers, apart from arguing from a purely material-loss point of view, also contend that there are issues of cultural significance at stake. They face eviction from their ancestral lands, where they have the graves of their dead. Some villagers argue that they are concerned with the fact that there will be a disturbance to the graves, which is contrary to their (Muslim) customs (CMF, 2000b: 8). Consequently, in the plenary session of the first conference, "Clarification was also sought on how social cultural wealth and richness can be quantified for compensation" (CMF, 2000b: 21). While this could appear to give the impression that it would be impossible to work out such a compensation, there was also the opinion that such a compensation can be worked out. Some individuals averred that

It is also possible to quantify and compensate a community for its anticipated socio-cultural losses, just as it is possible to compensate individuals for emotional stress or pain" (CMF, 2000b: 22).

Thus here we see cultural nationalism being summoned to buttress the opposition against mining.

This is, of course, within what may at first appear to be contradictory dimensions, but which is actually being handled as if in terms of: each to what is due to that party. For instance, while in the same conference arguments were advanced that the graves of the Muslims should be left untouched, this did not close the gates to non-Muslims who would be willing to take an alternative route. Such people were allowed to have their way by conceding that

...other graves, say for Christians and traditionalists, which may have to be moved, the people should be compensated for the emotional turmoil to be incurred in the digging up of the remains and carrying to another resting place (CMF, 2000b:9).

Hence, here we have a clear case of how dissimilar positions are both articulated in the same coalition without making a blanket cover that there are some, say, culturally nonnegotiable items. Hence, Muslims, for example, support that traditionalists and Christians may be treated (paid) in a way that the Muslims would themselves not agree to; and vice versa. This is a clear case of the openness of the social. The apparent contradiction, however, become more glaring and difficult to reconcile in an amiable manner as the foregoing when it comes to the questions of labor, business and environmental interstices.

With respect to the labor question, for instance, Tiomin and functionaries of the Kenya government are arguing that the project will generate employment opportunities. So how can workers representatives oppose a project that will be doing the bidding of their mission? Nevertheless, at the same time, the EIA reports are suggesting that the project will trigger a series of events that will see the demise of various industries at the coast (such as the tourist industry) and, consequently, labor layoffs and loss of outlets for small scale farming enterprises that support these industries will result. Moreover, even non-labor activists contend that the number of jobs created will be relatively few (200 permanent and 1000 temporary), and will mainly consist of casual/unskilled labor (IUCN, 2000:7). The labor bait, however, seems to have been taken in even by the participants of the first national conference on titanium mining. They called for the

...creation of employment and capacity building. A training institution should be established within the mining period to train the local inhabitants. Employment opportunities availed to them should not just be for casual labor (CMF, 2000b:9).

At this point, it appears that both the antagonists and the protagonists see mining going ahead. Where then does this leave the testimony of the EIA? At this point then, Valenta's contention on coalitions proceeding on the basis of practical expedience amidst theoretical confusion seems fairly verified (Valenta, 1985: 55). This problematic emerges more glaringly when we look at how the project interfaces with the business sector.

Here, we find that while the environmentalists are contending that the area cannot support such a project and that, therefore, the project should not be executed, business while also in the coalition, is not pitching for the halting of the project but for the fact that it should be left for the local business to execute the project or, in the worst case scenario, they be partners with Tiomin. Participants in the CMF conference expressed the concern that "Preference by the government of Kenya should be given to Kenyan investors to exploit the deposits of titanium at the coast for the benefit of the country" (CMF, 2000b: 4). The current composition of the proposed mining enterprise is such that there will be minimal or no involvement of the Kenyan business community and all profits stand to be repatriated, with the government reaping only a paltry 5% (CMF, 2000b: 22). Even the NGO Council does display this business mentality. They aver " No reason is put across as to why the company cannot develop a smelting plant in Kwale to add value to the ilmenite and thus opt to sell it as a commodity on the international market..." (NGO Council, n.d.:11). They also note that Tiomin's EIA report does not disclose all the minerals that will result from the mining. After listing such minerals, they claim,

These are minerals that are not listed in the report....Their exploitation in a cost- effective manner could yield to development of other sub-industries that would use them as the main raw materials (NGO Council, n.d.:12).

The NGO Council, however, is cautious; they proceed to state:

The NGO Council is not against development so long as it is environmentally sound and equitable. The need for Kenya to attract foreign investment for the economy to grow is clear. However, the available minerals in the country need to be exploited for the benefit of all in a bid to eradicate poverty that afflicts over 50% of the Kenyan populace (NGO Council, n.d.:3).

The foregoing is a position also shared by the Professionals from the immediately affected area and the Council of Imams and Preachers. The Professionals, for example, proceeding from a calculation that shows that the deposits are worthy trillions of Kenya shillings, and claiming that theirs is also the position of the Kenya National Chamber of Commerce and Industry, observe that the mining concern is "...enough to change Kenya's (sic) economic fortunes forever..." and those of the residents in particular whom they felt

...deserve to have their lives transformed having been faithful custodians over the years, we would like to be shareholders in the mining project--a profit sharing nation of 1:4 to the farmers and Tiomin respectively (after taxation) would be equitable considering that the land belongs to us. This is common practice especially in the Arab World and goes along way in eradicating rural poverty (Professionals, 2000:2; 2000b; Nation Team, 2000).

What is problematized here is the question of whether the coalition is against the mining project or the identity of the ownership of the same. The foregoing largely points to the bulk of the coalition partners as falling under the latter category. Thus even if Tiomin was blocked, the environmentalists in the coalition would not rest since they would have now to turn to their former allies as the new adversaries. Thus the problem with the first coalition is that even though it may stand while fighting against Tiomin, it will have problems soon after celebrating victory since it would have problems of passing a resolution: the business-minded would say that its time to go ahead with the mining while environmentalists would still be objecting to the mining enterprise. What the foregoing discloses is thus the absence of a hegemonic discourse defining the objective of the coalition. This is particularly evident even when we focus on a single coalition partner such as business.

It does appear that even business would not end up being a homogenous group, with an over-determined position. While some would benefit from a mining concern, this would also pose problems to other investors. It has been suggested, for instance, that if an over-spill from shipping were to occur, this would result in a loss of income to fishermen and tourist operators (since fish consumption both locally and internationally will be affected); yet, there is no program on how to compensate such losses (IUCN, 2000:8; CMF, 2000b: 22). Although the Tiomin EIA report claims that the proposed project will have a positive impact on tourism (through upgrading of roads), the project could actually act against tourism. The Kenya Tourism Concern (KTC) has opposed the project claiming that the tourism sector would be hard hit considering the delicate human and wildlife ecosystems in the region (Mungai, 2000). The KTC's position is, however, difficult to discern. While they oppose the project, and even raise environmental matters, it appears that their problem is the company, and not the project per se. They, for example, posit that the project should be executed by the local communities themselves, or at least in partnership with foreign investors. The chairman asserted,

The government must not license Tiomin resources inc. Why should foreigners be licensed to exploit and enrich their greedy directors at the altar of the indigenous owners? (Mungai, 2000).

This is not a position against mining. The mining of titanium by the local people would seem to be acceptable; but with what consequences to the KTC's tourist interests? There is clearly a problem of conceptual clarity here since the adverse consequences of mining on tourism seem at the same time to be very evident in KTC's calculations and even those of KWS.

As for KWS, for example, the loss of the "remote" status of places like Shimoni (proposed site for a ship-loading facility) could compromise the aesthetic attraction that a trip to this place offers. This would affect adversely the international reputation of the area as a marine eco-tourism destination, which so far boasts thousands of tourists a year. This damage could spill over from business to KWS. The Kisite Marine Park located in this area is currently the highest earning of all marine parks on the coast and is thus of major economic significance to KWS. If this park is ruined, this would imply loss of revenue for the Kenya Wildlife Service (KWS) and as such, its ability to manage the protected areas at the coast could also be impaired (IUCN, 2000:9; Aola, 2000).

The question of the gains from mining to the country as a whole was also uppermost, and was considered to "...be relevant information to enable one to gauge whether this would cause the government to betray its citizens for financial gain." (CMF, 2000b:21). Betrayal here may be conceived in both material and environmental terms. And even the financial gains referred to are not to the country as a whole but to a few. Coalition activists insist that the country will lose. Coastwatch, for instance, has stated, with respect to the economic impact of the project thus,

Tourism that is mainly based at Coast and brings Kshs 24 bn per year in normal times will be paralyzed by a project that is going to give the government less than Kshs 5 bn annually. This is as opposed to Kshs 15 bn the Canadians and their Kenyan accomplices in Kenya Titanium Minerals Ltd are going to rake per year (Charo, 2000c).

Expounding further on this cartel-like situation, coalition activists have linked the President with the project, arguing that

Mining of the Kwale resources is important to Dictator Moi since he is going to get 40% of the C\$254 million revenue from the venture. Moi has formed Kenya Titanium Minerals Limited through fronts and the firm intends to turn all proposed titanium mining areas into export zones to avoid taxation to expand profitability (Charo, 2000d).

This approach is particularly useful because it has the effect of galvanizing the political opposition to the government into the ranks of the environment-human rights coalition. Indeed, when the issue was raised in parliament, that is precisely what happened. The minister concerned was heckled by the MPs, with the leader of the Official Opposition pleading that Kenya's wealth should not be sold for "small hand-outs" (Standard Team, 2000). Thus here we have issues of human rights and economic nationalism being played out together. But still, no hegemonic discourse seem evident. Even environmentalism still seems to be operating on the margins when

not being summoned as a handmaid for human rights and economic nationalism. What, however, is the environmental question?

The EIA commissioned by Tiomin showed that mining is a viable project free from adverse environmental effects. The EIA report commissioned by the CMRF, however, argues to the contrary. It recommends that mining is not sustainable and as such, it should not take place. The issues here include radioactivity, water sufficiency, biodiversity, road transportation, and port usage among others. Due to these concerns, participants of the first national conference on titanium mining observed that

Without known and scientifically acceptable restoration proposals of the environmental impact to be incurred in the Nguluku/Maumba area and its environs, the proposed mining project should not continue (CMF, 2000b:4).

Thus here, environmentalism has been given the super-ordinance of determining the future of the mining project. Can it be assumed that this could still hold even if the locals were incorporated as co-owners of the mining project? In specific scientific terms, it could enjoy the privileges of a hegemonic discourse. In practice, however, this does not seem to have materialized.

On radioactivity, the CMRF EIA report argues that Tiomin has not successfully shown how they will handle it. Tiomin claims that the radioactivity level will be 74 becquerels, while the international transport exemption standards are 75 becquerels. Critics fear that this difference is too close and should not be downplayed. On the basis of such reports, environmental and human rights activists such as Coastwatch have premised their opposition to the project claiming,

...Kwale people and Kenyans in general will be exposed to mutation like the people of Hiroshima and Nagasaki, who were exposed to radioactivity after atomic bombs were dropped on the cities (Charo, 2000b).

With respect to the water system, several issues arise. First, there is the fact that ground water flow will be affected, yet this play a significant ecological role in the development of mangrove systems not only in the vicinity of the mining area, but also along the entire Coastline where the mangrove system forms over 60% of the total Kenya Coastline forest cover and depend on seepage of ground water. Moreover, the changes in topography and unavoidable effluents into the rivers especially during rainy seasons will change hydrological flows and water quality and subsequently the biotic life in such systems. Beyond the pure ecological consequences, water usage is also an issue since the region is already designated in government studies as a water deficit area (by the year 2010) and an additional demand by mining will exacerbate this problem. While the mining company has proposed to drill boreholes, this has in turn raised the question of salt-water intrusion which will have a significant impact on the forest around where the boreholes are proposed to be located (NGO council, n.d.; see also CMF, May, 2000; CMF, 2000b:7) and thereby touching on the question of biodiversity.

In terms of biodiversity, there is the issue of the Kaya (traditional forest reserve) forest ecosystem, which has an elaborate gene pool of the coastal vegetation with several tree species growing there (NGO council, n.d.; see also CMF, May, 2000). Tiomin in its EIA report concedes that there exist some rare and endangered species within the mining concession area and yet, it did not indicate how it will mitigate against this threat (NGO council, n.d.; see also CMF, May, 2000). One critical thing, for instance, is the proposed building of a ship-loading facility at Shimoni, where the coastal rag forest is one of the only two such forests remaining in Kenya. The forest contains the greatest proportion of endemic and threatened species in the area thus putting 345 bird species and 275 rare plant species at risk (NGO Council, n.d.:23-24; Aola, 2000). Shimoni fishing bay is also host to whale and dolphin watching expeditions (Gough, 2000). Some environmental groups, for example, "... lists Kenya's coastal forest as one of the world's 25 "hotspots"... (WWFE, n.d.) and it is now being argued that

Many endangered species, including the only bands of Colubus monkeys on the East African coast and Kenya's last remaining herds of Sable antelope, depend on the coast's fragile ecosystem which is already stressed by the impacts of tourism (WWFE, n.d.).

Of critical importance to the biodiversity question is the coral reefs which were damaged by the 1998 El Nino rains. The scientific consensus is that activities that might hinder reef regeneration should be minimized or avoided (IUCN, 2000:9). Consequently, even a government department such as KWS, has stated its objection to the building of a ship-loading facility at Shimoni port, with the Director arguing that

The proposed dredging will kill the marine ecosystem. Shimoni has a very delicate coral reef environment, we shall definitely object to any plans by Tiomin to put up their port facility (Aola, 2000; see also Kwena, 2000; Mwandambo, 2000).

Hence, in the same vein, many organizations such as The Environmental Trust of Kenya, The Green Belt Movement, etc. have added their voice to the concern that no mining should take place until all environmental matters are adequately addressed (Nation Corrs, 2000; Kihara, 2000). Thus even though no particular coalition partner seems to assume a dominant position, at the level of discourse, it can be inferred that environmentalism has the potential of enjoying a hegemonic status. It cannot, however, be claimed this is so far the case.

From this environmental vantage point, the human rights lexicon has been summoned to portray the foregoing as a human rights problematique. Thus the articulation of this concern has used environmentalism as its impetus while borrowing the syntax of human rights activism. The latter has in turn re-invited environmentalism and economic nationalism as human rights concerns. These three strands then weave into a single dialectical unity and it is this that has given a veneer of acting together even when there seem to be very little institutional structures to define anything like a coalition. If anything, the institutional structure appears in the first conference (June, 2000) and thereafter only the spark it light seem to burn like a prairie fire and not without some dividends. The behavior of the state has indicated that it is feeling the heat of the "coalition". How then has this human rights corridor been navigated?

While there is the overt question of whether the communities loosing land have been adequately compensated, other implied human rights questions include the claims that the water capacity will be affected and as such, the coast will run out of fresh water within ten years; the number of trucks using the current road network will be so high that it will constitute a motoring risk; there are health hazards in terms of noise to those neighboring the road network; the dust emanating from the mining and the transport, and the security against radiation from titanium; and that the farmers entered into contract with Tiomin through coercion since the latter used government officials to intimidate the farmers into signing the contracts (Nation 05/21/98; 06/14/99; Professionals, 2000:1). Recounting the nature of this coercion, some assert that,

Then a campaign of harassment started. The chiefs... went from door to door threatening the Kamba landowners that they would be evicted anyway if they did not agree to the terms of a lease agreement. ... Some people succumbed to the threats and handed over their title deeds in return for the first installment of the lease fee (Riungu, 2000).

Others portrayed the communities as poor and uneducated peasants whom the Kenya government should not abandon to negotiate by themselves with a rich and influential multinational. The Muslim for Human Rights, for example, claims,

The people have not been given a chance to decide or to negotiate. Tiomin came up with the figure, the government stood aside, leaving a foreign multinational to deal with semi-literate people without adequate legal representation (Achieng, 2000).

This issue was also tossed up as a human right-cum-nationalist question. The behavior of Tiomin in dealing with the villagers was seen as shrouded in secrecy (Achieng, 2000), lies and untruths reflective of a colonial hangover that has little regard for the welfare of the peoples in third world countries. One villager has been quoted as saying,

I think Tiomin is trying to enslave us again. This area has a history of slavery. My own grandfather was brought up here a slave. I would hate to see that in the year 2000 these things coming back

again--- because basically that is what it means if Tiomin is allowed to put up that facility there (WWFE, n.d.).

The nationalist question then is posed in terms of why Tiomin cannot extract titanium from its own country where the minerals are also available, a question whose answer is seen in the laxity of third world governments (CMF, 2000b:20-1). The implication then is that there is need to come to the aid of those who may be conceived as abandoned by the state. The Professionals from the area, for example, asserted that "Grievous harm has been visited upon our people consequent upon discovery of minerals in our land..." (Professionals, 2000:1).

Even international human rights organizations have joined in this same path. The Montreal-based International Centre for Human Rights, for instance, sponsored Kenyan human rights activists to Canada to explain their part of the story. The center argued, "The Kenyans must feel that they have been compensated fairly," (Lovgren, et al. 2000). Does there then seem to be a coalition strategy in place?

If such a strategy obtains, it would seem to be one of articulating the mining project as a case of the

...human rights abuses and environmental wrongs of this mining project. Our goal is proactive, to inform the world of this problematic mining project before it becomes a reality on the ground. We have seen that informed public pressure can reverse the momentum of an irresponsible project (WWFE, n.d.)

To this extent therefore, WWFE organizes letter writing campaigns to Kenya authorities asking them not to license the mining project. Perhaps this may be partly responsible for the overwhelming petition submitted to the government. The National Environment Secretariat has publicly admitted that they have "...received more than 1,000 responses from individuals, organizations and institutions over the project" (Mwajefa, 2000).

Villagers have been demonstrating, carrying placards to meetings stating, "It's enemy mining with \$0.006 per day," and "Tiomin, don't exploit and disturb our pupil's education, our environment, our trees and crops, our soil and water and our lives" (Kithi, 2000).

There has also been allusions to the use of violence as a strategy of halting the mining project. The South Coast Council of Imams and Preachers, while advocating for the right of the villagers to be allocated their plots and be compensated, have stated that

Not an inch of that land is going to be mined before allocation is done unless the government wants to see chaos and bloodshed (Nation Corrs., 2000).

They also twin the compensation claim with that of environmental hazards and contend that "Coastal people would rather die from police bullets than from radioactivity emitted from the titanium project..." (Nation Team, 2000). The Muslims for Human Rights (Muhuri) has also warned that "...the government was courting bloodshed by pushing ahead with the project without the support of the local communities" (Kwena, 2000). Another Muslim religious leader argued that any attempt to force the project on the people will lead to violence. He stated,

The civil wars in Angola, the Democratic Republic of Congo, Rwanda and Sierra Leone are being fought because of the mineral wealth in those countries and Kenya is no exception (Kwena, 2000b).

The villagers on their part are also in a violent mood. Some assert, "We have lived here all our lives.... I will not leave here. They will have to kill me first" (Gough, 2000).

There is also an attempt to hold meetings with Tiomin headquarters in Canada. This approach, however, received mixed feelings (note that no other strategy has been criticized so far). One coalition partner, Coastwatch, while respecting the opinion of those who thought it worthwhile to talk to Tiomin, claimed that their agenda

...was weak and was tantamount to pleading with Tiomin Resources Inc. For the trio to ask for a "meeting between Tiomin and stake-holders" is going round in circles is clouding the right positions (Charo, 2000a).

One of those who went replied to this objection, arguing that " I am sure those present at the meeting will take a different view" (Matunda Nyanachama, 2000b). Apparently, this seems to be the only time when the question of what strategy to invoke seems to have assumed a veneer of antagonism. Beyond the foregoing exchanges, one more interested party joined the discussion, but assumed a double-edge stratagem. The first line indicated there is no need to pander Tiomin, while the other line seemed to approve any efforts that activists may invoke. The first line of response observes that " It does no good to sit down and palaver with any Tiomin official.No! The battle against Tiomin will be won on the field of public opinion". And then the second line seems to give way to a broad attack on Tiomin thus, " EVERY ACTIVIST WORKING AGAINST TIOMIN IS FIGHTING FOR THE HUMAN RIGHT TO LIFE WHICH TIOMIN IS FORECLOSING UPON" (Emphasis in original, Bernofsky, 2000).

Nevertheless, there is still a sense in which one feels that an attempt to talk with Tiomin was still felt as out of tune with the reality that the struggle against Tiomin requires. The above activist, for instance, continues to state that "Every investor in this tragedy must be named and condemned upon the field of public knowledge" (Bernofsky, 2000). This would seem to be an attempt to disapprove the style of having boardroom struggles. It was, however, received by a member of the delegation to Tiomin headquarters as an attempt to suggest that forms of advocacy need to be thought out. The executive director of Kenya Human Rights Commission replied to Gene Bernofsky thus,

Gene, I agree with you that we need to discuss various forms of advocacy and activism around this issue. We are discussing these issues here as the pressure against Tiomin and its collaborators in Kenya are intimidating the campaign (Mutunga, 2000).

There have also been efforts at moving to the law courts for the government to be restrained from issuing a certificate to the mining company. Coastwatch, filed the suits even as it concedes that it cannot expect any justice from Kenya courts, but all the same, it did so because it "want to be systematic in employing all our strategies starting from a lower level" (Charo, 2000d; Nation Corresp.). It is evident that the strategy referred to here is that of Coastwatch and not necessarily that of the CMRF. This shows the extent to which individual members of the coalition against Tiomin take initiatives on their own and the rest of the members don't seem to mind such strategies in as far as they contribute to a clarion call against the mining project by Tiomin, the common enemy.

Indeed, as the coalition members committed themselves during the June, 2000 Conference, they have taken upon themselves to challenge the EIA by Tiomin each in their own style while enjoying the goodwill of the rest of the coalition partners. Clearly, there has been an absence of attempts to create a homogenous or centrally controlled command of what challenge to pose and how. Yet, this has not implied anything like an anarchic front against the mining company. If anything, the reaction by the government so far indicates that they are taking the coalition challenge seriously. The coalition is not being taken as a scattered effort by disparate groups. Perhaps the absence of an institutionalized central command has presented the establishment with difficulties of how to stifle it. Consequently, it can even be inferred that an absence of formal homogenization, and the existence of the coalition only in the spirit of shared objectives, could end up being its strength.

Thus while it is difficult to pin down a formal structure, nor curve out a clear-cut commonality of contradictory-free interests, it is undeniable that there is a coalition in place that is so far scoring victory, however broadly defined. What this suggests then is the possibility of an over-arching agenda (in this case anti- Tiomin) to override seemingly partisan interests specific to individual members of the coalition. This conclusion is evidently fragile. Dynamics are bound to change either at the exit of Tiomin and its possible replacement by local entrepreneurs, or in the event of Tiomin co-opting the villagers owning land at the proposed project site. So far, the need for a totalizing discourse or institutional structure to propel a coalition does not seem to be a necessary condition for the success of the coalition. What we have here is success effected by parties acting in their own right as interested parties. They do so while at the same time retaining their identities as intact as it was before their involvement in the coalition. To a large extent, what otherwise seem as points of friction appears to be

resolved or negotiated through a conspiracy of silence. The question here then is whether this, while a good tactic to deliver (immediate?) objectives, can be relied on to consolidate such gains consequence to victory. Hence, an attempt to discern the institutional environmental regime suggested by this coalition is problematic.

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