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Addressing and Mitigating Violence

Tangled Ties: Al-Shabaab and Political Volatility in Kenya

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Abbreviations

AMISOM	African Union Mission in Somalia
ATPU	Anti-Terrorism Policing Unit
CORD	Coalition for Reforms and Democracy
DFA	Department of Refugee Affairs
HRW	Human Rights Watch
ICG	International Crisis Group
ICU	Islamic Courts Union
IPOA	Independent Policing Oversight Authority
IPPG	Inter-Parties Parliamentary Group
KADU	Kenya African Democratic Union
KANU	Kenya African National Union
KDF	Kenya Defence Forces
MP	Member of Parliament
MRC	Mombasa Republican Council
MYC	Muslim Youth Centre
NAMLEF	National Muslim Leaders Forum
NARC	National Rainbow Coalition
NEP	North Eastern Province
NFD	Northern Frontier District
NIS	National Intelligence Service
NSC	National Security Council
ODM	Orange Democratic Movement
UN	United Nations
UNEP	United Nations Environment Programme
UNHCR	United Nations High Commissioner for Refugees
US	United States
WDR	World Development Report

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Executive summary

In recent years, a spate of attacks has destabilised a swathe of Kenya's peripheral counties as well as bringing terror to its capital, Nairobi. As violent insecurity spreads, it has fomented fear and stoked ethnic and regional divisions, precipitating security crackdowns and roiling the country's infamously tumultuous politics. These developments belie sweeping constitutional reforms that have taken place to address and prevent violence in Kenya. Since Kenya stepped up its military involvement in Somalia in 2011, ostensibly to buffer the country from violence wrought by Al-Shabaab – the Somalia-based jihadi organisation – attacks have multiplied, ranging from the September 2013 siege of Nairobi's Westgate shopping centre, to village massacres, to the targeted killings of police and religious figures. Yet Kenya's government, while widening its military engagement in Somalia, was at first slow to recognise and respond to the hand of Al-Shabaab in the country's widening violent insecurity since the start of its Somalia military operations.

This study adds to existing analyses of Kenya's shifting political and security dynamics by examining the role of external influences on its system of violence. Viewed from the perspective of the state's political and security establishments, Kenya's peace and stability are undermined by 'external stresses' from Somalia's long-running state collapse and conflict spillovers, as is evident from attacks attributed to Al-Shabaab as well as the organisation's business and recruiting activities in Kenya. This external stresses framework has purchase in wider thinking on addressing and mitigating violence. The *World Development Report 2011* posits that the risk of conflict and violence arises from a range of 'external stresses' – including cross-border conflict spillovers, international terrorism and criminal networks – interacting with 'internal stresses', such as low income levels, youth unemployment, corruption and human rights abuses (World Bank 2011). Mitigating the negative effects of external stresses requires, in the *World Development Report's* analysis, building 'buffering institutions' at the national level in the affected countries.

Since 2014, the Kenya Government has stepped up its security responses to the perceived threat of Al-Shabaab. It has instigated police swoops in majority-Somali neighbourhoods, tightened administrative controls of refugee populations, passed new security laws, and given wide leeway to the Anti-Terrorism Policing Unit, which some human rights observers accuse of being involved in the extrajudicial killings of terror suspects. These responses derive from a discourse and understanding that 'sees' outsiders, namely Somalis, as a threat, both internally and with regard to conflict spillovers from Somalia. Rather than adapting its security approach to an enemy with an advanced understanding of Kenya's political psychology and sociology, the state perpetuates an 'others' approach that treats entire populations as somehow separate and threatening. However, far from strengthening security, the centre's security responses dovetail with an unseemly politicisation of worsening violence, deepening entrenched ethnic and regional divides that structure and frame Kenya's system of violence.

The nature of Kenya's security threat is, in fact, very different from how security agencies seemingly conceptualise and respond to the problem. While Al-Shabaab remains one of the greatest threats to regional stability and security, worsening violent insecurity in Kenya suggests that the more important impact of the group has been to simply unmask the country's deep, structural divisions. Stirring anxiety and fear in Kenya is integral to how Al-Shabaab seeks to advance its regional ambitions in the Horn of Africa. With minimal resources, the organisation has crawled under the skin of Kenya's domestic politics, deftly picking at regional and ethnic divisions as well as exploiting the existence of longitudinal continuities in how the centre relates toward the periphery. Deep-seated injustices and a

sense of marginalisation among Kenya's many minority ethnic and religious groups have provided fertile ground for Al-Shabaab to localise its jihad at Kenya's margins. State security responses that are seen to target Somalis and Muslims more widely play directly into Al-Shabaab's tactical approach to foment a violent insurgency at Kenya's margins.

Patterns of violence in Kenya and calculations by Al-Shabaab bring into question the adequacy of a paradigm that neatly separates between clearly distinguishable 'internal' and 'external' stresses. It is the entwining of the two, and their interconnectedness through transnational actors and processes, that feeds into Kenya's system of violence. While the centre now recognises the interconnectedness between local and regional dynamics in recent attacks, it has pursued a decidedly partisan and divisive approach that is likely to generate further violence rather than strengthen security and stability.

The failings of the state's security responses up to now can be seen through the centre's dogged adherence to a logic of externalising the threat. Nowhere is this clearer than in Kenya's continued military involvement in southern Somalia. Yet, withdrawing troops from Somalia may not necessarily lead to fewer attacks, since Al-Shabaab has localised jihad within Kenya. Rather, the security problem has morphed into one of needing to address divisions within Kenya's political and civil societies and regional imbalances in development.

The legitimate need to strengthen security, while providing support for state interventions that are ostensibly for this purpose, contrasts with the counter-productive targeting of Somalis and Muslims more generally, as well as security measures that impede a wider-reaching constitutional-based solution to worsening violence. Kenya's security will only be strengthened by the pursuit of interrelated political, governance and security reforms addressing violence happening at the country's margins and that have the greatest impacts for its marginalised populations. The report concludes with the following recommendations for macro-level political and policy actions:

- **Redressing regional inequalities and historic marginalisation** by following the moral intent of Kenya's 2010 Constitution and sincerely implementing its provisions to devolve powers and resources to new sub-national county governments
- **Removing institutionalised discrimination of Kenya's Somalis and Muslims** through systematic reforms to un-do 'hierarchies in citizenship', thereby overcoming the inherent limits of existing discrete counter-radicalisation efforts
- **Mobilising political support for security sector and policing reforms** that aim to reign-in abusive, predatory and corrupt practices as well as to promote accountability to a citizenry in need of protection.

1 Introduction

Violence has often been close to Kenya's politics and development. The post-election violence following its disputed December 2007 general election results cast a light on Kenya's troubled internal divisions and worsening fragmentation along regional and ethnic lines. The Kofi Annan-brokered agreement to end the violence, and subsequent constitutional and legal reforms, sought to address and mitigate the threat of violence happening in the future through devolution of power to new county-level administrations and the more equitable distribution of public resources for development. Still, Kenya's shaky political settlement for the Rift Valley is steeped in deep political-ethnic divisions that threaten renewed violence.

Elsewhere, in recent years, violence has flared in its peripheral northern counties including Marsabit, Isiolo and Tana River, while sectarian tensions and unexplained attacks have precipitated security crackdowns in Nairobi and Mombasa. These developments belie sweeping reforms that have taken place to address and prevent violence in the country. Scott-Villiers *et al.* (2014: 3) note that the adaptability of Kenya's 'system of violence' is such that 'a positive change in reducing violence in one part of the system often seems to be rapidly overwhelmed by the rule still operating undisturbed in other parts of the system'. They explain that one reason why violence endures in Kenya is the very nature of its kleptocratic politics, in which informal power extends outwards from elites at the centre through a 'rhizomatous' network of administrators, police and security officials, criminal bosses and other business interests at lower levels. Thus, far from being 'settled', violence continues to shape governance structures and political relationships at multiple levels in Kenya.

This study adds to existing analyses of Kenya's politics and political settlement by examining the role of external influences on its system of violence. While most studies dig deeply into Kenya's internal splits and the power of its informal networks to thwart the reforming power of its domestic institutions, less is known about how these networks intersect with actors, processes and flows that extend beyond its borders. Yet, the structuring of its social, political and economic relations both at the centre and periphery, as well as the functioning of its governance structures, depends in part on the power and wealth that different networks accumulate through their many associations with these 'external' factors. For example, Kenyan Somalis have been deeply involved in Somalia's political society through clan networks that span the Kenya-Somalia border, in turn affecting Somalia's security and events (Chau 2010). More than two decades of warfare and violence in Somalia, and reconfigurations over time in the political economy of the conflict, have fed into Kenya's politics at the centre as well as periphery. Further, the presence of Somali refugees in Kenya has also upturned politics in some parts of Kenya, particularly Mandera County in the country's north-east corner.

It follows that the strengthening of Kenya's domestic institutions alone – either at the centre or at new, devolved levels of governance – may not effectively address and mitigate a situation of deeply entrenched, chronic violence. At a minimum, violence mitigation efforts in Kenya must be cognisant of how its political rhizomes function through their connections with actors, processes and flows at regional and global levels, as well as the ways in which these ties both dampen and accentuate the propensity to violence in the system.

This report focuses on linkages between the regional conflict system centring on southern Somalia and Kenya's security and politics. It contributes to a growing number of works that

seek to understand the role of 'external stresses' in situations of violence and political instability. The *World Development Report 2011* (World Bank 2011) singles out a range of 'external stresses', including military invasion, external support for domestic rebels, cross-border conflict spillovers, international terrorism and criminal networks, price shocks, and the impacts of climate change. It posits that the risk of conflict and violence arises from these stresses interacting with 'internal stresses' (low income levels, youth unemployment, corruption, human rights abuses).

While spillovers from Somalia's long conflict destabilise Kenya's security and stability, the enmeshing of 'external' and 'internal' stresses is, in fact, more complex than an external stresses framing might suggest. Since Kenya stepped up its military involvement in Somalia in 2011, ostensibly to buffer the country from attacks by the Somalia-based jihadi organisation, Al-Shabaab, attacks have multiplied, ranging from the September 2013 siege of Nairobi's Westgate shopping centre, to village massacres, to the targeted killings of police and religious figures. Kenya's government, while widening its military engagement in Somalia, was slow to recognise and respond to the hand of Al-Shabaab in the country's widening violent insecurity. However, since 2014, Kenya has stepped up security activities in response to the threat of Al-Shabaab. It has instigated police swoops in majority-Somali neighbourhoods, tightened administrative controls of refugee populations, passed new security laws, and given wide leeway to the Anti-Terrorism Policing Unit (ATPU) that is tasked with identifying and detaining terror suspects. These responses derive from a discourse and understanding that 'sees' outsiders, namely Somalis and Muslims, as a threat, both internally and with regard to conflict spillovers from Somalia. However, far from strengthening security, these responses dovetail with an unseemly politicisation of worsening violence, deepening entrenched ethnic and regional divides that structure and frame Kenya's system of violence.

Before considering patterns of recent violence and their associations with Al-Shabaab (in Section 3), it is useful to review Kenya's relations historically with Somalia and its Somali population (Section 2). Section 4 details state security responses to the Al-Shabaab threat and worsening violence, while Section 5 critically assesses the impacts of these within the larger frame of Kenya's divided politics. The report concludes with a number of reflections on how to strengthen Kenya's security (Section 6). While Al-Shabaab has succeeded in fomenting fear within Kenya by skilfully picking at its political divisions, a way out of the violence will need to redress the structures that perpetuate the country's deep and widening regional divisions.

2 Seeing like a state: review of Kenya's relations with Somalia and its Somali population

The current relationship between Kenyan Somalis and the Kenyan state needs to be seen against the longer history of state-society relations between the state and ethnic Somalis. Interventions targeting Kenyan Somalis in North Eastern Province (NEP) and elsewhere are entwined with the tensions between the states of Kenya and Somalia and the way the security situation in Somalia has unfolded since its independence in 1960. How the Kenyan state has historically viewed and treated the ethnic Somali population has contributed to the 'othering' of Kenyan Somali citizens, putting their lived experience of citizenship and the equality of rights in jeopardy. This has typically been the case for the ethnic Somali population living in NEP, but is increasingly so for Somalis living in urban areas, as well. The state's position on ethnic Somalis has been entangled with its approaches to domestic security right from independence. Also, recent security measures taken by the Kenyan government need to be seen against this background.

This section outlines the historic relationship between the Kenyan state and its Somali citizens from the perspective of the state (Scott 1998). It starts with a political history of the NEP and its ethnic Somali population, followed by a description of two other key Somali sub-groups: the Somali refugee community and the Somali business community in Eastleigh. It then describes the role of Kenyan Somalis in politics. The section serves as the background to Kenya's security policies in the present day.

2.1 The North Eastern Province

The alienation of the North Eastern Province started during the early years of colonial rule. The colonial regime extended its control over the area then known as the Northern Frontier District (NFD) in the early 1900s. The regime enforced a form of military administration, implementing policies that effectively isolated the area from the rest of Kenya (Anderson 2014). It made no efforts toward the socioeconomic and political integration of its population (Otunnu 1992). The regime altered the administrative boundaries to redress clan conflicts and to create a buffer zone between Kenya and Italian Somaliland and Ethiopia, which severely restricted the movement of the Somali population.¹ The colonial regime imposed further mobility restrictions and severed administrative control over the next few decades (*ibid.*).² Political parties in NFD were banned. Somali resistance to these measures was harshly suppressed and the leadership of the Somali Youth League, an anti-colonial movement that originated from Mogadishu in 1946, was exiled between 1948 and 1960 (Barnes 2007; Otunnu 1992).

During the Lancaster House Constitutional Conference in 1962, Kenyan Somali representatives from NFD expressed their wish to secede from Kenya and join the greater Somalia, which had gained independence on 1 July 1960. The outcome of a government

¹ The Outlying District Ordinance of 1902 applied exclusively to NFD, comprising of Wajir, Mandera, Ijara and Garissa districts. Movement in and out of the area was restricted to the indigenous people only or holders of passes obtainable from the District Commissioner (KHRC 2000: 5).

² The regime declared the area a closed district in 1926. This was followed by a Special Districts Ordinance, requiring Somali citizens to obtain special passes to leave the area (Otunnu 1992). The Special Districts (Administration) Ordinance (1934), together with the Stock Theft and Produce Ordinance (1933), gave the colonial administrators extensive powers of arrest, restraint, detention and seizure of properties of 'hostile tribes'. The latter two ordinances also applied to Tana River, Lamu, Kajiado and Samburu districts (Hassan 2002).

inquiry by an independent commission showed that 87 per cent of the NFD population – Somali and non-Somali Muslims – were in favour of secession to Somalia (Hassan 2002; Otunnu 1992). The British government ignored this, however, and instead changed the administrative arrangements of the NFD. The district now became the North Eastern Province (NEP), comprising of Garissa, Wajir and Mandera. The first post-independence government made it clear it would not compromise its territorial borders.

Disgruntled by the decision over NEP, its Somali population boycotted the 1963 elections. Insurgent groups started an insurgency known as the 'Shifita War' (1963–67), which Somalia covertly supported (Anderson 2014). The new Kenyatta government declared a state of emergency for NEP in December 1963 and sent military and paramilitary police units. However, President Kenyatta was preoccupied with domestic power struggles and devolution (Branch 2014). He therefore asked for British support in the Shifita War. The counter-insurgency strategy included 'forced villagisation' of scattered communities (*ibid.*): an example of 'planned control' of a population (Scott 1998). An estimated 4,000 Somalis were killed between 1964 and 1967 (Branch 2014). The insurgency halted in 1967 and the situation remained relatively calm in the 1970s and 1980s (Murunga 2009), as Somalia decreased its support to secessionism under Syad Barre. In the 1970s, under Kenyatta's rule, the Kenyan state severed its view of ethnic Somali in NEP as 'aliens' and lumped democratic dissent together with other, unruly, forms of dissent (Otunnu 1992).

The relationship between Kenya and Somalia continued to be tense. Post-colonial governments maintained the forms of military administration in NEP and reinforced many of the legal provisions that effected its isolation.³ 'Collective punishment' was a key strategy of the military to control and discipline the population throughout the 1970s and 1980s. Colonial policies that allowed for such measures were maintained after independence and therefore security forces could operate with little oversight (Anderson 2014).⁴ The state of emergency was in place until 1991 under President Moi, because of the secessionist sentiments in NEP and its perceived hostility against the Kenyan state (Anderson 2014; Bachmann 2012; Mahmoud 2008). The emergency laws were lifted as part of a broad-based civil society campaign that led to Inter-Parties Parliamentary Group (IPPG) reforms, and not due to a revised position on how to relate with Somalia and the NEP region.

Expelling inhabitants to Somalia became a strategy to address secessionist sentiments. Socioeconomic marginalisation of the region persisted and the state justified its adverse policies for NEP by referring to the secessionist sentiments (Mahmoud 2008). After Somalia's intervention in the Ogaden War (1978–79) in Ethiopia, the Kenyan government feared that Somalia might infiltrate NEP and stepped up its military presence (Otunnu 1992). The worst incidents occurred in 1980, 1984 and 1989 under President Moi (Otunnu 1992; Anderson 2014). The Wagalla massacre (or Wajir massacre) in February 1984 was the largest collective punishment operation that took the lives of between 500 and 3,000 men from the Degodia clan (Anderson 2014).⁵

Later, the government launched operations to scrutinise the identity and origins of Kenyan Somalis in NEP, in order to distinguish 'original' from 'foreign' Somalis and to expel the latter for security reasons. A major screening exercise was carried out in 1989 under President

³ For example, through three Constitutional amendments: the third amendments vide Act No. 14 (1965) altered the parliamentary majority required for approval of a declaration of a state of emergency from 65 per cent to a simple majority. The fourth amendment vide Act No. 16 (1966) extended the President's power to rule NEP by decree, extending this to the neighbouring Marsabit, Isiolo, Tana River and Lamu districts. The sixth amendment vide Act No. 18 (1966) enlarged the government's emergency powers by removing existing legislation relating to parliamentary control over emergency legislation and the law relating to public order.

⁴ Actions were carried out with nearly complete impunity. The Indemnity Act (1970) protected state officials, including the army, from being held to account for state violence. This Act was only revoked in 2010 (Anderson 2014).

⁵ President Moi's regime silenced any account of the massacre and persisted in denial, which is why only estimates exist of the number of victims. Campaigns for revealing the details accompanied by a truth-telling process have increased since 2002 (Anderson 2014).

Moi, with the purpose of distinguishing 'indigenous' Somali from 'alien' Somali refugees who had obtained Kenyan identity documents illegally. They were accused of poaching in NEP and considered a potential threat against the Kenyan state, against the background of deteriorating relations between Kenya and Somalia and increasing instability in Somalia and Ethiopia. Kenyan Somalis were forced to demonstrate their membership of particular Somali lineages. The measures to verify their statements were highly controversial (Lochery 2012). After the influx of Somali refugees rapidly increased following the collapse of the state of Somalia, from 1991 the Kenyan government used this as an excuse to impose a screening process on its own ethnic Somali population (HRW 1991). Since then, screening exercises have been extended to areas outside of NEP, especially in urban areas (discussed further below).

After the state of emergency was lifted in 1991, military presence in NEP remained high. As the conflict in Somalia unfolded and the government expected spillover effects on Kenyan territory, the state's security institutions subjected the population to surveillance, mistreatment and violence. Suspicions of the presence of Somali militants deepened as attacks in NEP multiplied. Since the start of Operation Linda Nchi in 2011, (terrorist) attacks in Kenya have increased, as detailed below. Some of the attacks have targeted Kenyan security forces, who have responded with brutal force to the Somali population in NEP (including in the Dadaab refugee camps in Garissa) and Eastleigh (HRW 2009, 2010, 2012).

While the state perpetrated acts of violence against the civilian population in north-eastern Kenya in the past, our respondents emphasised how the problem has shifted to become one of state neglect of violent insecurity in north-eastern Kenya. The state tends to view insecurity in north-eastern Kenya through a narrow lens of clan divisions, requiring local mediation and resolution, thus absolving itself of any responsibility to respond. That insecurity in north-eastern Kenya has become something normalised, as something afflicting parts of the country where Somali are the majority population, reflects the 'othering' of Somalis in Kenyan society, irrespective of their nationality. For example, experts that we interviewed compared the outbreak of clashes in Mandera and Wajir in June 2014, which left 60 dead and over 75,000 displaced, with the 67 victims of the Mpeketoni attack the same month.⁶ While there was a quick and rapid response by the government to go after the Mpeketoni attackers including the President making a high-level visit to Lamu, in Wajir the response was slow and there was no such focus by the government.

2.2 Eastleigh

The Nairobi neighbourhood of Eastleigh has in many ways become a microcosm of the dynamics between the Kenyan state and its Somali population. Firstly, the state often targets Eastleigh with its security measures. Secondly, government actors often promote a discourse that criminalises the Somali identity. They impute linkages between Somali wealth in Eastleigh and illegal activities and crime, again framing the Somali presence as a security issue. This section briefly describes the background of Eastleigh and elaborates these points.

The first Somali arrived in Eastleigh in 1910. Because of this long Somali presence – and Somali lodgings – refugees settled there from the 1970s. The major influx was in the late 1980s (Carrier and Lochery 2013). Today, Eastleigh is known as 'Little Mogadishu': it has approximately 350,000 inhabitants, made up mostly of Somali Kenyans, as well as nearly 30,000 registered Somali refugees (UNHCR 2014). There may be tens of thousands more unregistered Somali nationals (HRW 2013). Eastleigh's vibrant Somali business community built on cross-border networks and relationships that predated the collapse of the Somali

⁶ Interview with Muslim leader, Nairobi, 4 July 2014.

state in 1991. Early on in Somalia's civil war, 'Reer Hamar' businessmen⁷ fled from Mogadishu and brought their networks to Eastleigh (Carrier and Lochery 2013). Contraband trade already existed in the 1980s, particularly for cheap clothes, which connected Eastleigh to Isiolo – the transit point to Somali border towns. As the conflict in Somalia evolved, trade networks on both sides of the border rapidly adjusted when opportunities opened up or closed down.

Trade networks anchored in the Gulf connected Kenya through Somalia to Dubai and, more recently, to China. Because trade on Somali territory remains a high-risk venture, most trade routes bypass Somalia while most border towns maintain connections to Nairobi and Dubai. Eastleigh, the new hub of these networks, is frequently targeted by state security interventions, notably identity screenings to identify and arrest illegal migrants and refugees (Lochery 2012; Murunga 2009).

The origin of Somalis' wealth associated with the rise of Eastleigh has been a source of much speculation. The dominant street narrative is that it has been acquired through illegal activities. This discourse is reinforced by the state, which at various times has suggested a connection between the financing of real estate and businesses to Somali piracy activities on the Indian Ocean. In December 2009, the Permanent Secretary in the Office of the President, Francis Kimemia, ordered members of the provincial administration by decree to conduct an audit of houses in Nairobi, in order to verify who owned what property and how it was acquired (Kenya Television Network 2009).⁸ It is unclear whether the audit was carried out. However, investigations by the World Bank, United Nations Office on Drugs and Crime, and Interpol, showed that the main drivers of the 'property boom' are credit by the banking sector, diaspora remittances, and a general supply and demand dynamic (World Bank/United Nations Office on Drugs and Crime/Interpol 2013).

This is the background for the periodic screening exercises accompanied by abusive behaviours of state actors (HRW 2013). High levels of abuse also occur outside such screening exercises and have become part of daily life for many Somali, either immigrant or Kenyan national. The police force, known for its inefficacy and corruption, uses identity screening as an excuse to 'arrest' residents and release them for a bribe (*ibid.*). These measures, such as the screening exercises in NEP in the past, have effectively created 'hierarchies in citizenship' (Lochery 2012).

The situation worsened immediately after an attack on a minibus in Eastleigh on 18 November 2012, and another five attacks occurred the following month.⁹ Forms of abuse included arbitrary detention, theft and extortion (being forced to pay for one's release), rape and sexual violence (HRW 2013). Perpetrators were police personnel from various divisions in the police apparatus (*ibid.*). The peak in police abuses ended in late January 2013.

2.3 Ethnic Somali and Kenya's politics

The rise of Eastleigh underlines the murky divide and historical separation between the Somali diaspora and Kenya's own Somali community. Various small Somali parties had emerged as the ban on political parties was lifted in 1960. They played, however, no particular role under President Kenyatta and his Kenya African National Union (KANU) government in power from 1963 to 1978 (Otunnu 1992). Under President Moi's rule (1978–2002) the registration of political parties that were organised around ethnic and religious identity was banned until the return to multiparty politics in 1992. In contrast to Kenyatta,

⁷ The Reer Hamar are a minority group in Somalia who belong to an old tradition of mercantile urban communities and are geographically associated with the oldest parts of Mogadishu (Abbink 1999).

⁸ See also, Standard (2009).

⁹ These attacks must be seen in the context of a wave of incidents that were labelled as terrorist attacks that started after Kenya commenced Operation Linda Nchi in Somalia, as detailed later in the report.

President Moi formulated a strategy to include Somali leaders and he integrated several prominent Somali leaders into his government and the military. Here, the treatment of ethnic Somalis intersects with other characteristics of Kenyan politics.

Owing to his lack of political and economic base, President Moi needed a group that had limited impact on the national political calculus. For the Somalis – mostly the elite – having a modicum of a place at the table served their political interest and warded off the claims that the Somalis were not represented in the sharing of the national cake, albeit symbolically. Anderson (2014) notes that President Moi needed loyal commanders that were not linked to the Kikuyu elite after the coup attempt against Moi in 1982. General Mohamoud Mohamed was promoted to Chief of General Staff in the military (1982–86). His brother Hussein Maalim Mohamed was given the post of Minister of State in the Office of the President. According to Murunga (2009) it was an attempt to create patronage networks between the state, the Kenyan Somali leaders and their constituencies, in order to address resistance among ethnic Somalis. It might convince Kenyan Somalis to leave behind their pan-Somali sentiments and integrate into Kenya.

It is debatable whether these appointments had the intended effect of creating a patronage network or whether they were essentially symbolic. It did not lead to much resources being channelled to NEP, but may be part of the explanation for the increased enrolment of Kenyan Somalis into the army (*ibid.*).

Moi's actions fuelled ethnic politics and divisions among the Somali clans in NEP. The Mohamed brothers belonged to the Abduwak sub-clan of the Ogaden Darood. Other Somali groups viewed their promotion as favouritism and dominance of politics by particular Somali lineages (Anderson 2014; Lochery 2012). The small number of Kenyan Somalis that belonged to the political elite under Moi's presidency were primarily Ogaden. They used their positions in the government and the military to detain and deport members of rival Somali clans during the 1989 screening exercise (Lochery 2012): some of them were associated with activities against the Barre regime; others were prominent businesspeople, whose assets and properties were confiscated after they were deported.

President Kibaki and his National Rainbow Coalition (NARC) won a majority in the 2002 elections, which marked the end of KANU's rule. According to Mahmoud (2008), the Kibaki government (2002–08) did little to improve the safeguarding of citizenship rights in NEP and the security and socioeconomic conditions of its population. Other sources referred to improvements in the situation of ethnic Somalis under Kibaki, and his administration's efforts to develop NEP (HRW 2012). Coupled with their entrepreneurial skills, some elite benefited from Kibaki's business-friendly policies. Several of our respondents, in particular those from an ethnic Somali background, confirmed this. NEP was relatively more peaceful, schools were constructed and business could develop.¹⁰ Respondents also attributed the improvement to the increased visibility of prominent Somali leaders in government, who the Kibaki regime had appointed. On the other hand, political appointments need to be seen in the light of Kenyan politics, in which ethnicity plays such a strong role. For instance, one respondent commented that Somali leaders were perceived to be 'more neutral' in the sense that they were less associated with Kenya's largest ethnic groups that dominate politics.¹¹ Furthermore, as is explained below, the Kibaki government may have tried to include Somali leaders to appease grievances in the Somali community and secure their votes in the 2007 elections (Mahmoud 2008). It is possible that the appointments by the Kibaki government were to serve its own interests rather than being an attempt to genuinely integrate Kenyan Somalis into government.

¹⁰ Interview with political analysts, Nairobi, 3 July 2014.

¹¹ Interview with Kenyan Somali professional, Nairobi, 2 July 2014.

2.4 Devolution and local-national links

Local political dynamics and national politics became increasingly entwined after two major changes in Kenya's political system: first, the introduction of the multiparty system in 1992; and more recently, the formalisation of a system of devolution in the 2010 Constitution. Although these changes were meant to further democratisation in Kenya and to counter inter-ethnic tensions, there is reason to suggest that the informal politics that accompany such measures jeopardise their democratic potential in NEP, and in Kenya more widely.

In the first ten years after 1992, the NEP population mainly supported KANU, which deliberately increased the number of constituencies in the province so as to increase its parliamentary strength. Ethnic divisions hardened after 1992 due to Somali clans increasing competition for power within constituencies. The 1992 elections were considered 'high-stake' zero-sum contests, which led to increased ethnic tensions and violence in several areas (Menkhaus 2008). Politicians from various constituencies started moving their clan members into constituencies to increase their voting power, or carved out new constituencies as a form of ethnic gerrymandering (Carrier and Kochore 2014; Scott-Villiers *et al.* 2014). For all groups, dominating a territory is associated with increased access to power and resources.¹²

Dynamics in NEP indicated an integration into national politics after 2002, with certain candidates reaching out to (segments of) the NEP population, against the background of intensifying ethnic politics that pitted Somali groups against each other. In the 2007 and 2013 elections, politicians considered NEP more of a 'swing area' (Carrier and Kochore 2014). In the run-up to the 2007 elections, Raila Odinga and his Orange Democratic Movement (ODM) campaigned for the Muslim vote in general and for NEP in particular (Mahmoud 2008). The party signed a formal Memorandum of Understanding with the newly founded National Muslim Leaders Forum (NAMLEF) in August 2007. ODM promised to give government appointments, redress marginalisation and resolve citizenship issues. In response, the Kibaki government quickly appointed several Muslims to government positions and established a Presidential Special Action Committee in October 2007 (including two prominent Somali members), which was to investigate Muslim concerns and make recommendations.

The 2010 Constitution and the process of devolution changed the political environment for the 2013 elections. In NEP it increased the stakes for clans to not just win a constituency, but also the county gubernatorial position (Carrier and Kochore 2014; Scott-Villiers *et al.* 2014). In NEP, councils of elders of various clans mobilised to anoint a candidate, which were successful across the board. At the national level, presidential candidates and their parties had a huge interest in NEP constituencies. Kenyatta owes his victory in NEP to a great extent to William Ruto, who cleverly navigated local ethnic politics (Carrier and Kochore 2014).

2.5 Summary

In summary, the colonial regime as well as Kenya's post-colonial governments used various top-down strategies to establish a designed or planned social order (Scott 1998). Policies restricting the movement of Somalis, forced villagisation in certain areas of NEP, screening exercises, and policies allowing for military coercion and collective are all part of a larger approach of the state administration to systematically control a (segment of) its citizenry. These strategies were entangled with the wider geopolitical factors during the Cold War, the

¹² This was not unique to NEP alone. The reintroduction of multipartyism led to a revival of 'majimboism' in northern Kenya among, for example, pastoralist groups in the Rift Valley and for ethno-territorial boundaries of constituencies (see Anderson 2010, Greiner 2013 and Schlee 2010). (Majimboism is a concept popularised by the Kenya African Democratic Union (KADU) in 1963, which was a way of devolving power to the then eight provinces in Kenya. In the 1990s, majimboism came to be seen as ethnic federalism, because the regions were viewed as belonging to particular communities and those from different communities were not supposed to stay there. This largely accounted for the 1991–92 violence.)

deteriorating situation in Somalia with its cross-border spillover effects, and the way that Kenyan politics is pursued. The strategies were, in any event, unsuccessful and opposed through Somali mobilisation, both through democratic means and through informal resistance. Yet, in the process of pursuing strategies to restrict, police and otherwise control Somalis, the state has attempted to forge a Somali identity 'from above' (Murunga 2009) and has imagined – and presented – it as a largely criminal identity and security threat.

3 ‘Head in Eastleigh and tail in Somalia’: the threat of Al-Shabaab in Kenya

The social construction of Somalis as a threatening presence plays strongly into Nairobi’s recent security assessments while justifying state responses to worsening violence. Viewed from the perspective of Kenya’s political and security establishments, the country’s peace and stability are undermined by ‘external stresses’ from Somalia’s long-running state collapse and conflict spillovers, as is evident from attacks attributed to Al-Shabaab as well as the group’s business and recruiting activities in Kenya. Announcing an imminent security crackdown in Eastleigh in 2011 to flush out suspected Al-Shabaab members, then Assistant Internal Security Minister Orwa Ojode remarked, ‘This is a big animal with its head in Eastleigh, Nairobi and its tail in Somalia’ (Standard 2011). Strongly derided by Kenya’s Somali leaders and politicians at the time, Ojode’s comments were widely publicised in Kenya because they so transparently revealed the optic informing Nairobi’s approach to reducing the spread of violent insecurity. This section examines more closely the logic underlying Kenya’s security assessments, which have stayed remarkably unchanged over the years. These are considered alongside examination of recent patterns of violence in the country and problems of youth radicalisation.

3.1 External stresses

Protracted warfare and the breakdown of central state authority in Somalia is seen as a significant destabilising ‘external stress’ on Kenya, and the cause of much of its recent worsening violence. As described in Section 2, the construction of Somalis as an ‘outside’ threat to peace and stability has been a distinct characteristic of Kenya’s security thinking over time. The ‘external stresses’ framework continues to function as a platform for addressing violence in the country, as one of our respondents explained: ‘The Kenyan government has been reluctant to say that the terror threat is home grown. Everyone wants to externalise the problem’.¹³ Kenyan government officials have long ascribed attacks in the country to a variety of outside forces rather than to radicalised domestic elements. Take, for example, comments by John Sawe, Kenya’s former ambassador to Israel, following the bombing in 2002 by militants of the Paradise Hotel in Kikambala and attempt to shoot down an Israeli commercial plane: ‘There is no doubt in my mind that al-Qa’eda is behind this attack, because we have no domestic problems, no terrorism in our country, and we have no problem with our neighbours, no problem whatsoever’ (Botha 2014b: 3).

The ‘external stresses’ framework has purchase in wider thinking on addressing and mitigating violence. As stated earlier, the *World Development Report 2011* (World Bank 2011) explains that the risk of conflict and violence arises from the combination of interacting ‘external’ and ‘internal’ stresses. Mitigating the negative effects of external stresses requires, in the *World Development Report’s* analysis, building ‘buffering institutions’ at the national level in the affected countries – to enhance capabilities for coping with stress – and enhancing cooperation with their regional neighbours: ‘Countries and subnational areas with the weakest institutional legitimacy and governance are the most vulnerable to violence and instability and the least able to respond to internal and external stresses’ (World Bank 2011: 7).

A weakness in this approach is its underlying premise that ‘internal’ and ‘external’ stresses are somehow separate and distinct. However, Schultze-Kraft (2013: 8) shows that the issue is not merely that internal and external stresses combine to generate stress but that they

¹³ Interview with Kenyan journalist, Nairobi, 2 July 2014.

'actually *relate to and reinforce one another*, for they are interconnected through *transnational* actors and processes'. Further, states are not only overwhelmed by these transnational dynamics; rather, they actively shape these, as well: 'powerful political and military elites and their patronage-dependent constituencies are actively engaging in processes of... globalisation, seeking to appropriate rents to maintain positions of power and influence through patronage and clientelism' (Schultze-Kraft 2014: 33). He shows that interrelated internal, external and transnational actors drive these processes, which can promote the interests of state and non-state groups both within and outside the country that is thought to be stressed.

For example, Kenya's military operation in southern Somalia under the auspices of the African Union Mission in Somalia (AMISOM), discussed below, has been dogged by reports that it profits from the illicit trade in charcoal from Kismayo port in southern Somalia as well as the trade in contraband sugar from Somalia into Kenya. Some speculate that Kenya's economic interests in becoming involved militarily in southern Somalia include buffering Lamu on Kenya's north coast, the locus of major infrastructural investment, to establish a port facility and terminus for oil exports. It is also thought that Kenya seeks to strengthen its claims over oil and gas deposits in a contested maritime zone off the coasts of Kenya and Somalia (ICG 2012). Although conventional wisdom is that Kenya has been negatively affected by spillovers from Somalia's conflict, it has benefitted greatly through an influx of Somali capital as well as the relocation of many of Somalia's professional classes to Nairobi and other large Kenyan cities, as well. Further, even before the latest episode of the conflict, the economies of southern Somalia and Kenya were intricately bound through trades in livestock, other agricultural products, charcoal and household goods – with significant benefits of the trade accruing to Kenya-based wholesalers, retailers and transporters.

As detailed below, patterns of violence in Kenya bring into question the adequacy of the World Development Report (WDR) paradigm that separates and distinguishes between 'internal' and 'external' stresses. It is the entwining of the two, and their interconnectedness through transnational actors and processes, that feeds into Kenya's system of violence.

3.2 Recent history of attacks

Insecurity has worsened appreciably as terrorist attacks have multiplied in recent years. Interviews with a range of analysts, diplomatic and security officials, and human rights advocates in June and July 2014 point to a deteriorating security situation growing out of hand, an assessment underlined by the November 2014 massacres by Al-Shabaab in Mandera:

The threat of Al-Shabaab in Kenya is real and worsening. Al-Shabaab were taken back by the reaction to Westgate. It was four guys with guns and it hit the world headlines for days... It gave them a huge profile and funding to launch more attacks inside Kenya. They see there are holes in Kenya's security apparatus and capability. The context is one of huge and growing grievances in Coast, Nairobi and elsewhere. They can train fighters in Somalia and launch attacks here. They can exploit these tensions for their own gain.

(Interview with European security official, Nairobi, 30 June 2014)

I think we'll see attacks here, attacks there. They [Al-Shabaab] want to keep the fear up. They want to show that this government can't control national security. But I think there are Kenyan groups coming up who want to destabilise the state. So these networks are working a bit more. I think when you have these high-profile killings of Muslim clerics that it spreads discontent. It helps the groups to mobilise, whether it is Al-Shabaab, splinter groups or sympathisers.

(Interview with human rights officials, Nairobi, 1 July 2014)

Terrorist violence in Kenya made international headlines when Al-Shabaab militants attacked the upmarket Westgate shopping complex in Nairobi and killed 67 people. Yet, even before the Westgate attack, dozens of attacks were recorded in cities, towns and villages across Kenya, though mostly concentrated in north-eastern and coastal areas. For example, in February 2009, suspected Al-Shabaab militias raided the Dadajabula police post injuring scores of policemen and causing significant damage (*The Star* 2011a). In 2010, militants struck a General Service Unit camp at Liboi injuring several paramilitary officers (*ibid.*). In July 2011, Al-Shabaab planted mines and other explosive devices in Mandera town targeting police and military personnel (*ibid.*). A spate of abductions of tourists and aid workers in September and October 2011 precipitated Kenya's military incursion into southern Somalia, Operation Linda Nchi (or 'Protect the Country'), as discussed in Section 4.

Although ostensibly launched to enhance domestic security, the scope, scale and audacity of Al-Shabaab attacks have worsened since the Operation Linda Nchi invasion in 2011. According to Kenya's Anti-Terrorism Policing Unit (ATPU), over 133 attacks occurred between October 2011 and July 2014, killing 264 and injuring 923 (Standard 2014a). Attacks have multiplied across the country, from bombed markets in Nairobi's working class neighbourhood of Gikomba, to exploding *matatus* [public minibuses] on the city's Thika superhighway, to village massacres. Since the Westgate siege, a series of larger attacks and evidence of planned attacks attest to the expanding operational capabilities of militant organisations.

In March 2014, a massive device made up of 130lb of explosives welded onto a vehicle's rear seats, enough to collapse a multi-storey building, was found in an impounded Toyota at a Mombasa police compound after being discovered by foreign intelligence officials (*Daily Telegraph* 2014). Al-Shabaab claimed responsibility for the June 2014 massacre in Mpeketoni in Lamu County that left 60 dead. Weeks later, new raids on 5 July in Lamu and Tana River Counties left over 20 dead. As before with the Mpeketoni attack, a heavily armed group came during the night, striking the local police station, torching homes and businesses, while targeting men on a killing spree that was rumoured to last for hours.

While Al-Shabaab has claimed responsibility for several attacks, the perpetrators of many of these attacks are unknown. This includes the number of the Westgate attackers, which is still unclear. Observers note that responsibility for the attacks can be divided between those directed by Al-Shabaab's command structure in Somalia, by terrorist cells in Kenya, and by criminal organisations intent on exploiting the situation of insecurity in pursuit of political and business agendas (Boru Halakhe 2014). Some respondents differentiated between Al-Shabaab and extremists of various stripes who deploy the organisation's violent tactics in pursuit of a range of aims:

The Al-Shabaab threat level is high but this is mostly from Al-Shabaab sympathisers. They are taking advantage of the current insecurity to cause mayhem... Note that I call them sympathisers and not Al-Shabaab because I think they do not believe in the ideology, only in the tactics they use.

(Interview with Kenyan government official, Nairobi, 7 July 2014)

The incidence of copy-cat attacks or vendetta veiled by other violence is an important development that points to the enmeshing of Al-Shabaab with local politics. As explained further below, the greatest threat from Al-Shabaab for Nairobi is how it entwines with and provides a vehicle for Kenya's own dissident actors.

3.3 The home-grown threat

What began as low-profile grenade attacks on common citizens and then assassinations targeting police, religious and business figures, has morphed into a far more threatening

pattern of insecurity that is destabilising a wide area of Kenya's north-eastern and coastal counties. The trend of worsening attacks indicates an escalating campaign of violence whose ultimate goals are unclear. Further, this violence is increasingly entwined with Kenya's deepening regional and ethnic divisions, throwing into question the effectiveness of a strategy to contain 'external stresses' as a way of strengthening security. Security and political analysts in Nairobi shared the following:

Kenya tells us, 'fix Somalis and then you'll fix our problems, get rid of Somali refugees and you'll fix our problems. We've gone into Somalia to do just that'. That makes them deaf to growing internal dynamics. You could completely seal the border and still have a significant threat in Kenya.

(Interview with European security official, Nairobi, 30 June 2014)

There are many reasons why insecurity has suddenly got much worse in Coast and north-east province, but these have nothing to do with Somalia, but rather are to do with contradictory internal policies in Kenya.

(Interview with political analysts, Nairobi, 3 July 2014)

As these quotes show, the situation in Somalia is marginal relative to other more important drivers of violence in Kenya. These concern its domestic policies, politics and practices, particularly as they relate to uneven development patterns and the treatment of Kenya's Muslim populations.

The appeal of extremism among young people is a significant threat to Kenya's peace and stability. While radicalisation is not a new phenomenon in Kenya, the challenge is widening in a context of a resurgent Al-Shabaab that is actively cultivating associations with Kenyan groups and individuals as part of its regional strategy. Al-Shabaab's recruitment in Kenya can be traced back to the group's beginnings in 2006 following the demise of the Islamic Courts Union, which briefly governed parts of southern Somalia before being removed from power by United States-backed Ethiopian forces.¹⁴ The 2010 United Nations (UN) Monitoring Group on Somalia report singles out the Muslim Youth Centre (MYC) at Pumwani Riyadhha Mosque in Nairobi as a recruitment and training centre for would-be Al-Shabaab fighters (UN 2010). One of the MYC officials named in the UN report was picked to head Al-Shabaab's Kenya operations (Standard 2012a). The MYC later emerged as Al Hijra in 2012. It has mobilised over 700 followers to fight in Somalia (Findlay 2014). Activist Salafi-jihadi clerics have used websites and social media to spread their ideology among the Muslim faithful. The magazine *Gaidi Mtaani* as well as videos such as 'Mujahideen Moments' feature Swahili-speaking Kenyan militants who emphasise themes such as the humiliation suffered by Muslims in Kenya, Christian 'occupation' of coastal land, revenge for the killing of prominent preachers, and the liberating potential of violence (Prestholdt 2014). Kenyan and foreign intelligence services have alleged associations between Salafi-jihadi clerics and Al-Shabaab. Since 2012, a "dirty-war" of tit-for-tat killings' has escalated in the coastal counties of Mombasa and Kilifi, but also in Nairobi (ICG 2014: 10), implicating Kenyan security agencies in murderous, covert counter-terrorism operations, as explored below.

The June 2014 massacre in Mpeketoni in coastal Lamu County epitomises the evolving dynamic of Kenya's violent insecurity. Survivors and witnesses described the attackers as being a mix of Somalis, Arabs, English-speaking and local (Mijikenda) people. Many of the attackers spoke Kiswahili, with one local resident telling a Kenyan reporter: 'These people knew people by their names' (Standard 2014b). Al-Shabaab is actively cultivating non-Somali recruits as it expands its regional strategy in the Horn of Africa. Suspects in several past attacks were from various parts of Kenya, including the central and western highlands. For example, a July 2014 report of Kenya's National Intelligence Service copied to all police

¹⁴ Interview with Kenyan Muslim leader, Nairobi, 4 July 2014.

stations in coastal counties identified Idris Kamau, a Kenyan of Kikuyu ethnicity, as the mastermind of the spate of terror attacks in Lamu and Tana River Counties in June and July (Standard 2014c). A report into the Westgate attack tabled by a Joint Parliamentary Committee reported:

Certain segments of Kenya's Muslim youth are becoming more and more at a risk of radicalization and recruitment into extremist groups for various reasons. This is visible because it is not Somali nationals behind most of the terrorist incidents outside Somalia's borders but Kenyan nationals. Though Somalia provides a safe haven, training camps and opportunities for extremists to fight the 'enemies of Islam', al-Qaeda and al-Shabaab have executed attacks in the region by relying on Kenyan youth assistance and support. The Government should therefore strive for strategies that address the youth radicalization.
(Government of Kenya 2013b: 16)

While awareness is growing of the need to address the problem of young people being drawn to extremist organisations, policy discussions tend to reify 'radicalisation', when in fact it is a compound phenomenon with many disparate antecedents (Botha 2014a). Ideology is part of the radicalisation story in Kenya. Observers trace the radicalisation of Kenya's young Muslims in part to the deepening influence of Wahabism, an orientation of Salafism that informs much of the core theological outlook of jihadi groups such as Al Qaeda and Al-Shabaab (ICG 2014: 8). Wahabi influences can be traced back to the 1970s but really took root in Kenya throughout the 1990s through the work of Saudi-funded charitable organisations such as al-Haramain and the Young Muslim Association, who laid a foundational network of *madrassas* [Islamic religious schools] and orphanages in northern Kenya and the Coast. Many *madrassa* graduates received scholarships to study in Saudi Arabia and Pakistan, among other places, and they returned to Kenya where they set up other *madrassas* and charities (*ibid.*). Matters came to a turn in 2006, when many *madrassa* teachers and students travelled to Somalia to fight alongside the Islamic Courts Union.

Yet, more than ideology, our respondents emphasised uneven socioeconomic development and historic marginalisation of some parts of Kenya, as significant drivers of radicalisation, as the following quotes highlight:

In the past you had a few Al-Shabaab attacks in Kenya, such as grenade attacks. Now it is tying into local grievances much more, organising more sophisticated attacks and targeting upcountry people. It realises you can both mobilise support locally by conducting those type of attacks using those types of grievances but you do it by hitting people close to government [Kikuyu people] and in Lamu [hit tourism].
(Interview with political scientist, Nairobi, 10 July 2014)

Al-Shabaab thrives on vulnerable people. The Coast has been marginalised for some time. In Coast, there are resources, but they have a marginalised population. So it is ripe for Al-Shabaab to infiltrate and thrive on those factors. In Lamu there are historical injustices. Mzee Kenyatta created an avenue for his own people to displace the indigenous in Lamu. During the Kibaki era, the Kikuyu got an upper hand. They got access to financial institutions and infrastructure. This has created a huge division... With Al-Shabaab now coming across the border, and the injustices present at the Coast, the resources that are available, people want a hand. Al-Shabaab is recruiting off of Swahili land grievances, it is arming them, giving them an ideology that 'your land has been taken away'.
(Interview with Kenyan-Somali professional, Nairobi, 9 July 2014)

I think 50 per cent of attacks are carried out by local jihadi groups in northern Kenya and the Coast. Al-Shabaab is basically instrumentalising grievances. Its work is much easier, it realises. It doesn't even need to use its own resources. This is a very conducive territory for them to operate – to seek shelter, hide, and find individuals who sympathise with their aim of destabilising the state.
(Interview with Kenyan journalist, Nairobi, 2 July 2014)

These views dovetail with the findings of recent research by Botha (2014a, 2014b) and ICG (2014), as well as Anderson and McKnight (2014). They argue:

Al-Shabaab is likely to exploit the deeply rooted disaffection amongst the peoples of the Kenya coast and north-east in gaining recruits to its banner. These affiliates may only see Al-Shabaab's black standard as a temporary flag of convenience, but that may be enough to incubate and evolve an Al-Shabaab-led insurgency within Kenya.
(Anderson and McKnight 2014: 3)

Al-Shabaab's skilful manipulation of historic injustices and socioeconomic inequities as well as the treatment of minority groups mirrors the group's political strategy in southern Somalia, as our respondents explained:

Al-Shabaab has been able to persist in Somalia by manipulating clan tensions and differences. That is how it is still there. It has become part of local reconciliation dialogue because it plays on those tensions, and assists those groups who are having problems. The tradeoff is that they support Al-Shabaab and provide new recruits. So if it is true [that Al-Shabaab is playing off local grievances in Kenya], this would mirror how the group operates in Somalia.
(Interview with human rights officials, Nairobi, 1 July 2014)

They want to exploit local grievances and show they are fighting with them [local communities]. They did the same thing in Somalia. They said everyone is equal, there is no majority or minority community. They said everyone is equal, that is what our religion says. That is how people began to accept them... If it comes to the issue of appointment to political offices, Al-Shabaab tries to take a mix from all groups, so even those who were excluded can hold office. That is how they thrived and expanded.
(Interview with Kenyan-Somali professional, Nairobi, 9 July 2014)

Al-Shabaab have used minority clans in Somalia and given them a voice. I wouldn't be surprised if they do this in northern Kenya.
(Interview with European donor agency official, Nairobi, 30 June 2014)

That far more complex dynamics are at play in recent violence than infiltration by Al-Shabaab operatives came to the fore during the June and July 2014 attacks in Lamu and Tana River Counties. Claiming responsibility for the first attack in Mpeketoni, Al-Shabaab proved deft at weaving together local grievances as well as regional cleavages. A statement explained why the insurgents raided Mpeketoni (a settlement scheme established in the 1960s for Gikuyu from the central highlands) – because 'it was originally a Muslim town before it was invaded and occupied by Christian settlers' (Analo 2014), adding that the attack was 'revenge for the presence of Kenyan troops in Somalia and the killing of Muslims' (BBC News 2014a).

Weeks later, new raids on 5 July on the settlements of Hindi in Lamu and Gamba in Tana River left over 20 dead. Less than a day after the raids, Deputy Inspector General of the Police, Grace Kaindi, claimed in a press briefing that the outlawed Mombasa Republican Council (MRC) was behind the attacks. This was despite a broadcast on an Al-Shabaab-

affiliated radio station which stated that it was responsible for the Hindi attack (no group immediately came forward to claim responsibility for the Gamba attack). Explaining the police thinking, Kaindi revealed that a board was placed at a road junction, with the following message scrawled in chalk:

<i>Raila Tosha</i>	<i>(Raila is enough, the one who should lead)</i>
<i>MRC munalala</i>	<i>(MRC is sleeping)</i>
<i>Waislamu Ardizenu</i>	<i>(Muslims, it's your land)</i>
<i>Sina nyakuliwa</i>	<i>(Your land is being taken away)</i>
<i>Amkeni mupigane</i>	<i>(Wake up and fight)</i>
<i>you invade Muslim county</i>	
<i>and you want to stay in peace</i>	
<i>Kick Christians out Coast</i>	
<i>Uhuru down</i>	

The attacks in Lamu and Tana River – more than retribution for Kenya's military operation in southern Somalia – exposed Al-Shabaab's efforts to square long-standing marginalisation and historic injustices in Kenya's coastal areas with the organisation's regional jihadist agenda. They revealed the ease with which Al-Shabaab could exploit simmering sectarian divisions and local political disputes through providing arms, other tactical support, salaries for fighters, as well as an ideological edifice on which to hang deeply held grievances.

Mounting evidence of an enmeshing of 'external' and 'internal' stresses raises the need for more methodical and careful intelligence gathering. It also calls for a strategic rethink and different methods to address and mitigate violence, as explored in the following sections.

4 Security responses to the Al-Shabaab threat

The perception framing of Kenya's worsening violence as being driven by 'external stresses' shapes the state's responses to recent attacks. As detailed below, the state in Kenya has launched military operations in southern Somalia, instigated police swoops in Somali neighbourhoods – ostensibly to identify radicals and remove individuals who are in the country illegally – tightened administrative controls of refugees, and passed new security legislation. Government figures are thought to give wide leeway to members of the Anti-Terrorism Policing Unit (ATPU), which some human rights observers allege was involved in extrajudicial killings of terror suspects (Open Society Foundations 2013; *The Star* 2014a). These responses derive from a discourse and understanding that sees outsiders, namely Somalis, as a threat, both internally and with regard to conflict spillovers from Somalia. The state has sought to insulate Kenya from perceived external stresses through its military involvement in Somalia to establish a 'buffer zone', and also through increased surveillance and policing of its Somali and Muslim populations.

4.1 Operation Linda Nchi

On 16 October 2011, 1,500 Kenya Defence Forces (KDF) personnel crossed the border into parts of southern Somalia, marking the beginning of a military campaign dubbed *Operation Linda Nchi*, or 'Protect the Country'. This was Kenya's first significant cross-border military campaign since its independence. Its significance was further underlined by the fact that it signalled a shift from Kenya's supposedly 'neutral' stance in Somalia's affairs up to that point – a perception Kenya actively sought to play to in the Horn's complex geopolitics. The operation was launched on the heels of a series of kidnappings in September and October 2011. Neither the President nor Defence Minister announced the invasion, but instead it was Kenya's Internal Security Minister, George Saitoti. Explaining Kenya's right to defend itself under international law, he referenced the external threat to the country's peace and stability:

Kenya has been and remains an island of peace, and we shall not allow criminals from Somalia, which has been fighting for over two decades, to destabilize our peace. The kidnappers in Lamu who sneaked in and ran away must not be given a chance again.

(*The Star* 2011b)

Over 154 days, Kenyan forces wrested control of 22 towns from Al-Shabaab fighters before formally incorporating its operations within AMISOM in March 2012 (Standard 2012b).

Thus, the 'external stresses' logic was the official justification for Operation Linda Nchi: to curb infiltration by Al-Shabaab militants into the country, built on a securitisation of the steady increase in numbers of Somali refugees in Kenya from the 1990s onwards. The perception of risk evolved around localised insecurity issues across the porous border; poaching and the illegal trade in arms. Perceptions of threat were also influenced by the global 'war on terror' launched in the aftermath of the September 11th attacks (Howell and Lind 2009; Lind and Howell 2010). Somali refugees became the 'local and regional epitome of contemporary global terrorism' (Jaji 2013: 1). From 2006, a new wave of refugees to Kenya followed United States-backed military action by Ethiopian proxy forces against the Islamic Courts Union (ICU) in Somalia (Lindley 2011). The Kenyan government responded by shutting the border in 2007, arguing that it would not assist people loyal to the ICU. Kenya again shut the border when it embarked on Operation Linda Nchi and stopped the registration of new refugee arrivals citing security reasons.

Kenya's continued military presence in Somalia is yet to yield improvements in Kenya's internal security and, indeed, attacks have spiralled since the military incursion. Al-Shabaab has repeatedly cited the presence of Kenyan troops in Somalia, and claims of atrocities carried out by Kenyan forces inside Somalia, in statements following attacks inside Kenya (*Daily Mail* 2011).¹⁵ It sounded similar warnings to Uganda and Burundi in retaliation for their troop contributions to AMISOM before its July 2010 bombing in Kampala of a World Cup viewing event, which left 85 dead (*Sunday Vision* 2010).

Considering evidence that Kenya's security has worsened since it initiated military operations in Somalia, political debate in Kenya is muted on withdrawing troops, with the efforts of some opposition politicians to galvanise a national debate failing to gain traction. Officials from the Coalition for Reforms and Democracy (CORD) have argued for expanding efforts to train Somalia's armed forces to assume control of security, accelerating economic development in Somalia, and rallying the international community to agree a plan to consolidate peace. CORD has also requested a full accounting of the costs of military operations (Standard 2014d). In response, government officials have smeared CORD officials as being unpatriotic and 'speaking the same language as Al-Shabaab' by calling for the return of Kenya's forces (*Daily Nation* 2014a). President Kenyatta declared that KDF personnel will stay in Somalia until 'the job is done' (Standard 2014e). Deputy President Ruto similarly dismissed calls for Kenyan troops to withdraw because doing so, he argued, would provide a safe haven for Al-Shabaab to recruit and arm terrorists in Somalia who would then eventually cause an even greater risk to Kenya and the region (*Capital FM News* 2014a). One view is that Kenyatta fears that withdrawing troops would weaken the Kenyan presidency precisely when he seeks to shore up domestic backing as well as cut an authoritative figure in a region crowded with other strongmen.¹⁶

With Kenya's security undermined by its military operations in Somalia, and the lack of a robust debate on bringing its troops home, attention turns to other factors underpinning the calculus of its ongoing military campaign against Al-Shabaab. Diplomatic cables released by WikiLeaks lend credence to the theory that preparations were already set for Operation Linda Nchi and that the tourist abductions were just a trigger for the intervention. According to the cables Kenya had lobbied for United States (US) support of the 'Jubaland Initiative' since 2010. This sought to establish a separate state in southern Somalia, the idea being that it sever ways for Al-Shabaab to infiltrate Kenya's borders by pushing the group back well into southern Somalia's hinterlands. Kenyan forces would enter southern Somalia, drive away Al-Shabaab, creating a buffer zone to allow the Transitional Federal Government to take control and increase its capacity to retain it.

Even before launching Operation Linda Nchi, Kenya sought to recruit and train a 2,500-man-strong militia of Kenyan Somalis and refugees to fight in Somalia. According to an investigation by a parliamentary committee, retired Kenyan Somali army officers conducted a recruitment exercise in towns throughout North Eastern Province, offering new recruits monthly allowances of between US\$600 and US\$1,000. They were trained at a Kenya Wildlife Service camp at Manyani before being transferred to Archer's Post outside of Isiolo (UN 2010; HRW 2010). After training, the youth were taken to Somalia through Gedo and Jubaland; however, many deserted and returned to Kenya after facing the reality of warfare in southern Somalia. Others remained in Somalia, later joining forces that seized control of Kismayo port (see below), while others were recruited by Al-Shabaab. It is alleged to have offered monthly payments in excess of US\$1,000 to fighters.¹⁷ It is feared that these same fighters have returned to Kenya and are involved in attacks by Al-Shabaab and other extremist groups. Kenya media reports note that fighters who have returned have quietly

¹⁵ See also, Rawlence (2014).

¹⁶ Interview with European donor agency official, Nairobi, 30 June 2014.

¹⁷ Interview with Kenyan Muslim leader, Nairobi, 4 July 2014.

slipped back into Kenya with little or no support to demobilise and reintegrate (*Sunday Nation* 2014). A human rights official familiar with the militia explained:

A lot of local boys were recruited. Initially the idea was to use Kenyan Somalis. But then locals were recruited in Isiolo, Lamu and Garissa. They were trained by the KDF. But the posting was not properly managed, so many returned. In Mandera in 2012, 600 Garre had returned. The government knows these people but nothing was done to demobilise them. So part of the problem was failures of the government to properly deal with it, and they come back to haunt the state... The youth will tell you that they were trained from eight months to two years, and how much they were paid. (Interview with Kenyan researcher, Nairobi, 2 July 2014)

A Muslim leader we interviewed noted shortcomings in the conduct of the recruitment exercise, as well:

The problem is that they picked the criminal elements who were jobless and most have returned after finding the situation in Somalia hard. I know 12 of the young men who died. Those who came back have nothing to do and now they are the ones doing the bombings. They are now mercenaries for hire. (Interview with Kenyan Muslim leader, Nairobi, 4 July 2014)

Key to the success of Operation Linda Nchi was reclaiming the port of Kismayo, which was the main source of funds for Al-Shabaab.¹⁸ Leaked cables show that the operation enjoyed unqualified support from both sides of the grand coalition government (*Daily Nation* 2011). Control of southern Somalia's ports and trade routes into Kenya is an enduring feature of its political economy of violence. Thus, rife speculation has centred on the Kenyan military's own economic interests in wresting control of these from Al-Shabaab. Upon seizing control of Kismayo port in September 2012, KDF troops and allied Ras Kamboni militia found some four million sacks of charcoal worth at least US\$60–64m. Comparable stockpiles existed in other Somali ports, including Barawe, which was also under Al-Shabaab control (UN 2013). KDF commanders pushed for the temporary lifting of the UN ban on charcoal exports, ostensibly to provide for one-time export of the stockpiles. In reality, the KDF demand was cover for maintaining the charcoal export business indefinitely.

The 2014 report of the UN Monitoring Group on Somalia calculated that the overall international market value of the charcoal exported in 2013 and 2014 from Kismayo and Barawe ports was in excess of US\$250m. The report details a complex charcoal business architecture involving traders, transporters, brokers, wholesalers and individuals involved in facilitating the movement of charcoal from production areas, coordination between the ports and the falsifying of paperwork in violation of the UN ban. The report found that Al-Shabaab has actually *increased* its stake in the revenue generated from the trade, even though KDF and Ras Kamboni controlled the Kismayo port (UN 2014). A separate United Nations Environment Programme (UNEP) report also found that the amount of charcoal shipped from Kismayo and Barawe had increased in the two-and-a-half years since the charcoal ban was imposed, valuing Al-Shabaab profits at US\$56m annually from the trade (*Saturday Nation* 2014a).

Reports also circulate that Kenyan military and security officials profit from the illegal importation of sugar into Kenya through a sophisticated smuggling network involving cross-border cooperation with Al-Shabaab-linked brokers (*Daily Nation* 2014b). As far back as 2011, the UN Monitoring Group on Somalia estimated that Al-Shabaab generated as much as US\$800,000 annually from import taxes on sugar. The smuggling routes now used follow

¹⁸ Interview with Kenyan Muslim leader, Nairobi, 4 July 2014.

roads under KDF control. Policing officials from Kenya's north-east also speculate that some security agents are colluding with smugglers (Ma Vulture 2014).

4.2 Operation Usalama Watch (and increased policing of Muslim communities)

Kenya's wider strategy to thwart Al-Shabaab attacks involves measures to identify and remove individuals who are in the country illegally. Most of those arrested are Somalis, stoking allegations of ethnic profiling. Kenya's treatment of its Somali population over time has been criticised for creating 'hierarchies in citizenship' (Lochery 2012). As detailed previously, right from independence up to the present day, successive governments have launched various operations to scrutinise the identity and origins of Kenyan Somalis, to distinguish Kenyans of Somali descent from 'foreign' Somalis. The state typically expels the latter for security reasons, as was the case in the 1989 screening exercise. Even after the identity requirements on Kenyan Somalis were removed in 1997, in practice Kenyan Somalis have long since been subject to routine stop and searches by the police and coerced into paying bribes. So widespread is the practice of paying bribes to the police that Kenyan Somalis have referred to themselves as 'human ATMs' (Warah 2014).

In April 2014, Kenya's Internal Security Minister launched Operation Usalama Watch – 'Operation Peace Watch'. The operation saw over 6,000 police officers and soldiers deployed in Eastleigh, a force larger than the 4,000 Kenyan soldiers deployed in Somalia (*ibid.*), ostensibly to detain individuals suspected of being in the country illegally. Official justification for the operation was that it was a necessary counter-terrorism measure by removing foreign nationals. The implied thinking was that those involved in planning and carrying out attacks in Kenya are in the country illegally. Thus, justification for Usalama Watch drew on the same 'external stresses' logic informing Kenya's military campaign in Somalia. While Somalis were the sole focus of the operation in its early days, the focus broadened to include other groups after loud criticism that it targeted Somalis.¹⁹ Yet, the dye was cast that Usalama Watch was an undisguised security crackdown on Kenya's Somali populations.

The aftermath of Usalama Watch saw the Independent Policing Oversight Authority (IPOA) launch investigations into police harassment, extortion and assault occurring during the operation. The IPOA found that the police failed to observe human rights protections during the operation (IPOA 2014b). Policing personnel demanded bribes ranging between KSh1,000 and KSh20,000 (*Daily Nation* 2014c). Thus, inevitably, wealth factored strongly in who was detained. Detainees were incarcerated at police stations throughout Nairobi, as well as in the city's Kasarani sports stadium, where they were screened by officials from the National Registration Bureau and Department of Refugee Affairs. One week into the operation, some 2,500 detainees had been released; others were sent to refugee camps. Some 82 were deported to Mogadishu (Warah 2014). This included refugees registered with the United Nations High Commissioner for Refugees (UNHCR), including one individual with a mental illness and two children. Many, however, languished in custody months after being detained. For example, in August, a human rights group reported that 30 detainees cleared for deportation were still being held at sites in Nairobi because the state had failed to provide funds to transport them back to Somalia (*The Star* 2014b).

Kenya's Somali and Muslim leadership strongly criticised Usalama Watch. For many, the operation was all the more jarring against the backdrop of historic marginalisation and unequal citizenship rights of Kenya's Somali populations, and the sense of injustice this has engendered. One analyst likened Usalama Watch to a 'state-led profiling of the Kenya-Somali community. The community became the *de facto* scapegoat for all the attacks,

¹⁹ Interview with human rights officials, Nairobi, 1 July 2014.

despite the fact that it bore the brunt of most of them' (Boru Halakhe 2014). A Kenyan Muslim leader commented:

Somalis are being harassed all the time. It is no longer a security issue but one of extortion and it does not matter if one has a document. The police are on the spot saying our IDs are fake but it becomes genuine when one pays the money.
(Interview with Kenyan Muslim leader, Nairobi, 4 July 2014)

A human rights official reported, 'We've spoken to youth and they've said that they have been arrested multiple times, called gangsters and terrorists, and that they've been locked up at different times'.²⁰ In the words of one respondent: 'It met an unceremonial end, you don't know if it officially ended, all has gone quiet. But it failed, it has just gone away'.²¹

While Operation Usalama Watch conformed to the existing treatment of Somalis as securitised subjects, it raised the stakes considerably. The indiscriminate and sweeping nature of the operation was underlined by the arrest of the Tana River Senator, Abdi Bule. He was held for 30 minutes with his wife, children and bodyguard after police officials refused to believe his identification was genuine.

At a press conference in Nairobi's Jamia Mosque, leaders from the Somali community, led by Mandera Senator Billow Kerrow, stated that the Eastleigh operation was intended to disenfranchise the Somali community, whose 'entrepreneurial acumen is known worldwide' (*The Star* 2014c). Kerrow added, 'This is an economic war and not a fight against terror' (*ibid.*). Since at least the 1990s, ethnic Somalis have dominated commerce in Eastleigh and turned it into a bustling neighbourhood with shopping arcades, large hotels, restaurants, forex bureaus and a whole range of goods and services. It is estimated that Eastleigh's shopping arcades have an annual turnover of US\$7m (Warah 2014).

Yet, there was a certain level of public support in Kenya for the operation, informed by the xenophobia and historic perceptions of Somalis as criminals and outlaws. Political rhetoric to blame groups for attacks in Kenya in recent years have fuelled such sentiments.²² However, one respondent commented that the process has also provoked public critiques when, for instance, the media reported on pregnant women in need of medical care who were forced to return and parents who were separated from their children.²³ As the Kenyan government engages in a 'crackdown with an iron fist', the respondent stated, 'There is backlash in public opinion against the treatment of Somalis'. Thus, the legitimate needs of citizens under attack, while providing support for state interventions, contrasts with the largely ineffective and outright counter-productive targeting of the Somali community seen in Usalama Watch.

It must be noted here that the sense of being a 'marginalised identity' (Hickey 2007) does not stem from state interventions alone. Equal citizenship is as much about state-society relations as it is about citizen-society relations. The dynamics between the Kenyan Somali population and other Kenyan nationals also influence a sense of citizenship among the Somali. In the words of one respondent: 'There is fear that Somalis are taking over the country and they are a security threat, that terrorists have taken over the country and they [Kenyan Somalis] have a political interest in it. There is no clean society'.²⁴ Yet, it remains that the politicisation of attacks by various politicians has increased a sense of fear in the non-Somali population, while also providing cover for measures that target Somalis. The 'securitisation of the Somali presence' affects the attitudes toward Somalis in everyday life (Botha 2014b). One respondent commented that Somali-looking people had been forced to

²⁰ Interview with human rights officials, Nairobi, 1 July 2014.

²¹ Interview with church advocacy official, Nairobi, 1 July 2014.

²² Interview with human rights officials, Nairobi, 1 July 2014.

²³ Interview with European security official, Nairobi, 30 June 2014.

²⁴ Interview with Kenyan Muslim leader, Nairobi, 4 July 2014.

descend from public buses by other passengers. This happened repeatedly during Usalama Watch, deepening the pre-existing sense of marginalisation among Kenyan Somalis.

Usalama Watch had an economic impact on the Somali business community, with possible ripple effects for the wider Kenyan economy.²⁵ While the longer-term impact of the operation is unclear, it did result in considerable short-term economic consequences. Anecdotal evidence points to a substantial outflow of Somali capital in the wake of the crackdown²⁶ to other countries in the region, particularly Uganda and Rwanda (*Saturday Nation* 2014b). An estimated 20,000 Somali businesses in Eastleigh were reported to have relocated to other countries in the region in the aftermath of the crackdown (*ibid.*). One estimate is that Somalis pulled US\$250m in capital from Kenyan banks (*Christian Science Monitor* 2014). The Eastleigh branch of a large Kenyan bank reported that the daily average value of transactions fell from KSh260m before the operation to around KSh4m in the weeks after the operation started (*Saturday Nation* 2014b). The extent of withdrawals from banks and *hawalas*²⁷ was reportedly so great as to draw the attention of industry regulators and the National Intelligence Service (NIS) (*ibid.*). Respondents emphasised the many ways in which the operation constrained economic activity, ranging from the arrest and eviction of people who are important for commercial networks, to businesses losing workers, disruption of commercial activities, and the payment of ever-more extortionate bribes to police on patrol. According to one respondent, the operation led to a decrease in rents and default on loan payments to banks.²⁸ As the vice chair of Eastleigh's Business Association told journalists:

What the government did was to wage an economic war on the people of Eastleigh. It has caused a lot of agony here; how else do you explain the fact that no one from this area has been successfully prosecuted for terror?
(*Saturday Nation* 2014b)

The longer-term implications of Usalama Watch – for establishing and building trust and confidence in the state's security, policing and intelligence agencies – will be considerable. Rather than provide protection, state security practices such as Usalama Watch are modelled on the assumption that these populations threaten Kenya's peace and stability. Yet, Kenya's Somali and Muslim populations also feel exposed and deeply vulnerable to terrorist violence, as a Muslim leader commented:

We met with the President... We told him that Usalama Watch is a bad operation that will not work and you cannot hold people in a camp without charge. We gave him proposals on what needs to be done including strengthening the NIS, and employing Muslim members to infiltrate the community and stop making Muslims feel like suspects yet we are also targets.
(Interview with Kenyan Muslim leader, Nairobi, 4 July 2014)

For Kenya's Somali and Muslim populations, Usalama Watch has reaffirmed their worst suspicions of the state as a source of injustice and insecurity. Since 2012, a wave of assassinations has targeted Muslim figures – businessmen, traders, clerics and activists. Recent extrajudicial killings have targeted Mombasa clerics and business leaders. Controversial Imam Abubakar Shariff, alias Makaburi, and the chief cleric of the Masjid Musa mosque, was gunned down on 1 April 2014 outside the Shanzu Law Courts in Mombasa. Makaburi, who was on international sanctions lists for supporting terrorist groups, had complained of receiving threats but declined police protection, saying that he believed it was the police who were threatening to kill him (HRW 2014a). Makaburi was a close ally of

²⁵ Interview with Kenyan Muslim leader, Nairobi, 4 July 2014.

²⁶ Interview with human rights officials, Nairobi, 1 July 2014; interview with Kenyan Muslim leader, Nairobi, 4 July 2014; interview with European security official, Nairobi, 30 June 2014; interview with Kenyan journalist, Nairobi, 2 July 2014.

²⁷ Method of transferring money through a system of trust.

²⁸ Interview with Kenyan Muslim leader, Nairobi, 4 July 2014.

radical Islamist Sheikh Aboud Rogo Mohammed, who was assassinated in a drive-by shooting in August 2012. Rogo's successor, Sheikh Ibrahim Ismail, and three of his companions were subsequently assassinated in a drive-by shooting in October 2013, sparking riots in Mombasa (Boniface 2014a). On 12 July 2014, Shahid Batt, a businessman who had been previously detained on terrorism offences, was also gunned down (*Capital FM News* 2014b).

Gunmen shot and killed Sheikh Mohamed Idris, chairman of Kenya's Council of Imams and Preachers, on 10 June 2014 as he left his home to attend morning prayers. Idris was involved in counter-radicalisation efforts and was expected to testify in a Mombasa court after filing a case against radical youth and a committee running the city's Sakina mosque for wrongful dismissal from his duties (Yusuf 2014). He was thrown out of the mosque in 2013 by angry youths armed with knives. On 4 November 2014, Sheikh Salim Bakari Mwarangi was shot and killed while returning home from evening prayers in the Likoni area of Mombasa. Bakari was a member of the Mombasa peace committee and was helping the government in counter-radicalisation efforts (Reuters 2014).

There have been no conclusive investigations resulting in arrests and the prosecution of the killers or those who have paid them (*Capital FM News* 2014b; *Daily Nation* 2014d). An Al Jazeera documentary that first aired in December 2014 featured interviews with several anti-terror officers who claimed they killed suspects on government orders. The programme created a sensation among Kenyan Muslims used to seeing their protests of the same suppressed. Kenyan government officials strongly rejected the claims and threatened Al Jazeera with legal action.

Human rights organisations have also documented cases of enforced disappearances, and mistreatment or harassment of anti-terrorism suspects since 2007, in which they believe there is strong evidence of the involvement of the Anti-Terrorism Policing Unit (ATPU) (Open Society Foundations 2013; HRW 2014b). Human Rights Watch documented at least ten cases of killings, ten cases of enforced disappearances, and 11 cases of mistreatment or harassment of anti-terrorism suspects between November 2013 and June 2014, mainly in Nairobi's Majengo neighbourhood. Suspects were shot dead in public places, abducted from vehicles and courtrooms, beaten badly by arresting officers, detained in isolated blocks, and denied contact with their families or access to lawyers. In some cases, members of the paramilitary General Service Unit, military intelligence, and NIS were also implicated alongside the ATPU, which is thought to be behind many of the extrajudicial actions (HRW 2014b).

One explanation for this trend is that terror officers are resorting to extrajudicial killings of suspects because of existing failures to gather evidence and secure witnesses to testify in court (Open Society Foundations 2013: 47). A Kenyan researcher who has investigated the killings explained:

The state response (to the threat of attacks) has been abusive and extreme. Excessive and unnecessary force is used. The investigative capacity of the police is weak; the state has not been able to present strong cases that can withstand rigorous scrutiny in courts. Because it fails to convict these people, it instead reverts to targeted killing.

(Interview with Kenyan researcher, Nairobi, 2 July 2014)

Despite the ambiguities about who is behind the assassinations and abductions of Muslim figures in recent years, the failure to hold anyone to account has deepened mistrust and tension between security agencies and Muslims.

4.3 Refugees: urban directive and policy of repatriation

Since the emergence of Al-Shabaab, suspicions that Somali refugees are involved in terrorism and that Al-Shabaab may be recruiting through them have only deepened. The Usalama Watch crackdown was part of escalating efforts by the Kenyan government to limit the number of Somali refugees, which it views as undermining Kenya's national security. By December 2013, Kenya hosted nearly 600,000 registered refugees from the Horn of Africa and the Great Lakes region. Of these, 81 per cent are from Somalia and therefore the Somali are by far the largest refugee community in the country (UNHCR 2014). The majority of the Somali refugees live in the Dadaab refugee camps in Garissa County (over 80 per cent). With over 450,000 residents, it is the largest refugee camp in the world and has grown out to a vibrant city (Kumssa and Jones 2014). By 2013, Nairobi was home to over 32,000 Somali refugees (UNHCR 2014). Somali refugees (and nationals) have been the targets of xenophobic, criminalising discourse by society and government actors alike, more than the other refugee communities (Jaji 2014). Also, our respondents pointed at various Members of Parliament (MPs) making statements against Somalis that reinforce the xenophobia.²⁹

Kenya's responses to Somali refugees have followed the evolving perceptions of threat. Lindley (2011) describes how, in the early 1990s, the government tried to contain Somali refugees in remote areas such as NEP, primarily in the Dadaab camps and to a lesser extent in Kakuma refugee camp. It delegated care for refugees to UNHCR. In the 1990s, many refugees who had self-settled in Kenya were relocated to the camps. The state became more directly involved under the Kibaki government, when Kenya adopted the first Refugees Act (2006). A Department of Refugee Affairs (DRA) was established within the Ministry of State for Immigration and Registration of Persons, which would gradually take over the implementation of key areas of the policy from UNHCR. The DRA became responsible for the reception and registration of refugees in 2011. Changes in the Refugee Bill after the 2010 Constitution tightened administrative control of refugees.

The various ways the government is trying to address the 'refugee crisis' affects urban refugees as well as those living in the Dadaab camps. One strategy is the prevention of the influx of new refugees. In January 2007, Kenya closed the border with Somalia to incoming refugees, due to increased insecurity in the area and fear that Islamic Courts Union fighters might cross the border (HRW 2009). Registration services were suspended, leaving thousands stranded, and hundreds of asylum seekers were forcibly returned by Kenyan authorities. The refugee influx sharply increased in 2011 due to droughts.³⁰ The Kenyan government again closed the border in February 2011 following increased fighting between the KDF and Al-Shabaab.

The creation of Jubaland as a buffer zone is meant to absorb internally displaced Somalis fleeing from violence elsewhere in the country (Lindley 2011), as much as a destination for refugees that can be repatriated from Kenya. However, the start of Operation Linda Nchi in October 2011 had an adverse effect as it produced a larger influx of refugees. Kenya was keen to emphasise that these refugees were fleeing from drought and not violence, to prevent having to grant them refugee status. Hope that Jubaland will serve as a safe haven may also explain the reluctance of the Kenyan government to allocate more space to the Dadaab camps. As insecurity worsened due to Operation Linda Nchi, voluntary returns of Somali refugees slowed (*ibid.*).

Another strategy is to strengthen encampment policies and relocate Somali refugees to the Dadaab camps. The Kenyan DRA issued a directive in December 2012, stating that all urban refugee operations had stopped with immediate effect (Hammond 2013). Somali

²⁹ Interview with human rights officials, Nairobi, 1 July 2014.

³⁰ The Dadaab camps received 6,000–8,000 Somalis every month in 2010. This increased to 10,000 refugees per month from January 2011: www.unhcr.org/4e0475f69.html (accessed 12 March 2015).

refugees were expected to relocate to the Dadaab camps in order to apply a stronger encampment policy. The directive was issued not long after the attacks in Eastleigh in November and December 2012. Another reason for the directive would be that tensions between Somalis and other Kenyan communities had increased and led to xenophobic violence in several places (*ibid.*). As described in Section 2, the order was followed by a security crackdown by state security actors in Eastleigh, leading to human rights violations (HRW 2013). The order led to strong international critique that it constituted an act of refoulement. In January 2013, the Kenyan High Court ordered an interim halt to the implementation of the order. In July 2013, the High Court ruled that the order violated the dignity and freedom of movement rights of refugees, and violated the principle of non-refoulement (Government of Kenya 2013a). The court also stated that there was no evidence that such measures would enhance Kenya's security situation.

On 26 March 2014, only three days after an attack on a church near Mombasa, former Interior Minister Joseph Ole Lenku announced that 50,000 registered refugees and asylum seekers were to be relocated from urban centres to the camps with immediate effect. Referring to 'emergency security challenges' in towns, Ole Lenku stated that: 'Any refugee found flouting this directive will be dealt with in accordance with the law' (HRW 2014c). All refugee registration centres in urban areas were closed. Since the directive of the order, thousands of refugees and asylum seekers were detained during Operation Usalama Watch. Eastleigh-based businessmen petitioned against the order. However, the judge ruled on 30 June 2014 that the Cabinet Secretary could uphold the directive, saying that it did not violate constitutional rights (Boniface 2014b). This time, the judge made no comment about the relevance of the measure to domestic security (Amnesty International News 2014). The Somali traders have petitioned the court ruling, saying that it is in contradiction with the court ruling of July 2013.

4.4 Changes to security architecture and personnel

With attacks multiplying in 2014, attention has turned to Kenya's security infrastructure and whether it is capable of curbing worsening violence. Weak coordination and poor relations between intelligence and policing departments have been blamed for the failure to prevent several attacks in recent years. The NIS has been accused of not passing on actionable information to the police services; the police have been accused of not acting on intelligence they receive. In addition to these coordination failures, there is wide criticism of indiscipline, corruption and the lack of professionalism within the policing services, problems that slow policing reforms were meant to address.

The report of the parliamentary Joint Committee on Administration and National Security and Defence and Foreign Relations after the Westgate attack noted that security services were warned that an attack was imminent but 'there was general laxity among the police over terror alerts' in the run up to the 21 September attack (Government of Kenya 2013b: 53). The National Security Council (NSC), chaired by the President, was told of plans to attack key buildings in Mombasa and Nairobi between 13 and 20 September and concerns were also raised with the National Security Advisory Committee, which prepares intelligence briefings for the NSC (*Daily Nation* 2014e). At the time, the Israeli Embassy in Nairobi raised concern that Israeli and Jewish business interests – including Westgate – could be targeted during the Jewish holidays in September. The intelligence was not acted upon.

During the military operation to rescue hostages during the Westgate siege, the parliamentary committee noted that the elite police unit RECCE had cornered the four gunmen in one place earlier in the mall, but lost the advantage because of poor coordination when the army moved in (Government of Kenya 2013b: 53). In order to address these challenges, the committee called for the formation of a new Directorate of National Security with membership drawn from all security agencies to encourage better intelligence sharing

and planning. However, Parliament rejected the Westgate committee's report, calling it 'shoddy' and 'shallow'.

The NIS is said to have warned of the attacks in Mpeketoni and Maporomoko three days prior to the massacre, but the warning was not acted on by local security chiefs and the police. The message was also reportedly passed on to the Lamu County security and intelligence committee (*Daily Nation* 2014f, 2014g). A report by the IPOA found that the security operation following the massacre was chaotic because different units of the police could not agree on a joint counter-offensive, giving the fleeing assailants room to carry out a second attack in Kijijioni. According to the IPOA report:

All the (police) officers interviewed denied the existence of specific intelligence on an impending attack on Mpeketoni. National Police Service headquarters denied the same. The Authority ascertained that there were intelligence reports dated as far back as July 2013, which specifically reported that affiliate members of a known outlawed group intended to carry out attacks on particular communities in Lamu. Later, intelligence identified individuals who were to perpetrate the attacks as well as locations and communities that were the targets.
(IPOA 2014a: 15)

The same security lapses and lack of coordination were evident when Al-Shabaab ambushed a Nairobi-bound bus from Mandera town killing 28 people on board in November 2014. The Mandera bus attack came barely two weeks after local leaders, led by Mandera Governor Ali Roba, warned of an impending attack in the county by Al-Shabaab militants (*Daily Nation* 2014h). While the Governor said he had shared the intelligence with the police, both the Internal Security Minister and Police Inspector General denied ever receiving an alert of an impending attack (Standard 2014f).

Poor coordination and ties between intelligence and policing agencies within the security apparatus are thought to be due to suspicion, internal power struggles and personal differences among security bosses. These struggles came to a head in August 2014 when the NIS Director, General Michael Gichangi, resigned due to personal reasons. However, it was speculated that he left due to differences with the Chief of Defence Forces, Julius Karangi, and that the two could not work together. Reports in Kenya's media also drew attention to security lapses that were thought to have left the country vulnerable, alleging that the NIS provided 'the executive with information that could not be used' (*Daily Nation* 2014i). Major General Phillip Wachira Kameru, former Director of Military Intelligence in the KDF, replaced Gichangi. At the same time, Major General (Retired) Gordon Kihalangwa was appointed the Head of Immigration, replacing Jane Waikenda who was appointed Kenya's Deputy Ambassador to South Africa. Kihalangwa served in the military police before being elevated to Assistant Chief of Defence Forces responsible for personnel and logistics at the Defence Headquarters. In recent years, but especially after the Westgate attack, pressure mounted to deal with alleged corruption in the Immigration Department's issuing of passports. After Al-Shabaab militants overran an encampment at a quarry outside Mandera the night of 1 December, killing 36 workers, Kenyatta announced the resignation of the Police Inspector General, David Kimaiyo, as well as the sacking of the Internal Security Minister, Joseph Ole Lenku. Ole Lenku was replaced by Kajiado Central MP Major General (Rtd) Joseph Nkaissery, who served as an Assistant Minister for Internal Security under former President Kibaki. The appointment of so many officials from military backgrounds has left many wondering whether the changes were meant to extend the military's clout in Kenya's internal security.

The government has also pushed for a number of changes in security architecture that seek to consolidate security powers around the Executive. Following the promulgation of the 2010 Constitution, civilian oversight and supervisory bodies including the National Police Service,

IPOA, Internal Police Affairs Unit and Parliamentary Committee on Administration and National Security were established to ensure accountability of the security agencies. These reforms were meant to address endemic corruption and a culture of impunity among policing services as well as to promote accountability within security agencies more generally. However, regime loyalists have argued that these mechanisms for accountability have weakened the President's hand to address worsening violence and made the country more vulnerable, and also tied the hands of police and security heads (*Daily Nation* 2014j). Kenyatta's supporters have singled out Article 241(3) of the Constitution as an obstacle. It provides for parliamentary oversight and consent to deploy the military within Kenya, such as in response to a disaster or to restore peace. Some fault this for the military's slow deployment to Mandera, Lamu and other places where Al-Shabaab struck. In August 2014, the government dropped amendments in the Kenya Defence Forces Act and the National Intelligence Act that would have empowered the President to unilaterally deploy the military in any part of the country for security reasons without the involvement of the House. Other powers were sought for the NIS to listen to tap private conversations, which runs against constitutional protections of the right to privacy.

In December 2014, Parliament passed a hastily drafted Security Laws (Amendment) Bill 2014. The Bill was strongly opposed by the opposition as well as civil society groups who argued that it violated the Constitution and was an affront to the Bill of Rights. Some of the contentious clauses include requiring journalists to obtain permission from the police and victims before publishing pictures of terrorist attacks. The Act also gives the NIS powers to arrest suspects and take them to the nearest police station. On signing the Bill into law, Kenyatta held that the Bill was not unconstitutional or against the Bill of Rights, stating that it 'gives security actors a firm institutional framework for coherent cooperation and synergy within the national counter-terrorism centre' (*Daily Nation* 2014k).

Following a petition by the opposition, the High Court suspended the application of eight sections of the Security Laws (Amendment) Act saying they raised concerns over human rights, a ruling that was upheld by the Court of Appeal. Among the suspended clauses is one that amended the Public Order Act and made it mandatory for people to seek permission from the police before publishing images of terrorism victims. Also suspended is a clause that gave the NIS powers to monitor private communication and 'authorize any member of the service to obtain any information, material, record, document or thing' considered a threat to national security. Sections imposing jail terms of up to three years and hefty fines for reports deemed to undermine police investigations on terrorism have also been suspended until a Constitutional Bench formed by the Chief Justice hears and determines the case.

5 ‘Killing a mosquito with a hammer’... and other limitations of Kenya’s security responses

Critics have rounded on the current government for seeming to lack a security strategy. Yet, our investigations show that in fact there is a strategy – one that reverts to an old paradigm that is clearly out of step with current dynamics. The strategy is a familiar one of ‘othering’ an entire population as somehow threatening, providing the rationale for collective punishment measures. As one respondent put it, state security responses over time, particularly those targeting Somali people, can be likened to ‘killing a mosquito with a hammer’.

Some interviewees drew parallels between the state’s casting a blanket of suspicion over an entire population and how the colonial regime interacted with northern Kenya’s pastoral societies during violent pacification campaigns, or indeed how the Kikuyu were constructed as a threat during the Mau Mau struggle. As one interviewee put it:

The narrative is that more and more Somalis are joining Al-Shabaab. But this cannot be verified. So, to target Eastleigh and other regions, the recent Operation Usalama Watch, it was not necessarily targeting Al-Shabaab. It became clear that it was a tribal, identity operation.

(Interview with church advocacy official, Nairobi, 1 July 2014)

Today, of course, it is Somalis in particular who are traditionally seen to threaten Kenya’s stability, but this now extends to other Muslims in general. While the targeting of Somalis is a long-established practice in Kenya’s state security responses, this targeting intensifies at certain times and, as seen during Operation Usalama Watch, it takes on heightened significance with Al-Shabaab operatives present in the country, working and planning alongside other Kenyan-bred and led militant groups.

Unsurprisingly, security responses such as Operation Usalama Watch and everyday stop and searches of Somalis have been felt as a form of collective punishment, driving a deeper wedge between Somalis and the state, as these quotes highlight:

There has been a focus on male Somali youth. They have been mistreated... Our concern is that there is a potential for recruitment. People are unable to work together anymore. The potential for Al-Shabaab or sympathiser groups in Kenya to recruit and mobilise them has become higher.

(Interview with human rights officials, Nairobi, 29 June 2014)

There has always been this othering, of being different, or being something else. In public policy, there is always an element of discrimination, but when this is legislated it becomes something different... it becomes a problem.

(Interview with Kenyan-Somali professional, Nairobi, 2 July 2014)

However, the nature of Kenya’s security threat is in fact very different from how security agencies seemingly conceptualise and respond to the problem. Stirring anxiety and fear in Kenya is integral to how Al-Shabaab seeks to advance its regional ambitions in the Horn of Africa. While Al-Shabaab remains one of the greatest threats to regional stability and security, worsening violent insecurity in Kenya suggests that the more important impact of the group has been to simply unmask the country’s deep, structural divisions. With minimal

resources, the organisation has crawled under the skin of Kenya's domestic politics, deftly picking at regional and ethnic divisions as well as exploiting the existence of longitudinal continuities in how the centre relates toward the periphery. Deep-seated injustices and a sense of marginalisation among Kenya's many minority ethnic and religious groups have provided fertile ground for Al-Shabaab to localise its jihad at Kenya's margins.

Further, state security responses to Al-Shabaab attacks are playing directly into the organisation's tactical approach to foment a violent insurgency at Kenya's margins. As one analyst shared, 'I am sceptical of the government's handling of security matters. Al-Shabaab is intelligent and aware of this. They are not sleeping. They are exploiting the weaknesses. They are watching... They are following regional politics'.³¹

As the Al-Shabaab threat looms ever larger in Kenya, the country's divided political leaders risk leaving Kenyans even more vulnerable to appalling violence. The reactions of government officials to the latest series of attacks have fuelled an unseemly politicisation of worsening violent insecurity that is undercutting effective efforts to address the problem. These divisions were laid bare following the Al-Shabaab attacks in Lamu and Tana River Counties in June and July 2014. President Kenyatta rejected Al-Shabaab's claims that it had carried out the Mpeketoni massacre, claiming in a televised address:

The attacks are well planned, orchestrated and politically motivated ethnic violence against a Kenyan community, with the intention of profiling and evicting them for political reasons. This therefore was not an Al-Shabaab attack. Evidence indicates that local political networks were involved in the planning and execution of a heinous crime.

(BBC News 2014b)

Mpeketoni, following a spate of attacks in May 2014 in Nairobi, Thika and Mombasa that had been perceived as having a distinctly ethnic (Kikuyu) hue, appeared to confirm a narrative spread on social media of a domestic anti-Kikuyu plot.

As the *Nation* journalist Macharia Gaitho noted at the time, 'President Kenyatta's statement now takes that out of the murky realm of Jubilee social media activism and soapbox political rhetoric and elevates it to the official government position on a key national security issue' (*Daily Nation* 2014l). Regime loyalists, determined to perpetuate a narrative that Kikuyu were under attack and naïve to Al-Shabaab's interest in Kenya's domestic divisions, failed to see the even greater danger in Mpeketoni: the stirrings of an insurgency backed by a hardened Al-Shabaab foe (Anderson and McKnight 2014).

Other government figures added to the narrative that Kenya's opposition was to blame. Internal Security Minister at the time, Joseph Ole Lenku, singled out the Coalition for Reforms and Democracy (CORD) led by former Prime Minister Raila Odinga for inciting the public and stoking ethnic tension around the country leading to the violence (Kioko 2014). After gunmen killed six people in a series of attacks in Likoni in July 2014, Mombasa County Commissioner Nelson Marwa alleged that Odinga's Orange Democratic Movement (ODM) party was inciting young people to attack mosques in the hope of prompting retaliatory attacks and furthering an atmosphere of insecurity (Standard 2014g). In response, Odinga scoffed that the government was seeking to 'pass the buck and look for a scapegoat to avoid embarrassment – that yet again it has been caught flat footed by al-Shabab' (*ibid.*). The arrest in July of Lamu Governor Issa Timamy, who police alleged was complicit in the attacks in Lamu and Tana River, furthered the impression of partisanship and retributive politics at the heart of the government's handling of worsening violence. A High Court judge threw out the case in September 2014. Yet, the biggest problem with the government's

³¹ Interview with Kenyan-Somali professional, Nairobi, 9 July 2014.

claims of opposition complicity in the violence is that up to now no reliable intelligence has been made public of who has carried out attacks in Mpeketoni and elsewhere. Further, no one has been convicted in connection with the Lamu County raids in Kenya's courts. Observers in Kenya have also pointed out that the victims of Al-Shabaab attacks are largely not Kikuyu. Indeed, even in Mpeketoni, which the government construed as an attack on Kikuyu settlers, over a third of the victims were from other groups, including ten Giriama who are indigenous to the area (*ibid.*).

Although police functionaries as well as regime loyalists were quick to react to the President's cue and blame Kenya's opposition for the attacks – indeed, going so far as to connect the opposition with Al-Shabaab – their claims were based on manipulated intelligence and faulty analysis. One source with extensive contacts in Kenya's intelligence and security agencies recounted, 'the whole security crisis in Kenya has been politicised to the extent that the government is more likely to make blunders'.³² While Kenyatta's response to the Mpeketoni attack moved security framings from a focus on external threats to internal divisions, he did so in a way that was ultimately divisive and damaging to building the broad political support needed to rethink security responses. In doing so, an opportunity was missed to build a broader coalition of political interests across Kenya's divided ethnic and regional blocks to address the threat of Al-Shabaab.

For the moment, worsening insecurity has become an issue of political division and manipulation. Politicisation of Mpeketoni and other Al-Shabaab attacks since then has fed into a permissiveness of scapegoating certain ethnic and religious groups, stoking long-standing divisions on which groups like Al-Shabaab thrive. Before Mpeketoni, as attacks mushroomed and affected a growing list of cities and counties, most attacks were never claimed. Still, the attacks were used to justify a crackdown on Somalis and other Muslims, as previously detailed. While Al-Shabaab did claim responsibility for the Mpeketoni attack, that did not encourage a joining of ranks across Kenya's divided political spectrum; instead, by striking a farming community rife with social and political divisions steeped in the country's legacy of uneven development, Al-Shabaab ensured an intensification of Kenya's acrimonious partisanship.

³² Interview with Kenyan journalist, Nairobi, 2 July 2014.

6 Strengthening Kenya's security

Kenya's state security responses predicated on an 'external stresses' framework that distinguishes between 'internal' and 'external' factors have not inhibited the trend of spreading violence. The thought of 'external factors' in the manner of spillovers from Somalia's long conflict as well as threats from Kenya's Somali and Muslim populations has led to the pursuit of a raft of security measures that are misguided in their approach and execution. These range from attempts to create a buffer zone between Kenya and Al-Shabaab-controlled areas of southern Somalia, to securitising Kenya's Muslim populations, and to creating new legal and administrative barriers insulating the state's security and policing apparatus from effective accountability and oversight.

The failings of the state's security responses up to now can be seen through the centre's dogged adherence to a logic of externalising the threat. Nowhere is this clearer than in Kenya's continued military involvement in southern Somalia. Lack of a clear goal when sending military personnel into Somalia in 2011, and making it an end in itself, not only inhibits Kenya's effectiveness domestically but also impinges on the goodwill with Somalia's government and its people. It is doubtful whether Kenya's military involvement in Somalia will be in the interest of Kenya's security in the long run; the alleged reason for intervening in the first place. Some in Kenya's opposition have sought, unsuccessfully, to generate a political debate on withdrawing Kenya's troops from Somalia. Yet, given that questions remain over the motivations and end-game for Kenya's military operations in Somalia, it is arguable that calculations on withdrawing troops will be informed by the frequency and intensity of attacks in Kenya. Further, withdrawing troops from Somalia may not necessarily lead to fewer attacks since Al-Shabaab has localised jihad within Kenya. Rather, the security problem has morphed into one of needing to address divisions within Kenya's political and civil societies and regional imbalances in development.

Spreading violence linked to the entwining of Al-Shabaab with internal discontent, and recent state responses to worsening security, show there is a pendulum swing between externalising threats to Kenya's security and internalising the risk. Calculations that inform the state's security responses are steeped in Kenya's variegated domestic political interests and divisions. Yet, the legitimate need to strengthen security, while providing support for state interventions that are ostensibly for this purpose, contrasts with the counter-productive targeting of Somalis and Muslims more generally, as well as security measures that impede a wider-reaching constitutional-based solution to worsening violence. Politicisation of insecurity, and the scapegoating of Kenya's Somalis and other Muslims – precisely those populations who have suffered greatly from Al-Shabaab's violent campaign – threaten small advances that were made in recent years in incorporating Kenyan Somali in particular into the country's political society.

Kenya's security will only be strengthened by the pursuit of interrelated political, governance and security reforms addressing violence happening at the country's margins and that have the greatest impacts for its marginalised populations. On the basis of this analysis, the following macro areas for policy and political actions to address Kenya's worsening violence can be identified:

6.1 Redressing regional inequalities and historic marginalisation

As argued throughout this report, the most significant impact of Al-Shabaab in Kenya has been to unmask the country's structural divisions lying in the existence of longitudinal continuities in how the centre relates toward the periphery. The incidence of copy-cat attacks

or vendetta veiled by other violence points to the enmeshing of Al-Shabaab with local politics and could be a harbinger of an insurgency rooted in regional inequalities and historic marginalisation. The blueprint for addressing the threat of even worse insurgent violence at the margins lies in sincere implementation of the devolution provisions in Kenya's 2010 Constitution. Although Kenya's early experience with devolution has been perilous, with new violence flaring around control of the levers of new devolved powers, there are considerable opportunities in new governance arrangements to address both historic as well as emerging drivers of conflict and violence. Not only are substantial public resources and decision-making powers devolved to county-level governments, but also the hope is that it will be easier to accommodate different interest groupings within a new governance and political-administrative architecture. While the view of some elites at the centre holds that devolution is a costly experiment feeding corruption and violent political competition at the sub-national level, there is fervent support in Kenya's peripheral counties for devolution, where its implementation is regarded as essential to prevent widespread conflict and ensure that the benefits of public resources are spread more equally. Further, existing legal provisions to establish County Policing Authorities and County Peace Forums provide an institutional framework for counties to chart their own approaches to peace and security. Thus, following the moral intent of the 2010 Constitution to devolve powers and resources provides the greatest chance of finding a far-reaching and long-lasting solution to widening violence.

6.2 Removing institutionalised discrimination of Kenya's Somalis and Muslims

Statements by Al-Shabaab and sympathiser militant groups and actors emphasise the humiliation and mistreatment of Kenya's Muslims by successive governments, suggesting that this is an important motivator of militancy. Thus, alongside the pursuit of devolution, closely related political and policy actions are required to address widely institutionalised discrimination of Kenya's Somali and Muslim populations that has resulted in hierarchies in citizenship. Existing counter-radicalisation approaches have been fundamentally flawed by treating radicalisation in isolation of more systematic reforms in the state's treatment of Somalis and Muslims more generally. In this way, the recent focus on addressing radicalisation conveniently ignores the root causes of radicalisation, including institutionalised discrimination of Kenya's Somalis and Muslims and marginalisation in the development of Muslim-majority counties in north-eastern and coastal areas of Kenya. Yet, stand-alone counter-radicalisation efforts are destined to fail in the absence of a wider reform effort to address these drivers. Currently, the Interior Ministry is developing a counter-radicalisation strategy to draw together disparate elements into a more coherent approach with clearer leadership, coordination, resources and visibility. This should establish an approach for addressing institutionalised discriminatory practices in the issuance of national identity cards and passports, being one significant existing grievance. Recommendations contained in the 2008 report of the 'Sharawe' Committee to Address Specific Concerns of the Muslim Community in Regard to Alleged Harassment and/or Discrimination – finally made public as an annex of the Truth, Justice and Reconciliation Committee report in May 2013 (TJRC 2013) – are a useful starting point for thinking through the elements of a wider-ranging approach to levelling inequalities in citizenship.

6.3 Mobilising political support for security sector and policing reforms

Strong commitment and engagement from the Executive are needed on conducting comprehensive police reforms that go to the heart of the service. Accountability reforms within the security and policing sector are critical for winning wider public support for measures to arrest worsening violence. The police force is still largely reviled by a public that

has long been accustomed to its corrupt, abusive and otherwise unprofessional practices.³³ Other security agencies have been complicit in political repression, diminishing public confidence in the state's abilities to provide security for all citizens without bias. President Kenyatta's promised Commission of Inquiry into the Westgate attack never materialised but could have provided insights into policing and intelligence failures, strengthening inter-agency coordination between the NIS, regular police and Administration Police, and instilling greater discipline and professionalism in the military and policing forces. The spate of attacks since Westgate demonstrates the need for improved intelligence sharing and planning of responses that are protected from partisan rancour. While critical institutions such as the IPOA, the National Police Service Commission and Police Internal Affairs Unit have been established, annulment of the police recruitment exercise in 2014 shows that Kenya still has to travel far to rid its policing forces of corruption and favouritism (*Daily Nation* 2014m). The recent Security Laws (Amendment) Act 2014 was a missed opportunity to advance security sector and policing reforms, driven as it was by a political interest to strengthen the Executive's hand in security governance rather than promoting accountability. The February 2015 High Court judgement that threw out eight contentious sections of the Act emphasised that security and policing agencies already possess the legal tools to respond effectively to insecurity. Thus, the fundamental challenge remains in mobilising broad political commitment and support to ensure that such powers are justly used to strengthen public security.

³³ According to the East African Bribery Index (2014), the Kenyan police was ranked the most bribery-prone institution in the country. Bribes paid to the police accounted for almost half of all the bribes paid (43.5 per cent). See www.tkenya.org/index.php/press-releases/331 (accessed 23 February 2015).

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