INSTITUTE FOR SECURITY STUDIES

ISSUE 2 | APRIL 2015

East Africa Report

The nature and drivers of insecurity in Kenya

Andrews Atta-Asamoah

Kenya has frequently been in the news in recent years because of deadly attacks within the country by radical Islamist group al-Shabaab, most notably the assault on the Westgate shopping mall in Nairobi in September 2013, in which at least 67 people died. But is al-Shabaab the greatest threat to the country's security, as many Kenyans believe? This report argues that the activities of internal radical and armed groups and, indeed, the nature of Kenyan politics itself, may in fact, pose greater threats.

SINCE KENYA BEGAN DEPLOYING troops in Somalia in October 2011 in an operation code named Linda Nchi, there has been an increase in insecurity in the country. Kenya's security in the post-deployment period has primarily been characterised by a surge in the activities of the Somali Islamist group, al-Shabaab.

Following up on its threat to strike at Kenya if the country does not cease deploying troops in Somalia, al-Shabaab has effectively regionalised its activities, established an active presence in the country and succeeded in carrying out numerous attacks there. Insecurity associated with the group has therefore emerged to define Kenya's post-deployment security terrain in a way that has affected many aspects of the country's socio-economic and political landscape.

Notwithstanding the considerable insecurity associated with the increase in the activities of al-Shabaab and other radical groups, threats to Kenya's stability are not new. Successive post-independence political dispensations in the country have grappled with various forms of insecurity.

As a result, although contemporary threats to security differ in both form and dynamics, it is important to appreciate their origins, trends and evolution within the context of the political history of the country in order to deal with the underlying issues surrounding them.

Against this backdrop, this report delves into the nature and drivers of insecurity in Kenya with the aim of enhancing understanding of the context within which realistic, sustainable policy options can be sought. In doing so, it combines qualitative findings from interviews conducted in August 2014 with government representatives, civil society actors, academics, journalists and selected key experts and data from the Armed Conflict Location and Event Data project (ACLED).[1]

The report is divided into three main sections. Section one identifies and discusses the forms and trends of insecurity in Kenya since October 2011 by situating threats within the political and security history of the country. Section two discusses the underlying drivers of insecurity in the country and section three draws conclusions aimed at informing ongoing efforts to address the problem.

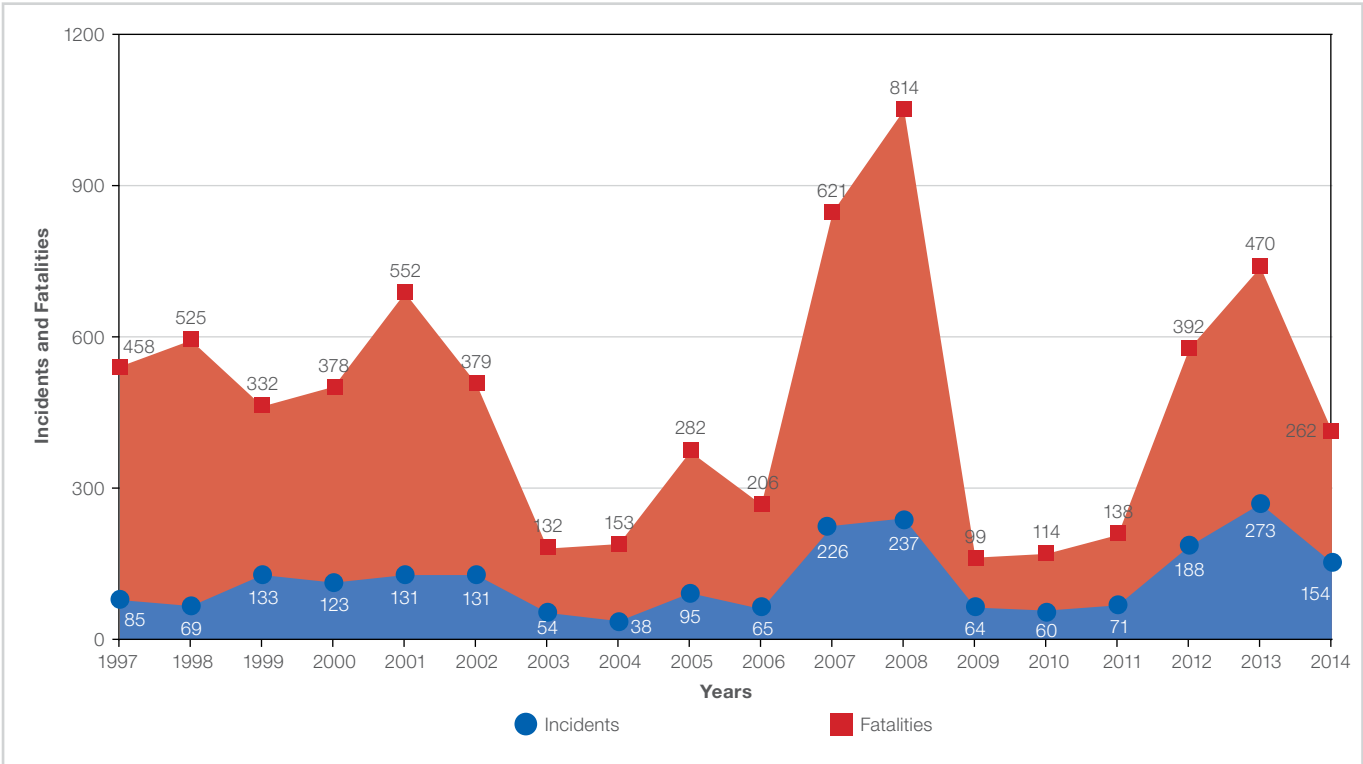
> Armed groups are usually employed by political and economic elites to intimidate particular sections of the population

Types and trends of insecurity

Armed civilians operating either as bandits or criminal groups are the first and greatest source of insecurity in Kenya despite tough responses from state security agencies and the criminalisation of such groups by the 2010 Prevention of Organised Crime Act.

These groups, which accounted for an estimated 333 reported deaths per year between 2000 and 2014, include the Mungiki, Sungu Sungu, Shinkololo, Bagdad Boys, 42 Brothers, the Sabaot Land Defence Forces (SLDF) and 27 others operating

Figure 1: Trends of insecurity resulting from armed civilian activities (non-al-Shabaab), 1997–2014



Source: Extracted from ACLED dataset

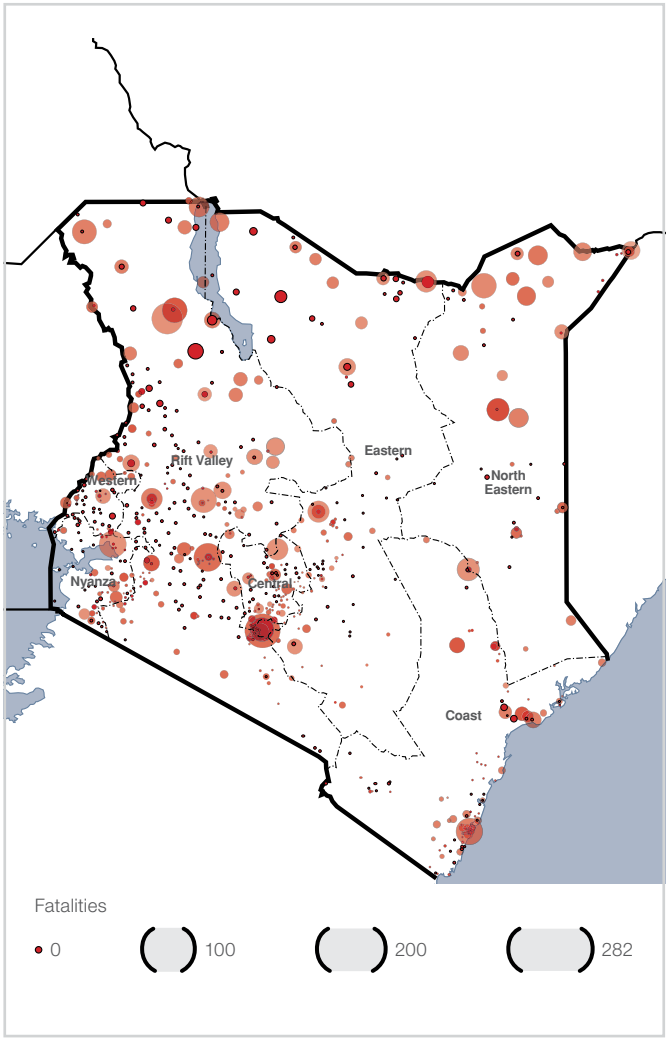
in different parts of the country.[2] They also include armed bandits and ethnic militias operating in particular areas as well as cross-border activities by armed groups from neighbouring countries.

Between 2011 and 2014, 686 reported activities of these groups cumulatively resulted in the deaths of an estimated 1 262 people. This is an average of two deaths per reported incident and 27 deaths per month.

As depicted in Figure 1, there was a drop in reported incidents from about 237 in 2008 to 64 in 2009, but the numbers have since risen. In 2010, 60 reported cases resulted in 114 deaths; in 2013 there were 273 incidents in which 470 people were killed. In 2014 154 incidents accounted for 262 deaths.

The groups operate throughout Kenya (Figure 2), with the Rift Valley Province having experienced the highest percentage of incidents (34%) since 1997, leading to about 2 428 deaths. The North Eastern and Eastern provinces follow, with deaths of 1 180 and 830 respectively. However, in the North Eastern Province since 1997 more people have died in each incident than in other parts of Kenya – an average of four compared to 3.2 in the Rift Valley, 2.9 in the Eastern Province and 2.5 in Central Province.

Figure 2: Fatalities and the geographic spread of the activities of non-al-Shabaab armed groups, 1997-2014



Source: Extracted from ACLED dataset

Apart from their involvement in various forms of crime, inter and intra-communal violence, low-intensity conflicts and cattle rustling incidents, the gangs and armed groups make their presence felt largely during times of intense political competition. (Armed groups, as used here, refers to various forms of militias and community-based vigilante groups.)

Armed groups are usually employed by political and economic elites to intimidate particular sections of the population for political ends. This explains the increase in their activities and the associated fatalities in 1997, 2001, 2005, 2007-2008 and 2013 (Figure 1), which were all election years. Cycles of organised violence around elections in many parts of the country are therefore generally blamed on the activities of some of these groups.

Historically, the emergence of this characteristic of Kenyan politics is traceable to the Daniel arap Moi era, during which the ruling Kenya African National Union (KANU) youth wing and associated groups such as the 'jeshi la mzee' (Swahili for 'old man's militia') capitalised on their affiliation with the ruling party to intimidate political opponents.

Their active use of force and abuse of opposition communities provided a template for the emergence of similar groups with either ethnic or political affiliations. As a result, even though gangsterism has always been key to insecurity trends in the country, the Moi era was the watershed for manifestation of its contemporary forms.

Gangs and armed groups that emerged in the 1990s drew their support from underprivileged social groups, sub-cultures and communities generally perceived to be marginalised in the resource distribution and politics of the country.

Despite emerging on the premise of protecting their host communities from external intimidation, many of these groups have morphed into criminal political and economic actors, doing the dirty bidding of political and economic bigwigs when required.

Closely related to the phenomenon of armed groups in Kenya is the Mombasa Republican Council (MRC), a separatist group active in Mombasa. Despite the fact that the government has lumped the group together with other organised criminal groups, the MRC emerged in 1999 in response to the perceived economic and political marginalisation of the coastal areas of the country and is thus grievance-based.

Since 2007 about 56 lives have been lost in 50 reported MRC incidents. The activities of the group and the security forces' response to its activities remain a key cause of insecurity in the coastal strip of Kenya, with enormous potential for widespread destabilisation.

Insecurity resulting from the cross-border activities of armed groups and ethnic militias based in Kenya's neighbours are also important source of insecurity. Since 1997 an average of 14 such incidents has been reported each year.

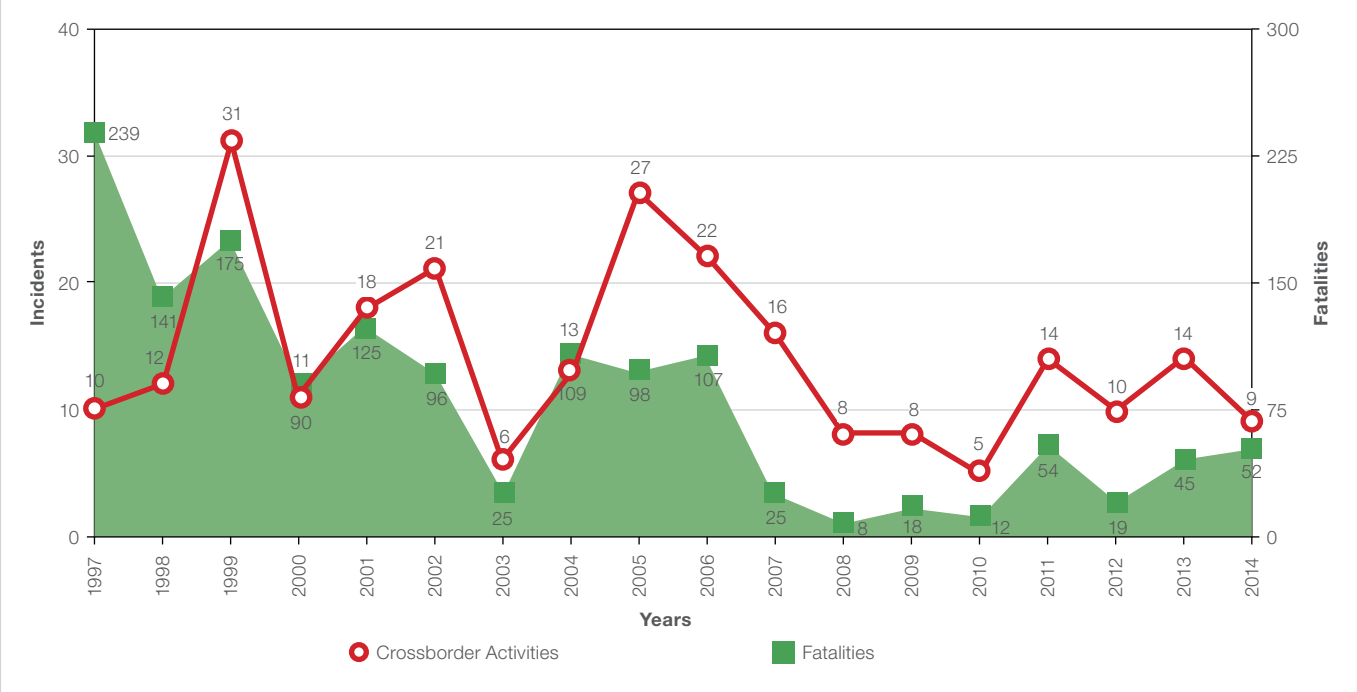
An estimated 1 438 people have been killed in 255 incidents in that period. Many of the clashes have centred on cross-border cattle rustling by groups based in South Sudan, Ethiopia and Uganda, who are particularly active in the Rift Valley and the North Eastern and Eastern provinces, where about 99.5% of all cases have occurred.

The second type of insecurity is attributable to the state. In response to various threats to its territorial integrity and partly as a result of the (mis)use of state security apparatuses by politicians, the Kenyan state has remained a major source of insecurity for many communities within its territory.

This has been evident in harsh state responses to civilian activities such as riots and protests (Figure 4) and to armed groups (Figure 1) and insurgencies in unstable parts of the country. This has led to a series of human rights abuses by state security agencies, particularly the police, with significant fatalities among the civilian population, members of armed groups and targeted actors.

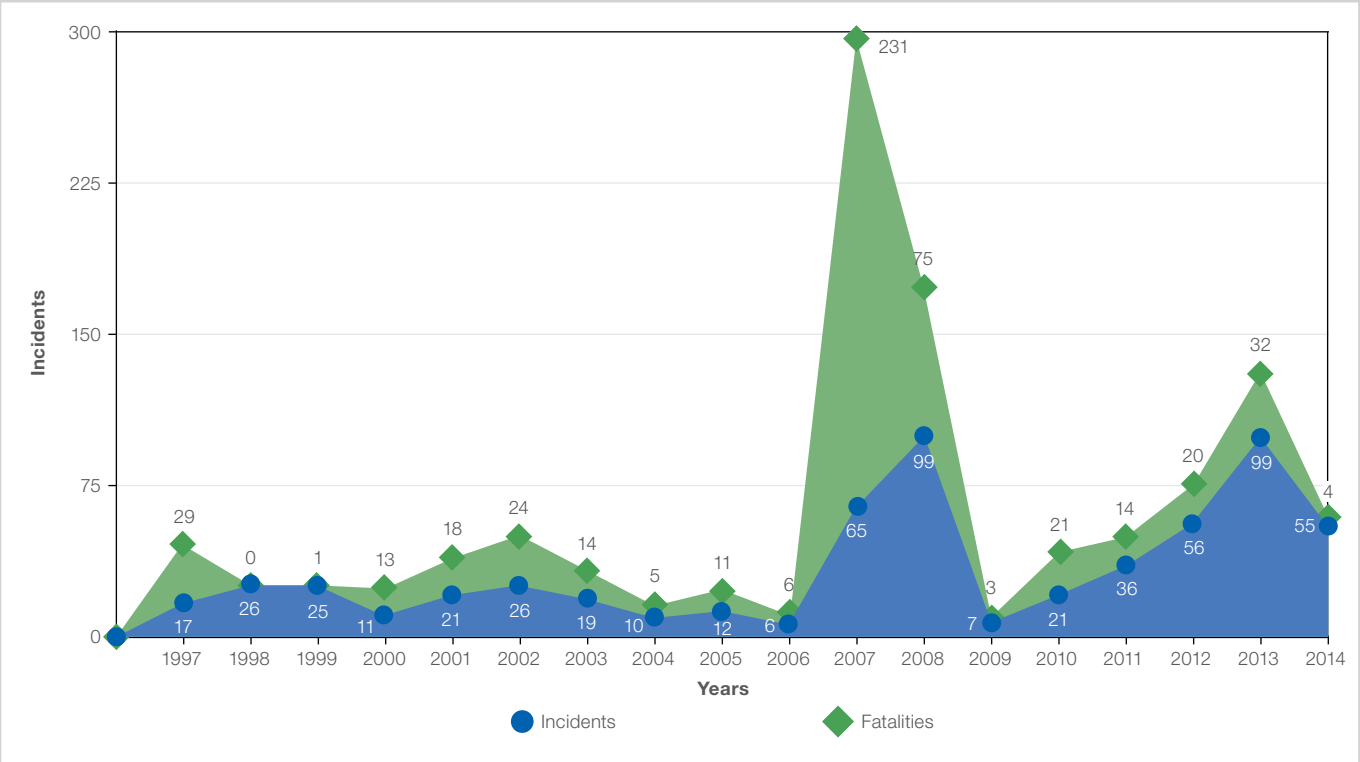
Cases of state-led mass killings abound in Kenya's history. The first of these took place in the immediate post-independence Shifta (bandit) War, between 1964 and 1967. The war was the result of attempts by Somalis in the Northern Frontier District (NFD) to secede and to become part of the Greater Somalia project in the Horn of Africa, which sought the unification of territories in the region inhabited by ethnic Somalis into a single nation.

Figure 3: Incidents and fatalities caused by cross-border activities by armed civilians



Source: Extracted from ACLED dataset

Figure 4: Government responses to civilian activities, 1997–2014



Source: Extracted from ACLED dataset

Shifta warriors mined roads and staged numerous hit-and-run attacks on police posts and army camps at a time when Kenya's army numbered a mere 2 700,[3] thus posing a significant threat to the country.

Apart from the high financial cost to the country, the perceived proxy support offered by Somalia to the more than 2 000 shifta fighters soured the relationship between Kenya and Somalia. By the time the insurgency ended in 1967 not only had more than 2 000 fatalities, mostly shiftas,[4] been recorded,[5] the insecurity associated with the war had altered the livelihoods of pastoralists in affected communities.

The state reacted with a heavy-handed security approach, which has since become a notable trademark of state response to insecurity in the country. Apart from the creation of protected villages[6] in the NFD, emergency regulations were instituted in the affected areas during which security agencies perpetrated various forms of abuse.[7]

The first major recorded incident of abuse involving the security agencies in the area has become known as the 1980 Garissa Gubai massacre. This took place after armed bandits killed six government officials in Garissa. Security agencies embarked on a collective punishment operation which resulted in the burning of the Bulla Kartasi estate in Garissa and subsequent execution of several hundred ethnic Somalis and numerous incidents of rape, torture and looting of property.[8]

The Wagalla Massacre in February 1984 was the second major incident. In response to clashes between the Degodia and Ajura clans in the Wajir District, the military rounded up about 5 000 people in Wajir on the Wagalla airstrip and abused them for five days.

Despite the lack of information about the nature of the abuse, it is estimated that several hundred ethnic Somalis[9] were summarily executed during the operation. Similar claims of local unrest leading to mass killings by state security agencies have been recorded

MANY BELIEVE STATE SECURITY FORCES ARE A MAJOR SOURCE OF INSECURITY IN THE COUNTRY

in other parts of the country, including Malka Mari in Mandera, Loteteleit, Murkutwa, Lotirir, Turbi, Tabaka and Bubisa.[10]

A failed coup in 1982, Moi's paranoia and his push to consolidate his power and establish a post-Jomo Kenyatta political dispensation centred on his regime resulted in numerous incidents of excessive use of force in the 1980s. As a consequence the state became a key source of insecurity for the masses as government operatives tortured dissenting politicians, academics and student leaders.

> The number of deaths resulting from al-Shabaab operations rose from 30 in 2010 to 290 in 2014

Even today, many believe state security forces are a major source of insecurity in the country. They have yet to shed their brutal colonial and immediate post-independence image and remain a feared and abusive infrastructure. Recognition of this fact partly explains the ongoing efforts within a broader struggle for national reform to reform the police as a functional operational structure of the state.

The third category is insecurity attributed to jihadist groups. This threat is currently centred on the activities of al-Shabaab. Signs of al-Shabaab's operational presence in Kenya emerged in October 2008, when the group was suspected to have supported one side in violence between the Murule and Garre clans in Mandera, who had clashed over space for some 920 families displaced by flash floods.[11]

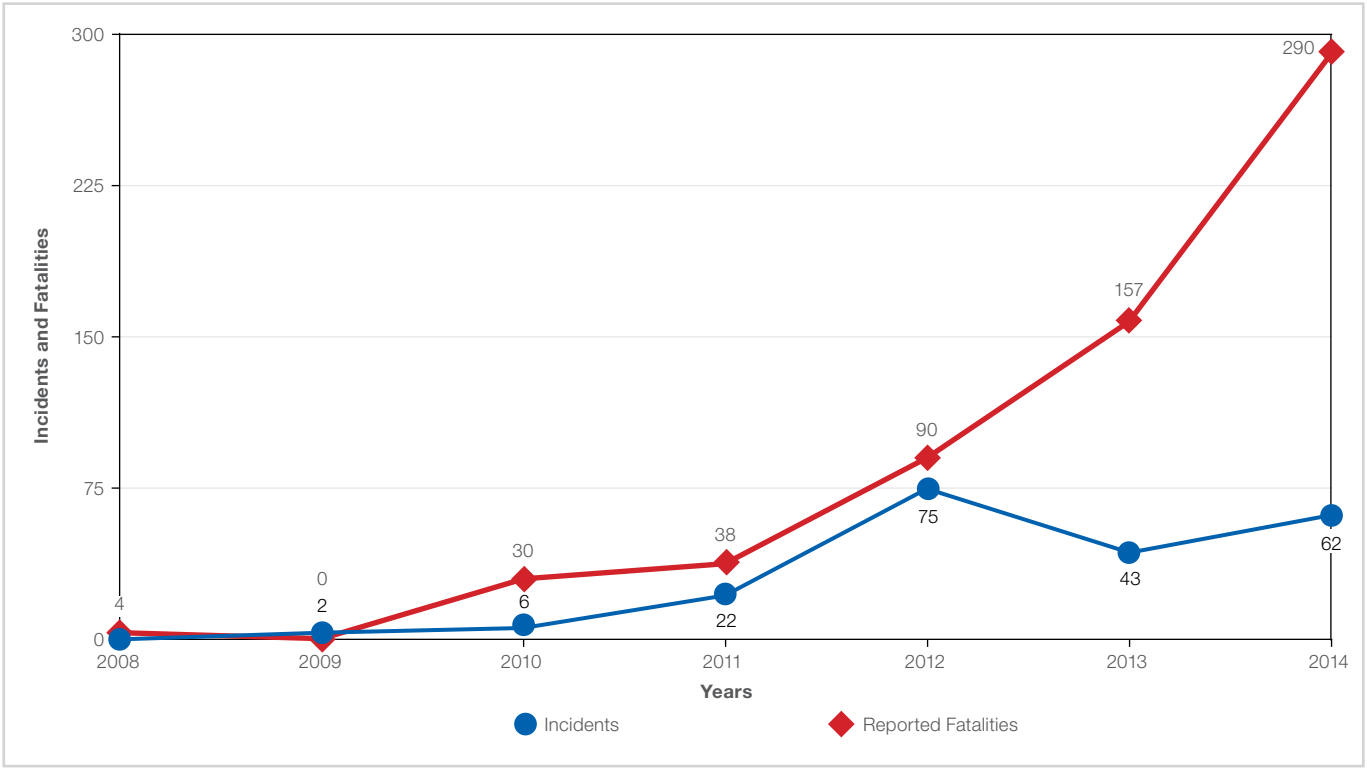
Al-Shabaab was also suspected to be targeting elements of the Kenyan police from its base in Gedo and, in December 2009, was directly blamed for the attempted kidnapping of an Italian nun in Wajir.

By December 2014 the group had been directly blamed for about 211 incidents. Of this number, a total of 19 took place before Kenyan forces were deployed in Somalia. The remaining 90% (192) reported cases have occurred since October 2011. An estimated 609 lives have been lost, 290 of these in 2014 alone. Kenya has experienced about 30 al-Shabaab incidents per year since 2008.

The frequency has, however, increased to about 51 cases per year since the launch of Linda Nchi. The number of deaths resulting from al-Shabaab operations rose from 30 in 2010 to 290 in 2014, an average of 87 people a year and three deaths per incident since 2008 (Figure 5).

The highest number of incidents between 2008 and 2014 was the 75 recorded in 2012, which resulted in 90 deaths. Although the frequency of attacks dropped to about 43 in the subsequent year, the gravity of the attack on the

Figure 5: Al-Shabaab-related incidents and fatalities, 2008–2014



Source: Extracted from ACLED dataset

Westgate shopping mall in Nairobi increased the number of deaths to 157. A total of 290 people died in 2014, more than 60 of them in Mpeketoni, a predominantly Christian town.[12]

The increase in attacks and fatalities since 2011 is the result of Kenya's deployment in Somalia. The attacks have become more sophisticated and are aimed primarily at the destruction of high-profile soft targets in an attempt to cause maximum harm with few resources, while gaining as much publicity as possible. See Figure 6 for distribution of al-Shabaab related incidents and fatalities by location.

Insecurity attributed to the activities of jihadist groups is not new in Kenya. Attacks in the 1990s culminated in the 1998 bombing by al-Qaeda of the US embassy in Nairobi, an incident that highlighted the presence of radical Islamists elements in Kenya and firmly entrenched their significance as an important insecurity variable in the country.[13]

> The attacks have become more sophisticated and are aimed primarily at the destruction of high-profile soft targets in an attempt to cause maximum harm

Domestic and international terrorism has, since that time, remained an important part of the country's security history. An incident in November 2002 targeting an Israeli-owned hotel and airline in Mombasa resulted in 13 deaths and about 80 injuries.

A number of aspects of al-Shabaab's operations in the country introduce new elements of insecurity, among them the frequency, randomness and deadliness of attacks attributed to the group. Another is the fact that Kenyan institutions and civilians have become the prime targets, unlike the situation in the past, when the targets were Western interests in the country.

Kenya's recent history is replete with incidents of insecurity (Figure 7), which, since independence, have had an impact on every sector of the country in many ways.

Comparatively, however, al-Shabaab has accounted for only a small proportion – 9% – of total fatalities associated with insecurity in the country since it began operating there in 2008.

The activities of armed gangs, low-intensity conflicts and state action against civilians, among other factors, have accounted for 91%. Despite the massive publicity surrounding the activities of the al-Shabaab, therefore, Kenya faces a bigger and more widespread challenge from armed criminal groups than from the Islamist group.

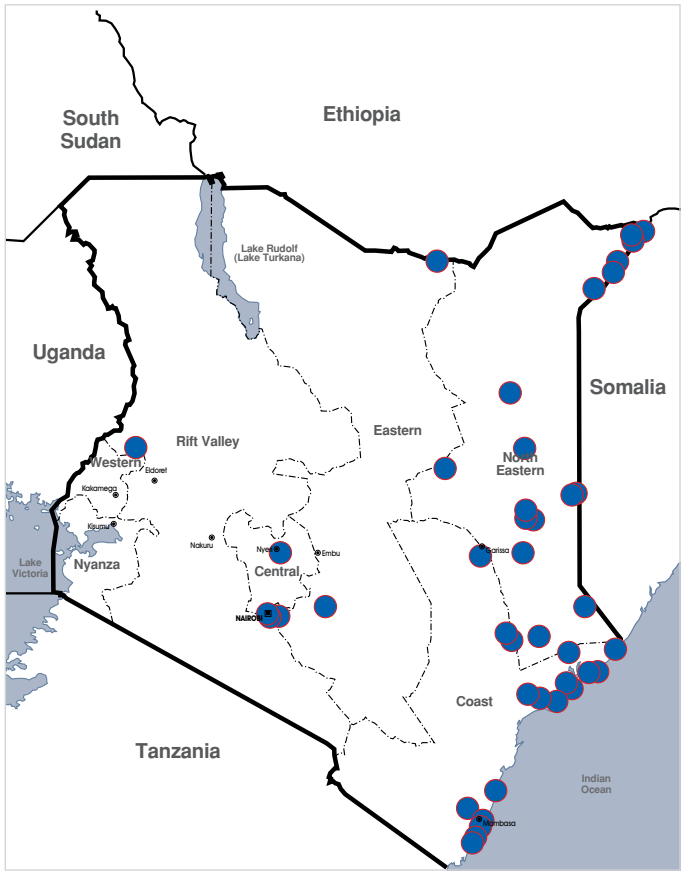
However, the substantial increase since 2011 in the intensity of the al-Shabaab attacks, sporadic mass killings and targeting of soft civilian targets make the group's impact more significant and necessitates urgent action.

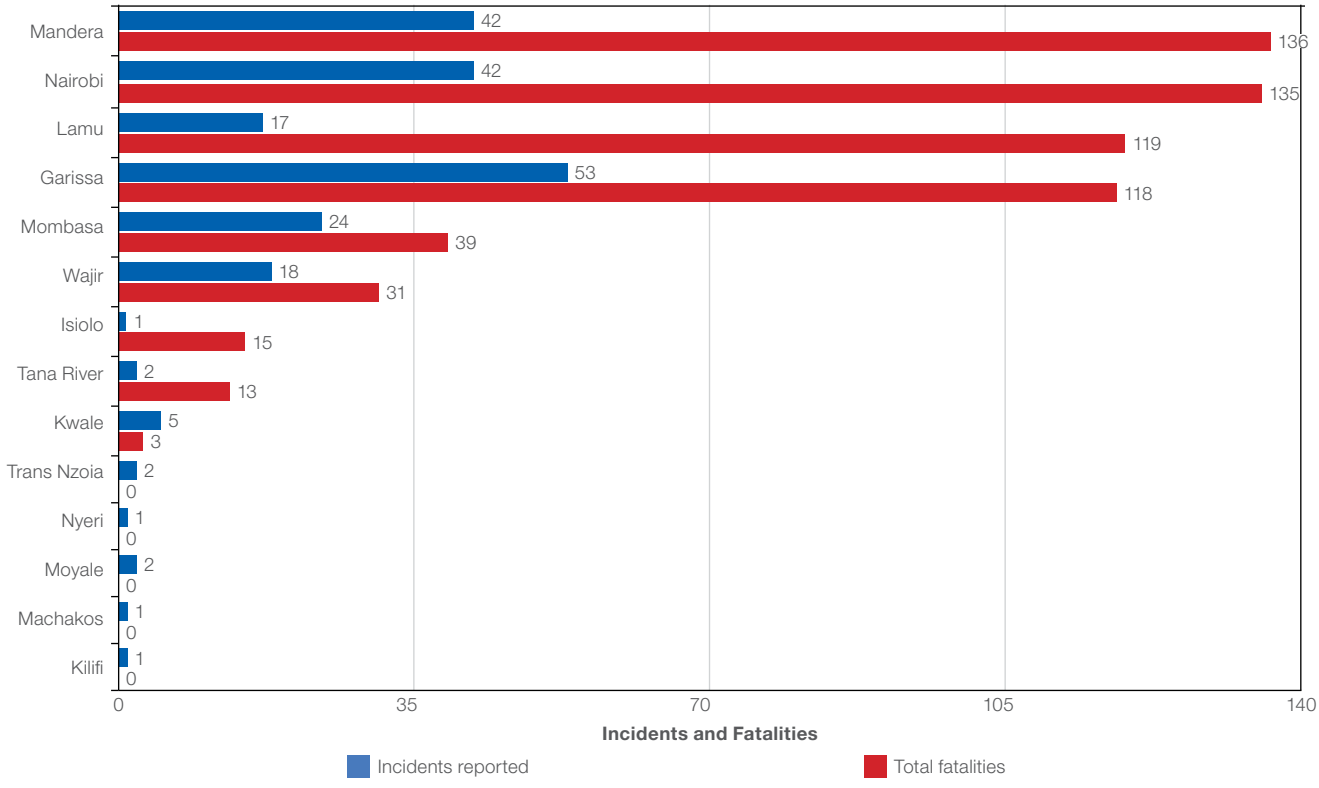
The fact that it uses guerrilla tactics makes its activities more deadly than those of any other group Kenya currently grapples with and any single armed group the country has confronted in its recent history. Comparing the reported atrocities of the Mungiki sect and those of al-Shabaab, for instance, al-Shabaab killed more people in the country between 2008 and 2014 than died in the 13 years of active Mungiki operations from 2000 to 2012.[14]

1998

AL-QAEDA BOMBS THE US EMBASSY IN NAIROBI

Figure 6: Al-Shabaab related incidents and fatalities by location, 2008–2014





Source: Extracted from ACLED dataset

Drivers of contemporary insecurity

Why is Kenya vulnerable? The question elicits a variety of responses. Interviews in the course of research for this report revealed several key issues that account for this phenomenon.

The nature of the Kenyan state

Until the promulgation of the new constitution in 2010, Kenya had been governed by imperial presidents. Occupants of the executive office wielded enormous political power, accumulated through gradual and systematic constitutional amendments by successive post-independence governments.

The presidency was characterised by the consolidation of power and its excessive abuse, deep-rooted patronage in the allocation of national resources, misuse of state security apparatus to silence dissent, extra-judicial killings and human rights abuses, large-scale corruption and the overall systematic abuse of public office.

Politics consisted largely of networking through the formation and counter-formation of alliances, with the aim of safeguarding both individual and group interests.

Ethnic affiliations and identities were franchised for merit during coalition formations, whilst negative ethnic divisions were emphasised for political gain. Political patronage became the primary basis for inclusion or exclusion from political participation and access to the centre of the state, in which power, privilege and resources reside.

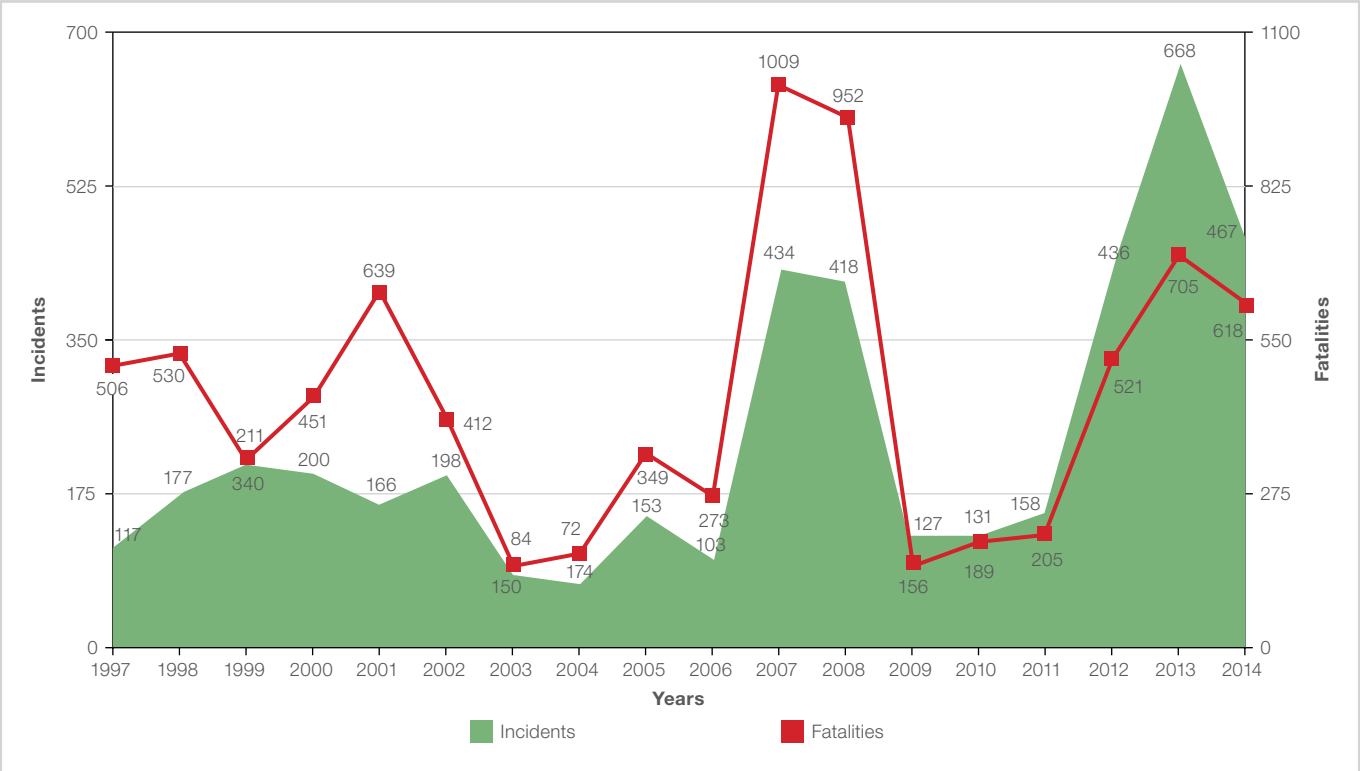
During the Moi regime the imperial presidency was characterised by excessive concentration of power and its abuse through the activities of the KANU youth and 'jeshi la mzee'. During this period, one-party-state politics emerged and every avenue was exploited to stifle opposition until the 1991 repeal of Section 2A of the constitution returned the country to multiparty politics. Later, pressure for reform culminated in the 2010 promulgation of the new constitution.

Notwithstanding progress in dismantling the imperial presidency, more than four decades of excessive abuse of power and its associated complex political exclusions have formed the basis for enduring perceptions of the systematic marginalisation of certain constituencies and ethnic groups.

Sections of Kenyans, therefore, believe that politics has been about certain individuals and group (ethnic) interests rather than the collective good of all citizens. Apart from being the basis for citizen disengagement from the state, the *idea of the state* is alienated in the minds of many citizens.

In the Rift Valley Province, for instance, the displacement of ethnic groups mean that many still have scores to settle with the state. This history explains a number of vulnerabilities in contemporary Kenya and has made it more challenging to

Figure 7: Total insecurity-related fatalities, 1997–2014



Source: Extracted from ACLED dataset

win the support of some constituencies in the battle against the elements responsible for insecurity. Marginalisation and abuse have also affected important national attributes such as patriotism, commitment to honouring the social contract and the civic responsibility of both leaders and the led.

At the national level state capacity has been affected by the fact that successive governments have under-invested in national security infrastructure. In a State of the Nation address to parliament in March 2014, President Uhuru Kenyatta acknowledged that '[s]ome of the difficulties we see are the direct consequence of the under investment of the past three decades, contrary to perception, this problem is not a new one, but historical. It is not our creation, but it is our duty to confront it.'[15]

> Some Kenyans believe that politics has been about certain individuals and group (ethnic) interests rather than the collective good of all citizens

As a result, despite being relatively capable in many ways, the current state security apparatus is challenged by the increasingly complex nature of the threats.

Ethnically-based organised criminal groups, many of whom emerged in response to the misuse of state authority by certain politicians, have also consistently challenged the state's monopoly over the use of violence and the maintenance of authority over certain territories of the country, where state presence is non-existent and, at best, patchy.

This has resulted in systematic decay in slums such as Korogocho, Kibera, and Mathare Valley in Nairobi. Apart from the challenge to governance, some of these settlements have become a haven for social vices and no-go areas for law enforcement. In border areas, inadequate state presence has given room for cross-border activities by armed groups including al-Shabaab.

Pervasive marginalisation

The phenomenon of marginalisation in Kenya is one of the manifestations of the dominance of certain interest groups and individuals over the political and economic affairs of the country. Such groups have succeeded in positioning their interests over those of the majority of citizens.

This manifests particularly in the area of land distribution. Since the colonial era many communities have suffered the injustices of multiple displacements from their ancestral lands for the purposes of political patronage.

During the colonial era 20% of the country's largely agricultural land was allocated to white settlers. Indigenous owners were either settled elsewhere or left landless.

As part of this scheme, some Kikuyu communities were displaced from the Central Province and resettled on Kalenjin lands in the Rift Valley. This effectively turned them into squatters on Kalenjin lands and subsequently made some displaced Kalenjins landless. These events are ingrained in Kenya's political narratives as historical injustices.

Instead of making a conscious effort to reduce the impact of this situation in post-independence Kenya, successive leaders have exploited their role as the custodians of land to benefit their ethnic groups or to entrench further existing patronage networks through arbitrary land allocations.

The thorny nature of the issue explains much of the inter-ethnic hatred and communal clashes in various parts of the country, including existing tensions in the Lamu area, as well as the protracted tensions between Kalenjins and Kikuyus in the Rift Valley Province.

The advent of multiparty politics has not only led to political mobilisation on the basis of these injustices, it has made land the most emotive and exploitable political campaign issue. All those who want to win power exploit the land issue, yet no incumbent has ever progressively addressed it.

It is also the basis for a great deal of tension during election campaigns. In some communities, perceived settlers are chased out during elections to prevent them from voting for certain ethnic candidates.

> All those who want to win power exploit the land issue, yet no incumbent has ever progressively addressed it

In the Coastal Province the story is not only told about historical injustices and their effects on the area, but also about the re-allocation of land from deedless legitimate owners to political patronage networks from other parts of the country. In Mombasa, currently, any individual with local knowledge can point to such cases. An estimated 80% of landowners at the coast are said to have no title deeds, making land disputes common in the area.

Some coastal people raise questions about the dominance of non-coastal people in government ministries in the area. During interviews for this report a number of people at the coast also raised concerns about the fact that their access to education and national resources had been reduced since independence,

blaming the situation on the systematic sidelining of coastal people from the politics and affairs of the country.

Some interviewees said they felt marginalised in relation to identity and documentation. One was concerned about the extent to which people from the coast who had Arab or Asian names were required to provide additional documentation to prove their Kenyan citizenship.

One interviewee summed up the frustration, saying, 'it is the case that people from the coast are deemed to be foreign until proven otherwise; as opposed to those from other parts of the country who do not need to provide as much documentation to qualify as Kenyans.' [16]

Others were concerned about the religious dimensions of the marginalisation of the area. A human rights activist recounted a case involving two Luo siblings, one with a Luo name, the other with a Muslim name. The sibling with the Muslim name was required to provide additional documents before his Kenyan documentation could be regularised.[17]

> Some politicians deliberately cultivate strategic alliances with certain criminal groups and ethnic militias, using them to intimidate political opponents

Many believe that the marginalisation of the coast from the political and economic affairs of the country has, over the years, excluded those who live there from the ruling class. Such views have gradually become the basis for mobilisation. This is reflected in the MRC's motto, 'Pwani si Kenya [the coast is not Kenya]'.

One interviewee noted that 'the emergence of MRC is more of a response to the feeling of marginalisation than a consistent commitment of its supporters to really secede from Kenya.'[18] Yet, if not well handled, it is capable of deteriorating into an actual push for secession – whatever form that may take.

Against this backdrop a section of Kenyans have deemed the perceived dominance of Kalenjins and Kukuyus in the post-independence political history of the country to be indicative of the extent of marginalisation – a view that is not only held at the coast but also by the majority of people in other parts of the country.

The politics of insecurity

The prevalence of insecurity in Kenya has made it a recurrent feature of the country's political landscape. The politics of insecurity currently manifests in two forms – the intentional creation and use of insecurity for political ends and the conscious exploitation of insecurity for political mileage.

The notion of historical injustice relating to land is an emotive and explosive issue in Kenyan politics. Yet politicians consistently use it in their campaigns, either promising comprehensive reforms when elected or accusing other politicians and ethnic groups of playing a role in constructing and/or sustaining the unjust system. They do so with no regard to the implications of such statements for the national cohesion and stability of the country.

Some politicians deliberately cultivate strategic alliances with certain criminal groups and ethnic militias, using them to intimidate political opponents and settler

80%

THE ESTIMATED PERCENTAGE OF LANDOWNERS AT THE COAST SAID TO HAVE NO TITLE DEEDS

communities. In the Central and Rift Valley provinces of the country, where electoral cycles have consistently given rise to communal clashes, there have also been indications of the use of strategies of insecurity to force perceived settler communities out of their settlements to prevent them from voting.

This was the case with the mass killings in the Tana River Delta area in the run-up to the 2013 elections and the mass graves that were discovered outside Kilelengwani village in September 2012. In the latter case, the then Assistant Livestock Minister, Dhadho Gaddae Godhana, was implicated in incitement and politically-motivated involvement.[19]

In recent political discourse the politics of insecurity has been manifested in attempts by opposition and incumbent politicians alike consciously to shape the narrative of security occurrences in ways that benefit them.

A clear example of this was the June 2014 Mpeketoni attacks, in which more than 60 lives were lost. Despite eyewitness accounts, claims by al-Shabaab and popular belief that the attacks were orchestrated by the Islamist group, the government was swift to blame the situation on systematically organised local political elements.

In doing so, President Kenyatta not only admitted the existence of such variables in the politics of the country but played into them. The opposition was put on the back foot in the battle for the hearts and minds of voters.

The resultant struggle over the creation of an acceptable apolitical narrative among the political actors poisoned the atmosphere required to harvest the necessary political consensus for dealing with the crisis.

Some Kenyans believe that the emergence of concepts such as 'rented terrorism' in the debate after the Mpeketoni attacks were nothing short of an attempt by pro-government intelligentsia to hijack the debate in order to divert blame from the government.

In the midst of the ongoing insecurity dynamics and the apparent failure of government structures in high profile attacks such as those at the Westgate Mall and Mpeketoni, key officials in charge of certain national security apparatuses have remained unscathed.

Many argue that the president's choices for the Internal Security and Defence ministries are clear cases of political expediency rather than attempts to appoint capable leaders who might obtain results. Consequently, despite demands for the dismissal of key elements in the two ministries certain important people have remained in their posts. (Further changes have since occurred in the government's appointments in the security sector. This analysis reflects the situation up to December 2014.)

The president's announcement of the resignation of the Director of the National Security Intelligence Service, Major General Michael Gichangi; his demotion of the Interior ministry's Principal Secretary, Mutea Iringo; the forced exit of political advisor Nancy Gitau and the removal of Jane Waikenda from the position of Director of Immigration, were, many in the opposition believe, cosmetic changes that merely served to make way for his allies.[20]

> Many believe the opposition leadership is on a drive to reinvent and reposition former prime minister Raila Odinga as a relevant force in the reconfigured political landscape

The inclusion of security as one of the key issues during the 'Saba Saba' day rallies[21] by the opposition and the subsequent push for a referendum about those issues have raised concerns that the Coalition for Reforms and Democracy (CORD)'s Okoa Kenya initiative is politicising national security issues rather than contributing to addressing them. Many believe the opposition leadership is on a drive to reinvent and reposition former Prime Minister Raila Odinga as a relevant force in the reconfigured political landscape.

The involvement of national security issues in this quest has politicised security in a way that is proving detrimental to the pursuit of peace and security. It is clear that Raila Odinga seems to be trying to appease the Muslim and Somali communities, who voted overwhelmingly for the Jubilee Coalition, by cashing in on their disquiet about the ongoing state response to insecurity.

There seems to be a conscious attempt by opposition propaganda machinery to use insecurity to demonstrate the weaknesses of the Jubilee government.[22]

One of the resolutions passed during CORD's July 2014 Saba Saba rally expressed the party's concern 'about systemic profiling and victimising of sections of the country based on religion and ethnicity by the Jubilee regime, leading to capital flight by for example the Eastleigh Somali business community to neighbouring countries.'[23]

The jostling to harvest political benefits from insecurity in the country has undermined political consensus between the opposition and the incumbent about methods of addressing the rising tides of insecurity in the country.

It has also had a negative impact on the political will to identify perpetrators, the direction of pursuit of perpetrators and the nature of the response to incidents such as those at Mpeketoni. This is because, apart from the temptation to impose selective justice, elements of the government, in the Mpeketoni case, needed to provide evidence that would substantiate the position of the president.

Ultimately this politicisation has undermined the overall effort to find an apolitical solution to rising insecurity in the country.

Conspiracy theories

As Figures 4 and 7 clearly illustrate, insecurity in Kenya has increased substantially since 2010, and particularly since the launch of Operation Linda Nchi.

In the light of insufficient answers from government, some Kenyans blame the continued insecurity on the ongoing trial in the International Criminal Court of the country's deputy president, William Ruto, and, until recently, President Uhuru Kenyatta. Some interviewees in Mombasa[24] argued that even though al-Shabaab has always posed a threat to Kenya and has expressly threatened to attack the country, there has been an undeniable deterioration in security since the Jubilee Coalition came to power.

> Conspiracy theories held by some Kenyans should not be discounted hastily, even though they need to be proven beyond reasonable doubt

They suggest the trend is directly connected with an intention to cultivate insecurity in the country so as to influence certain aspects of the ICC trial and argue that, in the case of the Westgate attacks, there were clear indications that certain government functionaries had exaggerated the dangers when speaking to the media.

To such people, the perceived shoddy nature of the government's response to the Westgate Mall siege and the messy role of the army extended the operation for several days for political ends. They argue that the extent of the misinformation and exaggeration that surrounded the situation are part of a possible conspiracy among government elements to harvest some benefits at the ICC.

Such people also cite the Mpeketoni attacks as another major case in which the government's response and narrative has raised considerable suspicion. Their argument is that despite a state security presence in the area, the armed men who stormed it were able to destroy property and kill people for several hours with no resistance or response from the state security apparatus.

Despite the fact that an al-Shabaab spokesperson, Abdulaziz Abu Musab, confirmed the group's involvement, President Kenyatta laid the blame on local political networks, which, he claimed, had planned and executed the attack for political reasons, thereby making it possible for an 'opportunistic network of other criminal gangs' to benefit from the attacks.

The governor of Lamu, Issa Timamy, was subsequently arrested and tried, despite insufficient evidence connecting him to the case, thereby raising suspicions in the minds of many about the possibility of a tacit politicisation of the crisis, thus providing a basis for other forms of rationalisation similar to those drawn from the Westgate Mall attack.

June
2014

THE MPEKETONI ATTACKS OCCUR, WITH MORE THAN 60 LIVES LOST

Some human rights activists hold similar beliefs about the Likoni shooting incident and the response of the government security apparatus.[25] Many independent observers also believe that insecurity in the country may have been organised with the aim of influencing decisions at The Hague. [26]

Objectively, however, despite some circumstantial evidence, the arguments blaming the deterioration of security on the ICC case and possible associated politicisation should be weighed against a number of factors.

The theories do not take into account the bigger picture of existing insecurity and the 'mosaic of failure in the country' – the fact that although 'Kenya is not a failed state, it is failing in many ways'.[27] However, given the nature of politics surrounding insecurity in Kenya's recent history, the conspiracy theories held by some Kenyans should not be discounted hastily despite the fact that they need to be proved beyond reasonable doubt.

Nature of the region

Another key driver of insecurity in Kenya is the nature of the region. The East and Horn of Africa, where Kenya is located, is the epicentre of complex transnational insecurity challenges and has been so for most of Africa's independence history.

> This situation is complicated by the transnationality of ethnic identities in the region and the extent of the flow of arms and refugees across the various borders

Domestically, each of the countries harbours insecurity resulting either from the remnants of civil wars or the spill-over effects of instability elsewhere. Consequently, apart from the numerous internal insecurity issues in Kenya, the country is surrounded by others with similar problems and its porous borders mean that insecurity challenges in neighbouring countries easily spill over into Kenya.

This situation is complicated by the transnationality of ethnic identities in the region and the extent of the flow of arms and refugees across the various borders.

One example of the problems is the Somali community in Kenya and the difficulty of distinguishing Kenyan Somalis from those Somalis who come into the country from Somalia.

In the specific case of radicalisation, transnationalisation has become easy not only because of the ease of mobility but also because of the existence of identity sanctuaries within which perpetrators are able to camouflage their operations. However, it is to be noted that even though Kenya's porous border situation is a key vulnerability, it has only become a challenge in the context of the prevailing regional threat.

August 2014

PRESIDENT KENYATTA VISITS THE UNITED STATES AND RATIONALISES KENYA'S PRESENCE IN SOMALIA

Deployment in Somalia

Although al-Shabaab's activities in Kenya predate the deployment of the Kenyan Defence Force (KDF) into Somalia the deployment redefined Kenya's role in the Somali conflict. It marked a formal departure from the country's pacifist regional foreign policy and announced its willingness to use the military to address threats in the region.

Kenya's perceived neutrality in the war against al-Shabaab formally ended when the KDF was given the task of pursuing the Islamist group. Prior to this, Kenyan losses in relation to jihadist activism were a form of collateral damage, as the prime targets were Western interests in the country. Kenya's open and accommodative nature was the only reason why it suffered.

Since the deployment of the KDF Kenya has become a prime target, with al-Shabaab overtly expressing its intention to take the battle into the country with the aim of having the KDF withdrawn from the Somali theatre.

Kenya's choices and alliances before and since the launch of Linda Nchi are also to blame. In an attempt to create a buffer zone in the Jubaland area, an estimated 3 000 Somalis were trained with the intention of propping up Professor Mohammed Abdi Gandhi's efforts to create a state (Azania) out of Gedo, Lower Juba and Middle Juba.

Although this attempt failed, some experts believe that by offering training in support of the plan Kenya virtually positioned itself as a participant in the war in Somalia and set itself up as the enemy.

The nature of insecurity blamed on Kenya's presence in Somalia has led to a debate about the continued presence of the KDF in that country. Some Kenyans argue that the country should withdraw. CORD and its leader, Raila Odinga, believe that in view of the fact that Kenya's presence in Somalia has caused insecurity it would be in Kenya's best interests to withdraw.

> Kenya's perceived neutrality in the war against al-Shabaab formally ended when the KDF was given the task of pursuing the Islamist group

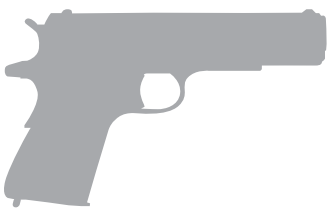
Supporters of Kenya's continued presence in Somalia, including Deputy President William Ruto, maintain that withdrawing will amount to succumbing to the demands of al-Shabaab and expressly conceding defeat to terrorists. They also argue that if Kenya's presence in Somalia was irrelevant, al-Shabaab would have ignored it rather than insist that the KDF withdraw.

Those who subscribe to this school of thought believe that the KDF's presence in Somalia has contributed hugely to the strides made in the stabilisation of that country and the successes of the African Union Mission in Somalia (AMISOM).

During a trip to the United States in August 2014, President Kenyatta rationalised Kenya's presence in Somalia, arguing that Kenya is interested in peace and stability in the country rather than in the pursuit of any declared Kenyan interest. He added that Kenya would not withdraw because there was no assurance that such a withdrawal would end al-Shabaab's attacks in the country.[28]

Impact of the regional war economy

The extent to which Kenya's economy is linked to the war economy in Somalia is another important variable. To appreciate the complexity of this link, it is necessary to understand the extent to which the economy of the north-eastern corner of Kenya is linked to that of the south-central parts of Somalia and the connection between the Kismayo Corridor and the suburb of Eastleigh in Nairobi.



THE EXTENT TO WHICH KENYA'S ECONOMY IS LINKED TO THE WAR ECONOMY IN SOMALIA IS AN IMPORTANT VARIABLE

The flow of untaxed commodities, particularly electronics, sugar and charcoal, into Kenya is a major indicator of the close ties between the two economies. Not only does the booming trade in these goods in Somalia provide avenues for businesses to profit from the lack of strong governance in that country and the porous border with Kenya, it is also an avenue for inter-business rivalry and criminality associated with the push to maintain an unhindered flow of goods along existing corridors.

In the current vocabulary of insecurity in the Horn of Africa the terms‘ ‘blood sugar’‘, ‘blood charcoal’ and ‘‘conflict electronics’ have emerged to refer to the flow of these products through Somalia into other countries in the region, particularly Kenya.

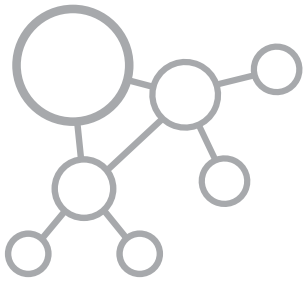
The drivers of the flow of the goods are largely business people who exploit the vulnerabilities in those corridors for their personal gain. Many of them have no direct relationship with the conflict but are ready to use any means necessary to ensure the free flow of goods and services. In doing so, they contribute to insecurity in both countries.

> There are huge concerns about the massive flow of illicit drugs and the extent to which these are influencing both politics and the nature of insecurity in the area

Some people believe that an appreciation of the ‘blood sugar’ dimension of trade between Kenya and Somalia is fundamental to understanding the complexity of the war economy in the region, particularly the nature of insecurity in Eastleigh and the north-eastern parts of Kenya.

Government representatives are particularly concerned about the unintended consequences of the coastal region’s status as a preferred holiday destination. They argue that the region has not only come under cultural attack through aggressive enculturation and acculturation of its largely traditional coastal society, it has also become a frontline in Kenya’s fight against transnational organised criminal activities.

The influx and influence of European criminals in the area have raised concerns about Mafia-like tendencies gaining a foothold along the coastal stretch. From Lungalunga in the west, through Mombasa, to Malindi and Lamu, there are huge concerns about the massive flow of illicit drugs and the extent to which these are influencing both politics and the nature of insecurity in the area.[29]



KEY DRIVERS INTERACT IN COMPLEX WAYS TO DEFINE THE NATURE OF INSECURITY IN KENYA

These key drivers interact in various complex ways to define the nature of insecurity in Kenya. Most of them reinforce one another and interact in more complex dimensions in their day-to-day manifestations.

For instance, despite being a purely grievance-based group, some elements of the MRC, with jihadist inclinations have acquired training as members of al-Shabaab. Such skills are, however, capable of being used to settle local scores around the land question. Such overlaps make it more complicated to address these issues in isolation and illustrate the difficulties the Kenyan government faces.

Conclusion

Kenya currently grapples with various forms of insecurity originating from armed groups, radical groups and the nature of politics in the country

The challenges associated with non-al-Shabaab armed groups across the country, despite their criminalisation, still accounts for about 91% of reported security-related incidents since 2011. The total number of deaths in incidents perpetrated by such groups across the country outweighed those of al-Shabaab between 2011 and 2014.

However, the urgency surrounding the threat posed by al-Shabaab stems from the increasing frequency of its operations, the sporadic nature of the attacks, the high rate of fatalities per incident and the mass killings of innocent civilians.

For this reason, the activities of the al-Shabaab have raised threat perceptions in the general population in ways that are detrimental to the country's socio-economic development. If the jihadist threat continues to grow at its current pace, it will surpass all forms of threats the country confronts in no time and in an unprecedented way.

The Kenyan state is another important source of insecurity. Over the years, successive governments have used state security apparatus to advance political goals, thereby leading to widespread human rights abuses in many parts of the country.

Of the many causes of insecurity, marginalisation and the failure to address historical injustices remain a major mobilising factor and driver. Questions of land distribution should therefore be interrogated dispassionately at the national level in an attempt to provide a solution. The biggest obstacle to solving the underlying drivers of insecurity in the country is the failure to address marginalisation in its many forms and in all levels of Kenyan society.

Notes

1 Designed for disaggregated conflict analysis and crisis mapping, this dataset tracks conflicts by their specific dates, locations, type of event, groups involved, fatalities and states of territorial control. See details at www.acleddata.com. Despite the use of this data, any errors, omissions and misconceptions in this report remain entirely mine.

2 For further reading, see National Crime Research Centre 2012. Summary of a study on organised criminal gangs in Kenya, National Crime Research Centre, Nairobi, www.frank-cs.org/cms/pdfs/KE/NCRC/NCRC_Organized_Crime_Kenya_30.8.13.pdf.

3 C Hornsby, *Kenya: A History since Independence*, New York, NY: I.B.Tauris & Co Ltd, 2013, 85, 96.

4 See D Branch, *Kenya: Between Hope and Despair, 1963-2011*, Yale University Press, 2011, 27.

5 The precise number of deaths in the various mass killings in Kenya is difficult to establish. The 2013 Truth Justice and Reconciliation Report, for instance, notes in regard to the Wagalla massacre that the 'Commission was unable to determine the precise number of persons murdered in this massacre but accepts that a large number died, possibly close to a thousand.'

6 Through a villagisation programme, people living in the NFD were required by government to live within designated villages where security could be provided. See H Whittaker, 'Forced Villagisation during the Shifta Conflict in Kenya, ca. 1963–1968', *International Journal of African Historical Studies* 45:3, 2012; See response to a question by Private Notice on 'Casualtites suffered from Shifta Attack at Maralal', in Parliament, Kenya National Assembly Official Record (Hansard), 7 May 1965, https://books.google.co.za/books?id=38rJkU_Z8b4C&pg=PA2083&lpg=PA2083&dq=manyatta%2Bshifta%2Bkenya&source=bl&ots=IQc5p56u6Y&sig=EpxXQyTABSafKOcIMC5VWOoNyAg&hl=en&sa=X&ei=hzfKVLX5LIOBUaKehPgD&redir_esc=y#v=onepage&q=manyatta%2Bshifta%2Bkenya&f=false.

7 Security personnel were granted arbitrary powers and were able to confiscate the property and livestock of suspected criminals, effect arrests without warrant and detain without trial for 28 days. See H Whittaker, Forced villagisation during the Shifta Conflict in Kenya, ca. 1963–1968, *International Journal of African Historical Studies* 45:3, 2012.

8 The Truth Justice and Reconciliation Commission, Report of the Justice and Reconciliation Commission, Volume IV, Truth, Justice and Reconciliation Commission, 2013, p. 177. Online, http://nisisikenya.com/wp-content/uploads/2013/06/TJRC_report_Volume_4.pdf, accessed 24 August 2014.

9 The Kenyan government maintains that 57 people were killed but the 2013 Truth Justice and Reconciliation Commission indicates that several hundred may have been executed.

10 Report of the Truth, Justice and Reconciliation Commission, Volume IV, 2013, 18, http://nisisikenya.com/wp-content/uploads/2013/06/TJRC_report_Volume_4.pdf.

11 UNOCHA, Kenya: Mandera Crisis Situation Report No. 4, 24 Nov 2008, http://reliefweb.int/report/kenya/kenya-mandera-crisis-situation-report-no-4-nov-24-2008.

12 It should be noted that the origins of the perpetrators of the Mpeketoni attacks remain contested. Although al-Shabaab has claimed responsibility, the Kenyan government blames the attacks on local political dynamics. The attacks are, however, mentioned here because, whoever perpetrated them, they point to the nature of contemporary insecurity trends in the country.

13 Major cases of bombings in Nairobi predating jihadist activities include the 1980 Norfolk Hotel bombing in which 20 people died and about 80 were injured. The incident was blamed on the Palestinian Liberation Organisation (PLO).

14 This comparison is made at the level of incidents and fatalities rather than the respective ideological orientations and nature of operations of the groups. It does not intend in any way to suggest that the two groups are similar.

15 Speech by His Excellency Hon Uhuru Kenyatta, CGH, President and Commander In Chief of the Defence Forces of the Republic Of Kenya During The State Of The Nation Address at Parliament Buildings, Nairobi on 27 March 2014, www.parliament.go.ke/plone/national-assembly/business/speeches-1/speech-by-his-excellency-hon.-uhuru-kenyatta-c.g.h.-president-and-commander-in-chief-of-the-defence-forces-of-the-republic-of-kenya-during-the-state-of-the-nation-address-at-parliament-buildings-nairobi-on-27th-march-2014.

16 Interview with Khalid Kalifa in Mombasa, 20 August 2014.

17 Ibid.

18 Interview with Khalid Kalifa in Mombasa, 20 August 2014. Ibid.

19 Kenya: Kilelengwani burns, *African Confidential* 53:19, 21 September 2012.

20 Various interviews, Nairobi 6–20 August 2014. Also see *Africa Confidential*, 26 September 2014, 2.

21 Saba Saba day commemorates pro-democracy protests in 1990 when security forces killed more than 100 people.

22 Interviews with sources within civil society and government who asked to remain anonymous, Nairobi, 7 August 2014.

23 Standard Media, Cord's resolution during Saba Saba rally at Uhuru Park, www.standardmedia.co.ke/article/2000127332/cord-s-resolution-during-saba-saba-rally-at-uhuru-park/.

24 Anonymous interviewees, Nairobi, 7 August 2014.

25 Interview with Khalid Kalifa in. Mombasa, 20 August 2014.

26 Ibid.

27 Interview with Andrew Franklin, Nairobi, 6 August 2014.

28 See video of President Uhuru Kenyatta Interviews & Speeches in USA, www.kenyamoja.com/featured/president-uhuru-kenyatta-interviews-speeches-in-usa/.

29 Interview with a government representatives, Mombasa, 19 August 2014.

ISS INSTITUTE FOR SECURITY STUDIES

Subscribe to the ISS for the latest analysis, insight and news

We're improving human security in Africa with authoritative research, training and expert policy analysis

Step 1: **Go to www.issafrica.org**
Step 2: **Under 'Subscribe to the ISS,' click on 'Email subscriptions'**
Step 3: **Select the type of notices you would like to receive:**

Latest from the ISS

- ISS press releases
- ISS Weekly newsletter
- ISS Today
- ISS Spotlight

ISS event invitations

- Seminars, ISS Addis Ababa
- Seminars, ISS Dakar
- Seminars, ISS Nairobi
- Seminars, ISS Pretoria
- Training courses

ISS thematic reports

- Peace and Security Council Report
- Regional Report: Central Africa
- Regional Report: East Africa
- Regional Report: ECOWAS
- Regional Report: Southern Africa

Or, subscribe by topic of interest (to receive press releases, spotlights, event invitations, and reports that deal with your chosen topic):

- African Futures
- Arms control and disarmament
- Conflict prevention and analysis
- Corruption and governance
- Counter-terrorism
- Crime and criminal justice
- International criminal justice
- Organised crime
- Peacekeeping and conflict management

About the author

Andrews Atta-Asamoah is a senior researcher in the Conflict Prevention and Risk Analysis Division at the ISS in Pretoria. He holds a doctorate in political studies from the University of Cape Town and an MA from the Legon Centre for International Affairs in Ghana. Before joining ISS, he worked with the Kofi Annan International Peacekeeping Training Centre in Accra, Ghana. His areas of research interest include drug trafficking, peacekeeping, natural resource conflicts and African peace and security.

About the ISS

The Institute for Security Studies is an African organisation that aims to enhance human security on the continent. It does independent and authoritative research, provides expert policy analysis and advice, and delivers practical training and technical assistance.

Acknowledgements

This report has been made possible with support from the government of the Netherlands. The ISS is also grateful for support from the other members of the ISS Partnership Forum: the governments of Australia, Canada, Denmark, Finland, Japan, Norway, Sweden and the USA.

ISS Pretoria
Block C, Brooklyn Court,
361 Veale Street
New Muckleneuk,
Pretoria, South Africa
Tel: +27 12 346 9500
Fax: +27 12 460 0998

ISS Addis Ababa
5th Floor, Get House
Building, Africa Avenue,
Addis Ababa, Ethiopia
Tel: +251 11 515 6320
Fax: +251 11 515 6449

ISS Dakar
4th Floor, Immeuble Atryum
Route de Ouakam,
Dakar, Senegal
Tel: +221 33 860 3304/42
Fax: +221 33 860 3343

ISS Nairobi
Braeside Gardens,
off Muthangari Road
Lavington, Nairobi, Kenya
Tel: +254 72 860 7642
Fax: +254 73 565 0300

www.issafrica.org

ISS East Africa Report
Issue 2

ISSN 1026-0404

9 771026 040004