

FLINDERS UNIVERSITY
COLLEGE OF BUSINESS, GOVERNMENT AND LAW
MASTER OF ARTS IN INTERNATIONAL RELATIONS

**QUESTION: IS KENYA'S STATE-CENTRIC COUNTER-TERRORISM APPROACH
LIKELY TO SUCCEED IN COMBATING TERRORISM?**

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INTR9918- Masters of Arts International Relations Research Thesis

**This thesis is submitted in partial fulfillment of the requirements of Flinders University for
the award of the degree of Master of Arts in International Relations**

OCTOBER 2017

Declaration

I, Joel Kibet Kiptoo declare that this thesis is my original work and has not been submitted for a degree award in any other university. I also certify that the contents of this assessment do not contain any work published or written by another person except where duly referenced.

Abstract

This thesis examines Kenya's state-centric counter-terrorism approach in response to Al-Shabaab's terrorist threats in the country. It employs three security theories that attempt to decipher the best approach in countering terrorism- the traditionalist military view; human security paradigm and the critical terrorism school of thought. It demonstrates that Kenya is guided by the traditionalist view but then argues that this approach is likely to fail since it neglects fundamental drivers of terrorism that need to be addressed if at all a successful campaign against terrorism is to be realized. It suggests that Kenya's continued neglect of these underlying issues, which include increased marginalization of its Muslim communities, are likely to be exploited by Al-Shabaab to make easy recruitments. The thesis then analyzes Kenya's hardline policies and argues that contrary to winning the fight against terrorism; they are likely to be counter-productive, resulting in a domino effect of attacks and counter-attacks. It also argues that because of the discriminatory tendencies of the local level counter-terrorism operations, which are targeted at the Kenyan Muslim population (ethnic Somalis and Coastal communities), this approach risks increasing the impetus of the disenfranchised youth from within these communities to enlist into terrorist organizations.

Acknowledgement

My deepest gratitude in the course of this study goes to God the Almighty. I thank Him more sincerely for sustaining me and granting me physical, emotional and mental health throughout the course of this study.

I wish to thank my mother and brother for their encouragement and moral support throughout my coursework and during the course of writing this thesis.

I also wish to thank the professors at the Department of International Relations for imparting knowledge during my coursework, which laid foundation for this work.

My special gratitude goes to my supervisor Dr. Tanya Lyons for useful insights, guidance and direction throughout this study. Thank you for your patience.

List of Abbreviations

AMISOM	African Union Mission in Somalia
AU	African Union
IPOA	Independent Policing Oversight Authority
KANU	Kenya African National Union
KDF	Kenya Defense Forces
NFD	Northern Frontier District
NPPPP	Northern Province Progressive Peoples Party
OAU	Organization of African Unity
UNHCR	United Nations High Commission on Refugees

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Map of Kenya: Districts and Towns

Source: Ezilo Maps. <http://www.ezilo.com/maps/africa/kenya-maps.html>



INTRODUCTION

Terrorism is a phenomenon that has left many nations across the globe counting huge losses in terms of economic costs and human lives. Kenya, and indeed the entire African continent, is not immune to the global threats informed by terrorism. The republic of Kenya, a country located on the East Coast of Africa, has had its share of violent attacks carried out by transnational terrorist organizations.¹ In August 1998, Kenya was brought into the international scene following the U.S embassy bombing in Nairobi which resulted in the deaths of 214 civilians and thousands of injured victims. In 2002, an attack on an Israeli-owned resort in the Coastal city of Mombasa led to the deaths of 16 Israelis and Kenyans. Both attacks were claimed by al-Qaeda.² Though these attacks were inspired by Islamic fundamentalism and primarily directed at the U.S and Israeli citizens and properties, the repercussions were far more catastrophic for Kenya. Western countries including the U.S, U.K and Germany issued travel advisories to their citizens who wished to travel to Kenya. These travel advisories hurt Kenya's tourism industry, which recorded losses to the tune of US\$ 14 million a week in 2003.³

In response, the Kenyan government sought to establish mechanisms to address the growing terrorist threats. In 2003, the minister for Justice and Constitutional affairs introduced the Suppression of Terrorism Bill to parliament, which immediately sparked controversies among lawyers and members of the clergy. The bone of contention was that the bill transgressed the constitution by infringing on civil liberties and instead legalized the violations of human rights, particular that of Kenyan Muslims. The most controversial aspect of the bill was the

¹ Human Rights Watch, *All men have gone: war crimes in Kenya's Mt. Elgon Conflict*, New York, Human Rights Watch, 2008, p.19.

² Carson, Johnnie, "Kenya: The Struggle against Terrorism", in Robert I. (ed), *Battling Terrorism in the Horn of Africa*, Cambridge, World Peace Foundation, 2005, p.180.

³ Kefa Otiso, "Kenya in the Crosshairs of Global Terrorism: Fighting Terrorism at the Periphery", *Kenya Studies Review*, vol.1, No.1, 2009, p.128.

clause that granted the police power to apprehend any individual, “who in a public place wears an item of clothing in such a way or in such circumstances as to arouse suspicion that he/she is a member or supporter of a declared terrorist organization.”⁴ Following countrywide protests organized by the Law Society of Kenya and civil society organizations, to sensitize Kenyans on the negative aspects of the bill, the bill was eventually withdrawn.⁵

In more recent years however, contrary to being “collateral damage”, Kenya has been the primary target of terrorist attacks waged by the Somali-based insurgent group- *al Shabaab* (the Youth). In response to the attacks, Kenya has endorsed an aggressive stance against the group. This approach is reminiscent to America’s ‘War on Terror’, which is a military anti-terrorism campaign that was coined in the aftermath of the 9/11 attacks in New York and Washington, at the hands of al-Qaeda terrorists. In October 2011, the Kenyan government through its Kenya Defense Forces (KDF) embarked on a military offensive into Somalia. The objectives of the invasion were to capture the port city of Kismayo⁶ and to defeat the Al-Shabaab militants.⁷ The first goal was achieved after more than a year of KDF’s presence in Somalia, but the second objective continues to remain a mirage. In fact, since the invasion, Al-Shabaab has grown in potency and reacted with bomb, gun and grenade attacks against towns and cities in Kenya, particularly the capital Nairobi, Garissa and Coastal areas.⁸

⁴ Bachmann Jan and Honke Jana, “Peace and Security as Counterterrorism? The Political Effects of Liberal Interventions in Kenya”, *African Affairs*, vol.109, No.434, 2009, p.108.

⁵ Carolyne, Wanjiru, “Kenya and the War on Terrorism”, *Review of African Political Economy*, vol.33, No.107, 2006, p.133.

⁶ Kismayo is a port city located about 330 miles Southwest of Somalia’s capital Mogadishu. It was controlled by al-shabaab militants since 2009, and was the group’s largest source of revenue, largely accruing from taxation of the port and custom duties.

⁷ Gartenstein-Ross and Appel Henry, ‘Al-Shabaab’s insurgency in Somalia: a data-based snapshot’, *Georgetown Journal of International Affairs*, 2 April 2014.

⁸ *ibid.*

Despite these attacks, Kenya has remained adamant to retain its troops in Somalia and instead chosen to broaden the scope of its counter-terrorism strategy to include security operations within Kenya. An example of these operations as will be discussed in further detail in this thesis is *Operation Usalama Watch*, which was a strategy designed to foil Al-Shabaab insurgents residing in Kenya.⁹ Although designed to be implemented nationwide, these operations to a large extent have been directed at particular segments of Kenya's population. These populations include ethnic Somalis, who also happen to be overwhelmingly Muslim, and Coastal communities, who akin to Somalis, ascribe to the Islamic faith. The fact that these operations have been accompanied by human rights violations by Kenyan security operatives has re-awakened fears that these actions may be driven by the spirit of the outlawed 2003 Suppression Bill.

It is within this context that this thesis is premised upon. In view of the military approach taken by the Kenyan government against Al-Shabaab both at the local and regional level, I pose the question, is Kenya's state-centric (military) approach likely to succeed in combating terrorism? The argument espoused in this thesis suggests that this counterterrorism approach is bound to fail. The thesis concludes that contrary to winning the fight against terrorism, the hardline state policies by the Kenyan government are likely to be counter-productive, resulting in a domino effect of attacks and counter-attacks. It also concludes that because of the discriminatory tendencies of the local operations, which are targeted at the Kenyan Muslim population (ethnic Somalis and Coastal communities), this approach risks increasing the impetus of the disenfranchised youth from within these communities to enlist into terrorist organizations.

⁹ Muthoni, Faith, 'Security Swoops Are Perfectly Legal', *the Star Magazine*, April 17, 2014, p.25.

To arrive at these conclusions, the thesis analyzes Kenya's relationship with its ethnic Somalis and Muslim populations at large from a historical perspective. The thesis discusses events that date back to the time of Kenya's independence in 1963, to show that the relationship between the Kenyan government and these communities has been far from amicable, and instead led to the former's political and economic marginalization of the latter. The thesis analyzes the Shifta War of 1963-1967, which was an attempt by Kenya's Somali community in the country's North eastern region to secede and join Somalia. It then discusses the 1980s Bulla Karatasi and Wagalla massacres, where hundreds of Somalis were killed as part of disarmament operations by Kenyan security operatives; and the screening of ethnic Somalis in the late 1980s, which was accompanied by illegal deportations. It also examines the plight of Kenyan Muslims in Kenya's Coast region, who have been forced to be squatters in their native lands; exposed to high levels of poverty in spite of the region's booming tourism industry; and the erosion of their Islamic culture.

Drawing from this information, the thesis suggests that Al-Shabaab is likely to exploit the deeply rooted disaffection amongst these communities in solidifying its recruitment capabilities, especially among the youths. It is the position of this thesis that although these youths may be lured by Al-Shabaab's advances as a temporary solution to their disenfranchisement, these may just be sufficient to breed and revolutionize an Al-Shabaab-led insurgency within Kenya.¹⁰ Moreover, the fact that Kenya's present counter-terrorism policies are victimizing these communities will make it even harder for the Kenyan government to address the Al-Shabaab threat.

¹⁰ Anderson, David and Jacob McKnight, 'Kenya at war: Al-Shabaab and its enemies in Eastern Africa', *African Affairs*, vol.114, Issue 454, 2015.

To contextualize the historical events of Muslim communities and Kenya's state-centric counter-terrorism policies, the thesis uses three international security theories. They include: the traditionalist military view, which endorses an aggressive stance against terrorists; the human security approach, which advocates for a need to address underlying drivers of terrorism; and the critical terrorism studies approach, which calls upon states to embrace human rights while countering terrorism.¹¹ The traditional military view, the approach that Kenya favors, is used in this thesis as the parameter within which Kenya's responses are assessed. The tenets of the human security and critical terrorism studies approaches are adopted in order to challenge these state responses.

As Ganor opines, the human security and critical terrorism approaches shift focus from the superficial interpretations of terrorism endorsed by the traditionalist view, which suggest that "what looks like a terrorist, sounds like a terrorist and acts like a terrorist, is a terrorist".¹² From the perspective of the human security and critical terrorism schools of thought, this mentality does not help as it neglects the underlying drivers of terrorism which are in fact essential if at all a successful campaign against Al-Shabaab's recruitment efforts in Kenya are to be realized. In fact, the critical terrorism approach warns that it is this kind of subjective interpretation of who a terrorist is, that offers a loophole for individual states to justify certain state policies, which may violate human rights in the name of fighting terrorism. This in effect cripples any serious attempts at combating terrorism.¹³ It is based on the tenets of the human security and critical

¹¹ Miller, Gregory, 'Confronting Terrorisms: Group Motivation and Successful State Policies', *Terrorism and Political Violence*, vol.19, No.1, 2007, p.332.

¹² Ganor, Boaz, 'Defining Terrorism: Is One Man's Terrorist another man's freedom fighter?' *Police Practice and Research*, vol.3, No.4, 2002, p.287.

¹³ *ibid.*

terrorism paradigms that the thesis arrives to the conclusion that Kenya's responses are bound to fail.

Chapter Outline

The thesis is divided into three chapters. The first section of the thesis provides an analysis of the theoretical perspectives of terrorism by looking at the three security approaches mentioned above (the traditionalist military view; human security and critical terrorism schools of thought). Secondly, it discusses the literature review as pertains to the counter-terrorism initiatives that have been designed to fight the scourge of terrorism in Africa. The section then discusses literature on Africa's unique characteristics and how these issues are linked to terrorism. The section basically argues that the state-centric approach is incompatible with African terrorism as it neglects fundamental causes of terrorism in the continent.

Chapter one sets the context for the historical background of Kenya's Somali community and their relationship with Kenya's successive governments. The chapter examines the Shifta War of 1963-1967, since this conflict provides the basis upon which Kenya's animosity towards ethnic Somalis began. It then analyzes Kenya's disarmament efforts in the North eastern Kenya region that led to the Bulla Karatasi and Wagalla massacres in the 1980s and the screening processes that followed. The chapter basically argues that the historic terrain of political identity and belonging of Somalis in Kenya is the reason behind the community's victimization by Kenya's present counter-terrorism efforts.

Chapter two discusses the Al-Shabaab's terrorist threat and Kenya's counter-terrorism efforts in response. It briefly assesses the rise of al-Shabaab and the events that informed Kenya's invasion of Somalia. It then discusses the plight of Kenya's Muslim population to suggest that their

disaffection towards the government is providing ideal grounds for Al-Shabaab's easy recruitments. Operation Usalama Watch is then discussed and challenged. The chapter basically argues that the discriminatory nature of such operations is likely to marginalize the Muslim communities even further and increase the popularity of Al-Shabaab, especially among disenfranchised Muslim youths.

Chapter three is the conclusion chapter. This chapter offers a summary and a theoretical analysis of Kenya's state policies. It identifies the weaknesses associated with the military view as a viable approach to countering terrorism and argues that the paradigm is short-sighted as it is oblivious to the underlying drivers of terrorism in Africa. The chapter concludes that Kenya's state-centric approach is not only likely to be counter-productive, but also increase the impetus of disenfranchised youths to enlist into terrorist organizations.

THEORETICAL PERSPECTIVES TO TERRORISM

In the fight against terrorism, the literature to be discussed in this thesis suggests that there are three approaches to it- the traditional state centric approach; the human security approach and the critical terrorism studies schools of thought. According to Miller, the traditionalist view focuses on whether states should apply punitive measures so as to deter terrorist acts, while the latter two approaches focus on addressing the root causes and thus minimize the incentives to engage in terrorism.¹⁴ This has been a pertinent debate in the aftermath of the 9/11 terrorist

¹⁴ Miller, Gregory, D., "Confronting Terrorisms: Group Motivation and Successful State Policies", p.331.

attacks in New York and Washington, but there's been little consensus. Below, the thesis will discuss the debate among various scholars including Carr, Sederberg, Hewitt and Jackson.¹⁵

As with the state-centric view, Carr argues that it is imperative that states build a reputation for retaliating against terrorists and by no means negotiate with them. The rationale in this view is that states which fail to respond forcefully or give in to the demands of the terrorists are regarded as weak, and actually encourage more violence.¹⁶ Proponents of this school of thought point to cases whereby governments defeated terrorism by employing harsh military policies. For example, according to D'Oliviera, the Argentinian government was able to crush the Montoneros¹⁷ by adopting military policies. Likewise, the Uruguayan government defeated the Tupamaros¹⁸ by using military responses.¹⁹ Scholars such as Hewitt illustrate cases whereby the conciliatory approach deemed unsuccessful. In his view, the Japanese failure to monitor the Aum Shinrikyo and the French hesitation to seal the border to the Basque separatists all contributed to more terrorism.²⁰

While proponents of the traditional approach endorse military responses, scholars of the human security approach such as Sederberg²¹ suggest that harsh government policies breed more terrorism and hence results into a continuous cycle of violence. The argument here is that violent responses by the state elicit more support of terrorism from the masses. In fact, Wilkinson points

¹⁵ *ibid.*

¹⁶ Carr Caleb, "Terrorism as Warfare: The Lessons of Military History", *World Policy Journal*, vol.13, No.4, 1997, p.7.

¹⁷ The Montoneros was a guerilla group that operated in the 1960s and 1970s which was anti-democracy. It operated on the pretext that democracy was a masquerade that concealed fascism. As such, its activities were meant to compel the state from pretending to be democratic and instead openly operate as fascist governments.

¹⁸ The Tupamaros was a group inspired by the Marxism-Leninism ideology. It operated in the 1960s and 1970s and was involved in the robbing of banks and other businesses, then distribute stolen goods and money to the poor. It then evolved into a guerilla movement after the Uruguayan government began torturing its members.

¹⁹ D'Oliviera, Sergio, "Uruguay and the Tupamaros Myth", *Military Review*, vol. 53, No.4, 1973, p.25-36.

²⁰ Hewitt, Christopher, *The Effectiveness of Anti-Terrorist Policies*, Lanham, University Press of America, 1984, p.54.

²¹ Sederberg, Peter, "Conciliation as Counter-Terrorist Strategy", *Journal of Peace Research*, vol.32, No.3, 1995, p.295.

out that the repressive measures that states adopt is what terrorists use to advance their group's popularity.²² For example, Ginges compares the Red Brigade in Italy, which was a revolutionary paramilitary organization that sought to remove Italy from the North Atlantic Treaty Organization (NATO) in the 1970s, with the Israeli-Palestine relations over Israel's occupation of Palestinian lands. He argues that the intractable approach by the Israelis not to negotiate with the Palestinians and constantly retaliating against the Popular Front for the Liberation of Palestine (PFLP) is less successful at combating terrorism in comparison to the conciliatory approach adopted by the Italian government in the late 1980s.²³

Other illustrations offered by contenders of this school include the Canadian government's fruitful results against the Quebec secessionist terrorism- whereby other than ameliorating the conditions of the French-speaking nationals, the government also gave Quebec the right to vote on secession, which in effect stopped terrorism.²⁴ As such, what the proponents of this school seem to suggest is that when states eradicate all the legitimate claims that the terrorists base their actions upon, their domestic support will be diminished.

A third strand of thought that is gaining popularity, which arose from the dissatisfaction with the state-centric view of traditional terrorism discourse, is the critical terrorism studies. According to Stump and Dixit, scholars from this school of thought argue that traditionalists take for granted the referent object (terrorism), are not mindful about the ramifications of labeling particular groups of people as terrorists, disregard the role of the state as the initiator of violence,

²² Wilkinson Paul, *'Terrorism and the Liberal State'*, Houndsmills, Macmillan Publishers, 1986.

²³ Ginges, Jeremy, 'Deterring the Terrorist: A Psychological Evaluation of Different Strategies for Deterring Terrorism', *Terrorism and Political Violence*, vol.9, No.1, 1997, p.295.

²⁴ Miller, Gregory, D., "Confronting Terrorisms: Group Motivation and Successful State Policies", p.334.

and that they remain uncommitted to social freedoms.²⁵ Critical Terrorism scholars such as Jackson question terminologies such as War on Terror which became popularized after the 9/11 attacks.²⁶ In Jackson's opinion, this terminology is not value neutral as it appears to make war look inherently reasonable and good by invoking the Manichean framework of good versus evil. Referring to President Bush's famous dictum 'you are either with us or the terrorists', Jackson argues that since 'us' is seen as being good, those opposed to us are necessarily evil. This leads to the notion of 'othering'.²⁷ Jackson also adds that under the pretext of the War on Terror, governments across the world are using this doctrine as a way to suppress dissidents in their respective countries²⁸.

Jarvis, another scholar from this school, posits that a factor largely ignored by the traditionalists is that states themselves have been involved in terrorism throughout history as more lethal agents than non-state actors.²⁹ In Jarvis's view, terrorism in the purview of the traditionalist approach is entirely the preserve of non-state actors who engage in terrorist violence. In the African setting for instance, the legitimacy of political regimes in nations such as Somalia and Nigeria hardly comes to question under this approach. Rather, the focus is bestowed on terrorist groups such as Al-Shabaab and Boko Haram. This sort of approach Jarvis contends only serves to legitimize state's violent actions, often with the help of outside actors who provide training and arms in the fight against non-state terrorists. With the assistance of foreign donor

²⁵ Stump, Jacob and Dixit Priya, 'Towards a Completely Constructivist Critical Terrorism Studies', *International Relations*, vol.26, No.2, 2011, p.200.

²⁶ The term 'War on Terror' is a phrase used to refer to the military campaign efforts adopted by the U.S under President George Bush following the 9/11 attacks. The term was originally developed in reference to al Qaeda in particular but has since been broadened to include military efforts against all terrorist organizations that threaten the security interests of the U.S and its allies.

²⁷ Jackson, Richard, 'The Core Commitments of Critical Terrorism Studies', *European Political Science*, 6, 2007, p.244.

²⁸ Jackson, Richard, 'Security, Democracy and the Rhetoric of Counter-Terrorism', *Democracy and Security*, vol.1, No.2, 2005, p.147.

²⁹ Jarvis Lee, 'The Spaces and Faces of Critical Terrorism Studies', *Security Dialogue*, vol.40, No.5, 2005, p.16.

nations, state violence in the name of fighting terror has become almost identical to those perpetrated by terrorist groups. Jarvis gives the example of Nigeria's fight against Boko Haram in Northern Nigeria and notes that state agents have resorted to unlawful killings, extortion and intimidation of the region's residents under the guise of countering terrorism.³⁰

AFRICA AND THE WAR ON TERROR

In discussing the position of Africa in the War on terror, Pham suggests that similar to other cases in its modern history, Africa's involvement with terrorism and counterterrorism efforts was informed by external events. In his view, prior to the 9/11 attacks, Africa appeared to be on the sidelines of America's strategic landscape. Following these attacks however, Africa's strategic position was established as a "frontline" in the Global War on Terror.³¹ This was based on the assumption that if the U.S were to continue neglecting the continent as far as terrorism is concerned, then America's interests would be in jeopardy. While Pham suggests that the 9/11 attacks established Africa's importance in the fight against terrorism, Lyman maintains that contrary to being informed by the 9/11 attacks, counterterrorism efforts in Africa began much earlier than that. In his *War on Terrorism in Africa*, Lyman argues that such efforts began in the 1990s in Sudan, where Osama bin Laden was operating and where an attack against the then Egyptian president Hosni Mubarak was planned. This was then followed by the bombing of the U.S embassies in Dar-es-Salaam and Nairobi in 1998 by Al-Qaeda terrorists. In retaliation, the U.S bombed a chemical plant in Sudan on the pretext that it was responsible for the production of elements for chemical weapons to be used by the Al-Qaeda. Also from these attacks, he posits

³⁰ Jarvis Lee, 'The Spaces and Faces of Critical Terrorism Studies', p.10.

³¹ Pham Peter J., 'Terrorism and Counterterrorism in Africa', in James Hertz (ed), *Handbook of African Security*, Routledge, London, 2014, p.43.

that the U.S policy in Somalia became engrossed in rooting out and killing the perpetrators of the bombings who were believed to be hiding in the country.³²

Many scholars however agree that the aftermath of the 9/11 attacks indeed led to much more pronounced counterterrorism efforts in the African continent. According to Chau, in 2002, the United States under its Department of Defense began conducting numerous surveillance missions over Somalia. This was later to be followed by the establishment of the Combined Joint Task Force-Horn of Africa headquartered in Djibouti in the same year.³³ Chau adds that in 2003, America initiated the East African Counter-Terrorism Initiative which was meant to offer training to Kenya, Ethiopia, Djibouti, Eritrea, Tanzania and Uganda.³⁴ Turse maintains that owing to the persistent threat in the region from the instabilities in Somalia, the U.S department of state beginning in 2007 provided AMISOM with US\$650 million worth of equipment, training, logistical and financial support. This was to be followed by an additional US\$100 million by the Department of Defense in 2011.³⁵ Turse also points to the U.S Special Forces training teams that were deployed to countries in the West Africa region to offer military training for the local armed forces.³⁶ The rationale behind these efforts was for the American troops to complement and supplement African militaries so as to transfer the fight to the terrorists, all suggesting a military-based counter-terrorism strategy.

³² Lyman, Princeton, N., 'The War on Terrorism in Africa', in John Harbeson and Donald Rothchild (eds), *Africa in World Politics: Reforming Political Order*, 4th edition, Hachette, Westview Press, 2009, p.276.

³³ Chau, Donovan, *U.S Counter-Terrorism in Sub-Saharan Africa: Underlying Costs, Cultures and Conflicts*, Strategic Studies Institute, 2008, p.12.

³⁴ Chau, Donovan, *U.S Counter-Terrorism in Sub-Saharan Africa: Underlying Costs, Cultures and Conflicts*, p.19.

³⁵ Turse, Nick, 'The U.S Diaspora of Terror in Africa: The U.S Military Involvement in the unraveling of a continent', *The Nation*, 18 June 2013, p.3.

³⁶ Turse, Nick, 'The U.S Diaspora of Terror in Africa: The U.S Military Involvement in the unraveling of a continent', *The Nation*, p.2.

THE AFRICAN UNION- AND COUNTER-TERRORISM STRATEGIES

The AU's counter-terrorism strategies have built on the counter-terrorism underpinnings of its predecessor, the Organization of African Unity (OAU).³⁷ Scholars such as Ewi and Aning for example discuss Resolution 213 (XXVIII), which was adopted by the OAU heads of state in 1992. They argue that the resolution marked the first instance in which African states acknowledged the threat of terrorism in the continent, by calling for the need to curb extremism. The resolution was adopted upon the recommendation of Algeria, which at the time of the adoption was facing increased attacks by Islamic terrorist groups such as the Islamic Front for Armed Jihad, following the country's bloody 1991/1992 elections.³⁸ In solidarity with Algeria, the OAU banned the use of religion to justify acts of violence and extremism, as well as those who facilitate and sponsor terrorist groups.

Ewi and Plessis³⁹ however contend that Resolution 213 did not suffice to curb extremism as North African countries continued to witness increased death tolls inflicted by religiously motivated terrorist groups. Ewi and Plessis discuss the OAU's adoption of the Declaration on a Code of Conduct for Inter-African Relations, which was proposed by Tunisia and was intended to foster more cooperation among African countries in fighting religious extremism and discourage states from sponsoring or harboring terrorists. It also signaled the first time that OAU heads of state and government condemned terrorism as a criminal act. Nevertheless, given the increased sophistication of terrorism, particularly its transnational nature that resulted in the 1998

³⁷ Yusuf, Mohammed, 'Africa Summit to Focus on Terrorist Threat', *Voice of America*, 2 September 2014.

³⁸ This election was Algeria's first multi-party election since its independence. It was however overturned by a military coup upon completion of the first round as the military expressed concerns that the Islamic Salvation Front Party, which was likely to record a landslide victory with more than two-thirds majority seats, would change the constitution and call for the formation of an Islamic state.

³⁹ Ewi, Martin and Anton Du Plessis, 'Counter-terrorism and Pan-Africanism: From non-action to non-indifference', in Ben Saul (ed), *Research Handbook on International Law and Terrorism*, Cheltenham, Edward Elgar Publishers, 2014, p.745.

U.S embassy bombings in Nairobi and Dar-es-Salaam, the OAU was compelled to adopt a far stricter legal instrument that would foster international cooperation on all areas of counter-terrorism.

In 1999, in Algiers, the OAU Heads of state and government adopted the OAU Convention on the Prevention and Combating of Terrorism. The Convention, which has also come to be referred to as the 1999 Algiers Convention, has been discussed by scholars such as Okeke.⁴⁰ According to Okeke, this convention highlighted the importance of addressing terrorism holistically- an idea echoed by the human security and critical terrorism thinkers including Sederberg, Wilkinson, Jackson and Jarvis as earlier mentioned. Its main tenets included: addressing the underlying causes of terrorism; capacity building of member states; preventative measures and the need to promote human rights and the rule of law while countering terrorism.⁴¹ By designating these roles to the sub-regional bodies, the logic was that these organizations would come up with policies that were in tandem with the cultural differences exhibited in the various regions across the continent.

The other important continental initiative that scholars such as Sturman⁴² draw attention to is the AU Plan of Action on the Prevention and Combating of Terrorism adopted in September of 2002. According to Sturman, the Plan was aimed at fostering cooperation among states and intergovernmental bodies to barricade Africa's borders to terrorists. This Plan was to be executed through the verification of identity documents to guard against forgery; as well as the computerization of the ports of entry to oversee the departure and arrival of migrants. The

⁴⁰ Okeke, Vincent, 'Africa and the War on Terrorism: The Role of the African Union', *Global Advanced Research Journal of Social Science*, vol.3, No.3, 2014, p.29.

⁴¹ Okeke, Vincent, 'Africa and the War on Terrorism: The Role of the African Union', p.29.

⁴² Sturman, Kathryn, 'The AU Plan of Action on Terrorism: Joining the Global War or Leading an African Battle', *African Security Review*, vol.11, No.4, 2002, p.103.

document also called for the need to establish financial intelligence units and criminalize money laundering in order to combat terrorist financing.⁴³ One of the most significant contributions of the Plan of action was its provision to establish an African Centre for the Study and Research on Terrorism (ACSRT). The Centre, which has its headquarters in Algiers, was formally launched by the AU Commission in 2004 following an AU High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism in the African continent.⁴⁴ Ewi and Aning have discussed this initiative at length and maintain that the institution was tasked with the responsibility of analyzing terrorism and terrorist groups, in addition to conducting research by organizing trainings, meetings and symposia in partnership with international bodies. The aim was to raise awareness on the prevention and elimination of terrorism in Africa.⁴⁵

While the AU initiatives provide possible solutions to address terrorism in the continent, the persistent violent resurgence from terrorist groups such as Al-Shabaab, all seem to suggest that these strategies are yet to be implemented. According to Botha, although terrorism is not a new phenomenon in Africa, what is worrying is that most African countries often adopt Western models to address the terrorism problem in the continent. African countries seem to have embraced a state-centric approach to avert and fight terrorism in favor of the AU's own strategies. The result of this she adds has been the further deterioration of the terrorism situation in the continent.⁴⁶ For instance, Opongo assesses the case of the African Union Mission in Somalia (AMISOM) and argues that although the mission was successful in neutralizing the Al-

⁴³ Sturman, Kathryn, 'The AU Plan of Action on Terrorism: Joining the Global War or Leading an African Battle', p.103.

⁴⁴ Declaration adopted by the Second High-Level Meeting, AU reference document, Mtg/HLIG/Conv Terror/Decl (II), www.africa-union.org/terrorism/terrorism2.htm, 10 July 2005. Accessed on 1 October 2017.

⁴⁵ Ewi, Martin and Aning Kwesi, 'Assessing the Role of the African Union in Preventing and Combating Terrorism in Africa', *African Security Review*, vol.15, No.3, 2006, p.38.

⁴⁶ Botha Anneli, "Challenges in understanding terrorism in Africa: A human security perspective", *African Security Review*, vol.1, No.2, 2008, p.28.

Shabaab activities by recapturing major towns in Somalia such as Mogadishu and Kismayo, the cost has been much higher. Kenya has persistently been hit by grenade attacks across the country as part of the Al-Shabaab's retaliation. This has resulted in multiple deaths and injuries of innocent victims, as was witnessed by the 2013 Westgate Mall attacks which resulted in the deaths of 70 civilians and scores of injured victims.⁴⁷

In explaining why African governments seem to prefer the traditional counter-terrorism efforts over the human security approach, Botha argues that for many African states, the idea of security is guided by the Westphalia state system which entails securing the state and ensuring the wellbeing of political systems. This in turn results in the lack of attention on the underlying factors that lead to individuals resorting to terrorism, especially given that in the developing world problems of domestic terrorism are a common threat compared to transnational terrorism in the developed countries.⁴⁸

CONTROLLING BORDERS

According to Solomon, central to understanding and countering terrorism in Africa is to focus attention on the unique characteristics of the continent.⁴⁹ Bavon for instance argues that the issue of porous borders within the continent is a key feature in nurturing terrorism. In his view, the states located in the Horn of Africa region have traditional ties with the Arabian Peninsula, where most Islamist militants hail from today. Although it is fairly easy to move from the Gulf States by sea or air, he maintains that the Kenyan and Ethiopian governments still face

⁴⁷ Opongo, Elias, 'The African Union and a Liberal peace agenda to conflict', in Tim Murithi (ed), *Handbook of Africa's International Relations*, Routledge, London, 2014, p.98.

⁴⁸ Botha Anneli, "Challenges in understanding terrorism in Africa: A human security perspective", p.29.

⁴⁹ Hussein Solomon, "Terrorism and Counter-Terrorism in Africa: Fighting Insurgency from Al-Shabaab, Ansar Dine and Boko Haram", Bloemfontein, Palgrave Macmillan, 2015, p.5.

challenges in trying to police the long and porous borders with Somalia.⁵⁰ Given that the terrorist elements are believed to organize attacks in Somalia, the porous borders make it easy for them to simply cross to Kenya and Ethiopia where they execute their attacks.

CULTURAL AND ETHNIC DIVERSITY

Jacobs on the other hand attributes the problem of terrorism to the diversity of the continent. He holds the view that given that Africa has almost 3,000 culturally distinct groups, and over 2,000 languages, such differences make it easier for certain groups to appeal to ethnic and cultural affiliations to carry out acts of violence.⁵¹ The rationale here is that pledging allegiance to the state is secondary to ethnic and cultural affinity.

GOVERNANCE

Focusing on the issue of governance, Shinn argues that most African countries especially those in the Horn of Africa region have been subjected to internal instabilities which hinder the governments from exercising authority over their territory. The result of this he posits is that terrorists gain easy access to weapons with which to carry out attacks.⁵² To add on this, Dempsey argues that the disintegration of security forces, the collapse of state administrative structures and the destruction of infrastructure provide ideal conditions in strengthening terrorist operations.⁵³ Hippel however is quick to dismiss these claims. He posits that organized violence not only occurs in impoverished countries but also the developed world, and that terrorism has been

⁵⁰ Bavon, Al, 'The Challenges and Prospects of Effective Counter-Terrorism in Africa', in Ekici, S. (ed), *Counter-Terrorism in Diverse Communities*, IOS Press, Amsterdam, 2011, p.285.

⁵¹ Jacobs, Frank, 'The Size of Africa', 2006.

http://strangemaps.files.wordpress.com/2006/11/africa_in_perspective_map.jpg.

⁵² Shinn, David, 'Fighting Terrorism in East Africa and the Horn', *Foreign Service Journal*, vol.81, No.9, 2004, p.36.

⁵³ Dempsey, Thomas, 'Counterterrorism in African Failed States: Challenges and Potential Solutions', 2006.
<http://www.strategicstudiesinstitute.army.mil/pdffiles/pub649.pdf>.

witnessed in countries with tight security networks.⁵⁴ To further support this claim, Piombo maintains that history suggests that terrorist groups organize and operate in nations with some degree of law and order. The reason for this she adds is that such states provide a more secure and reliable infrastructure for the movement of funds and commodities that support terrorist activities.⁵⁵ In his *Terrorism Threats and vulnerabilities in Africa*, Le Sage notes that these safe financial infrastructures allow an estimated US\$125 billion to move through informal remittances across the continent annually. As many African states rely upon these funds for their economies, the fact that such movements are not regulated means that they're easily exploited by terrorists.⁵⁶ This perhaps explains the reason as to why terrorist groups operate in countries such as Kenya, Nigeria and South Africa, which have some degree of order.

RELIGION

There's a growing body of literature that focuses on the linkage between religion and terrorism. Analyzing the history of the spread of Islam in Africa, Omari argues that while there were instances of peaceful conversions to Islam as a result of clerics and Arab merchants, there were also conversions informed by violence and intimidation. He adds that with the spread of the purist Wahhabi sect of Islam on the Arabian Peninsula, there was an emergence of similar movements in West Africa, which was followed by the conquering of vast territories in the name of Islam in the 18th and early 19th century. He gives the examples of figures such as Ibrahim Mousa, who led the militant Islam along the Western tip of Africa; Bal Suleiman, who bore the Islamic flag into battle in Senegal; and Sheikh Uthman dan Foudy, who was responsible for the

⁵⁴ Hippel, Von, 'The Roots of Terrorism: Probing the Myths', *The Political Quarterly*, vol.73, 2002, p.25.

⁵⁵ Piombo, J.R., 'Terrorism and U.S Counter-Terrorism Programs in Africa: An overview', *Strategic Insights*, vol.6, No.1, 2011.

⁵⁶ Andre le Sage, 'Terrorism Threats and Vulnerabilities in Africa', in Andre le Sage (ed), *African Counter-Terrorism Cooperation: Assessing Regional and Sub-Regional Initiatives*, Washington D.C, National Defence University Press, 2005, p.9.

expansion of the Sokoto Caliphate in much of northern Nigeria from 1802.⁵⁷ Scholars such as Solomon believe that the present-day Boko Haram draws its stimulus from Foudy's jihad and tries to emulate his example.⁵⁸

RADICALISATION

Other than the history-based literature on the connection between religion and terrorism, some scholars focus on the issue of radicalization. Westerlund for instance discusses the Islamic pilgrimage that takes place annually in Mecca and argues that the event has served as a platform for the spread of Islamic radicalism among the tens of thousands of Africans that visit Mecca. He posits that in West Africa, the introduction of Wahhabi classics such as Mohammed Ibn al-Wahhab's *The Book about the Oneness of God* has had a profound significance on Islamists in Mali to the extent that they have named themselves after the title of the book- the Movement for Oneness and Jihad in West Africa (MUJAO).⁵⁹ Schanzer and Miller on the other hand analyze the role of media in advancing radical ideologies. They argue that there are approximately 6,000 websites across the world that currently spread extremism against non-Muslims, the West and non-Wahhabi Muslims. Schanzer and Miller give the example of the Saudi-owned channel, Islam International, which airs in 60 countries across Africa and the Middle East and posit that it has propagated the Wahhabi ideology.⁶⁰ Given such circumstances, it is no wonder that groups

⁵⁷ Omari, Kokole, 'The Islamic Factor in Africa-Arab Relations', *Third World Quarterly*, 6, 1984, p.689.

⁵⁸ Solomon, Hussein, 'Islam in Africa', in Hussein Solomon (ed), *Terrorism and Counter-Terrorism in Africa*, Bloemfontein, Palgrave Macmillan, 2015, p.26.

⁵⁹ Westerlund, David, 'Reaction and Action: Accounting for the Rise of Islamism', in David Westerlund and Eva E. Rosander (eds.), *African Islam and Islam in Africa: Encounters between Sufis and Islamists*, London, Hurst, 1997, p.311.

⁶⁰ Schanzer Jonathan and Miller Steven, *Facebook Fatwa: Saudi Clerics, Wahhabi Islam and Social Media*, Washington, D.C, FDD Press, 2012, p.57.

like Boko Haram have been very vocal against secular states and Al-Shabaab continues to attack Sufi shrines in Somalia.⁶¹

Some scholars however caution the idea of viewing terrorism purely from a religious lens. Shinn for instance contends that even though religion has become a dominant causal factor of terrorism, focusing solely on terrorism from a religious perspective negates the true picture of African terrorism. In his opinion, there are many other non-Islamic groups within the continent and the world over which employ terrorist tactics and extremism. He gives the examples of the Lord Resistance Army in Uganda; RENAMO in Mozambique; UNITA in Angola and the Interahamwe in Rwanda, who are known to use terrorism as a means to achieve their political objectives.⁶²

POLITICS AND POVERTY

There's a growing cottage of literature which suggests that political alienation and economic inequality contribute to terrorism. Bavon for instance argues that Africa comprises of some of the poorest nations in the world, with soaring levels of political alienation and social injustices. He makes reference to politically and economically marginalized regions such as the Coastal regions of Kenya and Tanzania; and the Northern part of Nigeria and posits that they provide ideal grounds for terrorist organizations to recruit young, poor, angry and marginalized youths.⁶³ Johnson's discussion on Boko haram substantiates Bavon's claims. According to Johnson, the political and economic exclusion of the Northern part of Nigeria, which is predominantly Muslim, in relation to the preponderantly Christian south of the country, has been

⁶¹ Westerlund, David, 'Reaction and Action: Accounting for the Rise of Islamism', p.313.

⁶² Shinn, David, 'Fighting Terrorism in East Africa and the Horn', p.41.

⁶³ Bavon, Al, 'The Challenges and Prospects of Effective Counter-Terrorism in Africa', p.285.

Boko Haram's most resourceful narrative as far as its recruitment capabilities are concerned. Despite Nigeria possessing some of the world's richest oil reserves, development projects have been concentrated in the South through a zoning process which has left the Northerners isolated. The unequal distribution of state wealth has been considered to be the underlying factor behind the discrepancies in the poverty levels on both sides. Whilst the South accounts for only 27 per cent of those living in poverty, an overwhelming 72 per cent of all the poor people in Nigeria reside in the North. With this kind of alienation of the Muslims in the North, it comes with no surprise that Boko Haram originated from the Northern part of Nigeria and continues to appeal to Muslim youths in that region.⁶⁴

Similarly, Sunguta discusses Al-Shabaab's recruitment strategies in Kenya and posits that owing to the political and economic marginalization of Muslims in Kenya, Al-Shabaab is not only targeting the poverty-stricken youth in Nairobi and Mombasa, but also recruiting Muslim students from universities and new graduates by offering a monthly salary of approximately US\$700. This is in addition to assisting their families among other economic benefits. Sunguta gives the example of the April 2015 gruesome attack at the Garissa University College, which led to the deaths of 147 civilians, mostly students. He argues that following investigations on the attack, Kenyan security agencies got to learn that one of the attackers, Abdirahim Mohammad, was actually a Law graduate from the University of Nairobi.⁶⁵

As much as this view has garnered support by scholars and policy makers, there are those who challenge the poverty-terrorism connection especially at the state level. Referring to the political claims of such a connection from African leaders, Mills for instance maintains that there

⁶⁴ Johnson, T., "Boko Haram", *Council on Foreign Relations*, 27 December 2011, p.4.

⁶⁵ Sunguta, West, 'Al-Shabaab Recruitment from Kenyan Universities Alarm officials', *Terrorism Monitor*, vol.14, No.1, 2016.

are always political interests at play and that such a connection is not as straightforward as it is often portrayed. According to him, calls by African leaders to fight terrorism through addressing poverty are normally geared towards attracting more international donor funds. He also adds that poverty alone does not suffice to trigger terrorism since Africans have always coped with extreme poverty for decades without necessarily resorting to terrorism.⁶⁶

CONCLUSION

This section has offered a background to the Kenyan case study in relation to the terrorist threats posed by Al-Shabaab in the country. It has also offered an overview of the theoretical perspectives of terrorism and the unique characteristics of the African continent and how these characteristics relate to terrorism. Putting these aspects in mind, the thesis will now explore the historical background of ethnic Somalis in Kenya and their relationship with successive Kenyan governments.

⁶⁶ Mills, Greg, 'Africa's New Strategic Significance', in John Davis (ed), *Africa and the War on Terrorism*, Hampshire, Ashgate Publishers, 2007, p.19.

CHAPTER 1: HISTORICAL BACKGROUND OF SOMALIS IN KENYA

This chapter analyzes the historical events that have resulted in the institutionalized marginalization of Kenya's Somali community by successive Kenyan governments. The chapter provides information that traces back to the formation of the Kenyan state in 1963. The chapter begins by examining the Shifta War of 1963-1967 as this conflict provides the grounds upon which Kenya's animosity towards ethnic Somalis began. The chapter then analyses the Bulla Karatasi and Wagalla Massacres and the screening of ethnic Somalis in the late 1980s, in order to illustrate the institutionalized policies that the Kenyan government has developed over the years against the Somali community. The chapter argues that the historic terrain of political identity and belonging of Somalis in Kenya is the reason as to why Kenyan Somalis are being victimized by Kenya's counter-terrorism efforts.

THE SHIFTA WAR OF 1963-1967

In examining the Kenyan Somalis, it is important to employ Laitin's idea of 'beached diaspora'. This phenomenon entails the recession of international borders which then leads to certain groups of people finding themselves in another territory without necessarily crossing international borders.⁶⁷ According to Lochery, for one to understand the relationship between the Kenyan state and Somalis in Kenya, it is imperative to examine how the predominantly Somali region of the country- the North Eastern Kenya region, came to be incorporated into Kenya.⁶⁸ According to Mburu, in the colonial era, the Northern Frontier District (NFD) as the region was referred to at the time was comprised of six districts: Garissa, Mandera and Wajir-

⁶⁷ Laitin, David, *Identity in Formation: The Russian-Speaking Populations in the Near Abroad*, Ithaca, New York, Cornell University Press, 1998.

⁶⁸ Lochery Emma, 'Rendering difference visible: The Kenyan State and its Somali citizens', *African Affairs*, vol.111, No.445, 2012, p.619.

dominated by ethnic Somalis, as well as Isiolo, Marsabit and Moyale- dominated by other pastoralist groups.⁶⁹ Given that the system of administration of the region throughout the colonization period was control and restriction of movements due to resource conflicts between these communities, the latter were separated from the former by the ‘Somali line’ in order to prevent the westward movement of Somalis.⁷⁰

In 1962, the British set up a commission (NFD Commission), tasked with the responsibility of collecting information from the residents of the region regarding the issue of secession. The NFD Commission’s report indicated that around 80 per cent of the population was in favor of joining Somalia and that the idea was almost unanimous in the Somali-dominated districts of Mandera, Wajir and Garissa, including parts of Moyale. Most of the pro-secessionists constituted ethnic Somalis who are almost entirely Muslims and the Muslim populations from within the Gabra and Borana pastoral communities. Non-Muslims from these pastoral communities however did not support secession.⁷¹ The overwhelming support to secede coincided with Somali nationalism whereby following its independence in 1960, the Somali government committed itself to unite all Somali speaking peoples within the Horn of Africa region into ‘Greater Somalia’. This included the integration of Somalis in Djibouti, Ethiopia and Kenya.⁷² As Lewis rightly points out, as a single ethnic group in the Horn of Africa region with the exception of the Digil Mirifle clans who speak a different dialect, the Somali people

⁶⁹ Mburu Nene, *Bandits on the Border: The last frontier in the Search for Somali unity*, Red Sea Press, Trenton, 2005, p.47.

⁷⁰ Ioan Lewis, *A Modern History of the Somali: Nation and State in the Horn of Africa*, James Currey, Oxford, 2002, p.183-184.

⁷¹ Ioan Lewis, *A Modern History of the Somali*, p.184.

⁷² Mulama Joyce, ‘Somalia: New Premier’s Brief Visit to Homeland Marred by Fighting’, *The New York Amsterdam News*, May 2005, p.2.

considered themselves to be colligated by a shared language, nomadic culture and a shared Islamic belief.⁷³

When Kenya attained its independence on 12 December 1963, a British alliance with the Kenya African National Union (KANU) which established Kenya's first government, and which was against territorial adjustment, resulted in the incorporation of the NFD into the newly independent Kenya. Perhaps the decision by the Kenyan government not to agree to the secession was informed by the fact that the NFD covered an area of approximately 102,000 square kilometers, about a third of Kenya's total land mass. Secession therefore meant that the Kenyan state would have to cede control of much of its territory.⁷⁴ Furthermore, Kenya's objection to secession had been endorsed by the Organization of African Unity (founded on 25 May 1963), whereby states had approved of the existing colonial boundaries.⁷⁵

The decision by the Kenyan government led to violent attacks on the night of Kenya's independence targeted at administrative camps and police posts in the Northern Kenya region. The attacks were perpetrated by 'radical' members of the Northern Province Progressive Peoples Party (NPPPP) – the political alliance that campaigned for the secession of the NFD from Kenya. In response, on 28 December 1963, Kenya's first Prime Minister, Jomo Kenyatta issued a state of emergency in the region, marking the beginning of the *Shifita* (bandit or rebel) War.⁷⁶

According to Kenya's Intelligence reports, the insurgencies involved ambushes of security enforcers, vehicle convoys and police camps. Such activities characterized much of the conflict through to 1964, during which *Shifita* groups ranging from 100 to 500 strong embarked on the

⁷³ Lewis, I.M, 'Visible and Invisible Differences: The Somali Paradox', *Africa*, vol.74, No.4, 2004, p.492.

⁷⁴ Mburu Nene, *Bandits on the Border: The last frontier in the Search for Somali unity*, p.8.

⁷⁵ Ibid.

⁷⁶ Whittaker Hannah, 'The Socioeconomic Dynamics of the Shifita Conflict in Kenya', *Journal of African History*, vol.53, No.3, 2012, p.392.

usage of shooting with rifles and throwing hand grenades at Kenyan police posts from across the Somali border.⁷⁷ By mid-1964, the *Shifita* had broadened the scope of its activities and began operating outside of the NFD. Kenya's Coast and Eastern regions including Meru district were among the areas that experienced raids by the group.⁷⁸ During the latter half of 1966 and beginning of 1967, *Shifita* had planted Somali-supplied landmines along vital trade and supply routes.⁷⁹

KENYAN GOVERNMENT RESPONSE

According to Whittaker, Kenya's response to the *Shifita* conflict can be categorized into three policy lines- police and military action against *Shifita* and their supporters; villagization programs; and diplomatic engagement with the Somali republic to reach an agreement on the status of NFD and prevent a possible confrontation between the two states.⁸⁰ Following the 1963 state of emergency, the Preservation of Public Security Regulations for the North Eastern Region came into effect. The stipulations under this regulation included setting up a five-mile 'prohibition zone' along the Kenya-Somali border. Should anyone be found within this zone without authorization, he/she would be imprisoned. Secondly, security personnel were authorized to enter, search and seize any property without warrant that was deemed suspicious. Thirdly, police were given authority to use lethal force against anyone who failed to stop upon

⁷⁷ KNA BB/1/156, Special Branch Weekly Intelligence Report, No.25/63.

⁷⁸ KNA BB/1/157, Special Branch Weekly Intelligence Reports, No.16/64.

⁷⁹ KNA BB/12/26, 'Operations against Shifita on appreciation and statistics, the Fourth Year', Police Headquarters, Nairobi, January, 1968.

⁸⁰ Whittaker Hannah, *Insurgency and Counterinsurgency in Kenya: A Social History of the Shifita Conflict 1963-1968*, Brill Publishers, Boston, 2014, p.89.

police request within the prohibited zone. If arrested, one could be detained for up to 28 days without trial.⁸¹

Given the broadened scope of *Shifita's* activities in 1964, the security legislation was revised to incorporate the Eastern and Coastal regions. The term 'police officer' was also modified to include all administrative personnel as part of the security apparatus. Contrary to the five-mile prohibited zone in the previous legislation, the whole of the North Eastern region and its adjoining districts were deemed to be 'prescribed areas', whereby anyone could be apprehended without an arrest warrant, structures could be dismantled if suspected to be linked to *Shifita* members and property could be seized from any criminal suspect.⁸²

In 1966, the Preservation of Public Security Act of North Eastern and Contiguous Districts Regulations extended the five-mile border prohibited zone to 15 miles and required all adults living in the *Shifita*-affected areas to apply for and carry identity cards. This led to a forced villagization program being enforced the same year to determine who among the local populations was aiding the militants. Curfew orders were also issued in order to monitor the movements of individuals in the region, given that the inhabitants of the region are pastoral communities. Together with Operations *Maliza Shifita* (finish the *Shifita*) and *Vunja Miguu* (break the legs), more than 50 insurgents were killed, accounting for nearly ten per cent of *Shifita* killed since the conflict began.⁸³ In July 1967, the Kenyan government launched Operation *Fagia Shifita* (Sweep away the *Shifita*) to eradicate all *Shifita* groups operating on Kenyan soil (in North eastern, Coast and the Eastern regions). This marked the final operation by the Kenyan state with

⁸¹ NA Dominions Office (DO) 213/32, *Preservation of Public Security Act*, Public Security (North-Eastern Region) Regulations, 27 December 1963.

⁸² NA Dominions Office (DO) 213/32, *Preservation of Public Security Act*, Public Security (North-Eastern Region and Contiguous Districts) Regulations, 1 September 1964.

⁸³ KNA, BB/12/26, "Operations against *Shifita*: an Appreciation and Statistics, The Fourth Year", Police Headquarters, Nairobi, January 1968.

regard to the *Shifita* conflict.⁸⁴ The reason behind this was that two months after the operation, the Kenyan and Somalia governments agreed upon a memorandum of understanding to promote good neighborliness and Somalia ceased its claim to the NFD region.⁸⁵ Consequently, the *Shifita* War ended as the militants were no longer receiving ammunition from the Somali government. However, the state of emergency in Kenya's north would not be lifted due to the pre-existing mistrust towards ethnic Somalis in the region.⁸⁶

THE BULLA KARATASI MASSACRE

Throughout the 1970s, under Kenyatta's presidency and then under President Moi's regime which began in 1978, the government's posture in the region remained highly militarized.⁸⁷ Beginning in 1979, collective punishment was adopted to 'discipline' the north as was witnessed in 1980. In response to a murder of a District officer in an ambush near Garissa, the Provincial Commissioner of the North Eastern Province at the time called for a meeting threatening the residents of Garissa with collective retribution if they failed to hand in the culprits behind the killing. The inflammatory statement was followed by an armed attack at a Garissa bar popular among government officials by armed attackers- resulting in the deaths of seven civil servants.⁸⁸ The government responded immediately by rounding up all the men residing in the Bulla Karatasi area of Garissa for 'screening'⁸⁹. Meanwhile, military personnel went from house to house committing rapes, setting buildings ablaze and looting property. The

⁸⁴ Whittaker Hannah, *Insurgency and Counterinsurgency in Kenya*, p.82.

⁸⁵ Adar, Korwa, *'Kenyan Foreign Policy Behavior towards Somalia, 1963-1983'*, University Press of America, Lanham, 1994, p.117-118.

⁸⁶ KNA, PC/GR SSA/3/24/8, Provincial Police Officer North Eastern Region to District Police Officers Mandera, Wajir and Garissa, Reference SEC, POL.2/2/10/3/Vol III/313, 23 November 1967.

⁸⁷ Lochery Emma, 'Rendering difference visible: The Kenyan State and its Somali citizens', p.621.

⁸⁸ Anderson David, 'Remembering Wagalla: State violence in Northern Kenya 1962-1991', *Journal of Eastern African Studies*, vol.8, No.4, 2014, p.661.

⁸⁹ Truth, Justice and Reconciliation Commission (TJRC), *Truth Justice and Reconciliation Commission, Final Report*, vol.2A, Nairobi: TJRC, 2013, p.199.

entire area was burned to ashes and hundreds were massacred, with many of their bodies dumped into the River Tana.⁹⁰

In 1982, an attempted coup against Moi's regime by members of the air force resulted in President Moi making radical changes in the security apparatus which had implications for the North region. By getting rid of the military commanders who served under Kenyatta's regime (mostly ethnic Kikuyus), Moi put in place new figures who would be loyal to him.⁹¹ It is here that two key Kenyan Somalis were given powerful positions in government. These were General Mohammed Mahmud, and his brother Maalim Mohammed, who were appointed as Chief of General Staff and Minister for State in the Office of the President respectively. These appointments were rewards by President Moi to General Mohammed who at the time of the coup attempt was the head of the Kenya army and had rallied his army to foil the coup plotters.⁹²

With the increasing threat from Somalia over claims of the Ogaden region between Ethiopia and the Somali republic from 1977 to 1978, coupled with the state of anarchy in Somalia that ensued thereafter, Kenya was at the receiving end of spill-over effects which were characterized by arms smuggling and poaching across the Kenyan border. Opposition factions against President Siad Barre of Somalia frequently got entangled with clan disputes on the Kenyan side.⁹³ As a result, President Moi delegated the responsibility to General Mohammed to address the problem as he saw fit. Given that General Mohammed hails from the Ogaden Darood clan, the move by President Moi was interpreted by northerners as a form of favouritism towards

⁹⁰ Truth, Justice and Reconciliation Commission (TJRC), *Truth Justice and Reconciliation Commission, Final Report*, vol.4, Nairobi: TJRC, 2013, p.17.

⁹¹ Anderson David, 'Remembering Wagalla: State Violence in Northern Kenya 1962-1991', p.662.

⁹² Throup David and Charles Hornsby, *Multi-Party Politics in Kenya*, Oxford, James Currey, 1998, p.31-40.

⁹³ Marc-Antoine and Perouse de Montclos, "Elections among the Kenya Somali", in Marcel Rutten et.al (eds), *Out for the Count: The 1997 General Election and Prospects for Democracy in Kenya*, Kampala, Fountain Publishers, 2001, p.300.

this clan over the rest. It was within this context that the situation in the north deteriorated. Members of the Ogaden clan were able to benefit from state machinery at the expense of other clan lineages.⁹⁴ According to Branch, disarmament efforts by the Kenyan armed forces became more apparent and violence increased as security efforts became an extension of clan politics.⁹⁵ Such were the events that led to the bloodiest massacre at the hands of state agents in independent Kenya- the Wagalla Massacre of 1984.

THE WAGALLA MASSACRE 1984

As part of a disarmament operation, the Kenyan army, General Service Unit personnel and police officers on the morning of 10 February 1984 rounded up all the Somali men from the *degodiya*⁹⁶ clan. Totaling up to 5,000, these men were transported to the local Wagalla airstrip, where screening was undertaken to spare *non-degodiyas*, the elderly and those that held government positions.⁹⁷ The younger degodiyas were interrogated over a period of close to a week.⁹⁸ As Sheikh points out, these men were compelled to undress and lie down, while being subjected to beatings and torture. While hundreds succumbed to the beatings, others were shot dead by the security personnel for allegedly refusing to surrender illegal firearms. The government originally claimed that only 57 people were killed as a result of the operation before admitting to a death toll of 380 in 2000.⁹⁹ The admission by the government came as a response

⁹⁴ Lochery Emma, 'Rendering difference visible: The Kenyan State and its Somali citizens', p.624.

⁹⁵ Branch, Daniel, *Defeating Mau Mau, Creating Kenya: Counterinsurgency, Civil War and Decolonization*, Cambridge, Cambridge University Press, 2009, p.169.

⁹⁶ Degodiya is a Somali clan whose members can be predominantly found in Northern Kenya but also a huge part of Southern Ethiopia and certain places in Southern Somalia.

⁹⁷ Sheikh, Abdi, *Blood on the Runway- The Wagalla massacre of 1984*, Nairobi, Northern Publishing House, 2007, p.45.

⁹⁸ Mburu Nene, *Bandits on the Border: The last frontier in the Search for Somali unity*, p.131-173.

⁹⁹ Sheikh, Abdi, *Blood on the Runway- The Wagalla massacre of 1984*, Nairobi, Northern Publishing House, 2007, p.45.

to a north eastern parliamentarian, Ellias Barre, who had asserted that as many as 1,000 ethnic Somalis were killed during the massacre.¹⁰⁰

SCREENING OF ETHNIC SOMALIS IN THE LATE 1980s

In the late 1980s, the security situation in Somalia had deteriorated. President Siad Barre was facing threats from opposing factions including the Somali National Movement- in today's Somaliland; the United Somali Congress in Central Somalia; and the Somali Patriotic Movement from the South. The violent battles that ensued between Barre's crumbling army and the rebel factions escalated insecurity along the Kenya-Somali border. Kenya was once again at the receiving end of the spill overs as more and more refugees were fleeing Somalia.¹⁰¹ It is important to note that movements of people from Somalia had begun in the 1970s, especially in the aftermath of the Ogaden War, when the insecurity in Somalia began to take shape. Given the long periods of marginalization of the North Eastern region, the Kenyan government was ill-equipped to control these movements.¹⁰²

In 1988, amidst a poaching controversy in the North Eastern region, the Minister of State, Maalim Mohammed alleged at a rally in Garissa that individuals from Somalia were acquiring citizenship documents fraudulently. He added that these individuals had established businesses in the transport and real estate industries before using the proceeds to finance poaching and other illegal activities in the country- all in an effort to undermine the Kenyan government.¹⁰³ Together with other Members of parliament from Garissa district, they recommended that the government

¹⁰⁰ BBC News, 'Kenya admits mistakes over 'massacre'', 18 October 2000. <http://news.bbc.co.uk>. Accessed on 31 August 2017.

¹⁰¹ Lochery Emma, 'Rendering difference visible: The Kenyan State and its Somali citizens', p.622.

¹⁰² Africa Watch, *Kenya: Taking liberties*, Africa Watch, London, 1991, p.342.

¹⁰³ Kimathi, Charles, 'Poachers paid by Somalis, say MPs', *Daily Nation*, 8 December 1988, p.1.

initiate a screening exercise on all ‘aliens’¹⁰⁴ to establish their origins and intentions and to deport those residing in the country illegally.¹⁰⁵ In 1989, a committee dubbed ‘The Somali Probe Committee’ sought information from the Department of Immigration concerning Somalis who held Kenyan documents. The chief immigration officer stated that while it was impossible to get a list of all Somalis, some were renowned businessmen who had allegedly acquired identity documents through bribery and thereafter financed poaching activities carried out by other Somali nationals.¹⁰⁶

In spite of the claims by Wajir MPs who argued that these allegations were unfounded, the office of the President announced that a screening exercise would be carried out on every individual from the Somali community. Individuals aged 18 and above were required to visit government centers across the country between 13th November and 4th December of 1989. The screening taskforce was to be comprised of sixty-seven Kenyan public officers of Somali heritage.¹⁰⁷ During the exercise, individuals were interrogated by panels of elders and were required to recite their genealogy, and declare their tribes, sub-tribes and clans. Some were judged based on their knowledge of Kenya’s history and proficiency in Swahili; given that Swahili is Kenya’s national language. Upon completing the process, individuals were conferred with pink booklets indicating their ID or passport numbers; district of origin; and their clan information. This document was to be carried alongside the ordinary Kenyan ID card or passport and was a prerequisite for the access to public services.¹⁰⁸

¹⁰⁴ Alien in this context refers to individuals of Somali origin who do not possess Kenyan citizenship.

¹⁰⁵ Shimoli, Eric, ‘How poaching is funded- MPs: NEP leaders blame aliens’, *Kenya Times*, 8 December 1988, p.10

¹⁰⁶ Africa Watch, ‘Harassment of ethnic Somalis’, *News from Africa Watch*, 6 December 1989.

¹⁰⁷ Government of Kenya, ‘Gazette Notices Nos.5319 and 5320’, *Kenya Gazette*, 10 November 1989, p.1522.

¹⁰⁸ Africa Watch, *Kenya: Taking Liberties*, New York, Human Rights Watch, 1991, p.302.

Within the course of the first week, demonstrations by young Somalis were underway in places such as Eastleigh in Nairobi, lamenting that the screening exercise was creating fear and internal strife within the Somali community. They raised questions as to why they were associated with issues of the North Eastern region yet they didn't reside there. Somali youths in Nakuru district in the Rift Valley region argued that the process amounted to 'selective aggression against a particular Kenyan community'.¹⁰⁹ In reaction to the demonstrations, President Moi maintained that such moves were attempts by Somali 'aliens' to attract sympathy. He then ordered that surveillance on individuals who objected to the Somali community screening process be intensified.¹¹⁰ Somalis who failed the exercise were apprehended and taken to the Embakasi police college in Nairobi, awaiting their deportation to Somalia. It is within this context that many Somalis ended up being unlawfully deported.¹¹¹

According to *Africa Watch*, the first major deportation took place on 18 December 1989 when approximately 600 Somalis were deported to Mogadishu. Once in Mogadishu, these individuals received little sums of money from the Somali Interior Ministry in addition to donations from local residents. As more and more deportees kept arriving, a renowned Mogadishu advocate, Jamaal issued a report to the Somali Ministry of Interior concerning the status of the deportees. After being approached by close to 2,000 individuals seeking assistance; Jamaal observed that almost all of them possessed Kenyan documents and could hardly converse in Somali. The Somali government probed an investigation to determine the status of the deportees and it was established that they were not Somali citizens but actually Kenyans. With threats of expulsion by the Somali government, the deportees adopted every avenue to get back

¹⁰⁹ Njiru Lee, 'Somalis demo an insult to us- Moi', *Daily Nation*, 18 November 1989, p.1.

¹¹⁰ Irungu, Ndirangu, 'Screening: government warns aliens', *Daily Nation*, 18 November 1989, p.5.

¹¹¹ Africa Watch, *Kenya: Taking Liberties*, New York, Human Rights Watch, 1991, p.14.

to Kenya- including bribing their way at the Kenya-Somalia border.¹¹² The exact statistics or whereabouts of these individuals is however unknown. Judging from this screening process, it is clear that the Kenyan government made enemies rather than friends, since it deported a segment of its own people.

SOMALIA COLLAPSE AND THE KENYAN REFUGEE CRISIS

According to Roger and Deikun, in 1991, the insecurity situation in Somalia fell into a total state of anarchy when the central government under President Siad Barre collapsed. The civil unrest that ensued thereafter led to an upsurge of Somali refugees fleeing to neighbouring Kenya.¹¹³ As opposed to 15,000 refugees predominantly from Somalia that sought asylum prior to 1991, Kenya was host to 130,000 refugees following the fall of Siad Barre. In the span of just a year, the figure had risen to almost 400,000. With the influx of refugees and the risk of Somalia's conflict spilling over to Kenya, the Kenyan government embarked on the establishment of refugee camps namely Dadaab and Kakuma.¹¹⁴ According to Torpey, this move was informed by the realization that Kenya's sovereignty was being threatened by the huge refugee influx. As such, the rationale behind the camps was to effectively monitor and administer the refugee movements by providing all services within the camps. Moreover, a policy was developed which required refugees to reside within the camps. If any asylum seeker or refugee

¹¹² Africa Watch, *Kenya: Taking Liberties*, New York, Human Rights Watch, 1991, p.16.

¹¹³ Roger Zetter and Deikun George, "Meeting Humanitarian Challenges in Urban Areas", *Migration Review*, Issue 34, University of Oxford, 2010, p.6.

¹¹⁴ Abuya, Edwin, "Past Reflections, Future Insights: African Asylum Law and Policy in Historical Perspective", *International Journal of Refugee Law*, vol.19, No.1, 2007, p.72.

left the camps without authorization from the Kenyan officials, they would and are still considered to be illegal migrants under Kenyan law.¹¹⁵

The insecurity fears by the Kenyan government was informed by the rise of the Islamic Union (*Al-ittihad al-islamiya*), which had arisen from the power vacuum that resulted in the aftermath of Barre's fall. The group comprised of learned Muslims who had finished their studies in the Middle East, and was believed to have had links with Osama Bin Laden, who sent troops to Somalia to train the local fighters with the goal of establishing an Islamic Caliphate in the Horn of Africa region.¹¹⁶ By the mid-1990s, the Islamic Union started perpetrating terrorism in Ethiopia by executing bombings and assassinations. The group also established operational and ideological connections with the already marginalized Somalis in Kenya and Tanzania. The 1998 U.S embassy bombings in Nairobi and Dar-es-Salaam were believed among American intelligence officials to be the result of these connections.¹¹⁷ It was these events that led to the association of Somalis and Muslims at large in Kenya with terrorism.

CONCLUSION

This chapter has provided information about the historical events that informed the institutionalized marginalization of ethnic Somalis in Kenya and their association with crime and terrorism. From the discussion in this chapter, it is clearly evident that the marginalization of Somalis goes back to the time of Kenya's independence in 1963. The secession attempt by the Somalis residing in the North eastern region of Kenya has led to Somalis in Kenya being viewed as enemies of the Kenyan people who do not possess equal rights as the rest of the Kenyan

¹¹⁵ Torpey, J, "Coming and Going: On the State Monopolization of the Legitimate Means of Movement", *Sociological Theory*, vol.16, No.3, 1998, p.239.

¹¹⁶ Gatsiounis, Ioannis, 'Current Trends in Islamist Ideology', *Washington*, vol.14, No.1, 2013, p.76

¹¹⁷ Gatsiounis, Ioannis, 'Current Trends in Islamist Ideology', p.76.

population. Moreover, the fact that Somalis are a ‘beached diaspora’ has meant that their affinity to their kin in Somalia has led to their increased association with terrorism, which has contributed to the worsening of their treatment in Kenya. Given the goal of groups such as the Islamic Union to establish an Islamic Caliphate in the Horn of Africa region, it is not only Somalis who have come to be criminalized but the Muslim population at large as will be illustrated in the next chapter.

CHAPTER 2: THE RISE OF AL SHABAAB AND KENYA'S COUNTER-TERRORISM STRATEGIES

This chapter analyzes terrorism and counter-terrorism measures adopted by the Kenyan government in response to the growing security threat posed by Al-Shabaab. The chapter begins by examining the rise of al-Shabaab and briefly demonstrates the events that led to Kenya's incursion into Somalia under Operation Linda Nchi (operation protect the country). The chapter then argues that this operation has led to an upsurge of retaliatory attacks, suggesting that Al-Shabaab may be exploiting other avenues to wage attacks against Kenya.

The second part of the chapter explores these avenues by analyzing the plight of Kenyan Muslims, who have faced political and economic marginalization by the Kenyan government. It is argued in the chapter that Al-Shabaab is taking advantage of this disaffection towards the Kenyan state by the Muslim communities to win recruits. Operation Usalama Watch is then discussed in order to establish how effective this operation was. By invoking the tenets of human security and critical terrorism schools of thought, the final part of the chapter concludes that the state-centric approach by the Kenyan government is bound to fail.

THE RISE OF AL-SHABAAB

As Harper explains, al-Shabaab came into the limelight in 2006 as an off-shoot of the Islamic Courts Union. In the absence of a central government in Somalia, as extensively discussed in the previous chapter, the Islamic Courts Union had taken control of much of the central and southern parts of Somalia. With increasing concerns over the radical jihadist agenda of the ICU, in particular their renewed threat to seize the Somali-inhabited Ogaden region from Ethiopia, the Ethiopian armed forces launched a military offensive into Somalia in 2006 in

pursuit of the group.¹¹⁸ Following Ethiopia's intervention, the reign of the ICU floundered and most of its old leaders fled Somalia. The youth wing of the ICU (al Shabaab) took the mantle by filling in the power gap that ensued, and began to challenge the Ethiopian forces. Having maintained its presence in Somalia for three years, the Ethiopian troops withdrew in 2009, citing frustrations of increased surprise attacks against them by al-Shabaab. This withdrawal left much of Southern Somalia, including the capital Mogadishu under the control of al-Shabaab.¹¹⁹ Al-Shabaab almost immediately pledged its allegiance to al Qaeda, a move that prompted Western states to adopt an aggressive approach towards Al-Shabaab. This approach entailed the creation of the African Union-led Mission in Somalia (AMISOM), which came into effect following the United Nations Security Council's authorization that allowed the AU to deploy a peacekeeping mission in Somalia. The mission also received support from the U.S. and other Western countries in the form of training, logistical, equipment and financial assistance.¹²⁰

In spite of these measures, Al-Shabaab's influence continued to grow. By 2011, Al-Shabaab's activities had started being felt in neighboring Kenya. According to Kassilly and others, in the latter half of that year, Kenya was experiencing a series of cross-border incursions from Somalia by Al-Shabaab militants. Events such as the kidnapping of two Spanish aid workers from the Dadaab refugee camp, the abduction of two tourists and killing of another

¹¹⁸ Ibrahim, Mohammed, 'Somalia and Global Terrorism: A Growing Connection?' *Journal of Contemporary African Studies*, vol.28, No.3, 2010, p.286.

¹¹⁹ Bryden, Matt, *The Reinvention of Al-Shabaab: A Strategy of Choice or Necessity?* Washington, DC, Center for Strategic and International Studies, 2014, p.5.

¹²⁰ Mohammed, Ibrahim, 'Somalia and Global Terrorism: A Growing Connection?', *Journal of Contemporary African Studies*, vol.28, No.3, 2010, p.287.

along Kenya's East Coast, and attacks waged against Kenyan troops in cross-border raids increased concerns for the Kenyan government.¹²¹

OPERATION LINDA NCHI

Subsequently, believing that it was imperative to safeguard the national security interests of the country, the Kenyan government in mid-October 2011 through its Kenya Defense Forces (KDF) embarked on a military offensive against al-Shabaab in Somalia. The military operation which was dubbed 'Operation Linda Nchi' (Protect the Country) involved the deployment of a 1,500 military strong army and was meant to be a pre-emptive campaign to root out Al-Shabaab elements and create a buffer zone in Somalia.¹²² Commenting on Kenya's right to defend itself from external aggression under international law, the then Minister for Internal security stressed that "Kenya has been and remains an island of peace, and we shall not allow criminals from Somalia to destabilize our peace".¹²³

The justification for the operation was premised upon the securitization of an influx of refugees in Kenya from Somalia. Accompanying the operation was the closure of the Kenyan border with Somalia which halted the registration of new refugee arrivals. It is important to point out here that the kidnappings of foreigners from Kenya took place amidst a massive flow of refugees fleeing the 2011 drought which had affected much of Southern Somalia and by the end of 2011 had resulted in the deaths of 30,000 children and left a further 30 per cent of Somalis

¹²¹ Kassilly, J et.al, 'Kenya's Pre-emptive and Preventative incursion against Al-Shabaab in the Light of International Law', *Journal of Defense Resources Management*, Issue 3, No.1, 2012, p.27-36.

¹²² *ibid.*

¹²³ The Star, 'Security Alert at Kenya's Border Points', Says Saitoti', 10 October 2011.

malnourished and in urgent need of food aid.¹²⁴ Closing the border therefore exposed more and more Somalis to starvation.

Although the operation was designed to enhance Somalia's domestic security, the Kenyan Defence Force's (KDF) continued presence in the country is yet to deliver improvements in Kenya's internal security. In fact, evidence suggests that since the incursion, attacks in Kenya have escalated. Al-Shabaab has constantly cited the presence of the Kenyan forces in Somalia and made accusations of human rights violations by Kenya's forces inside Somalia as the reasons for their mounted attacks on Kenyan soil. Such were the warnings that Al-Shabaab issued to the Ugandan and Burundian governments for their troops' involvement under the African Union Mission in Somalia (AMISOM) in 2010, before a bombing attack was carried out at a club in Kampala which killed 85 people who were viewing the 2010 World Cup event.¹²⁵ Despite these warnings, the Kenyan government has remained hesitant to withdraw its troops claiming that such a move would provide Al-Shabaab the opportunity to recruit more terrorists in Somalia, who would then pose greater security risks for Kenya.¹²⁶

In the backdrop of the Kenyan troops' continued presence in Somalia, Al-Shabaab has reacted with grenades, guns and bomb attacks against various targets in Nairobi, Garissa and several other Kenyan towns especially in the Coast. Among Al-Shabaab's retaliatory attacks are the 10 March 2012 attack at the Machakos bus station in Nairobi and the 29 April 2012 shooting at the God's House of Miracles Church at the Ngara suburb of Nairobi. The most notorious was however the prestigious Westgate mall attack of September 2013 which led to the deaths of 70

¹²⁴ Horgendoorn E., and Dalton Benjamin, 'Five Things to know about the Food Crisis in the Horn of Africa', *Global Public Square*, CNN, 26 July 2011.

¹²⁵ Rawlence, B., 'Kenya: KDF Must Review Somalia Strategy to Tackle Al-Shabaab', *African Arguments blog*, 4 December 2014. <http://african-arguments.org/2014/12/04/kenya-kdf-must-review-somalia-strategy-to-tackle-al-shabaab-by-ben-rawlence-53351>. Accessed on 17 August 2017.

¹²⁶ *ibid.*

civilians and close to 200 wounded victims.¹²⁷ Worth noting is that the mall attack occurred at a time when Al-Shabaab had lost much of its territory including the port city of Kismayo, at the hands of the AMISOM and Kenyan forces in Somalia.¹²⁸ For al-Shabaab to continue waging these attacks despite KDF's presence in Somalia, illustrates that the group is exploiting other avenues to perpetrate acts of terror in Kenya.

Several months prior to the Westgate attack for instance, a situation report by the Kenya police established that Al-Shabaab were recruiting members in Kenya who would operate locally on Kenyan soil. The report continued by stating that the facilitators were linked to some unknown individuals and a Muslim cleric from the Masjid Musa mosque in the coastal city of Mombasa, where it was held that the recruitment of jihadists was taking place clandestinely.¹²⁹

KENYA'S MUSLIM POPULATION

The Kenyan Coastal region in addition to Somali-dominated areas stands out as a significant locale in relation to terrorist recruitments for a vast array of reasons. First, most of the inhabitants of this region, who are almost entirely Muslim, have faced longstanding periods of political marginalization. Since Kenya's independence in 1963, the political interests of the Kenyan Muslims have been largely ignored by the state. In 1973 for instance, the (one-party) Kenyan government formed the Supreme Council of Muslims (SUPKEM), which was the only official Muslim organization mandated to represent the interests of the entire Muslim community in the country. Nevertheless, given that this institution was created by the government, the council was seen by Muslims as an attempt by the state to control them as opposed to addressing

¹²⁷ Gartenstein-Ross, and Appel Henry, 'Al-Shabaab's insurgency in Somalia: a data-based snapshot', *Georgetown Journal of International Affairs*, 3 April 2014.

¹²⁸ Hussein Solomon, "Critical Terrorism Studies and its Implications for Africa", p.220.

¹²⁹ Kenya Police, 'Situation Report', Serial No.053/2013, 13 March 2013, p.9-10.

their interests, which specifically in the Coast region, consisted of land-related grievances.¹³⁰ As Ghai and McAusian posit, Kenya's post-colonial regime had embarked on giving away lands to political elites in areas that were already under the occupation of the native Coastal communities (Arabs, Swahili and Mijikenda groups), which inevitably transformed these locals into squatters on their own lands.¹³¹

Although the beginning of Kenya's multi-party democracy in 1992 brought to the fore numerous national level Muslim groups with some level of political independence from the state, including the Kenya Council of Imams and Ulamaas; and the National Muslim Leaders Forum, these entities could be described as interest groups which do not possess any direct authority or power. While they provide an avenue for Muslims to vent out their grievances, these Muslim groups do not offer sufficient solutions to the unique issues faced by Kenya's Muslim communities¹³², which continue to remain largely unaddressed.

Secondly, as much as the Coast region is well-known for its robust tourism industry, tourism as practiced in the region is in total contravention to the local population's Islamic culture and customs. As Soke notes, under Islamic teachings for instance, it is required that women conceal every part of their body when in public. The consumption of alcohol is also discouraged. However, around the beaches, the contrary is both practiced and witnessed daily. Tourists, especially women, are often seen walking around dressed un-modestly and alcohol is freely served to foreigners and non-Muslim Kenyans.¹³³ This builds tensions between the locals

¹³⁰ Vittori, Jodi et.al, "Islam in Tanzania and Kenya: Ally or Threat in the War on Terror?"; *Studies in Conflict and Terrorism*, vol.32, No.12, 2009, p.1083.

¹³¹ Ghai, V.P and J, McAusian, *Public law and political change in Kenya*, Nairobi: Oxford University Press, 1970, p.27.

¹³² Mwinyihaji Faki and Frederick Wanyama, "The Media, Terrorism and Political Mobilization of Muslims in Kenya", *The Politics and Religion Journal-Serbian Edition*, vol.1, no.1, 2011, p.104.

¹³³ Soke H.A, 'Somalia Flights Banned as Kenyan Government Steps Up Terrorism War', *African Conflict Journal*, June, 2003.

and tourists. Eastman also points out that since the tourist facilities are owned by the government and foreign investors, there's been hardly any economic benefit to raise the standards of living for the local population.¹³⁴ As Baburdeen notes: "The government's attitude toward and plans for the Coastal communities have led to citizens in the Coast to feel that their resources are being used for the benefit of others".¹³⁵

Thirdly, similar to the mistreatment of ethnic Somalis in so far as identity documents are concerned, many non-Somali Kenyan Muslims (Arabs, Asians and Swahilis) claim to be treated like foreigners. Such mistreatment is in the form of their inability to obtain identity cards and passports, as well as the harassment of people from Arab countries travelling to Kenya.¹³⁶ These grievances were exacerbated after the 9/11 attacks. According to Prestholdt, since the 9/11 attacks, the U.S. exerted enormous pressure on the Kenyan government to scrutinize passports belonging to Kenyan citizens of Arab ancestry, including Swahilis. In response, the Kenyan government formulated a law that requires individuals from these communities to submit their grandfather's birth certificate as part of the conditions to be met in order to either acquire or renew their passports. This requirement is however restricted to the Muslim groups, a policy which has been regarded by Kenyan Muslims as open discrimination against them by the state.¹³⁷ The stringent passport law, which came into effect in 2001, was inspired by fears that Fazul Abdullah Mohammed, the Al-Qaeda's East African Chief who also happened to be a Kenyan citizen, would attempt to organize an attack that would jeopardize America's interests in the

¹³⁴ Eastman, C.M, 'Tourism in Kenya and the Marginalization of Swahili', *Annals of Tourism Research*, vol.22, No.1, 1995, p.175.

¹³⁵ Badurdeen Fatima, "Youth Radicalization in the Coast Province of Kenya", *Africa Peace and Conflict Journal*, vol.5, No.1, 2012, p.54.

¹³⁶ Burja, A., "Islam in Eastern Africa: Historical Legacy and Contemporary Challenges", *Development Policy Management Forum*, August 2002, p.16.

¹³⁷ Prestholdt, J., "Kenya, the United States and Counterterrorism", *Africa Today*, vol.57, No.4, 2011, p.9.

region. Fazul was believed to have coordinated the U.S embassy bombings in Kenya and Tanzania in 1998.¹³⁸

As a direct result of these unequal economics and developments based on the tourism sector, coupled with the political grievances of Kenya's Islamic communities, al-Shabaab have been able to make massive inroads in to the local Muslim population. Posing as 'saviors' aiming to provide solutions to their poverty, socio-political injustices and most importantly saving the local Islamic culture from being eroded, elements of these international terrorist organizations can infiltrate the Kenyan borders with ease as they manage to win the support of the local Muslims.¹³⁹ For instance, a 2011 report by the United Nations Monitoring Group for East Africa makes reference to al Shabaab's initial radicalization efforts of Kenyan Muslims way before the militant group began carrying out attacks in the country. The report reads:

“During a lecture in 2010 in Somalia, addressed at combatants and Swahili-speaking fighters belonging to the Muslim Youth Centre (an offshoot of Al-Shabaab), Ahmad Iman¹⁴⁰ dissuaded Kenyan Muslims from engaging in national politics, urging them instead to ‘Chinja’ (cut), “Chonga” (peel) and ‘fyeka’ (slash) the throats of the Kenyan infidels and to hit back and cause blasts in Kenya similar to the Kampala bombings.”¹⁴¹

In response to Al-Shabaab's changing tactics and terrorist activities, Kenya decided to embrace a more inward-looking counter-terrorism strategy. According to Warah, Kenya's broader strategy to foil Al-Shabaab attacks entails measures to hunt down and remove persons found to be residing in the country illegally. An example of such strategies is *Operation Usalama Watch*, which will be discussed below. For most part, those targeted by these measures have been ethnic

¹³⁸ Gatsiounis, Ioannis, 'After Al-Shabaab', *Current Trends in Islamist Ideology*, vol.14, 2013, p.79.

¹³⁹ Eastman, C.M, 'Tourism in Kenya and the Marginalization of Swahili', *Annals of Tourism Research*, vol.22, No.1, 1995, p.175.

¹⁴⁰ Ahmad Iman is a prominent Kenyan al-Shabaab commander based in Somalia.

¹⁴¹ Cited in United Nations Security Council, "Report of the Monitoring Group on Somalia and Eritrea Pursuant to Security Council Resolution 1916 (2010)", 2011, p.144.

Somalis and Muslims, an issue which has fuelled perceptions of discrimination and ethnic profiling.¹⁴²

OPERATION USALAMA WATCH

In April 2014, the Kenya Interior Ministry launched ‘*Operation Usalama Watch*’ (Operation Safety Watch). The operation saw the deployment of 6,000 soldiers and police officers in the Somali-dominated suburb of Eastleigh in Nairobi. The operation was informed by two attacks- one which was carried out at a Mombasa church killing six worshippers on 23 March 2014 and another one which took place a week later in the Eastleigh area whereby assailants hurled explosives at a food kiosk and a bus stop killing six people.¹⁴³ According to the Inspector General of Police at the time, David Kimaiyo, the aim of the operation was to detect illegal immigrants, arrest and prosecute persons believed to be engaged in terrorist activities, identify neighborhoods harboring criminals, and contain and avert general acts of crime and lawlessness.¹⁴⁴ The official government stance was that the operation was a significant counter-terrorism strategy to root out foreign nationals, implying that those who were organizing and carrying out terrorist activities in the country were ‘outsiders’.¹⁴⁵

As Botha notes, more than 4,000 individuals of Somali heritage were apprehended during the first week of the operation, accused of being affiliated with Al-Shabaab. Checking identity cards was the basis upon which the operation was conducted. While close to three thousand individuals were eventually released after being ascertained to be Kenyan citizens and had no

¹⁴² Warah, R, ‘Eastleigh Crackdown offers Major opportunity for Bribe-taking and Harassment by Police’, *Sahan Journal*, 16 April 2014.

¹⁴³ Botha Anneli, ‘*Political Socialization and Terrorist Radicalization among Individuals who Joined al-Shabaab in Kenya*’, Pretoria, Institute for Security Studies, 2014, p.895.

¹⁴⁴ Cited in Muthoni, Faith, ‘Security Swoops Are Perfectly Legal’, *the Star Magazine*, April 17, 2014, p.25.

¹⁴⁵ Lind Jeremy et.al, ‘Tangled Ties: Al-Shabaab and Political Volatility in Kenya’, *Evidence Report*, No.130, April, 2015, p.25.

prior criminal record, the rest were detained and deported.¹⁴⁶ According to Balakian, most of the detainees and deportees consisted of refugees who had been registered with the United Nations High Commissioner for Refugees (UNHCR). Instead of the possession of government-issued or UNHCR identity cards conferring them with protection, these documents actually incriminated them since they implied that they were actually foreigners.¹⁴⁷

Following investigations by the Independent Policing Oversight Authority (IPOA) in the aftermath of the operation, it was also established that the police violated human rights protections and demanded bribes of between 1,000-20,000 Kenyan Shillings (1 AUD=79 Kenyan Shillings).¹⁴⁸ The operation was heavily criticized by Kenya's Somali and Muslim leaders, and was regarded as a state-driven victimization of Kenya's Somali community. Lind and others quote a Kenyan Muslim leader who, following the operation lamented that:

“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.”¹⁴⁹

Perhaps one of the most notable cases of extortion at the hands of the police is that which involved a Senator of Somali origin, one Abdi Bule. While driving along the Eastleigh estate with his family on board, he was supposedly stopped by security officers and asked to present both his national ID and one showing that he was a senator. Upon presenting proof of his identity, he was allegedly accused of possessing fake documents and subsequently got

¹⁴⁶Botha Anneli, *Political Socialization and Terrorist Radicalization among Individuals who Joined al-Shabaab in Kenya*, p.895.

¹⁴⁷ Balakian Sophia, '“Money is Your Government”: Refugees, Mobility and Unstable Documents in Kenya's Operation Usalama Watch', *African Studies Review*, vol.59, No.2, 2016, p.89.

¹⁴⁸ IPOA, *Operation Sanitization Eastleigh Report, 'Usalama Watch'*, July, Nairobi: Independent Policing Oversight Authority, 2014.

¹⁴⁹ Cited in Lind Jeremy et.al, 'Tangled Ties: Al-Shabaab and Political Volatility in Kenya', p.26.

detained.¹⁵⁰ Indeed, to many Somali leaders, the Eastleigh operation was intended to disenfranchise the already marginalized Somali community, and was considered by them to be an economic war as opposed to a fight against terrorism. As Warah observes, from the 1990s, commerce in Eastleigh has been dominated by ethnic Somalis, who over the years have transformed the neighborhood into a robust economic hub. The presence of luxurious hotels, shopping arcades and Forex Bureaus has meant that businesses in this neighborhood have a yearly turnover of US\$7 million.¹⁵¹ Following the crackdown, it was reported that more than 20,000 Somali-owned businesses in Eastleigh transferred to neighboring countries such as Uganda and that Somalis withdrew a total of up to US\$250 million in capital from Kenyan banks.¹⁵² Judging from these repercussions, the mode of operation of the Kenyan security forces can be said to be counter-productive on two levels. First, due to the massive withdrawals of capital by Somali businesspeople, Kenya's wider economy is bound to suffer in the long-run. Secondly, the fact that security agencies seek bribes from individuals in this neighborhood means that possible al Shabaab members are likely to get away if they can only pay the security personnel. In effect, Kenya will still remain vulnerable to the imminent danger of further terrorist attacks.

To many Kenyan Somalis and Muslim populations at large, *Operation Usalama Watch* elicited perceptions of the state's discriminatory nature against them and an extension of the state's role as an instigator of injustice and insecurity. It is important to point out that beginning in 2012, a trend of assassinations of key Muslim figures including clerics, activists and businessmen had emerged in the Coastal region. In mid-2012 for instance, radical cleric Sheikh

¹⁵⁰ Abdirahman, A, 'Securitization and ethnic profiling of Somalis in Kenya', *Hiraan Online*, April 15, 2014, Accessed on 17 October 2017.

¹⁵¹ Warah, R, 'Eastleigh Crackdown offers Major opportunity for Bribe-taking and Harassment by Police', 2014.

¹⁵² Christian Science Monitor, 'How Kenya's "War on Terror" Disrupts a Thriving Nairobi District', 17 June 2014.

About Rogo was assassinated by unknown assailants in a drive-by in Mombasa, after it was claimed that he was involved in radicalization activities. In the span of a year, his successor Sheikh Ismail Ibrahim together with three of his friends were similarly gunned down in a drive-by shooting, which provoked riots in the streets of Mombasa in protest of the murders.¹⁵³

The impetus of the riots which spanned from setting ablaze vehicles and looting churches, was premised upon the fact that it was in Mombasa that Rogo's and Ibrahim's sermons first found appeal, particularly among the youth. Central to Rogo's teachings was his rejection of formal education and inter-religious dialogue. He also insisted that the Al-Shabaab's war in Somalia was the road towards martyrdom and that it was 'haram' for Kenyan Muslims to work for the Kenyan government.¹⁵⁴ In 2014, the controversial Imam Shariff Abubakar, also known as Makaburi was also shot dead outside a Law Court in Mombasa, where he had gone to issue a complaint seeking protection after receiving numerous death threats from unknown individuals. His name was on international sanctions lists of persons supporting terrorist organizations.¹⁵⁵ The fact that these killings took place in broad daylight yet nobody got prosecuted, elicited perceptions that they were carried out by the state apparatus.

The perceptions were further confirmed by reports prepared by *Human Rights Watch*, which documented that between November 2013 and June 2014, there were no less than ten incidents of enforced disappearances, killings and torture of alleged terrorist suspects. Most of these atrocities occurred in Nairobi's Majengo neighborhood (a Muslim-majority slum area in Nairobi) whereby terror suspects were abducted from vehicles; shot dead in public venues;

¹⁵³ Boniface, B, 'Impact of Makaburi's Death on Radicalization in Kenya is yet unclear', 8 April 2014.

¹⁵⁴ Ochami David, "How Fiery Cleric Rogo Developed, Propagated Extremism", *The Standard* (Kenya), September, 2012.

¹⁵⁵ Human Rights Watch, 'Kenya: Third imam killed in 2 years. Investigate, Prosecute Murders and End Cycle of Violence', 4 April 2014.

thoroughly beaten by arresting officers and denied access to a lawyer.¹⁵⁶ The fact that these actions were not accompanied by the prosecutions of the state agents involved has led to the belief amongst Kenyan Muslims that the 2003 Kenyan Suppression of Terrorism Bill may still be guiding Kenya's counter-terrorism efforts.

According to Bachmann and Honke, at the time of its drafting, the Suppression bill was challenged on the pretext of its broad definition of terrorism; the extensive powers it gave to police to detain people; and the authority it gave to the Interior minister to brand any group as terrorists. Perhaps the most contentious facet of the bill was the clause that accorded law enforcers with the power to arrest any individual "who in a public place wears an item of clothing in such a way or circumstances as to arouse suspicion that they were either members or supporters of a declared terrorist organization".¹⁵⁷ While the withdrawal of the bill was premised upon an outcry by Kenyan Muslims that their community would be targeted merely due to their appearance, the current state actions in the wake of al-Shabaab's activities not only affirm those fears, but also seem to suggest that such responses are still being guided by the spirit of that bill. The results of these state operations have of course been appalling. According to Prestholdt, jihadi clerics have spread their radical ideologies with more vigor through social media sites to the Muslim faithful. Other than their emphasis on the non-Muslim occupation of Coastal lands and economic grievances, magazines such as *Gaidi Mtaani* (Terrorist in town) as well videos featuring Swahili-speaking Kenyan insurgents have been circulated, stressing on the

¹⁵⁶ Human Rights Watch, 'Kenya: Killings, Disappearances by Anti-Terror Police', 18 August 2014.

¹⁵⁷ Cited in Bachmann, J., and Jana Honke, "Peace and Security as Counterterrorism? The Political Effects of Liberal Interventions in Kenya", *African Affairs*, vol.109, No.434, 2009, p.108.

mistreatment of Muslims by the Kenyan government and the assassination of Muslim preachers, and calling for violence in response.¹⁵⁸

To a large extent, this narrative has enabled Al-Shabaab to make significant strides in domesticizing its jihadist agenda along Kenya's margins with very limited resources. For instance, in June 2014, Al-Shabaab carried out an attack in the Coastal town of Mpeketoni killing 48 people. In what came to be referred to as the Mpeketoni attack; the victims consisted of non-native populations, most notably ethnic Kikuyus¹⁵⁹. Blake and Brady refer to a statement by an eyewitness of the attack, Anne Gathigi (an ethnic Kikuyu), who lamented of the attackers by asserting that: "They came to our house at around 8 p.m. and asked us whether we were Muslims. My husband told them we were Christians and they shot him on the head and chest".¹⁶⁰ Similar accounts were aired following the Westgate mall attacks. For example, Radia and Shaw refer to Elijah Kamau, a witness who managed to escape the siege noting that, "The gunmen told Muslims to stand up and leave. They were safe and non-Muslims would be targeted".¹⁶¹ Whether or not these allegations are true, they all seem to suggest one thing. There appears to be some growing tensions between Muslim and non-Muslim populations in Kenya following terror attacks and the state security operations being pursued by the Kenyan government.

THEORETICAL ASSESSMENT OF KENYA'S CASE STUDY

The case study of al-Shabaab in Kenya brings to the fore the challenges that bedevil the question of what strategy suits best in countering terrorism. As noted above, three approaches exist

¹⁵⁸ Presholdt, J, 'Kenya at the Precipice: Al-Shabaab and the Coast Crisis', *Daily Nation*, 18 July 2014.

¹⁵⁹ Ethnic Kikuyus are an ethnic community who predominantly reside in the Central region of Kenya.

¹⁶⁰ Blake M., and T, Brady, 'How al-Shabaab militia went from door to door killing non-Muslims as Kenyan village watched World Cup', 16 June 2014.

¹⁶¹ Radia K., and A, Shaw, "Kenya Mall Shooting: 'Major Assault' Frees Most Hostages, Police Say", September 22, 2013, p.2

that try to decipher the best approach. These include the traditional state-centric; human security and the critical terrorism studies schools of thought. As regards the traditional state-centric approach, the underlying assumption is that states need to establish a reputation of retaliating against terrorists, or at least not to negotiate with them. The rationale is that the aggressive response by states enables them to develop a fierce reputation which will act as deterrence against future terrorism. States which heed to the demands of terrorists the argument goes will be regarded as being soft and hence breed more terrorist violence.¹⁶²

The counter-argument to this ideology is the human security paradigm which argues that the use of brute force by states, contrary to deterring terrorism, will actually precipitate acts of terror hence result in a continuous cycle of violence. The undergirding idea of the human security approach is that violence on the part of the state will encourage segments of the population to back terrorism. As such, this school suggests that states need to adopt a conciliatory approach in order to erase all the legitimate concerns that terrorists may be justifying their actions upon and hence eliminate their domestic support.¹⁶³ Closely tied to this approach is the critical terrorism school of thought. Stump and Dixit, both critical terrorism thinkers, argue that among the setbacks of the traditionalist view is that it takes for granted the referent object, in this case terrorism; it does not put into consideration the repercussions of profiling certain groups of people as terrorists; ignores the role of the state as an initiator of violence and that it remains uncommitted to respecting social freedoms and human rights while countering terrorism.¹⁶⁴

¹⁶² Carr, Caleb, 'Terrorism as Warfare: The Lessons of Military History', *World Policy Journal*, vol.13, No.4, 1997, p.1-12.

¹⁶³ Sederberg, Peter, 'Conciliation as Counter-Terrorism Strategy', *Journal of Peace Research*, vol.32, No.3, 1995, p.295-311.

¹⁶⁴ Stump, Jacob and Dixit, Priya, 'Towards a Completely Constructivist Critical Terrorism Studies', *International Relations*, p.200.

In light of these three counter-terrorism approaches, the Kenyan government's efforts to combat terrorism appear to be guided by the traditionalist military-based approach. As Botha acknowledges, though terrorism is not a new occurrence in Africa, what is of concern is that most African countries often choose Western ideals to classify terrorism; the tactics employed and consequences it has.¹⁶⁵ For most part, such a perspective often leads to the endorsement of aggressive responses to terrorism. In explaining why this is the case, she adds that for many African nations, the idea of security follows the Westphalia state system which entails safeguarding the state and ensuring the well-being of political systems. This in effect ignores the underlying issues that results in individuals resorting to terrorism.¹⁶⁶

Following the analysis of al-Shabaab in Kenya, a number of problems can be deduced. First, the military approach by the government has led to the precipitation of violent attacks. For instance, from the Kenya Defense Forces invasion of Somalia in reaction to the supposed abductions by the group on Kenyan soil, the forces succeeded in neutralizing the al-Shabaab by recapturing major towns such as the port city of Kismayo. Nevertheless, the cost has been much higher as Kenya has experienced retaliatory attacks at an unprecedented level, resulting in multiple deaths and injuries of innocent civilians as the human security scholars warn would be the case.¹⁶⁷ This raises the question as to whether military aggression is a worthy course of action to take.

The second problem associated with the military approach is that it neglects the possible underlying causes of terrorism. This issue is addressed by the human security paradigm which acknowledges that there are a number of factors which may be used to justify acts of violence by

¹⁶⁵ Botha, Anneli, 'Challenges in Understanding terrorism in Africa: A Human Security perspective', p.28.

¹⁶⁶ Botha, Anneli, 'Challenges in Understanding terrorism in Africa: A Human Security perspective', p.29.

¹⁶⁷ Opongo, Elias, 'The African Union and a Liberal peace agenda to conflict', in Tim Murithi (ed), *Handbook of Africa's International Relations*, Routledge, London, 2014, p.98.

terrorist groups. In the analysis of al-Shabaab, there appears to be some resemblance with the environment within which terrorism has been bolstered. For instance, the socio-economic marginalization of the Somalis and Muslims at large has put them at odds with the Kenyan government which in effect has meant that jihadists have found their way into these communities and domesticized their agenda, putting Kenya at risk.

The third setback associated with the traditionalist approach is the branding of certain groups of people as terrorists and thus violating their human rights. This concern is well captured by the critical terrorism thinkers. In the case of Kenya, the Somalis and Muslims have been victim to this form of labeling. The state- initiated operations against terrorism have been centered on Somali-dominated neighborhoods which have been accompanied by numerous cases of human rights violations such as extortions and rapes by security enforcers. The same has been witnessed for the Muslim populations who have also come to be criminalized. The actions by the state such as extrajudicial assassinations of Muslim clerics and harassment of Muslim youths have served as a confirmation that the allegedly outlawed Suppression of Terrorism Bill of 2003 may still be guiding counter-terrorism efforts.¹⁶⁸ This has accelerated radicalization efforts by jihadi clerics in retaliation. In effect, the terrorism situation has only gotten worse, leading to an endless cycle of violence.

CONCLUSION

The aim of this chapter was to examine the effectiveness of the state-centric counter-terrorism approach by drawing from the examples of al-Shabaab in Kenya. The chapter has established that this approach serves to worsen the terrorism problem. The state-initiated responses by the Kenyan government has primarily been directed towards marginalized segments of its population, which have

¹⁶⁸ Bachmann Jan and Honke Jana, "Peace and Security as Counterterrorism? The Political Effects of Liberal Interventions in Kenya", p.108.

further contributed to these population's increased animosity and withdrawal towards the state. The effect has indeed been appalling. The government has lost the support of the locals and instead the so-called groups' popularity has been bolstered. Furthermore, these responses have been accompanied by outright cases of human rights violations which have no justifiable cause. As a result, jihadists have been able to take advantage of these injustices and make easy recruitments which have only precipitated terror acts.

CHAPTER 3: KENYA'S STATE-CENTRIC APPROACH AND ITS LIKELIHOOD OF SUCCESS

As to whether the state-centric approach by the Kenyan government is likely to succeed in countering terrorism, this thesis argues that it is highly unlikely that it will. To a large extent, the problem lies with the narrow-mindedness of this approach which views terrorism in a simplistic and superficial manner. The traditional state-centric view operates under the presumption that terrorism is just a case of a handful of bad elements in society who are perpetrating acts of violence rather than being the result of underlying systemic issues. As Miller argues, this theory contends that if at all the reputation of states matter, then it is only logical that states retaliate forcefully against terrorists in order to develop a strong reputation to deter future acts of terror. Failure to retaliate aggressively or give in to the demands of terrorists the argument goes, risks increasing the cycle of violence as these states will be seen as weak.¹⁶⁹ Judging from this rationale, it is clear that this approach follows the exceptional idea espoused by Barry Buzan which portrays the global war on terror as a zero-sum game underplaying the notion that 'we either defeat them or they kill us'. In such scenarios, there isn't any room for negotiating or creating favorable conditions for a win-win situation.¹⁷⁰

From the analysis of terrorism in Kenya in this thesis, the traditional state-centric view has stood out as the most appealing approach in the fight against terrorism. As Anneli Botha astutely explains, the reason behind this endorsement by states especially in Africa is that security has been interpreted within the confines of the Westphalia state system which stresses on the importance of states to safeguard their territorial integrity and protect their political systems. Botha adds that this

¹⁶⁹ Miller, Gregory, 'Confronting Terrorisms: Group Motivation and Successful State Policies', *Terrorism and Political Violence*, vol.19, No.3, 2007, p.333.

¹⁷⁰ Buzan, B., 'Will the 'Global War on Terror' be the New Cold War?', *International Affairs*, vol.82, No.6, 2006, p.1101.

approach has been particularly problematic in addressing the terrorism problem in Africa.¹⁷¹ This thesis has shared in the position of Botha's remarks and demonstrated the problems associated with this view. It has argued that the state-centric view fails in three ways.

First, the military approach leads to increased retaliatory attacks at unprecedented levels. In examining the case of al-Shabaab, the invasion of Somalia by Kenyan troops in collaboration with the AMISOM forces led to the recapture of major cities such as the port city of Kismayo. Nevertheless, these marginal successes have led to unrelenting retaliatory attacks waged on Kenyan soil unlike anything seen in its contemporary history. Kenya has witnessed attacks ranging from grenades hurled in churches, cafes, public service vehicles and even shopping malls, the most notorious being the Westgate mall attacks in 2013.¹⁷² These events have brought to light the question of whether the marginal strides made by the military personnel in Somalia justifies their continued presence in the country given that the counter-attacks carried out in Kenya have since escalated.

The second problem associated with the state-centric approach is that it is oblivious to the underlying structural issues that result in terrorist violence. Given that states ascribe to this view, they have failed to address the underlying causes driving terrorism, which terrorist organizations have used to their advantage. This failure was well espoused within the purview of the human security theory- a counter-argument to the state-centric approach. According to Sederberg, this theory contends that the notion of coercion as propagated by the traditional state-centric view will not only flounder in deterring acts of terror but will also inform continuous cycles of violence. Alternately, it argues that states need to focus more on examining the root causes that propel terrorist acts. The

¹⁷¹ Botha, Anneli, 'Challenges in Understanding terrorism in Africa: A Human Security Perspective', p.29.

¹⁷² Wanjiku, M and W.Guyo, 'Effective Electronic Strategies on Cross border migration control adopted by immigration authority in Kenya', *Prime Journal of Social Science*, vol.3, No.2, 2013, p.581.

rationale is that by so doing, states will be successful in eradicating the claims upon which terrorists justify their actions.¹⁷³

In view of al Shabaab's actions in Kenya and the Kenyan response, the thesis has established that there are underlying structural causes that inform terrorist acts. In connection to the ethnic Somalis, part of the problem has been the community's subjection to longstanding periods of socio-economic marginalization which goes back to the time of Kenya's independence in 1963. The alienation of this ethnic group has meant that the North Eastern region of Kenya, where most of them reside has lagged behind in terms of infrastructural development. The result has been the increased porosity of the Kenya-Somalia border which has been easily accessible to Al-Shabaab insurgents trying to get into the country. Moreover, the screening processes of the late 1990s, which were only applicable to ethnic Somalis already places them in a 'second-class' citizen category which makes it easy for Al-Shabaab to make easy recruitments especially among the disenfranchised youth, by offering them an opportunity to fight back against what they may perceive as a repressive (Kenyan) state.

The Coastal Kenya region which is predominantly Muslim was also found to have its share of systemic challenges. As Eastman argues, although the region has a robust tourism industry, there's been hardly any economic benefit directed to raising the living standards of the local population.¹⁷⁴ Furthermore, the fact that the locals feel threatened by the foreign culture of tourists which challenge their Islamic beliefs has only elicited animosities towards the tourists and the government. The land issue which has transformed segments of the coastal communities into squatters has also fuelled their resentment towards the government and non-Muslim Kenyans, whom they perceive as having robbed

¹⁷³ Sederberg, Peter, 'Conciliation as Counter-Terrorist Strategy', *Journal of Peace Research*, vol.32, No.3, 1995, p.295.

¹⁷⁴ Eastman, C.M, 'Tourism in Kenya and the Marginalization of Swahili', p.176.

them of their ancestral lands. These factors have made it easier for members of extremist groups to infiltrate the borders with ease as they've managed to win the support of the locals by promising to offer solutions to poverty, social injustices and save the Islamic culture from erosion.¹⁷⁵ Given the capabilities of al-Shabaab to make recruitments within the marginalized groups and the resulting retaliatory attacks, the thesis deduced the third problem associated with the state-centric view. That is the problem of the predatory nature of African states in their pursuit of suspected terror suspects.

This problem was well captured by the critical terrorism school of thought. As Stump and Dixit firmly assert, scholars who utilize this perspective argue that the traditional state-centric approach takes for granted the referent object in this case terrorism; it remains ignorant concerning the repercussions of branding certain groups of people as terrorists; it neglects the role of the state as the initiator of violence and that it fails to uphold the human rights of individuals while countering terrorism.¹⁷⁶ From the analysis here, this thesis has shown that the state-backed operations by the Kenyan government have solely been directed at specific communities. Counter-terrorism initiatives have largely centered on Somali-dominated neighbourhoods and have been accompanied by numerous acts of human rights atrocities such as extortions and rapes by security personnel. Similarly, the harassment of Muslim youths and extrajudicial killings of Muslim preachers has only accelerated the radicalization efforts by jihadist preachers, who have embarked on the usage of social and print media to reach out to the Muslim faithful in retaliation. The results of these efforts have indeed been horrific. Terrorist attacks have been carried out relentlessly and the support base of these groups has kept growing.

¹⁷⁵ *ibid.*

¹⁷⁶ Stump, J. and Dixit, P., 'Towards a completely constructivist critical Terrorism Studies', *International Relations*, vol.26, No.2, 2013, p.200.

What is even more compounding is that African states are well aware of the underlying drivers and possible solutions to terrorism in the continent. This was illustrated in the review of literature, which discussed the characteristics of the African continent and Africa's continental efforts, particularly with reference to the Algiers Convention which calls for the need to observe human rights while countering terrorism. Despite this knowledge, African nations still choose to endorse a military-based approach. This raises serious concerns as to whether African countries are really interested in fighting the scourge of terror to begin with. To use a famous analogy, if you want to get rid of mango fruits permanently from a mango tree, you don't pluck the fruits. You uproot the whole tree; otherwise the mango fruits will still grow again. In the same spirit, so long as African countries choose to be guided by the military-based approach as engineered by the U.S, particularly its so-called 'War on Terror' military campaign, which ignores the root causes of terrorism, terrorism will continue to be part and parcel of African societies.

To this end, having adopted the human security and critical terrorism perspectives to challenge the traditional state-centric view, and based on the example of al-Shabaab in Kenya, I conclude that the state-centric counter-terrorism approach adopted by the Kenyan government is bound to fail. Secondly, I confirm that this approach is not only counter-productive but it also increases the impetus of disenfranchised youths to enlist into terrorist organizations.

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