

Shifting priorities: Kenya's changing approach to peacebuilding and peacemaking¹

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■ Executive summary

Kenya's traditional low-risk, non-interventionist approach to peacebuilding and peacemaking, which is grounded in "good neighbourliness" and respect for national sovereignty, shifted dramatically in October 2011 with its unprecedented military operation in Somalia. This shift is underpinned by its growing confidence as an emerging East African power, coupled with a heightened interest in protecting its (economic) interests at home. Kenya is currently at the heart of an unprecedentedly successful military effort to stabilise Somalia, in combination with a high-risk, regional and global, multifaceted diplomatic stabilisation effort. As Mogadishu seeks to exert control over the creation of a federal state in Jubbaland, the multilateral Intergovernmental Authority on Development stabilisation effort has been sidelined. Kenya is widely perceived as having vested interests in the area. Kismayo port, considered an economic hub in the region, risks becoming the centre of a prolonged inter-clan struggle. As part of a "whole of Somalia" stabilisation approach, it is essential for Nairobi to balance its legitimate interests in Jubbaland with its relations with the Mogadishu government. It is in a unique position to mediate between the government and the interim administration in Kismayo, but needs to mend its own relations with the government in order to do so. Kenya's potential as a regional peacebuilder using both soft and hard power is on trial, and this will determine its future foreign policy trajectory.

Background

Despite being a United Nations (UN) headquarters and the undisputed diplomatic, commercial, infrastructural, humanitarian, counterterrorism, and transport hub or "anchor" state for the entire East Africa region, Kenya has traditionally punched below its weight in terms of influencing regional geopolitics. In the absence of a cogent narrative that articulates its changing geostrategic interests and implementation strategies (ISS, 2012), it has promoted itself as a modest, peace-loving nation with a firm respect for the norms of respecting the sovereignty of neighbouring states, good neighbourliness, the peaceful settlement of disputes and non-interference in the internal affairs of other states. This extended to its consistently refraining from behaving in an interventionist or aggressive manner, which in turn gained it a reputation as an "unwilling regional power" and even as a passive object of neighbouring countries' geostrategic interests (ISS, 2012). Two related factors have recently challenged this view,

however: a paradigm shift in favour of economic diplomacy and growth under former president Mwai Kibaki and an offensive military incursion into Somalia in late 2011 to protect its national interests.

Both of these developments occurred against a backdrop of considerable societal change. Since 2010 Kenya has been moving forward in fits and starts to implement its remarkably progressive constitution. Despite having enjoyed relative calm in a highly militarised and conflict-prone neighbourhood since independence, Kenya has consistently been blighted by poor, kleptocratic and self-serving leadership (DAI, 2012: 9-13). The new constitution is intended to guide the country towards a more fair and inclusive future based on respect for the rule of law and, in particular, a more equitable distribution of resources through devolved governance. Government elites have been actively sabotaging it, but are being fought by an array of civil society actors. This struggle between the old guard –

¹ Research for this report was undertaken in Nairobi between February and early April 2013 utilising relevant literature, media reports and 25 unstructured interviews.

transcending ethnic and party lines and consisting of most of the political elite – and pro-reform progressives is intense and will continue for years to come.

This report aims to explore Kenya's role as a somewhat conflicted emerging African powerhouse. Against a background of the country's traditional approach to continental peacebuilding and peacemaking, the report analyses the Somalia intervention by identifying risks and seeking answers to a number of pertinent questions. What are Kenya's aspirations in relation to continental peacebuilding/peacemaking? What is driving its policy and practice in Somalia? Is this a departure from its historical role as peacebuilder/peacemaker? What are the risks to its regional status and relationships? The report will probe these issues as Kenya embarks on a new era with Uhuru Kenyatta and William Ruto as president and vice-president, respectively, both of whom are accused of crimes against humanity by the International Criminal Court (ICC) following post-election violence in 2007-08.

Soft-power approach: traditional peacebuilding and peacemaking

Kenya has played a significant role in peacebuilding since the 1980s that is universally recognised: in 2010 UN secretary-general Ban Ki-moon congratulated President Kibaki on Kenya's lead role in brokering peace in the region, especially in Sudan and Somalia (Kenya, 2010). As a well-established host, broker and facilitator of negotiations, Kenya is the frequent choice of venue for both regional and global peace- and security-related talks. Most recently, for example, it hosted talks on the political future of Somalia's Jubbaland region (June 2012 and March 2013); co-hosted an international anti-piracy conference with the UN (February 2012); and attempted to mediate talks between Ethiopia and the Ogaden National Liberation Front (October 2012). In 2011 it sent its prime minister, Raila Odinga, to (unsuccessfully) mediate in Ivory Coast on behalf of the African Union (AU).

Kenya's approach to peacebuilding is grounded in a firm commitment to a diplomatic, multilateralist, soft-power approach to fostering peace and security abroad. It sees itself as a promoter of human rights on the international stage – while, however, Kenyans' rights are frequently violated at home – which can only be guaranteed in conditions of peace, security and stability, and is committed to continuing its role in the mediation and resolution of regional conflicts. This commitment to peacebuilding is in evidence in its deep involvement with the Intergovernmental Authority on Development (IGAD), the International Conference on the Great Lakes Region, and the multidimensional Eastern Africa Standby Force (EASF), which is

due to be operational by 2015.² The EASF's secretariat and planning centre, EASBRICOM (Eastern African Standby Brigade Co-ordination Mechanism) is based in the outskirts of Nairobi and is a priority for Kenya, giving it both status and visibility as one of the most experienced countries on the continent in terms of peacekeeping. As part of Kenya's focus on maintaining good relations with the militaries of the region – on the basis that a common understanding aids the maintenance of peace – the Kenya Defence Forces (KDF) engage in annual military exercises as part of either the EASF or the East African Community (EAC) regional economic bloc. Crucially, Kenya aspires to leading the EASF, but fierce competition with Ethiopia, which has the same aspirations and a much larger and more experienced army, has led to a diplomatic standoff on the issue.

Kenya's engagement in peace support has evolved from peacekeeping operations to more complex peace enforcement in conjunction with the AU. This is in recognition of the global emphasis on a collective interest in peace and security. UN peace support operations have been a priority since 1989, following Kenya's participation in its first peace mission to Zimbabwe (then Rhodesia) in 1979. Currently Kenya has 846 peace support personnel stationed abroad in South Sudan (723), Sudan (78), the Democratic Republic of Congo (DRC) (23), Liberia (21) and Lebanon (1), mostly comprising troops, but also other "experts" and police (UN, 2013). In practice its policy – one that will continue – is *always* to respond positively to related requests from either the UN or the AU. With a certain number of troops always deployed, soldiers build their skills and training, in addition to earning good salaries (\$1,028 per month for AU Mission in Somalia (AMISOM) personnel).

At the continental level Kenya plays an active role at the AU, in part through the Kenyan deputy chair of the AU Commission.³ In general, however, it is not seen to be a particularly strong, visionary or proactive leader, in contrast to other continental heavyweights such as South Africa. Neither does it seek to position itself as an equivalent or rival to other African economies, such as South Africa and Nigeria, preferring to maintain a "modest posture", according to Brigadier Henry Onyango, head of administration at the EASF.⁴

Rising status: Kenya's growing (economic) confidence

Kenya recognises that regional stability is closely associated with economic prosperity. As such, the Kibaki government focused heavily on regional economic integration under the auspices of the revived EAC, which has a combined gross domestic product of \$79.25 billion and population of 135 million. The EAC's aims are to improve

² The EASF is one of five planned standby forces – one for each regional economic bloc – being established in Africa as part of a common defence and security system under the auspices of the AU.

³ The commission's ambitious mission is to drive the African integration and development process.

⁴ Author interview, Karen, Nairobi, February 27th 2013.

prosperity through a common market and eventually to have a common currency. The EAC has also been holding negotiations with the Common Market for Eastern and Southern Africa and the Southern Africa Development Community on an even bigger free trade arrangement. Progress thus far has been slow, with competing national interests hampering the process. Kenya has an obvious role to play in leading this process, but has yet to rise to the challenge. Its membership of the EAC is, however, deemed vital for continued economic progress and will remain a priority for the new Uhuru Kenyatta government.

Kenya's advantages are many: it is home to the largest seaport in East Africa (Mombasa), and controls access to landlocked Uganda, Rwanda, Burundi, eastern DRC and South Sudan through its Northern Corridor. It is currently actively seeking to capitalise on emerging markets as it seeks to make itself a middle-income country through its "Vision 2030" development plan, and proactively focuses on economic diplomacy as part of its foreign policy. Recent efforts have borne fruit: Kenya is now considered a regional leader in the manufacturing, communications, and services sectors such as supermarkets and banking, in addition to transport. As the birthplace of the mobile phone money transfer phenomenon (e.g. m-pesa), in addition to the Ushahidi crowd-sourcing tool, Kenya is promoting itself as a "Silicon Savannah" technical hub – in direct competition with South Africa, Nigeria and Ghana.

Since oil was discovered in Turkana in March 2012, Kenya has been positioning itself as a petro-carbon hub and "lead frontier economy" (ISS, 2012). The commercial value of the oil strike will be known in two to three years and oil may come on the market in six or seven years. Kenya's ambitious Lamu Port and South Sudan Transport (LAPSSET) Corridor project is a key part of its plan to dramatically improve related infrastructure: the focus is on developing a new transport corridor from a new port in Lamu to link with Ethiopia and South Sudan comprising a new road network, railway, oil refinery, oil pipeline, two new airports, and resort cities on the coast and in Isiolo (Kenya, 2013).

Despite a huge budget deficit, an underperforming growth rate (4.3% in 2012), a widening current account deficit, crippling poverty and numerous other challenges such as high power costs, as of 2013 Kenya is perceived to have great economic potential. Three factors are driving this: sound macroeconomic policies, growing consumption driving economic activity and the benefits of Africa's general growth momentum (Fengler, 2013). President Uhuru Kenyatta has pledged to make Kenya "the number one place to do business in Africa" with an "African Lion economy" (Kenyatta, 2013). Other regional powerhouses are taking note of the country's rise. South Africa's National Planning Commission, for example, noted that "its

[South Africa's] long-term policies should ... take into account and promote the growth trajectories of both Nigeria and Kenya as economic powerhouses on the continent and join these countries *in shaping the political economy of the continent and its international relations*" over the next 20-30 years (South Africa, 2011: 240; emphasis added). This is on the basis of Kenya's perceived stable macroeconomic policies and geostrategic proximity to the emerging Asian powers: it is closer to India and China than South Africa.

Indeed, underpinning Kenya's growing confidence is the exponential growth of its relationship with China. This governs everything from infrastructural development (such as roads, power plants and funding for LAPSSET) to the supply of ammunition and weapons, telecommunications equipment, and textiles; oil exploration; and development grants and interest-free loans. While the European Union (EU) remains Kenya's largest trading partner, representing 19.2% of all its trade (China is second at 11.7%) (EU, 2013), Kenyatta will continue to look towards the BRICS countries⁵ for strategic partnerships in the future as part of a geostrategic realignment. He will also take Kenya in a more independent, nationalist, Africa-centric and assertive direction than before with zero tolerance for Western interference or misgivings about doing business with ICC indictees. A central tenet of Kenyatta's foreign policy will be "liberation" from Kenya's colonial past, including by seeking international partnerships *on the basis of equality*, and an end to Western hegemony on the world stage.

Hard-power approach: peace enforcement in Somalia since 2011

Kenya's military approach to Somalia is unprecedented and, despite a shaky and expensive start,⁶ is broadly considered to have been successful to date: al-Shabaab has been severely weakened, the key port of Kismayo has been liberated and held, and Kenya has gained influence in a key area of strategic importance to its economy. Furthermore, while there has been a string of small-scale attacks on Kenyan soil, the expected blowback has not materialised (so far).

It is necessary to analyse the operation against the background of three emerging factors.

1. Increased military spending. Kenyan spending on defence is rising steadily (see Table 1). In addition to the almost \$821 million being spent in the current budget year, the National Security Intelligence Service is to receive an additional \$156 million (Parliamentary Budget Office, 2012: 30).

⁵ Brazil, Russia, India, China and South Africa.

⁶ After difficult negotiations, the EU agreed to refund the AU for the involvement of 4,660 KDF soldiers in Somalia, but only from June 2nd 2012. This has left Kenya with a considerable and unexpected bill to cover.

Table 1: Value of Kenyan military spending, 2010–13 in Kenyan shillings (KES) and U.S. dollars*

	KES	\$
2010–11	50.3 billion	587,479,817
2011–12	64.54 billion	753,796,211
2012–13	70.29 billion	820,953,459

* As per values on <<http://www.xe.com>> on March 20th 2013.
Source: Parliamentary Budget Office (2012: 30); email interchanges with Stockholm International Peace Research Institute

2. *Growing corruption.* The deeply dysfunctional government that resulted from Kenya's National Accord and Reconciliation Act of 2008 was a "free-for-all" with regard to corruption. The rot extended to the heart of the Ministry of Defence, which has been repeatedly implicated in a series of procurement and other corruption scandals since 2010 (Nairobi Law Monthly, 2011). Meanwhile, the KDF, which are considered to conduct professional recruitment, training and oversight, are viewed as having become increasingly ethnicised, powerful and – according to a professor of African politics and fellow of Oxford University, David Anderson – "politically belligerent" in the last couple of years.⁷

3. *The war economy.* With a number of funding streams for AMISOM troop contributors – i.e. AMISOM's trust fund (pre-February 2012), UN funding, bilateral support for AMISOM and U.S. support to troop-contributing countries – there are clear opportunities for associated militaries. The EU alone contributed €356.7 million in bilateral support between March 2007 and the end of January 2013.

Understanding Operation Linda Nchi

The Kenyan government has faced a serious terrorist threat from radical Islamists since at least 1998, when twin bombs exploded at the U.S. embassies in Nairobi and Dar es Salaam in neighbouring Tanzania. But its earlier policy of non-intervention – with the exception of the political track pursued as part of the Mbagathi peace talks on Somalia held in Kenya in 2002–04 – saw it responding slowly, even complacently. The idea of a military intervention in Somalia was born in about 2008, but failed to garner international support. In 2009–10 Kenya lobbied heavily to gain support for a "Jubbaland/Azania initiative" to establish a buffer zone in a proposed Jubbaland (comprising Middle Jubba, Lower Jubba and Gedo in Somalia) through military proxies and a friendly administration, but with little success. By 2011 Kenya had changed track and decided to send its own troops to Somalia, fighting alongside local allies. The latter comprised the Ras Kamboni Brigade led by former al-Shabaab member Sheikh Ahmed Mohamed Islam Madobe, the Isiolo militia and the Somali military. The Ras Kamboni Brigade and the Isiolo militia were trained, supported and armed by the KDF.⁸

Operation Linda Nchi (Kiswahili for "Protect the Nation") was launched in mid-October 2011, driven by a group of prominent Ogadeni Somali Kenyans – the majority Kenyan Somali clan – in self-defence of Kenya's interests. The intervention is broadly considered to have been both strategically prudent and inevitable: neighbouring Uganda, Burundi and Ethiopia were all involved in Somalia militarily; there was a growing perception of heightened insecurity; Somali piracy was on the increase; the LAPSET project needed protection; and Kenya had for several years been trying unsuccessfully to create a buffer zone between itself and Somalia. Kenya also wants to be seen as a responsible member of the UN that is engaging in Somalia in the interests of the entire international community. In addition, following the surprise discovery in the 2010 census that there are some 2.4 million ethnic Somalis in the country, Kenya – concerned about its demographics – is keen to get rid of its more than 500,000 Somali refugees; it hopes to achieve this by stabilising Jubbaland, from where many of them originate.

Following embarrassingly unsupportive statements from the then-Somali president, Sheikh Sharif Ahmed, by October 31st the operation was fully endorsed: a joint Somali-Kenyan statement agreed that Kenya's right to self-defence was legitimate and stated that the mission was being led by Somali forces "with the support of the KDF" in pursuit of legitimate al-Shabaab targets, all "in the spirit of good neighbourliness" (Somalia-Kenya, 2011: paras. 1–4). In the meantime, on October 21st IGAD endorsed the intervention, thereby giving it legitimacy, although the UN Monitoring Group (2012: 21) has since stated that between October 2011, when the KDF officially entered Somalia, and June 2nd 2012, when it signed a memorandum of understanding (MoU) with the AU, it violated the UN arms embargo on Somalia.

From June the KDF officially became part of AMISOM, with the exception of Kenyan maritime assets and aircraft. Its mandate is to take all necessary measures to "to reduce the threat posed by the al Shabaab terror group, and to create conditions for effective and legitimate governance across the country" (AU, 2013) in conjunction with the Somali government. As of April 2013 Kenya has 4,402 troops on the ground, which it is committed to removing once Somalia has been "stabilised". No changes in this policy are expected under President Uhuru Kenyatta.

The operation represents a radical departure for Kenya because of its binary nature. Parallel to the military effort, Kenya is now central to a high-risk and complex, multifaceted, regional and global diplomatic effort at stabilising Somalia. The two separate "tracks" have been led by separate Kenyan actors: the military intervention by the Ministry of Defence and the political track, which is closely

⁷ Author telephonic interview, February 19th 2013.

⁸ For background on Kenya's secret training of approximately 2,000 Somali and Kenyan militia fighters for the Jubbaland/Azania initiative, see UN Monitoring Group (2010: 55–56).

associated with IGAD, by Kenya's security agencies. This has led to tensions with Mogadishu, largely due to "securocrats" leading the political track instead of more experienced Foreign Ministry staff.

Getting it right: the political track

Since late 2011 Kenya and Ethiopia⁹ have successfully worked closely – transcending the death of Ethiopian president Meles Zenawi in 2012 – following an agreement on a common initiative on Somalia. This resulted from the realisation that both countries influence a range of Somali armed groups and that a partnership could emerge to stabilise Somalia in a carve-up of areas of influence. A July 2012 IGAD-sponsored conference backed by five distinct Somali groups – the Transitional Federal Government, Gedo Defence Forces, Azania, Ahlu Sunnah Wal Jama and Ras Kamboni – resolved that Jubbaland state was to become a federal state, and from July 31st a technical committee involving each of the above, plus other majority and minority clans, was formed to work out the details; Buale was chosen as the likely capital and a Jubbaland state constitution, flag and logo were agreed on. In December, however, a draft IGAD MoU gave Ethiopia and Kenya, as part of an IGAD committee, permission to determine "the political and administrative arrangements for the liberated areas" as part of a grand stabilisation plan. Mogadishu balked at its perceived loss of sovereignty and insisted on reclaiming ownership of the process, thereby sidelining IGAD.

Since then Mogadishu has heavily opposed broad-based, grass-roots attempts to organise a convention to discuss the political future of Jubbaland led by the self-appointed interim administration in the region headed by Ahmed Madobe. The Somali prime minister (a member of the Darod Marehan clan) issued a strongly worded statement on March 1st 2013 declaring the convention, which had just begun, to be "unconstitutional". Mistrust between the central government and the administration (and Kenya) has since deepened, in a struggle between the centre and the periphery about Kismayo, which is considered to be the economic hub of the region. Crucially, whoever controls the port not only controls revenues from charcoal exports, but also imports such as sugar and other commodities that are smuggled to neighbouring states.

According to analysts, two opposing narratives have emerged:

1. Mogadishu sees the interim administration as an externally driven Ogadeni – and ultimately Darod clan – attempt to seize power. As a sovereign power it perceives the IGAD process as being led by Ethiopia and wants instead to promote what it describes as a Somali-led "bottom-up" process. The government

believes that if Jubbaland is permitted to establish itself as a federal region before the functions and structures of federalism have been worked out, and without the correct procedures being followed, it will lead to other regions following: the 2012 provisional constitution provides no clear guidelines on how newly declared federal units should be created. Increasingly the government has been questioning AMISOM's – and specifically the KDF's – neutrality, viewing it as being compromised by its close relationship with Madobe. Poor handling of relations by Kenya has exacerbated this view. In November 2012 the Somali president's Task Force on Charcoal arrived in Kismayo, for example, and was met by the KDF *on behalf of Madobe*. Both this fact and the message that Madobe refused to meet the delegation and could not guarantee its safety in Kismayo severely damaged relations.

2. The interim administration counters that it has formed a temporary and inclusive administration, that the government is bent on controlling the political process to promote its own (Hawiye clan) interests and that much progress has been achieved. For the first time in recent years even Ethiopia is backing the stabilisation process, despite fears of future support from the Ogadeni for the Ethiopian Ogaden National Liberation Front opposition group. Whether Madobe, who has been accused of running Kismayo as a "personal fiefdom" (*Africa Confidential*, 2013: 10), really intends to form an inclusive administration in the future remains unclear. (Ras Kamboni itself started out as a largely Ogadeni force, but later merged with Marehan subclans and cross-clan defectors from al-Shabaab.)

There is also disagreement within the proposed Jubbaland between those driving the political process and others who feel excluded in this uniquely diverse area.¹⁰ Portions of the Darod Marehan, Hawiye Shekal and Hawiye Gelceyl clans reportedly feel marginalised by both Mogadishu and the interim administration, and there are tensions between those who are perceived to be the "originals" (e.g. the Jubba and Gedo Originals Committee) and "newcomer" groups to the area. Complicating the large number of subclan dynamics and tensions in the area, Jubbaland is also known for clan "adoption" of newcomer groups seeking protection that can in turn revert back to their original identity.

Shuttle diplomacy is under way to break the impasse between Mogadishu and the interim administration as the political conference continues. It is essential that Mogadishu is brought into this process – which will continue with or without its support – while still being allowed to save face. Meanwhile, there is a fear of renewed clan conflict. This is deemed more likely the longer Madobe

⁹ In November 2011 Ethiopia re-entered Somalia for the first time since 2009 and currently supports numerous Somali militias on the ground.

¹⁰ Only an estimated 50-60% of the population is from the Darod, according to Somalia expert Ken Menkhaus (speaker at the Rift Valley Institute event at the Nairobi Forum entitled "Somalia's Jubaland: Past, Present and Potential Future", February 22nd 2013).

has control over Kismayo's revenues. For the past several months the federal government has been pushing Darod Marehan militias into Kismayo to counter the influence of Ras Kamboni and Kenya. Marehan and Ogadeni forces under Madobe have clashed several times, and Marehan Shabaab forces allied to Barra Hiraale have staged hit-and-run mortar attacks in the city. With Madobe and Hiraale (who has connections with Marehan al-Shabaab forces) vying for power, the likelihood of renewed conflict is high.

Key risks for Kenya

The current situation holds several risks for Kenya.

Resurgence of al-Shabaab. The Somali government's wariness of the KDF's relationship with Madobe feeds into the hands of al-Shabaab, which has promoted the idea of a foreign-led intervention. If public opinion were to turn against the KDF, this narrative could increase recruitment for the group, which was born in Middle and Lower Jubba and focuses on minority or marginalised clans and groups, according to Somalia expert Farah Abdulsamed. As Abdulsamed noted: "The movement is capable of surviving and eventually ruling the poor and minority clans, by providing a voice and influence to those who have grievances."¹¹

Botched political process. Without a clearly articulated and developed exit strategy, Kenya risks becoming mired in a prolonged and messy conflict in Somalia if the Jubbaland political process is not handled properly. Jubbaland has the potential to be one of Somalia's wealthiest regions, but chronic conflict, in particular among the three major Darod clans – the Marehan, Ogadeni and Harti – kept it unstable for more than two decades. Its regions are not linked by road and neither do they have a shared administrative or governance history. This means that an over-emphasis on Jubbaland as an administrative unit with authority centred in Kismayo is likely to fail, according to Menkhaus.¹² Above all, it needs to have *balanced representation* at the governance level.

Loss of credibility. Despite the UN Security Council's and Somali government's bans on charcoal exports – which are al-Shabaab's main source of revenue, estimated at generating in excess of \$25 million for the group in 2011 (UN Monitoring Group, 2012: 147) – they continue unabated from Kismayo under the control of Ras Kamboni: an estimated 700,000 bags were reportedly exported in November 2012 and 800,000 in December, with at least 20 ships collecting it per month. At a minimum of \$25 per bag, this would have produced an income of at least \$37,500,000 for these two months alone. Two related factors are damaging to AMISOM's credibility. In September 2012 it emerged that the UN Support Office for Somalia had been purchasing 52 tons of charcoal a week since April for the

peacekeepers' kitchens, thereby possibly supporting al-Shabaab indirectly (Pflanz, 2012). Despite the bans there is also a perception that the KDF is overseeing the loading of the charcoal onto ships in Kismayo. If this is true, Kenya is blatantly facilitating revenues for al-Shabaab. Crucially, while the group has been driven from Kismayo city, it controls vast swathes of the hinterland and continues to organise the supply lines from the countryside. Kenyan individuals may also be profiting opportunistically: there is a widespread perception, including within the Kenyan Somali community and even in the top echelons of the Orange Democratic Movement and Jubilee Alliance – the two main parties that vied for the presidency in 2013 – that related money may have been used to fund Kenya's recent election campaigns, channelled through prominent Kenyan Ogadenis.

These same individuals, as well as border control authorities and the KDF, are also perceived to be making money from the illicit cross-border trade in sugar. Some 20,000-40,000 metric tonnes of imported sugar are exported from Somalia per year, according to one conservative assessment (UN Monitoring Group, 2011: 183), much of which ends up on the Kenyan market via Dadaab and Garissa. Import taxes on this trade have provided al-Shabaab with \$400,00-800,000 per year in the recent past (UN Monitoring Group, 2011: 183). The group may continue to earn from it by charging buyers and transporters a 2.5% fee in addition to checkpoint fees for passing through al-Shabaab-controlled areas (UN Monitoring Group, 2011: 201).

Oil interests exacerbating tensions. Kenya and Somalia have an ongoing dispute over their maritime boundary. Kenya's position is that the boundary should run due east from the point at which their border meets the coastline, while Somalia holds that the boundary should run perpendicular to their shared coastline. This issue is of growing importance due to the approximately eight oil blocks located in the disputed area and the quest for exploration rights that Kenya has been granting and Somalia says should not be explored until a bilateral agreement is reached. In December 2012 both governments revitalised an agreement on a Joint Commission for Co-operation as the key framework within which they can discuss bilateral relations; this is an ideal forum for them to urgently resolve their differences.

Backlash at home. Whereas currently the KDF enjoys a great deal of good will at home, if public opinion were to turn against it, it risks a backlash from the nearly 2.4 million ethnic Somalis in Kenya, including more radicalisation and al-Shabaab attacks on home soil. A mishandling of the repatriation of Somali refugees could exacerbate this (a repatriation process was threatened in 2012 until a court order prevented it).

¹¹ Author interview, Nairobi, February 16th 2013.

¹² See note 10.

Conclusion

Kenya's engagement with the world is shifting as part of a general trajectory towards more strategic, self-interested and confident policymaking. Peacekeeping in Africa in general is at a critical juncture: it is increasingly required to respond to ever-more-complex threats with multifaceted and holistic peacekeeping and peacebuilding responses. Kenya's unprecedented engagement in Somalia is perhaps an inevitable part of this general shift. While it clearly represents a break from the past, it is not illustrative of a more expansionist policy or agenda than before, however. The Somalia case is deemed unique: the intervention is part of a pragmatic approach to foreign policy that was adopted by the Kibaki government (2002-13), following the more introspective and passive Moi years (1978-2002). Kenya's willingness to engage in complex future peace operations, particularly in its backyard, will almost certainly be influenced by events on the ground. As a test case, therefore, for a more robust and less risk-averse approach to maintaining regional security, it is of the utmost importance to Kenya's future foreign policy trajectory.

Recommendations

1. It is essential for Kenya to develop a "**whole-of-Somalia approach**" to balance its interests in Jubbaland with its relationship with Mogadishu. Its current focus on a buffer zone that is exclusive to Jubbaland and its reliance on the Kenyan Ogadeni perspective are not in its long-term interests: rather, a stable Somalia as a whole should be the focus. Given the interconnectedness between the two countries, Kenya has a role to play in brokering the necessary deals between Jubbaland and Mogadishu to calm tensions, particularly on revenue sharing from Kismayo. It needs to urgently mend relations with Mogadishu in order to proactively rise to this challenge in the interests of the common goal of stabilisation; sitting on the sidelines of an unfolding political crisis in Somalia is not an option. Norway has played a key role as a convener and supporter of peace and stability negotiations elsewhere. Given its interest and experience in peace support broadly and its interest in the region, supporting the Kenyan role as a broker could be an interesting avenue for it to explore.
 2. Widespread allegations regarding opportunistic **corruption** related to charcoal need to be taken seriously so that vested interests are not permitted to influence policy. The illicit cross-border trade in sugar and other goods also needs to be stemmed. As long as Kismayo is treated as a private contraband port and trade networks into Kenya are controlled by mafia-like business networks, Kenya's interests will be compromised and the country will remain at risk. Similarly, as long as al-Shabaab members are able to buy passports and launder dirty money in Kenya, the country will also be at risk. Norway has a very clear position regarding corruption. In addition to its tough and clear guidelines on preventing the corruption of aid funding, it also funds anti-corruption initiatives. Some of these have included support for national government-led efforts. Norway should explore Kenya's interest in and willingness to tackle corruption, including ways to support broad Kenyan anti-corruption initiatives, as well as mechanisms to limit the issues noted here specifically. It should, however, be wary of sham institutions and initiatives. Norway can rely on its experience from other initiatives such as the Joint Donor Anti-Corruption Fund in Nicaragua as examples of ways forward.
 3. Norway should seek to engage Kenya and Somalia in a transparent manner in relation to its **oil interests**, but *not* seek to engage in any mediation on the maritime dispute. In 2009 an MoU was signed by both countries with Norwegian involvement that had the effect of favouring Kenya's position. The agreement was vehemently rejected by the Somali parliament and the process led to a strong perception among Somalis of a lack of neutrality on the part of Norway in relation to oil. Currently there is an additional perception that Norwegian aid money, specifically the \$30 million Special Finance Facility for Somalia, is being used to influence a settlement of the maritime dispute in favour of Statoil (a Norwegian oil and gas company).
 4. Kenya is at the beginning of an **incremental process of political and social transformation** as it seeks to implement its new constitution, thereby strengthening its institutions and commitment to accountability and transparency both at home and abroad. All of its donors need to take the long-term view – 10-20 years – in support of the change. This is very much in line with the point made above regarding anti-corruption efforts and support for such initiatives. Norway has historically been involved in initiatives that have taken a long-term view and is both able and willing to make such efforts. Hence it should regard the current Kenyan position as an opportunity to employ the lessons it has learned elsewhere to the benefit of Kenyan progress.
 5. A new Kenyan government will need to prioritise **peacebuilding**, and where necessary **peace enforcement**, both within Kenya and abroad: in 2012 alone almost 500 Kenyans were killed, 346 injured and more than 116,000 displaced as a result of inter-communal conflict (UN OCHA, 2013). Norway should seek to support Kenya in this regard. Currently Norway is funding violence reduction efforts generally and hence here too has both an interest and competence that can be utilised to support Kenyan progress.
- Finally, if the ICC cases against Kenyatta and Ruto proceed,¹³ time spent defending themselves, whether in the

13 Charges against former head of the civil service and secretary to the cabinet Francis Muthaura were dropped in March 2013 for lack of evidence, amid allegations of witnesses disappearing, intimidation and bribery.

Hague or by video link, will undoubtedly hamper their ability to oversee the Somali peacebuilding process at this crucial juncture. Kenya's role as an emerging African powerhouse and peacebuilder sits ill with the fact that its two most senior public servants stand accused of international crimes, including murder, deportation, persecution and rape.¹⁴

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¹⁴ Both Kenyatta and Ruto are accused of being criminally responsible as "co-perpetrators" of murder, deportation and persecution. Kenyatta is also accused of being a "co-perpetrator" of rape and "other inhumane acts".

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