

East Africa Report

Responses to insecurity in Kenya

Too much, too little, too late?

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Summary

Many of the threats to Kenya's security come from criminal groups and armed civilians operating as bandits. However, since Kenya deployed troops in Somalia to combat incursions by armed groups from that country, chiefly the Islamist group al-Shabaab, attacks on soft civilian targets have increased markedly. The Kenyan government has announced several initiatives to deal with growing security threats in the country, but none of them has yet been put fully into practice. This report examines the nature and potential effects of these initiatives.

IN OCTOBER 2011, KENYA responded to increasingly frequent incursions by Somali armed groups into its territories by deploying troops in Somalia in an operation codenamed 'Linda Nchi'.

A multiplicity of factors informed the deployment, but the immediate trigger was the October 2011 kidnappings of Marie Dedieu, a 66-year-old French citizen, from her home in Manda Islands and of two Spanish Médecins Sans Frontières aid workers from the Ifo2 refugee camp. In October 2008 two Italian Catholic nuns had been kidnapped in Elwak town in Mandera district, eliciting a stern warning to al-Shabaab from the then Internal Security Minister, Professor George Saitoti.

In a statement the minister warned that 'Kenya as a sovereign nation [will] not sit back and watch as foreigners violate the laws of its land' and that the country would not hesitate to strike at al-Shabaab bases if the nuns were not released. The nuns were released in February 2009.¹ In another incident, in December 2009, unidentified armed Somali men attempted to snatch another Italian nun in Wajir.² Kenya also blamed these kidnappings and the associated insecurity on al-Shabaab.³

Fearful of a possible increase in such attacks and their likely impact on the country's tourism sector, the Kenyan government branded al-Shabaab an enemy and vowed to attack the group wherever it was.

The defence ministry invoked Kenya's right to self-defence under Article 51 of the UN Charter as well as the army's 'constitutional responsibility in defending and protecting the territorial integrity of the country'.⁴

According to the government, the deployment in Somalia was intended to create a buffer zone on the Somali side of the Kenya-Somalia border so as to 'reduce the al-Shabaab effectiveness and to restore the Transitional Federal Government (TFG) authority in order to achieve enduring peace in Somalia'.⁵

Working in collaboration with Ahmed Madobe's Ras Kamboni brigade, Kenyan troops liberated more than 15 Somali towns, including the port city of Kismayo, before integrating into the African Union Mission in Somalia (AMISOM) in July 2012.

Since their deployment Kenyan troops have contributed significantly to the progress made in Somalia. The deployment, however, has created increasing insecurity

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in Kenya, which has experienced an increase in the activities of al-Shabaab in many areas.

Although the activities of extremists are not new to Kenya, Linda Nchi has effectively made the country a prime target of al-Shabaab and its sympathisers. Apart from sporadic grenade attacks in several places, there have been major incidents such as the 2013 Westgate Shopping Mall siege and the June 2014 Mpeketoni attacks. The nature of the threat has become so significant that it is having a variety of impacts on the country.

This report analyses responses rolled out by the Kenyan government thus far in the quest for security for its citizens. Its findings are based on interviews conducted in August 2014 with government representatives, civil society actors, academics, journalists and selected key experts.

The report is divided into three main sections. Section one provides a brief overview of the insecurity trends in Kenya by discussing the nature of threats since October 2011. The second section delves into various initiatives undertaken and/or proposed by the Kenyan government in its attempt to achieve security. This is followed by a discussion of the key gaps in existing responses and suggestions about a possible way forward.

Overview of insecurity trends in Kenya

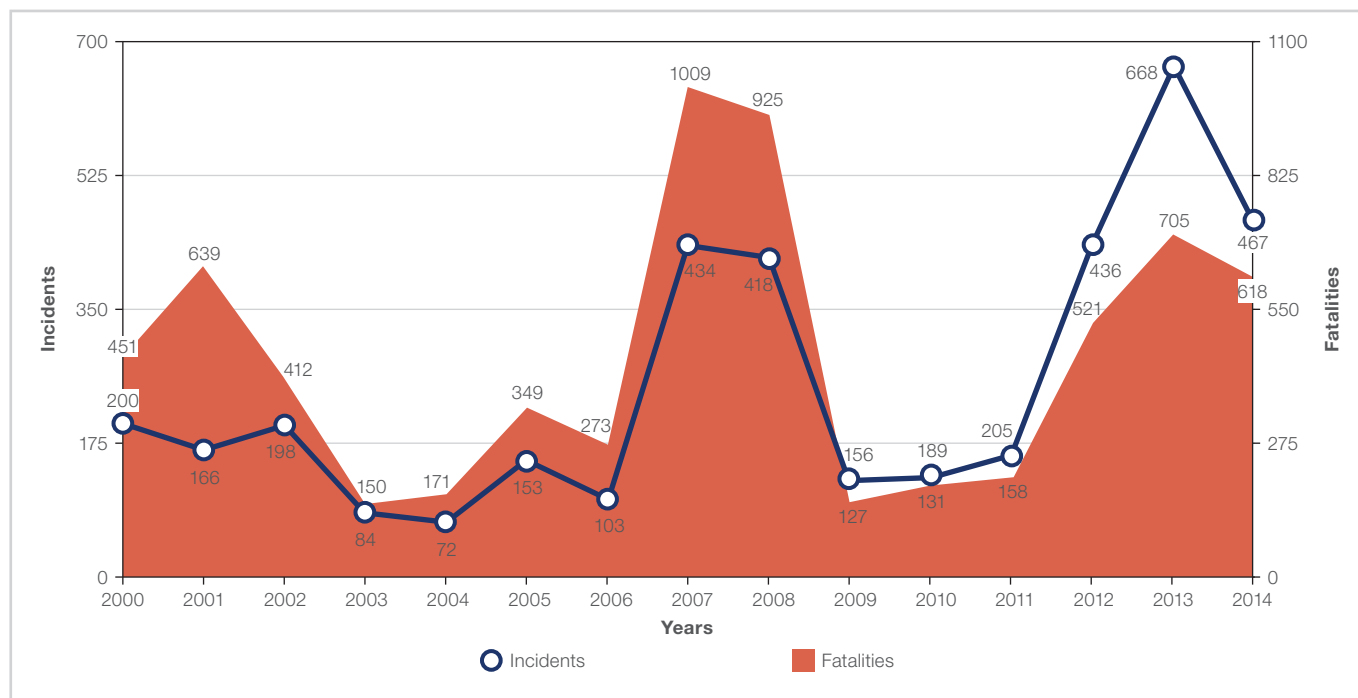
Since 2000 Kenya has lost an average of two people per day to the activities of armed civilians operating as bandits and criminal groups, to abuses by state security actors and to radical Islamist groups, particularly al-Shabaab (Figure 1).⁶

3 815

THE NUMBER OF INCIDENTS REPORTED BETWEEN 2000 AND 2014, RESULTING IN THE DEATHS OF ABOUT 6 800 PEOPLE

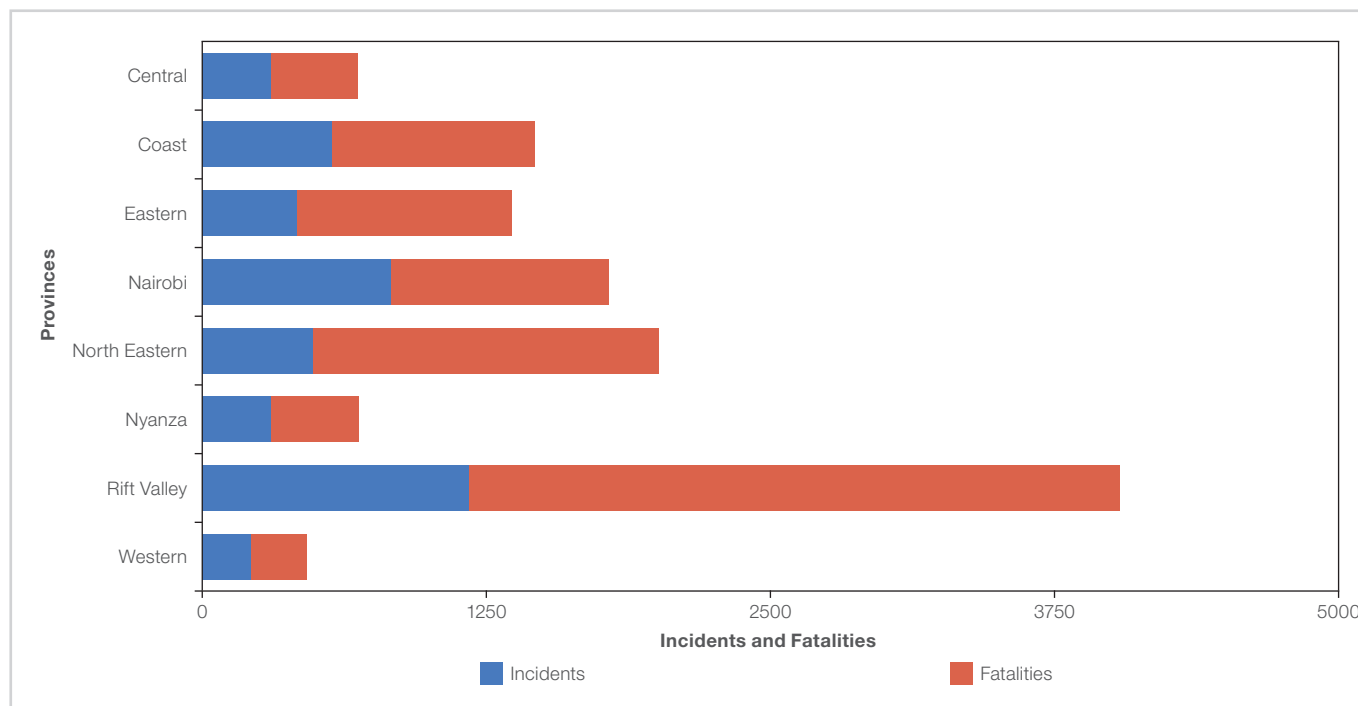
A total of 3 815 reported incidents cumulatively resulted in the deaths of about 6 800 people between 2000 and 2014. The highest number of incidents and associated casualties have taken place in the Rift Valley Province, where about 1 183 reported incidents have led to an estimated 2 849 deaths (Figure 2), largely the work of

Figure 1: Total insecurity-related incidents and fatalities, 2000 to 2014



Source: Extracted from ACLED dataset

Figure 2: Distribution of insecurity incidents and fatalities by province, 2000 to 2014



Source: Extracted from ACLED dataset

numerous cattle rustling and armed gangs in the Turkana, Nakuru, Baringo, Laikipia and West Pokot areas.

Despite significant progress after the violence that followed the Kenyan election of 2007, the country's security situation has deteriorated markedly since 2011.

In 2011 there were 158 reported incidents resulting in the deaths of 205 people. In 2013 alone, about 668 reported cases led to the deaths of more than 705 people across the country. About 211 of the incidents reported since 2008 were attributed to al-Shabaab. A total of 609 lives have been lost through the activities of the group – about three deaths per incident.

Al-Shabaab has launched sporadic attacks in six of Kenya's eight provinces (Figure 3). Although the cumulative activities of the group constitute only about 9% of all insecurity activities since 2008, the activities have increased at an average of 134% per year in this period.

The increase in the attacks of al-Shabaab has had enormous political and socio-economic effects on the country. It has

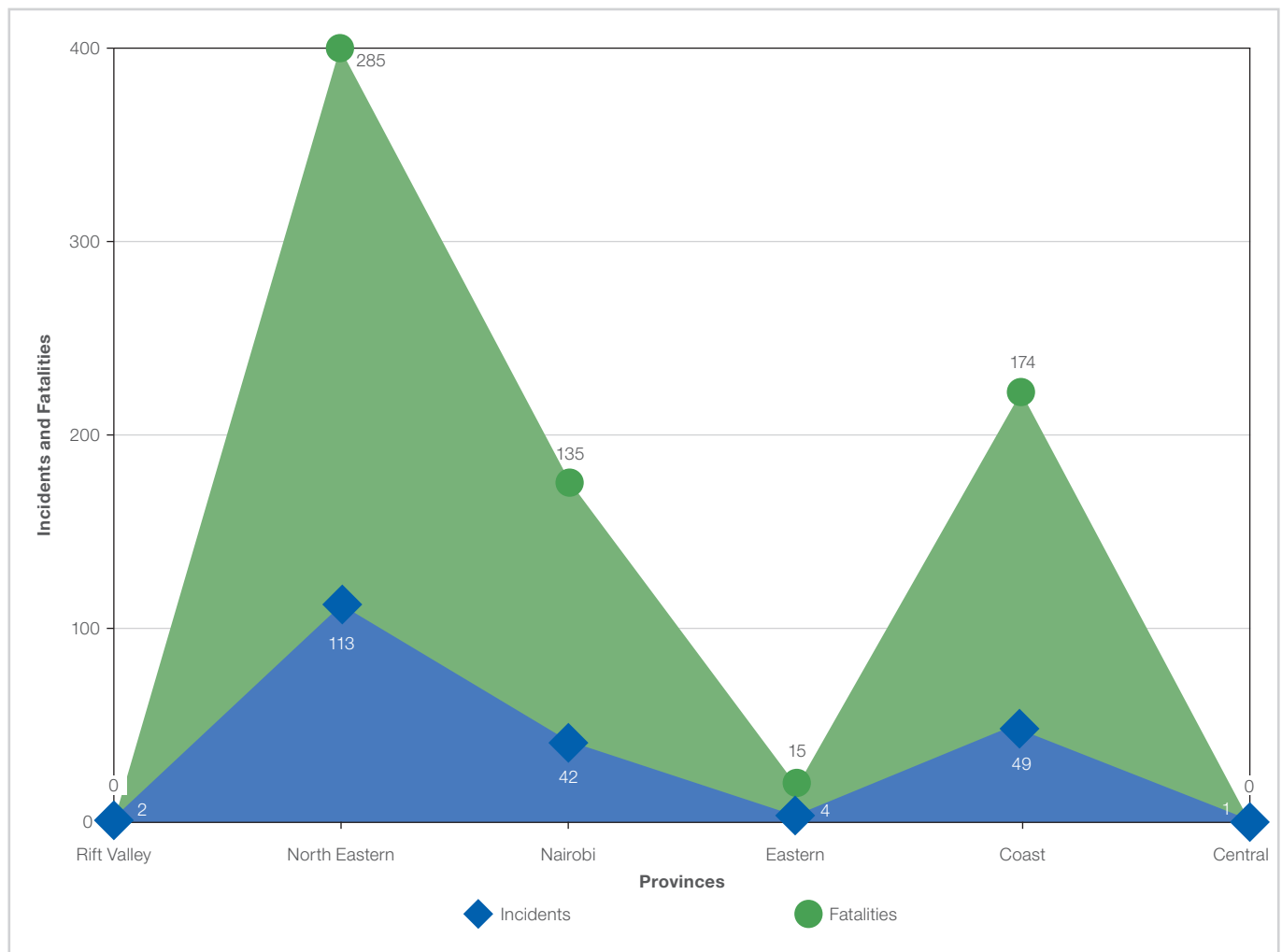
eroded investor confidence, affected tourism and heightened the perception of threat among citizens.

It has become a major political issue for both incumbent and opposition mobilisation, with opposition groups including security in their calls for national dialogue over key issues. There have also been calls for the withdrawal of Kenyan troops from Somalia. Insecurity has thus become an important factor in all considerations of the country's economic and political progress as well as diplomatic engagements.

Government responses to insecurity

In its attempt to address the current trend the Kenyan government has announced several initiatives besides increased intelligence collection, surveillance and police visibility in cities. This section identifies and discusses these responses in terms of their conception, intended aims and state of implementation.

Figure 3: Reported al-Shabaab activities and deaths, by province, 2008 to 2014



Source: Extracted from ACLED dataset

'Usalama' platform

This platform is conceived as an inter-agency initiative aimed at ensuring an integrated response to insecurity.⁷ It is expected to bring together various response units of the security agencies, mainly the army and police, with the sole aim of facilitating information-sharing, pooling resources and synchronising responses.

At its core is a command centre and an analysis cell, whose inputs and monitoring of situations in real-time will inform the planning and rollout of security operations.

Hinting at the conceptualisation of the platform and its state of implementation in February 2014, President Uhuru Kenyatta said, '[p]lans to establish a Central Command-and-Control Centre, which we have sought for so long, are now advanced; our agencies, and the public, will seamlessly share more information when it becomes operational.'⁸

The Command Centre is to be made up of the leaders of the various security agencies involved, whose duty will be to provide leadership, planning, inter-agency decision-making and synchronisation of responses.

Apart from benefiting from the intelligence capacities of these security agencies, the Command Centre's success will be anchored in the work of an analysis cell. The cell, among other sources of information, will benefit from an around-the-clock social media monitoring mechanism that is expected to feed into operational planning. Currently, the timeline for the actual rollout of the platform is not clear.

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Whereas all components of the Usalama platform will operate behind the scenes, its work will be visible to the public through operations by the component security agencies. According to informed sources, such operations will be similar in philosophy and scale to those of Operation Usalama Watch.⁹

Operation Usalama Watch

The government responded to the March 2014 grenade attacks in Mombasa and Nairobi by deploying about 6 000 police officers in Nairobi's Eastleigh suburb. Their role was primarily to track and disrupt suspected terrorist cells and establish the status of illegal migrants in the area. During the operation, thousands were indiscriminately screened, resulting in the arrest and detention in the Kasarani sports stadium in Nairobi of more than 3 000 people.

Although the operation succeeded in temporarily disrupting the terrorism infrastructure and cells operating in the suburb, its implementation was fraught with challenges and highlighted several weaknesses in Kenya's responses to insecurity. First, homes were searched multiple times by different police units in a single night, with no regard for the rights of the people in those homes.

Secondly, the operation was based purely on the ethnic profiling of Somalis. As a result, children, women and many Somali Kenyans were arrested on the basis of their appearance. In some cases, elements of the security forces confiscated identification

6 000

THE NUMBER OF POLICE OFFICERS
DEPLOYED IN NAIROBI'S
EASTLEIGH SUBURB UNDER
OPERATION USALAMA WATCH

documents and subsequently destroyed them in order to extort money from their owners.¹⁰

The operation became an avenue for extortion. Among the Somali victims it was a case of ‘freedom for sale’, with the price ranging from 5 000 KES to avoid detention to more than 30 000 KES for release.¹¹ Some refugees, even those who had the requisite documents, were forced to relocate to refugee camps for fear of continued police harassment and extortion.¹²

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The failure of the operation fed directly into existing stereotypes of the Somali community, reinforcing perceptions equating them with terrorists. Despite its good intentions, therefore, Operation Usalama lost the battle for the hearts and minds of the Kenyan Somali community and poisoned the atmosphere for similar operations.

It has also reignited bigger questions about the extent of integration of Kenya’s Somali community into the country and debates about the *Kenyaness* of the community. Consequently, leading members of the influential Somali business community have expressed concerns about the fate of their community in the country.¹³

A similar operation was launched in the Majengo, Bondeni and Ganjoni areas in Mombasa, during which more than 300 youth suspected to be linked to terrorist groups were arrested.¹⁴

According to human rights groups in Mombasa, most of those arrested were innocent people with no apparent links to any cells. They were released following the intervention of Mombasa County Governor Ali Hassan Joho. Human rights activists at the coast are thus deeply concerned about what appeared to be religious profiling emerging from the arrests.

Tightening of immigration processes

The government sees loopholes in immigration processes and border controls as an Achilles heel by means of which various terrorists and criminals enter the country, either unnoticed or granted access through bribes.

In an attempt to deal with the problem President Kenyatta replaced Jane Waikenda as director of immigration and announced initiatives to improve the management of the country’s immigration processes and the establishment of a

national digital register to provide a full and comprehensive record of persons and property.

According to his deputy, William Ruto, the process will also involve the consolidation of all existing registers of persons.¹⁵ The move is also intended to help identify fake identification documents in the country as well as to provide a consistent database for tracking criminals and terrorists.

As part of the response to the immigration challenge, the then Internal Security Minister, Joseph Ole-Lenku, issued a directive in March 2014 to all refugees in towns and cities to relocate to Kakuma and Dadaab refugee camps.

According to Ole-Lenku, the directive was necessitated by the nature of the emerging security threats and the need to regularise the activities of refugees. However, it failed when human rights groups and civil society organisations vehemently resisted it, saying it ran counter to the national discourse on counterterrorism and would have an overall impact on Kenya’s commitment to its international obligations to refugees, asylum seekers and people seeking protection.

Nairobi Metropolitan Command

In December 2013 President Kenyatta announced the establishment of a unit of the defence forces charged with combating threats of terrorism, drug trafficking, small arms proliferation and crime, all of which flourish in Nairobi.

According to the defence ministry’s response to a parliamentary request for details about the unit, it is being formed pursuant to Section 7(2) of the Kenya Defence Forces (KDF) Act. The provision provides for the establishment of ‘such units and formations in the Defence Forces as the President may, in consultation with the Defence Council, determine’.

The unit will be required to respond to crises and disasters, act as a focal point for cyber security, coordinate the KDF’s counter-terrorism operations, protect vital military installations and strengthen relationships between the defence force and other agencies.

Nairobi and its environs have been designated as its main operational area and it will be expected to function independently of operational police responsibilities, without usurping police functions.

On 18 June 2014, in a statement to parliament by the Cabinet Secretary for Defence, Ambassador Raychelle Omamo, it became clear that the unit is yet to be established.

According to the statement, the ‘Nairobi Metropolitan Command, currently under formation, is an organisational

concept intended to leverage the competencies of KDF in the accomplishment of its constitutional obligations.¹⁶

The announcement of the unit has raised uneasiness among civil society and human rights activists, who are mindful of the country's history of abuses by security agencies and the possibility that such a unit might easily become abusive, as was the case with the defunct Black Mamba unit of the Ugandan army.

Equipping the security services

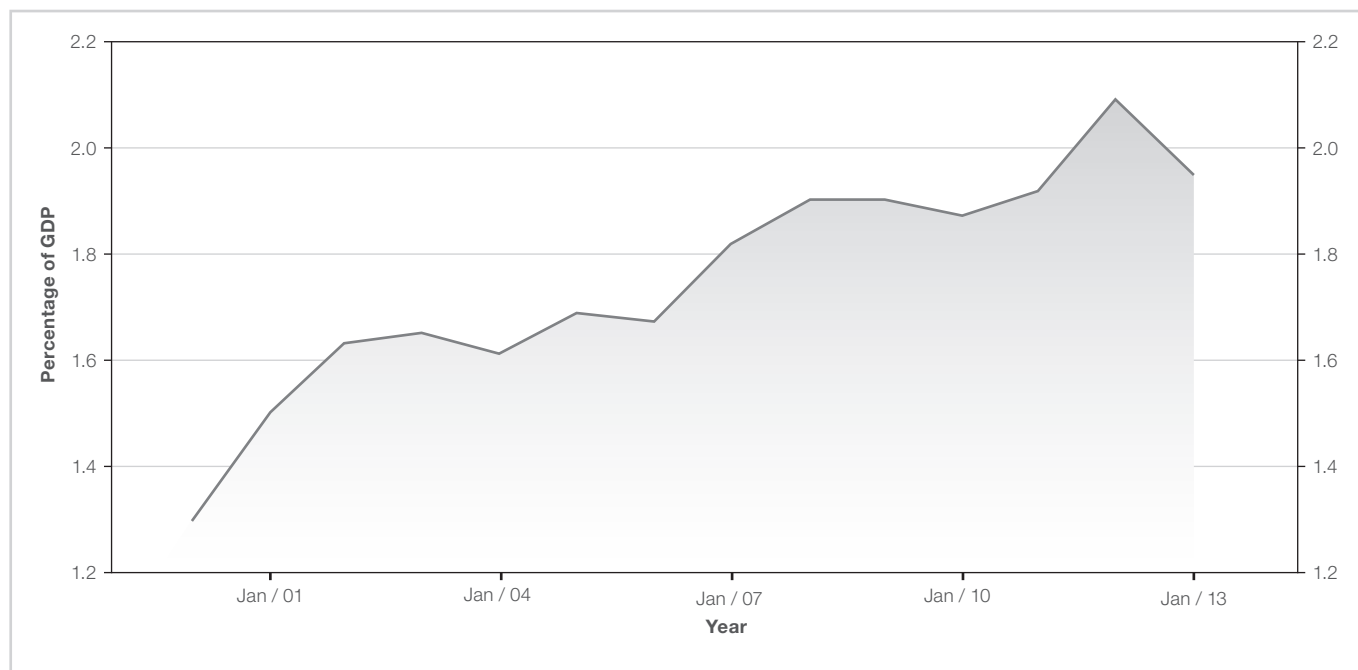
In addition to (mis)using the security agencies in the politics of Kenya, successive post-independence governments have done little to equip them to levels commensurate with the complex nature of the threats to the country.

In 2013 the government announced the addition of about 8 000 young men and women to security forces and the recruitment of an additional 10 000 police officers

According to President Kenyatta, 'some of the difficulties ... are the direct consequence of the under-investment of the past three decades'.¹⁷ He was referring to his government's commitment to equip the security forces as a prerequisite for their indispensable role in securing the country.

Although there have been marginal improvements in the police-to-citizen ratio, from 1:750 to 1:535, the increase in insecurity in the country has necessitated efforts to improve on the ratio through police recruitment programmes.

Figure 4: Kenya's military expenditure as percentage of GDP, 2000 to 2013



Source: Trading Economics, based on World Bank estimates²¹

In 2013 the government announced the addition of about 8 000 young men and women to the security forces¹⁸ and the recruitment of an additional 10 000 police officers.¹⁹ A budget of 2.9 billion KES was made available for police recruitment in that year.

Provision has also been made for an increase in equipment for the police, including about 1 200 vehicles and various forms of surveillance equipment. Efforts have also been made to improve the conditions of service of the security services. Apart from the proposed establishment of an insurance scheme for members of the forces, with a budgetary allocation of about 1.6 billion KES to the Police Medical Insurance Scheme, there is an on-going attempt to improve police housing at Ruai in Nairobi, with the possibility of replicating these efforts in other parts of the country.

In budgets released to the heads of the country's security agencies by Minister Joseph Ole-Lenku in early 2014 the government unveiled plans to spend about US\$1 billion.²⁰ The budgets touched on various important aspects of the country's security, particularly counter-terrorism.

Among other provisions are plans to acquire 10 new helicopters, refurbish three grounded Russian-made Mi-17 helicopters and lease at least five helicopters to improve the operations of the air wing of the police force. There has also been a spike in the anti-terror budget as Kenya's overall defence spending (Figure 4) is projected to

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continue to increase from its current estimated average of 2.4% of GDP as part of a modernisation programme.

Substantial reforms to the criminal justice system are also on the cards. The system is not only weak in its functions, it lacks the requisite inter-agency coordination and information-sharing capacity in the handling of crimes. According to the government, '[t]oo many crimes have been improperly processed, leaving suspects and culprits at large in [our] communities.'²²

Despite these efforts, there are still substantial challenges associated with the appropriate use of new equipment and the lack of a sense of urgency on the part of certain elements in the security services.

In some counties the interplay of these two factors has led to the misuse of new equipment, particularly vehicles, and apathy due to on-going police vetting. In Mombasa County, for instance, the police were directed by County Commissioner Nelson Marwa in June 2014 to investigate the use of 26 state-of-the-art police vehicles following indications of their misuse.

Some of the vehicles, which cost about 2.6 million KES each and are equipped for patrols and surveillance,²³ are not used for security purposes and to fight crime. Instead, there are cases where personnel have tampered with computer systems, security cameras and tracking systems on board the vehicles to make them untraceable from the surveillance control room intended to monitor their use.

December
2014

A SECURITY LAWS AMENDMENT
BILL IS PASSED

The fact that the vehicles are not being used for their intended purposes points to bigger issues about commitment to the national cause and equipment management in the fight against insecurity in the country. Uncertainties surrounding the outcome of an ongoing police vetting exercise have also fostered apathy among commanding officers.²⁴

CCTV surveillance system

Closely related to the above is the move to introduce closed circuit television (CCTV) surveillance cameras in 10 major cities and to install broadband connectivity at border points as part of a five-year strategic plan.

The contract for the installation and rollout of this major project has already been awarded to the country's mobile phone telecommunication giant, Safaricom.

The plan, known as the Integrated Public Safety Communication and Surveillance System, provides for 1 800 CCTV cameras to be installed in Nairobi and Mombasa at a cost of 12.3 billion KES and to be operational in 2016. According to Safaricom, the system will be run on a dedicated 4G-network infrastructure capable of hosting an expandable 50 000-user base.

When fully operational, the system is expected to equip 7 600 police offices with state-of-the-art multi-media communication devices to enhance their work. In addition to digital radio communication the system is expected to include extensive video surveillance, video conferencing capability, sophisticated mapping systems and a central command centre to be managed by the police.²⁵

Nyumba Kumi

One of President Kenyatta's key policy pronouncements after the 2013 Westgate terrorist incident was the 'Nyumba Kumi' initiative, which aims to have every 10 households form a neighbourhood watch association.

The primary objective of this initiative is to enable community members to get to know each other and to share information among themselves and about potential threats to their neighbourhood.

Among the information to be shared is news about new people coming into the neighbourhood and suspicious criminal elements in the area. This is expected to make it difficult for criminals, particularly terrorists, to find havens. According to President Kenyatta, the philosophy of the initiative is a core national value that requires communities to collaborate with government to provide security.²⁶

In practice, 'nyumba kumi' is simply a community policing initiative borrowed from Tanzania and is a strong module for

citizen participation in the provision of security. In its ideal form it helps citizens take ownership of security around them both through conscious tracking of threats in their neighbourhoods and through their willingness to tip off security agencies to take appropriate action.

Interviews with various stakeholders in some counties suggest the initiative is in its infancy and has not been completely rolled out. Others are still not clear in what form it will be implemented in cities like Nairobi and Mombasa.

Public responses to the idea of 'nyumba kumi' remain mixed. From a purely security angle, many believe it is an innovative idea that will foster citizen-government collaboration in the fight against terrorism. It will also create the necessary security consciousness for the benefit of the larger population.

A large section of the population, however, has reservations about the relevance of the initiative in urban areas. They argue

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that due to the open and cosmopolitan nature of Kenyan cities it has been normal for people living there to go about their businesses without taking notice of others. It is therefore going to be difficult to implement the central philosophy of the initiative in order to make it work.

Among many who are conscious of Kenya's recent history of human rights abuses, there is a great deal of pessimism. They argue that the programme can easily be abused by politicians interested in spying on citizens for their parochial interests.

Many argue that in countries such as Tanzania 'nyumba kumi' benefited from a strong socialist context in which patriotism, nationalism and 'nduguism'²⁷ were prime elements of national consciousness and mobilisation. The existence of these attributes in Kenyan society is contested by various sub-national elements in the country as well as by the current increase in feelings of insecurity among citizens.

Amendment of legal framework

A Security Laws (Amendment) Bill was passed in December 2014 as part of efforts to refine the existing legal framework to address insecurity in the country. According to President Kenyatta, who signed the law days after it was rushed through parliament, the amendment was necessitated by the realisation

that there were gaps in the laws being used to wage the war against insecurity.

The new law, the Security Laws (Amendment) Act, 2014, amends 21 different laws, including the Public Order Act, The Penal Code, the Evidence Act, the criminal procedure code, the Extradition (Contiguous and Foreign Countries) Act, the Prevention of Terrorism Act, the National Police Service Act, and the National Police Service Act, among others.

Its provisions attempt to refine aspects of the country's institutional structures for security coordination, procedural issues in addressing insecurity and methods of preventing and criminalising certain acts of terrorism, particularly the possession of certain weapons and the promotion of radical ideologies.

The Act criminalises the publication of offending materials, training or instruction for purposes of terrorism and involvement in foreign acts of terrorism. More controversially, it grants the national security organs the authority to 'intercept

For many who understand the vicious nature of politics in the country, there are concerns that the laws will be used to abuse human rights

communication for the purposes of detecting, deterring and disrupting terrorism in accordance with procedures to be prescribed by the Cabinet Secretary'.

It also touches on coordination issues by establishing committees charged with advising and coordinating certain security activities among ministries, departments and agencies in important areas, including the airport.

Despite resistance from various human rights organisations, civil society and the opposition, the amendments were passed into law in December 2014 amid heated exchanges and open fights in parliament.

Issues raised primarily centre on both substance and procedural matters. For the many who understand the vicious nature of politics in the country, there are concerns that the laws, despite their good intentions, will be used to abuse human rights. Secondly, lawmakers have taken seriously the non-involvement of the Senate in the passage of such an important law.

Consequently, the Coalition for Reforms and Democracy (CORD) and the Kenya National Commission on Human Rights have filed a lawsuit in the High Court challenging the constitutionality of the new law.

Notwithstanding the opposition, the president has argued that the new legal framework is intended to improve the country's capacity to 'detect, deter and disrupt any threats to national security'.²⁸ The outcome of the lawsuit will determine the actual place of this move within the broader scheme of attempts to address insecurity in the country.

Shortcomings of the responses

It is clear that apart from efforts to equip the security sector, other responses have either remained policy pronouncements or concepts or are yet to be fully implemented. There is clearly a disconnect between the president's announcements and the overall pace of implementation of initiatives.

A number of pronouncements have been made but are yet to be brought into operation and subsequent consistent efforts made to position and synchronise them into a coherent framework of response to insecurity. If all these operations become fully operational, however, their cumulative benefits will substantially improve the situation.

In a speech at the launch of the Rapid Results Initiative of the Defence Force in March 2014, President Kenyatta described progress with the popular adage that 'well begun is well done'.²⁹ But how appropriate are these initiatives collectively?

The following key aspects have plagued the collective contribution of the responses to security in the country.

Inappropriate responses

The first shortcoming is the appropriateness of the responses rolled out thus far to the nature and/or type of threats currently confronting Kenya. In some cases, the largely dismissive and somewhat ostrich-like attitude of successive governments has led to the discounting of certain threats.

In addition, some of the threats are lumped together into popular categories with no adequate appreciation and interrogation of their disparate origins and finer distinctions. This problem is reflected in the response to the Mombasa Republican Council (MRC). The group is lumped together with numerous organised criminal groups and has been criminalised.

However, there are considerable differences in both the histories and motivations of the groups. The criminalisation of the MRC has suppressed its existence and limited the opportunity for constructive engagement with the group in search of a solution.

Currently it is difficult to find any of the MRC's popular insignia, 'Pwani si Kenya', in most parts of Mombasa. But does that mean the group has gone for good? This question was posed to various stakeholders.

Many fear that, as happened in Nigeria, with its harsh response to the initial Boko Haram threat, the Kenyan government has succeeded in pushing the MRC underground, but has not addressed the problems it poses.

The state's response has merely placed a lid on a cauldron of simmering tension around the group. While there is a semblance of calm at the coast at present, many are worried that it might not last and, should violence resurface, it might prove to be complex and difficult to contain.

Dominance of al-Shabaab paranoia

The prominence given both in the international media and in local political and security discourse to the al-Shabaab attacks and the paranoia around al-Shabaab-related insecurity has somewhat overshadowed the debate and responses to other forms of insecurity.

This has led to a situation where everything is instantly blamed on the group, with no adequate efforts made to isolate and, where necessary, address other key drivers of insecurity concurrently threatening the country.

These drivers include organised crime, an increase in drug addiction at the coast, drug trafficking and, particularly, crimes related to business rivalry. The last, which occurs in parts of the country where al-Shabaab is known to have footprints, particularly Eastleigh and the North-Eastern Province, is easily taken for al-Shabaab operations.

Within this context the al-Shabaab threat has not only become an exploitable franchise under which lone-wolf terrorists and their sympathisers in the country settle their scores with the state, it is also a basis for easy misdiagnosis of other forms of threats.

Ultimately misdiagnosed threats lead to inappropriate responses, which makes room for other forms of threat to remain unaddressed and to evolve into more complex forms.

Despite the debate about President Kenyatta's belief that the Mpeketoni attacks were not the work of al-Shabaab,³⁰ for instance, the competing theories about the cause of the attacks epitomise the ease with which the al-Shabaab threat can be brandished by all actors as a reasonable and/or acceptable explanation for insecurity.

The Mungiki effect in state responses

The Mungiki phenomenon is another area where the tough hand of the Kenyan state has been manifested.³¹ State responses resulting in various extrajudicial killings appear to have contained the 'crisis'.³²

The 'success' of this approach appears to have informed current responses to the threat of radicalisation, as evidenced by the overall approach to the question of radicalisation at the coast, in which extrajudicial killings and disappearances appear to be used.

The overall effect is a situation in which everything that emerges as a threat is dealt with with the full brute force of the security agencies, often with no consideration given to the merits of non-violent and long-term responses.

Counter-productivity

More than 21 prominent clerics and people suspected to be linked to various forms of radicalisation in the coastal areas have been gunned down under various suspicious circumstances.³³



THE PERCEPTION AT THE COAST IS THAT GOVERNMENT SECURITY OPERATIVES ARE TO BLAME FOR MANY, IF NOT ALL OF THE KILLINGS

It remains unclear whether these assassinations form part of the broader response to radicalisation at the coast or have to do with the nature of religious factionalism there.³⁴ The perception at the coast, however, is that government security operatives are to blame for many, if not all of the killings.

The failure of the government to protect individuals deemed to be vulnerable is a source of suspicion and the most damning evidence is the apparent inability of government security operatives to find and bring to justice the perpetrators, leading

At the heart of Kenya's vulnerability to insecurity are deep-seated structural state weaknesses and challenges

to the perception that it is they who are behind the killings and are directly targeting the Muslim community at the coast.

The overall effect of the perceived actions and inaction of the government is to undermine the fight against insecurity.

This failure to act has led to two key situations that work in the interests of Islamists at the coast. The first is the belief among certain groups that they are indeed fighting against an invisible government hand and therefore need to stand for their right to exist against forces bent on eliminating them.

The second is that those who have been assassinated by unknown assailants thought to be government operatives are considered by jihadist sympathisers to be martyrs who need to be fondly cherished. This has created symbols for easy recruitment among jihadists in the area.

One example of this thinking is the case of Sheikh About Rogo. Before his assassination in August 2012 he was a well-known participant in the discourse on radicalisation at the coast because of his hard-hitting radical sermons and openly provocative views.

He appeared on the UN sanctions list because of his professed support for al-Shabaab and his alleged role in the recruitment of terrorists for the group through the Muslim Youth Centre (al-Hijra). He was banned from travelling, his assets were frozen and, while he was facing trial on charges of terrorism, he was gunned down in a drive-by shooting.

Many believe that despite his fiery speeches Sheikh Rogo did not wield as much influence as he claimed. His violent pronouncements had sidelined him among the Islamic preachers in the region to the extent that he was not allowed to preach in any mosque there except the Masjid Musa Mosque, where he was based.

Despite his increasing isolation, which would have had an impact on his influence over time, his assassination sparked protests in parts of Mombasa and resulted in the deaths of several people. His followers swore revenge and torched churches. His killing seems to have mobilised support for what he stood for.³⁵

Inadequate structural responses

At the heart of Kenya's vulnerability to insecurity are deep-seated structural state weaknesses and challenges that must be addressed. These include unemployment,

August
2012

SHEIKH ABOUT ROGO
IS ASSASSINATED

land distribution, marginalisation, corruption and the integration of marginalised communities into the national fabric.

Yet, the responses that have been rolled out do not target comprehensively many of the issues at the heart of the debate in Kenya and, where they do, in cases like the National Cohesion and Integration Commission, they are not adequately positioned within the context of the key priorities for addressing the systemic causes of insecurity in the country.³⁶

Conclusion and recommendations

Kenya currently grapples with various forms of insecurity, key among which is the threat of radicalisation. Contrary to popular perceptions, however, it is the non-al-Shabaab armed groups that are responsible for the most widespread incidents of insecurity in the country.

Although there is clearly political will to deal with the trend of insecurity, the options for a comprehensive response are limited

The al-Shabaab threat stems from its increasing rate of growth, the sporadic nature of the attacks, mass killings of innocent people, the high rate of fatalities per incident and the perceptions of the general population. Since its emergence, the al-Shabaab threat has become a franchise under which lone-wolf terrorists and sympathisers settle scores with the state. It is also a brand for easy misdiagnosis of threats.

The responses announced thus far, while reassuring to some extent, are yet to be fully implemented. Apart from an increase in intelligence-gathering and the visibility of the security services in cities, other responses announced by the government remain pronouncements, many of which are still in their initial stages of implementation.

Those that have been rolled out, including the targeted police swoop operations, are over-secritised and over-militarised, with inadequate efforts made to bolster non-military responses.

Currently, there is no denying the fact that there is a disconnect between announcements and the overall pace of implementation of initiatives in response to insecurity in the country.

A number of schemes have been announced, but are yet to be brought into operation and subsequent consistent efforts made to position and synchronise them into a coherent framework of response to insecurity in the country. If all these projects

become fully operational, however, their collective benefits will substantially improve the state's response.

Generally, however, although there is clearly political will to deal with the trend of insecurity, the options for a comprehensive response to the many underlying issues are limited in the face of the deep-seated and emotive nature of the key drivers.

In the broad scheme of the government's thinking, the following recommendations are important.

- Militarisation of response is typically reactionary. In the case of managing marginalisation-related insecurity it only leads to suppression, which can be unsustainable and counter-productive in the long term. Proactive sustainable solutions should aim at comprehensive development questions and targeted solutions around employment creation, civic education and the construction of collective ownership of national identity in marginalised communities.
- There is also a need to address the systemic rot in state institutions. In this regard, the fight against corruption should be considered an important component of the comprehensive response to insecurity. This will not only strengthen state institutions over time, it will go a long way in closing up loopholes in state responses, especially border control.
- Because historical injustices remain a major mobilising factor in Kenya the question of land distribution should be interrogated dispassionately at the national level in order to find a realistic solution. At present, the absence of such an examination of the problem, along with the lack of political will, poses the biggest challenge to solving the land question. In this regard, established government institutions such as the National Commission for Cohesion and Integration should be positioned to play an important role in public education targeting insecurity.
- The focus on al-Shabaab-related insecurity has overshadowed the long-term challenges of armed civilians operating through the activities of armed groups and bandits.
- Although there is a legal framework for addressing the current forms of insecurity in the country, resort to the use of important documents such as the Defence Act and the 2012 Organised Crime Act are limited in many cases. Respect for the provisions of these legal instruments in the fight against insecurity is important in order to prevent the type of confusion due to lack of coordination between the police and the military seen during the Westgate Mall attack.
- The Usalama Watch operation brought to light the challenge associated with national security imperatives and the rights

of citizens. Losing the battle in this contest is counter-productive. Those planning security operations should take human rights and continued engagement with citizens into consideration so as to enhance the acceptance of operations. Most importantly, there is a need to prevent the ethnic profiling and abuses that characterised the Usalama Watch operation.

Notes

- 1 It is not clear whether their release was linked to the warning by the minister.
- 2 *Standard Media*, Nun's close shave in Wajir as kidnap gang strikes, 14 December 2009, www.standardmedia.co.ke/print/1144030369/nun-s-close-shave-in-wajir-as-kidnap-gang-strikes.
- 3 Some argue that it might have been Somali pirates, whose activities in the Indian Ocean had been limited by the various naval ships.
- 4 See Press Release MOSD/12/33/61, Operation Linda Nchi Update, 23 October 2011. <http://graphics8.nytimes.com/packages/pdf/world/operation-linda-nchi-day-eight.pdf>.
- 5 See Press Release MOSD/12/33/61, Operation Linda Nchi Update, 23 October 2011. Online <http://graphics8.nytimes.com/packages/pdf/world/operation-linda-nchi-day-eight.pdf>, accessed 24 August 2014.
- 6 A Atta-Asamoah, The nature and drivers of insecurity in Kenya, East Africa Report, Issue 2, April 2015, www.issafrica.org/uploads/East-Africa-Report-2-Kenya.pdf.
- 7 'Usalama' is a Kiswahili word meaning 'safety' or 'security'.
- 8 President Uhuru Kenyatta's speech at the launch of the Rapid Results Initiative (RRI) at the Kenyatta International Conference Centre, 6 February 2014. Online <http://www.president.go.ke/speech-by-h-e-president-uhuru-kenyatta-at-the-launch-of-rapid-results-initiative-rr-i>, accessed 15 September 2014.
- 9 Interview with a security consultant, 14 August 2014, Nairobi.
- 10 Anonymous interviewee, Nairobi, 6 August 2014.
- 11 Ibid.
- 12 One interviewee told Human Rights Watch that that he had relocated to the Dadaab refugee camp after his 'relatives paid 35 000KES (\$408) for his release from the Pangani police station and police confiscated his Kenyan government-issued 'alien certificate'. Anonymous interviewee, Nairobi. Also see HRW, Kenya: End Abusive Round-Ups Detainees Describe Mistreatment, Lack of Access to UN Agency, 2014, www.hrw.org/news/2014/05/12/kenya-end-abusive-round-ups.
- 13 Anonymous interviewee, Nairobi, 22 August 2014.
- 14 Interviews, Mombasa, August 2014.
- 15 *Citizen News*, Gov't To Register Kenyans Afresh, 14 April 2014, www.citizennews.co.ke/news/2012/local/item/18572-govt-to-register-kenyans-afresh.
- 16 Ambassador Raychelle Omamo, Statement in response to the question by Member of Parliament for Wajir West Constituency on the establishment of the Nairobi Metropolitan Command of the Kenya Defence forces, 18 June 2014, online <http://www.mod.go.ke/wp-content/uploads/2014/07/Statement1.pdf>, accessed 01 September 2014.
- 17 President Uhuru Kenyatta's state of the nation address to parliament, Nairobi, 27 March 2014, online <https://www.kenya-today.com/news/read-president-uhuru-kenyatta-state-union-address-full-speech>, 17 August 2014.
- 18 See 2014 Madaraka Day speech by President Uhuru Kenyatta, www.the-star.co.ke/news/article-169374/madaraka-day-speech-president-uhuru-kenyatta#sthash.yfRKGAM5.dpuf.
- 19 Ibid.
- 20 Anonymous interviewee, 19 August 2014, Nairobi.
- 21 www.tradingeconomics.com/kenya/military-expenditure-percent-of-gdp-wb-data.html
- 22 www.kenya-today.com/news/read-president-uhuru-kenyatta-state-union-address-full-speech
- 23 See *Daily Nation*, Mombasa police patrol cars being vandalized, 5 June 2014, <http://mobile.nation.co.ke/counties/Mombasa-patrol-cars-vandalised/-/1950480/2373414/-/format/xhtml/-/14rma64z/-/index.html>.
- 24 Anonymous interviewees, 14 August 2014, Nairobi, and 19 August 2014, Mombasa.
- 25 *Business Daily*, Safaricom set to earn Sh8bn for managing security system, 15 May 2014, online <http://www.businessdailyafrica.com/Corporate-News/Safaricom-set-to-earn-Sh8bn-for-managing-security-system/-/539550/2316456/-/133xctu/-/index.html>, accessed 11 October 2014.
- 26 CGH, State Of The Nation Address by President Uhuru Kenyatta, Parliament Buildings, Nairobi, 27 27 March, 2014 www.parliament.go.ke/plone/national-assembly/business/speeches-1/

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