Countering Violent Extremism in Kenya: Between the Rule of Law and the Quest for Security

edited by
Alamin Mazrui  ●  Kimani Njogu  ●  Paul Goldsmith
Contents

Acknowledgements 5

Notes on Contributors 7

Preface
Willy Mutunga 8

Introduction: Global and Local Contexts of Terrorism and Counterterrorism in Kenya
Alamin Mazrui, Kimani Njogu & Paul Goldsmith 13

Track, Capture, Kill: Inside Communications Surveillance and Counterterrorism in Kenya
Privacy International 39

Big Game: U.S. Soldiers’ Secret Hunt for Jihadists in a Kenyan Forest
Margot Kiser 72

Political Socialisation and Terrorist Radicalisation among Individuals who joined al-Shabaab in Kenya
Anneli Botha 83

The Mombasa Republican Council and the Politicization of Security and Public Perceptions on the Coast of Kenya
Paul Goldsmith 121

Roles, Motivations, and Recruitment Pathways of Kenyan Women Recruited into the Al-Shabaab
Fathima Azmiya 151

Civil Society Pathways to Peace and Security: The Peace and Security for Development Programme in Coastal Kenya
Mutuma Ruteere & Patrick Mutahi 169

COUNTERING VIOLENT EXTREMISM IN KENYA 3
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Notes on Contributors

Dr. Willy Mutunga served as Chief Justice and President of the Supreme Court of the Republic of Kenya from 2011 to 2016.

Alamin M. Mazrui is a Professor in the Department of African, Middle, Eastern and South Asian Languages and Literatures at Rutgers University, USA.

Kimani Njogu holds a Ph.D in Linguistics from Yale University. He is an independent scholar and Director of Twaweza Communications, Nairobi.

Dr. Paul Goldsmith is an anthropologist with extensive research experience on issues of pastoralist conflict and resource management. He is currently working on a book for IGAD documenting the development of the CEWARN regional conflict early warning mechanism.

Privacy International (PI) is a U.K.-based non-profit organization that monitors and tracks privacy and surveillance invasions perpetrated by corporations and governments to the public, especially ordinary citizens.

Margot Kiser is an independent journalist based in East Africa. Her work, focusing mainly on security and human rights, has been published in Newsweek, Al-Jazeera, The Daily Beast, and elsewhere.

Dr. Anneli Botha is a senior lecturer at the Department Political Studies and Governance at the University of the Free State in Bloemfontein with extensive experience in counterterrorism, radicalisation and countering violent extremism.

Fathima Azmiya Badurdeen is a Lecturer at the Department of Social Sciences, Technical University of Mombasa.

Dr. Mutuma Ruteere is Director, Centre for Human Rights and Policy Studies, and former UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

Patrick Mutahi is a Ph.D student at University of Edinburgh. He is also a Research Fellow at Centre for Human Rights and Policy Studies.
Preface

Willy Mutunga

This book is about how the rule of law can be invoked in countering violent extremism in Kenya. The diverse chapters clarify why militarized counter-terror approaches are insufficient to address the threat posed by extremists. The authors point to the fact that there are times when reliance on force exacerbates the root causes of terrorism and entrenches social exclusion, alienation and state insensitivity to community rights. Moreover, terrorists exploit local discourse of land grievances, inequities associated with identity politics, and state curtailment of civil liberties and political rights to recruit youth. The collective punishment of communities alienates the victims and undermines state legitimacy. The absence of compelling alternative narratives shared through appropriate channels has left a vacuum that is easily filled by extremists. Their narratives are about the fundamental restructuring of the status quo in a manner that provides fertile ground for the growth of violent extremism.

The book gives us the opportunity to continue historicizing, problematizing, and interrogating some of the key concepts we take for granted. Zardar and Davies, for example write:

The term ‘terrorists’ was first coined by Edmund Burke to refer to those who conducted The Terror, the bloody, guillotine-wielding phase of that campaign for liberty, equality and fraternity known as the French Revolution. Assassination is politically motivated murder directed at specific individuals, and is not designed to kill innocent bystanders. Terrorism is politically motivated aggression, warfare, that defines whole classes of people or nations as enemies who are collectively responsible and guilty. Where no one is innocent, everyone is a potential target by design, though not necessarily by intent in each specific instance.¹

Over time the term has been extended to states, terrorist states. Noam Chomsky, the renowned American intellectual and political critic has asked Americans to ‘recognize that in much of the world the US is regarded as a leading terrorist state, and with good reason. We might bear in mind, for example, that in 1986 the US was condemned by the
World Court for “unlawful use of force” (international terrorism) and then vetoed a Security Council resolution calling on all states (meaning the US) to adhere to international law.\textsuperscript{12} Professor Makau Mutua, after cataloging some of these American attacks on other nations has stated, “…the indefinite detention of Al-Qaeda suspects in Guantanamo-in what is effectively a legal ‘black hole’-seriously dents the claim that the US is a rule of law state.”\textsuperscript{3}

Demystifying states, then, broadens our analysis to ask ourselves whether or not states that kill, murder, starve, steal, and raid national resources with catastrophic consequences, are not terrorist states. Are struggles to overthrow by violent or non-violent means such states an act of terrorism? Was Edmund Burke right to see the French Revolution in such terms? Such questions call for intellectual, ideological, and political clarity.

The title of this book is *Countering Violent Extremism*. So, we may ask what is non-extremist violence? Is not violence, *ipso facto*, extremist? Is this not another anachronistic term like ‘over speeding’? Have the past and present superpowers invented this term to justify extremist security interventions that abrogate rights?

Our holistic approach going forward will have to bear in mind this method of historicization, demystification, interrogation, and problematization. The approach needs to include also prevention focused programming addressing the structural factors that push youth to radicalization and extremist violence. The development of alternative narratives and mitigations appear to be more promising than dependence on interventions that sustain violent extremist ideologies. This broader approach needs to be undertaken within a framework of rule of law, and to reinforce good governance practices as articulated in the Constitution of Kenya and international legal instruments. The more comprehensive approach will contribute to reducing support for violent extremist ideas while enhancing internal resilience and cooperation among local communities. It will necessarily combine measures dissuading radicalized individuals from participating in extremist violence with the rehabilitation and reintegration of radicalized individuals.

Quite often, the positive role of the rule of law in countering violent extremism is often not appreciated. Yet by working through the legal framework, the drivers of extremist violence can be reduced and support for state functions secured. The legal framework mandates
the promotion of justice, respect of rights, and inclusive political and economic practices—factors fundamental for an effective long-term counter-radicalization strategy.

The Constitution of Kenya provides an important framework for addressing the contextual, political, economic, and social factors that feed violent extremist ideology. If well implemented, devolution will decentralize political power and give communities more decision making power in choosing leaders, determining developmental priorities, and demanding accountability and the transparent use of public resources. The impacts of economic, social, cultural, and political marginalization, which accumulated prior to 2010 when the new Constitution was promulgated, can be reversed through the empowerment of county governments and implementation of other constitutional provisions related to inclusion.

Article 238 of the Constitution of Kenya provides guidance on how to promote and better guarantee national security. Specifically, Article 238 (2) (b) provides that “national security shall be pursued in compliance with the law and with the utmost respect for the rule of law, democracy, human rights and fundamental freedoms.” The quest for security is best undertaken with these principles in mind.

It is critical we appreciate the colonial and post-colonial economic, social, cultural, and political history of Article 238. History records colonial and post-colonial state terrorism against the Kenyan people. There was no accountability and this state terrorism fostered impunity and immunity. We have a criminal history of state extrajudicial killings, massacres, “punitive expeditions,” and colonial state retribution against the Mau Mau freedom fighters who were seen as terrorists by the colonial state. So Article 238 is about making sure that the state is just, accountable, transparent, bound by a modern Bill of Rights (that covers a comprehensive matrix of economic, social, cultural, civil, and political rights); values and principles of governance (Article 10 of the Constitution); and again bound by the supremacy of the Constitution and the sovereignty of Kenyans.

It is on the basis of this history that the Constitution defines national security as “the protection against internal and external threats to Kenya’s territorial integrity and sovereignty; its people, their rights, their freedoms, property, peace, stability and prosperity, and other national interests.” National security organs in performance of their duties “shall
respects the diverse culture of the communities within Kenya.” The Constitution states that to secure these objectives, “recruitment by the national security organs shall reflect the diversity of the Kenyan people in equitable proportions.”

Given the colonial and post-colonial politics of division and polarization, the Constitution guarantees that national security organs shall not be ethnicized or be subject to partisan political divisions. This is designed to ensure that our diversity is a pillar of our security and unity. In the past the post-colonial state has been prone to justify security at the expense of freedom. Today Kenya is still struggling to come to terms with the false question, “security or freedom?” Article 238 of the Constitution does not countenance such a false dichotomy or proposition. Our security is our fundamental right. Our security is fundamental to our freedom.

The Constitution takes into account that security organs can be the cause of the violation of the rights of innocent Kenyans in their quest of fighting terrorism. Under our new Constitutional dispensation even the terrorists have the right to life, due process, and other rights and freedoms detailed in our modern Bill of Rights. When combating threats across the conflicts diverse battlegrounds the Kenyan security organs will defend the country and themselves. The moment the terrorists are in their custody they are obliged to protect the rights of their prisoners. Suspects are entitled to fair trial. Their rights against torture are guaranteed. Such rights are a hallmark of the kind of civilization Kenyans have endorsed. In order to underscore the point that terrorists are not their teachers, Kenyans must deal with them according to the dictates of the Constitution. Extra-judicial killing should result in the perpetrators being tried for murder. Security organs cannot shield criminals in their midst under the false pretense that the provision of security takes priority over rule of law. Our criminal jurisprudence is clear on these issues.

The media and civil society actors are de facto partners in the quest for the rule of law and the quest for security. They play a critical role in public education, monitoring state institutions, research, and advocacy. They contribute to the development of policy and programs for prevention and countering violence extremism in accordance with the Constitution of Kenya. Youth are also pivotal for the pursuit of democracy. Developing a culture of constitutionalism for the
generation coming of age is critical for strengthening governance and judicial institutions, sustaining fair and effective criminal justice, and for protecting the human rights.

This book is the product of collaboration between a think tank, Twaweza Communications - that is linked to movements of transformation- and MUHURI, an activist human rights organization. It marks an important starting point for engagement between government agencies, civil society institutions and development partners. The volume documents Kenyan responses to developments on the interface of governance and violent extremism. Violent extremism either by state or non-state actors forms a mutually reinforcing cycle that links on-the-ground concerns to a problem of global proportions. The book’s long introduction connects Kenya’s evolving efforts to counter violent extremism to the larger global context; the case studies that follow it explore local dimensions of the problem. We hope that these perspectives will catalyze multi-sectoral dialogue and programmatic initiatives that better deal with the threat of terrorism through more inclusive observance of the country’s statutory human rights.

Indeed, Eric Hobsbawm argues rightly that “Our world risks explosion and implosion. It must change.”

Threats of nuclear warfare are a reality of the dangers our planet faces. Although there is no specific think piece in the book that focuses on the global impacts of violent extremism and their causes, saving our planet will entail national, regional, and global solidarities that challenge the global status in a struggle for a better, just, equitable, non-violent, safe, and prosperous planet. Such collaboration is going to be important as social movements of transformation are nurtured from the margins of the countries. Such solidarity and collaboration must be encouraged and promoted.

Notes
Introduction

Global and Local Contexts of Terrorism and Counterterrorism in Kenya

Alamin Mazrui, Kimani Njogu & Paul Goldsmith

This chapter presents an overview of various dimensions of Muslim-related terrorism and counterterrorism in Kenya in a global context. The developments it addresses support complementary perspectives on the core issues invoked by the so-called war on terrorism and its implications for various parts of the country. The paper begins by locating the origins of the problems between the Islamic world and the West. After discussing terrorism as a response to the historical subjugation and overwhelming military power reinforcing control of the oil producing areas of the Islamic world, the analysis documents events leading to the domestication of what began as an external threat in Kenya. The final section of the paper reviews legal measures adopted by the Government of Kenya and their ramifications for religious harmony in the country. It is our hope that the analysis will illuminate the issues in a manner leading to policy recommendations that are both creative and realistic.

After the 9/11 tragedy in the USA, President George W. Bush declared the attacks an “act of war.” By defining this criminal offensive a war, the Bush administration sought to provide a legitimating language for its intention to exercise extraordinary powers, both domestically and internationally. These powers included invasion and occupation of foreign spaces, holding terrorist suspects at Guantanamo Bay without trial, the use of torture, extending surveillance to citizens of the USA, and a quasi-legal mandate to respond to other matters that might arise. Framing the Al-Qaeda-engineered attacks as an act of war, in other words, became a perfect cover in the state’s quest for greater global hegemony.
Non-state terrorism can indeed be regarded as a kind of warfare resorted to by those who are at a great military disadvantage but support a cause they are ready to fight for. Acts of terrorism are a variation on asymmetric warfare and that Bill Lind and others (1987) termed 4th generation warfare. We saw similar tactics used by the Mau Mau in their war against British colonialism, by the Irish Republican Army in its bid to end British control of Ireland, Basque separatists agitating for their own independent nation from Spain, and by Chechnya’s attempt to break free from Russia. These are the many other examples across the world. After Kenya gained independence there were the terrorist bomb attacks in 1975 by the self-proclaimed Maskini Liberation Front (MLF) that killed scores of people and even an attempted assassination of Kenya’s first President, Jomo Kenyatta. Similarly, the underground February Eighteen Movement was suspected of having carried out a number of terrorist attacks in Western Kenya in the 1980s (Mogire and Agade, 2011:474).

What has made the Muslim dimension of terrorism qualify as a unique form of war in Kenya and elsewhere, however, is that it is a globalized phenomenon. International airports throughout the world, for example, have been forced to adopt ever more advanced methods and technologies to keep up with the growing sophistication and creativity of terrorist organizations. In the process, measures to combat terrorism have led to increased coordination among nations across the world (Hiro, 2002).

The triggers of terrorism can be foreign or domestic, national or international. So what are some of the factors that have fueled Muslim-related terrorism in Kenya? The causes have been both global and local, with the two sometimes interconnected in the political sphere. Let us look at each of these levels of precipitating circumstances in turn.

**The Global Context**

The regime of Western hegemony is the primary driver of the global campaign of Muslim-related terrorism. Let us remember that throughout the Cold War period the West tried to woo the Muslim world because it was perceived to be staunchly anti-communist. We even know that the origins of Usama bin Laden and his Al-Qaeda network is in part bound up with US support for the *mujahideen* fighters against the Soviet invasion of Afghanistan (Chomsky, 2001:18-19).
The increase in Western efforts to demonize Islam is a response to the religion's rediscovered role as a powerful inspirational force against the Western domination that has restructured the modern world as a system of global apartheid. It is during this period that Africa has suffered as its greatest economic victim. No trans-cultural institution in the developing world has consistently resisted Western imperialism more than Islamic civilization. Huntington anticipated the religious context of many contemporary conflicts when he identified Islam as the most persistent past and future challenger of Western global domination. That is partly why the words of John E. Woods, a professor of Middle Eastern history at the University of Chicago, echoed Huntington when he stated how “immediately after the collapse of Communism, Islam emerged as the new evil force” in the imagination of the American state (quoted by Brooke, 1995). Because Islam is a faith whose followers are located mainly in Africa and Asia, there is also a racial undertone behind this Western aggressive posture towards Muslims. Deepa Kumar (2010), Edward Said (1997), and Sherman Jackson (2011) are among the many scholars who have explored precisely this interplay between racism and Islamophobia, a connection that has become even more explicit with more draconian implications since Donald Trump came into office as America’s 45th president.

American and Western hostility towards Islam and Muslims is of course entirely selective. Successive American regimes, for example, have maintained close relationships with the conservative monarchies of Saudi Arabia, the Gulf States, and Oman, in spite of their religious affiliation. According to the Wall Street Journal of September 28, 2001, President George Herbert Bush and some of his closest associates worked for the Carlyle Group, one of the largest private equity and alternative investment firms in the world with substantial investments from the bin Laden family in Saudi Arabia. In fact, Osama bin Laden’s brother, Shafiq bin Laden, was a guest of honor at a 2001 meeting of group. The complex relationships between the Bush family, the bin Laden family and the Royal family of Saudi Arabia are also a key subject of Michael Moore’s documentary, Fahrenheit 9/11 and Steve Coll’s fascinating family biography, The Bin Ladens (2008), that documents Salim bin Laden’s role as the key link in the triangular relationship between three of the world’s wealthiest family.

Clearly it is not religion exclusively that explains American and Western negative representations of Islam. The political economy of
Oil also underlies much of the selective aggression towards much of the Muslim world. The fact that much of the world’s oil is located in Muslim-majority nations underpins the perceived need of the USA and its Western allies to maintain a strong military and economic presence in the world’s oil producing regions. Let us not forget that Muslim-majority nations comprise about seventy percent of the membership of the Organization of Petroleum Exporting Countries (OPEC). This is a theme that is explored with great descriptive and analytical sensitivity by George Caffentzis in his ground-breaking study, *No Blood for Oil: Essays on Energy, Class Struggle and War 1998-2016* (2017).

The media-inculcated image of Muslims across the world is often that of a people prone to commit atrocious acts of violence. On closer examination of the facts on the ground, it becomes apparent that Muslims are more the victims than the perpetrators of deadly violence. The number of Muslims killed in Afghanistan by the American invasion and its aftermath dwarfs the number of Americans killed at the World Trade Center on September 11, 2001. Tens of thousands of Iraqi civilians and combatants died in the American war on Iraq. According to Kit O’Connell (2015), if we include those who died directly as a result of sanctions against Iraq, the number of fatalities of the USA wars in Iraq and Afghanistan alone could be as high as four million. In the West Bank and Gaza, the Israelis continue to kill scores of Palestinians for every Israeli killed. In Africa, partly as a result of American intervention, both Libya and Somalia have been rendered stateless and handed over to “Jihadists” and warlords (Amin, 2016:78). In the Central African Republic, Chechnya, Kashmir, Serbia, India, and Myanmar, Muslim minorities continued to be victimized on a regular basis. The US bombing of Sudan’s Al-Shifa pharmaceutical plant in August 1998, supposedly targeted at bin Laden, may have been more devastating to the Sudan – in both actual and silent death toll and on the socio-economic well-being of the society at large – than September 11 was to the USA (Chomsky, 2001:45-46). Yemenis continue to die in thousands as a result of the US-supported Saudi bombardment and the enforced starvation and spread of infectious disease caused by the illegal blockade. There are numerous other examples of the conflicts and related circumstances in which Muslims are the main victims of violence. All these forces that have been responsible for the suffering of Muslim peoples worldwide have contributed to the Muslim rage directed against the West.
The Saudi's role in the Yemeni tragedy underscores once again the extent to which the states in Muslim majority countries have been complicit in the West's attempts to undermine Muslim resistance to its hegemonic globalization. “The geostrategy of the United States has set as its goal in the greater Middle East the annihilation of any resistance capacity of a number of potentially dangerous states, primarily Egypt, Iraq, Syria, Algeria and Iran” (Amin 2016, 78). The West and the USA in particular have a vested interest in a Muslim world that is not democratic. Dictators in Muslim majority countries are a safety valve that keeps their populations less explosively anti-American. Governments of most of the Muslim-majority countries have for the most part been obedient to the United States (Mazrui, 2006:107) and the ones who have not been, like post-Shah Iran and Syria, are continually demonized and have been the focus of American efforts to destabilize them.

The second major issue that provokes Muslim outrage and frustration globally is the question of Israel and Palestine. One of the latest books to draw attention to the sufferings of Palestinians and the collective trauma they experience under Israeli occupation is *Kingdom of Olives and Ash*, a collection of essays by a group of internationally acclaimed authors, many of Jewish origin themselves, edited by Michael Chabon and Ayelet Waldman (2017). Of course, not all Palestinians are Muslim. Some twenty percent of Palestinians belong to various Christian denominations. The Popular Front for the Liberation of Palestine, arguably the most militant Palestinian organization against the Israeli occupation, was founded and led by George Habash, himself a Christian. But because the majority of Palestinians are Muslim and because Jerusalem is the location of one of the holiest Islamic sites, the Dome of the Rock, the question of Palestine self-determination arouses strong Muslim indignation throughout the world.

As Mazrui has suggested, “Israeli militarism, occupation of Arab lands, and repression are the main causes of not only anti-Israeli terrorism but also anti-American terrorism” (2006:106). This is because the USA has been the greatest backer. It is Israel’s main political and military support and, at the same time, the main opponent of Muslim militancy and the military capacity of Iran, Iraq, Egypt, and Syria. American double-standards when it comes to Iran’s nuclear power ambitions are self-evident. Israel, on the other hand, became a nuclear power long ago, and the USA “has consistently blocked efforts to move towards a weapons-of-mass-destruction-free zone in the Middle East”
because this would necessarily include the de-nuclearization of Israel (Chomsky, 2015).

So will Mazrui’s prediction (2006: 105) that there will be no world without terrorism for as long as the Palestinian-Israeli dispute is unresolved be proven right? Hashmi concurs that unless “Israeli leaders abandon the belief that the harder you beat the Palestinians, the softer they will become, there is no hope for any durable peace between Islam and the West” (2014:94). Nelson Mandela is reported to have said: “We know only too well that our freedom is incomplete without the freedom of the Palestinians.” Like Nelson Mandela who understood the plight of Palestinians and openly championed for their rights, former president Jimmy Carter of the USA described Israel as an apartheid state (Carter, 2006). Successive Kenyan governments and leaders have often openly embraced Israel, ignoring the agony and trauma of the Palestinian experience. This helps account for why one of the first acts of terrorism on Kenya soil was the Norfolk Hotel bombing in 1980.

In summary it is clear that the post-Cold War hostility of the American state towards much of the Muslim world is rooted, in part, in the politics of oil and its unconditional support of Israel and dictators in Muslim-majority nations. The US continues to undermine the more independent leaning Muslim nations and the duplicity in its foreign policy posture has contributed to the suffering of Muslims internationally. This will continue to feed Muslims anger against America—and by extension, against its allies in the West and elsewhere including Kenya. East African Muslims have reacted to this set of global issues with the same degree of outrage as Muslims elsewhere in the world. And these circumstances help explain the continued Muslim resistance against Western and American, hegemony, including the incidence of terrorist violence.

**The Local Context**

There are also local factors that trigger Muslim-related terrorism. Some of these are still linked to America’s relationship with Israel. Some Muslims in Saudi Arabia and in Egypt are militantly opposed to the Saudi royalty and the regime of Abdel Fattah el-Sisi, in Egypt due to their uncritical love affair with America and unconditional support for Israel. Similarly, many Muslims in Kenya have been suspicious of the nation’s post-colonial governments because they have been excessively
obedient to the USA and overly keen to forge closer ties with Israel. In spite of some ups and downs in Kenya-US government relations over the years, Kenya has generally been a strong ally of the USA. It should come as no surprise then that Kenya became a target of Muslim-related terrorist attacks against American and Israeli interests in the country.

But Muslim grievances against the Kenya government go far beyond its relationship with the USA. It is fair to say that religion as a point of contention in post-colonial Kenya was not a burning question until President Daniel Arap Moi came to power in 1978. In terms of political orientation, the prior fifteen years or so of Jomo Kenyatta’s rule were more ethnocratic than reflective of sectarian divisions. This does not mean that the ethnic-centered actions of the Kenyatta regime did not have religious implications. Sometimes they did. A good example was the establishment, beginning in 1970, of the Lake Kenyatta Harambee Settlement Scheme in Mpeketoni in what was then a predominantly Swahili district of Lamu on northern coast of Kenya. By 1975, over three thousand Gikuyu families had been settled and allocated land in the area, with a provision for yet more to come. This was the era of a Gikuyu ethnic oligarchy, and the settlement scheme quickly acquired an ethnic face, pitting Gikuyu state-supported settlers against Swahili locals with no tenure security over their land.

When religion was later added into the mix of calculations in Kenya’s body politics, what started as an ethnic issue over land matters also assumed religious overtones over time precisely because the offspring of the Gikuyu settlers continued to be predominantly Christian while the Swahili are predominantly Muslim. It is against this backdrop that we need to understand the tragic 2014 attacks on Mpeketoni. Under a new dispensation that has come to conflate sectarian politics with pre-existing ethnic politics, terrorists were able to capitalize on the discourse of existing land grievances, highlighting an important interplay between terrorism and the economics of marginalization. An announcement following the attack referred to the Christian occupation of Muslim lands and subsequent developments heightened the Muslim-Christian polarities even though the land related issues included the interests of large land owners, pastoralists conflicts with farmers, and sublimated racial frictions between different coastal communities. The President in effect added to the religious polarity by claiming that local politics and not Al-Shabaab were behind the Mpeketoni raid, even though the subsequent developments suggested that national politics motivated
the ‘local politics’ statements (Mwakimako and Willis, 2014:19-20). The ongoing construction of the Lamu Port as the hub of the South Sudan-Ethiopia Transport (LAPSSET) corridor is likely to both widen and exacerbate the politics of land ownership and economic marginalization, serving as yet another potential trigger for youth radicalization and violence in the area.

Of course, given Kenya’s colonial history, Christianity always enjoyed an underlying structural presence in the affairs of the state. As Bishop Henry Okullu once put it, Kenya, Tanzania and Uganda are in fact “secular only in the sense that their constitutions do not specially state that they are based on Christian Laws” (1992:26). Under Moi, however, the interplay between Christianity and the state became more overt. Part of the reason for the sectarian turn in Kenya had to do with the place of Christianity in Moi’s own vision of governance which, in his view, “is set upon the solid rock of history and heritage and fired by the eternal concepts of a living Christian faith” (Moi, 1986:21-22) and “singularly embeds the kernel of the principles of Christian life into the national philosophy” (Moi, 1986:31). Any semblance of a secular state now disappeared, resulting in systematic imbalances that allowed the management of national public affairs to be especially biased against Muslims and members of other religious minorities. Chande (2000), Kresse (2009), Bradbury and Kleinman (2010), Prestholdt (2011), Goldsmith (2011), Karari (2014), and others have all discussed some of these religious-based imbalances in Kenya to various degrees of detail. These have included discrimination in matters of citizenship and national belonging, unequal access to educational opportunities, disparities in civil service appointments in favor of non-Muslims even in Muslim majority constituencies, the burning question of land ownership and dispossession, among others.

Muslims were hopeful that their grievances might finally be resolved during the tenure of President Mwai Kibaki in spite of his greater collaboration with the USA in matters of combating terrorism. Indeed in 2007 Kibaki even proceeded to establish the eleven-member Presidential Special Action Committee to Address Specific Concerns of the Muslim Community in Regard to Alleged Harassment and/or Discrimination in the Application of the Law, chaired by Abdullahi M.H Sharawe. The report, finally released on March 31, 2008, reaffirmed many of the complaints about Muslim marginalization, violation in matters of security and land rights, and discrimination in the areas of
citizenship, education and access to justice. The report confirmed that most of the complaints raised by the Muslim community were legitimate, and, “therefore recommends that the Government urgently address the issues in order to restore public confidence, and fully integrate the Muslim community in the mainstream development so as to build national cohesion” (Republic of Kenya, 2008: xix). Like many other reports submitted to the government, little came out of this committee’s report in terms of implementation of the core recommendations.

Benson (1995) traces the politicization of religion in Kenya since the early days of Moi’s reign to the challenges facing his single party KANU government, including the sustained criticism of Protestant church clerics against the excesses of the state. While Moi insisted on the importance of religious leaders’ role in promoting societal harmony, he categorically rejected alternative institutional bases of opposition to the ideology of his government. To this end, he elevated the evangelical movement over the established denominations using the NCCK (National Christian Council of Kenya) as vehicle for opposition politics. State support for the growing influence of ‘Born Again’ Christianity coincided with the rise of Christian Evangelism globally. John Chesworth (2006) provides a good description of this interplay between the politics of pluralism in Kenya and Christian evangelist activism globally. The debate over the Kadhi’s Court, for example, became the concrete issue behind American Christian evangelical groups intervention in Kenya’s constitutional arena (Kelley, 2012). The more recent sectarian manifestations of Kenyan politics, in other words, are not without international linkages, and Kenyan Muslim reactions to them must be understood within this broader, global context.

When Kenyans think of Muslims in their country the image that comes to mind is often that of the Swahili people at the Coast. Over the last couple of decades the image has naturally been reinforced by the fact that the coast was the stronghold of both the Islamic Party of Kenya and the Mombasa Republican Council. The evolution of the cosmopolitan Swahili coastal community gave it a fundamentally different pre-colonial and colonial history from the rest of Kenya, with major ramifications for its post-colonial experience (Brennan, 2008). That history was the basis upon which the community unsuccessfully sought coastal autonomy in the early 1960s, a move that contributed to tensions, often racialized, between the Swahili and upcountry Africans who came to assume the reins of power at independence (Salim, 1972).
On the other hand, history also became the basis of a peculiar tradition of political “othering” of the Swahili in a way that often questioned their right of belonging to Kenya. Of course we know that, by insisting on the uniqueness of their culture, heritage and outlook – with some identifying with an Arab descent often for quasi-religious reasons – the Swahili themselves became inadvertently complicit in the often *de facto* denial of their citizenship rights based on racial and religious biases. Whatever the case, reducing the citizenship status of the Swahili, to either non-citizen or lesser citizen, conveniently served the personal interests of those in power and as a legitimating ideology for the collective dispossession of the Swahili people. The unfolding of this post-colonial Swahili reality is what later came to stimulate forms of resistance articulated in either religious or regional terms.

No Muslim community in Kenya, however, has experienced the negative weight of the Kenyan state more systematically than the Somali community. The roots go back to the early 1960s period following the end of colonial rule. The rise of irredentism in Somalia led to the quest by some in the then Kenya's North Frontier District (NFD) populated mainly by Kenyans of Somali ethnicity to have the colonial map redrawn so that they could be united with their ethnic kin in Somalia. This development led to a prolonged war between the Kenyan state and Somalis in the NFD region. More than half a century later, the Somalis of Kenya alternate between being second-class citizens and defenders of the government of the day. Their home region has been systematically neglected in terms of developmental projects of any kind. The influx of refugees fleeing from war in Somalia has renewed the problems bona-fide Somali citizens of Kenya experience regarding the issuance of passports and national identity cards; they continue to be harassed regularly by the police who exploit the citizenship issue to extort bribes. The latter problem reached new heights due to Operation Linda Usalama’s harassment and mass arrests following the Westgate Mall attack of 2014. Despite the high level of Somali investment in Kenya (Abdul Samad, 2011), multiple reports on the condition of Somali refugees in Kenya has also documented the high levels of abuse – sexual and otherwise – in refugee camps and of extortion and harassment of Somalis of all persuasions by the police that is charged with the responsibility of protecting them. The Kenya government has also been accused of forcible and illegal relocations of deportations of Somali refugees (Yarnell and Thomas, 2014). Kenyans of Somali origin
have multiple reasons to be indignant about their government, and the security measures responsible for this have not reduced the threat of Al-Shabaab attacks on Kenya soil (Lind, Mutahi, and Oosterom, 2017).

**Changing Targets of Terrorism**

We need to bear in mind that initially terrorism in Kenya did not intentionally target Kenyans. The intended targets were Israel and the USA, even though the majority of those killed invariably turned out to be Kenyan. One of the earliest terrorist attacks in Kenya took place on December 31, 1980, when a bomb exploded at the Norfolk Hotel, Nairobi, killing nearly twenty and injuring over eighty people. At that time the hotel was owned and managed by a Jewish firm, the Block Hotels. The suspected culprit was one Moroccan citizen, Qaddura Mohammed Abdel al-Hamid, presumably a Palestinian sympathizer even though both the Palestinian Liberation Organization (PLO) and the Popular Front for the Liberation of Palestine (PFLP) denied any association with him. It was believed that al-Hamid’s action was partly in retaliation against Kenya’s logistical support of Israel in the so-called Entebbe raid of July 1976. This development intensified cooperation between the Kenyan police and Israeli intelligence, the Mossad.

Another Israel-targeted terrorist assault came in November 28, 2002. This was a twin-attack: bombing of the Paradise Hotel in Mombasa, owned by Israeli nationals, and the unsuccessful attempt to down an Israeli charter plane with surface-to-air missiles. The attack on the hotel left thirteen dead and over eighty injured. Kenyans were caught in crossfire: Three times as many Kenyans were killed than Israelis. This attack led to the arrest of the controversial Kenyan preacher, Sheikh Muhammad Aboud Rogo, and some twenty others who were charged with several counts of murder related to the attack on the Paradise Hotel. Though Rogo was eventually cleared on the charges in 2005, he was assassinated by unknown gunmen who, in the opinion of several human rights groups, were members of Kenya’s Anti-Terrorism Police Unit.

The first anti-American terrorist attack on Kenyan soil occurred in 1998. The work of operatives associated with Al-Qaeda, it took place two years after Osama bin Laden had declared his war against the USA, claiming that “The occupying American army is the principal and the main cause of the situation. Therefore efforts should be concentrated on
destroying, fighting, and killing the enemy until, by the grace of Allah, it is completely defeated” (Quoted in Rubin and Rubin, 2002: 139). Bin Laden was referring to the establishment of American military bases in the Muslim holy land following the Gulf War of 1990-1991. The attacks of August 7, 1998 targeted America’s Embassies in Nairobi and Dar es Salaam while a third attack on the US Embassy in Kampala failed to come off. The audacious coordinated operations were intended to hit America in areas where it was vulnerable and where it least expected it, though the vast majority of the dead and the injured were Kenyans and Tanzanians. However, those hundreds of lives lost in terrorist attacks in Kenya and Tanzania directed at America seemed to have left “little impression…on the American conscience” (Hoffman, 2014:210), even though the tragedy did foster closer ties in the security domain between Kenya and the USA at a time of declining rapport with President Daniel arap Moi allegedly over his human rights record.

Kenyans did not become targets of Muslim-based terrorism until Kenya began serving as a proxy for American intervention in Somalia. This followed the commitment of US President George W. Bush to actively address the situation in Somalia as critical to America’s war against terrorism (Mogire and Agade, 2011). Kenya’s acceptance of its expected role as America’s closest ally in its war on terrorism in the Horn of Africa (Davis, 2007) began with its participation in the illegal renditions of many Somalis fleeing the American-supported Ethiopian invasion of Somalia that dispersed the six-month old government of the Islamic Courts Union. More significantly perhaps is that Kenya now participated in the invasion of Somalia with the explicit goal of attacking Al-Shabaab in October 2011 under the banner of Operation Linda Nchi. In the process, Kenyan forces are reported to have indiscriminately bombed and shelled “populated areas, killing and wounding civilians and livestock” (Human Rights Watch, 2013). By all indication, that Kenyan offensive marked a critical juncture in the conflict between Kenya and Al-Shabaab. Choosing to become an active player in the anti-terrorism game worked to make more Kenyans a target in what started as anti-American terrorist attacks.

Since then, Kenya has experienced multiple Al-Shabaab engineered attacks, large and small, including horrendous acts of terrorism at the Westgate Mall on September 21, 2013, Mpeketoni on June 15, 2014, and Garissa University on April 2, 2015. Al-Shabaab had made clear its intentions to “revenge” from the very beginning of Kenya’s invasion.
And those intentions were confirmed when, immediately after the Westgate Mall attack, Ahmed Godane, then Al-Shabaab’s leader in Somalia, released a statement saying “The attack at Westgate Mall was to torment the Kenyan leaders who’ve impulsively invaded [Somalia]. It was a retribution against the Western states that supported the Kenyan invasion and are spilling the blood of innocent Muslims in order to pave the way for their mineral companies...There is no way you could possibly endure a prolonged war in Somalia and you cannot also withstand a war of attrition inside your own country...So make your choice today and withdraw all your forces [or] an abundance of blood will be spilt in your country” (Quoted by McConnell, 2013). Kenya’s geographical proximity to Somalia, its relatively more porous borders, and the existence within its borders of a marginalized and aggrieved constituency of citizens of Somali and Muslim background among whom terrorists could both infiltrate and recruit potential sympathizers, have made the danger of Al-Shabaab as real as it could get.

**Counterterrorism and the American Connection**

American influence was clearly evident in the Kenya government’s attempts to pass anti-terrorist legislation. The September 11, 2001 bombing of the World Trade Center in New York City and the Pentagon in Washington DC gave birth to the American Patriot Act, designed to be the primary legal weapon against terrorism in the USA. The tragic attack was also the source of American pressure on other countries of the world to construct specific regional alliances that would support the American-led war against terrorism (especially from the Muslim “Other”). These alliances include the US East Africa Counterterrorism Initiative – intended to improve police and judicial anti-terrorist capabilities of Kenya, Uganda, Tanzania, Djibouti, Eritrea and Ethiopia – and the 2002 Pan-Sahel Initiative (PSI) – a program designed to assist Mali, Mauritania, Niger and Chad protect their borders better and combat terrorism within the region. In 2005 the Pan-Sahel Initiative was replaced by the Trans-Sahara Counterterrorism Initiative that operates in nine countries (the original PSI countries plus Morocco, Algeria, Senegal, Nigeria, and Tunisia). Several African countries not included in the above initiatives receive support for counterterrorism training and assistance through the Africa Regional Fund of the USA.
In the meantime, it took time for Kenya to pass its own anti-terrorism bill into law, partly because the Muslim reaction with support from Kenyans from all walks of life forced the Kenya government to allow debate on the bill in its various stages of revision. Like the anti-terrorism legislation in neighboring countries, the first version of Kenya's proposed legislation, entitled *The Suppression of Terrorism Bill*, featured a definition of terrorism that could be interpreted to treat almost any crime of violence as an act of terrorism. Terrorism was described as:

…the use or threat of action which
(1) involves serious violence against a person
(2) involves serious damage to property
(3) endangers the life of any person other than the person committing the action…

This definition can encompass a very wide range of crimes currently covered under the country’s Penal Code, from robbery with violence to crimes of passion between lovers. The bill also provided a description of people who would be liable for arrest and prosecution by the police merely for arousing suspicion of belonging to a terrorist organization. According to the bill, a person who, in a public place (a) wears an item of clothing or (b) wears, carries or displays an article, in such a way

…as to arouse reasonable suspicion that he is a member or supporter of a declared terrorist organization shall be guilty of an offence and shall be liable on conviction to imprisonment for a fine not exceeding six months, or to a fine or both.

A bearded Muslim in a *kanzu* or *jalabiyya*, therefore, could be arrested on a charge of suspicious conduct only because members of an organization like al-Qaeda tend to dress in a similar fashion.

Kenya’s proposed anti-terrorism legislation underwent some major revisions before becoming law. In the 2006 bill, entitled *Kenya Anti-Terrorism Bill 2006*, intent, for example, now became central to the new definition of terrorism. Terrorism is now:

…the unlawful use of violence or threat of violence, with intent to advance a political, religious, ethnic, ideological or other such cause; and includes any unlawful use of violence or threat of violence with intent to put the public or a section of the public in fear.

Under this provision, the police officers no longer had the kinds of draconian powers they would have enjoyed under the initial bill.
But the new bill continued to pose problems touching on concerns of human rights and civil liberties. Kenya's legal system, for example, has always operated on the principle that one is innocent until proven guilty. Under the *Kenya Anti-Terrorism Bill 2006* innocence was no longer assumed at the outset: an arrested person could be required to prove his/her innocence. A professor who criticized America's record of counter-terrorism in a public address, for example, could be charged with encouraging support for terrorist organizations under section 11(3) of the Bill, unless (s)he can satisfy the court that (s)he had no cause to believe that the address would further the beliefs or activities of a terrorist organization. Because of these “loopholes” the bill was again tabled for another round of revisions.

What is important here is that, under intense pressure from the civil society, and fearful of the Muslim reaction, the Kenya government had to open different versions of the bill to discussion and was induced to revise the document on the basis of the feedback from its citizens – much to the disapproval of the American government. A revised bill was finally passed in 2012 and became law under the name *The Prevention of Terrorism Act, No. 30 of 2012*, but still amidst strong opposition from many Muslims and non-Muslims alike. Like many other anti-terrorism legislations passed elsewhere, the new law provides definitions of terrorism and terrorist that are quite vague, expands police powers, and allows the state to create lists of terrorist individuals and organizations without due process. The result is that the legislation can and has been used against individuals and organizations critical of the government, as well as against a range of ethnic, religious and civil society groups advocating for causes that are not in the interest of the state and those in political power.

It is important to remember that Kenya was a target of anti-American and anti-Israeli acts of terrorism on its soil well before September 11, 2001. These experiences did not result in any specific legislation against terrorism. This changed only with the American homeland itself came under attack on September 11. Of course there was the 1993 attack of the World Trade Center; but that prelude was on a much smaller scale than the attack that followed in 2001. Since World War I the United States seems to have maintained a doctrine that defending America required engaging in wars abroad (Eland, 1998). It was not until Al-Qaeda turned terrorism into a global campaign that the American homeland was hit on a grand scale. Doubling down on its doctrine that the USA
could best be defended at home by waging wars abroad, sometimes even claiming a right to pre-emptive wars (Mazrui, 2006:179-180), the Middle East and Africa became particularly vulnerable to American military incursions. In addition to establishing military presence in a number of African countries, the USA now put extensive pressure on African governments to pass anti-terrorist legislation (Mazrui, 2005:14-15; Howell et. al., 2007).

In practice, however, and again under pressure from the USA, Kenya acted as if the more draconian version of its earlier proposed anti-terrorism legislation was already in place as law. As we know, the security forces of Kenya have opened their doors to the US Federal Bureau of Investigation (FBI) and the Central Intelligence Agency (CIA). In the process, the Kenya authorities have been tempted to repatriate their own Kenyan citizens to the United States on the slightest pretext. The FBI is reported to have been involved in raiding the offices of Mercy Relief Organization as well as a number of mosques and Muslim homes in Nairobi, Mombasa and Lamu (Achieng, 2006). In June 2005, a senior Kenya government official reported that US and British intelligence agents were in the country tracking alleged members of two al-Qaeda-linked groups (Kraft, 2005). This decline in sovereignty of the Kenyan nation led to increased tensions between the state and the Muslim constituency. Any gains the Kenya government made in allaying the fears of its Muslim citizens in the political process of lawmaking was gradually undermined by its secret collusion with America in actual security practice. All this has continued to feed Muslim anger against the USA and the Kenya government.

Particularly significant in Kenya’s response to terrorism after the 2002 bombing of the Israeli-owned hotel in Mombasa was the establishment, in 2003, of the Anti-Terrorism Police Unit (ATPU) within the Kenya’s Criminal Investigation Department (CID). Since its formation, the unit has been suspected of a series of extra-judicial killings and disappearances. According to Human Rights Watch, their “researchers found that suspects were shot dead in public places, abducted from vehicles and courtrooms, beaten badly during arrest, detained in isolated blocks and denied contact with their families or access to lawyers” (Human Rights Watch, 2014). Several other human rights organizations have reported similar abuses allegedly committed by the Anti-Terrorism Police Unit since the year of its establishment. In fact, an anonymous member of ATPU is reported by Al Jazeera to have
 said: “The justice system in Kenya is not favorable to the work of the police. So we opt to eliminate them [the suspects]. We identify you, we gun you down in front of your family, and we begin with the leaders.” (Human Rights Watch, 2014:2).

Human Rights Watch has documented cases of bodies found in shallow graves, mortuaries, or dumped in various locations in Kenya, which were ultimately determined to have been individuals last seen with Kenyan security officers. These cases raise serious concerns that at least in some instances, those who have been arrested and reported missing or feared disappeared have been killed while in custody. Among the 11 cases investigated, four people were last seen in the custody of KDF and seven were last seen being arrested or detained by various units of the Kenyan police (Human Rights Watch, 2016). As a result, and as some of the reports in this volume suggest, Kenya's counter-terrorism strategies and actions are contributing to the very radicalization of Muslim youth that the state seeks to combat, making them receptive to recruitment by terrorist organizations and networks (UNDP, 2017).

The issue of enforced disappearances has been of great concern to human rights organizations. Article 3 of the International Convention for the Protection of All Persons from Enforced Disappearances requires every State to take appropriate measures to investigate every instance of enforced disappearance and bring those responsible to justice. However, as a signatory to the Convention, Kenya has failed to live up to its obligations under international law. It has failed in its duty to implement in full the terms of the International Convention that all Parties agreed to undertake. The perceived inaction on the part of the state in the face of recurrent enforced disappearances contributes to the loss of confidence in Kenya's law enforcement bodies, and adds to the general sense of insecurity and wanton impunity in the nation. In addition, to the extent that the majority of the victims of enforced disappearances in Kenya so far have been Muslim, the complacency of the government both infuriates and alienates Muslim citizens of Kenya. This state of affairs has the potential of feeding directly into the propaganda machinery of terrorist groups, making sections of the youth vulnerable to their recruitment overtures. MUHURI believes that if the government is serious about fighting terrorism, it must avoid contributing to an atmosphere within which terrorist inclinations can develop and thrive.
Equally significant is the extent to which the fight against terrorism has become yet another path of corruption for those officers entrusted with security of the citizens. In its research, MUHURI has recorded cases at the coast of Kenya in which individuals have been falsely accused of links to terrorist groups only to discover that they were in fact victims of police extortion. Large sums of money have been demanded from individuals if they wished to avoid unspecified action against them – action which, in the Kenyan context, has included extra-judicial killings and enforced disappearance – even when they knew that they were innocent of the accusations by the security officers who contacted them. And, out of fear, many bribed their way out of those false charges. A lucrative financial dimension then has been added to the human cost of counter-terrorism on the daily lives of ordinary Muslim Kenyans. This conflation of the results of counter-terrorism activities is likely to have left many Muslims feeling more marginalized than before.

The Kenya Government also created the National Counter-Terrorism Center, designed to function under the National Security Intelligence Service (NSIS) and as part of the East African Counterterrorism Initiative established by the American government. Though created in 2004, the Center was not established by law until the passage of the Security Law Amendment Act of 2014. It is essentially a policy oriented institution intended to serve as a coordinating unit for all counter-terrorism efforts for Kenya and training of law enforcement officers, border control personnel, and prison staff. One of the center’s significant outputs was the launching, in September 2016, of the National Strategy to Counter Violence Extremism (NSCVE), supposedly a multi-layered and multi-level approach to “rally all sections of Kenyan social, religious, and economic life to emphatically and continuously reject violent extremist ideologies and aims in order to shrink the pool of individuals whom terrorist groups can radicalize and recruit” (Ombati, 2017:1). In addition to the National Strategy, counties have been encouraged to produce their own anti-terrorism strategy documents that address their own specific circumstances. What is clear from these documents, however, is that none of them adequately address the global and local forces, and the dynamics of their interrelationship responsible for the Muslim rage that has been feeding the radicalization of the youth.

The general record, then, especially since the presidency of Mwai Kibaki is of a Kenya government that is doing its best to give the impression that it is doing everything possible to fight terrorism. Much
of this impression is created for the benefit of the USA for it is from the American government that the Kenya government gains its foreign aid bonuses for seeming to serve as such a willing, indeed eager, partner in the fight against terrorism. What is even more disconcerting about the counterterrorism partnership between Kenya and the USA is the possibility raised by the Harmony Project and quoted by Presholdt that “Kenya's leaders may now stand to gain from the prospect of terrorist attacks. A US Military Academy Combating Terrorism Center recently argued that since US aid to Kenya is largely pegged to the perceived risk of terrorism, rather than to Kenyan authorities’ effectiveness in addressing terrorist activity, the Kenyan government has an incentive to tolerate infrequent attacks” (2011:21).

Conclusion

The discussion above highlights the politico-economic foundations of Muslim-related terrorism, both in Kenya and elsewhere in the world, even though at times the politico-economic trajectories may coincide with boundaries of religious identity. From the politics of oil globally to the politics of land and resources locally, people of Muslim background have continued to be victims in concrete ways. And when they have responded, their identity as Muslims often has been at the foreground even when the core issues at stake have nothing to do with Islam.

The recent representations of terrorism, however, have resulted in an image of Islam as a religion that essentially fosters radicalization and extremism in the political arena. But as Goldsmith argues in the case of the Kenya coast, “the religious sensibilities of coastal Muslims have until recently acted as a brake on violent response in the presence of material inequalities, especially in respect to land ownership, that has catalyzed violent conflicts elsewhere in Kenya” (2014). One can site many other examples throughout the world in which the underlying ethos of Islam have served to stifle rather than provoke violent responses to conditions of marginalization and dispossession.

In fact, with the exception of countries like the Sudan, Africa as a whole has served as a positive example of inter-faith harmony. In Senegal, a population that is over ninety percent Muslim voted for a Christian as president. Tanzania is remarkable for its record of Christian-Muslim Presidential rotation. Ghana, Malawi, and Nigeria have all had elections in which the victorious presidential candidate was of one faith and the
running mate of another faith. These examples could be multiplied at different levels of government and different sectors of operation, both nationally and internationally. And even in the realm of resistance, examples of interfaith cooperation abound, as in the case of MRC in Kenya (Goldsmith, 2014). Africa’s record of inter-faith collaboration, exchange and harmony is virtually unmatched worldwide.

Africa’s distinct record, however, is now being compromised by Islamist inspired terrorism and the responses it has catalysed. The Kenya government must, of course, respond to terrorism and the danger it poses to society. But how it reacts to the threat will make a huge difference between maintaining a state of inter-faith harmony and fomenting a state of religious conflict. Now, Kenya must resist American pressure and seek to be a player in the fight against terrorism on its own terms, in uncovering and ascertaining the causes of terrorism at various levels of society, as well as in developing strategies that include ways of addressing those underlying causes, bearing in mind its own history and specific circumstances with a common vision towards a “Kenya tuitakayo,” (The Kenya We Want).

Outline of the Book

After internal discussion of the issues sketched above, Twaweza Communications and MUHURI decided to bring together a broadly representative and complementary sample of reports on terrorism and counterterrorism in Kenya. The objective is to stimulate a dialogue and reflection on some of the critical questions on this theme in a way that would hopefully lead to fresh thinking on policy matters in Kenya. There is clearly a need to better manage the specter of terrorism as the contents of this volume indicate.

The reports featuring in this book vary in focus and approach. Track, Capture, Kill: Inside Communications Surveillance and Counterterrorism in Kenya investigates the techniques, tools and culture of Kenyan police and intelligence agencies’ communications surveillance practices. It focuses primarily on the use of surveillance for counterterrorism operations and discusses how communications content and data is intercepted and fed into the cycle of arrests, torture and disappearances. The report shows that these abuses adversely affect Kenya’s counterterrorism operations and further erode Kenyans’ already weak trust in the agencies responsible for protecting them. The investigation
also explores the potential impact of unaccountable communications surveillance on general elections. The report raises important policy and practical questions for counterterrorism activities. The Kenyan constitution guarantees freedom from torture, cruel, inhuman and degrading treatment and the right to a fair trial as fundamental rights. Yet the report shows that communications surveillance is carried out by Kenyan state actors without oversight and outside of the procedures required by Kenyan laws.

The second report, Political Socialization and Terrorist Radicalization Among Individuals Who Joined Al-Shabaab in Kenya, is a study based on how youth are radicalized and recruited to join al-Shabaab. The study shows that radicalization and radicalization is more widespread than often assumed and that families and peers play a role in the political socialization process. Religious identity, economic, political and educational contexts of Al-Shabaab members are discussed and shown to be critical contributory factors to radicalization. Over time, internal (personal) and external (environmental) factors converge to contribute to violent extremist ideas. Of particular interest in the study is how identities (ethnic and religious) can become prominent when individual grievances are transferred and made collective, especially when civil liberties are curtailed.

Some of the issues raised by Anneli Botha are clarified by Paul Goldsmith in The Mombasa Republican Council and the Politicization of Security and Public: Perceptions on the Coast of Kenya, albeit through a different perspective. The author examines the issues and internal dynamics of the movement’s rise to prominence in national and identity politics. The analysis focuses on the MRC’s articulation of its agenda for self-determination discourse and highlights the empirical factors differentiating the relatively moderate social movement from the Islamist insurgency and political criminality that surged after 2013. The report shows that the MRC’s mix of radical agenda and non-violent methodology posed a dilemma for different institutions because it did not fit neatly into pre-existing categories. Despite a Supreme Court lifting the 2010 ban on the MRC activities, the security agencies continued suppression of the movement raises questions at a time when the self-determination and secession debate has gained momentum in other areas of Kenya.

Big Game: U.S. Soldiers’ Secret Hunt for Jihadists in a Kenyan Forest is a piece of investigative journalism that examines the linkages between
the Kenyan government and the United States military in antiterrorist activities in the Lamu region and the Somalia borderlands. The report details some of the challenges of ‘Operation Linda Boni’ launched on September 11, 2015 and the impact of the Kenya Defence Forces (KDF) on communities, especially the Aweer (more commonly known as the Boni). Local communities face a dual dilemma: they are coerced by al-Shabab fighters to provide shelter and logistical support while at the same time they are under threat from KDF who suspect them of harboring terrorists.

Women involved in terrorism have generated much interest in the counter terrorism and counter violent extremism discourse due to the numbers of women now being recruited or radicalized by terrorist organizations. The contribution of women to terrorist enterprises is, however, not new even though their frontline role has often evaded the attention of the media, policy makers, and law enforcement agencies. The gender factor in terrorist activities can no longer be ignored. It is important to understand how women are recruited, the motivations of women being recruited, and their roles and position within terrorist organizations. It is these issues that the report on Roles, Motivations, and Recruitment Pathways of Kenyan Women Recruited into the Al-Shabaab addresses.

Civil society actors are involved in the war on terror in a variety of ways. Some have been targeted by the state security apparatus for their advocacy activities and role as watchdogs monitoring the conduct of the war on terror while others have participated in community peacemaking and de-radicalization programs. These levels of involvement are the focus of the study Civil Society Pathways to Peace and Security: CVE and the Peace and Security for Development Programme in Coastal Kenya. The report argues that activities of civil society groups represent an important arena for examining how international ideas and policies on security, counter-radicalization and counter-terrorism are articulated, interpreted and implemented at local levels in developing countries. Using the Peace and Security for Development Programme in Coastal Kenya as a case study, the authors examine how counter terrorism and security interventions articulate at the level of individuals and communities. The study also examines issues of at the intersection of local developmental concerns and security objectives.
Notes

1 There have been claims that the MLF was a fictitious organization and its attacks were state engineered, all as a pretext to kill the radical opposition politician, J.M. Kariuki, who the state claimed, was its leader.

2 This article was first published in Studies in Conflict & Terrorism, 37: 11, 895-919, DOI: 10.1080/1057610X.2014.952511, reprinted by permission of Taylor & Francis Ltd, http://www.tandfonline.com

References


Track, Capture, Kill: Inside Communications Surveillance and Counterterrorism in Kenya

Privacy International

Acronyms

AP  Administration Police
ATPU  Anti-Terrorism Police Unit
BTS  Base Transceiver Station
CA/CCK  Communications Authority, formerly Communications Commission of Kenya
CDR  Call Data Record
CID/DCI  Directorate of Criminal Investigations
DMI  Directorate of Military Intelligence, Kenya Defence Forces
GSU  General Services Unit, a paramilitary force officially under the Kenya Police Service Control
IMSI  International Mobile Subscriber Identity
IPOA  Independent Policing Oversight Authority
KDF  Kenya Defence Forces
NCIC  National Cohesion and Integration Commission
NIS/NSIS  National Intelligence Service, formerly National Security Intelligence Service
NPS  National Police Service
Recce  Reconnaissance Company, of GSU; aka GSU-Recce aka Recce squad
Executive Summary

This investigation focuses on the techniques, tools and culture of Kenyan police and intelligence agencies’ communications surveillance practices. It focuses primarily on the use of surveillance for counterterrorism operations. It contrasts the fiction and reality of how communications content and data is intercepted and how communications data is fed into the cycle of arrests, torture and disappearances.

Communications surveillance is being carried out by Kenyan state actors, essentially without oversight, outside of the procedures required by Kenyan laws. Intercepted communications content and data are used to facilitate gross human rights abuses, to spy on, locate, track – and ultimately arrest, torture, kill or disappear suspects, as this report documents. The Kenyan Constitution guarantees freedom from torture, cruel, inhuman and degrading treatment and the right to a fair trial as fundamental rights.

These abuses have marred Kenya’s counterterrorism operations and further eroded Kenyans’ already weak trust in the agencies responsible for protecting them. This investigation also explores the potential impact of unaccountable communications surveillance on the 2017 election cycle.

The National Intelligence Service (NIS) regularly shares information with police agencies, some of whom have been engaged in gross human rights abuses, according to multiple independent media, civil society and Kenya National Commission on Human Rights (KNHCR) investigations.

The NIS appears to have direct access to communication networks across Kenya. This direct access means that the network operator itself has little to no knowledge of the interception of communications occurring on its network, and therefore no real ability to check these powers or report potentially abusive use of communications surveillance powers. The role of the Communications Authority in facilitating direct access in Kenya requires more scrutiny. All responses to Privacy International’s requests for comment are included in the text.

There is a pressing need to begin to reform the practice of communications surveillance, preventing a future threat of greater abuse.

Full recommendations are included at the end of the chapter.
Introduction

This investigation focuses on the techniques, tools and culture of Kenyan police and intelligence agencies’ communications surveillance practices. It focuses primarily on the use of surveillance for counterterrorism operations. It contrasts the fiction and reality of how communications content and data is intercepted, how individuals are tracked and targeted, and how this information is fed into the cycle of arrests, torture and disappearances. Communications surveillance is being carried out by Kenyan state actors, effectively without oversight, and outside of the procedures required by Kenyan laws. Information gained by communications surveillance directly facilitates the commission of further grave human rights abuses in Kenya’s counterterrorism efforts, including torture and extrajudicial killings.

These abuses have marred Kenya’s counterterrorism operations and further eroded Kenyans’ already weak trust in the agencies responsible for protecting them. This investigation also explores the potential impact of unaccountable communications surveillance on the 2017 election cycle.

This investigation is based on interviews carried out and documents acquired by Privacy International in 2016. Privacy International interviewed and/or reviewed testimony of 57 individuals for this investigation. Of these, 32 were law enforcement, military or intelligence officers either currently serving or who recently left the service. The remaining interviewees included prosecution and defense lawyers, telecommunications network operator employees, Communication Authority staff, security professionals, and families of disappeared Kenyans.

Background

From the intelligence units deployed under British colonial authority to former President Daniel Moi’s fearsome spies, Kenya has long had a robust intelligence service. More recently, the Kenyan government’s ability to monitor citizens’ communications has evolved in response to two dynamics.

The first dynamic is the legacy of sectarian violence following the 2007 election. Over 1,000 Kenyans died in two months of violence among Kenya’s major ethnic groups. In 2008, the government
created the National Cohesion and Integration Commission (NCIC) to investigate ethnic hate speech complaints. This included increasing scrutiny of communications online and transmitted by SMS. The NCIC teamed up with the then Communications Commission of Kenya (CCK) to closely monitor online speech. In the run up to the 2012 elections, the CCK issued new regulations to prevent the circulation of inflammatory material. Following the elections, the CCK requested that mobile providers block text messages by firewall using pre-identified key words. The National Steering Committee on Media Monitoring of the Ministry of ICT reportedly intercepted 300,000 SMS messages daily.

The threat of terrorism is the second and more significant pressure that the government cites to justify stricter regulations on speech and closer surveillance of Kenyans’ communications. Kenya has experienced dozens of terrorist attacks mainly in Nairobi, and the Coastal and Northern Kenya regions. Attacks have increased in frequency since the Kenyan military was deployed to Somalia in support of the Somali government’s counterinsurgency campaigns in October 2011. This tension, combined with the government’s huge and growing counterterrorism budget, has significantly expanded the Kenyan government’s communications surveillance powers. Its defense and intelligence budget has shot up. In 2017, 124 billion KSh (around 959 million GBP) was allocated to the Kenya Defence Forces (KDF) and the National Intelligence Service (NIS), Kenya’s primary signals intelligence agency, up from 98 billion KSh in 2016. The United States’ counterterrorism assistance to Kenya roughly tripled from 38 million USD in 2014 to 100 million USD in 2015, while the United Kingdom’s operational and financial support remains significant.

The Kenyan government’s counterterrorism operations have been particularly brutal and disproportionate. Security services arrested at least 4,000 majority ethnic Somali Kenyans in during Usalama Watch, a police operation “to curb the rising spate of terrorist attacks in the country.” Scores of Kenyan citizens – most of them male, many of them Muslim – have been killed or ‘disappeared’ at the hands of Kenya’s police in what is being called an epidemic of extrajudicial killings. Domestic and international human rights groups as well as the constitutionally-mandated Kenya National Commission on Human Rights
have highlighted the role of the Police General Services Unit (GSU) and the Anti-Terrorism Police Unit (ATPU), in particular.

Abuses in counterterrorism are occurring against a backdrop of widespread law enforcement corruption and impunity. One in three Kenyans has been subject to ill treatment at the hands of the police, according to a 2016 study by the Kenyan Independent Medico-Legal Unit.\(^\text{17}\) The Nation newspaper found that police officers killed 122 persons in the first eight months of 2016.\(^\text{18}\) The government is also increasingly scrutinizing civil society groups as part of its counterterrorism campaign. In late 2014, it deregistered 500 civil society groups\(^\text{19}\) for alleged registration irregularities and suspected fraud. Prominently critical Muslim human rights groups were deregistered and had their bank accounts frozen in April 2015;\(^\text{20}\) the government claimed that they were linked to jihadist group Al-Shabaab.\(^\text{21}\) Several lawyers and media professionals, too, have disappeared under suspicious circumstances.\(^\text{22}\) The police have overtly questioned whether its critics support “the Kenyan people or terrorist groups”.\(^\text{23}\)

**Expanded Powers, But Short on Detail**

Intelligence-gathering powers in post-independence Kenya were concentrated around the presidency and the Special Branch. In 1998, the National Intelligence Service (NIS) was created to replace the Special Branch; it is now Kenya’s primary signals intelligence agency.\(^\text{24}\) The Kenyan government’s communications surveillance capacities were vague and opaque. Kenyan media published only anecdotal reports of surveillance throughout the early 2000s.\(^\text{25}\) Yet the Kenyan government’s increasing attention to domestic terrorism in the early 2010s ushered in important developments.\(^\text{26}\)

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**Communications Authority of Kenya**

The Communications Authority of Kenya (CA) is Kenya’s telecommunications industry regulator. It officially oversees the management of the national telecommunications infrastructure. Formerly called the Communications Commission of Kenya (CCK), the CA awards operating licenses to providers and monitors their regulatory compliance. The CA is also an important player in the development of Kenya’s emerging Cybersecurity Policy framework – it sits alongside the NIS, KDF and ICT Authority among others on the National Cybersecurity Steering Committee. The CA is responsible for inspecting equipment used on telecommunications infrastructure.

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“The war on terror has compelled the world to intrude into personal privacy,” stated Michael Katundu, acting director of the then-Communications Commission of Kenya (CCK) in early 2012. That year, news had leaked to the press that the CCK was engaged in building a system to monitor outgoing and incoming internet traffic with the support of the International Telecommunications Union (ITU). The press and legal profession were quick to note that the Network Early Warning System (NEWS) risked violating Kenyans’ constitutional right to privacy (Article 31). Kenya’s operators, too, questioned their ability to protect their customers’ privacy. But this project went ahead without substantive challenge or public debate about the program’s actual capacities.

**The National Intelligence Service Act and the Prevention of Terrorism Act**

Two important Acts of Parliament in 2012 codified the government’s interception capacities. The National Intelligence Service Act (2012) grants the Director General of the NIS the ability to intercept an individual’s communications when he or she has ‘reasonable grounds to believe’ such information is required for an investigation subject to a prior application to the High Court for an interception warrant. On the law enforcement side, the Prevention of Terrorism Act (2012) granted police officers above the rank of a Chief Inspector the power to request an interception of communications order from the High Court. Worrying, however, was the power granted to the police to enter telecommunications operators’ premises to install monitoring devices (Art. 36). Left undefined, these devices could potentially capture far more than needed to track an individual or even a group of individuals.

The Westgate Mall terrorist attack provided a watershed moment for the expansion of the Kenyan government’s surveillance powers. On 21 September 2013, gunmen stormed an upscale mall in Nairobi, killing over 60 and wounding over 170 in an attack later claimed by al-Shabaab. The Kenyan government soon embarked on an overhaul of its surveillance regime as part of a re-examination of the country’s security policies. The Kenyan government was set to gain its most significant powers to date.

**The Security Laws (Amendment) Act 2014**

In December 2014, the Kenyan Parliament passed a hastily-debated omnibus security bill, the Security Laws (Amendment) Act. The Act
casts some doubt on what was previously a clear requirement for all agencies authorized to intercept communications to obtain prior judicial warrants.\textsuperscript{34}

The Security Laws (Amendment) Act introduced a new amendment to the Prevention of Terrorism Act: a Cabinet Secretary was tasked with making new regulations to govern communications interception by the “national security organs” when related to terrorism investigations.\textsuperscript{35} The “national security organs” are defined widely in Article 239 of the Constitution as the Kenya Defence Forces, NIS and the Kenya Police Service. It is unclear if these rules, which have yet to be articulated, would still require the National Security Organs to obtain warrants to intercept communications, as set out in previous laws.

The Security Laws (Amendment) Act also expanded the intelligence services’ powers by introducing a specific section on “Special Operations”\textsuperscript{36} related to national security. Covert operations can be initiated by the Director General of the NIS. Under his orders, any member of the intelligence service of any rank could monitor communications as well as seize essentially any material from private property. Again, communications interceptions would be carried out with written authorizations issued per “guidelines approved by the [National Security] Council”, which are still unclear. Officially, and confusingly, given the article 69 amendment discussed above, authorization for covert operations including to ‘monitor communication’ would still require a High Court warrant.

The government slipped the omnibus bill through at the Christmas season with very limited public consultation, prompting opposition-led protests at the national assembly.\textsuperscript{37} The bill passed. Despite a successful constitutional challenge to certain provisions in the law,\textsuperscript{38} the new communication interception powers emerged untouched.

Privacy International interviewed or reviewed first-hand testimony from 57 individuals.

**Spying First, Then ‘Making it Proper’**

In practice, if not in law, Kenya’s surveillance regime appears bifurcated. The NIS intercepts both communication content and acquires call data records without warrants to gather intelligence and prevent crime, and police agencies acquire communications data with warrants to prepare
If it’s ‘just’ for intelligence, explained one police ATPU investigator, then warrants are not sought: “For the sake of investigations, the DCI [Directorate of Criminal Investigations officer] attached to Safaricom will just give [it to] you... When you take someone to court, you have to make it proper now.” Safaricom stated to PI that they “only provide information as required by courts...and upon receipt of relevant court orders.” Safaricom’s full response is included as an annex.

### Intercept (s36)

A 2015 ATPU investigation manual seen by Privacy International demonstrates the official distinction between how the police and the intelligence service can intercept communication. The manual authorizes police ATPU officers to use intercept powers of section 36 of the Prevention of Terrorism Act (2012) to investigate 30 different terrorism-related offences. ATPU officers have been credibly accused of human rights abuses including torture. The manual also notes that while the ATPU can intercept communications only with written consent of the Inspector General of Police, and an ex parte application to a Chief Magistrate of the High Court, it states that the NIS “can also intercept...but regulations still need to be issued by the CS [Cabinet Secretary] for this to take effect.” No such regulations have yet been issued.

If only the distinction between intelligence gathering and trial preparation were so clear. In reality, the NIS often tips off the police based on information gleaned from its own communications monitoring, the police then obtain the necessary clearance to re-surveil the same target to produce evidence admissible in court, according to prosecution and defense attorneys and police investigators. That is, if a suspect ever gets to court.

Telecommunications operators end up handing over their customers’ data because they largely feel that they cannot decline agencies’ requests, in part due to the vagueness in the law and accompanying telecommunication industry regulations. Several telecommunications operators spoke of the threat, either direct or implicit, that their licenses would be revoked if they failed to comply.

The Registration of Subscribers of Telecommunications Services Regulations (2014) of the Kenya Information and Communications Act (KICA, 1998) impose data disclosure requirements on operators. An operator is required to provide the CA “access to its systems, premises, facilities, les, records and other data to enable the Commission inspect” them. It is unclear what, if any, limitations there might be as to the
‘data’ the operator is compelled to provide. The KICA (1998) prevents operators from disclosing individuals’ or businesses’ private information without their consent – except in connection to criminal investigations or proceedings, among other situations (section 93). But does this obligation to not disclose private client data extend to requests by the NIS, which does not gather intelligence for criminal investigations, as the police does?

One internet service provider recalled the difference between his experiences with the police and with the NIS: “A [police] agency comes to me, and they give me the Occurrence Book (OB) number of the case they are investigating.... The NIS has unfettered access to data.” The NIS simply contacted this operator for the data it required. “They will say ‘give us [data for] whenever X calls Y over this time period’, for example...In instances involving terrorism, no warrants are produced. We have to comply or there is the threat that our licenses [will] be revoked.” A Communications Authority of Kenya (CA) officer confirmed his account: “they’ll get their license revoked [if they do not comply] ... If I were them, I’d comply too”.

Telecommunications operators often perceive that they have a duty to preserve national security. “No one’s going to say no,” says a senior source at one of Kenya’s mobile operators. “And think about it. If one of the guys who attacked Westgate was using the [mobile operator’s] money SIM card, who am I to say no?... I’ll give it up very clearly... If the NIS just shows up at 2 o’clock on a Tuesday afternoon, we’re investigating, and we need all this, for all these numbers, that I know nothing about? What the hell am I supposed to do?”

On Your Marks: Infiltrating Telecommunications Networks

Direct Access
The police services and NIS can access Kenyans’ communications data formally, with the consent and cooperation of telecommunications operators. But the NIS also has direct access to Kenya’s telecommunications networks, which allows for the interception of both communications data and content. Direct access describes situations where state agencies have a direct connection to telecommunications networks which allows them to obtain digital communications content and data (mobile and/or internet), without prior notice or judicial
authorisation and without the involvement of the telecommunications provider or internet service provider that owns or runs the network. Direct access poses both legal and technical challenges. Direct access has a defined link to arbitrary and abusive practices that impact freedom of expression and privacy.

**Direct Access**

In most countries, telecommunication service providers are legally required to put in place the technical means for individual communications to be intercepted for investigation purposes. Service providers often need to purchase and install (or allow to be installed) on their networks mediating devices that are compliant with one or more international interception standards.

In 2015, the European Court of Human Rights issued a judgement warning that direct access systems are prone to abuse. It stated in its judgement in the case of Roman Zakharov v. Russia that “a system... which enables the secret services and the police to intercept directly the communications of each and every citizen without requiring them to show an interception authorization to the communications service provider or to anyone else, is particularly prone to abuse.”

**Access at the Telecommunications Providers**

In Kenya, law enforcement agents are physically present within telecommunications operators’ facilities, formally, with providers’ knowledge. NIS agents are also informally present in the telecommunication operators’ facilities, apparently undercover, according to current and former Safaricom, CA, and NIS staff interviewed by Privacy International.

The major telecommunications providers have at least one law enforcement liaison, a police officer of the Directorate of Criminal Investigations (CID) on secondment. This analysis focuses on Safaricom, by far Kenya’s most popular mobile service provider with over 60% of the market share. At Safaricom, around ten CID officers sit on one floor of the Safaricom central bloc. They provide information to all police branches.

Safaricom also has civilian investigators who sit within the Ethics and Compliance Department of Safaricom. These investigators’ primary responsibilities are to follow up fraud and misuse allegations on behalf
of Safaricom, and to assist their law enforcement colleagues in cases in which criminal action may have occurred. Through an interface, Safaricom officers can query a database that collects information from Safaricom’s call data records, SIM registration, mobile money, and subscriber registration databases. Law enforcement liaison officers are separately able to input requests into a query queue; the interface will render data according to the priority/time it was submitted, according to police investigators and Safaricom staff. Standard call data records list the phone numbers of the initiating and receiving devices, the location of the base transceiver station (BTS), the type of communication (whether call or SMS), and the duration of the call. Safaricom stated to PI that “only authorised Safaricom staff have access to systems and tools that can access confidential customer information and this access is controlled and monitored.”

Officially, law enforcement requests for data to Safaricom require a letter of justification, written by an investigating officer, signed by his or her superior, and provided in hard copy or emailed to the Safaricom law enforcement liaison, according to current and former police investigators. The reason does not, however, have to be detailed – often a statement of the category of crime under investigation will suffice.

But agents routinely circumvent protocol in urgent cases. In these cases, information is immediately rendered. One ATPU officer explained, “[i]f it’s national security, whatever, we will breach protocol. ... if it’s urgent, you just make a call. ‘Talk to my boss’...So my boss talks to the charge of security there, and we are given the data, the contact immediately....in a matter of minutes.” Safaricom deny this claim. Live tracking of an individual mobile phone’s location can also be performed within Safaricom by using BTS data – this often allows operational teams to hone in on an area and deploy mobile interception devices to further pinpoint a target’s location. “We normally don’t do this ourselves,” explained a police officer. “We have IT experts there. Mostly civilians from Safaricom. They are really, really trained.” Safaricom deny this claim.

The reported presence of NIS officers undercover in Safaricom and possibly other telecommunication network operators presents serious concerns as to whether any civilian authority or mechanism would be able to effectively oversee the process of communications interception. “The way we know they are here is that they’ll be present, seconded
from somewhere else, but then suddenly they’ll disappear,” explained one CA employee. “And then you hear your colleagues saying, ‘didn’t you know, that guy was NIS?’ They keep very much to themselves. You’ll even find your boss some time suspecting you of being NIS.”

According to sources, by building rapport with civilian officers, NIS are able to informally access communications data. “Of course [the NIS officer in Safaricom] will liaise with the Safaricom engineer... Once there is information that he needs, or that our office needs, he gets in, he talks to the engineer, he is given access,” explained a current NIS officer. “Because in Safaricom, every time you log into the database to check for a certain number, you have to put your code there. ... It depends on the rapport he has with the engineers.... They trust him.”

Responding to Privacy International, Safaricom CEO Bob Collymore stated that Safaricom “ha[s] no relationship with NIS as relates to communication surveillance in Kenya; and we do not have any officers or other representatives of the NIS who are employed, formally or informally, at Safaricom,” Safaricom’s full response is included as an annex.

Flagging Targets
The NIS is also passively connected to Kenya’s telecommunications backbone. NIS agents analyse and listen to live calls at NIS offices both regionally and in Nairobi, as described by two NIS sources and confirmed by a CA officer. Sources described how NIS-owned BTSes directly access Kenya’s telecommunications backbone. Sources confirmed their presence in operationally important areas, such as Mandera on the border with Somalia and Mombasa, on Kenya’s coast. Mobile phone numbers of interest will be ‘flagged’ such that they notify the NIS system when they are engaged in a call. “Once we get a red light on this particular person,” stated one NIS agent, “we try checking the contents of his conversation. If it’s trash we just discard it. If it’s something of interest, we make a move and follow it up.” This enables agents to selectively listen in to and record conversations, described two NIS officers. Analysis centres in Nairobi include one office in the Westlands neighborhood, proximate to Safaricom, as well as at the NIS headquarters off Thika road. Targets are reportedly unaware of the operation, according to several former NIS officers. The Office of the President and an NIS representative did not respond to Privacy International’s requests for comment.
Getting Ready: Sharing Intel and Preparing Ops

The Kenyan government coordinates its counterterrorism efforts through various mechanisms. One is the Joint Operations Centre in Jogoo House, the National Police headquarters. The inter-agency centre functions as a triage platform for pieces of operational intelligence, including information derived from communications surveillance.

The NIS, the primary agency responsible for performing communications surveillance in Kenya, and the agency with the most sophisticated means to do so, feeds information to other agencies which is directly used in counterterrorism actions.

“[NIS] come with information, but they don’t tell us how they got the information...”, explains an ATPU officer. “They tell us content, [like] ‘around 7, there are people who will come there pretending to be guests at the hotel, we suspect they are terrorists.’” Often this information suggests it was gained through communications surveillance – it contains phone numbers or detailed statements individuals’ communication patterns.

Despite the crucial role of NIS in providing operational intelligence to law enforcement units, agents working for other branches largely report that they are not aware of exactly what the NIS do and they gather their information. “NIS? ...In all the years I have worked, I have even interacted with them, I really don’t know their capabilities...” recalls a forensics expert familiar with the police. “Once that open guy transfers services to the other agencies, he then zips up.”

Communications surveillance powers are concentrated around the agency – NIS – that is subject to the least oversight. The NIS is subject to a parliamentary oversight through “the relevant committee,” presumably the Intelligence and Security Committee. The NIS Act (2012) also established an Intelligence Service Complaints Board, comprising a high court judge, a nominee of the Kenya National Commission on Human Rights, an advocate, a retired intelligence officer, and a senior public servant. But apart from receiving and investigating complaints, the Board is limited to making recommendations to the President or Cabinet Secretary. Very little information is publicly available about the Board and its investigations, if it has engaged in any.

In practice, the NIS is an agency that is almost entirely opaque even to the senior agents of other security organs with whom the NIS is mandated to work. These security organs are, to a large degree, dependent on the NIS to carry out communications surveillance.
This effectively renders meaningless whatever legal requirements or operating procedures that do exist that would require an agent to obtain an interception warrant, or follow another accountability process.

Kenya’s communications surveillance capacities do not yet appear to have reached the scale of massive, automated collection and storage of call content and data. The government’s relatively targeted approach to surveilling individuals is no less concerning, however. The NIS share information liberally with police units engaged in grave human rights abuses. Information obtained through communications surveillance is central to the identification, pursuit, and ‘neutralisation,’ or killing, of suspects – a process in which Kenyan citizens’ fundamental human rights are seriously abused, as the next section will show.

**Closing In: Surveillance in Kill or Capture Operations**

This section explores the use of surveillance technologies and intercepted communications in the cycle of tracking, arresting, killing, and investigating terrorism suspects. Terrorism suspects are frequently arrested, subjected to torture, deprived of counsel, and killed. In some operations, a dedicated paramilitary police squad of GSU Recce Company and the ATPU carry out targeted operations whose aim, according to officers, is to kill suspected terrorists. As described to Privacy International, these operations are in part facilitated by location data derived from mobile phone signals, as well as information derived from call data and call content analysis. This information is largely provided by the NIS, which conducts communications surveillance, as described above.

Units of the NIS, Directorate of Military Intelligence (DMI) and CID all have (or had) mobile devices used to track targets, collect communications data and listen into live communications for operational purposes.

**Field Tracking**

The NIS currently have devices that allow an agent of the small NIS technical unit to geolocate a target through his/her mobile phone. The system appears to consist of a handheld device, roughly the size of a large mobile phone that communicates through an interface operated by analysts at NIS’ headquarters off Thika road, according to one NIS officer and an expert. This NIS interface is linked to a database which contains live BTS location data, and call data records. One NIS officer
described how this system functions “by satellite” to give an approximate location for a mobile device, which then allows agents to move closer to the target to perform more targeted surveillance.

“The handheld device] is synchronized to the machine in the office... the phone, it’s synchronized to the machine... You will be able to get the [target’s] number, who [he is] communicating with. Where [his] location is. It is able to receive all the communications. It is able even to get to know what stuff you are communicating with somebody else.”

- NIS Officer abuse.”

Several sources also described that the NIS have a device contained in a vehicle which appears to function like an IMSI catcher. An IMSI catcher is phone monitoring equipment that is able to actively intercept communications “off-the-air” of surrounding devices. An IMSI Catcher performs interception by presenting itself as a base station amongst the mobile network: the station that your phone connects to when it wants to place a call or send a message. The IMSI Catcher mimics a base station by entering the network as the most powerful base station available, meaning that all mobile phones operating within the same area connect to the IMSI Catcher’s base station. Once connected to the IMSI Catcher’s base station, the Catcher has the mobile phone provide its IMSI and IMEI data. Once these details have been gathered it becomes possible to monitor the operation of the phone: the voice calls taking place, the messages being sent and the location of the phone.

Military Intelligence (DMI), too, has a device that functions essentially like an IMSI catcher. It can intercept live phone calls provided the agent is within the range of the BTS with which an individual target’s device is communicating. The DMI also monitors radio frequencies as it primarily focuses on gathering operational intelligence in rural areas near the Somali border areas of northeast Kenya. For this it uses the ‘Blackbird’ product, a “Signal Search, Collection, Geolocation and Analysis System” of American spectrum monitoring company SPX. SPX did not respond to Privacy International’s request for comment.

The CID also had mobile off-the-air interception devices, at least in the period 2010-2011, provided by Israeli tech company Verint. “They don’t need to get your device. All they need to do is get your number, they have a connection with the service provider, and they are able
to get the cell location,” explained one former officer, describing the Engage line of products.\textsuperscript{56}

Promotional material from Verint provided to the Kenyan police demonstrates the surveillance capacities of its Engage Gi2 product. Engage Gi2 devices were reportedly provided to the Kenyan CID and it is unclear if the devices are still in use.

Credit: January 2017. Obtained by Privacy International.
Kenyan officers tasked with procurement travelled abroad as guests of Verint’s Israel office and to trade fairs, according to documents seen by Privacy International. Verint did not respond to Privacy International’s request for comment.

The CID does, however, have global positioning radio system devices that can determine the precise location of a cell phone based on a triangulation between base stations, according to three different sources. It is unclear if the devices are also used to intercept phone calls, though their use must be signed off by a senior official, with two CID sources indicating that this must be the head of the CID’s Criminal Intelligence Unit, Abubakar Maalim. These are used primarily for high-value offenses such as kidnappings.

Intelligence gained by intercepting phone communications, primarily by the NIS, is provided regularly to units of the police to carry out counterterrorism operations, particularly the GSU-Recce Company and Anti-Terrorism Police Unit (ATPU). These police units have significant and well-documented records of grave human rights abuses.

**Kill or capture**

Officers of the Recce Company\(^{57}\) have admitted to carrying out extrajudicial killings as a matter of policy. ATPU\(^{58}\) officers have also been linked to extrajudicial disappearances. The ATPU routinely engages in physical and psychological torture of its detainees, many of whom have disappeared.\(^ {59}\)

The Kenyan government relies on the paramilitary GSU-Recce Company in sensitive cases. The unit was created as a paramilitary force to protect Kenya’s first president, Jomo Kenyatta, with support from the British SAS.\(^ {60}\) The NIS will direct them to where to “do their work”, in part by tracing the target’s location and intentions through their phones, and by leading pre-operation briefings. One former ATPU officer summarized the division of labor as “the people who identify targets are NIS. They take guys from Recce. They [Recce] do operations.”

A former Recce unit operative recalls that the hit squad would meet with ATPU and NIS officers before an operation. Another senior officer recalls: “The person who will be having the information is the person who has been doing the surveillance, who is NIS. So they will give the first briefing.”
Beyond briefings, NIS agents are also actively involved in some operations. “While we are working, we move with the ATPU,” explains one NIS officer. “We tell them ‘ok ne. This is the info that we have.’ … ‘They [ATPU] can’t get actually get to know, what are [the targets] discussing about, you know? Now, when it comes to the point of arrest, the ATPU will take over. … We [NIS] tell them ‘the mark is here. He’s dressed this way.’ They just get him, pick him, no questions.”

The Administration Police (AP), too, rely heavily on NIS intelligence. “These guys are so important to us, eh? These guys from the National Intelligence Service,” recalls one senior officer at the National Police Service. “They normally start with ‘the intelligence reports we are receiving, blabla has been in contact with someone across the border.’” Several units of the AP, including the Rural Border Patrol Unit (RBPU) and Rapid Deployment Unit (RDU), are active in counterterrorism operations and have been accused of serious human rights violations, including abducting civilians.

When it comes to operations, “they [the NIS] are the ones who give the intel most of the time,” explains a former Recce officer. “They come, they mount the machine in the car and they move around... It will tell you location but not your exact location. Because it goes with what we call these Safaricom boosters [BTS]... As you approach there is what we call a sensor that [says] ‘we are close,’ depending on the signal, they can tell we are like 10 meters from the guy. So that is the time now the guys can disembark...and manually cordon the area.”

NIS and ATPU investigators then will search the scene for evidence, including communications devices. The ATPU is responsible for taking custody of any captured suspect or person of interest.

The ATPU have been credibly accused of committing grave human rights abuses including torture. The ATPU carries out interrogations often, but not always, under NIS direction or with NIS agents present. Interviews are recorded. Phones are seized and examined. This often occurs without the presence of a lawyer. “The phone is taken to NSIS and they listen to the conversations and make a conclusion,” recalled a former Recce officer. NIS are sometimes present during interrogations, particularly of high value detainees. “Why should you sit back and watch while you are the one who requires that [information]?” replied one former NIS officer.
Not many suspects make it to court. They often disappear.\textsuperscript{64} Communications data, mostly intercepted by the NIS, is central to the whole counterterrorism cycle: identifying and tracking individuals, preparing and carrying out arrests and killings. It is unclear whether the interception of this information is subject to prior judicial approval, though several sources indicate that it is generally not.

A far better oversight regime is needed to minimize the Kenyan government’s abuse of its communications surveillance powers, abuses which directly facilitate the commission of torture and extrajudicial killings – crimes under Kenyan law. The Office of the President, the National Police Service, and an NIS representative did not respond to Privacy International’s requests for comment.

\textbf{Elections and Accountability}

\textit{New Security Measures}

Kenyans headed to the polls in August and again in October 2017, following the Supreme Court’s annulment of the results to vote in Presidential elections.\textsuperscript{65} While the nation hoped for a smooth transition, many Kenyans fear a return to the sectarian violence of the 2007-2008 period, which saw over 1,000 Kenyans killed and 600,000 displaced.\textsuperscript{66}

Kenya’s Communications Authority has cited this risk to justify a 2 billion KSh (15.2 million GBP) investment in monitoring Kenyans’ communications and communications devices.\textsuperscript{67} The CA claimed in a January 2017 announcement that the three projects – one each to monitor radio frequencies, monitor social media platforms, and ‘manage devices’ – would prevent a repeat of the post-election violence of the 2007 election period. The telecommunications industry reacted strongly against the measures.\textsuperscript{68} CA authorities rushed to assure that the projects would only be used to enforce regulatory compliance.\textsuperscript{69}

\textit{Device Management System}

In February 2017, details of the third project, a “device management system”, were leaked to the press.\textsuperscript{70} Telecommunications industry watchers alleged the system was a communications surveillance
The device management system proposed by the Communications Authority (CA) would connect databases of several network operators to a centralized database under CA control. This information would include call data records (CDR) and home location records (HLR), a database of permanent subscriber information.

*Credit: January 2017. Obtained by Privacy International.*
Social Media Monitoring

A social media monitoring project also gives further reason to be concerned by the CA’s plans. In late 2016, the CA finalized a contract with Israeli ‘web intelligence’ firm webintPro, according to CA sources. The firm’s HIWIRE technology allows for the capture and analysis of open-source traffic, and is particularly adapted to analyzing social media. Some of the features of the system include the ability to map links between social media users, ‘real time’ surveillance of target objects, presumably individual users. Its virtual HUMINT (human intelligence) platform allows for analysts to proactively engage users online, “switch[ing] identities instantly” for “cloaked target engagement”. WebintPro did not respond to Privacy International requests for comment.

‘Acceptable deaths’

Reflecting about the election, current and former NIS officers admitted to personally witnessing the misuse of communications surveillance powers. But they saw these incursions as justifiable. “It is what you might call ‘acceptable deaths’... People will accept it, or it will have a waiver to a certain extent,” explained one. “We can infringe into your rights because of saving the lives of a hundred Kenyans...Not that we like doing it,” stated another.

There are real doubts as to whether Kenya’s limited intelligence oversight mechanisms are equipped to detect and rectify law enforcement and intelligence agents’ abuses of communications surveillance powers. The CA oversees the telecommunications industry and is mandated to inspect all interception equipment in the country. However, the CA has little if any knowledge of the actual use of the interception equipment in place. Intelligence agents generally dismissed the agency as “just civilians,” while a Communications Authority official called the NIS and CA’s relationship “very cordial,” though only a small number of CA officials would have detailed knowledge of communications interception architecture. Christopher Wambua, Acting Director of Consumer and Public Affairs denied that the Communications Authority has particular knowledge of communications surveillance in Kenya, stating: “If there is any surveillance that is done, it is done by the law enforcement and we are not involved.”

The Independent Policing Oversight Authority, whose mandate is limited to reviewing police and not military or intelligence agency
activities, struggles to do its job in face of intimidation. Very little, if any, action has been taken by the Intelligence and Security Committee or the Intelligence Service Complaints Board Oversight to address such excesses.

The pressure on telecommunications providers to provide information, both with and without warrants, as well as the vagueness and laxity in existing communications surveillance laws, make it unlikely that surveillance practices will be reported and scrutinized.

Recommendations

To the Independent Policing Oversight Authority

- Begin an investigation into the practice of police officers receiving intelligence from National Intelligence Service officers, in breach of s. 49(4) of the National Police Service Act of 2011.
- Investigate the role communications surveillance plays in the already established practice of torture, cruel, inhuman, degrading treatment and other serious human rights violations.

To the Kenya National Commission on Human Rights

- Investigate, in line with section 30 of the National Intelligence Services Act, in its official capacity under s. 59 of the Constitution of Kenya, the National Intelligence Service for the illegal interception of communications.

To the Government of Kenya

- Reform legislation governing communications surveillance which facilitates Direct Access to communication networks, in particular, s.31 of the Kenya Information and Communications Act.
- Clarify to telecommunication operators their freedom to produce transparency reports on requests from communications and remove any restrictions currently in place that prevent disclosure by telecommunication operators of aggregated statistics of requests for communications data.

To the Inspector-General of The National Police of Kenya

- In line with your functions under s. 10 of the National Police
Service Act, audit the police operations involving improperly obtained communications surveillance.

- Cooperate with any investigation carried out by the Independent Police Oversight Authority and implement the decisions of such investigation.

*To the Cabinet Secretary*

- Release the yearly reports, prepared under s. 28 of the National Intelligence Service Act (2012), and detail any conclusions and recommendations made during these inspections.

*To the National Security Council*

- Investigate, under s. 29 of the National Intelligence Services Act (2012), the direct and indirect violations of human rights by agents, in line with s. 59(2)(d) of the Kenyan Constitution.

**Notes**

1. This chapter has been republished with permission from Privacy International. It was first published online, available at: https://medium.com/privacy-international/track-capture-kill-inside-communications-surveillance-and-counterterrorism-in-kenya-189872ad5b97.

2. Privacy International acknowledges the many individuals and organisations with whom we spoke who cannot be named. This report is primarily based on interviews conducted by Privacy International and documentation provided in confidence to Privacy International. Privacy International is solely responsible for the content of this report.

3. Communications surveillance technology appears to be procured and deployed by Kenyan agencies primarily for the investigation of terrorism. Though political actors, journalists, activists and other citizens are almost certainly spied on by Kenya’s law enforcement and intelligence agencies using surveillance technologies, evidence of such practices to date is anecdotal and difficult to disentangle from the less costly and more ubiquitous use of human intelligence networks. Nevertheless, the Kenyan government’s desire to use surveillance tools against domestic critics is evident from the National Intelligence Service’s attempted procurement of the Remote Control System surveillance product of Italian company Hacking Team in 2015. As a “proof of concept”, an NIS agent requested that the Hacking Team take down a website critical of the Kenyan government. The Kenyan government is also alleged to have acquired intrusion malware from FinFisher. See: “WikiLeaks: NIS purchased software to crack websites,” The Daily Nation, 11 July 2015, http://www.nation.co.ke/news/NIS-WikiLeaks-Hacking-Team-Surveillance/1056-2784358-2pn97rz/index.html and “Pay No Attention to the Server Behind the Proxy: Mapping FinFisher’s Continuing Proliferation,” The Citizen Lab, 15 October 2015, https://citizenlab.org/2015/10/mapping-finfishers-continuing-proliferation/

4. Privacy International accepted the request for anonymity of most sources, particularly acting law enforcement and intelligence officers, who would face serious repercussions if identified.
Privacy International independently corroborated all sources’ identities. No compensation for interviews was provided.

5 The CCK was renamed the Communications Authority of Kenya (CA) in 2014.


18 “Police kill 122 in 8 months, Nation Newsplex database shows,” Daily Nation, 1 October 2016, available at: http://www.nation.co.ke/newsplex/police-killings-kenya/2718262-3401800-wrmh5az/. The regular and Administration Police (AP) were the most frequently implicated in these abuses, and most cases had no clear links to terrorism investigations.

19 “Kenya De-lists 500 NGOs in Crackdown,” Voice of America, 16 December 2014, available at:


22 See for example the cases of journalist Bogonko Bosire, who disappeared in September 2013, and State House lawyer Albert Muriuki, who disappeared in December 2013. Administration Police officers are currently standing trial for the June 2016 murders of lawyer Willy Kimani, his client Josaphat Mwenda and their driver Joseph Muiruri.


28 “CCK sparks row with fresh bid to spy on Internet users,” *Business Daily Africa*, 20 March 2012, http://www.businessdailyafrica.com/Corporate+News/CCK+sparks+row+with+fresh+bids+to+spy+on+the+Internet+users+/~/539550/1370218/-/twlkip/-/index.html. Kenya’s Constitution supersedes all domestic legislation, including the Kenya Information and Communications Act, which provided the legal basis for the system. The NEWS initiative was conceived as an initiative of the Global Response Centre of the ITU and was to be deployed in a number of countries worldwide. For more information about NEWS, see: https://www.itu.int/ITU-D/cyb/cybersecurity/docs/IMPACT-information-letter-sent-to-member-states-2009.pdf

29 A full examination of Kenya’s legal regime governing the interception of communications is beyond the scope of this investigation.


31 Articles 36 and 42.


Article 69, Security Laws (Amendment) Act (2014), reads: “The Prevention of Terrorism Act is amended by inserting the following new section immediately after section 36–36A. (1) The National Security Organs may intercept communication for the purposes of detecting, deterring and disrupting terrorism in accordance with procedures to be prescribed by the Cabinet Secretary. (2) The Cabinet Secretary shall make regulations to give effect to subsection (1), and such regulations shall only take effect upon approval by the National Assembly. (3) The right to privacy under Article 31 of the Constitution shall be limited under this section for the purpose of intercepting communication directly relevant in the detecting, deterring and disrupting terrorism.” Available at: http://kenyalaw.org/kl/fileadmin/pdfdownloads/AmendmentActs/2014/SecurityLaws_Amendment_Act_2014.pdf

Article 56.


The police also do have a limited capacity to intercept communications content, which is discussed in the section “Closing in.”


Condition 16 of the Application Service Provider License states that the CCK’s licensees “are prohibited from recording, silently monitoring or intruding into its Subscriber’s communications traffic...” (16.3). Yet section 16.4 adds a blanket exception to the rule: “Except for the purposes of law enforcement,” the Licensee is required to let parties know if their traffic is to be recorded, monitored or intruded into. Section 13.2 adds an even more wide-ranging exception in case of national security emergencies: “In case the emergency or crisis is related to aspects of national security, the Licensee shall coordinate with the competent entity indicated by the Commission and provide necessary services...” The then-CCK cited this ‘national security’ exception in letters seen by Privacy International asking providers to comply in installing the NEWS traffic monitoring system. The NEWS project was no small infrastructural feat – the relative permanence of both it and the ‘emergency’ powers that the CCK claimed underpin it, betrays how the government conceives the state of emergency to be similarly permanent.

Section 13, the Kenya Information and Communications (Registration of Subscribers of Telecommunications Services) Regulations 2014.
43 Section 31 of KICA (1998) also prohibits licensed telecommunication operators from intercepting messages sent through licensed telecommunication systems.

44 The Vodafone group stated that it had not received any Kenyan agency or authority demands for lawful interception assistance. Vodafone is the majority owner of Safaricom, Kenya’s most popular mobile service provider. Given that it is widely acknowledged, including by law enforcement, that communications and communications data can be intercepted (though this report is the first to closely examine how), Vodafone’s admission if correct would strongly suggest that Kenyan authorities have some form of direct access to Safaricom’s network. See: “Law Enforcement Disclosure report” in Sustainability Report 2013/4, Vodafone Group Plc, 2014, pp.74. available at: https://www.vodafone.com/content/dam/sustainability/2014/pdf/vodafone_full_report_2014.pdf


47 European Court of Human Rights, Roman Zakharov v. Russia judgement (4 December 2015) para 270. http://hudoc.echr.coe.int/nng#%22fulltext%22:[%22zakharov%22],%22collectionid%22:[%222GRA%22],%22itemid%22:[%222001-159324%22]}

48 Another former NIS employee confirmed that NIS agents were placed in telecommunications network operators. Two telecommunications providers also described informal NIS requests for information, which they granted. One described it as: “I believe in building relationships, right?... I try and get you to the point of understanding what I can and cannot do according to what I understand is supposed to happen. It really depends on how they [NIS] come in. ...There are some who are very aggressive.”

49 The Joint Operations Centre is not the same as the Command, Control and Communication (IC3) centre, which is housed on a different floor at Jogoo House. The IC3 centre is a police coordination initiative that features a critical incident management system, emergency call centre, dispatching centre, and data centre, where data from a network of CCTV cameras deployed nationwide is collected and analysed. See: “Director Command, Control and Communication (IC3) Centre”, National Police Service, 2017, available at: http://www.nationalpolice.go.ke/2015-09-22-11-51-11/director-command-control-and-communication-ic3-centre.html

50 s. 65, National Intelligence Service Act (2012).

51 s. 66-67 National Intelligence Service Act (2012).

52 The focus of this report is on Kenyan actors. Privacy International also documented significant evidence of UK and US support to and direct involvement in counterterrorism operations, including communications surveillance activities. However, we are abstaining from publishing on this issue until further verifying and elaborating on the facts at hand.

There are also reports that the Kenya Anticorruption Commission (KACC) had also acquired similar devices. "Bugged - Police Can Now Listen to Your Phone Talks," *The Standard*, 9 September 2007, available at: http://allafrica.com/stories/200709100352.html

Recalls one former NIS agent: "It was Mercedes Benz, it was fitted with the equipment, it was able to tap those calls...We had the engineers inside the vehicle. They communicate with the engineers at the base." Another expert described two similar mobile devices contained in cars. One is an IMSI catcher under NIS control, which when not in operation is kept at the NIS HQ off of Thika road, in east Nairobi. The second is an IMSI catcher which also functions as a signal jammer. This device is under the control of the Presidential Escort Unit, and will accompany the Presidential convoy. PI was unable to confirm the number and make of IMSI catchers in Kenya. In 2007, it was reported that the NIS was the first agency in Kenya to have acquired mobile interception technology. See: "Bugged - Police Can Now Listen to Your Phone Talks," *The Standard*, 9 September 2007, available at: http://allafrica.com/stories/200709100352.html


See various reports by the Kenya National Human Rights Commission, Human Rights Watch, and the Independent Medico-Legal Unit.

The AP is a paramilitary security unit. Despite its name, the AP falls outside the Kenya Police Service, and answers to the Ministry of Interior and Coordination of National Government, instead of the Police Inspector General. Its three main unites are responsible for emergency response, border patrol and security, and government building security.

One ATPU officer described that NIS will independently detain individuals, during which time they are badly treated: “In the process of arresting, the NIS guys, before they hand a suspect to us, they try to get as much information as they can, that maybe they don't want us to get...They can even take them to a secluded areas, in the bush, they extract information, they do a lot of things, then they brought them [to us]...So in those kinds of rounds they make with the suspect, you never know what they do to them.”


This report was first published in March 2017. It has been updated to reflect the presidential election events of 2017.


“Kenya’s communications authority to monitor private talk and texts during poll”, The Standard, 13 January 2017, accessed on 13 January 2017 at: https://www.standardmedia.co.ke/article/2000229727/communications-authority-to-monitor-private-talk-and-texts-during-poll. The link has since been removed from the Standard's site. It in the article, CA head Francis Wangusi is quoted as stating: “We have spent Sh1.1 billion on a spectrum monitoring system that will help us monitor unauthorised broadcasts coming from rural areas of the country...We have also spent around Sh600 million on a social media monitoring system and Sh400 million on a device management system that will help us closely monitor mobile phones and the activities around them.”

Email to Kenya ICT Association mailing list, 14 January 2017, available at: https://www.kictanet.or.ke/?p=26906

Christopher Wambua of the CA stated in an email to the Kenya ICT Action Network: “None of the equipment cited are meant to closely monitor mobile phones. The Spectrum Management and Monitoring System is meant to manage frequency spectrum resources including planning, assignment and monitoring to ensure compliance with the license parameters. On the other hand, the device management system is meant to deactivate all counterfeit mobile devices imported into the country illegally in order to ensure the phones are not used for criminal purposes.” 14 January 2017, available at: https://www.kictanet.or.ke/?p=26909


Email to Kenya ICT Association mailing list from Christopher Wambua, Ag. Director Consumer and Public Affairs, Communications Authority, 17 February 2017, available at: https://lists.kictanet.or.ke/pipermail/kictanet/2017-February/051092.html


On file with Privacy International.

Privacy International was not able to confirm that the webintPro contract corresponds exactly to the social media monitoring initiative announced by the CA in January 2017. Yet webintPro's technology would be most suited to the social media monitoring initiative, out of the three announced projects.


The development of Kenya’s cybersecurity infrastructure is the focus of a forthcoming Privacy International investigation.


Annex 1: Response from Safaricom

Privacy International,
62 Britton Street, London,
EC1M 5UY,
Great Britain

Dear Sir/Madam, 174058 100

RE: PRIVACY INTERNATIONAL’S RESEARCH ON KENYA COMMUNICATION DATA USE

We refer to your letter of 6th March 2017, in which you requested our response to a number of claims on some of the findings from your recent research concerning the use of communications data for criminal investigations and intelligence gathering in Kenya.

We would like to state at the outset that Safaricom retains a deep respect and commitment to ensuring our customer data remains private.

At present, all customer information at Safaricom is kept under strict provisions as stated within our licence, as well as six specific laws that contain laws and regulations to govern how authorities may intercept communications and obtain access to communications data.

There are 11 sections of Law that cover this topic contained in the National Intelligence Service Act (Act No. 28 of 2012); the Prevention of Terrorism Act (Act No. 30 of 2012); the Mutual Legal Assistance Act [Cap. 75A Laws of Kenya]; the Kenya Information and Communications Act [Cap. 411A. Laws of Kenya]; The Anti-Money Laundering Act [Cap. 598]; and the Constitution of Kenya 2010.

We only provide information as required by courts in the administration of justice and upon receipt of relevant court orders.

In response to the specific issues raised in your letter, we respond as follows:

1. Safaricom works closely with law enforcement officers to safeguard the integrity of M-PESA transactions and to provide information required by
countering violent extremism in kenya

70

courts in the administration of justice. The Criminal Investigations Directorate has designated officers who collect such information from our offices. We do not have a specific office space for the law enforcement officers.

2. Safaricom has a fully fledged Ethics and Compliance department, comprising of Safaricom Staff, whose mandate is as follows:
   - Internal fraud management (including fraud prevention, detection and investigations).
   - Fraud Management for Customer and Business Partners.
   - Promoting good business ethics across the organization.
   - Reviewing and ensuring the company complies with the relevant laws and regulations.

3. Safaricom does not have a “fraud database”. However, as required by law, authorised staff have access to systems and tools to verify customer identity information (KYC), which is a pre-requisite to offering any of our services to customers.

4. No. Only authorised Safaricom staff have access to systems and tools that can access confidential customer information and this access is controlled and monitored.

5. This is typical information for most call data records.

6. This claim is not true.

7. This claim is not true.

In response to two points you forwarded for clarity, we would like to state that we have no relationship with NS as relates to communication surveillance in Kenya. and we do not have any officers or other representatives of the NS who are employed, formally or informally, at Safaricom.

We believe that customers have a fundamental right to privacy, which is enshrined in international human rights law and standards. Ensuring that right is respected is one of our highest priorities. It is also an integral part of the...
Safaricom Code of Conduct, a document that everyone who works for us has to follow at all times.

I trust that this answers the queries raised in your letter. We are happy to assist should you need more clarification.

Yours faithfully,

Bob Collymore
CEO, Safaricom Limited

cc: Stephen Chege, Director – Corporate Affairs, Safaricom
Big Game: U.S. Soldiers’ Secret Hunt for Jihadists in a Kenyan Forest

Margot Kiser

The U.S. is waging secret warfare around the world—but the operations in and around Kenya’s Boni National Reserve are some of the most mysterious.

A short, bloody raid by U.S. Special Operations Forces on an al Qaeda base in Yemen in the second week of Donald Trump’s presidency was a fleeting reminder to the world that Americans are engaged in secret and not-so-secret wars around the globe. But most of the action is not as dramatic as the Yemen attack in which a U.S. Navy SEAL was killed, an 8-year-old girl died, and a $70 million aircraft crash landed and had to be destroyed. All that took place in the space of a couple of hours. But most of these wars are long grinds fought far from prying eyes in close cooperation with local forces that often are notorious for torture and other human rights abuses. And nowhere have those fights gone on so long, or in such obscurity, as in Africa. This is the first of an occasional series that will shine some light into those shadows.

LAMU, Kenya—Tucked into the northeast end of the country’s coast, the Boni National Reserve is a fairy-tale paradise, a resplendent ecosystem packed with elephantine baobab trees and hydra-headed doum palms. This mix of riverine forest and swampy grassland is home to some of the country’s largest herds of game, and to rare species like the wild dog, Somali lion, and reticulated giraffe.

There are no rhinoceros left here, but Doza Diza, 66, talks about seeing kifaru often. The safari word for rhino has been re-purposed by the locals as a name for the armor-plated Humvees whose machine-gun mounts recall the animal’s distinctive horn.

Tall, gaunt, and with a bad eye, Doza Diza wears a traditional Somali sarong and a Muslim skullcap. He describes himself as a former county councilor and crab fisherman.
These motorized rhino can be distinguished by color, he says. The dark green ones are vehicles operated by the Kenya Defense Forces, KDF, he tells me. Those painted the color of sand belong to the Americans.

Doza is an elder of his tribe, the Aweer (also spelled Aweer). They are hunter-gatherers who seek out honey by following birds, talk to crocodiles and hippos in tongues the beasts are said to understand, and generally stick to their ancient way of life. The Aweer are also Muslims, which is highly unusual among the world’s few remaining stone-age peoples.

They’ve long inhabited the Boni forest region, but slowly and surely their way of life is being stripped from them. Subsistence hunting was banned in Kenya in the 1970s, so any meat the Aweer procure is illegal. Poverty further marginalizes them. And now the tribe is caught in the crossfire of the global war on terror.

How will the new administration in Washington deal with this and other semi-clandestine wars being waged by the United States around the world? Donald Trump has a penchant for former generals, with Michael Flynn, a longtime U.S. Army intelligence officer as his national security adviser, and retired Marine Corps Gen. James Mattis, a veteran of counterinsurgencies in Afghanistan and Iraq, who is now secretary of defense. Trump’s close advisor Steve Bannon also fancies himself a brilliant armchair general. But Washington is a long way from the Boni forest and the very special sort of battlefield it represents.

As <i>The New York Times</i> reported in October and November the United States has been escalating the “shadow war” inside Somalia with “the potential for the United States to be drawn ever more deeply into a trouble country that so far has stymied all efforts to fix it.”

The <i>Times</i>, quoting unnamed “senior American military officials,” estimated that “about 200 to 300 American Special Operations troops work with soldiers from Somalia and other African nations like Kenya and Uganda to carry out more than a half-dozen raids per month.” And it outlined a program in which private contractors employed by the U.S. also play a significant role.

But the shadow war inside the failed-state borders of Somalia is almost transparent compared to the activities here on the ill-defined edge of that war. There is a long history of countries on the fringes of conflict being sucked into war themselves, the most notable example
being Cambodia during the Vietnam debacle. Whether Washington will help prevent such an outcome—or provoke it—is an open question.

The area in and around the Boni National Reserve is one of many places in Africa where American personnel are deployed with little fanfare and, as secretly as Washington’s representatives and proxies can manage.

Repeated and detailed queries to U.S. Africa Command (AFRICOM) for clarification of the American role here on the frontier between Kenya and Somalia were answered this month with a brief response explaining why not even a background briefing was possible: “As these operations are currently ongoing, and have elements of U.S. special forces assisting, we cannot comment at this time due to operational security reasons.”

A major part of the mission those U.S. special forces are “assisting” in this part of the continent is, in fact, to hunt down and kill members of the Somali group known as al-Shabaab who threaten Kenya’s security and, through the group’s close relationship with al Qaeda, are believed to threaten America’s as well.

The counterterror and counterinsurgency forces operating in the region would like the Aweer to help them track the Somali guerrillas and terrorists. But that project is not going well in an operation reminiscent of many sorry histories around the world where local tribes and minorities have been instrumentalized, abused, and very often abandoned.

U.S. Special Forces (Green Berets), other Special Operations Forces of various stripes, State Department officials, the inevitable slews of American contractors, and spooks and commandos from countries with close ties to the United States, including the British, Israelis, and Jordanians, have all deployed here in an undeclared if not unmentioned U.S.-backed war.

Kenya’s government and its international partners—the heavyweights being the U.S. and the U.K. —are desperate to make this region safe for engineers, imported skilled workers, and yes, tourists. But the current intense counterterror focus has been a slow build, and not hugely effective. For the moment, anyone who ventures into the Boni forest risks getting blown up by an IED.

Indeed, as if mocking attempts by the Kenyan government to establish the forest and its coast as a destination resort, al-Shabaab
released a recruitment video in 2015 boasting about the bountiful game in the forest provided by Allah to sustain jihadi fighters.

One ranch with a tourist concession that had been a haunt of jet-setters and celebrities (Kristin Davis, one of the stars of Sex in the City, had been a guest) found itself converted into a haven for al-Shabaab sympathizers in 2014. They stole food and medicine then torched the facility’s guest huts.

There is a long and bloody history behind such incidents, which we’ll look at in a subsequent installment of this series. But the short history has been the stuff of fleeting headlines for more than five years.

In October 2011, Kenya sent troops into Somalia. Since then al-Shabaab has carried out massive retaliatory hits on targets in Kenya resulting in more than 300 deaths.

Kenyan officials believe that after the spectacular 2013 Westgate Mall attack in Nairobi that killed at least 70 people, al-Shabaab retreated from Kenya’s urban areas and melted into the dense Boni forest—which sits on the coast, right on the country’s north-south border with Somalia and adjacent to what was once a Somali national park.

Officials say another massacre, the 2014 Mpeketoni attack, which left 48 dead, was staged from within the forest, and that the Garissa University attack of 2015, which left at least 148 dead, was organized within the enormous Dadaab refugee camp nearby (which the Kenyan government plans to shut down, further displacing more than 300,000 people).

Jaysh Aman, the al-Shabaab cell in the forest, reportedly was comprised of some 300 fighters in 2015, but its numbers certainly vary.

Following the Westgate attack (which was later the subject of an extraordinary HBO documentary) national and Western forces were in an all-out scramble to protect Kenya from further cross-border terrorism. After the Garissa attack, Kenya asked the U.S. and other Western nations for more and better assistance.

According to human rights groups, the counterinsurgency tactics that accompanied the build-up of U.S. assistance have featured mass police sweeps, arbitrary detentions, disappearances, and summary executions targeting not only al-Shabaab suspects, but alleged sympathizers and Muslim communities generally.
In October 2015 the Kenya National Commission for Human Rights (KNCHR) released a report documenting disappearances and killings of residents and suspects along the Somalia border and the Kenya coast. Worshippers were grabbed as they left mosques and Kenya Wildlife Service (KWS) rangers allegedly shot dead cattle herders, most of whom are Muslim, in east Kenya.

During President Barack Obama’s visit to Kenya in July of 2015, he stepped into the fray, allocating $100 million for the Kenya Defense Forces for weapons, materiel, and vehicles. The allowance was a 163 percent increase in counterterrorism assistance over the previous year. Among Kenya’s purchases: a Boeing Unmanned Aerial Vehicle—a drone—at a price of $9.8 million. Each year since 2012 the Kenyan government has asked for security assistance from the West.

The most recent installment—approved by the State Department days after Trump’s inauguration, but still not through Congress—is a $418 million package that includes modified crop dusters converted for low, slow, high impact attacks targeting people on the ground.

The extent to which the Trump administration will continue or cut back economic assistance in Africa is unclear, with some reports suggesting those funds will be reduced. In one of several pointed queries the Trump White House sent to the State Department it said bluntly, “We’ve been fighting al-Shabaab for a decade, why haven’t we won?” But such questions offer little hint of a new strategy, apart from efforts to shore up Fortress America at its frontiers. Somalia was one of the seven Muslim majority countries whose citizens were banned temporarily by Trump’s controversial executive order.

Obama’s theme was known as “the 3-D approach” to the region’s conflicts—defense, diplomacy, and development. And in the two months following his historic visit to the land of his father, Kenya’s government announced that a “multi-agency” security force had been assembled to carry out counterterror measures against al-Shabaab.

The force consisted of paramilitary units within Kenya’s police, Kenya Defense Forces special forces, and various state agencies, including the National Intelligence Service, Military Intelligence, the Kenya Wildlife Service and Forest Service—all trained by Western police units and special forces.
On Sept. 11 of 2015, Kenya formally launched “Operation Linda Boni” (Linda Boni being Swahili for “protect the Boni”). The goal set a two-month timetable to drive the insurgents from the forest. It is still going on.

The first stage of this effort was cordonning off the Boni forest as a collection of “no-go zones,” and evacuation of all residents. Those who remained would be regarded as al-Shabaab sympathizers.

This branded the Aweer, Kenyan citizens, as the enemy. Security officials contend that Somali fighters have taken up residence, with their wives and children, deep inside the Boni forest. Doza Diza and other Aweer leaders say that is true.

They say al-Shabaab has coerced them into providing shelter in mosques and schools, logistical support, chiefly in the form of food and medicine, and have forced tribes people to track game for them. But the Aweer also are quick to say that violence and threats against them come from both sides in this conflict.

Kenyan officials claim that Somali attackers burned the huts of the Aweer, while the Aweer say that Kenya Defense Forces (KDF) burned those shelters in an effort to force them to comply with the evacuation.

Doza reports that guerrillas took his people’s food and issued warnings not to reveal their whereabouts to Kenya security, “Otherwise, we’ll deal with you.” Aside from this, he notes, the insurgents are polite. “Al-Shabaab rob from us, but they don’t beat us or grab our land—the way Kenya forces do.” Linda Boni has not only run long beyond its planned two-month timetable, it has extended far beyond the forest and its region into much of northeast Kenya. In the process it has become apparent that the KDF’s counter terror tactics involve more than eradicating the Al-Shabaab presence in the forest.

By the end of 2015, the KDF announced it was expanding its area of deployment into neighboring counties along the Somali border and south some 200 miles, to the Tana River, constructing additional police stations and military camps. The Baragoni camp on the southern fringe of the Boni-Dodori National Reserve expanded its area to 800 acres of ostensibly public land.

Kenya is building a 435-mile Western-funded security wall at the nation’s eastern border. On a visit to Kenya last year, Israel’s Prime
Minister Benjamin Netanyahu, a big fan of walls in the Holy Land and in the U.S. as well, committed funds to the project. Kenya’s President Uhuru Kenyatta reportedly has suggested building a terrorist-only prison facility within the Boni forest.

Land grabs in northeastern Kenya are nothing new. In the ’80s the Kenyan government seized land during counterinsurgency operations against ethnic Somalis inhabiting the area. Now locals—ethnic Somalis and Muslim communities generally—suspect that military expansion is an excuse to take more land in and around an area where the Kenya government, the Chinese, and several multinational companies have plans for an oil-related infrastructure mega-development.

The KDF concedes that the forest is a national reserve but insists it is gazetted as government land, not communal land. Doza suggests that the only power able to help his people stop the abuses is the U.S. government—the people behind the people in the “rhinoceros” Hummers.

Since the Westgate attack, the KDF base at Baragoni has grown from a temporary camp to a permanent one, and by 2015 Kenya had deployed enough of its troops there with sufficient transport to foil a Shabaab attack aimed at destroying the Baure camp, which is 36 miles north of the Baragoni base.

(In that action a year and a half ago the KDF killed 11 militants, including an British man named Thomas Evans who’d been dubbed “the White Beast” in U.K. tabloids. The KDF paraded his corpse—along with others—in nearby Mpeketoni, where counterterror operations are headquartered. The British press subsequently posted video that appears to show the nighttime engagement filmed the day he died.)

But the reach of the Baragoni base stretches far beyond a few satellite camps. Swaleh Msellem, a Swahili resident of Lamu Island, manages a petrol station at the Mokowe jetty a few kilometers across a channel on the mainland. Msellem, now 30, told me how one morning he’d docked his boat at the jetty where at least a dozen non-uniformed men, whom he claims were with the paramilitary wing of Kenya’s National Police Service, had been waiting for him.

Someone pulled a hood over his head and tossed him into a vehicle. Familiar with the area and its roads, he said he could tell he was driven some 40 kilometers away to the Baragoni military base, where he was detained in a shipping container and tortured.
Some of the techniques used on him were repeated mock drownings (a variation on waterboarding) and crushing of testicles. These were done, he said, to extract a confession that he planned a deadly attack in the nearby village of Hindi, soon after the Mpekatoni massacre. He denied this. The interrogators asked where the weapons were that were used for the attacks. “Which weapons?” he answered.

The KDF continued to grill him, insisting he had information. He told me that during that detention he was driven from Baragoni to an area nearby where he witnessed the execution of two Al-Shabaab fighters by a firing squad. One afternoon he complained of feeling ill. Guards took him outside to a pond where he vomited. Through his loosened blindfold he was able to glimpse crocodiles on the berm of the pond.

Why were crocodiles being kept inside a military base? He wondered Msellem said soldiers later threatened that he’d be fed to the crocodiles like others had been if he didn’t cooperate. After two weeks he was transferred to the port town of Mombasa, to the south, and held several months at the infamous Shimo La Tewa prison in a wing reserved for terrorists. Msellem eventually was taken into court, where he was acquitted of all murder and terror-related charges for lack of evidence.

When I interviewed Msellem, he was grimly philosophical. Although he did not see or talk to any U.S. personnel, as far as he knew, he had no doubt they played some role behind the scenes. “The Americans are very complicated, aren’t they? On the one hand they are helping us by building roads, dispensaries, schools, but they also seem to want to kill us.”

In that one observation Msellem summed up the Jekyll and Hyde nature of the “3-D approach to U.S. Foreign Policy”: defense, diplomacy, and development. A human rights report from the government-funded Kenya National Commission on Human Rights documents the abuse of Msellem, but does not cite it as having taken place in part (or at all) at Baragoni.

I spoke with Otsieno Namwaya, Africa researcher for Human Rights Watch, about the possibility of suspects being thrown to the crocodiles. He said he’d interviewed a local who was one survivor among four Al-Shabaab suspects thrown in the Tana River behind a military camp. But as it was a single source he couldn’t report it. “This is Kenya—anything can happen,” he said.
For information from inside the Baragoni base, I spoke with a man who identified himself as a Western-trained Kenyan Special Forces soldier serving with one of the SF battalions. (Photos of him clad in fatigues and standing with fellow soldiers in a garrison in Somalia would seem to confirm his identity.)

This soldier described to me the process of “enhanced interrogation”—torture—used at Baragoni military base. He confirmed that people were detained in shipping containers, but said he hadn’t heard anything about suspects being thrown to the crocodiles.

He said that sometimes the National Intelligence Service detains and interrogates suspects at the nearby Manda Bay navy base. “But they [NIS] don’t force you to say anything,” he told me. “When you’re brought to Baragoni you’re forced to talk.”

According to a map I was shown and was able to examine at length, the Baragoni base is operated by Kenya’s Directorate of Military Intelligence. It would seem prisoners taken in action have little hope of survival. “If there’s been direct engagement [with Al-Shabaab] we capture them and they’re taken to Baragoni,” said the same soldier. “If they don’t have any useful information then they are killed. Those that give information or say where the weapons will be are shot dead.”

By the time the soldier’s deployment ended, he said, several dozen detainees remained in the shipping containers with partitions. Former detainees and a law enforcement official said that as recently as July 2016 there were as many as 16 containers, each housing at least six prisoners. The soldiers said some suspects were ferried by helicopter to an especially inaccessible area inside the Boni forest, where they were shot dead. Hunters from the Aweer report finding human remains where they collect honey.

***

In November 2015, a Lamu resident I see often told me that Lamu County’s government was organizing a baraza—a meeting—between Aweer elders and government representatives from Nairobi, to enable the local people to voice complaints about the KDF’s actions. The baraza was to take place at a restaurant on the mainland. I decided to crash the event.

When I arrived near the entrance of the restaurant there was quite a crowd milling around. At least three dozen Kenyan soldiers and police
stood guard, blocking the road to the venue. At the cordon, I observed uniformed military personnel, mostly white, driving sand-colored armor-plated Humvees, those that Doza Diza had called “kifaru.”

Officers on the ground were armed with what KDF personnel identified as U.S.-manufactured FN SCAR automatic assault rifles, a very high-tech killing machine capable of firing 625 rounds a minute. Indeed, they are the U.S. Special Operations Command’s newest service rifle. German, Belgian, and Japanese Special Forces also reportedly used this gun. Kenya reportedly is the only African nation where the U.S. has issued this type of weapon.

In addition, representatives of the Red Cross and Safari Doctors were on hand for the Mokowe meeting but had until recently been barred from the Boni forest altogether.

Also on hand were personnel with U.S. Civil Military Affairs, the guys who handle the hearts-and-minds component of counterinsurgency, building on experiences in Vietnam, Cambodia, Laos, and Central America. CMA is a key part of the Linda Boni effort focusing on wildlife and indigenous peoples. It sees to the building of the latrines, the roads, the schools, and medical dispensaries while “denying sanctuary” to insurgents.

Through USAID, Civil Military Affairs has partnered with the Kenya Wildlife Service and rangers with wildlife conservation NGOs. KWS training is funded by USAID, and, after the 2013 Westgate attack, its rangers have been trained by Maisha Consult.

The only people present at the meeting who were upfront about their identities were KDF officers, whom I spoke to on arrival. One guarding the perimeter identified himself as a GSU officer, referring to the paramilitary wing in the Kenya National Police Service. I asked him whether I could attend the meeting, shortly, after which a blonde-haired blue-eyed uniformed soldier returned.

I explained I was a writer researching the Aweer’s predicament. “Are you an American?” he asked. I handed him my tattered U.S. passport. “Thank you, ma’am,” he said with an engaging smile, and left promising to return to let me know whether I could attend the baraza.

Others present, also heavily armed, wore civilian clothing—Dockers, polo shirts, and wraparoundsunglasses. The locals refer to such armed Western personnel in casual wear as “sport sports.”
One source, within the U.S. government, preferring to remain anonymous, identified these figures as a U.S. Diplomatic Security Service contingent protecting American diplomats at the baraza.

I never did gain access. Media outlets associated with the Kenyan government had been invited; the international press had not. Aweer leaders who spoke at the meeting, including Doza Diza, said they were eager to tell the U.S. representatives they no longer wanted to deal directly with the KDF or Kenya government because those entities had failed to make good on promises of land compensation.

Locals told me that the U.S. Agency for International Development, USAID, had given each tribal elder 4,000 Kenyan shillings (about $40) to attend, and provided meals and transport.

As part of counterinsurgency strategy, such meetings are supposed to help build rapport with local security forces, legitimize local government, and ultimately delegitimize the insurgents. But as long as the locals believe the government is stealing their land, meetings are unlikely to have much of a legitimizing effect. And meanwhile the fighting continues.

A former U.S. Army colonel with long experience in civil affairs, who did not want to be named, added another layer. “Special Operations Command (SOCOM) is a relatively lean organization and continues to rely on contracted support for administration, logistics, operations, intelligence, and physical security,” he told The Daily Beast. “Think the old Blackwater and Executive Outcomes.”

It’s not uncommon to hear about U.S. Special Forces on the ground in fragile states like Somalia and Iraq, but seeing them in a sovereign democratic state—Kenya—seemed unusual.

U.S. military presence in Kenya had been sparse until the 9/11 attacks. “Boots on the ground” in Kenya was practically unheard of. In Somalia it also was virtually nonexistent for more than 20 years after the infamous “Black Hawk Down” incident in 1993. But clearly all that has changed.

Notes

1 Used with permission of The Daily Beast Copyright© 2017. All rights reserved. It is also available at: (http://www.thedailybeast.com/big-game-us-soldiers-secret-hunt-for-jihadi).
Political Socialisation and Terrorist Radicalisation among Individuals who joined Al-Shabaab in Kenya

Anneli Botha

Abstract

Islamist extremism through Al-Shabaab is increasing its foothold in Kenya. In contrast to the common perception – as depicted through government responses – radicalisation and recruitment extends well beyond Somali and Kenyan-Somali nationals. Instead of exclusively focussing on external or environmental factors, the study on which this article is based analysed the personal background of those being radicalised. This article will focus on the role the family and peers play in the political socialisation process while analysing factors influencing radicalisation, most notably religious identity, economic, political and educational background of Al-Shabaab members. Based on interviews with Al-Shabaab and family members the last part of the article evaluates when, why and how respondents joined Al-Shabaab. Through answering these key questions the Kenyan government and other agencies assisting in preventing radicalisation can develop more effective counter-radicalisation and counter-terrorism strategies based on empirical evidence.

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Address correspondence to: Dr Anneli Botha, Institute for Security Studies, Brooklyn Court, Pretoria, South Africa. E-mail: abotha@issafrica.org

Introduction

During the period 4th till 10th April 2014, Kenyan authorities arrested 4,005 Somali-looking individuals as part of Operation Usalama Watch in an attempt to root out Al-Shabaab or Al-Shabaab al-Mujahidin, or ‘The Youth’, that can be traced back to al-Ittihād al-islāmiyya and Ittihād al-mahākim al-islāmiyya, commonly known as the Islamic Courts Union (ICU).¹ The ICU has its origins in a coalition in 2006
between local Sharia courts and Islamists in Mogadishu. The operation was launched following two attacks in which gunmen shot dead six worshipers at the Joy in Jesus church in Likoni, Mombasa on 23 March 2014; and a week later on 31 March 2014 six people were killed and ten others wounded in the California area in Eastleigh, Nairobi when attackers hurled explosives into a food kiosk and a bus stop. This was probably one of the most visible examples of mass arrests following a campaign of racial profiling. Confronted with a problem of insufficient holding areas, suspects were even held at a sport stadium in Nairobi to give authorities the opportunity to verify an individual’s status in the country. Authorities however released 3,010 suspects after they were interrogated and ascertained to be Kenyans without any criminal record. Those considered to be in the country illegally were almost immediately deported back to Somalia.

It is events like these that question to what degree government officials and security officials understand and appreciate the drivers of violent radicalisation. Recognizing that external conditions conducive to terrorism as defined in the UN Global Counter-Terrorism Strategy facilitate radicalisation, this article hopes to assess to what extent political socialisation facilitates the participation of individuals in Al-Shabaab in Kenya. Instead of borrowing from conventional wisdom this article is based on in-depth interviews with 95 individuals associated with Al-Shabaab along with 46 relatives of individuals associated with Al-Shabaab. This sample group also included 131 male and six female respondents between the ages of 14 and 51 and was conducted in Nairobi, Kilifi, Mombasa, Kwale and Lamu during the period 8 to 18 September 2013, and again between 28 October and 2 November 2013. Not all Al-Shabaab members are exclusively Somali nationals that fled from Somalia to commit acts of terrorism in Kenya, as will be explained under the ethnic composition of Al-Shabaab members interviewed. Kenya was therefore not only the recipient of Al-Shabaab activities, but Kenyan nationals were also directly involved in recruiting Kenyan and Ugandan nationals to join Al-Shabaab’s ranks. Initially after being radicalised those individuals left their respective countries to fight in Somalia. This trend gradually changed to the extent that locally marginalised, radicalised, and recruited individuals are being used to execute attacks in Kenya. Turning against their own countrymen, as with other organizations, meant that those radicalised identified with something other than being Kenyan or Ugandan.
The following chapter addresses the following broad themes: it starts with a very brief introduction to political socialisation, identity and radicalisation. This will be followed by an analysis of the profiles of Al-Shabaab members interviewed with the agents of political socialisation in mind. This is aimed at identifying specific elements that facilitated radicalisation, while placing traditionally accepted motivating factors and counter measures under the spotlight. This chapter will however not assess the threat of terrorism in Kenya or the broader region or provide an analysis of Al-Shabaab per se.

**Political Socialisation and Radicalisation**

Starting with socialisation Dawson and Prewitt define this term as: ‘... the process by which children, born with an enormous potential for different types of behaviour, come to adopt the specific standards of their own society.’ For Langton, political socialisation refers ‘to the way society transmits its political culture from generation to generation. This process may serve to preserve traditional political norms and institutions; on the other hand, when secondary socialisation agencies inculcate political values differently from those of the past or when children are raised with political and social expectations different from those of their forebears, the socialisation process can be a vehicle of political and social change. Political socialisation [is therefore] the process, mediated through various agencies of society, by which an individual learns political relevant attitudinal dispositions and behaviour patterns. These agencies include such environmental categories as the family, peer group, school, adult organisations, and the mass media.’

In other words, political socialisation at an individual level can be described as a lifelong process through which a person develops a unique frame of reference that guides individual choices with respect to politics. An individual's frame of reference can be defined as the 'glasses' through which he/she sees or perceives the world around them. This frame of reference also includes a person's views on politics and religion, developed through a similar process as his/her views on a specific political party or ideology. Ultimately, the political self is made, not born, to include 'feelings of nationalism, patriotism, or tribal loyalty; identification with particular partisan factions or groups; attitudes and evaluations of specific political issues and personalities; knowledge regarding political structures and procedures; and a self-image of rights, responsibilities, and position in the political world.'
Personality is a central component in understanding the individual by serving as the filter through which the world or environment is interpreted. Salkind defined personality as: ‘the pattern of behaviours and thought that characterizes individuals, distinguishes them from others, and remains relatively stable throughout their lives.\(^{10}\) It is that unique complex of emotional responses that differentiates one person from another and makes up an important part of an individual’s identity.’

As part of the political socialisation process, Dawson and Prewitt\(^ {11}\) explain:

‘As with all social learning, political learning is gradual and incremental. There is no magic point when the “political self” is suddenly acquired. Each citizen’s political views result from lifelong experiences. Political socialisation is therefore the gradual moulding of the political self. To facilitate this process political socialisation makes reference to primary socialisation agents (family, school, peers and groups) and secondary socialisation agents (including the media and political experiences). These pave the way a child, and later an adult, learns and impacts on the way he/she perceives the world around him/her and acts on particular external stimuli. These socialisation agents therefore influence a person’s beliefs, attitudes, values and behaviour.\(^ {12}\)

This chapter will selectively refer to the family, peers or friends, political experiences and the school in relation to the influence of education in radicalisation and socioeconomic circumstances. Although the family, particularly parents, is strongest from infancy until the child reaches school-going age, it is considered the first step in the transmission of fundamental values. According to Greenberg\(^ {13}\) in many instances adult opinions can be retraced to political socialisation as a child in that ‘the child is father to the man’. This is particularly relevant to basic political orientations such as identifications, loyalties, and values. This does not imply that the child is a carbon copy of the adult, but rather that the child already has the basic framework from where he/she will grow.

The father-figure plays a more prominent role in the personal, but also political development of boys that implies that when a farther-figure is absent a number of consequences were noticed. For example, Langton noted that boys from father-absent households develop decidedly effeminate behaviour patterns.\(^ {14}\) Males from maternal families are also more infantile, dependent and submissive than those from households in which the father is present. While Hess and Torney noted that the prominent role a father figure plays has a direct impact in the level of respondents’ interest in politics and therefore becomes
an active role player in the political socialisation process. Within the sample group, 18 per cent grew up without a father, 16 per cent grew up without a mother, while 12 per cent of respondents grew up without both parents present. What is particularly telling is the age when the respondent lost his or her parent or parents: 19 per cent lost their father and 13 per cent their mother when they were younger than five, 81 per cent lost their father, while 40 per cent lost their mother between the ages of 16 and 18, while 47 per cent lost their mother between 19 and 20. Most experienced this loss between early adolescence and early adulthood, at a time individuals are particularly vulnerable to a loss of this magnitude.

At the other side of the spectrum, the majority of respondents interviewed had a father (82%) and mother (84%) present in their lives. It is, however, through individual stories that one realizes that each radicalised person has his or her own story. To assess the relationship a person had with his/her parents while growing up, respondents were asked which parent had taken the lead in making the rules in the family, who had punished the respondent and what type of punishment the person had received. Respondents were also asked to indicate how severe this punishment was and how involved his or her parent was while growing up in an attempt to determine the value parental influence will have. Schmid for example, found that adolescents who considered their parents as very important in their lives and who value their parents’ expectations, will be more keen to identify with their parents’ values. This could lead to a higher identification with the values of the parent and even protect the child against the negative influences of later socialisation agents. In families where both parents were present, the father made the rules in 100% of the cases. It is particularly interesting that where a father was absent the mother made the rules in the house in only three cases, while a male relative made the rules most of the time. The three cases where the mother made the rules in the family were the only time a female was ‘permitted’ to make the rules overall. This is telling of a very conservative society. A similar trend was also noted in the person who was responsible for punishing respondents. Among Al-Shabaab respondents fathers took the primary, almost exclusive, lead — in only two cases where both parents were present did the mother play a role. In one of these examples both parents punished the particular respondent and, in the other, the respondent was female (punished by the mother). This places a question mark on the real impact of
Countering violent extremism in Kenya with reference to Al-Shabaab. Although the mother is often in a better position to detect changes in her children, the father-figure clearly has a more prominent role in politically influencing the child. Secondly, often almost exclusively empowering women might facilitate resentment towards the agency responsible for these initiatives. These concerns notwithstanding, upliftment of women presents other benefits that will not be discussed in this article.

Regarding the respondents’ position in the family, 62 per cent of respondents were middle children, 26 per cent were the oldest, while 12 per cent were the youngest. According to Eckstein, middle children are categorized as being sociable; relate well with older and younger people; and excel working in a team. In addition to these positive characteristics, middle children are known to experience the greatest sense of not belonging. It is particularly this quality that contributes to their vulnerability in searching for a sense of belonging (to be discussed later).

The family serves as the first introduction where a child gets to know the political culture of his or her country that coincided with 68 per cent of respondents who indicated that parents discussed politics in their presence while they were growing up. This confirms Greenberg’s position that in many instances adult opinions can be retraced to political socialisation as a child. This is particularly relevant to basic political orientations such as identifications, loyalties, and values. In contrast, this might also explain Al-Shabaab’s respondents’ decreased political participation, considering that the ideology Al-Shabaab represents is not historically embedded in Kenyan society, despite the strong religious connections. Figure 1 describing who respondents informed of their decision to join Al-Shabaab, provided that only 21 per cent of respondents indicated that a parent was aware of their decision to join Al-Shabaab. Only 11 per cent informed a parent of joining the organisation, while merely 4 per cent informed another sibling. To put this analysis in context: 73 per cent of respondents informed another person. In other words, 27 per cent kept quiet about their decision. It is therefore improbable that family members agree or even accept Al-Shabaab’s ideology as the norm. Greenberg’s theory therefore implies that the parents of Al-Shabaab respondents (referred to as the first generation) played a lesser role in transferring their political orientations through socialisation to their children.
Instead of parental influence, peers/friends played a more active role in the socialisation of respondents that will be discussed below.

*Figure 1: Who respondents informed of joining al-Shabaab*

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<tr>
<td>Parental support</td>
<td>21</td>
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<tr>
<td>Parent</td>
<td>11</td>
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<tr>
<td>Relig leader</td>
<td>26</td>
</tr>
<tr>
<td>Friend</td>
<td>34</td>
</tr>
<tr>
<td>Sibling</td>
<td>4</td>
</tr>
<tr>
<td>Comm leader</td>
<td>0</td>
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<tr>
<td>Relative</td>
<td>0</td>
</tr>
<tr>
<td>Nobody</td>
<td>25</td>
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In addition to the relatively limited involvement from the parents in joining Al-Shabaab, siblings played the smallest role, introducing only 4 per cent of respondents to Al-Shabaab. Additionally, Figure 2 identifying the involvement of family and friends in joining Al-Shabaab, but also whether respondents on their turn recruited family members and friends found that only 6 per cent of Al-Shabaab respondents indicated that they had joined with their family, while 13 per cent recruited family members to Al-Shabaab. The reality is that when the family is unable to transfer its political orientations, other socialisation agents are likely to be more influential.
The role of friends in joining the organization was unmistakable, considering that based on Figure 3 identifying how respondents were introduced to Al-Shabaab identified friends as the most active role player in introducing 38 per cent of respondents to the organisation.
Secondly, 54 per cent indicated that they had recruited other friends. Friends were also the biggest group that was informed by 34 per cent of respondents’ decision to join the organisation as explained in Figure 2. The reason for this trend has to do with the fact that the family’s influence wanes at 13 or 14 years of age, considering the age respondents were radicalised. This is also the period when the individual begins to take a more active interest and participation in specifically political affairs.

The fact that the majority of respondents joined with friends testifies to peer pressure, but it also has an impact on how interpersonal relationships should be interpreted. The strength of peer groups is based on two prime pillars: the emotional link between the individual and the peer group, and the access the individual has to the specific peer group and vice versa.

Gurr defines radicalisation as: ‘a process in which the group has been mobilized in pursuit of a social or political objective but has failed to make enough progress toward the objective to satisfy all activists. Some become discouraged, while others intensify their efforts, lose patience with conventional means of political action, and look for tactics that will have greater impact. This is the kind of situation in which modelling or “imitative” behaviour occurs. Impatience and frustration provide an expressive motivation (anger) and rationalistic grounds (dramatic episodes of violence elsewhere) that make it likely that some activists will decide to experiment with terror tactics. The choice is made, and justified, as a means to the original ends of radical reform, group autonomy, or whatever. And the dynamics of the process are such that the terrorists believe that they enjoy the support of some larger community in revolt.’

While a number of factors play a role in the radicalisation process, political socialisation provides important insights into an individual’s increasing involvement in radical causes. John Horgan and Max Taylor best describe the nexus between socialisation and radicalisation: ‘What we know of actual terrorists suggests that there is rarely a conscious decision made to become a terrorist. Most involvement in terrorism results from gradual exposure and socialisation towards extreme behaviour.’

The duration and process of radicalisation differ from person to person, although it is generally accepted (with exceptions) that the process occurs gradually and over a period of time; conscious decisions to, for example, join a terrorist organisation are not made suddenly.
McCormick refers to a developmental approach in which an act of terrorism is: ‘not the product of a single decision, but the end result of a dialectical process that gradually pushes an individual toward a commitment to violence over time. The process takes place within a larger political environment involving the state, the terrorist group, and the group’s self-designated political constituency. The interaction of these variables in a group setting is used to explain why individuals turn to violence and can eventually justify terrorist actions.’

Therefore, becoming involved in acts of terrorism does not occur overnight, it entails a gradual process that includes a multitude of occurrences, experiences, perceptions and role-players. Neumann probably provides the least complex description when he observed that, after 9/11, the term ‘radicalisation’ entered the discourse to refer loosely to ‘what goes on before the bomb goes off’.

Radicalisation, also involves both external and internal factors: An external environment that can be subdivided into domestic and international circumstances as presented in the UN Global Counter-terrorism Strategy. While internal, or personal, interpretation of the external environment is influenced by psychological considerations that refer directly to political socialisation. On 20 September 2006 the United Nations, under then secretary-general Kofi Annan, adopted the United Nations Global Counter-terrorism Strategy that inter alia identified conducive conditions to terrorism. These ‘push factors’ or enabling circumstances specifically refer to: Political circumstances, including poor governance, political exclusion, lack of civil liberties and human rights abuse; economic circumstances; sociological circumstances with reference to religious and ethnic discrimination; counterterrorism and its impact; and perceived injustice and international circumstances.

Although a basic understanding of these conditions provides an insight into radicalisation, without domestic and personal circumstances the individual might support the ideas of extremists (non-violent extremism) without becoming actively involved in the execution of acts of terrorism (violent extremism). Secondly, not all people confronted with the same set of circumstances will be radicalised, and not all of those radicalised will eventually commit acts of terrorism. While the root causes to radicalisation are important, is there one overall factor that can be used to ‘predict’ whether a person is more or less likely to become involved in acts of terrorism? Despite these circumstances, it is
still the individual who takes the decision to join a terrorist organisation, or who is unconsciously drawn to the ideals and activities of extremist organizations. Ultimately, the more analysts hope to simplify radicalisation, the more one realizes that human behaviour is extremely complex, introducing the second crucial factor: the individual.

Religious and Ethnic Identity

As discussed under the role of the family, political socialisation also include the development of a social identity as ‘part of the individual’s self-concept which derives from one’s knowledge of his or her membership in a social group or groups together with the value and emotional significance attached to that membership’. Giving rise to a collective identity that Abádi-Nagy defines as ‘the set of culture traits, social traits, values, beliefs, myths, symbols, images that go into the collective’s self-definition’. Explaining the importance of collective identity in the psychological makeup of people, Simon and Klandermans listed five functions: Confirming in that the person belongs to a particular place in society; it also provide distinctive characteristics to identify others who do not share the person’s place in society. Collective identity also ensures respect from those sharing that person’s position, leading to self-respect or self-esteem in providing understanding or meaning of the social world the person is part of. Lastly, collective identity provides solidarity with others and reminds the individual that he/she is not alone.

Collective identity can however also be easily politicized in the way the individual intervenes on behalf of the group. For this to happen, the majority of the in-group need to share their feelings of injustice or inequality to transfer ‘my grievances’ to ‘our grievances’. The next step is that the ‘other’ or out-group needs to be in a position to be blamed, leading to stereotyping of the ‘other’. Consequently, when the individual is faced with the following types of conditions collective identity might become more prominent: when individuals are increasingly unable to provide for themselves and/or their families; when individuals are confused by social and political pandemonium around them; and when the individual feels threatened by another group. In an attempt to address these circumstances, individuals may well turn to an ideological movement to provide them with an identity, or enhance his/her identification with a religious, ethnic or political group. Individuals grab on to their collective identity in an attempt to feel secure and to
provide the person’s basic needs. In an attempt to enhance the status of the in-group, these individuals will diminish and ultimately harm the out-group.\textsuperscript{30} As a result, individuals categorize people into ‘us’, ‘we’ or ‘ours’ in referring to the in-group versus ‘they’, ‘them’ or ‘theirs’ that form the out-group. However, as Perdue, Dovidio, Gurtman and Tyler\textsuperscript{31} explain, the mere fact that these terms are used to categorize people should indicate that people are being divided into in- and out-groups. Associated with this categorization, perceptions will follow in which positive connotations will be associated with the in-group, while the out-group will be associated with negative connotations.

In this regard, individuals in this study were asked to rank their sense of belonging, of which the majority of 55 per cent rated their sense of belonging while joining al-Shabaab between 5 and 10. When asked to rate their sense of belonging while being members, 87 per cent rated their sense of belonging between 5 and 10, an increase of 32 per cent. In other words, over time the sense of belonging increased for most respondents. This specifically speaks to the group dynamics within the organisation in drawing people to join the organisation with and through friends. The extent to which the individual identifies with the group measures solidarity within a group. This will have an impact on socialisation and group identification that Janis describes as ‘a set of preconscious and unconscious attitudes which incline each member to apperceive the group as an extension of himself and impel him to remain in direct contact with the other members and to adhere to the group’s standards’.\textsuperscript{32}

Being part of something bigger than the individual possibly provides some part of the explanation why respondents rated their sense of belonging higher. This sense of belonging was also emphasised when respondents were asked to define ‘us’. As presented in Figure 17 that identifies who Al-Shabaab consider being part of ‘us’, 68 per cent of Al-Shabaab respondents referred to members of the organisation and 32 per cent referred to being Muslim, while none referred to other Kenyan nationals as part of ‘us’. This perception and the role of religion played as to why respondents joined Al-Shabaab was confirmed in Figure 4, as 87 per cent of respondents cited religion.
These findings confirm that the interest of the collective – based on religion – serves as the most important component to a person’s identity. For respondents, these two are interwoven in one. In this regard, the self-categorization theory predicts that ‘people are more inclined to behave in terms of their group membership because their common identity as a group is more salient’ in times of being under threat. Consequently, any threat to the in-group will be interpreted as a threat to the individual.33

To put this in context, 54 per cent indicated that they grew up in an area where their religion was in the minority. Evaluating respondents’ position on religious diversity, only 21 per cent indicated that religious diversity was not a ‘good thing’, and for the following primary reasons: there is no trust (67%), it contributes to a lack in understanding (12%), domination (11%) and it leads to violence (10%). In an attempt to determine the extent of exclusivity, respondents were asked if they would marry a person from another religion. The majority (96%) of al-Shabaab answered in the negative (see graph 6). When asked if respondents were willing to accept other religions, only 27 per cent answered in the affirmative. In other words, 73 per cent of al-Shabaab respondents indicated that they ‘hated’ other religions. These findings directly contributed to religious inequality that contributes to a perception of being under threat.
This confirmed not only Al-Shabaab’s strong religious connotation, but also to prove to what extent respondents perceived their religion (Islam) as being under threat, considering that 69 per cent remembered being discriminated against. When asked whether the person could freely live out his or her religious beliefs, 83 per cent answered in the negative. The majority (97%) of respondents considered their religion to be under threat. When asked to define the type of threat, the majority (60%) classified it as physical threat, 34 per cent regarded it as ideological, while 6 per cent classified it as both ideological and physical. In categorizing the origin of this perception of a threat, Figure 5 used to identify the ‘enemy’ and the intensity of this conflict determine that the majority of Al-Shabaab respondents (49%) identified the government as the source of the threat, followed by other religions (24%), an external enemy (18%) and a combination of government and others (9%). When asked to define the intensity of this ‘conflict’, 74 per cent of respondents classified it as ‘on-going’ and 26 per cent as an ‘all-out war’ (see graph 8). This relates to the perception among Muslims that they are treated as second-rate citizens; many feel they are on the receiving end of religious (Muslim) and ethnic (especially Somalis) profiling.

*Figure 5: Enemy and intensity of the conflict*
Al-Shabaab’s religious identity is, however, specific and related to their interpretation of which branch of Islam is being referred to. Kenya’s Muslim community traditionally belonged to the Shafi’i school of Sunni, but, since the 1980s, Kenya witnessed the rapid growth and spread of Wahhabi Islam after the return of the Muslim students who went for religious studies in Saudi Arabia. Through Middle Eastern financial assistance and the influx of imams and scholars from Saudi Arabia and other Middle Eastern countries, this ‘takeover’ strategy of extremists are gradual. This strategy often starts with individuals within some mosques and smaller religious groups with the sole responsibility to identify regular visitors to the mosque and approach them with the intention of recruiting them to attend their ‘classes’. This is where new recruits undergo indoctrination through lectures presented by different scholars who subscribe to the Salafist doctrine. Through this strategy, extremists associated with Al-Shabaab have also established cells in institutions of higher learning, particularly universities, and have also penetrated professional bodies and online discussion groups. This has led to the mushrooming of purely religious online discussions in Kenya and the East African region—the main topic being an attempt to show that certain Islamic schools of thought are wrong and not worth following. They also discuss socioeconomic issues, lack of opportunities for the ever-growing youth population, ‘injustices’ and political marginalization meted out against Muslims by authorities, and engage broadly on the global jihadi discourses.

In addition to above religious identity, the role of a religious figure in the recruitment process is also worth noticing as 34 per cent of Al-Shabaab respondents indicated that they were approached by a religious figure (see graph 3). This was the second-biggest group after friends that introduced respondents to the organisation. These radical preachers, however, do not have to be directly or physically present to radicalize individuals, as a number of Al-Shabaab respondents interviewed referred to the effect videos, CDs and audiotapes of radical preachers had had on them. It is clear from above analysis that religious identity, associated with individual motivations, was a central component in the radicalisation process amongst Al-Shabaab respondents.

Some of those implicated in attacks in Kenya, in addition to being local Kenyan nationals, were young people who had recently converted to Islam. This raised concern among the Muslim community as to the manner young people was converted to Islam. Extremists – not
representing Islam – in effect manipulated new converts that were vulnerable and unable to defend themselves against the ideology of individuals with a sinister agenda. The UN monitoring group for Somalia confirmed this concern and noted that, since 2009 Al-Shabaab had rapidly expanded its influence and membership to non-Somali Kenyan nationals. Some of the non-Somali Kenyans said to be fighting inside Somalia include Juma Ayub Otit Were, Suleiman Irungu Mwangi ‘Karongo’ (also known as Habib), Mohamed Murithi and Ramadan Osao.35

In Kenya, some of the most prominent Al-Shabaab related cases involved non-Somali Kenyans. For example, Elgiva Bwire, was jailed for life after confessing to carrying out two grenade attacks in Nairobi.36 In another example, Kenyan police officers arrested Titus Nyabiswa, a 26-years-old, who converted to Islam in the western part of Kenya before getting involved with Omar Faraj.37 Understandably, security officials in Kenya regard newly converted Muslims to be at the top of its list of possible suspects. Despite this concern, only 9 per cent converted to Islam before joining Al-Shabaab. This is however not to say that converts are not vulnerable to be radicalised and recruited into Al-Shabaab’s ranks, rather that Muslims who grew up in Islam - expected to be better informed - are equally vulnerable and should not be overlooked. Equally, treating new recruits to Islam as suspects will make them more susceptible to radical scholars and even possible recruitment to Al-Shabaab.

Of the more than 40 ethnic groups in Kenya, al-Shabaab respondents interviewed also came from a vast number of ethnic groups; but noticeably Arab-Kenyan, Bajun, Barawa, Boran, Gabra, Garre, Giriama, Jomvu, Kamba, Kauma, Kikuyu, Kenyan-Somali, Luhya, Luo, Nubi, Orma, Pokomo and other Swahili sub-groups.38 The majority of respondents interviewed came from the following ethnic backgrounds: Bajun (20%), Kikuyu (10%), Luhya (7%), Luo (7%) and Mijikenda (7%) representing four of the biggest ethnic groups in Kenya. With the exception of the Bajun and Mijikenda the other ethnic groups mentioned are predominately found in western and central Kenya.39 Perceptions on the part of other Kenyan nationals that the Kenyan-Somali community is responsible for the growing security risks in the country further contribute to marginalization. Being visibly part of the Muslim community, despite not being in any way part of Al-Shabaab, contributes to them being treated differently. Most notably, members
of the Somali-Kenyan and Somali communities reported claims of racial, or, rather, ethnic, profiling and being rounded up and arrested as referred to in the introduction.

Political and Socioeconomic Circumstances

As explained earlier in the article, prior political experiences are an important indicator as to the extent to which people have trust in politicians and the political system. Earlier political experiences have a direct impact on the level of trust the person will have in the efficiency or worth to participate in the political process. This starts at the family level in that children growing up in families where politics is discussed, or where parents are interested in politics, are more likely to see the value of participating in the political process. This ripples through to peer groups in which the level of political discussion will mirror the sense of political efficacy: in groups where politics is seldom, if ever, discussed, its members will place a question mark behind the value of political participation and vice versa. Then there are actual events that will impact on political socialisation in contributing to political perceptions and values. Political learning does not occur in isolation from the world of politics. Orum supports this notion and explains that events have a substantial impact on how people, especially the youth, interpret the world around them. Consequently, due to the fact that young people are more affected by world events, one may notice a difference in how young people versus adults not only perceive a political event but also how they respond to it.

Assessing whether respondents in this empirical study trusted politicians and the political system, Figure 6 that assesses respondent's participation in the formal political process and their perception of politicians and the political process, provided that only 1 per cent of the respondents indicated that they trust politicians. Trust in the political process slightly increased to 4 per cent of respondents interviewed. Despite this lack in trust in the political system, 39 per cent of Al-Shabaab respondents interviewed participated in the election process before joining.
Considering limited trust in politicians and the political process, Figure 7 summarises respondent’s trust in the political system and why respondents did not think that elections would bring change. Based on the analysis, 72 per cent of respondents did not consider elections to be ‘free and fair’, while 28 per cent did not recognize the political process, since their religion did not allow them to participate in the political process. Additionally, when presented with the statement, ‘Government only look after and protect the interests of a few’, 99 per cent agreed with it. When asked if ‘standing up against government is legal and just’, only 4 per cent did not agree with this statement.

Figure 7: Trust in the political system
It is clear based on the answers provided that politicians and government face a serious legitimacy crisis among individuals who ended up joining Al-Shabaab. In other words, if government wants to present another option other than unconventional political participation, it need to create the necessary political space to express political frustrations and interests other than through the use of violence. Counter-terrorism is closely associated with political circumstances and will be discussed below.

When socioeconomic factors or reasons are mentioned, a number of scholars who consider poverty or poor socioeconomic conditions as a causing factor to terrorism will read through the following section looking for proof that Al-Shabaab respondents were driven to those organizations as a result of economic privation. Instead the author did not find any direct link between poverty and the reason why respondents joined Al-Shabaab. Respondents were asked to identify the most important reasons for joining. While the majority of Al-Shabaab respondents referred to religion (as discussed above), 6 per cent combined religion with economic reasons, while a further 4 per cent referred to economic reasons. These respondents thought by joining these groups, membership would become a career, therefore serving a utilitarian incentive. This places a question mark on the ideological commitment of these individuals. In other words, if these individuals had access to other employment opportunities they would not have joined these organizations. At the same time it also places a question mark to the success of strategies – based on a small percentage of respondents who raised employment – that by offering only employment opportunities, individuals will not join these groups.

Although the link between individual economic circumstances and the decision to join Al-Shabaab is less defined (only 10 per cent referred to economic reasons in any way), extremist movements have used poverty and unemployment, the growing gulf between rich and poor, inadequate government services, political corruption, and perceived government subservience to American demands to their advantage. Through providing humanitarian assistance, Islamists offer a solution: a return to core religious values would bring social justice, good government and a higher level of moral life. In summary, although the article recognizes the role broad economic circumstances play in contributing to a person’s susceptibility to extremism, MRC respondents were more susceptible than al-Shabaab respondents.
In addition to economic and social development issues raised in this section, education or the lack thereof was identified as a crucial aspect contributing to relative deprivation and a counter measure to later radicalisation. In the first instance, a better-educated individual tends to participate more in conventional politics for the following reasons: Individuals that have been better educated feel that they can influence the political process more than a less educated person, especially considering that an educated person is also able to articulate opinions better. Secondly, the person is more aware of the impact of government on the individual. Having more information, this person is expected to have opinions on a wider range of political topics. Furthermore, the person is more likely to engage in political discussions with a wider range of people, while those with less education are more likely to report that there are many people with whom they avoid such discussions. Lastly, the more educated individual is also more likely to express confidence in the political process and is more likely to be an active member of a legitimate political organisation.43

In addition to the one al-Shabaab respondent who did not attend school, 72 per cent attended public school, followed by 25 per cent who attended an Islamic school. Public schools should have served as an integrating tool for the majority of respondents, but subgroups, based on racial, religious, ethnic and social class will still develop. In doing so they will establish their own school system, primarily to keep their members from close contact with other groups in society. Limiting the social diversity of their schools and keeping their children out of more socially integrated public schools can promote particular in-group feelings and loyalties. A segregated school system proved to heighten the tendency towards rigid and inaccurate stereotyping. In contrast, increased contact between various groups in society aids cooperation among groups and replaces patterns of discrimination and hostility. Social composition and interaction between different ethnic, religious and cultural groups from a young age will enable better understanding between people from different backgrounds.44

The level and duration a person attended should also be taken into account, keeping in mind the theory that each extra year of schooling, per capita, reduces the risk of conflict by around 1 per cent.45 Deininger supported this finding and also stressed that higher levels of education decrease individuals’ propensity to engage in civil strife. Putting this theory to the test Figure 8 determine that among Al-Shabaab
When analysing school leaving age, the majority 56 per cent left school between 15 and 19 years of age, followed by 33 per cent who left school between 20 and 24 years of age. Considering that the school-going age is six years, the majority of respondents had nine to 13 years of schooling, followed by 14 to 18 years. Only 8 per cent attended school between four and eight years as they left school between ten and 14 years of age. Of those who studied further, 12 decided on Islamic studies, four respondents studied electrical engineering, three studied information technology, while two studied commerce and business administration. One of the most impressive respondents studied medicine at Nairobi University, while another studied psychology at the same university, but did not finish his studies. Ultimately, it could then be argued that the defence against radicalisation is not education *per se*, but rather the quality and type of education. While education is essential in ensuring a better future, students also need to learn from other disciplines, such as social sciences, history and philosophy to equip them to be open to other opinions, to argue intellectually and to understand domestic and international realities.

Not being educated will naturally have a negative impact on employment. Assessing the potential role unemployment has on radicalisation, employment and unemployment figures among respondents interviewed, the majority (47%) only attended primary school, 45 per cent secondary school and 8 per cent studied further. 

*Figure 8: Level of education*
respondents can be summarized as follows: 33 per cent were employed, 50 per cent unemployed and 17 per cent were students at the time they joined. Regarding the type of employment, among those employed, 20 per cent were employed in the unspecified low-income group (for example, petrol attendants, labourer, driver, etc.), while 26 per cent were fishermen (although it can also be classified as low-income, the number of respondents in this career justified it being a separate category). Considered to be, at least in the mind of respondents, in a better position, 33 per cent classified themselves as businessmen while a further 21 per cent were religious scholars. It is important to note that, with the exception of a few, the majority of respondents did not have the necessary education to secure better employment opportunities. It is at this particular point that Gurr’s relative deprivation theory in explaining why people turn to violence: ‘Actors’ perception of discrepancy between their value expectations and their value capabilities. Value expectations are the goods and conditions of life to which people believe they are rightfully entitled. Value capabilities are the goods and conditions they think they are capable of getting and keeping. An individual’s point of reference may be his own past condition, an abstract ideal, or the standards articulated by a leader as well as ‘reference group’. According to Kawakami and Dion, relative deprivation theory consists of two key components: perception of inequality, or a perceived discrepancy between one’s own position (individual or group) and that of others; and, secondly, effects related to perceived inequality or, to put it differently, the intensity or degree of inequality.

When, Why and How Respondents joined Al-Shabaab

Assessing the age respondents joined, Figure 9 determined that the majority of respondents (57%) joined between the ages of 10 and 24. Although very close, when ages are broken down, a few interesting trends emerge: 5 per cent joined between ages 10 and 14, 17 per cent joined between 15 and 19, and 35 per cent between 20 and 24. Twenty-one per cent joined these groups between the ages 25 and 29, followed by 20 per cent who joined between the ages 30 and 35. Only 2 per cent were older than 40 years of age. Implying that although Al-Shabaab – in keeping with their name ‘the Youth’ – targets adolescents and young adults, there are also 43 per cent of respondents who only joined after their 25th birthday.
Interpreting above findings, it is important to note that during the period between puberty (ages 12 to 17) and early adulthood (ages 18 to 22) a person is at its most impressionable and most open to outside influence, due to the fact that they are becoming increasingly aware of the social and political world around them at the same time they are establishing their identity and political ‘self’ (Sears and Levy 2003, 83). Firstly, the individual forms an identity between the ages of 12 and 16, when children develop the ability to think ideologically. Ideological thinking refers to a person’s ability to politically identify with subgroups in society, also a crucial step in establishing a person’s political ‘self’. During this period individuals also form ‘worldview beliefs’ that influence how individuals perceive, interpret, and respond to their social and interpersonal environments.

**Figure 9: Age Respondents joined al-Shabaab**

Young people are particularly active and susceptible to influences during their mid- to late-teens. It is therefore not surprising that it is during this period people are the most susceptible to be radicalised and recruited into a terrorist organizations. Being more ‘open’ means that younger people are more affected by external events and are therefore more driven to act on those experiences. In other words, because a young person does not have significant life experience, personality is driving involvement, whereas, an older person, possibly the leader of the organisation, is rather driven by experience than personality,
that initially introduced him or her to the cause. As described above (political circumstances), young people are more affected by world events than adults Sears and Levi described it as a ‘storm and stress-stage’ and therefore easily drawn into unconventional political behaviour. Because they are not used to the realities of political and economic participation, are more idealistic and reform-minded, resulting in being impatient with the ‘compromising methods’ of their elders. This would imply that the youth is particularly vulnerable to radicalisation for two primary reasons: Impatience of the youth and more willing to change the political system – if necessary, through the use of violence. Instead of accommodation or manipulation (the favourite political tactics of the older generation), the youth favour confrontation. In contrast to early adulthood, two changes appear between the ages of 25 and 30: involvement with more extreme or at least unorthodox movements and/or ideologies abates, but participation in more conventional politics increases.

Assessing whether marital status and having children of their own at the time of joining Al-Shabaab had any impact: 54 per cent were single, 41 per cent were married, 4 per cent were divorced, and 1 per cent had lost their spouses at the time of joining. Although a majority of single respondents did not have children, 14 per cent had children when they joined Al-Shabaab. In other words, although the majority were not married at the time of joining, marital status did not have a specific impact in preventing individuals who were married and having children from joining. The small difference in marital status should also be interpreted along with the age of respondents at the time of joining, remembering that Al-Shabaab attracted younger respondents. It is however important to recognise that marital status and the relationship with joining a terrorist organisation differ between organisations, countries and period in history.

Figure 10 summarise the period between first introduction and eventually joining Al-Shabaab as defined by both respondents and relatives. According to respondents, only 2 per cent of respondents indicated that the period was between one and 30 days. The largest number of respondents (63%) indicated that this period was between two and 12 months, while 35 per cent indicated that this process took longer than a year. Al-Shabaab respondents (15% of the above respondents) waited even more than five years before joining.
The families of especially al-Shabaab respondents were asked to shed light on the process and changes they have noticed in the behaviour of respondents who disappeared, were incarcerated or who were killed. Figure 11 identify the most noticeable changes relatives identified in individuals leading up to joining Al-Shabaab. Among the most noticeable changes, 91 per cent indicated that the person disappeared at some stage, 85 per cent became very religious, 65 per cent isolated themselves, while 52 per cent withdrew from former friends, while only 28 per cent became very prescriptive to other family members as to their behaviour in what was acceptable and forbidden.
These changes were noticed over the following periods (see graph 14, upper bar): 3 per cent over days to a month, 37 per cent over two to six months, 23 per cent over seven to 12 months, 23 per cent over one to five years, and 14 per cent over more than five years. In other words, the majority (63%) of family members noted changes in the behaviour of their sons/daughters, brothers/sisters and husbands within a year. Breaking this figure further down, 37 per cent noted these changes between two and six months (similar to recollections from respondents as per the bottom bar in graph 14). These changes in behaviour reflect a relative short recruitment process (few months to a year). What is particularly interesting is the role a friend (41%) and a religious figure (37%) played in introducing the person (according to the relative) to Al-Shabaab. Amongst respondents interviewed, 72 per cent joined with friends, 9 per cent joined with family and 19 per cent joined alone (a similar picture to recollections from respondents discussed earlier in this chapter).

Respondents were also asked to rate their level of overall frustration at the time of joining: 96 per cent rated their level of frustration between 5 and 10. Breaking this figure down, 48 per cent rated frustration levels between 5 and 7, with a further 48 per cent indicating their frustration levels between 8 and 10, while only 4 per cent reported lower frustration levels of between 1 and 4. These figures directly support the role
emotion play in the radicalisation process and the eventual decision to join Al-Shabaab as described in Figure 12. Associated with frustration, respondents were asked to think back and select one or a combination of emotions that captured how they felt best at the time. Anger was the most common emotion (32%), followed by hatred (25%), guilt (19%) and contempt (15%) confirming the frustration-anger-hostility hypothesis as presented by Leonard Berkowitz, William McDougall and John Dollard. A further 6 per cent combined hatred with anger, while 3 per cent recalled fear. Considering the relatively high levels of guilt, respondents were asked to clarify what respondents recalled when choosing guilt. As a result, respondents recalled personal stories of letting close family and friends down and that guilt as a result made them leave for Somalia or staying in the organisation. In addition to the array of emotions it is important to note that anger and hatred or a combination of the two emotions, moved 57 per cent of respondents interviewed to action.

*Figure 12: Emotion associated with joining Al-Shabaab*

Martha Crenshaw\(^5^6\) refers to a catalyst that finally accelerates the radicalisation process. These catalysts are seen as relevant to that particular situation and can occur on micro- and macro-levels, or
possibly cut across both. Irrespective, it is traditionally a drastic or volatile event. When asked to clarify or to provide additional information that finally ‘pushed’ the person to join, the majority of respondents referred to injustices at the hands of Kenyan security forces, specifically referring to ‘collective punishment’. When asked to identify the single most important factor that drove respondents to Al-Shabaab, 65 per cent specifically referred to government’s counterterrorism strategy. Comments included: ‘Government and security forces hate Islam’, and ‘All Muslims are treated as terrorists’, to more specific examples: ‘the assassination of Muslim leaders’, or the ‘extra-judicial killing of Muslims’. One respondent even referred to a specific incident (although the date was not provided): ‘Muslims were beaten badly by GSU at Makadara grounds’, while others referred to Muslims being arrested (for no apparent reason). Returning to the anger and hatred discussion above.

All of these enforced the perception that government, with specific reference to its security forces (government’s representation in their day-to-day lives), hate them, leading to injustices (referred to by name) and marginalization. This led to discriminatory responses, further fuelling sentiments of marginalization, as many of the arrests appear to have been discriminatory and arbitrary in nature. Even after the Paradise Hotel blast in 2002 – at a time when extremism was not well known and before the creation of Al-Shabaab – local Muslim leaders feared for their community. This would provide further justification for the increasing radical faction. According to Najib Balala, the former mayor of Mombasa and government Cabinet Minister: ‘Harassment and intimidation [by the government] have always been there for us. Now we are already branded as second-class citizens because we are Muslims and Arabs.’ Similarly, according to the then director of Muslims for Human Rights, Khelef Khalifa, police harassed Muslim residents in Mombasa in response to the attacks. Instead of pursuing the key suspects, the police arrested their relatives when they failed to arrest those directly involved in the attacks.57

After spending time and talking to Kenyan Muslims over the last decade, especially in the coastal region and Nairobi, one notices a growing perception of being treated as second-rate citizens. People complained and gave examples that, despite being born and regarded as Kenyan nationals, fellow Kenyans and especially police officers treat them as ‘foreigners’. Especially following growing insecurity in Kenya
since the intervention of Kenyan forces in Somalia, people are told to ‘go home’, are often disregarded as fellow Kenyans at government buildings, and are arbitrarily arrested without due cause. It is clear that strategies based on mass arrests, racial profiling, etc. proved more than once to be counterproductive. Additionally, police-led criminal justice responses to terrorism are more effective than an arbitrary and hard-handed response. While security forces have experienced constant threat of attacks since the intervention in Somalia, the consequences of blind retaliation is severe. Especially when fighting an often-unidentifiable enemy, who use the anonymity of the masses to hide amongst and to strike and then disappear, is extremely frustrating. However, lashing out against the collective is not only ineffective, it is also counterproductive as a real danger exists that those not involved in affected communities might see the need to defend themselves against the ‘other’, therefore ‘driving’ individuals to extremism.

It is, however, not only government and its security forces that treat people on the fringes of society as the ‘enemy’, but also the broader Kenyan community that is driven by an established perception that Al-Shabaab only consists of Somali nationals or those who are visibly Muslim. It is through events that will be highlighted below that identity based on religion and ethnicity are further established in contrast to initiatives to develop an inclusive national identity. To illustrate this, Kenyan nationals turned against and attacked Somali and Kenya-Somali nationals following the detonation of an explosive device on 18 November 2012 in Eastleigh, Nairobi. This was not the first occasion on which people retaliated. Earlier, on 30 September 2012, ordinary people attacked Somalis living in Eastleigh after a grenade attack on St Polycarp Church that killed one child and injured nine others. During this incident, at least 13 Somalis were injured and property destroyed. Similarly, other Kenyan nationals even welcomed the mass arrest campaign in April 2014 as an example of government protecting them. In other words, despite the ‘Kenya we are one’ Facebook campaign following the Westgate attack to build a national identity, the actions of both Kenyan authorities and the public divide society even further.

Determining who respondents identity with, Figure 13 identify that ‘us’ for al-Shabaab respondents referred to members of the organisation (68%) and Muslims (32%) versus ‘them’ in referring to other religions (67%) and government (30%).
While Figure 13 identifies the in-group, Figure 14 determines that the out-group through asking respondents to identify ‘them’ referred to other religious groups (67%), the Kenyan government (30%), while 3 per cent referred to another country. Within the latter category, respondents specifically referred to Ethiopia (following its intervention in Somalia) and the US and other countries that fall in the category of being anti-Islam. One respondent categorically stated that imposed Western values finally drove him to join the organisation.
Reasons for joining al-Shabaab are only one part in understanding why respondents got involved in al-Shabaab; the second part deals with why a person would want to stay. In answering this question, Figure 15 determines that the majority (61%) of respondents considered it their responsibility, followed by belonging (16%). A further 13 per cent indicated that they stayed for the adventure, while 8 per cent referred to a combination of adventure and the sense of belonging they had experienced. The remaining 2 per cent referred to a combination of responsibility and belonging.

Figure 15: Reasons why respondents decided to stay in Al-Shabaab

Respondents were also asked if they had a regret of which 40 per cent indicated that their biggest regret was that they did not recruit more members to the organisation; 42 per cent regretted some of the tactics Al-Shabaab resorted to; 13 per cent regretted being caught; while only 5 per cent regretted joining Al-Shabaab. These results further emphasize the role identity plays in joining and staying, associated with belonging (also referred to earlier in this paper) and responsibility. Emphasising the role belonging and responsibility play in respondent’s decision to stay in Al-Shabaab, respondents were asked to rate the sense of belonging they’ve experienced joining Al-Shabaab and again while being a member. Assessing the sense of belonging
respondents experienced, it is worth noticing that belonging increased substantially the longer the person stayed in the group. Some Al-Shabaab respondents explained that they rated belonging between 1 and 4 as a result of obstacles they had encountered and the dangers associated with being a member. This confirms that the identity of the organisation becomes the identity of the individual, as presented by Post and supported by Taylor and Louis, in that belonging to the terrorist organisation can result in a collective identity, where individual identities are being replaced by a sense of being part of something bigger.

Conclusion

Political socialisation not only explains how a person politically develops, it also sheds light on the role internal (personal) and external (environment) factors play in the radicalisation of an individual to join a violent organisation, such as Al-Shabaab. Central to this process is the realisation that both political socialisation and radicalisation occur over a period, involving a number of agents to facilitate this process. In other words, certain political socialisation agents will play a more prominent role per individual than others. Identifying these role-players while appreciating that not all people experiencing the external stimuli will decide on the same course of action is essential in developing effective counter-radicalisation strategies.

Within the family, a young person (from infancy) starts to develop his or her identity, but it is also here that a national identity is formed. Instead of referring to an inclusive national identity, a religious and ethnic identity is central to Kenyan society. Among respondents interviewed religious identity was dominant, while keeping in mind that Al-Shabaab does not have a long history. This was confirmed as only a small minority informed a parent of their decision to join the organisation. This leads to the conclusion that although the initial building blocks were established during childhood, other socialisation agents guided respondents to Al-Shabaab. This being said, young people will be more susceptible to organizations intended to protect a religious or ethnic identity – in contrast to a national identity – for as long as people are reminded of differences between them, instead of building an inclusive national identity. Religious identity became increasingly prominent following the anti-terrorist campaign after the US embassy bombings in 1998. As a result of its counter-terrorism efforts, many
Muslim youths (especially Kenyan-Somalis) ended up being arbitrarily arrested and incarcerated on suspicion that they were engaged in terrorist activities. This contributed to a form of xenophobia directed at Muslims, by non-Muslims, or at least that was the created perception. Furthermore, Al-Shabaab was able to break through this ethnic separation, by attracting followers from diverse ethnic backgrounds.

Taking over from the family, peers – especially friends – played a very prominent role in guiding respondents to Al-Shabaab, while respondents in turn also recruited other friends. Based on a shared religious identity that extends beyond geographical boundaries, Al-Shabaab was successful in transferring ‘my’ grievances to ‘our’ grievances while at the same time providing a sense of belonging within the organisation against a common ‘enemy’. Although Al-Shabaab has its origin in Somalia and although Kenyan intervention into Somalia in 2011 initially facilitated the spread of Al-Shabaab in Kenya, the manner in which the Kenyan government responded to the growing threat of terrorism provided and established a new phase of radicalisation within Kenya. In other words, Al-Shabaab managed to take a religious identity – considered to be under threat from both other religions and government – and merged it with an ideology that presents a religious identity beyond the national context. Al-Shabaab does not represent the established Islamic origins in Kenya, but through growing Salafi influences, Al-Shabaab – as the best-known organisation – also pivoted extremists against traditional Muslim scholars. Ultimately, based on the overall assessment and interviews with respondents, the future of Kenya rests on the ability of extremists to continue to merge the perception that Islam is under threat and that Al-Shabaab represent the best interests of Muslims. In addition to their religious identity, Kenyan-Somalis as an ethnic group is also marginalized, despite growing evidence that Al-Shabaab increasingly recruits within traditional Kenyan communities. The role perceptions played in classifying people further fuelled marginalization and the entrenching of in- and out-groups.

Countering this strategy, government while reaching out to established Islamic institutions and scholars, presents itself as fighting a ‘common’ enemy to both Muslims and non-Muslims. Despite reassurances, the manner in which security agencies – with the blessing of government – implement its counter-terrorism strategy is sure to strengthen the perception of ‘Islam’ being under threat, driving countless more to Al-Shabaab. To put this differently, similar to – Abu...
Ghraib and Guantanamo Bay following 9/11 with reference to al-Qa‘eda – racial or religious profiling following a campaign of mass arrests is the best recruitment poster for Al-Shabaab. Of even bigger concern are claims of extrajudicial killings of ‘problematic’ individuals, most notably radical Muslim scholars. The reality is however, that the ‘elimination’ or assassination of each and every leader or scholar radicalised and recruited dozens, if not hundreds, to its ranks, ensuring a new wave of radicalism and collective resolve of its members. Ultimately this indicates that the elimination or threats of violence or even imprisonment are rarely effective deterrents. An effective counterterrorism policy and strategy should appreciate the broader context in which violent actions or attacks occur and seek to meaningfully and non-violently attend to it.

It is apparent that Kenyans are tremendously divided. While diversity can be celebrated where mutual respect exists, it can also destroy a country from within, as described by respondents when there is no trust with reference to both religious and ethnic differences. The biggest threat to stability in Kenya will be if extremists succeed in dividing Kenya between Muslims and non-Muslims. Addressing and breaking these perceptions extend well beyond the responsibility of the police — it requires the entire Kenyan government to initiate dedicated strategies to build national identity in a country that is religiously and ethnically divided. As long as its citizens, especially those on the fringes of society, exclusively identify with an ethnic or religious identity that is perceived to be under threat, radicalisation will continue to increase.

The article further noted that economic circumstances were not identified as a factor driving radicalisation with reference to Al-Shabaab. Instead, access to and the quality of education – or rather the lack thereof – should be considered as a factor to facilitate later radicalisation. Keeping children in school, while encouraging integration, will not only assist in nation building, it will also open new occupational opportunities to young adults, especially when individuals are encouraged to continue and complete their tertiary education. Although not addressed in this article, the field of study individuals pursue should also be taken into consideration. Developing an ability to question and to be open to the ideas of others is not normally associated with science. While science is associated with development, through pursuing careers in engineering, medicine and information technology, the educational system should encourage, if not force, young people to include subjects that enable
them not to see the world around them in black and white or right and wrong, but to recognize and respect the opinions of others. Developing this ability will go a long way in countering the reasoning of extremists, while government and its security forces develop and implement more constructive counter-radicalisation and counter-terrorism strategies.

This chapter is based on a doctoral dissertation registered at the Department of Political Studies and Governance at the University of the Free State under the title ‘Radicalisation to commit terrorism from a political socialisation perspective in Kenya and Uganda”, which was presented on June 17, 2014.

Notes
2 John Mbaria, “Up to 12 countries could be sucked into conflict,” All Africa, October 24, 2006.
7 Richard E Dawson and Kenneth Prewitt, Political Socialisation, (Boston: Little Brown (1969), 17
9 Dawson and Prewitt, Political Socialisation, 18.


34 Interview with Hassan Ola Naado in Mombasa, Kenya April 26, 2012. Former Chief Executive Officer, Kenya Muslim Youth Alliance and current Deputy Secretary General, Supreme Council of Kenya Muslims.


41 Dawson and Prewitt, Political Socialisation, 191.


44 Dawson and Prewitt, Political Socialisation, 168-169.


50 Dawson and Prewitt, Political Socialisation, 50.


55 Sigel and Hoskin, “Perspectives on Adult Political Socialisation – Areas of Research,” 266.


57 BBC Monitoring Newsfile, “Kenyan police say ‘key’ suspect in Mombassa terror attacks has Yemeni links,” December 27, 2002.


The Mombasa Republican Council and the Politicization of Security and Public Perceptions on the Coast of Kenya

Paul Goldsmith

Introduction

Modern Kenya is based on a number of assumptions: assumptions about its economic model, assumptions about its legal system, assumptions about its borders, and assumptions about the nation’s diverse communities and individuals aspirations and life style. There are also assumptions about the nature of political opposition and acceptable modes of resistance. In the relatively short period after being thrust into the national spotlight in 2011, the Mombasa Republican Council (MRC) captured the imagination of the coast's population, catalyzing a burgeoning social movement that challenged all of these assumptions in the process. In a brief period between 2011 and 2013, the MRC reintroduced the idea of secession into Kenyan political discourse through questioning the legality of the agreements behind the coast's incorporation into Kenya, by underscoring the state's failure to honor provisions of those agreements, and championing the population's right to self-determination.

The MRC rallying cry, *Pwani si Kenya* (Coast is not Kenya), struck a sympathetic chord among constituents who equate Kenyan Uhuru (independence) with internal colonization. MRC's influence on the grass-roots level was reflected in the growing numbers of the indigenous population who began to refer to themselves as ‘Coasterians’ in contrast to the 'Kenyans', the upcountry settlers benefitting disproportionately from coastal land, economic opportunities, and access to key positions in the civil service and security forces. ‘Coasterian’ is a term that students in upcountry secondary schools applied to their schoolmates from the coast. A new linguistic code identifying ‘coasterians’ as apart
from the ‘Kenyans’ has brought the folk model full circle.\(^2\) The MRC shifted the Kenyan narrative by rebranding the coast in terms of the pre-independence debate spearheaded by Abdullahi Nassir of the pro-separation Coast Peoples Party, which emphasized the legitimacy of historical precedent to counter the racial and ethnic definitions of citizenship prevailing during the transition.\(^3\) For the first time since the factionalization and squabbles that emerged among the coastal leadership after independence, the coast’s local communities enjoyed a modicum of unity on their problems even if they differed on the solution.\(^4\)

Kenya’s coastal movement also presaged future developments with Kenya’s political domain that is now revealing deep fractures within Kenya’s body politic. It raised issues that continue to warrant serious discussion and debate. Instead of this taking place in serious fora along the lines of the constitutional reform discourse that preceded it, the MRC’s emergence exposed how the state and mainstream media cooperated to divert attention from long standing issues intrinsic to the long-term processes that will determine the region’s future. The MRC was lumped together with both armed gangs like the Gikuyu dominated Mungiki and the Islamist insurgents of Al-Shabaab, despite having little in common with both. By treating the movement as a violent threat, the state-press coalition contributed to radicalizing forces on both sides of the state-society divide on Kenya’s coast. This perpetuated a cycle of both open and submerged conflict whose long-term outcome cannot be predicted at this point in time. The devolution process initiated by the new constitution may resolve deep-seated grievances and contribute to a more unified Kenya over the long run, although in the case of the coast that prognosis is less than encouraging.\(^5\) Devolution may exacerbate existing divisions within the nation considering that the debate over self-determination entered the mainstream during the aftermath of the 2017 national elections.

The objective of this paper is to set the record straight by examining the issues and internal dynamics driving the MRC movement’s rise to prominence. The analysis locates the issues in a framework allowing us to objectify the problems raised by the MRC in the larger context of the current self-determination discourse in Kenya that now casts the MRC’s ‘Pwani si Kenya’ campaign as a relatively moderate initiative compared to the Islamist insurgency and political criminality that surged after 2013. The context of current developments within the nation’s political
arena designate the relevance of the MRC case study as a source of instructive insights for the study of radicalization and resistance on Kenya’s coast. Because it did not fit into pre-existing categories, the MRC’s mix of radical agenda and non-violent methodology also posed a dilemma for civil society after the MRC leadership rebuffed attempts to build bridges to the movement. This created a unique situation that continues to evade conventional solutions by both agents of state security and the supporters of the peace, security, and development programs discussed elsewhere in this volume.

The coast is intrinsic to the Kenya nation’s identity and tourism branding strategy. It long enjoyed the reputation as the region of Kenya where peace and tranquility is not conditional on balancing the political and economic tensions prevailing elsewhere. It is the vacation destination of choice for the elite and professional class, a playground for the jet set and Western tourists, and home to Kilindini Harbor—which makes coastal stability a key national interest for Uganda, Rwanda, Burundi, the South Sudan, and the eastern Congo. Few informed Kenyans would dispute the case for massive land grabbing, neglect, and systemic social exclusion on the coast. Even so, both locally and outside the coast, the concept of self-determination promoted by the MRC appeared unthinkable at the time.

This, as any one who follows developments in Kenya knows, is no longer the case. The state’s poor handling of the MRC gambit elevated what likely would have remained a largely localized and peripheral phenomenon to national prominence. The discourse has shifted radically in the several years following the MRC affair, and the argument supporting secession has moved to center stage after the economist David Ndii published his provocative article on ‘Kenya’s Unhappy Marriage’ in 2016. Kenya’s third successive disputed election in 2017 catalyzed the national debate over secession and regional self-determination. Ndii revisited the secession issue during a provocative NTV interview two weeks after the disputed 2017 elections, igniting a Twitter storm that spawned hash tags like #democracyorsecession and #LetsTalkSecession. The Twitter thread attracted a steady stream of supporting comments with the usual dissenting or disparaging remarks; a Kenya petition in support of regional secession directed at the African Union was launched around the same time.
The rise of the MRC to public prominence followed a unique trajectory. In 2008 twenty MRC members were arrested while meeting on a farm near the Mulungu Nipa forest. The court released half of the suspects before trial and the rest were acquitted. It appears some of the original members of the initiative who saw it as a vehicle of armed resistance left after their experience in court influenced younger activists to adopt an alternative model based on legal advocacy and historical precedents legitimizing their claims as ‘sons of the soil.’ Subsequent developments including the sustained security crackdown were largely driven by misinformation and misperceptions.

In 2010 the government banned MRC along with 32 other ‘armed gangs’, effectively elevating the MRC’s status. But the mainstream media’s reportage did not help clarify the factors behind the formerly obscure organization’s spreading popularity across the coast. Conditions in Lamu, for example, including the uncontrolled influx of outsiders using the *witamire* method (cut the bush for yourself) to acquire land in areas of de facto communal tenure are making the environs north of the Tana River Kenya’s most volatile theatre in the campaign to contain the activities of the Al-Shabaab’s jihadi militancy. But the core issues fueling developments in Lamu rarely featured in the press reports addressing the insecurity and local resistance to the LAPSET mega-project. A series of articles on the proposed Magogoni port in *The Standard*, in contrast, repeatedly obscured the burning issues generated by the port on the ground. The *Nation* played a similar role in distorting the real issues driving the MRC agenda. The uncritical quality of the national media extended to the Al-Shabaab offensive that overlapped with the period of MRC activism. In contrast efforts by MRC officials to warn of the impending raids on Mpeketoni and other Lamu County targets were ignored.

In the absence of accurate information and the steady flow of distorted and fictionalized press reports, most Kenyans assumed the MRC to be a regional variation on the Mungiki, Sungu Sungu, and other violent organizations pressed into service by political power brokers. Repeated references to the armed gang thesis by the government and in the press conditioned the Kenyan public’s acceptance of the common fallacies about the organization. Phenomena elsewhere in Kenya and beyond provided the template for making inferences about the MRC and its supporters. As a result, imputed references to links with Al-Shabaab and the Kaya Bombo violence of 1997 assumed an independent life.
of their own. Public assumptions about the kundi haramu (outlawed group) hypothesis still persist as a consequence—and even academic analysts still treat the growth of the movement as a variation on Islamic radicalization, despite the fact that Christian pastors and preachers are in the front ranks of its leadership and many older women are members.\textsuperscript{15}

Entrenched perceptions of Kenyan ethnicity and political violence combined with the entrenched folk model of coastal Kenyans to simplify what was a considerably more complex narrative. The leaders of the MRC, in contrast to the conventional perceptions of their motivations, blamed coastal leaders’ consistent reluctance to properly articulate their peoples’ grievances for the region’s skewed development. The MRC’s manifesto and constitution further substantiates the reality that the movement was for the most part a non-violent movement, \textit{albeit} based on a radical idea. The MRC is still alive but remains inactive in the public domain. Some of the activists went underground, many others are under surveillance, and most of their leaders are pre-occupied by the backlog of relatively minor court cases that incongruously followed the large-scale arrests after the lifting of the armed gang ban in 2013. The government appealed the judgment but the Supreme Court ruling was upheld in 2016.

After the Supreme Court lifted the ban that erroneously grouped the MRC with real armed groups like the Mungiki, the Provincial Administration used the police and lower courts to crack down on its members with renewed vigor. The MRC’s plan was to continue with their legal activism and to hold workshops across the coast following legalization; this would have channeled coastal grievances into non-violent strategies countering more extreme actors’ propensity for armed resistance and insurgency. Instead of recognizing the movement’s constitutional rights, the state chose to squash the movement, creating a vacuum that was filled by a surge of Islamist extremism and criminality. The MRC succeeded in reinvigorating the coast’s stagnant political orientation. Yet despite legalization, Kenya’s security forces continue to use the specter both of Al-Shabaab and the MRC to harass coastal civilians.\textsuperscript{16} The fact that during the 2017 election campaign the MRC was scapegoated for being behind the distribution of leaflets threatening upcountry residents on the coast, a claim vehemently denied by the leadership, points to its continuing influence.\textsuperscript{17} In an ironic development several years after the MRC’s public campaign subsided, the events
following the controversial 2017 national elections saw a number of elected politicians including the Governor of Mombasa County who opposed the MRC at the time adopt the call for secession. Despite building on the established discourse the MRC, the politicians now advocating secession have perpetuated the fake news syndrome while distancing themselves from the movement.18

**Profiling the MRC Leadership and Social Movement**

The MRC is a self-described social movement and operated totally independent of politicians. They repulsed attempts of co-optation by their wealthy patrons. Although the press repeatedly claimed political godfathers were funding the MRC, research uncovered nothing to contradict the Leadership Council’s report that their funds come exclusively from dues and voluntary contributions. The MRC repeatedly distanced itself from Al-Shabaab and its Islamist jihadi ideology. It operated in clear view for the most part despite repeated arrests of MRC members whenever they attempted to explain themselves in public fora. The high profile and burgeoning popularity of the MRC on the coast during its lifespan as an active advocate of coastal redemption between 2011-2014 was a direct product of publicity generated by the state’s decision to deal with the issues raised by the MRC through repression and harassment of the organization’s members.19  The MRC was never an armed gang and their internal documents focus on self-determination as an avenue for the development of the coast’s indigenous communities. Although many acts of violence were attributed to the MRC between 2010 and the lifting of the state ban in 2013, only two members have been convicted of an act of political violence.20

The organization of the MRC consists of a leadership council, an elders’ council, youth and women’s wings, and some fifteen branches across the coast (each branch ostensibly has several office holders). 21  At its height it attracted a large and growing body of dues-paying members that fell into three categories: life members contribute 1,000 /-; ordinary members pay 500 /-; and 200 /- for self-enrolled members. The number of MRC’s dues-paying members likely reached five figures, but this was still a fraction of the larger support base.

My field research on the coast between July and November of 2011 yielded several findings that contradict the general impression of the MRC conveyed by mainstream media. First, there appears to be no
evidence or ‘genetic’ link to the Kaya Bombo violence of 1997, imputed links to Al-Shabaab, or formal proof the organization is actively promoting other forms of underground militancy. Second, there was strong public support for the MRC and their agenda everywhere we went, albeit circumspect in some locations; and third, there appears to be an unprecedented degree of unity on the issues and grievances identified with the MRC initiative across Swahili, Arab, and Miji Kenda segments of the indigenous coast population.

The results were reported in a 2012 Conflict Assessment for PACT Kenya. The sample of over fifty surveys conducted between Msambweni and Tana River counties in 2011 and 2012 revealed consistent levels of public support cutting across divisions of ethnicity and economic class. The larger peri-urban area of Mombasa (including Likoni, Kisauni, and Kaloleni) were at that time the epicenter of MRC support, followed by the adjacent counties of Kwale and Kilifi. Knowledge of the MRC and its objectives during the time of the research tended to decline with, first, the distance from Mombasa and urban centers and, second, according to the age of respondents. The MRC presence is lower in Taita-Taveta, Tana River, and Lamu—but this does not necessarily mean support for their agenda was significantly weaker in these counties. In Tana River, for example, the absence of Orma supporters is for the most part a function of their conflict with the pro-MRC Pokomo. Awareness of the MRC was comparatively limited among small communities in remote areas like the Boni, Sanye, and Kore. More educated respondents were more likely to disagree with the logic of the Pwani Uhuru campaign in respect to the call for secession.

Knowledge of the MRC spread mainly through word of mouth—sometimes through direct contacts and typically through communication with friends and neighbors. The role of social media was limited; the MRC started a Facebook account but it was not actively managed. The media played a lesser role locally, and the national press never seriously interrogated the MRC and issues it raised. Most reporters and editorialists tended to accept the government position at face value and many demonized the MRC in print. This began to change as locally owned Mombasa newspaper and radio stations responded to the feedback from the ground. Coastal blogs and other Facebook sites provided important content alongside the more emotive or superficial entries.
The MRC’s strategy centers on the use of legal challenges to defend coastal interests. They place very strong emphasis on the contested legal agreements, while stating that they understand its impact across the wider social and political spectrum. For many sympathetic observers, the *Pwani si Kenya* stance is nevertheless a non-starter. In general, most indigenous coastals opposed to the movement concurred with the historical factors responsible for the region’s high levels of anger and frustration with their status and position in Kenya.

There were several factors that reinforced the *Pwani Uhuru* as a strategy from the local perspective. The movement’s Swahili language discourse was simple and easily understood by its expanding constituency. By presenting a holistic view of post-independence developments, it created a kind of gestalt subordinating the accumulation of grievances and problems that are typically debated on their own basis to a single point in the guise of secession. This effectively relegated a range of other and often conflicting positions on coastal political strategies and methods to a secondary place in the discourse. During its three years of public prominence the MRC redefined the coastal political narrative. Subsequent developments have confirmed the far-reaching impact of the ‘Pwani si Kenya’ meme on the coast and across Kenya.

MRC leaders were adept at reeling off a variety of statistics and numbers justifying the campaign based on long-standing internal political narratives. The *Pwani Uhuru* campaign is pitched as a practical problem-solving initiative; their message was clear and does not have to be explained. The MRC manifesto is devoid of revolutionary rhetoric; for the most part it is a blueprint for using coastal resources for the indigenous population’s development. Many of the documents and claims issued by different MRC advocates were historically inaccurate and distorted facts to support the movement’s claims. Although some local critics pointed out the inaccuracies, the strategy nevertheless shifted the frame of coastal politics while shielding the MRC from fracturing along different interests.

**MRC Methodology**

MRC activism centered on writing letters, contesting the state’s authority in court cases, and developing an extended network of sympathetic individuals to spread their message. According to the surveys there is also a petition people have signed and at least one
pamphlet in circulation, but the latter two initiatives did not feature in discussions with the leadership. The MRC also backed a boycott of the 2013 national elections that became an increasingly difficult issue for otherwise sympathetic leaders and politicians running for election.

The MRC applied for registration as a civil society organization before the ban and the application was approved only for the bursar to mysteriously refuse the payment at the last moment. Police raided a night meeting following allegations that the MRC was training a youth militia in the Mulungu Nipa forest. Twenty members were charged in court but the judge dismissed charges against ten of them before the trial and acquitted the other ten. The MRC was then included in a list of thirty-three gangs that the government banned in 2008. The MRC is the only one of the listed gangs that challenged the ban in court.

In March of 2011 the MRC held a meeting at the Sapphire Hotel in Mombasa. The MRC intended to use the meeting to clarify its commitment to non-violent advocacy and to counter the false picture promoted by the state and in the press. Although the police broke up the meeting and arrested over forty MRC members, this event raised the MRC’s status across the coast and catapulted the organization onto the national stage. Criminalization was apparently a serious problem initially, but the MRC was able to turn the persecution of members into a positive that worked to keep it in the coast media limelight and generate additional sympathy for their cause.

This appeared to galvanize the organization while accelerating its expansion. The Leadership Council concurred that state repression has been a major factor in their rapid rise to prominence. An MRC case challenging privatization of Kilindini harbor generated additional publicity. After state security agencies ramped up its efforts to clamp down over the following months, several national leaders and coast politicians urged the government to shift gears and talk to the MRC during the interim but a series of sensationalist features and negative editorials in Kenya’s main dailies, The Daily Nation and The Standard, offset the public impact of their petitions. Raila Odinga came under attack by pro-government MPs when he cited the case of Sri Lanka while raising the problem of long term blowback in Parliament.

Several raids on MRC meetings in early November of 2012 brought things to a head. Two incidents on Sunday, November 6, resulted in several deaths and mass arrests. The second incident was
an Administration Police attack on a video hall where youth were watching a high profile English football match. The authorities claim that it was an oathing ceremony met with scathing rebukes. The former incident involved a public meeting that the police broke-up with undue force after failing to allow the crowd to disperse on their own.

Public reaction to the two incidents forced the government to backtrack. The Provincial Commissioner convened a public meeting on November 18. The government Baraza was held in Shauri Yako, a suburb of Likoni that has emerged as a focal point of MRC activities. During the meeting, the PC attempted to explain the logic of the government’s actions, conceded mistakes were made, and agreed to investigate the claims of excess force. He also announced the administration was willing to hold meetings with the MRC to be brokered by MUHURI (Muslims for Human Rights).

Government supporters opposed the talks, claiming other ‘armed gangs’ would demand equal treatment and that the MRC would hold the government ransom. Although politicians (including the Prime Minister), civil society leaders, and clergy had called for discussions during the preceding months, the MRC themselves were more ambivalent. The talks quickly broke down. The MRC expressed concerns over the partiality of some of the individuals brokering the talks, and claimed the talks themselves were technically “illegal” due to the ban on the organization. The MRC Secretary General said that if the government was unwilling to lift the ban, which they are contesting in court in any case, then they were willing to let the case run its course before engaging in official discussions—despite their concerns over the repeated delays and interference from the Provincial Administration.

MRC leaders treated the new Kenya constitution as a non-issue, and the rank-and-file expressed similar sentiments. An elderly woman in Kaloleni, for example, said “katiba mpya yaonekana nzuri, lakini si yetu—ni ya Kenya” (the new constitution is good but it is for Kenya and not for us). Another respondent added, “twataka nchi yetu, siyo katiba yao” (we want our country back, not their constitution). In discussions on the subject, the leaders repeatedly stated, “tumechoka na ahadi (we are tired of promises),” and justified their position by listing the series of unfulfilled pledges beginning with the political failure of Majimbo after independence to the series of ineffective programs (e.g. settlement schemes) and commissions addressing coastal land issues.
The coast’s rural and peri-urban population’s low level of education and political awareness contributes to their skepticism over county governance and decentralization. Cynicism over the reform process, more than the content and substance of the new constitution, accounts for their rejectionist stance. In any event, even the MRC leadership was ignorant of the new constitution’s content.

On the issue of the electoral boycott, they cited the assumption that the same political class that has failed to improve conditions for their constituents will remain in control. The boycott was part of a larger non-engagement strategy that effectively places the movement beyond the reach of politicians. In the meantime, the boycott helped maintain the movement’s independence from the political class, and the political space created continues to insulate the movement from the opportunistic stratagems of politicians and elected leaders. The boycott raised serious questions among otherwise sympathetic observers who argued it was tantamount to handing over what limited power coastal peoples do enjoy to internal opponents and their supporters from outside their communities.

MRC leaders stated that the boycott was conditional on the movement’s legal status and that they would review the boycott if the ban was lifted. Events occurring beginning with a new wave of arrests in August and September of 2012 catalyzed political responses forcing the provincial administration to rethink its policy on the MRC. During the public baraza following the public outcry caused by the police violence, the Provincial Administration tried to instigate a dialogue to resolve the problems. Although the MRC insisted on legalization as a precondition, the meeting in the Likoni suburb of Shauri Yako represented a turning point of sorts. During the days preceding the vote the call to boycott the 2013 polls was quietly relaxed and the issue did not arise during the 2017 elections.

**The Land Problem**

The content of 1962 Carter Commission indicates the British acted to micro-manage coastal land with a view of balancing subsistence cultivation with revenue generating commercial interests. Colonial land acts failed to clarify the prevailing ownership issues, while adding new layers of complexity to land governance by emphasizing demarcation of communally owned native reserves instead of
adjudicating land holdings within the reserves.\textsuperscript{28} Like elsewhere in Kenya, the population was low and land resources abundance confirms that the land problem was not due to lack of land or the population exceeding the region’s environmental carrying capacity. Rather, the 1908 Act and other land laws that followed reflect several other factors: 1) a fundamental misunderstanding of indigenous agrarian systems; 2) the embedded bias for large-scale mono-cultural agriculture as the engine of commercial production; and, 3) the state’s desire to control land in order to empower the European settler economy while ensuring the availability of the indigenous population as a local labor force. The statutory framework of coastal land management remained in place to the benefit of Kenya’s new elite after independence.

The Mau Mau rebellion highlighted the volatile nature of the land problem in Kenya and underscored the new government’s need to reconcile the prerogatives of an economy largely based on estate agriculture with popular expectations. The peasantry equated \textit{Uhuru} with populist land reform; the Kenyatta state used land as resource for planning development from above, and this manifested in the use of settlement schemes to address the issues of land and ownership it inherited in 1963. The ‘surplus’ land’ in areas like the coast and Rift Valley provided valuable resources for elite patronage. Settlement schemes on the coast provided a vent for landless peasants from upcountry, and the upcountry settler base encouraged the migration of family members and kin--and wealthy businessmen from the highlands in search of other properties to buy. Tourism was emerging as the coastal counterpart to the highland estate sector; the acquisition of beachfront property required Presidential assent.

Agricultural settlement schemes on coast date back to 1911, when ex-slaves and destitute Africans were settled on 5,700 ha. at Kilifi, but they only became problematic after the post-independence government systematically favored the settlement of highland communities; the condition and welfare of indigenous inhabitants suffered in comparison. Fifty seven percent of the 12-hectare plot allocations in the Kwale Settlement Scheme went to Kamba from Machakos and Kitui, and only thirty three per cent to Miji Kenda. The Lake Kenyatta Scheme was established in Mpeketoni in Lamu District to resettle landless households from Kiambu; Gikuyu expelled from Tanzania in 1978 were settled on the Diani scheme. Bajuni Internally Displaced Persons
(IDPs) driven off their land by Shifta bandits, in contrast, developed new farms in places like Magogoni and Manda only to be displaced again.

By 1972 frictions had emerged between local and upcountry settlers and they have continued to increase over time. In 1973 the MP, Issa Mwamzandi raised in Parliament the issue of title deeds being awarded to outsiders on the Shimba Hills scheme while indigenous farmers went without, blaming the lack of tenure security for the area’s underdevelopment. In 2010 the same situation continues to persist across the coast. The intensification of problems resulting from real and perceived biases led the government to form a special commission to investigate land issues on the coast. The Report on the Select Committee on the Issue of Land Ownership Along the Ten-Mile Coastal Strip of Kenya (1978) began by laying the blame on historical trends. The Commission, chaired by an influential Central Province Minister of Parliament, claimed that landless on the coast began before colonialism.

While this view dovetailed with the agreement at the Lancaster Conference, which declared that, “all existing land rights irrespective of the manner in which they were acquired be confirmed and guaranteed,” one might also regard this statement as self-serving considering the preferential access to land facilitated by the state after independence. The Commission reported that there were between 75,000 and 100,000 ‘squatters’ occupying some 6.5 per cent of state and private land on the coast according to the following distribution: 61.5 per cent in Kilifi District; 18.8 per cent in Kwale; 12.8 per cent in Mombasa; and 6.9 per cent in Taita (there were no figures for Lamu and Tana River districts). The report also noted the term squatter is misleading insofar as many of the individual occupants ‘squatted’ with permission of the owners or paid a fee for using the land—a practice consistent with the Islamic tenure arrangements formerly observed across the coast that grants producers ownership of crops and trees, but not of the soil.

The growing market for land driven by non-agricultural interests, however, undermines this form of tenure and linked arrangements governing sale of trees and transfer of rights to third parties. Passing of land ownership through inheritance or sale, for example, has led to growth in forced evictions.
Table 1: Possession of Title Deeds by Region of Origin

<table>
<thead>
<tr>
<th>Do you possess a title deed to your land?</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Born in coast province</td>
<td>38% 62%</td>
</tr>
<tr>
<td>Born outside coast</td>
<td>82.25% 18.75%</td>
</tr>
</tbody>
</table>

Source: Coast Land Study (2011). Nairobi: Development Policy Management Forum

The costs and obstacles indigenous farmers face add to their general sense of insecurity and uncertainty even when their land is legally owned. The tenure issue, problems of management, and the improper assumptions of expert planners on the schemes combine with the under-utilization of large holdings to constrain the indigenous agriculture sector on the coast. On the schemes, land speculation drives the acquisition of plots. This encourages the use of civil servants to displace local owners by requiring unrealistic on-farm development and other false prerequisites for formal legal ownership.31

Although the schemes have served as the government’s main tool for reducing landlessness, they have neither resolved the problem nor improved production. The ambitious Magarini Scheme ended up as a symbol of Miji Kenda poverty. A recent study revealed 78 per cent of coastal inhabitants questioned see the schemes as doing very little or nothing to resolve the long-standing land conundrum. According to Kanyinga, all the coastal settlement schemes had only settled a total of 8,000 ‘squatter’ households.32 In Lamu they are correctly viewed as a governmental vehicle for importing upcountry settlers; in-migration has seen the District population increase by over 18 per cent over the past decade.33

Research on Kenya’s smallholder sector indicates that off-farm income is the primary factor enabling on-farm investment and the larger process of rural economic differentiation. On the coast, low levels of off-farm income due to lack of employment reinforces uncertainty and inhibits the investment needed to raise agricultural production and improve household welfare.

These problems in turn segue into other issues of poor educational facilities and performance, and biased access to opportunities that exacerbate the plight of coastal communities. New grievances often
arise when investment does generate local employment, as illustrated by the child labor abuses and human rights violations accompanying salt production in Malindi. Controversy raged for several years following a mining company’s plans to develop titanium production in Kwale; in both cases local communities lack of land rights figured prominently.

Biases in civil service recruitment and formal sector employment underscore the critical role of ethnic networks. Higher qualifications combine with preferential hiring by Kenyan employers to frustrate local job seekers in the private sector. The problem is worse in the public sector, where ethnicity and kinship dominate, and bribing recruitment officers has become a prerequisite in many instances. These factors qualify how inverted meritocracy in the civil service and the employment bottleneck feeds back into poor educational performance and enrollments.

In classic examples of agrarian transition and internal differentiation, individuals forced off the land by territorial circumscription, demographic growth, or privatization of communal holdings often go on to benefit over time in the urban economy. On the coast of Kenya, victims of land shortages rarely enjoy alternative livelihood options. They drop out of the peasantry and find themselves caught in a deepening cycle of poverty and deprivation. Landlessness and social exclusion form a volatile matrix in a region where outsiders dominate economically.

The volatility of the land issue on the coast highlights its critical social role. Land is the template of social formations in Kenya and this both enhances and transcends its economic value. On the coast, as elsewhere in Kenya and Africa, land is the common denominator anchoring communal support networks. Loss of land often results in individuals dropping out of these larger support networks.

But state policy since the colonial era prioritized the value of land as the primary factor of production while constricting the expansion of land under indigenous cultivation. This led to increasingly flagrant abuses in the post-independence period, including privatization of leaseholds scheduled to revert back to public land. The MRC cite the privatization of the land allocated for army barracks in Mariakani, the former Ramisi sugar estate, and the recent acquisition of the massive Rea Vipingo Sisal Estate by state elites as examples of their systematic displacement. It also reinforces Mghanga’s observation that the state’s
problem on the coast is ‘not lack of laws but the absence of political will to implement them’.

The legitimacy of the Kenya state on the coast has declined steadily as a consequence. The persistence of the status quo in the presence of reforms, the ruthless treatment meted out to squatters present on state land transferred to private owners, and the unabated rush by state elites to acquire even more coastal land explains why MRC supporters do not trust the constitutional reform process, and do not think other Kenyans are serious about the issues Wapwani have raised over the past decades.37

Kenyans are aware of the issues but their awareness is selective and tempered by uncritical folk models that attribute coastal problems to indolence, their rejection of modernity exemplified by indifference towards education, and political passivity. Regardless of the multiple causes, the Kenyan developmental model has clearly failed on the coast. All the issues noted in this report are reflected in the government’s county data sets. Despite their comparatively rich environmental resources and favorable location, four of the six coastal counties rank among the 15 poorest counties in Kenya.

The poor condition of the indigenous population relative to upcountry inhabitants on the coast is an important driver of the MRC grievances repeatedly articulated in interviews with the leadership and the focal groups discussions. The indigenous coastal population see themselves becoming poorer while outsiders are prospering in their homeland—and this served as the major catalyst of the MRC’s surging popularity at the time.

**The MRC and the Question of Violent Resistance**

The claim that “Pwani si Kenya” (the Coast is not Kenya), was the real threat posed by the MRC. The MRC constitution and manifesto map out a populist agenda for local empowerment, and are otherwise devoid of radical measures or inflammatory language. The leadership claims the MRC is neither political party nor an NGO, but a social movement; they continue to reiterate the MRC’s commitment to peaceful action and legal methods. They have also gone on record to state that upcountry settlers who agree to return illegally acquired land and to live in harmony with their hosts will be free to stay and operate their businesses.
The MRC also draws strength from the coast’s shared cultural endowment. Culture is a critical element of voluntary organization corresponding to the frequently neglected soft component of organizations, or “the subtle energy that flows behind the organizational chart. This ‘hidden energy’ plays a conspicuous role in many new forms of organizations, such as networks (Wang and Ahmed 2006:5).” In the case of the coast, such hidden energy includes magic, curses, the region’s Islamic legacy, and other methods tapping powers vested in the unseen world. Culture in the form of informal relationships and local knowledge is also a key factor increasing their organizational flexibility and the ability of the MRC network to respond to threats.

These properties may pose more serious problems than political vehicles of opposition for state approaches based on repression and the use of force. Incarcerating the leadership of a free-scale network fails because new nodes arise in their place and the network reconfigures itself. Taking the fight to the countryside has the opposite result when the legitimacy of the state is the root problem, or as one of the premises of fourth generation warfare holds: when the state fights the weak and loses, it loses; when it wins, it also loses.38

The MRC movement marks a precedent in Kenya. There are limited parallels with the conditions giving rise to the Shifta war in northern Kenya, which began as a genuine campaign for self-determination but quickly degenerated into banditry followed by internal pastoralist conflict. It shares more in common with the coast nationalism of 19th century than other ethnic-based regional parallels in independent Kenya. The sultanates and city-states of that era were not militarized and instead relied on defensive measures to protect their security; when this failed the opponents of European colonization in the Lamu region and the Mombasa hinterland made a sustained effort to preserve their homeland that continued into the early decades of colonialism.39

The danger of an inversion where non-violent action ends up giving way to armed resistance is clearly a latent option with multiple precedents in Kenya and neighboring countries. Assessing the MRC potential for instigating a popular insurgency was an important objective of the study, and the leadership was quizzed on this topic whenever the opportunity presented itself. The potential for violence, however, should be viewed as largely independent of the MRC campaign in present circumstances. Events associated with the Kaya
Bombo violence of 1997 and other incidents of electoral violence are an important factor coloring perceptions of the MRC in the absence of other information. The Mulungu Nipa case, for example, was perceived to be a variation of the recurrent ethnic clashes in the Rift Valley and other communal clashes elsewhere, and based on the same template for political violence on the coast as the raids that claimed both upcountry and coastal victims in August of 1997.\textsuperscript{40}

MRC leaders denied any link with gangs and militias and the Kaya Bombo militia that was used to violently disrupt opposition to the KANU government during the run-up to the 1997 elections. They pointed out that Kaya Bombo was a case of state-driven violence, and that incitement by government ministers and leaders was responsible for most cases of communal violence at the coast, declaring “we are not in government and do not hold political positions.”\textsuperscript{41}

The commitment to non-violent action is one of the strongest messages that emerged out of the research. The practical and temporal implications of these methods were discussed at length with a trio of young MRC members in the field. They acknowledged bloodshed would set everything back, admitted that their failure to see results could lead to violence, but hoped that it would not come to that. The Tana River MRC branch leader, Mama Subira Hashora, explained the movement’s position on these issues:

Of course we want peace. If we were not peaceful why is it when they break up our meeting and arrest us we do not fight back? We were meeting in Ukunda and they attacked us. They shot five people and we buried them but we did not fight back. Randu was shot in the arm and he has the scar to show but he doesn’t fight back. But the government says we are ‘kundi haramu.’ How is that? They don’t catch us with guns. They don’t find us with clubs; we don’t have weapons of any sort but we are still labelled ‘kundi haramu’.

We are the ‘primitive ones.’ We are not educated; they are educated and modern and that is why they tread on us. There is no justice for us; there is no law for us in Kenya but still we remain peaceful. It is very hard; things are at a very difficult stage. What are we to do?

There is no one as peaceful as the coastal people, but we are constantly harassed and jailed. We go to court but our cases are not heard nor are new dates set. They take everything from us and use every means to do it but we are still seeking justice without violence. This is why I have joined my people to seek justice. We gather in our churches and in our mosques to pray for peace; we pray for peace and blessing and we petition God to give us justice because it is no use seeking it from the Kenyans.
The study revealed nothing to suggest there is any overlap or connections with Al-Shabaab and related terrorist networks. There may be cases of individual linkages with some Islamist organizations; the name Hizb Al Tahrir popped up several times in interviews, but I was not able to determine that this and other organizations mentioned actively support Islamist or jihadi agendas in Kenya. In any event, a series of studies concur that the specter of Islamist threat in Kenya is nuanced and dependent on other external factors contributing to radicalization across the region.

The potential for a more radical form of coast nationalism emerging in the future highlights the problem of the antagonisms festering on the coast. Mombasa is a cauldron of competing national, local, and ethnic interests, forces that have aggravated the poverty of its residents while contributing to the city's unrealized economic potential. Demographic and economic factors highlight the critical role of male youth in these conditions. The MRC's capacity to manage this component of the movement was the most difficult challenge the movement faced. The presence of militant elements within the movement was confirmed by leaders' admission that there is agitation within the MRC youth wing for developing a standing militia. Despite operating in hostile conditions, the movement never committed to developing the military capacity to defend itself or to respond to state violence with force.

Several well-placed sources did report that units in Kwale were undergoing training, although the activities are at best rudimentary from a military perspective: at this time it consists of classroom instruction on tactics, practicing fighting with wooden staves, and magical rituals called mole and fungaliza that purport to make combatants invisible.

The latter bring us to the role of the elders' council, the most MRC's most secretive body. The council reportedly includes prominent Miji Kenda waganga, or medicine men. The MRC office holders form the leadership council, which is responsible for managing the larger organization and implementing strategy. While the elders' council is ostensibly the MRC's executive, in practice, policy and decision-making is a function of both councils. Elders are, however, the repository of the MRC's internal culture. The leaders recruit and enroll youth; the waganga elders administer an oathing ritual formally initiating them into the MRC youth wing. The arrangement is consistent with the reality of indigenous culture in the coast's rural hinterland, a legacy of the
Kaya Bombo hidden legacy, and contributes to the legitimacy the MRC movement enjoys among its rural and urban underclass constituents. Belief in jinns, ancestors, and other supernatural forces is embedded in the coast’s cultural milieu and this is arguably consistent with the movement’s alternative concept of coastal development, as Smith (2008) argues in his critique of witchcraft as a form of opposition to Kenya’s neo-liberal economic policies. His observation that ‘unforeseen changes wrought by development like greater wealth for some and diminished hope for many more foster moral debates that coastals like the Taita express in occult terms’. This observation underscores how the MRC has recast the complexities of Kenya’s political discourse within the indigenous coastal narrative.

This aspect of the MRC nevertheless raises several problems. For example, while other Muslims and Arabs have their own traditions of “dawa” and magic, it does present a religious and culture barrier to many urban and non-Miji Kenda supporters. It also reinforces negative folk models characterizing coastal peoples as superstitious and culturally atavistic communities that are responsible for their own lack of progress during the post-independence era. Where fear of coastal dawa is a weapon in its own right as demonstrated by the treatment of the Kaya Bombo raiders in 1997, ritual and magic are obviously of questionable utility in respect to the movement’s socioeconomic and political objectives.

Concepts of witchcraft and sorcery in East Africa have evolved with urbanization and capital penetration. Scholars have documented how the use of occult forces figures prominently in the larger context of African politics and the exercise of state power. Among the poor, in contrast, magic and witchcraft feature can also qualify as a form of the systematic non-compliance featuring in Scott’s (1985) “weapons of the weak” repertoire. In respect to the field of combat, US army analysts emphasize their psychological value, and note that magical practices can be “effective in conditioning dissident elements and their followers to do battle with Government troops.”

Insofar as the tradition of military magic persists despite its failings, the question of its ‘utility’ requires qualification. The Maji Maji rebellion in Tanzania is the best-known historical exemplar of weaponized sorcery. Alice Lakwena’s 1987 battle with the Uganda military provides a more recent case of a dramatic magical failure. Wire replicas of tanks,
planes, and cannon littered the Corner Killak battlefield where many of her followers perished.52

MRC oathing and ritual in the current context may offer psychological reinforcement, promote cultural solidarity, and ‘spook’ some opponents—but its import is otherwise peripheral to their struggle.53 Or, as Bronislaw Malinowski once observed by way of quoting a Melanesian informant, ‘Sure, we believe in magic—but we don’t use it to hoe our fields.’

The convergence of Muslim and Christian leaders under the MRC banner and the twice-weekly prayer meetings that were held on the mainland north and south of Mombasa should be regarded as equally significant as the culture of magic for those trying to link the MRC with the Salafi jihadist opposition on Kenya’s coast. That commenters and analysts continued to conflate the MRC with Al-Shabaab is hard to fathom in respect to the regularity of these open access prayer meetings. In any event, the traditional position of waganga is under threat and the area’s more educated youth are reportedly behind the backlash responsible for the rising numbers of sorcerers being lynched in rural reserves. Regardless, even if magic is ‘effective in conditioning dissident elements and their followers to do battle’, more magic will not rectify the problems of the coast or force some state actors to take coastal grievances seriously.

The MRC Leadership Council expressed interest in acquiring weapons in order to protect their members and communities even though in my initial meeting with them they reported that “even if we did have firearms we wouldn’t know how to use them.” The leadership stated that this is a precaution based on evidence the state is assisting members of upcountry enclaves to arm themselves. They never followed through on this plan, probably because they understood that if the MRC was to use force to pursue its goals, instigating communal strife would undermine the popularity and political legitimacy it enjoyed.

They maintained the policy despite agitation from the more radical element of their membership following the comprehensive crackdown after the Supreme Court’s decision to reverse the ban on MRC activism in September of 2013. Discussions with the leadership about how the constitutional makeover and the new county model of devolved governance can lead to the incremental realization of MRC objectives invariably ended with the refrain, “tumechoka na ahadi,” (we are tired
of unfulfilled promises). This turned out to be the case once again even after the nation’s highest court ruled in the movement’s favor. Since then the executive has consistently acted to blunt implementation of reforms impacting on key areas of interest for the coast. The two most obvious ones are the new Constitution’s commitment to land reform and the provision to address historical injustices. The government’s contradictory approach to implementation confirms the MRC’s cynicism—even after the Court of Appeal upheld the original ruling to decriminalize the movement in July of 2016.54

Coastal discontent remains febrile and a more sophisticated insurgency based on tactics associated with fourth generation warfare will be considerably more problematic than the MRC social movement. This possibility was signaled when Al-Shabaab operations surged following the suppression of the MRC. There is obviously a time limit on how long the indigenous inhabitants will channel their energies into non-violent action without results. The Al-Shabaab operations that followed the dispersal of the MRC sought to exploit this factor.

**Conclusion: Context and Implications of the MRC’s Emergence**

The emergence of the modern state is associated with the Treaty of Westphalia in 1648. The state subsequently became the world’s most dominant form of social organization, covering every inhabited area of the globe through imperial conquest and the incorporation of stateless societies. The size of the state continued to increase as their functions and responsibilities expanded during the modern era. Four hundred years of incremental expansion conditioned society to accept its centrality and hegemonic role in public affairs. In the case of totalitarian regimes the state dominated all other institutions and controlled every aspect of their citizens’ lives. The state’s role as regulator of the economy and society, and as provider of security, services, and social welfare saw it grow correspondingly in democratic nations over the course of time. The collapse of the European colonial order powering the globalization of the 18th and 19th centuries gave rise to a number of new states during the 20th century that continued to exercise near-total control over their citizens.

The break-up of the Soviet Union and Europe’s Eastern Block in 1989 subsequently marked an end-point in the process of state growth.55 A new matrix of technological, social, and political forces are now eroding the *status quo* based on the nation state. The ‘peace dividend’ accompanying
the end of superpower competition dissipated as ethnic and sub-national organization began to challenge the conventional order based on states. The political space occupied by the state is now shrinking as supranational organizations take over some of its functions from above and regional and ethnic forces reclaim degrees of sovereignty from below. Support for civil society replaced aid to friendly despots; governments everywhere embraced the term ‘terrorism’ to refer to militant or violent resistance by non-state actors. Conventional approaches to coping with sub-state threats, the surge in populist electoral strategies, and networked insurgencies are nevertheless proving problematic.

From an evolutionary point of view, material conditions on the coast predicted the eventual emergence of the MRC or a similar vehicle of resistance. The multi-ethnic character and legal advocacy adopted by the movement distinguished the MRC phenomenon from the ethnic antagonisms and periodic eruptions of communal violence associated with opposition to the state elsewhere in Kenya. The rise of the movement dovetailed with such global trends that are now reconfiguring the concept of sovereignty across the globe. In some cases the process has led to new states or de facto autonomous territories. Managing the issues of ethnic and sub-regional nationalisms, or the forces of pandemonium as Daniel Moynihan predicted in his 1993 book on the subject, will be the primary challenge of governance during the new millennium.

After the laizzez faire isolation of the colonial era, the de facto policies of the newly independent Kenya state translated into social exclusion of the country’s indigenous minorities. Scott’s (1985) ‘weapons of the weak’ thesis refers to systematic behaviors that include non-compliance and foot-dragging, withdrawal from the formal economy, willful ignorance and incompetence, petty forms of sabotage, non-cooperation, laziness, and other behaviors that diminish or impede the efficacy of the dominant system. This thesis at least partially explains why what early British administrators termed coast indolence and oriental decadence became an internal defense mechanism for marginalised minorities in the modern era.

Inhabitants’ of the coast and northern Kenya’s perceived status as second-class citizens for years aggravated and reinforced their sense of powerlessness. Their passivity and attachment to their cultures and communal traditions contributed to the ethnic folk models deeming pastoralists to be anti-development and prone to
rustling and violence, and coastals as indolent and undisciplined *aficionados* of sensual pleasures.\(^5^9\) Other Kenyans blame both regions for their failure to embrace modern education and development. Inhabitants of these regions accept that they have been slow to embrace modern education, and may have contributed to their marginalization in certain other ways, but the problem runs deeper.\(^6^0\)

During the opening of the first civic education workshop to be held in Lamu District (in 1997), the District Commissioner opened the meeting with a message for the participants: “no community in Kenya can expect to receive justice until they speak out and fight for it themselves.” The experience of coastal communities since independence has nevertheless led them to expect more state repression when they do articulate their grievances.\(^6^1\) The emergence of the MRC conforms to these expectations, in contrast to the state’s non-reactive stance when other Kenyan leaders began to argue the case for secession after the fixing of the 2017 elections.

The MRC exerted a strong impact on coastal attitudes and perceptions of their position in modern Kenya. The MRC’s focus on historical issues has revived the belief of many ‘coasterians’ that their society is fundamentally different—and in regard to identity and social outlook—considerably more sophisticated than the tribalized rulers from upcountry. As Robertson observed in his 1961 report,

> “I have had to bear in mind the genuine belief held by Coast peoples of all races that they have a distinctive outlook and way of life which has given them a greater measure of peace, harmony, and regard for each other, and sense of toleration, than has existed elsewhere in Kenya.”\(^6^2\)

The *Swahili* society that developed over centuries was integrative and cosmopolitan; there was no coast-upcountry dichotomy.\(^6^3\) This does not contradict the multiple layers of class and economy and vertical divisions of clan and ethnicity and race that have made coastal unity a mirage for decades—including the complexities of who is indigenous when many inhabitants born of upcountry parents also identify as coastals. For years diverse actors associated with the state exploited both the passivity and divisions among the coast’s indigenous communities following independence in 1963.\(^6^4\) The relatively undiminished level of support the MRC still enjoys even after its suppression is indicative of a new sense of unity surfacing across the coast,\(^6^5\) even if this unity proves to be flawed and temporary as some scholars have argued.\(^6^6\)
Historical accounts in the nation’s school curriculum for the most part ignore the role of coastal resistance during the final decades of the pre-colonial era. As a consequence, Kenyan narratives fail to recognize the fact that the coastal communities have their own traditions of resistance. When the MRC revived this tradition the Kenya state, press, and intelligencia responded by characterizing the movement through ethnic lenses conditioned by the ethnic militias and armed gangs that are often exploited by opportunistic politicians who use them to fight their proxy battles. The MRC refused to be drawn into this kind of game, but the issues remain unresolved and it remains to be seen if devolution will deliver the benefits required to satisfy coastal expectations.

Secession typically marks the failure of other options available to a nation’s disenchanted citizens. At the moment, the discussion in Kenya is for the most part conjectural and more about methods forcing improvements in governance than actual separation. Movements like the MRC are destined to both disappoint their followers and to set the stage for the next phase of the engagement. Localism is the new Marxism and legal praxis is the primary strategy. This can shift quickly to other methods if one day a number of Kenya’s aggrieved communities decide to act in cohesion.

As one MP from northern Kenya told me while I was undertaking the PACT research, “The MRC Pwani si Kenya impasse is part of the larger Kenya si Kenya problem.” The perhaps more critical issue raised by the self-determination discourse popularized by the MRC is the failure of the post independence state in Kenya to promote the kind of vertical integration Ali Mazrui and Alamin Mazrui defined as the process of “social communication and integration across geographical and ethnic divisions of the society as a whole.” It remains to be seen how the MRC exemplar will influence political developments across Kenya’s ethnically polarized society now that Kenyans outside the core areas of support for the current Jubilee Government have adopted secession as a legitimate constitutional right.
Notes

1 A version of this paper was initially presented at the National Cohesion and Integration Commission (NCIC) People's Conference on National Diversity, Race and Ethnicity in Mombasa, January 2012.

2 For example, dissatisfaction with the state of their union with Tanzania is reflected in Zanzibar, where the locals have reverted to referring to people from the mainland as ‘Watanganyika’ (personal communication, Abdullahi Nassir).

3 In his contribution to Parliament, he argued that there were two ways in which nationalists defined the African: by race and historical presence. After dismissing the exclusive nature of any racial definition of Africans, Nassir argued that if emphasis were placed on historical presence, ‘so-called Arabs’ might be ‘more African than those … regarded to be African’. Cited in Jeremy Presthold (2014). ‘Politics of The Soil: Separatism, Autochthon, and Decolonization at the Kenyan Coast,’ Journal of African History, 55:250.


5 International Crisis Group, Briefing 121 / Africa 13 July 2016: Kenya’s Coast: Devolution Disappointed.


12 When Lamu activists pressed their case to participate in the planning of proposed port and infrastructure development the government minister for transport said, “you will be informed when the time comes.”

13 The week of publicity lavished on an evangelical church in Likoni attributed to Al-Shabaab underscored the problem; the attack was actually the outcome of an internal love triangle involving the churches founder and her husband. The speculative characterization of the attack as a terrorist incident was never rectified. Kenya: Did Nairobi Based Al-Shabaab Group Order Attack On Likoni Church? http://allafrica.com/stories/201403310775.html
countering violent extremism in kenya

14 MRC warned of arms smuggling before attacks, Coast This Week, June 27-July 3, 2014.

15 The harmonious confluence of Muslim and Christian activists should ostensibly be seen as a positive development for those concerned with the Islamist threat. It is therefore ironic that claims issued by the government led to the MRC being listed on a CIA terrorist data-base (files_field.txt cia.txt, and Details of Specially Designated Global Terrorist [SDGT] Entities clientes.txt.).


18 For example, when an MP for Kilifi and a former Provincial Commissioner, Owen Baya, reported in October 2017 he was going to table a bill for holding a referendum on secession, he claimed that "the MRC was being used by selfish tycoons from the region who had their own agenda far from what MRC was preaching." http://www.nation.co.ke/counties/kilifi/Coast-secession-not-related-to-MRC/1183282-4153534-1gjhvvz/index.html

19 Several months after completing my fieldwork a large survey undertaken by Simba Consultants confirmed the views captured by my own research: over fifty per cent of those surveyed in general supported the MRC; this support dropped to thirty five for the secession agenda. A minority of respondents supported the use of force in the future. The results were reported at a Civil Society Meeting held in January 2013 but my efforts to get a copy of the survey document over the following weeks and months led me to conclude the survey had been suppressed.


21 There are MRC branch representatives in Mombasa, Msambweni, Vanga, Kinango, Ukunda, Kwale, Malindi, Kaloleni, Chonyi, Tana River, Tarasaa, Garsen, Gamba, Kipini, Taita-Taveta, Takaungu, and Mariakani.


23 The MRC representatives present did not contest Stambouli Adullahi's critique of the problems of the historical documentation in a feedback workshop held in 2012. One of the Leadership Council officials later threatened him and his family during a radio interview several months later. Willis and Gona provide a more comprehensive review of the historical debate, inconsistencies in the MRC claims, and positions of different actors and organizations during the transitional period before and after independence, Willis, Justin and George Gona (2013. 'Pwani C Kenya? memory, documents and secessionist politics in coastal Kenya,' African Affairs, 112:446, 48-71.

24 Attempts to get access to court documents through their lawyer failed; I then petitioned several individuals to procure copies of the case documents but they have yet to deliver.

25 Subsequent efforts to register the both MRC and alternative organizations by leaders of the movement after decriminalization have also been rebuffed, as Randu Rua, the MRC Secretary General reported in several conversations during the 2015-2016 period.

26 Government supporters opposed the talks, claiming other ‘armed gangs’ would demand equal treatment and that the MRC would hold the government ransom. “Leaders differ on plans to hold talks with outlawed group,” by Patrick Mayoyo, Daily Nation 11-21-11.
To counter violent extremism in Kenya, one must address the underlying grievances and complaints of the coastal communities. Indigenous allottees on Lamu settlement schemes are often told they must develop the land within six months or the plot will be re-allocated. This discourages locals from applying for plots in the first place; many plots have been confiscated even when they do work the land.

Furthermore, the Report on the Select Committee on the Issue of Land Ownership Along the Ten-Mile Coastal Strip of Kenya otherwise concludes with a list of administrative procedures and recommendations (e.g. more settlement schemes) that paper over the real grievances and complaints of the coastal communities.

Indigenous allottees on Lamu settlement schemes are often told they must develop the land within six months or the plot will be re-allocated. This discourages locals from applying for plots in the first place; many plots have been confiscated even when they do work the land.

These dynamics are discussed by John Robb in Brave New World: the Next Stage of Terrorism and the End of Globalization, 2007. New Jersey: John Wiley and Sons. The fuzzy boundaries between insurgency and criminality are analyzed by Ronfeldt and Arquilla in Networks and Netwars: The Future of Terror, Crime, and Militancy, 2001 Washington DC: RAND.


MRC sources reported that almost all of the Kaya Bomba raiders are now dead, adding that they had naively accepted the government’s promise that they would restore Majimbo federalism when they agreed to participate in KANU’s plan to drive opposition voters out of Coast Province.

Hizb Al Tahrir, is an international Islamist organization with branches in Africa and Western countries. The Mombasa branch has a two-hour weekly slot on Radio Rehma. The organization supports the revival of the Caliphate while formally opposing violence. http://jihadintel.meforum.org/group/68/hizb-ut-tahrir

See "The threat of tribalism is greater than the threat of terrorism," by Hassan Omar Hassan, *Standard* on Sunday, 24-7-2011.


Waganga is a generic Swahili term that covers the range of practitioners and specialists intervening in the unseen world.


A special section of Coast General Hospital was cordoned off to treat the GSU paramilitary (Ward Four) afflicted by strange maladies attributed to Digo magic following the human rights abuses including rape perpetrated during the government’s punitive campaign in Kwale.


This is a prominent theme examined by Chabal and Daloz in their 1999 book, *Africa Works: Disorder as Political Instrument*. Bloomington: Indiana University Press.


The Lamu West MP informed me that the Gikuyu in Lamu District are actively administering oaths to members of their community in Mpeketoni.

The Court of Appeal judges Daniel Musinga, Patrick Kiage, Jamilla Mohamed, Kathurima M’noti and William Ouko ruled that "the lower court was right in lifting the notice banning MRC. They argued that every Kenyan has a right to demand secession if deemed the right course of action. But the judges also noted that MRC could not pursue secession because it was not a registered entity." https://www.standardmedia.co.ke/article/2000209821/mombasa-republican-council-mrc-now-demands-dialogue-with-state-after-major-victory-in-court.


Amy Chua (2002), expands on Moynihan’s thesis, remarking that ethnicity is volatile, but when social stratification and a class hierarchy are imposed on top of it, it becomes even more explosive.

Scott (1985), op. cit.


Poor primary school facilities, shortages of textbooks, and high teacher-to-student ratios contribute to the low enrollments and dismal scores in national examinations. For those who surmount these hurdles, there are only 150 secondary schools on the coast and the higher cost for coastal students due to the absence of local universities limit access to higher education.

Trivialization of serious issues has acted to poison coastal faith in the national government and dampen belief in pro-active advocacy for local rights. The tendency to complain instead of acting is a central element of the coastal folk models; as one of the individuals interviewed in for the PACT study stated, “we are good at grievance.”


A 2014 Synovate poll revealed that coastals regarded the MRC to be the region’s most trusted organization, with support of 50 per cent of the sample. The Mombasa-based human rights organization, Muhuri, ranked second in the poll.

Willis and Gona, op. cit.

Ahmed Idha Salim (1972) provides a comprehensive record of coastal politics during the era of transition.


Roles, Motivations, and Recruitment Pathways of Kenyan Women Recruited into the Al-Shabaab

Fathima Azmiya

Introduction
Policy makers and the media have obfuscated the role of women in terrorism and terrorist organizations, often implying the rise of the female terrorist is a recent phenomenon. History, in contrast, reveals that women have been involved in insurgent movements and terrorist organizations dating back to their inception.¹ Their involvement has, however, changed strikingly over the years from being passive supporters of terrorist movements into playing more active roles similar to those of their male counterparts.² It follows that the roles of women and their motivations in joining terrorist organizations is one of the missing factors complicating our understanding the recruitment process. In Kenya, women have played specific roles aiding the operations of Al-Shabaab for a long time. Since 2015, media attention into the problem of women recruitment has garnered support for programmes mitigating women’s vulnerability to radicalization. This was based on the incident of three young girls trying to cross over to Somalia from El-Wak, a border town in Kenya. The incident prompted discussions about young women recruited into Al-Shabaab and the need for preventative programmes countering violent extremism among women.³

Since the incident, most reports and discussions centered on attempts to address the ‘why’ of women joining terrorist organizations. Less interest was focused on ‘how’ women were recruited, the innate motivations contributing to the process of radicalization and recruitment, and the roles they played in the terrorist organization. Recent media accounts have also focused on abductions, kidnapping, and deceptive strategies featuring in the Al-Shabaab recruiting process.⁴ This included special attention devoted to the issue of involuntary
recruitment. This study looks into the motivations and pathways into Al-Shabaab recruitment, questions of what roles women play in Al-Shabaab, and the organizational motives for the organization to recruit them. Do women participate on strictly religious terms, or do political and personal reasons play an equally important role in guiding and motivating their decisions? We also examine how recruitment through abduction and compulsion is promoted to satisfy the needs of the organization.

The article is part of an ongoing study on women and violent extremism in Kenya. The methodology of the study is based on biographical narratives that provide case study accounts of women joining Al-Shabaab. The narrative-biographic method facilitates retrospective insights into the private and public lives of the women recruited from the coastal region. The narrative approach was useful for generating empirical data illuminating the female dimension of participation in extremist networks. Data was collected for a period of four months between June and September of 2017; 23 participants were interviewed, and some of the participants were interviewed more than once. Field discussions with key community members further informed the study. The article is structured as follows: the first section focuses on the background of women in terrorist organizations, and the theoretical framework used in the study. The second section of the article examines the roles and motives of Al-Shabaab in recruiting women, and is based on examination of three different categories of involvement by women in the Al-Shabaab: 1) women as terrorists who join to carry out attacks; 2) women as enablers who actively motivate, inspire, and encourage potential terrorists; and, 3) women as forced labour, including their role as sex slaves and domestic workers. The fourth section of the article assesses the motivations of women in recruitment as well as different strategies used in luring women to join Al-Shabaab by radical entrepreneurs. The paper’s concluding remarks examines the need for interventions and future research on the phenomenon of women and violent extremism.

**Women and Terrorism**

Throughout history, women have owed allegiance to, participated in, and contributed to violent insurgencies and terrorist movements. Their participation ranges from strategic support to serving as
active combatants in a wide range of violent movements. During the late twentieth century their roles in violent movements became prominent in the frontline campaigns of insurgent groups in Northern Ireland, the Kurdish Workers Party in Turkey, Hamas in Palestine, the Tamil Tiger war of secession in Sri Lanka, Peru's Shining Path revolutionaries, the Zapatistas in Mexico, the Japanese Red Army, Italy's Red Brigade, the Revolutionary Armed Forces of Columbia (FARC), and the Chechen resistance movement. The emergence of the female combatant is neither a new phenomenon exclusive to the twenty first century nor is it restricted to Islamist terrorist movements. For example, women featured as combatants in the late 19th century Russian nihilist organization, Narodnaya Vola and there are other cases of female fighters in the historical record.

In Nigeria, women recruits have been used by Boko Haram as suicide bombers. Similarly, groups such as the Islamic State of Iraq and Syria (ISIS), or Daesh, uses women as combatants. The trend now includes the active role women by Al-Shabaab in their fight against their enemies. Women have featured in varying roles from supporting and aiding their male counterparts as well as actively fighting on the front lines. The practice of recruiting women for different roles in Al-Shabaab replicates similar patterns of women involvement in other terrorist organizations. In their book, Women, Gender and Terrorism, Sjoberg and Gentry describe these patterns as a matter that has gained attention across the globe, stating that "women's active involvement in militant and terrorist organizations as support personnel, as kinetic resources, as attackers, kidnappers and hijackers, and as martyrs has grown substantially and become a matter of public attention and record across the globe."

In Kenya, marginalized regions such as the Coast and the North Eastern underscore the perils of youth radicalization and recruitment into extremist organizations such as the Al-Shabaab. Underdevelopment, marginalization and successive development failures since independence facilitate a conducive environment for Al-Shabaab radicalization. Extremist networks utilise radical entrepreneurs, the influence of social media, and community members sympathetic to the extremist ideologies to lure youth to Al-Shabaab. The problem of Al-Shabaab radicalization and recruitment reflects the body of evidence accumulating since 2015. The coast region in Kenya, is now a hotbed for women recruitment by Al-Shabaab. In March 2015,
three girls including two from Malindi were arrested trying to cross over to Somalia from Kenya at the border town El-Wak. The incident highlighted the need for CVE interventions for women in the Coast.\textsuperscript{17}

This phenomenon of women recruited into the Al-Shabaab is undoubtedly linked to the wider trends on women associated to terrorist organizations such as ISIS and Boko Haram.\textsuperscript{18} The increase in surveillance based on the profiling of men served to encourage extremist organizations to recruit women because they typically fly under the radar of governmental security institutions.\textsuperscript{19} Cragin and Daly document the use of women to conceal weapons and the supporting roles they play furthering the extremist activities of their husbands.\textsuperscript{20} The role of women as combatants only registered in Kenya after an incident at Mombasa’s Central Police Station involving three women. This alerted the security apparatus to take the potential role of women as suicide bombers.\textsuperscript{21} Before this, it was commonly assumed that women associated with Al-Shabaab mainly played supporting roles behind the front lines and not as active combatants. The contribution includes important tasks such as the gathering of intelligence, providing healthcare, cooking and cleaning, hiding weapons, and maintaining safe houses for terrorists. Now their roles in the Al-Shabaab has evolved into something more dynamic—tougher, more fanatical, and more loyal than previously known.\textsuperscript{22} The controversial case of the three women who were implicated by the police as suicide bombers was contested by other witnesses, but it did, attract widespread media interest.

While the involvement of women into the Al-Shabaab is now reported in media accounts,\textsuperscript{23} there is a dearth of data based on systemic studies conducted on the gendered dimension of radicalization and recruitment into these extremist organizations.\textsuperscript{24} The problem generates serious questions about the frequency, importance, uniqueness, and meaning of women’s terrorist involvement in Al-Shabaab. It is now clear that the relationship between women, gender and terrorism can no longer be ignored. This knowledge gap is partly attributable to the difficulties researchers face in gaining access to women involved in Al-Shabaab networks. Women also fear talking to researchers due to the prevailing hostile security environment that make them reluctant to trust the researcher.\textsuperscript{25} Also, interviewing women respondents often requires that the researcher obtain prior approval from their ‘protectors’ (e.g. male relatives such as husbands, fathers, brothers, or uncles), reflecting
prevailing patriarchal structures and traditional interpretation of Islamic texts in the region.²⁶

The study concentrated on both voluntary and involuntary dimensions of women being recruited by al-Shabaab. The study utilised an integrated theoretical approach to explain the recruitment of women by al-Shabaab. The recruitment process is an outcome of several causal factors. Rational choice theory is used to analyse the voluntary nature of women recruited into Al-Shabaab. Rational choice theories explain individuals as rational beings who make decisions about committing crimes, joining Al-Shabaab, and participating in terrorist actions based on the cost and benefits involved. Hence the decision making processes are based on the observation of opportunities and circumstances affecting the successful perpetration of the crime.²⁷ The victimology paradigm was used to understand the forced or involuntary nature of the female recruitment process. The victimology concept explains why certain women become vulnerable to recruitment than others based on recruiter-recruited interactions and lifestyle factors of the recruited. The two approaches are driven by the demand (motivation) offered by Al-Shabaab.

Roles played by Women in the Al-Shabaab Network

Like many other terrorist organizations, the roles of women in the Al-Shabaab network have been diverse and has changed considerably over time. Women have moved from playing minor roles like logistics, propaganda and recruitment to leadership roles.²⁸ They are now playing frontline roles at strategic and tactical levels including their roles as suicide bombers.²⁹ Mariotti reports that engagement of women at the strategic and tactical level as on the increase.³⁰ Women’s role as suicide bombers high media profile is increasingly used for terrorist propaganda materials.³¹ Similarly, Al-Shabaab has used women as combatants and in the role of suicide bombers.³² Many studies acknowledge that the role of women as suicide terrorists has brought a new dimension in women’s involvement in terrorism, in particular as suicide terrorism is predominantly carried out within so-called Islamic terrorism.³³ Studies of women used as suicide terrorists agree that women ‘are used as expendable tools and economic weapons with little effort made to theologically justify their role’.³⁴ However, their novelty as suicide bombers gives them a great advantage when their terrorist organizations
are widely followed by the media. Women as suicide bombers can send out a powerful message drawing attention in the aftermath to the grievances of a female victim. This necessitates factoring for their role as suicide bombers in counter terrorism measures.

The motives of the terrorist organization recruiting women is based on their ability to easily infiltrate crowds, circumvent security personnel, and the ability to build trust with the communities they work with. Furthermore, investing in women is cheaper and less strenuous as they were easy to smuggle across borders. Many of these observations apply to the difference between recruiting men and women in Kenya. The majority of women combatants in the Al-Shabaab were Somali. Kenyan women who joined Al-Shabaab have to prove themselves and gain their trust to be rewarded with the role of combatant. Only four respondents among the twenty-three in the study referred to being involved in direct combat. Two of the women respondents were combatants directly involved in fighting and two others trained in security surveillance and performed spying activities with occasional call ups for direct combat. One respondent explained the role and motivations as a combatant:

The women in combatant roles need to be tough [able to kill soldiers with knives or guns or even kill their own friends if they run away from the camp]. They go through vigorous training [military and ideological] for days in the forest before they engage in direct battle. Very few are ideologically motivated to take on the soldier role against the non-Muslims [KDF soldiers]. The majority is driven by anger and revenge [personal reasons like the anger on the family, community or the government]. Others fight because they have to fight to win the trust of the network [Al-Shabaab] merely to survive.

All women routinely undergo physical training in order to be prepared for self-defense, to guard their camps, to be capable of defending their territory against the enemy. Some training include being mentally prepared for suicide missions and gathering intelligence. More women were in particular needed for jobs like intelligence gathering that is performed less efficiently by men. Riziki, a form four leaver with basic computing skills was used in monitoring and surveillance, controlling in-flow and outflow of information in the camp, and went on spying missions to specific locations in Kenya. She liked her job, as she was considered high in the ranks of women recruits, and strongly held onto her ideology in line with the Al-Shabaab:
'I have been using weapons as I was trained. We have to go for training every other day. Most of the time it's the Somali women recruits who go as combatants. I have participated in a few attempts as well. They usually test us by making us part of their missions. I had to do things which I have never ever dreamt to do. Over a period of eight months I got used to it, and even accepted it as my way of life. I had to accept it as I knew I will never be able to come back to Kenya or to see my family. Most of my work involved protecting the camps, gathering information on the KDF soldiers and officials.45

The changing roles in the tactical and strategically levels does not mean that women did not play their usual domestic roles like providing food and logistical supplies for the fighters, and as brides for Al-Shabaab men.46 Women were needed for domestic aid purposes because men rarely did domestic work in accordance with the patriarchal structures of the Somali community. Naima shared her experiences in the camp being involved in domestic chores:

'I was working day and night. Sometimes I slept less than three hours. I had to do the daily cleaning and wash dishes and clothes. Then I was given few minutes for my prayers. Then I fetched water and collected firewood for cooking. I was not allowed to rest. I had to cook and do the washing for more than forty members. I used to faint during the first few days. Later got used to it. There were many women who went through this type of routine work.'47

Most recruits who were not in camps, but had returned to Kenya where they served as recruiters and radicalisers. Most often, this was forced on them. One respondent explained that they were given specific recruitment quotas for the number of people to be recruited in a span of two weeks.48 Women are able to recruit both men and women which gives them an edge as recruiters. Recruiting is less strenuous than being a combatant. For some, recruiting is a money making venture as they are funded by the Al-Shabaab, and for others pledging to become a recruiter in Kenya is the only way of escaping the camps.49 Some women were given the responsibility of aiding their male counterparts in Kenya by concealing weapons and earning money in addition to their espionage role.50

Women were also recruited as sex slaves for Al-Shabaab.51 Terrorist organizations use sexual violence, sexual slavery, forced marriages and rape to bolster recruits, motivate fighters, and, in the case of Islamist groups, punish ‘kuffar’ or unbelievers.52 The report, Trafficking Terror: How modern slavery and sexual violence fund terrorism, illustrates how extremist groups justify and promote rape to attract male recruits.
These organizations’ propaganda legitimizes punishing women who are Kafirs (unbelievers) because they are non-Muslims. The only way to stop such abuse is through converting to Islam. Rahma, explained that when there is a new woman brought into the camps, the men flock to see her and make their claim for marriage. In some cases, they were brought for a particular person [he may be very elderly] and there is no consent from the woman. She is just married off to the man. Juliet explained on how she was forcibly converted and married off to an Al-Shabaab member:

I was only sixteen when they took me across the border to their camp. I didn't even know it was Somalia. I was promised a job. I was given to an old man who I came to know later was a member of Al-Shabaab. He paid money to the two men who took me there. I was forced to sleep with him, later I was converted and married to him. I had to live a life of seclusion, only speaking to a few Somali women who controlled the camp.

Forced conversions and marriages of captured women can solidify connections between victims and fighters. Once a woman gets married, she is expected to be loyal and stay with her husband, to look after his needs and cook for him, do his cleanings, to bear his children’ and after his death [during the combat], the women is married off to another member of the Al-Shabaab. By sexually enslaving women and forcing them to convert to Islam and bear children, Al-Shabaab creates the next generation of recruits. Rahma explained how her friend got pregnant and she could not leave her child. She remained to stay with the child. The children are looked after in one particular camp. Where they grow up they learn only the Al-Shabaab message [ideology].

Some of the respondents explained their roles as captives was being used as sex slaves, and they were used by many men in the camp. Their main role was to cater to the needs of the men ‘at any time they wanted’. Refusal to their needs meant they were punished “by not giving them food to eat, beatings, and even threatening to be killed.” The social stigma around rape and sexual violence experienced by returnees are often not shared as they fear the community would look down on them. The victims can be relied on to keep quiet about the severe abuses as some women will not share information about their their treatment because it curtails their future chances to marry.
Motivations and Recruitment Pathways in joining the Al-Shabaab

Study of recruitment pathways usually explore the question on why and how women are recruited into extremist organization. This raises the following two questions. Do women participate for strictly religious, political or personal reasons, and which of these factors are more important as motivating their decisions to join Al-Shabaab? Or are women recruited to join Al-Shabaab by abduction or compulsion, and are they important variables for understanding this phenomenon? This requires that we investigate the context of ‘voluntariness’ and ‘involuntariness’ for the recruitment of women into Al-Shabaab. Voluntary recruitment involves women who are recruited into the Al-Shabaab based mainly on their ideological commitment. The women who join voluntarily make rational decisions based on their needs, whether spiritual or financial. Caplan comments that “if you genuinely believe that death in Jihad brings infinite reward,” then terrorism seems rational to the believer even if it may be irrational to a non-believer. Rational choice theory explains motivations of individuals based on making well-calculated moves about the strategic cost-benefit equation as it relates to terrorism. This is relevant for both the person making a decision to join the organization as well as the motive of the terror network in employing the individual. However, the theory on rational choice can be critiqued on the basis that women may make impulsive decisions regarding voluntary recruitment.

Among the respondents interviewed only two women returnees discussed the strictly religious motives for joining Al-Shabaab. Their religious motives included being rewarded by God for the work they perform for Al-Shabaab and fighting for the liberation of the Muslim Ummah (community). Voluntary recruitment, however, is not exclusively linked to religious ideology. Other personal reasons such as financial motives, love for one’s husband, or as a journey of adventure were other factures luring women to commit to the Al-Shabaab network. Recruitment into the Al-Shabaab following the footsteps of the husband was a common reason cited during the interviews. Amina and Zahara explained that it was their love for their spouses that induced them to travel to Somalia. Zahara explained that she wanted to live and die with her husband, so she made the journey across the border. Amina followed her husband because she believed her husband, who was very religious, would guide her on the right path towards Jannah (Heaven).
Apart from their obedience and love for their spouses, some women were induced to join because of their love for their children. Fatma carried out activities for the Al-Shabaab so she could be with her son in Somalia.66

Ignorance, adventure seeking, and peer pressure also featured in the female recruitment interviews. In many cases women are unknowingly lured into joining extremist organizations through peer pressure.67 Mostly younger girls are influenced by their peers, often when the prospects for thrills and excitement contribute to their choice to follow their friends. One respondent, Juliet, joined Al-Shabaab after being convinced by an online friend.68 Other young girls were specifically engaged to recruit their friends, as in the case of a female university student encouraged to recruit girls from the university. She used social media to recruit other students until her efforts attracted the suspicions of police monitors.69

Exploitation of girls from impoverished family environments is another factor inducing young unemployed women to join the organization. In this instance women recruits join for financial gains and the chance to improve their families’ material conditions. Tasks undertaken by these recruits included smuggling weapons for Al-Shabaab and intelligence gathering.70 Other factors contributing to voluntary recruitment included revenge seeking motives associated with diverse personal crises such as anger with parents and siblings, being abandoned by a husband, or neglect by family members and kin. Joining an extremist organization gave these women a semblance of hope that they could “be strong and accumulate skills [i.e. use of weapons] for defending themselves and their freedom from being subjugated by their spouses.”71 Susan explained how her main motive for joining the organization was based on her hatred towards her negligent parents. She wanted to pay them back for their negligence by joining an organization that would also result in her parents being held responsible for her actions.72 Similarly, Salma had joined the organization so that she would make some money to show her husband (who had left her for another women) that she is capable of earning income and would one day be in a position to destroy his life.73

The victimology method was utilized to analyse cases of women who unknowingly fell prey to the Al-Shabaab network through promises of employment, marriage, or education sponsorship. The
victimlogy approach is useful for explaining recruitment into the Al-Shabaab, based on these and other deceptive strategies. It explains why certain women become more vulnerable to recruitment than others due to the vulnerability associated with lifestyle factors exploited by recruiters over the course of their interaction. Women from poverty-stricken backgrounds, women looking for employment or educational opportunities, and women looking for prospective husbands became easy prey when Al-Shabaab recruiters adopt the persona of a prospective husband or lover to persuade their targets. Persuasion can give way to threats and other methods of compulsion over the course of their interaction. Halima, for example, explained how she was forced to join Al-Shabaab:

After I was married to my husband, I had to travel with him. I became suspicious of his behaviour after few months of my marriage. When I questioned him he said he was a member of the Al-Shabaab. He said that I should remain discreet or he would leave me forever. I could not go back to my parents as I had married against their will. I was also pregnant, so I was forced to work with him.

Similarly, the case of Ayesha revealed how she was forced into the Al-Shabaab network by her boyfriend. She was taken to Garissa to see her future mother-in-law. From Garissa, the boyfriend took her from one house to another until she was taken to a secluded place by taxi. Her boyfriend later handed her over to a group of men, who threatened her and forced her to make the journey across the border in the company of complete strangers. Other deceitful methods included the use of employment bureaus that offer girls jobs. Once entrapped, these girls are taken from one point to another through a trafficking network until they reach the camps in Somalia (Badurdeen, 2018 forthcoming). Covert recruitment methods naturally require sophisticated means of protecting recruiters operating these smuggling and human trafficking networks. Community support is vital for detecting the presence of such recruiters embedded in diverse settings from universities and schools to brothels. Vigilance necessitates public awareness about these deceptive recruitment strategies. Even when known, most cases go under-reported due to the likelihood of stigmatization by family and community. Greater community awareness is needed to deter recruitment via social media networks, false promises of employment, and the manipulation of friendship and peer influences.
Looking Forward: Reflections for Policy and Practice

The roles played by women and their value for the organization makes them a valuable target for Al-Shabaab recruitment, especially in a security environment where surveillance is usually focused on men.\(^79\)

As articulated in the paper, knowledge of the roles played by women in the Al-Shabaab organization and the ways in which they are recruited into the organization requires a different approach to designing CVE programmes for women. There is a corresponding need for more discussion about how to better integrate gender as an analytical category in the study of violent extremism and terrorism. This entails challenging the assumptions regarding women to be peaceful and vulnerable actors in conditions of conflict. Women who joined extremist networks or terrorist groups like Al-Shabaab voluntarily challenge the myth of women as inherently and biological peaceful.\(^80\) The decision-making capability of women affiliated with these organizations is based on rational choices that include both monetary and spiritual incentives.

Applying a gender framework facilitates deep analysis of the dynamics behind the recruitment process, allowing us to better probe why women decide to become combatants or suicide bombers. This in turn provides useful insights for the prevention of women engaging in violence, extremist actions, and facilitating recruitment by terrorist networks. This analytical approach allows us to propose enhanced methods for curtailing women radicalization and recruitment. Failure to employ a gender-sensitive framework for CVE risks categorizing women involvement in violent extremism as “symbolic of gender deviance,”\(^81\) or as solely due to the vulnerability of women.\(^82\) Further research is needed to better understand the milieu of women volunteering to join Al-Shabaab, which should be coupled with empirical investigation that challenges the presumed status quo of women within insurgencies like Al-Shabaab. While this may illuminate the issues of the relatively small number of women who join the Al-Shabaab voluntarily, it will also lead to more nuanced appreciation of variables including the emancipation factor, fear and anger over sexual violence, issues of spouses and families, causal explanations linked to structural violence experienced by women in many communities.\(^83\) For some, such grievances drive women to seek out extremist organizations on the pretext of false emancipation.\(^84\) Finding solace in a group that gives women a place to prove themselves can be lethal because, as one community activist noted, “they have the ability to do anything for the organization to liberate themselves
from their subjugated positions they experienced in their families and communities.”85

The aspect of ‘women vulnerability’ also needs to be acknowledged as a factor in cases of forced and unknowing and deceptive recruitment. In these cases, factors such as poverty, unemployment, forced marriage, marital status, and lack of awareness play a vital role. These recruitment pathways reveal the close collaboration between Al-Shabaab recruitment and human smuggling and trafficking networks.86 This necessitates further studies into recruitment pathways linked to business ventures involving support from prominent community members.

Mitigating women radicalization and recruitment necessitates awareness in the communities of both the voluntary and the forced nature of recruitment. Most CVE planning and polices focus on the voluntary dimension of recruitment with less emphasis on forced and deceptive recruitment strategies used to radicalize and recruit women. Action plans in a number of Kenyan Counties are underway for involving women in areas considered to be hotspots for radicalization and recruitment. These plans will benefit from robust gendered analysis of the radicalization and recruitment phenomena, grounded in research undertaken with the collaboration and participation of the affected at risk communities. These plans need to demystify CVE measures that are often constructed around profiles of typical male terrorists.

The need for redesigning CVE programmes includes factoring for the prevention of messages, images, and Al-Shabaab propaganda measures targeting women. This includes strong counter strategies including awareness of forced and deceitful recruitment patterns. Research in this area also needs to concentrate on how terrorist organizations legitimize the roles of women committing terrorist acts, and how religious ideologies used to recruit women by Al-Shabaab are propagated within the community.

Notes


5 The study excludes the role and involvement of women as 'preventers' in the countering violent extremism discourse, which was not explored in this study. However, the author ascertains their important role in prevention which is beyond the scope of this study.


25 Field Discussion with Community Mobilizers in Kwale, June 30, 2017.

26 Field Observation, where the researcher had to get prior approval from family members, mainly the father, uncle or the husband of the respondents.


countering violent extremism in kenya


33 The following articles gives an overview on women's involvement in Islamic Terrorism:


39 Discussion with returnees, Malindi, 18 June 2017.

40 Discussions with returnees, Malindi, 18 June 2017.


42 Interview with Returnee, Malindi, 13 June 2017.

43 Interview with Returnee, Malindi, 20 June 2017.

44 Interview with Returnee, Kilifi, 14 July 2017.


47 Pseudonyms have been used in this article.

48 Interview with Returnee, Mombasa, 12 June 2017.


50 Discussion with Returnee, Malindi, 18 June 2017.


54 Interview with Returnee, Kwale, 9 June 2017.


56 Discussion with Returnee, Malindi, 12 August 2017.

57 Interview with Returnee, Kwale, 9 June 2017.

58 Interview with Returnee, Mombasa, 14 June 2017.

59 Interview with Returnee, Kwale, 9 June 2017.


63 Interview with Returnees, Mombasa and Malindi.

64 Interview with Returnee, Mombasa, 15 June 2017.

65 Interview with Returnee, Malindi, 26 July 2017.

66 Discussion with Community Mobilizer, Malindi, 2, 2017.

67 Field Discussion in Mombasa, 10 June 2017.

68 Interview with Returnee, Malindi, 23 June 2017.

69 Field Discussion in Mombasa, 10 June 2017.

70 Field Discussion in Kilifi, 5 August 2017.

71 Field Discussion with returnees, 23 June 2017.

72 Interview with Returnee, Malindi, 22 June 2017.

73 Interview with Returnee, Kilifi, 19 June 2017.


75 Field Discussion, Community Mobilizer, Kwale.
Interview with Returnee, Kwale, 11 June 2017.

Interview with Returnee, Malindi, 23 August 2017.


The media account of young girls gone astray, as in the case of the three girls who were accused of crossing borders to join a terrorist group. The girls were labelled by the Daily nation as ‘The girls who join IS aren’t terrorists; they’re confused, hormonal teenagers’ 31 May 2015. Reports further mentioned recruitment concentrating on girls from rich-middle class families. Research into an understanding of how far do media representations of women in violent extremist behaviour hamper countering violent extremism efforts are needed. Such research will assist in awareness raising and media literacy on the reporting on the sensitive topic of women radicalized or recruited by the Al-Shabaab.


Field Discussion, Community Mobilizer, Mombasa.

Introduction

Over a decade since September 11, the war on terror regime has continued to travel beyond the borders where it began into deeper into places where it may not have been anticipated. In its itineraries, the accompanying objectives, tools, structures, institutions and regulations have changed and undergone reformulation.

Researchers have noted that the war on terror is not just a global agenda driven by the United States and its allies but also one that intersects with domestic and regional politics in different places and different ways it has been prosecuted. At these different levels, the original objectives of the initiators of the war on terror have undergone review, debates, and revisions in line with domestic and local interests, politics and realities.

There has been a shift both globally and in Kenya, with more attention being given to prevention of terrorism, or countering violent extremism (CVE) as it now often referred to in the literature. This approach seeks to strengthen community measures that prevent young people from joining extremist movements. In 2015, the Kenyan government launched its National Counter-Terrorism Strategy that incorporates both “hard” security measures in countering terrorism as well as such “soft” preventive measures. Counties in the coastal region-Kwale, Lamu, Mombasa and Kilifi- subsequently developed their own county-specific CVE strategies.

The civil society incorporation into the United States-led war on terror has attracted increasing attention in the academic literature. Jude Howell and Jeremy Lind have characterised the war on terror as a
regime, which in their view “infers that the policies, laws, bureaucratic regulations and practices, and institutional arrangements that have been formed in support of global counter-terrorism cooperation will endure beyond the political actors that hastened their emergence.” Different civil society actors have engaged with the war on terror in a diversity of roles. Some have been the subject of security scrutiny and inspection under new security regulations, others have emerged as critical voices and watchdogs, while others have worked with states as important strategic partners in advancing the objectives of the war on terror.

It is important to record and examine these changes and transformations, particularly in local places that were not originally on the map of the US and Western powers at the onset of the war on terror. One such place is the Coastal region of Kenya which since 2001 has experienced terror attacks, counter-terrorism operations and surveillance, and the emergence of a diversity of actors working on terrorism and counter-terrorism issues. While security agencies and actors continue to be active in the region, it is the civil society incorporation in the war on terror in the coastal region of Kenya that is of interest to this chapter.

This chapter analyses the Peace and Security for Development (PSD) initiative, which brings together five civil society groups operating in the Coastal region, working on counter-radicalization. This initiative, which emerged way back in 2005, was principally supported by the Danish embassy in Nairobi. It was a response by the Danish government’s response to the uproar provoked in the Muslim world by the publication of cartoons of Prophet Mohammed in a Danish newspaper.

The activities of the PSD groups represent an important arena on which to study how international ideas and policies on security, counter-radicalization and counter-terrorism are articulated, interpreted, and implemented at local levels in developing countries. In particular, this study examines how security agendas are articulated at local levels, how development concerns intersect with security priorities, accountability concerns and the linkages between conflict resolution process and security objectives.

Radicalization, Terrorism and National Discourses on Security

International security and development policies do not travel uninterrupted into national and local contexts where the states such
as the US and UK seek to implement them. The settings where these policies are implemented also matters. The national level context is shaped by the particular country’s security policy priorities and politics, and the interpretations of the policies by the program staff of the development agencies.

In Kenya, which has been part of a counter-terrorism and counter-radicalization partnership with the US and UK for over a decade, national security discourses and policies have shaped the partnership. In the period of the Bush Administration, Kenya was enlisted as a frontline state in the War on Terror in the Eastern Africa region. The Kenyan military and security agencies became beneficiaries of substantial US funding.³

By 2008 when Barrack Obama was elected president, counter-terrorism was subject to serious critique by Kenyan civil society actors, particularly Muslim civil society groups, as well as international human rights advocacy groups. Kenya’s post 2008 official national security discourses and policies revolve around three main issues.

First is the continuing threat from lawless Somalia. In national security discussions (by state security officials and political leaders) the problems of Somalia continue to be top of the agenda. The threat from Somalia is accentuated by the porosity of the long border between the two countries and the flow of refugees that for two decades have continued to cross into Kenya legally and illegally from Somalia.

The 2011 decision by the Kenyan government to send its troops to Somalia marked a new turn in Kenya’s security relationship with Somalia. The intervention has received widespread popular support in Kenya, including from Kenyans of Somali ethnic origins. However, there have been reported incidents of harassment of Somali nationals in the North-Eastern region by Kenyan military.⁴

Second is the threat that terrorist groups continue to pose to the country. Counter-terrorism operations by security officials has also continued and there have been several instances where Anti-Terrorism Police Units have arrested, and prosecuted individuals suspected of involvement in terror activities. On different occasions, security agents have deported individuals suspected of links to terrorist or radical groups. Although the 2008-2012 period has seen fewer cases of renditions, the 2010 arrest and year-long detention of human rights activist Alamin Kimathi in Uganda attests to the persistence of the
counter-terrorism regime. The emergence of Al-Shabaab with its links to Al Qaeda has further elevated the question of terrorism threats in Kenya. It is well known that Al-Shabaab has many supporters in Kenya and has strong presence in places like Eastleigh. The new pattern of Al-Shabaab recruitment in Kenya is the enlistment of young Kenyans of non-Somali ethnicity. In all the grenade attacks in the capital Nairobi by Al-Shabaab sympathisers since Kenya’s Somalia intervention, most of those arrested by Kenyan security forces have been non-Somali Kenyans.

Third, for Kenya, the emergence of local organized criminal groups has been a key security issue in policy and political debates. While most of these groups do not have any international linkages or relations with extremist global ideologies, the fear in Kenya’s security circles has been the possibility that these groups may link up with terrorist groups like Al-Shabaab or Al Qaeda.

**Peace, Security and Development in the Coastal Region**

The Peace, Security and Development (PSD) program was initiated by the Danish embassy in Nairobi in 2005 as part of its broader counter-terrorism strategy after the crisis precipitated by the publication of the cartoons of prophet Muhammed by a Danish newspaper. The program, implemented through the Danish International Development Agency (DANIDA), seeks to promote “a democratic Kenyan society open to all ethnic and religious groups as an alternative to political violence”. The PSD Program was initiated in 2005 and falls under the broader framework of the ‘Principles Governing Danish Development Assistance for the Fight against the New Terrorism’.

The programme initially brought together five civil society groups: Coast Interfaith Clerics’ Council (CICC), Muslims for Human Rights (MUHURI), Likoni Community Development Programme (LICODEP), the Ujamaa Centre, and the Council of Imams and Preachers of Kenya (CIPK). Support for Ujamaa was later cancelled and the Kenya Muslim Youth Alliance (KMYA) joined the programme in its place.

The CICC brings together clerics from different faiths, e.g. Muslims, Christians, Hindu and African traditional religions to promote inter-faith dialogue, peace and security in the Coast region. To this end, the CICC has invested in building the capacity of clerics to contribute to
peace and security. The other clerics’ group, the Council of Imams and Preachers of Kenya (CIPK) brings together Islamic scholars, imams and Muslim preachers from all over Kenya. Its PSD is however focused on the Kenyan coastal region. CIPK uses these clerics to promote security and peace via sermons and outreach through the mosques.

The Kenya Muslims Youth Alliance (KMYA) is a youth-focused organization that works all over Kenya, but its PSD work is confined to the coastal region. The groups seek to establish partnerships with state agencies, in order to address the issues of youth radicalization, community security and interfaith dialogue. The Likoni Community Development Program (LICODEP) is a youth-focused community development organization. Its area of operations is Likoni and the adjoining Kwale County. The group has established a large and deep presence within the Likoni and Kwale communities.

The Muslims for Human Rights (MUHURI) is a human rights and advocacy organization that is principally focused on the coastal region. In particular, MUHURI focuses on promoting human rights among marginalized social groups and Muslim communities. MUHURI’s PSD work focuses on community safety and security through partnerships with the police as well as influencing leaders at constituency and district levels.

Previous studies on these groups have shown that at the inception of the programme, DANIDA granted these groups a large measure of autonomy to reformulate the programme to meet local realities. The studies also concluded that although the DANIDA strategy was primarily a soft counter-terrorism and counter-radicalization intervention, the local re-articulation of the programme by these groups looks more like traditional governance and development work. In 2010, DANIDA renewed the PSD programme with larger five-year grants to the participating groups. Programmatically, the groups have continued to focus on the same issues as they had in phase one of the project.

These civil society groups are also engaged in other activities and that the PSD work is just one (albeit key) aspect of their activities. What the PSD programme did was to provide to these groups with resources to recruit and retain staff as well as to implement projects over a period of time. The DANIDA funding was also key in that it provided the resources for an ongoing focus on the questions of radicalization and counter-terrorism by these civil society groups.
At these local levels, the broad international objectives of the DANIDA programme were rearticulated, given new interpretations and invested with new meanings through the implementation process. Looking at implementation at these local levels is important as it provides the researcher and the policy analyst with an understanding of how various actors shape processes. Local level processes help us see how the theoretical and policy assumptions fare in practical terms, and therefore yield insights that can be used to reformulate programming and to inform policy change.

The work of the PSD groups can be grouped into four broad fields: conflict resolution, accountability, development and livelihoods and agenda setting.

**Agenda Settings and Rearticulation**

The PSD work is now funded under the DANIDA Kenya Governance Support Programme 2010-2015. The PSD is one of the three components of the 2010-2015 strategy (the others being Drivers of Accountability Programme and Support to Public Financial Management). The objectives of the PSD under the 2010-2015 programme strategy are the promotion of peace and security “as the basis for democratic development at the coastal areas of Kenya” and “enhanced engagement with government agencies and other stakeholders to address issues of peace and security.” The PSD support seeks to help the groups to (1) promote inter-community tolerance and inter-religious understanding; (2) provide conflict mitigation activities and conflict resolution in potential hotspots in the Province; and, (3) engage proactively with established governmental peace structures on the coast to mutually plan for and respond to emerging crises.

These objectives do not look significantly different from the objectives of any other program on peace building and conflict resolution. Without the benefit of an understanding of the history of the PSD programme and the driving interest that brought the Danish government to focus on the Coast, it would be difficult to see any linkages to the counter-radicalization and counter-terrorism agenda and the programme as currently designed. The question of radicalization and the threat of recruitment of youths to terrorism remains a key objective that the Danish government wants
to achieve through the PSD programme. The engagement with Muslim communities is something the embassy considers as key.

The programme’s objectives as currently stated have travelled a long journey to where they are now. The initial discussions in 2005 led to the revision of the objectives of the programme to focus on issues that the local civil society groups considered priorities. Any reference to terrorism disappeared in the programme documents at the very inception of the programme on the suggestion of the civil society groups.

In reformulating the objectives, the civil society groups recognized and acknowledged the problem of radicalization and terrorism and the risk of coastal youths’ recruitment into extremist groups. For these groups however, the objectives that would make a difference at local levels are those that address the contexts that generate radicalization and drive youths to join terrorist organizations. This explains the choice of programmes that focus on interventions addressing livelihood concerns, improving community relations and, strengthening community capacities for security and peace.

**Development and Livelihoods as Security**

Across all the five organizations, radicalization and recruitment of youths into extremist and terrorist organizations is seen as fundamentally a development problem. All the groups identify the poor socio-economic conditions of the coastal region as an incubator of radicalization. The coastal region ranks poorly on many of the country’s socio-economic indicators. Performance in education is particularly weak with a high dropout rate at both primary and secondary school levels.

Poor educational performance is linked to the problem of lack of employment opportunities for coastal youths. High unemployment sits side by side with vast wealth generated by the port at Mombasa and by tourism differentials. In addition, the coastal region has a long history of unresolved land grievances. These and the rush to acquire land by non-coastal populations in the urban centres fuel the resentment.

All the five organization view the solution to radicalization as linked to investment in livelihoods, development, and economic opportunities. As officials of the CICC note with regard to recruitment of coastal youth into Al-Shabaab, “people went to terrorism because
of promises of economic gain.” According to CIPK officials, “these youths have been enticed with money- up to Kshs. 80,000” (about US$ 1,000) to go to Somalia. This view is echoed by MUHURI officials who stress that “poverty is a major issue” in addressing youth recruitment into terrorism in the coastal region.

Each of the PSD groups therefore sees linkages between their counter-radicalization work and livelihood initiatives. LICODEP has invested in a micro-credit lending facility that provides capital to its members for business start-ups. The group has used this lending facility to support youths previously engaged in criminal activities as well as those at risk of recruitment into extremist groups.

In addition to promoting inter-faith dialogue, the CICC helped start a self-help youth initiative in Kwale District. Kwale has been a hotbed for radical groups such as the Kaya Bombo group associated with the political violence of 1997 and recruitment of youth to Al-Shabaab. The CICC piloted the Kwale Inter-Faith Youth Association (KIYA) micro-finance project in 2006 which provided small loans to young people to start small businesses. The loans helped some of the youths in setting up motorcycle taxi businesses (boda boda) while others opened up beauty salons and others invested in farming. Between 2006 and 2008, a total of 2,000 participants benefitted from the project. The initiative has since branched out into an independent, youth-led organization that continues to provide business skills and credit opportunities to their members.

The KMYA has also established the link between radicalization and poor livelihoods opportunities and plans to invest in farming as part of a skills building. CIPK has also linked its counter-training programme radicalization work to investment in livelihood. Although it has not started specific modules, CIPK’s programmatic analysis sees investment in livelihoods as key to addressing the problem of youth recruitment into radical networks. MUHURI has not directly invested in livelihood interventions but its analysis also recognizes these linkages.

**Conflict Resolution**

The PSD groups also identified conflict resolution as one of the key mechanisms for addressing the problem of radicalization at the coastal region. In particular, the groups are highly sensitive to the potential of conflict between Christians and Muslims and the harm it would precipitate
in terms of radicalization of Muslim youth. For a group like the CICC, maintaining harmonious relations between the faiths is key. As CICC officials note, “the idea is how do we unite people so that faith does not become a tool of division.” Keeping open channels of communication between clergy of different faiths is considered a key intervention.

Both the CICC and the CIPK recognize that “some religious leaders are chauvinistic in their outlook” and are working to ensure that clerics use their sermons and community outreach activities to promote inter-religious harmony rather than division. Both Muslim and Christian clergy refer to an incident where a church located near a mosque in Mombasa used to play loud music over the midday when the Muslims were attending their prayers at the mosque. On one occasion, Muslim youth began marching to the church, but the imams quickly intervened and sought out the Christian preacher who was playing the music. It turned out that all were members of the inter-faith initiative and they were able to quickly resolve the issue without further acrimony. In other instances, the clergy have intervened to avert conflict between Muslim herdsman from the Orma community who had driven their cattle into farmlands owned by the Christian Mijikenda community in Malindi District. Although this was essentially a conflict over access to grazing and water resources, it had already acquired a religious character threatening community peace.

The intersection of religion and ethnicity is also an important issue in the coastal region. Intolerance on ethnic lines easily takes a religious tone particularly where people of different ethnicities are also of different religions- as in the Orma-Mijikenda case. The coastal-upcountry divide is also an area of intervention in conflict resolution by the PSD groups. Historically, the politics of upcountry versus coastal populations have dominated socio-economic and political life across the coastal region. The new constitutional order in Kenya, (following the adoption of a new constitution in 2010) provides for devolved leadership with counties led by elected governors. In some places like Lamu, CICC officials note, the non-indigenous upcountry populations may soon have the numbers to elect one of their own as governor. This heightens tensions in the region.

The activities of the secessionist Mombasa Republican Council (MRC) has added a new dimension to questions of peace and security that threatens the fragile inter-ethnic relations. MUHURI was mandated by the Kenyan government to mediate between the MRC and state
officials. MUHURI officials are still trying to explore where to place the MRC issue in relation to their PSD activities:

Should MRC be seen separately from PSD or should it be included? The MRC issue is complex and needs a lot of energy, resource and time. A different view is that MRC issues are already the key issues being addressed under PSD issues. So, what will be the difference? Programmatically, we need to show and see the links between PSD and MRC so that we are building on our past experience.14

CICC and LICODEP also consider outreach activities to the MRC as integral to their PSD work. For LICODEP, many of the youth that they work with are either member or are sympathetic to the MRC. The MRC issue is therefore inescapable. Likewise, the CICC regarded the MRC issues as central to its peace campaigns, particularly ahead of general elections in Kenya.

In addition, the PSD groups point out that Kenya’s intervention in Somalia coupled with the increased visibility of Somalis in the coastal region may lead to communal conflict. Although Somalis are Muslim like other coastals, they are viewed with a measure of suspicion by local populations.

One of the groups, LICODEP has decided to focus its tolerance activities in schools in the two counties where it works (Likoni and Kwale). LICODEP has invested in initiatives that teach tolerance in schools through the use of poems as well as essay competitions. They also work with local youth groups to host football matches aimed at enhancing inter-communal peace. LICODEP’s activities are based on the view that radicalization and recruitment of youths into criminal and terrorist activities exploits poor appreciation of ethnic and religious tolerance and diversity. These preventive measures are predicated upon a recognition that if these conflicts are not resolved well in advance, they have the potential of radicalizing identities and fueling violence.

**Accountability of State Institutions**

A key criticism of state counter-terrorism measures by the coastal civil society groups is the high-handedness and lack of accountability of state security agencies. In the first phase of the PSD work (2005-2010) the relations between the PSD groups and the Kenyan police (the ATPU in particular) and the provincial administration (chiefs, district officers, district commissioners and provincial commissioner) were
characterized by a high level of suspicion. There was little dialogue between these state agencies and the coastal civil society groups.

On different occasions the ATPU raided houses of suspected terrorists in coastal towns at night, humiliating families in the largely conservative Muslim society. Moreover, the police would hold individuals for long periods of time in undisclosed locations without providing them access to lawyers or contact with families. Others were renditioned to Somalia and Ethiopia.

The PSD groups over the years have become an authoritative voice of local critique of government’s counter-terrorism measures. Their local knowledge of the coastal affairs, their embeddedness in the community, and legitimacy makes them an important actor. In the last two or three years, the state security agencies have begun to modify their approach to counter-terrorism. The PSD groups report that there is better understanding of local complexities by Coast-based ATPU officers. As CIPK officials note:

>CIPK has told the government that if you are interested in any Muslim suspected of terror, just come to us and we will give him to you. There is no need to break down doors at night. This problem has now stopped and the local ATPU officers are now approaching such arrests differently.\(^\text{15}\)

The security agencies have now come to appreciate the need to build better relations with the Coastal communities to counter terrorism. The PSD groups provide them with the necessary entry points into the community.

MUHURI plays a watchdog role on the state’s counter-terrorism operations through its human rights monitoring work. It has emerged as the most audible and visible group campaigning against human rights violations in counter-terrorism.

Besides, counterterrorism, the PSD groups have also built internal capacity and won respect as critics of violations by state agencies on other issues. For instance, the PSD groups have continued to campaign for a national and open resolution to the land grievances in the Coastal region. In this, they have repeatedly petitioned the Ministry of Lands and other state agencies. The PSD groups have also emerged as key actors in the search for a just solution to the challenge posed by the separatist Mombasa Republican Council. They have on many occasions counselled the government against the strong-arm tactics of arrests.
and prosecutions of the members of MRC. The PSD groups, and in particular MUHURI have also campaigned against exclusion of local coastal communities in decision-making in large development projects such as the planned Lamu port.

The PSD groups view the promotion of accountability of state institutions as integral to their peace and security initiatives. This may appear as no different from what traditional human rights and governance groups do. Nevertheless, it should be remembered that the PSD groups arrive at this view through their analysis of the context for peace and security work. They consider the promotion of accountable state institutions as central to the agenda of peace and security at the coastal region.

**Conclusion: Implications for Policy**

The work of the PSD groups in the Kenyan coastal region highlights several issues of consequence to policy. First is that the material dimensions to radicalization are important. In other words, policy experts should not just pay attention to the radicalizing ideologies that lead individuals to join extremist groups. While ideologies are important, the experience of the PSD groups is that many of the youth joining these groups from the coastal region of Kenya do so for material reasons. Material conditions or lack of opportunities open up the youth to greater vulnerability for recruitment into extremist agendas.

Second, the work of PSD groups suggests that the focus by policy experts should not just be on individuals who get recruited into radical and extremist agendas, but also on fixing the communities that generate them. A focus on the errant individual who joins a terrorist group might be attractive from a narrow security and criminal justice perspective. Nevertheless, it is less likely to succeed without repairing the broken communities that host the youth who become easy prey for radicalization and recruitment.

The third lesson is that counter radicalization cannot succeed without accountability. The PSD groups have recognized through their work that ignoring due process of the law delegitimizes the security agencies and makes the community hostile. Counterterrorism initiatives that do not take into account the state-community partnership are bound to fail. The primacy of the rule of law should therefore be built into any counter-terrorism and counter-radicalization initiatives.
Fourth, the PSD experience suggests that development programming in the context of terrorism and counterterrorism needs to pay attention to the complexities of security and insecurity. Often programming at the donor level remains largely focused on delivering projects in line with traditional project matrices. On their part, grantees reflect this expectation in their project proposals. However, realistically, addressing the problems of radicalization and terrorism is part politics and part community mobilization and rebuilding. This may not lend itself very well to programme matrices. It should nevertheless be recognized and acknowledged at programming levels by both donor agencies and project implementers such as the PSD groups.

Notes


5 Alamin Kimathi, the founder of Muslim Human Rights Forum emerged after September 11, 2011 as the leading critic of the Kenya government counter-terrorism operations in partnership with regional states and the US. He was arrested by Ugandan police in September 2010 after travelling to Uganda on a factfinding mission. He was accused of terrorism in relation to the July 2010 bomb attacks in Uganda that killed 79 people. The Ugandan authorities dropped the charges following an international campaign for his release.


8 Interview with Danish Embassy Programme Staff, Nairobi February 24, 2011.

10 Discussion with CICC staff, November 2011.


12 Discussion with MUHURI staff, November 2011.

13 Discussion with CICC staff, November 2011.

14 Discussion with MUHURI staff, November 2011.

15 Discussion with CIPK staff, December 2011.