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OPINION AND ANALYSIS

Terrorism in Kenya: a Hydra-headed challenge

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THE SPATE of terror attacks in Kenya is cause for concern. This follows on the invasion of Somalia by Kenyan military forces in 2011 in pursuit of Al Shabaab terror group militants who had allegedly kidnapped foreign tourists and aid workers inside Kenya. These troops were later incorporated into African Union Mission to Somalia (AMISOM) forces. These attacks are unsettling, as they disrupt the rhythm of life in Nairobi, coastal region and north eastern parts of Kenya that have experienced the brutality of terrorism. It has claimed lives, maimed victims, destroyed property and negatively impacted on economic activity, particularly tourism. Terrorism has also worsened Kenya's frayed social fabric, owing to exclusionary ethnic politics, by dividing the country further along the religious fault line. These heinous acts by Al Shabaab militants are callous and reprehensible. Those who plan and execute these acts need to be arrested, tried, and if found guilty, dealt with in accordance with the law. In the light of massacres in Nairobi's Westgate shopping mall in 2013, and the recent ones in Garissa University College, Kenya owes it to itself to begin an introspection of its body politic. In other words, could there be inherent lapses in Kenya's body politic that contribute to these ghastly terror attacks?

I must, from the outset, reaffirm that a lawless Somalia is a threat to the political stability of Kenya, the Horn region and broader international affairs. The capacity of terrorism to cross borders and assume an international dimension is axiomatic and therefore I will not belabour that fact here. Since Somalia's collapse in the early 1990s, there had not been terror attacks in Kenya linked to Al Shabaab. The terror attacks the country has experienced in the recent past are therefore linked to the incursion of Kenya's military forces into Somalia. What emerges from these attacks is that Nairobi deployed forces into Somalia without considering how it would handle the backlash on home soil. It is for this reason that I argue that inherent flaws in Kenya's body politic pose a far greater threat to its security and long term political stability than terrorism.

Kenya's politics is viscerally ethnic in orientation. This ensures that tribal identity rather than competence and merit are the criteria by which individuals are appointed to positions, not only in the security sector but also in the entire bureaucracy. This robs the country of requisite skills and

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sophistication to combat the insidious and complex security threat that terrorism is. Terrorism cannot be tackled through firepower in standard military combat as the government of Kenya seems to imagine. In the interim what is required is reform of the security sector, in line with the Constitution, is to rid it of dated security practices. Reshuffling of security officials, some of whom failed in their responsibilities elsewhere, is merely cosmetic. The process of vetting security personnel amounts to window dressing, exposing officials as corrupt as they cannot account for their enormous wealth at variance with their incomes, yet they still retain their positions. These approaches support the status quo, reinforcing the position that Kenya's state is criminalised and infiltrated by criminal syndicates.

Kenya's security forces, especially the police, still operate without civilian oversight as envisaged in the 2010 Constitution because of resistance against security sector reforms since the tenure of Mwai Kibaki, Uhuru Kenyatta's predecessor. This sector requires modern intelligence gathering mechanisms anchored in the Constitution. In addition the recruitment processes for personnel in the sector must be cleaned up to rid it of corruption, nepotism, and tribalism. The bifurcation of the Kenyan society into ethnic enclaves, pervasive impunity, economic marginalisation, and historical injustices, have alienated large swathes of the population from the state thus denying security personnel the much needed trust to work in partnership with the populace to forestall terror attacks and other security threats.

The brazenness with which terrorists strike, hold victims to ransom, taunt them, for hours on end before executing them (as happened in Garissa), shows that Kenya's security sector stands in need of an overhaul. In fact the government admitted that they failed to act on credible intelligence before the attack and that their response was inordinately delayed, tardy, lackadaisical and poorly coordinated. Notably Kenyatta dismissed Western intelligence on the eve of the attack. The Garissa massacres were yet another indictment against the government and showed that it learnt nothing from the Nairobi mall attack. No commission of inquiry was formed as Kenyatta had promised after it emerged that security personnel were captured on CCTV cameras engaging in looting and that the response by various security forces was poorly coordinated. The need not to expose the incompetence of security chiefs trumped the country's security.

Resort to ethnic profiling, brute force by security forces, and the stigmatisation of the entire Somali ethnic group and Islam, defeats the government's efforts to neutralise terrorism. In fact these approaches are insular, counterproductive and are bound to boomerang. They will harden positions and drive young people from all walks of life into a militant form of Islam. Endemic corruption in the body politic particularly in the immigration department, and the police service, lubricates terrorism because it makes it easier for people with nefarious intentions, both local and foreign, to plan and execute acts of terrorism. It is curious that despite Ethiopia having deployed forces into Somalia in pursuit of the Islamic Courts Union in 2007, no acts of terrorism have been reported in that country. Ethiopia, like Kenya, has citizens of Somali extraction as it too shares a border with Somalia.

There is need for constitutionalism in Kenya's body politic. The deeply entrenched culture of impunity poses a risk to Kenya's social cohesion and political stability. Firstly impunity made it possible for Kenya to deploy soldiers into Somalia in contravention of the UN Security Council resolution 1725 that barred neighbouring countries from deploying troops into Somalia. Secondly impunity minimises Kenyans' lives and makes nonsense of the cardinal responsibility of the state to safeguard them and their property. Thirdly impunity does not make it possible for state officials to predict the consequences of their actions. In other words, Kenya's state officials are not held to

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account for dereliction of duty instead they deny responsibility or best 'step aside' - a euphemism for taking time off to let the matter cool off before being redeployed.

Kenya promulgated a Constitution in 2010 in an attempt to break ranks with a personal rule political system, based on individual whims, caprices and idiosyncrasies; in effect the privatisation of the state. Although the dictatorial one party state is non-existent, the institutional mentality is still intact. A morally binding fidelity to the rule of law among state officials is woefully lacking. The propensity by Kenyatta and other state officials to act at variance with the Constitution is reminiscent of an era of edicts. Disregard for the law reinforces impunity, a conducive milieu for terrorism. In the wake of the Garissa attack, Kenyatta tried to pander to Kenyans' emotions and in the process ordered training of police recruits whose admission into the police service was deemed unconstitutional because it was riddled with corruption and thus a subject before the court of law.

The government must desist from acts that diminish the supremacy of the Constitution. By engaging in extrajudicial executions, curtailment of universal freedoms and ex cathedra edicts to ostensibly secure Kenyans against terrorists, these moves are essentially defying the rule of law and so are self-defeating. The threat by the Deputy President, William Ruto, to forcefully repatriate Somali refugees from the Dadaab refugee camp, on the flimsy grounds that it is a breeding ground for terrorism, smacks of xenophobia and scape-goating from an incompetent government. Moreover, it contravenes international law and norms and is a knee jerk reaction to a complex matter. Kenya's decision to build a wall along the Kenya-Somalia border to keep terrorism at bay reeks off insularity, naivety and corruption. Other than an opportunity for grand corruption, there is no logical reason to justify the decision.

As a result of the atrocities visited upon Kenyans by Al Shabaab extremists there is a growing voice, led by the opposition, that is calling for withdrawal of Kenya's troops from Somalia; if not, the cohort is asking the government to spell out its exit strategy. The argument here is two pronged. Firstly, the opposition and a section of the population argue that it does not make sense for Nairobi to concentrate on stabilising Somalia while Kenyans are exposed to widespread insecurity as a consequence of that very effort. Secondly, they remind the government that wars of occupation can become drawn out as happened in Iraq and Afghanistan. The government counters by saying that the troops are in Somalia for the long haul until Al Shabaab is vanquished and pulverised. To recall troops from Somalia, the argument goes, would be tantamount to succumbing to cowardly attacks by an extremist group. The matter is as emotive and divisive as any other in the country, split along ethnic voting patterns in 2013. I am of the view that the government is unlikely to withdraw troops from Somalia. Besides the benefits of a war economy, Kenya's participation in the 'war against terror' gives Nairobi some traction and leverage internationally. Since the post-election violence in 2007-2008 and the subsequent cases at the International Criminal Court, Kenya's regimes have, since 2008, had to contend with questions of legitimacy that deprived them of moral authority locally and internationally.

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