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HORN OF AFRICA BULLETIN

ANALYSES • CONTEXT • CONNECTIONS

Analyses

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News and Resources

Religious pockets of conflict – dealing with resurgence of radical Islamism and terrorism in Kenya

Since the entry of the Kenyan defence forces (KDF) into Somalia, it was expected that Kenya would suffer blows of reprisal attacks from her neighbour. Even before it started, the military expedition was met by a series of threats from the al-Shabaab that it would attack Kenya if it dared send its forces to Somalia.[1] Analysts warned that the country would suffer major terror attacks from the Somali Islamists believed to have connections with al-Qaeda, the global terror group that have previously attacked Kenya. But the KDF's presence in Somalia has weakened the nerve of the militant group eliminating the imminent danger of a substantive terror attack.

Nonetheless, Kenya has not escaped the fury of the jihadist al-Shabaab. The insurgent group has changed tactics of engagement adopting hit and run attacks inside Somalia and in the region mainly targeting Kenya. Since late 2011, Kenya has succumbed to a sequence of grenade attacks notably in Nairobi, Mombasa, Wajir and Garissa marking the resurgence of terrorism in country. Interestingly, these terror attacks, blamed on radical Muslims sympathetic to the al-Shabaab, have targeted Christian churches, revealing thinly veiled religious pockets of violence in the country.

The trend is worrying as experts warn of Nigeria-style violence where the *Boko Haram* sends shrills of terror targeting Christians. There are growing concerns as increasing radicalization and pro-terrorist attitudes among the Kenyan Muslim population become more evident. This has tendency has been attributed to the infiltration of Somalis through the porous Kenya-Somalia border. Al-Shabaab is said to have established cells in Kenya especially at the coast and the Northern Frontier District (NFD) region where it is recruiting and training Kenyans, some of whom are known to be engaged in the war in Somalia.[2] Additionally, the attacks have lead to the profiling of Kenyan's of Muslim identity subjected to discriminatory and vigorous security checks.

To Kenya, this recent developments present yet a new security puzzle. It means dealing not only with international terrorism that has ever been so imminent but also taming a budding domestic breed of terrorism. Resolving this new twist to the security question in the country will require a multifaceted approach ranging from eliminating the threat that Somalia is; addressing the grievances the Kenyan Muslim community who are often a neglected lot and; a comprehensive anti-terrorism policy aimed at both thwarting the global terror threats and pulling the plug on the growth of home-grown terrorism.

KDF entry into Somalia

In what was dubbed "Operation Linda Nchi" (Operation Protect the Country), Kenya's Defence Forces launched a military offensive in Somalia. The operation, in collaboration with the Transitional Federal Government (TFG) of Somalia, aimed at obliterating the intensifying threat al-Shabaab. Plans of Kenya's direct military involvement in Somalia are alleged to have been formulated as early as 2010 with a strategy to create a buffer zone of Juba in southern Somalia to annihilate security risks posed by the anarchic neighbour.[3] But it was not until mid-October 2011 that KDF are reported to have engaged the al-Shabaab across the border.

Since the start of civil war in Somalia in 1991, the horn of Africa country has always posed security risks among other burdens to the region and the globe at large. To Kenya, however, Somalia has always presented a complex security matrix as early as their independence days having hard to deal with irredentist regime of Said Barre claiming the Northern Frontier District in Kenya. It continues to bear the brunt of the unrest in Somalia by not only hosting over half a million refugees, but also dealing with such security issues proliferating through the porous borders including small arms, human trafficking, money laundering, piracy and now more than ever terrorism. Yet Kenya had never sought a direct intervention in Somalia. Instead, Kenya has advocated for restoration of peace in Somalia through others forums notably through IGAD and the AU.

Kenya had had to deal with, among others, soaring costs on international trade occasioned by escalating piracy off the Somali coast[4] – benefit of which were used indirectly and directly to fund the al-Shabaab in Somalia. The al-Shabaab was growing stronger and was reigning menace at the across the border. The militant group was allegedly reported attacking across the border in Wajir, Garissa and the northern coast. Worse still, they were kidnapping aid workers and tourists in Kenya and demanding ransoms. As a result of the raising insecurity in Kenya, travel bans were imposed to citizens, including from the US and UK, undermining Kenyas tourism industry. Tourism is the backbone of Kenya's foreign exchange and constitutes 40% of her economy.

KDF has allegedly captured and liberated a larger lower region including al-Shabaab dominated towns of El Afe Fafadun, Busar, Inda El, Damasa, Dobley, Tabda, Bilisqokani, Hayo, Qatar, Delbio, Ras Kamboni, Burqabo and Kulbio. KDF prides itself in breaking the nerve of the al-Shabaab by disrupting their logistical centers and cutting short their sources of income. The ultimate goal of the mission is to capture the port of Kismayu which is the hub of al-Shabaab operatives. Whether this approach is sustainable and whether the current or the incoming government is able to take over control of the liberated zones is another case.

Terrorism in Kenya

Terrorism as a phenomenon is not new to Kenya. At the height of al-Qaeda, Kenya succumbed to major terror attacks including bombings in 1998 at the US Embassy in Nairobi and in 2002 at the Israeli-owned Kikambala hotel in Mombasa in addition to other minor attacks. It seemed to be caught up in the crosshairs of global terrorism mainly due to its association with Western countries and presence of their installations in country.

Religious reasons have also been cited to attract global terrorism in Kenya.[5] On the one side, the country has concentrated its tourism industry at the coast which challenges the local Islamic mores. The beach culture and foreigners affronts the Islamic morals like drinking, commercial sex and dressing; especially women who are supposed cover themselves completely. The situation is further aggravated by the feeling that gains accrued from the tourism industry are not used to benefit the coastal habitants. By the same token, some analysts have also attributed Kenya's propensity for global terrorism to the perception that it has a largely Christian population which hinders "Islamization" of Eastern Africa. Porous borders and poor policing have also played catalyst to the growth terrorism in Kenya with renowned global terrorist sighted or known to reside in the country.

While these factors remain constant, the threat of international terrorism remain more forthcoming than ever, a situation perhaps only pacified by the weakening of the al-Qaeda globally after the death of its leader, Osama Bin Laden. Moreover, the country wakes up to another dynamic presented by a nascent domestic breed of terrorism. The country has suffered relentless grenade attacks across the country worst hit towns being Nairobi, Mombasa and Garissa. Some of these attacks have seen grenades hurled at churches provoking condemnation from religious leaders across the board. These attacks have widely been associated with radical Muslims in the country and bloating Somali community sympathetic of their brothers across the border.[6] Al-Shabaab is also widening their net in the country, taking advantage of impoverished youths in major towns, luring them in to their heinous operation. These terrorists thrive under a highly inefficient law enforcement unit and poor surveillance evident in the Kenyan internal security departments.

Radical Islamism in Kenya

Kenyan Muslim community has always been brisk as a political unit in a persistent struggle against a perceived marginalization. As a minority group, comprising of just above 20% of the Kenyans, they have not been shy to coalesce in various religious-political groupings in search of recognition, politically, socially and economically.[7] It also happens that the larger Muslim community in the country, by default or by design, inhabits some of the most undeveloped areas *viz* the coastal region and a largely arid North Eastern Kenya. It is not surprising that the community has produced some of the most vocal politicians and activists.

This perceived political and socio-economic deprivation and their religious inclination only serves to create an environment for nurturing radicalization and pro-terrorism attitudes among Kenyan Muslims. In the past, other exogenous factors have been credited for this trend notably the gradual replacement of Sufi dogmas by Salafism and Wahhabism occasioned by influence and financing from Gulf States.[8] This increased radicalization has seen the rise of Muslim-related conflicts and attacks in the country. Muslim organizations were responsible for clashes at Mombasa in the early 90s were blamed on the Islamic Party of Kenya (IPK) and United Muslims of Africa (UMA)[9]. Actors in such localized conflicts backed up by foreign influence gradually metamorphosised to be involved in international crimes of terror. It could not have taken many by surprise when little known Islamic Liberation Army of the People of Kenya (ILAPK) claimed responsibility for the 1998 bombing of the US embassy in Nairobi.[10]

There have been notable measures to curb such factors particularly pinning down sources of funding and banning collaborating organizations in the country, that have seen a substantial alleviation of radicalization. But the country is back in the woods again with concerns that it is becoming a hotbed of Islamist radicalism and terrorism. Analysts cite the spill over of Somalia growing Islamism and radicalization into Kenya. According to a January ICG Briefing[11], "al-Shabaab have built a formidable and secretive cross-border support infrastructure and network among Muslim populations in the north east and Nairobi and on the coast, is trying to

radicalize and recruit youths, often capitalizing on long-standing grievances against the central state." Consequences of such radicalization are becoming more apparent after successful grenade attacks, some of which have directly attacked Christians in churches. This poses a looming danger of heightening religious tensions even as these radical forces are felt in other potent conflicts in the country. Though hiding behind the curtains of marginalization, the Mombasa Republican have demonstrated strong links with this radicalism.[12]

Breaking the cycle

Faced with the immediate threat of terror, and the unrest that could be associated with it, Kenyan security apparatus are likely to pull one of their classical reactionary tactics. But a threat of this magnitude will demand more stringent measures rather a frenzy of ad hoc policies. The country need to encapsulate the issue of terrorism and radicalism even as the ongoing police reforms are underway. It will be a challenge to the police without combined efforts of departments in the disciplined, including information sharing, regular surveillance and intelligence gathering.

Some have argued that the government should consider withdrawing from its military presence in Somalia, which is clearly provoking this horrendous attacks. But the Kenyan military involvement in Somalia must not only continue but also be given a new impetus to give the final blow to the root of the al-Shabaab in Somalia. It is in the interest of Kenya's security that stability be re-established in Somalia on the long-term; to deal not only terrorism but also an array of other security concerns including piracy, money laundering, human trafficking et al. However, this military incursion should be complimented by stringent internal security measures, including a comprehensive anti-terrorism policy to curb the growing concern. In addition to military action, there is also need to engage politically and in dialogue with the entire group particularly if they have control of large segments of the country.

On the long term, the government will need to address pertinent political and socioeconomic deprivation prevalent among the Muslim community. There is also the need to address the basis of their grievances which makes such groups susceptible to radicalism and terrorism. Stifling Islamic movements and institutions will lead to aggravation and will do nothing to address the root causes of Muslim discontent. Though there is an urgent need to curtail foreign funding and influence in such movements, in order to succeed the government need to build an alliance with the Kenyan Muslim citizenry by addressing their needs and not only based on their religious identity and affiliation.

***Charles Kagwanja**, is a Research and Policy Analyst affiliated with the Africa Policy Institute, Nairobi, a Pan-African Think Tank specializing in policy research on security, governance and strategic issues. He focuses on Trans-National Crime and Counter Terrorism in Horn of Africa. Email: kagwanjajr7@gmail.com*

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1 Mike Pflanz "Al-Shabaab warns Kenya of reprisals if Somalia deployment continues", The Telegraph, 17 Oct 2011, Nairobi. Available at http://www.telegraph.co.uk/news/worldnews/africaandindianocean/somalia/8831849/Al-Shabaab-warns-Kenya-of-reprisals-if-Somalia-deployment-continues.html Viewed on 29 June 2012.

2 "Counter Intelligence and Policing Measures for the Government of Kenya" Strategic Intelligence News. Available at http://intelligencebriefs.com/?page_id=2705 Viewed on 19 June 2012.

3 "The Kenyan Military Intervention in Somalia", *International Crisis Group*, Africa Report N°184 – 15 February 2012.

4 Johnston Ole Turana& Allan Odhiambo, 2010, "New piracy levy to push up the cost of imported goods", Business daily, March 9 2010. Available at: http://www.businessdailyafrica.com/Company%20Industry/New%20piracy%20levy%20to%20push%20up%20the%20cost%20of%20imported%20goods%20/-/539550/875618/-/item/1/-/12ufg5k/-/com.coremedia.mauritius.cae.contentbeans.MauArticleImpl$$%5Bid=875618%5D&title=New%20piracy%20levy%20to%20push%20up%20the%20cost%20of%20imported%20goods

5 See: Kefa M. Otiso, 2009 "Kenya in the Crosshairs of Global Terrorism: Fighting Terrorism at the Periphery" *Kenya Studies Review*, Volume 1, Number 1, December 2009.

6 "Kenyan Somali Islamist Radicalisation", Policy Briefing, *International Crisis Group*, Africa Briefing N°85, Nairobi/Brussels, 25 January 2012.

7 See: "Arye Oded (2000) *Islam and Politics in Kenya*, Lynne Rienner Publishers, London."

8 See: Bjørn Møller, (2006) 'Political Islam in Kenya', *Danish Institute For International Studies*, DIIS Working Paper no 2006/22.

9 See: Hassan Ndzovu (2009), "Muslims and Party Politics and Electoral Campaigns in Kenya' *Institute for the Study of Islamic Thought in Africa*

10 See: Bjørn Møller, 2006, "Religion and Conflict in Africa: with a Special Focus On East Africa", *Danish Institute For International Studies*, DIIS REPORT 2006:6.

11 "Kenyan Somali Islamist Radicalisation", Policy Briefing, *International Crisis Group*, Africa Briefing N°85, Nairobi/Brussels, 25 January 2012.

12 See: Emmanuel Kisiang'ani, *"Kenya: Mombasa Republican Council - Liberators or Nascent Radical Fanatics?", Institute for Security Studies*, (Tshwane/Pretoria. Available at http://allafrica.com/stories/201206270319.html viewed on 30 June 2012.

Silencing dissenting voices: Ban on Kenya's Mombasa Republican Council and Uganda's Activist for change

Opposition of government takes different forms from outright secession to the prevalent change of regime and there is a tendency for some governments to feel uneasy when criticised and resort to all means possible to suppress such criticism, oblivious of whether the approach used are constitutional and provide long-term solutions, or are counterproductive.

In the recent past, the Kenyan and Ugandan governments allegedly due to security concerns have banned Mombasa Republican Council (MRC) and Activist for Change (A4C). Although distinctively different in their agendas, strategy and approach, both groups have maintained that they are non-violent outfits promoting genuine grievances on behalf of their people. Indeed, while security is a major concern for the citizens of Uganda and Kenya, crucial concerns have been raised as to the legitimacy of the bans and their sustainability as long term solutions to the issues raised by both groups.

Formed in the 1990's, the MRC, was dormant until 2008 when they renewed their calls for the secession of the Coastal region in order to 'liberate' the people of the Coast from marginalization by successive Kenyan governments. With their rallying call, *Pwani Si Kenya* (The coast is not part of Kenya), MRC raised deep-seated grievances on land and economic historical injustices. In contrast, the A4C was launched in April 2011 in Kampala, Uganda as a non-partisan political group whose main mandate was to highlight the deepening economic crisis, corruption and push for peaceful change of regime. A4C is well known for its 'walk to work' campaign and its political rallies in Kampala. At face-level, the MRC is mostly comprised of indigenous people from the Coastal region, while the A4C comprises of opposition Member of Parliaments and political activists in Uganda.

Basis of the Bans

Due to its secessionist calls, the government of Kenya, through a gazette notice dated October 8, 2010, the Minister of State for Provincial Administration and Internal Security declared the MRC, alongside 32 other groups, to be an organized criminal group under the Prevention of Organized Crimes Act, 2010.[1] Since the Act allows for the decision to be appealed, the MRC filed a civil case at the High Court seeking a declaration that the banning of the MRC contravenes the Constitution of Kenya, which guarantees freedom of assembly and association. The Kenyan government

argues that through its slogan, which calls for secession, the MRC has contravened Article 3 and 5 of the constitution on territorial integrity and the laid down constitutional process of establishing lawful government in Kenya.

The haste in banning the group was clearly displayed by the recent lifting of the ban by the high court in Mombasa. The three bench judge ruled that the ban is unconstitutional with the government coming under attack for not invoking criminal justice to only the errant members of the group, insufficient and unsupported evidence among other issues that faulted the legitimacy of the ban. The judges advised the group to register as a political party as they are pursuing a political agenda that requires the amendment of the constitution. The MRC has since rejected the political party path but is now open for negotiations with the government, who are also hinting on talks but very silent on when and in what form the talks will take, and that they will appeal the decision. The real threat to peace is the raising fears of other outright criminal banned groups challenging their government bans and causing a security crisis in the country.

In Uganda, on April 4th, 2012 Uganda's Attorney General executed a decision by Uganda's cabinet through a Statutory Declaration on unlawful societies order to ban A4C and any of its activities. This order cited A4C as a threat to peace and order in Uganda and cited Section 56 of the Penal Code Act, which is not clear on what constitutes an unlawful society. Like MRC's case, the decision on banning these groups is solely on the hands of the government officials and therefore the process and the objectivity of the decision is a matter in question. Unlike the MRC who are allowed to appeal the decision in court, there is no provision allowing the A4C to appeal the decision in court. According to the Human Rights Watch, the penal code used by the Ugandan government makes no provision for judicial review or any form of appeal against a declaration of the attorney general made under the section.[2]

Chapter four in Uganda's constitution protects the freedom of association, which shall include the freedom to join political and other civic organizations and this has formed the argument of A4C. Before the ban took place, the government had already started clamping down on A4C by declaring the 'walk to work' campaign as an unlawful assembly. To further taint the A4C's image, the Uganda government accused the group for openly calling for the overthrow of the government, by calling on civilians to take up arms against the government.

The critical issue in banning a group that is advocating for genuine rights, even when the groups have threatened the peace in a country, is the legitimacy both in law and in the perception of citizens. In both instances the governments have failed to convince either the court or the populace on the bans. Perhaps this image is what has rendered the bans ineffective with the MRC during the ban, campaigning for the boycott of elections while the A4C has changed its name to 'For God and Country' (4GC), which is Uganda's national motto and also changed their strategy decided to hold rallies in remote villages where they can avoid restriction to assemble by the police.

Threats to security

With both groups reiterating their non-violence stance, a closer look at their activities and agenda is what has made the governments to term them 'a threat to peace and security'. Among other accusations, the MRC has been accused of administering oaths to recruits and children, illegal training of a military wing, disrupting mock elections and advising all Coast people to boycott voter registration and the forthcoming general elections unless the government addresses its grievances. According to the government, these actions by the MRC are in violation of Articles 4 and 10 of the constitution that calls for people to participate and practice democracy.

In Uganda, the A4C rallies have turned violent with a number of deaths, a case in point a police officer dying as a result of injuries sustained during the rallies, disruption of economic activity due to looting of shops. Perhaps the critical threat is the

police statements in both countries linking the groups to al-Qaida and al-Shabaab, with the latter having operational bases in Mombasa making the MRC prone to radicalization. In their defence, the MRC is blaming their youth wing for agitation and the use of violence while the A4C is blaming outsiders on the violence during their rallies.

Especially in A4C case, the use of force by the police has also played a significant role in turning the group's rallies and demonstrations into violent engagements. In addition, lawyers of both groups have highlighted human rights issues and recorded cases of illegal harassment and confinement that has shown Uganda and Kenya's record of police harassment and aggravate human rights issues. Up to now, none of the members arrested has been sentenced and while the cases are ongoing, convictions will enable the security forces argue the legitimacy of the bans. The critical security issue is that the MRC has tenets of radicalization and the Kenyan government should ensure that this does not happen. On the other hand, the A4C is at the moment, not a threat to security and only a victim of disorganised and violent rallies.

Genuine grievances

According to Wasara[3], 'resistance of governments to accept social realities and demands of opposition groups often degenerate into crises, violence and civil wars' and this closes avenues for continuous dialogue with the respective communities. The common factors between the two groups are the genuine grievances that have attracted sympathizers. Although there are no significant numbers of the support base, a number of people are resonating with their grievances. However, in dealing with the grievances, both governments have failed to show their willingness to tackle the issues raised.

There is undeniably little support for MRC's secessionist calls which are linked to a Memorandum of Understanding between Kenya and Uganda, signed in 1963, that officially handed the Coastal strip to Kenya. Looking at the agreement, there is no secession claim and the MRC argue that there is a different document for a 50-year lease agreement and this is yet to be verified. This makes secession more of a strategy aimed at having their grievances addressed than the goal. However, not many Kenyans are aware of the level of marginalization in the Coast region. The Coast Province leads in the number of cases of historical injustices on land allocation, according to the Truth Justice and Reconciliation Commission (TJRC).

Additionally, the region which is a major contributor to Kenya's economy through the port of Mombasa and tourism, has one of the highest unemployment rates in Kenya. This geostrategic importance of the Coast region is the main reason why the Kenyan government is not keen to allow the MRC to secede and has advised the MRC that through the new constitution's devolved system and the new National Land Policy, their grievances will be addressed therein. With recent appointments in Kenya anything to go by, the MRC has refused such rhetoric from politicians, that has shown the lack of political will of the leadership in Kenya.

In Uganda, the A4C has also received support for highlighting the ills of the government and questioning the government's role in alleviating the economic crisis. When A4C started its campaigns in April 2011, the annual inflation rate was at 14.1 per cent; by end of September 2011 it had doubled to 28.3 per cent.[4] Although the inflation rate fell to 18.6 per cent in May, there is still an outcry by the Ugandans. Moreover, the uncertainties surrounding the change of leadership regime add to the anxiety being experienced in Uganda. It is uncertain whether, President Yoweri Museveni relinquish power or will seek re-election in 2016 or who his preferred successor is.

Preliminary findings of an international study released showed that most Ugandans do not think a change of regime is possible through elections.[5] This position shows why the success of A4C is minimal at the moment. However, the President's

party has already lost five of six electoral contests this year and taking the previous elections as examples, such figures have rarely resulted to sufficient opposition during elections.

Options on the way forward

According to Mutuma Mathiu a political writer with the Daily nation, 'How the Coast issue is settled will determine whether Kenya survives'.[6]The government in Kenya should hold talks with the MRC and invite the civil society as a third party, whose role will be to educate the MRC on the need for peaceful activism. The civil society can also act as a mediator to ensure that both sides are respecting the law and following the recommendations agreed upon. MRC have been warned that if they resort to any criminal activity, then they are on their own and the government can invoke the judgement by the court. In order for governments deal with dissident groups, it is imperative to start engaging with the group at the infant stage in order to prevent the prospects of dialogue from diminishing. It will also prevent such groups from augmenting into a radical outfit.

As for the Ugandan government, it should restrict its police force to only engage with those engaging in outright criminal activities such as looting during the rallies and drop the cases against the A4C leadership. The government should also open up space that will allow for democratic participation by putting in place clear rules and regulations to ensure peaceful rallies and demonstrations, which should be followed by A4C organizers. Ultimately, Uganda government needs to drop support for a bill, which would drastically restrict the freedom of assembly and expression.[7] Although the bill has been pending for two years, the recent rallies and protest by A4C has provoked the government to reintroduce its inception. The A4C has already changed their strategy and so far there are no victims or casualties.

Fundamentally, governments that prescribe to democratic tenets should be ready for dissenting opinion in all forms and be able to follow the law and address the genuine grievances anything less than these will portray an image of intolerance to dissenting voices.

***Mashaka Lewela**, Master of Arts in International Studies, Research Intern-Conflict Prevention and Risk Analysis (Horn of Africa) at the Institute for Security Studies. Email: lewelamashaka@gmail.com*

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1 See Dennis Itumbi, PM on Mombasa Republican Council: Prime Minister's Time: Standing Order No. 40, http://www.dennisitumbi.com/?p=287 (accessed 08 May 2012)

2 Human Rights Watch 11.05.2012: Uganda: Draft Public Order Law Would Violate Rights, Revise Bill Giving Police Powers to Prevent Assembly,http://www.hrw.org/news/2012/05/11/uganda-draft-public-order-law-would-violate-rights (accessed 03 July 2012)

3 Samson S. Wasara, *Afr. j. polit. sci.* (2002), Conflict and State Security in the Horn of Africa: Militarization of Civilian Groups, Vol 7 No. 2, p 46, http://archive.lib.msu.edu/DMC/African%20Journals/pdfs/political%20science/volume7n2/ajps007002004.pdf (accessed 28 June 2012)

4 Ugandan inflation rate surges to 28.3 pct in Sept Fri Sep 30, 2011, http://af.reuters.com/article/investingNews/idAFJOE78T06J20110930 (accessed 20 July 2012)

5 Eriasa Mukiibi Sserunjogi, 14 July 2012: Uganda: Politics of a Hybrid Regime http:http://allafrica.com/stories/201207160030.html (accessed 20 July 2012)

6 Mutuma Mathui, How the Coast issue is settled will determine whether Kenya survives, *Daily Nation*, 29 December, 2011, http://www.nation.co.ke/blogs/-/446718/1297198/-/view/asBlogPost/-/vi1txa/-/index.html (accessed 08 May 2012)

7 Human Rights Watch 11.05.2012: Uganda: Draft Public Order Law Would Violate Rights, Revise Bill Giving Police Powers to Prevent Assembly,http://www.hrw.org/news/2012/05/11/uganda-draft-public-order-law-would-violate-rights (accessed 03 July 2012)

Building nationhood through conflict sensitive development: A case for advocacy in Kenya

The challenge of nationhood facing African countries today partly originated from the Berlin Conference of 1883/1884 during which Africa was demarcated to settle European disputes arising from their imperial interests. In partitioning Africa, they ignored ethnic and cultural dispensations which – over two hundred years earlier – were major considerations in the partitioning of Europe. One outcome of this process was that African communities found themselves within the same borders with others of different and sometimes competing interests a factor that contributes to the recurrent violent conflicts within many African Countries.

The key indicator of success of nationhood is the calm it establishes in a potentially divided population. Working towards this calm is never easy and needs serious commitment by those governing and the governed alike. In situations like those found in African countries, nationhood is challenged by divisions defining different communities (or ethnic groups). Historically, people were divided along interests around livelihoods and the different livelihood systems that underpinned their socio-economic and cultural orientation. Language and ethnic orientations helped different groups to guard what they perceived as theirs and acquire more. This drive to guard and acquire more often brought and still defines many tensions between social groups in Africa.

That almost half of the post-independence Africa has experienced violent conflict attests to the fact that these tensions were never adequately addressed. It appears that nationhood was assumed when African countries attained independence in the last century to the extent that it did not occur to the leaders that creation of African countries was a multi-faceted exercise, and they forgot to lay a foundation to nurture nationhood.

This act of omission by the post-independence African leaders continues to pose a challenge to the quest for nationhood across the continent especially combined with other political and economic factors. Celebrations that followed independence in many African countries (including the recently celebrated cessation of South Sudan) were soon overshadowed by tension caused by competing interests as people realised that issues surrounding their livelihoods were not being adequately addressed. Unfortunately, the interests and the resulting tensions have over time taken ethnic dimensions and worse, power hungry politicians continue to rely heavily on ethnicity to get or remain in power. However, the roots may be traced to how development opportunities have been and continue to be distributed to different geographical areas which incidentally overlap with ethnic boundaries and political interests.

The Kenyan context

Kenya is one of the many African countries that has over and again faced the challenges of nationhood. Previously considered a hub of peace in an otherwise volatile region, the violence that engulfed Kenya following the controversial 2007/ 2008 elections leading to the death of over 1,500 Kenyans surprised many international observers but not those who had monitored the country's emerging multi-party political environment and its fractious political class.

The conflicts revealed deep ethnic divisions that have potential to grow into a fully-fledged conflict.[1] In fact; the roots of the violence can be traced back decades if not centuries. Land disputes that began in the colonial period continue to have an impact today on ethnic politics and even include the church. Kenya's bumpy transition from single-party politics to multi-party politics has not resulted in a common

and collective vision for all Kenyans, but a zero-sum game of ethnic-based competition for resources and power. The history of ethnically motivated control of the state – through personalization of political power, parochial "kitchen Cabinets" consisting of the president's inner circle and the pattern of skewed government appointments in favour of the ruling presidents' community and political allies – has made the state (or its nature) a structural cause of political division[2].

The ethnic state apparatus has unfortunately over the years triggered the need to politicize identity as a political survival strategy. Furthermore, a growing gap between the rising fortunes of Kenya's elites, a majority of them politicians and or individuals with political ties and the earnings of the '*mwananchi*' (common person) has created deep resentment. The fruits of Kenya's economic growth in the last several decades have not been equitably shared across the country, and especially with the poor.

The new constitution (CoK 2010) ends more than 20 years of quest for a new constitution[3]. Kenya's struggle for constitutional reforms has its roots in the desire to correct the deficiencies in the post-independence governance framework which was premised upon the highly centralized system started in the colonial days. The main objective of the struggle has been the restoration of power to the people to manage their affairs, particularly, in matters of local development. The post-independence Kenya's poor legacy with defining integrative citizenship[4] has fed apathy and ultimately informed negative ethnicity in the country. This is closely linked to a deficient governance framework characterized by poor governance as evidenced by corruption, ethnic conflict, insecurity, political uncertainty; and poverty. The devolved government structure as provided for in the constitutions aims at addressing some of these challenges hence enhancing national unity through recognition of diversity among other objectives[5].

The challenge

Despite the general consensus for the need for devolution in Kenya, the challenge remains the nature and mechanisms for achieving a peaceful transition into this devolved framework. It is important for all to be conscious of the fact that devolution including other forms of decentralization may not always lead to improved governance and economic performance. The reality is that , the devolved structure, if not well designed, may actually inflate existing intra and inter-ethnic, religious and cultural diversities by permitting greater levels of corruption and mismanagement of resources at the local levels due to the moving of allocative decisions out of the limelight (Barrett et al 2007).

The devolution process can potentially facilitate capture of the local governments by political elites keen on using local resources at their disposal to perpetuate themselves in power further perpetuating the historical realities in Kenya. Fears of political dominance have been and remain a key challenge to the realisation of sustainable peace in the country. This fear of marginalization of minorities and minorities within minorities is already evident from the recent conflicts in Northern Kenya and formation of ethnic pacts of domination all ahead of the 2012 elections and the expected formation of the county governments. This situation is further worsened by the fact that leaders and aspiring leaders in most of these contexts continue to rely on this fear and use ethnicity to polarize groups against each other as a means of remaining in or getting political power.

Way forward

One key output from the taskforce on devolution was the out lining of the citizen's expectation for the devolution. Many if not all of these expectations relate closely with issues that would ensure the existence or absence of a sense of nationhood among the citizens.

Box 1: **Citizen's Expectations of Devolved Government** [6]

1. Devolved government should lead to national renewal
2. Nation built on equity and equality for all Kenyans
3. An inclusive nation where everyone feels they belong
4. Equal opportunity for all
5. Design of policies that reduce inequality in the country
6. Ensure positive relations between the people and their leaders
7. Reduce the adverse effects of politics on governance
8. Bring the government closer to the people
9. Devolved governments as a platform for accessing national resources.

These expectations brings to fore what Kenyans generally think about the current system of national government but also the fact that the mood among the citizens is that of hope; a fact best expressed in the words of the president of Kenya during the promulgation of the new constitution: *"This moment marks the decisive conclusion of the 20 year journey in search of a new constitutional order. The new constitution is an embodiment of our best hopes, aspirations, ideals and values for a peaceful and a more prosperous nation."*[7]

A closer scrutiny reveals the fact that there are also very many opportunities to ensure that the county governments are conflict sensitive and responsive to the context-specific settings. This is critical in order to ensure that the perception of marginalization that exists with the current national government does not continue.

Conflict-sensitive approaches are both pre-emptive and responsive. They presuppose that when development is introduced in a context of conflict, it either exacerbates it by feeding the already existing divisions or reduces it by weakening them and capitalising on the existing connectors or local capacities for peace.

Yes, people may be Rwandans, Ugandans, Kenyans etc., but due to the failure of the founding fathers to consider – at the onset – differences when making decisions, it must be realized that any further business as usual in terms of resource allocation and distribution only helps to build the perception of the "we and they" – hence more tension.

Many times, internal conflicts are fuelled by structural and systematic exclusion from power as well as the protection and promotion of the civil, political and cultural rights of specific groups. While it is expected that devolution in Kenya will go a long way in addressing such grievances and promote peace through promotion of participation, representation, inclusion and accountability at the local level, the manner in which the process will be structured, managed and implemented have great implications on whether or not traditionally excluded groups are actually represented in the public arena, and whether the arrangement contributes to peaceful coexistence between groups.

All indications point to the fact that for the transition process to be peaceful and realise the desired goals, there must be deliberate effort to have planners that put their county contexts into perspective. Planners in a divided county should not only be people with the right education and technical background, but also people who understand and feel for the livelihood systems they are planning for. May be what Kenya need is to undertake what Jaffrey Sachs calls clinical eco-

nomics. Planners need to be drawn from all socio-economic and cultural backgrounds to ensure that issues pertinent to all groups are factored into economic development plans.

One of the key expectations in the devolved structure in Kenya is that traditionally excluded communities increasingly take part in and acquire a sense of ownership over the process of local affairs management and the delivery of services. If however the arrangements and mechanisms of devolution replicate and reinforce social patterns of exclusion and inequity, and furthermore do not allow for the representation and empowerment of marginalized groups it will then fail realise the one desire for nationhood (National Cohesion and Integration).

A closer look at other countries where devolution or the other forms of decentralization have been undertaken wakes us up to the reality that even after devolution the heroes of today can be the tyrants of tomorrow when autonomy is given without enough accountability in place. Accountability cannot be achieved if local governments lack the necessary capacity and herein lays the problem of grievances and associated conflicts that have bedevilled many African states.

Developing capacities is therefore a precondition for effective devolution. Improved capacities of local governments for conflict sensitive local planning and management is one sure way for local governments to remove barriers that certain groups face, including legal and cultural, for accessing basic services. Inclusiveness and careful conflict sensitive targeting is key to avoiding further escalation of hostilities between groups.

The need to establish mechanisms to improve the capacity of local governments to deliver in ways that will ensure that common grievances of exclusion and marginalization are dealt with cannot be over emphasized. Another key need is conflict sensitive resource allocation and the adjustment of training materials for local leaders to address the complexities of effectively dealing with challenges that devolution presents at the local level.

Key in realising all this is the need to provide space for public participation through effective dialogue on public policy at the local level and structures allowing people from different backgrounds to hold local governments accountable without necessarily being fearful or feeling the need to form "ethnic pacts of domination" as the only way that will guarantee their being heard.

***Emmie Auma**, is a Programme Officer at the Peace Building and Conflict Management, World Vision Kenya. She can be reached at: emmieauma@yahoo.com*

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1 Kenya National Commission on Human Rights (KNCHR) 2008, on the Brink of precipice: *A human rights account of Kenya's post 2007 elections*

2 National Conflict Mapping and Analysis 2011, *Peace and Conflict trends in Kenya*

3 The previous constitution of Kenya adopted at independence (1963) has been in force until august 2010 when the CoK 2010 was promulgated.

4 Integrative Citizenship necessitates inclusivity, where diverse groups own a common national identity

5 Article 174, CoK 2010.

6 Report of the Task force on devolution

7 President Kibaki's speech during the promulgation of the CoK 2010

Somalia Constitution approved

The National Constituent Assembly (NCA) of Somalia approved Somalia's new constitution. The process has been repeatedly delayed by political instability and constant violence in the African country. The text for the document was approved by 621 delegates, with 13 votes against and 11 abstentions. Meeting in Somalia's capital Mogadishu, the NCA constituted 825 delegates drawn from all Somali clans an assembly that spent eight days on deliberations.

The constitution is a key part of Somalia's ongoing peace and national reconciliation process as it will provide a legal framework governing the workings of the new Somali Federal Institutions as of August 20. Somalia's Transitional Federal Institutions is currently implementing the so called Roadmap for the End of Transition in Somalia, which was devised in September 2011, and spells out priority measures to be carried out before the current transitional governing arrangements end later this month.

Since Al Shabaab's withdrawal from the capital in August 2011, the frontlines have been pushed back to the city's surrounding area. However, the use of roadside bombs, grenades and suicide bombers still takes place. In addition, Government forces have been on an offensive against the Al Shabaab, which still controls parts of Somalia, primarily in its south-central regions.
Source: AMISOM Daily Media Monitoring

Kenya: uproar over the unbanning of secessionist movement

A High Court ruling in Kenya lifting the ban on the proscribed Mombasa Republican Council (MRC) has raised alarm and anger on the part of the Kenyan government. Declared illegal in 2010, along with 32 other 'organised criminal groups', the MRC has in the intervening period become aggressive and persistent in its demands. It is alleged that its members often engage in oath taking and military training.

The aim of the group is to 'liberate' the indigenous coastal people 'from mistreatment and marginalisation by successive Kenyan governments'. It has also threatened to mobilise inhabitants of the coastal region not to participate in Kenya's upcoming general elections.

In its ruling, the court declared that the government had failed to produce sufficient evidence to link the MRC to violent crimes. It also urged the group to pursue its agenda, including that of secession, through political and legal means.
Source: allafrica

Fear of election related violence in Coastal Kenya

The coastal province of Kenya has been identified as a hotspot area as the country prepared for the next general election to be held in 2013. Mombasa Republican Council (MRC) whose strong hold is in Likoni an area inhabited by non-coastal ethnic communities has threatened to disrupt the elections. This threat has caused fears among the population in the area, which has been one of the regions in that has experienced election related violence every election year since 1992. During mock elections carried out by the Independent Electoral and Boundaries Commission (IEBC), violence broke out.
Source: Daily Nation http://www.nation.co.ke/News/politics/Tension+at+Coast+hotspot+made+worse+by+MRC/-/1064/1480952/-/160wytz/-/index.html

Progress in negotiations between Sudan and South Sudan

Sudan and South Sudan have reached a formula to share resources including oil revenue. After the cessation, 70% of the oil reserves are located of South Sudan and the refinery and storage facilities remained in the North. But the two regions failed to reach an agreement on how to share the revenue and also how to compensate for the use of facilities leading to fear of conflict. South Sudan stopped oil production al-

leging that Sudan siphoned oil from pipelines running in its territory. Sudan claimed that they seized oil to compensate for payment for use of the pipeline.

During the impasse, the region experienced economic turmoil due to restriction of revenue that comes from production of the oil. The agreement over oil is a positive signal on the possibility of resolving other pending issues. Negotiations between the two parties have been under the African Union High Level Implementation Panel led by former South African President Thabo Mbeki. Sudan has also agreed with the UN, the African Union and the Arab League to provide humanitarian access to areas affected by civil war in South Kordofan and Blue Nile.
Source: http://www.regjeringen.no/en/dep/ud/press/news/2012/sudan_progress.html?id=697143

RESOURCES

Natural resources: curse or cure for Africa?

Much scholarship has been devoted to the so-called 'resource curse' – the apparent paradox of resource-rich countries generally performing worse in development terms than nations without significant natural resources. The paper investigates the various frameworks that have been used to explore the phenomenon of 'resource curse' this phenomenon and questions the utility of some of the mainstream economic models underpinning the 'curse'. Taking a global perspective the paper seeks to makes highlights policy interventions that have succeeded in transforming the 'curse' into a 'cure' in some developing countries. The main focus is on Africa with recommendations that can benefit African governments attain development though exploitation of natural resources.

Read the paper at: The Brenthrust Foundation - *http://www.thebrenthurstfoundation.org/a_sndmsg/news_view.asp?I=126338&PG=288*

The Somali crisis and the EU: Moving onshore and committing to Somalia

The Horn of Africa is home to the biggest ongoing international military engagement outside of Afghanistan. The US, China, Russia, NATO and the EU maintain naval anti-piracy patrols off the coast of Somalia while primarily the African Union (AU), Kenya and Ethiopia conduct operations on land. The number of international and regional actors raises many challenges, particularly the quest for an integrated strategy and of co-ordination across actors.

External engagement is still driven by a simplified counterterrorism and anti-piracy agenda, which does not yield tangible results. Maritime piracy in the Horn of Africa is by far the most visible problem in the region, albeit not one of the most pressing for the Somalis themselves. While the focus of the international engagement is still on re-active measures and containment on the sea, a lasting solution to the problem of piracy needs to consider wider measures on shore as part of a wider-reaching, comprehensive approach.

The Global Governance Institute takes a look at the political dynamics in Somalia and recommends to closer integrating shore and offshore-based engagement. It focuses on the European engagement with two running crisis management operations and one launched on 16 July 2012 and to be operational in the autumn.

Find the report at: *http://www.globalgovernance.eu/images/sampledata/PeaceSecurity_Section/1%20GGI%20Papers/GGI_Analysis-Somali_Crisis_and_the_EU_July2012.pdf*

The New Routes journal
Peace in Sudan? A window of opportunity

A new issue of the Life & Peace journal New Routes is highlighting the prospects for peace in Sudan. In topics like Environment, climate and conflict, Border issues between Sudan and South Sudan, and Abyei – the Kashmir of Sudan, the journal reflects on Sudan's resources, possibilities, challenges and difficulties.

In spring 2012 the Life & Peace Institute and the Nordic Africa Institute, both based in Uppsala, Sweden, arranged a seminar series titled Sudan: North in the shadow of the South. The idea behind the seminars was to emphasise the importance of a continued engagement within peacebuilding in Sudan as well as in South Sudan. The seminars aimed not only at pointing out challenges but also opportunities to transform conflict and build sustainable peace.

In this context the idea was born to let New Routes no. 2.2012 focus on Sudan and its interrelation with South Sudan. This was a brilliant opportunity to draw on the knowledge and experience of some of the seminar speakers, and five of them are among the authors in this New Routes issue.

– A common theme stressed by several of the speakers is that sustainable peace is not achievable if the two countries are viewed separately. The Sudanese themselves and the international community have to explore new ways of peacebuilding in Sudan, says Peter Karlsson Sjögren, Executive Director of the LPI.

The same view is valid for this issue of New Routes, which hopefully will give inspiration and food for thought to its readers.

Find the journal at *http://www.life-peace.org/resources/publications/new-routes/*

Livelihoods, basic services and social protection in South Sudan

This paper summarises the existing literature on livelihoods, basic services and social protection in South Sudan; presents a brief analysis of this literature, its strengths and its gaps; and lays out potential research questions for the Secure Livelihoods Research Consortium (SLRC). It provides a brief overview of the country and the impact of the conflict with the North between 1955 and the present.

Some 2 million people were killed in the conflict, and twice that many were displaced - either internally or internationally as refugees. These groups have been returning to South Sudan since 2005 when the Comprehensive Peace Agreement (CPA) was signed, making return and reintegration one of the major policy concerns of the new government in Juba. But the war also took a heavy toll on the lives and livelihoods of those who were not displaced, or who were displaced locally."

For the full paper follow the link; *http://www.odi.org.uk/resources/docs/7716.pdf*

Violent Conflict and Peacebuilding: The continuing crisis in Darfur

This book examines the continuing devastation in the Darfur region of Sudan, from the perspective of a multiplicity of conflicts of distinct types

The crisis reached its peak in 2003–2004, when certain Arab militias joined forces with the Sudan armed forces in a campaign against insurgent resistance movements. Engulfed in the tumult, Darfurians experienced systematic slaughter, sexual violence, and internal displacement on a massive scale. Although the violence has waned in recent years, the fighting continues to this day. The authors cast this crisis as a complex web of four distinct, yet interlacing, conflict types:

- long-standing disputes between farmers and herders and between different herder communities
- political struggles between the local elite leaders of the resistance movements, and those between traditional leaders (elders) and younger aspiring leaders
- long-standing grievances of marginalized groups against those at the national centre of power

- cross-border conflicts, primarily the proxy war waged between Chad and Sudan

The crisis in South Sudan is also examined through the lens of conflict complementarily.

This book will be of interest to students of African politics, genocide, political violence, ethnic conflict, war and conflict studies, peacebuilding and IR. To order the book: *http://www.routledge.com/books/details/9780415689786/*

Guidance for designing, monitoring and evaluating peacebuilding projects: using theories of change

To advance the use of theory-based inquiry within the field of peacebuilding, CARE International and International Alert undertook a two and a half year research project to develop light touch methods to monitor and evaluate peacebuilding projects, and pilot these in Democratic Republic of Congo (DRC), Nepal and Uganda. This document, Guidance for designing, monitoring and evaluating peacebuilding project: using theories of change emerges from the efforts of peacebuilders who field tested the processes to define and assess the changes to which they hoped to contribute. The main audiences for this guide are conflict transformation and peacebuilding practitioners, non-governmental organisations (NGOs) and donor agencies. Other actors in the conflict transformation and peacebuilding field may also find it useful.

This research report is available at: *http://www.careinternational.org.uk/research-centre/conflict-and-peacebuilding/227-guidance-for-designing-monitoring-and-evaluating-peacebuilding-projects-using-theories-of-change?utm_source=Main+List&utm_campaign=4d0ebbc724-Insight_on_Conflict_Newsletter_August_2012&utm_medium=email*

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Editorial information

The media review Horn of Africa Bulletin (HAB) was published by the Life & Peace Institute between 1989 and 2006. The re-formatting of HAB as an e-bulletin 2007 was done in close collaboration with the Nairobi-based All Africa Conference of Churches (AACC) and the Fellowship of Christian Councils and Churches in the Great Lakes and the Horn of Africa (FECCLAHA).

The electronic base of HAB is LPI and the editor is Shamsia Ramadhan, *shamsia.ramadhan@life-peace.org*.

For subscription matters contact: Tore Samuelsson, *tore.samuelsson@life-peace.org*

For a link to HAB and more information see *www.life-peace.org*

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Editorial principles

The Horn of Africa Bulletin (HAB) is an international newsletter, compiling analyses, news and resources primarily in the Horn of Africa region. The material published in HAB represents a variety of sources and does not necessarily represent the views of the Life & Peace Institute (LPI) or the cooperating partners, the All Africa Conference of Churches (AACC) and the Fellowship of Christian Councils and Churches in the Great Lakes and the Horn of Africa (FECCLAHA). Writers and sources are normally referred to, although in exceptional cases, the editors of the HAB may choose not to reveal the real identity of a writer or publish the source.