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Conflict analysis of Kenya

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1. Overview

Kenya is a large **multi-ethnic country**, with over 40 different ethnic groups. The largest ethnic group are the Kikuyu, who make up about 17 per cent of the population (6,622,576). Other large ethnic groups include the Luhya (5,338,666), Kalenjin (4,967,328), Luo (4,044,440), Kamba (3,893,157), Kenyan Somali (2,385,572), Kisii (2,205,669), Mijikenda (1,960,574), and Meru (1,658,108).[1] The country is majority Christian, with a substantial Muslim population (4,304,798). It is currently led by a coalition representing the formerly opposing communities of Kikuyu and Kalenjin, with the opposition coalition primarily representing the Luo. The 2010 constitution has also devolved power to the 47 counties.

Kenya is **rife with violence**. This includes high levels of sexual and gender-based violence and of intercommunal violence; low levels of persistent violence; cycles of election-related violence; and increasing numbers of terrorist attacks. The incidence, gravity and intensity of violence have all increased in recent years.

The conflicts in Kenya are multiple and overlapping. The **Rift Valley, Nairobi, the peripheral pastoralist drylands, and the coast** are among the areas most affected.

The high levels of violence are a result of a range of **factors** including: i) ethnic intolerance; ii) border conflicts; iii) political party zoning; iv) competition over land and other resources; v) proliferation of small arms; vi) weak security; and vii) poverty, underdevelopment, and marginalisation. **Intercommunal violence** risks being increased by competition over the fruits of devolution and elite manipulation of local communities. **Violent Islamist activity** has tended to be clustered in the North Eastern province which borders Somalia, the Coast province in the south-east, and Nairobi. Terrorist attacks have increased since Kenya's ongoing military involvement in Somalia.

An **unstable peace** surrounded the **2013 elections.** This arose from factors including: i) changes as a result of the new constitution; ii) a political alliance between former opposition groups; iii) peace campaigns to ease tensions; and iv) conflict memory. However **future violence remains a risk**.

Stakeholders in Kenya's conflicts include: i) the national government; ii) county governments; iii) the security forces; iv) politicians and elites; v) political militias; vi) communal militias; vii) pastoralist communities; viii) Kenyan Somalis; ix) Kenyan Muslims; x) young people who are susceptible to radicalisation; xi) Al-Shabaab; xii) Al-Hijra; and xiii) the international community.

Conflict dynamics highlighted in the literature as having a particularly important impact on conflict in Kenya include:

- **Social fragmentation, politicised ethnicity and partisan politics**: political entrepreneurs use ethnic affiliation and manipulate ethnic grievances as the basis for political mobilisation to gain power and control over resources.
- **Corruption and impunity**: corruption has severely compromised the security sector, while impunity and lack of justice legitimise violence and lead to revenge attacks.
- **Land and development projects**: inequity in land ownership and access cause widespread grievances, as do development projects that are not delivered in a conflict-sensitive manner.
- **Discrimination and marginalisation**: certain groups and areas have faced long-term discrimination and marginalisation, which has been exploited by violent extremists.
- **Al-Shabaab's exploitation of local politics**: recently Al-Shabaab's violence has interwoven with local Kenyan violence, as Al-Shabaab has used social and economic grievances to deepen political divides and further its own cause.

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[1] See Appendix 2 for a map of the main different ethnic groups in Kenya. A map of all the counties mentioned can be found in Appendix 1.

- **The government's response**: the politicisation of the counterterrorism response and the scapegoating of certain ethnic and religious groups have also played into Al-Shabaab's hands.
- The **proliferation of small arms** provides more opportunities for violence and wider insecurity.

Conflict responses have included:

- The creation of a **new constitution** in response to the 2007-2008 election violence. Reforms of the governance and security institutions are designed to improve service delivery and make governance much more accountable and equitable across the country. Power has been devolved to the 47 counties. However, progress has been slow and there may be some potential links between **devolution** and the escalation of inter-ethnic violence.
- **Disarmament campaigns, increased security presence, and 'peacebuilding from below'** to address intercommunal violence in the pastoralist drylands. These are criticised for neglecting the political dimension of the problem and state responsibility.
- **Operation *Linda Nchi.*** This saw Kenya send ground troops into Somalia, ostensibly to deal with the violent activities of Al-Shabaab. Attacks by Al-Shabaab have increased in Kenya since the Operation began in 2011, as Al-Shabaab has localised its jihad in Kenya. Kenyan forces' involvement in the Somali charcoal trade has served to boost Al-Shabaab's resources, which are based on revenue from the charcoal industry.
- **Operation *Usalama* Watch,** launched in 2014, which resulted in police swoops in majority-Somali neighbourhoods. The sense of 'collective punishment' increased Muslims' sense of alienation. Recent threats to deport Somali refugees and plans to build a barrier on the border with Kenya have also contributed to this sense of alienation. These **counterterrorism responses** are said to play into the hands of Al-Shabaab. The debate around the counterterrorism response has been politicised, which seems to have resulted in revenge attacks against different ethnic groups.
- Support for **peacebuilding and conflict prevention efforts** from civil society, the government and the international community**.**

Kenya is a patriarchal society and has high levels of **sexual and gender-based violence**, which have increased during times of election violence. Many attacks are based on ethnic affiliation and are used to punish certain groups. Women have been active in both promoting conflict and peacebuilding in pastoralist communities. **Violence against children** is also a serious problem in Kenya.

Recommendations emerging from the literature include measures to strengthen Kenya's security; combat the threat of Al-Shabaab and radicalisation; address pastoral violence in the drylands of Kenya; and prevent future conflict. They include a focus on: i) addressing inequalities and socioeconomic marginalisation; ii) reforming the security sector and tackling corruption; iii) improving the relationship between the state and Muslim communities; iv) refraining from hate speech and 'collective punishment'; and v) engaging in conflict sensitive development.

2. Mapping[2] of violent conflict in Kenya

Kenya is the seventh most violent country in the ACLED (Armed Conflict Location and Event Data Project) dataset, with just over 3,500 recorded politically violent events between 1997 and September 2013 (Dowd & Raleigh, 2013, p. 1). Parts of the country experience low-levels of **persistent violence** which has become unremarkable to many citizens (Scott-Villers et al., 2014, p. 2; Gibbons, 2014, p. 4). Many Kenyans now treat rampant theft and robbery as a normal burden of citizenship (Ombaka, 2015, p. 13). Levels of violence between 1997 and September 2013 peaked during January to March 2008 with 341 recorded incidences of violence (Dowd & Raleigh, 2013, p. 1).

Over the past few years Kenya has continued to experience **violent insecurity** which has 'destabilised a swathe of Kenya's peripheral counties' and resulted in terrorist attacks in the capital, Nairobi (Lind et al., 2015, p. 4). The **increase in the incidence, gravity and intensity of violence** since 2010 includes 'persistent terror attacks, inter-community conflicts and violence targeting law enforcement officers as well as a big number of extra-judicial executions' (KNCHR, 2014, p. 9). The increasing and spreading insecurity has 'fomented fear and stoked ethnic and regional divisions, precipitating security crackdowns and roiling the country's infamously tumultuous politics' (Ombaka, 2015, p. 11; Lind et al., 2015, p. 4). Across Kenya, thousands of people have been killed, hundreds of thousands of people have been displaced, and the provision of education and health services has been disrupted in number of counties including Baringo, Turkana, Wajir, Mandera, and Isiolo (KNCHR, 2014, p. 9). Livelihoods in Turkana, Mandera, Marsabit, Wajir Baringo, Mombasa and Lamu have been adversely affected due to insecurity (KNCHR, 2014, p. 10). This insecurity has arisen despite the constitutional reforms that have taken place to address and prevent violence in Kenya in the wake of the election violence in 2007-2008 (Lind et al., 2015, p. 4).

Kenya experiences **multiple, overlapping conflicts**, which sometimes **coincide with electoral cycles** that act as triggers for politically motivated violence (Dowd and Raleigh, 2013, p. 1; Elder et al, 2014, p. 5; Halakhe, 2013, p. 6). These conflicts include militia activity in urban areas; communal violence in the Rift Valley and elsewhere; spill over conflict from neighbouring Somalia with implications for unrest in the north-east; and the confluence of separatism and Islamist mobilisation in the Coast province (Dowd & Raleigh, 2013, p. 1). Cases of conflict include the 2007-2008 severe post-election violence, where identity based clashes caused over 1,100 fatalities and widespread population displacement, especially in the Rift Valley (Cox et al., 2014, p. 1; Halakhe, 2013, p. 7-8). The central Isiolo region, a pastoralist dryland has been a hotspot of violence in recent years (Sharamo, 2014, p. 5). There were ethnic clashes in 2012 in Tana River (Cox et al., 2014, p. 1). In 2014, there were clashes in Marsabit County in Northern Kenya and ethno-religious riots in Mombasa (Cox et al., 2014, p. 1). Violence in areas like Marsabit County is persistent, ranging from economic boycotts and hate speech to unexplained deaths and small wars (Scott-Villers et al., 2014, p. 9-14). The causes of these various conflicts are related to Kenya's deep and persistent fault lines, relating to factors such as socio-political marginalisation and elite manipulation of identities for political mobilisation (Cox et al., 2014, p. 1). These multiple, overlapping conflicts 'profoundly shape the nature of conflict and vulnerability of civilian populations in particular to violence' and require distinct responses (Dowd & Raleigh, 2013, p. 1). Present conflicts are often informed by past conflicts whose wounds have never been healed, which leads to cycles of revenge attacks (Mbugua, 2013, p. 20).

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[2] A map showing the location of all the counties mentioned in the report can be found in Appendix 1.

There are dramatic **regional variations** in the types, tactics and perpetrators of violence within Kenya (Dowd & Raleigh, 2013, p. 1). The **Rift Valley** experienced the highest levels of violence between 1997 and September 2013, followed by Nairobi (Dowd & Raleigh, 2013, p. 2). **Nairobi** also experienced the highest levels of violent events involving state forces (nearly one-third of all violent events involving state forces took place in the capital) (Dowd & Raleigh, 2013, p. 1). The **periphery** areas have also experienced high levels of violence, and experience the highest levels of poverty and underdevelopment (Lind et al., 2015, p. 4; Cox et al., 2014, p. 5; Sharamo, 2014, p. 4). Security, governance and development vacuums in these peripheral areas have enabled armed groups, weapons and jihadist ideology to gain ground and cause a threat to Kenya as a whole (Gibbons, 2014, p. 1). Kenya's porous borders 'combined with insurgency and counter-insurgency forces supported by neighbouring states add a regional security dimension to Kenya's conflict situation' (Sharamo, 2014, p. 3; TSA, 2014, pp. 21-26). Recent insecurity has resulted in the state only being nominally in control of a region which has been dubbed Kenya's 'arc of insecurity' (Ombaka, 2015, p. 11). This region covers more than one-half of Kenya's territory and straddles 12 out of Kenya's 47 counties – West Pokot, Elgeyo-Marakwet, Baringo, Turkana, Samburu, Isiolo, Marsabit, Mandera, Wajir, Garissa, Lamu and Tana River (Ombaka, 2015, p. 11). These areas have long been neglected by the state (Ombaka, 2015, p. 14).

Kenya experiences **high levels of inter-communal violence**; much higher than elsewhere in Africa (Dowd & Raleigh, 2013, p. 4; TSA, 2014, p. 34). This violence is perpetrated by **identity based communal militias** and often involves cycles of attacks and counter attacks (Dowd & Raleigh, 2013, p. 4; Okumu, 2013, p. 1). Competition over land ownership and land use drive local conflicts, which is sometimes triggered by the migration of herders in search of water and pasture (TSA, 2014, p. 34; KNCHR, 2012, p. vii). This is not helped by a minimal presence of security and the proliferation of small arms and light weapons (KNCHR, 2012, p. vii; Okumu, 2013, p. 1; Mbugua, 2013, p. 13). The violence which has flared in recent years across Kenya's periphery relates to struggles around Kenya's political devolution (expert comments). Political agendas sometimes 'mobilise and prey upon competition and animosity between communities to stoke violence between ethnic and regional groups competing over access to resources and power' (Dowd & Raleigh, 2013, p. 5; Scott-Villers et al., 2014, p. 10-11; KNCHR, 2012, p. vii). ACLED warns that this is a 'particularly pressing danger in the context of on-going decentralization in Kenya which, though it promises to bring government and power closer to marginalised populations, risks exacerbating tensions among communities with competing claims on ethnic homelands, right to land, and political representation' (Dowd & Raleigh, 2013, p. 5). Elite sponsorship is suspected to have been a factor in communal violence in 2013 in Mandera and Moyale, and in the Tana River region in August 2012 (Dowd & Raleigh, 2013, p. 5; Mbugua, 2013, p. 14).

The **conflicts in the pastoralist drylands** of Kenya are highly complex and multi-layered (Gibbons, 2014, p. 1). Conflicts and violence have tended to take the form of cattle rustling, ethnic violence, displacements, massacres and revenge attacks (Sharamo, 2014, p. 3; Okumu, 2013). There is a long tradition of cattle raiding for prestige and bride prices, as well as competition over scarce and diminishing water and pasture resources (Okumu, 2013, p. 7). However, 'commercial' cattle raiding, involving excessive violence, also occurs for mass sale to urban

markets (Okumu, 2013, p. 9). Stress factors include climate change; environmental degradation; drought, famine and other natural catastrophes; land related conflicts (some relating to administrative and electoral boundaries); the politicisation of communal relations; the proliferation of small arms and light weapons (SALWs); tensions with agricultural communities; and human-wildlife conflicts aggravated by competing uses of land for commercial ranching and wildlife conservation (Sharamo, 2014, p. 3; Okumu, 2013, p. 1; Mbugua, 2013, p. 19). The conflicts have become increasingly intractable as a result of weakened traditional governance systems; breakdown of intercommunal social contracts; elders' loss of control over the youths; the persistence of *moran* (warrior) culture; and politicisation of peacemaking processes (Sharamo, 2014, p. 3; Okumu, 2013, pp. 1, 5). In addition, one report suggests that the conflicts have intensified partly as a result of the weakness or unwillingness of the state to protect its citizens in these areas (Okumu, 2013, pp. 4-5).

The conflicts in the pastoralist drylands are also being transformed, moving away from traditional resource based incidents to being driven by economic and political gain (Gibbons, 2014, p. 3; Sharamo, 2014, pp. 3, 5). They are fuelled by drivers from institutional, political-economic and social spheres operating at national, regional and even global levels (Gibbons, 2014, p. 1). The 'institutional factors driving conflicts include contested borders, weak land tenure rights, and failures of policing and justice; political-economic factors include extractive commercial enterprises without adequate benefit sharing, land alienation, divisive politics and corrupt local administrations; whilst social factors relate to historical marginalisation and exclusion, as well as issues of identity, gender and ethnicity' (Gibbons, 2014, p. 1). Development projects have been accompanied by violence and militarism; while 'fear of devolution and complex political and economic interests converge to fan violence among Isiolo's communities' (Sharamo, 2014, pp. 3, 6). Politicians and war financers have used ethnicity and identity to mobilise young people's engagement in violence as a means to an economic end (Sharamo, 2014, pp. 5-6). Efforts to build peace at one level are impacted and negated by processes at another (Gibbons, 2014, p. 1).

Violent Islamist activity has tended to be clustered in the North Eastern province which borders Somalia, the Coast province in the south-east, and Nairobi[3] (Dowd & Raleigh, 2013, p. 5). The northern Kenya geographical terrain makes it very difficult to secure and easy for Al-Shabaab to infiltrate (African Union, 2015, p. 4; Anderson & McKnight, 2014, p. 25; Anderson, 2014, p. 3). Somalia's long-running state collapse and conflict spill-over act as 'external stresses' on Kenya's peace and stability (Lind et al., 2015, p. 4). However, 'the situation in Somalia is marginal relative to other more important drivers of violence in Kenya' (Lind et al., 2015, p. 18). They include Kenya's domestic policies, politics and practices, especially in relation to uneven development patterns and the treatment of Kenya's Muslim populations (Lind et al., 2015, p. 18; Botha, 2014, p. 20). These internal domestic drivers intertwine with external pressures through transnational actors and processes (i.e. Al-Shabaab, regional arms trade, drug trafficking) (expert comment).

In 2011 Kenya stepped up its military involvement in Somalia, ostensibly to deal with the violent activities of Al-Shabaab[4] (Lind et al., 2015, p. 4; Anderson & McKnight, 2014, p. 1). However since then attacks have multiplied across the north and east cost of Kenya, ranging from the September 2013 siege of Nairobi's Westgate shopping centre, to the June 2014 attack on hotels and bars on Mpeketoni, to village massacres, to the targeted killings of police and religious figures (Lind et al., 2015, pp. 4, 16-17; African Union, 2015, p. 3; ACLED, 2013, p. 6; Anderson & McKnight, 2014, p. 1-2). In the beginning of April 2015, Al-Shabaab attacked the campus of Garissa University

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[3] Affecting eight counties – Mandera, Garissa, Wajir, Mombasa, Tana River, Kilifi, Lamu and Nairobi.

[4] There are some suggestions that Kenya's military operations in Somalia have an economic element as the military 'profits from the illicit trade in charcoal from Kismayo port in southern Somalia as well as the trade in contraband sugar from Somalia into Kenya' (Lind et al., 2015, p. 16; Anderson & McKnight, 2014, p. 9-10; Mc Evoy, 2013, p. 6). In addition it is speculated that it is trying to strengthen its claims over gas and oil deposits in a contested maritime zone off the coasts of Kenya and Somalia (Lind et al., 2015, p. 16; Anderson & McKnight, 2014, p. 7; Mc Evoy, 2013, p. 6).

College, killing around 150 people (African Union, 2015, p. 1). Muslim students were separated from non-Muslim students and released, while the other students were executed (African Union, 2015, p. 1).

Between 2009 and September 2013, 63 per cent of violent activities attributed to Al-Shabaab have taken place in the **North-Eastern** province (Dowd & Raleigh, 2013, p. 7). However, not all of the violence in the North-Eastern province, where the country's ethnically Somali population is concentrated, can be attributed to Al-Shabaab (Dowd & Raleigh, 2013, p. 5). The province has long had persistently high levels of violence (Dowd & Raleigh, 2013, p. 6).

The **Coast** province has a long history of calling for secession[5] from Kenya based on distinct ethno-regional identities and claims of socio-economic marginalisation of the region, although thus far calls for secession have been largely non-violent (Dowd & Raleigh, 2013, p. 7; Mwakimako & Willis, 2014, p. 16). These claims of socio-economic marginalisation are of particular concern where they overlap with religious narratives used by Muslim militants in the volatile region (Dowd & Raleigh, 2013, p. 7; Lind et al., 2015, p. 19; Botha, 2013, p. 14). The violence in the Coast is characterised by 'relatively high volatility, reflected in sporadic spikes in violence, followed by relative lulls' (Dowd & Raleigh, 2013, p. 7). Until recently, street protests were the most common form of political action on the coast (Mwakimako & Willis, 2014, p. 14). Since 2008, the Mombasa Republican Council[6] has regained momentum in its calls for secession, with a focus on land issues and economic frustration (Botha, 2014, p. 3, 15).

Recently, religious tensions have 'served as key flashpoints for violence, with rioting following the violent deaths of prominent Muslim clerics in the region' (Dowd & Raleigh, 2013, p. 7). Since 2012, there has been a wave of assassinations of Muslim businessmen, traders, clerics and activists (Lind et al., 2015, pp. 27-28; Anderson and McKnight, 2014, p. 18). There have been 'no conclusive investigations resulting in arrests and the prosecution of the killers or those who have paid them' (Lind et al., 2015, p. 28; ICG, 2014, p. 11). These assassinations have led to further radicalisation (Botha, 2014, p. 24). There is a profound breakdown of trust in the country's institutions for the people on the coast, reflected in some residents in the area blaming assassinations of Muslims on the security forces (Dowd & Raleigh, 2013, p. 7; Lind et al., 2015, p, 28; Anderson & McKnight, 2014, p. 18).

The 2013 elections: an unstable peace

There were fears that there would be similar outbreaks of violence in the 2013 elections as there were in the post-2007 election period (Cox et al., 2014, p. 1; Halakhe, 2013, p. 16). Although there were violent incidents in places like Moyale town, the 2013 elections were largely non-violent, despite the lack of significant changes in social cohesion since the 2007 elections (Scott-Villers et al., 2014, p. 11; Cox et al., 2014, p. 1; Elder et al., 2013, p. 3). However, locals describe the election as being a period of 'tense calm' or 'unstable peace' (Elder et al., 2013, p. 3; Idris et al, 2013, p. 39).

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[5] A ten-mile strip of the coast used to be under the control of the Sultanate of Zanzibar (Botha, 2013, p. 16).

[6] Although the Mombasa Republican Council (MRC) has to date not been implicated in acts of terrorism, it is often mistakenly associated with Al-Shabaab (Botha, 2014, p. 2). The two organisations are distinct in nature and there are very clear differences in the type of individuals who join al-Shabaab and the MRC and their reasons for doing so (Botha, 2014, p. 2).

Factors that contributed to the absence of violence around the elections are suggested to be: 'pending International Criminal Count indictments, a coalition between former opposition communities (Kikuyu/Kalenjin) called the Jubilee Alliance,[7] conflict memory, and a new commitment by political elites to uphold the rule of law' (Cox et al., 2015, p. 1; Elder et al., 2014; Owuor & Wisor, 2014, p. ii; Halakhe, 2013, pp. 5, 15, 17). Additional factors include: devolution of political and economic powers to the 47 counties; ongoing reforms in Kenya's judiciary; the heavy security presence and a more sophisticated approach to prevention; voter apathy and disillusionment; local and international peace campaigns to ease tensions (although these tended to be urban and not address lingering grievances such as persistent land disputes, corruption, and accountability for past crimes); a sustained, systematic, and comprehensive peacebuilding campaign by the private sector; and media self-censorship (Owuor & Wisor, 2014, p. ii; Elder et al., 2014, pp. 12-14; Halakhe, 2013, p. 16; Idris et al., 2013, p. 39). Conflict memory and the narrative of fear arising from it, is a dominant explanation for the averted violence in 2013 (Elder et al., 2014, pp. 3, 10).

However, the ongoing 'deep mistrust between the two primary political coalitions (CORD and Jubilee) reflects deep tension between two key majority ethnic groups (Luo/Kikuyu)' (Cox et al., 2014, p. 1; expert comment). In addition, locals remain worried about the high levels of ethnic tension, hate speech, voter bribery, and intimidation throughout the electoral period (Elder et al., 2014, p. 3). **Future violence remains a risk** as underlying conflict issues have not been addressed; armed militias have not been demobilised; the security forces are complicit in a range of abuses; and the country is ethnically polarised and plagued with corruption (Idris et al., 2013, p. 30; Owuor & Wisor, 2014, p. ii). There are fears that if the Jubilee Alliance collapses at some point in the future, this could lead to heightened tensions and renewed conflict between the Kalenjin and Kikuyu (Lynch, 2014, p. 110; Halakhe, 2013, p. 18). There are also concerns that the largely peaceful 2013 elections will lead to complacency around the 2017 elections, particularly among international actors (Elder et al., 2014, p. 16).

Mombasa, Marsabit, and Bungoma are considered by Kenyans surveyed for one report to face a **particularly high risk of violent conflict** even before the 2017 general elections (Elder et al., 2014, p. 19). In Mombasa county, the 'failure to address persistent land issues, to engage with moderate local leaders, and to establish the county government as a legitimate authority could fuel interreligious tensions, extremism, and violent conflict' (Elder et al., 2014, p. 19). The current response to extremism in the area is feared to 'only increase interreligious tensions, exacerbate polarization, and, contrary to the government's goals, increase the risk of violent extremism' (Elder et al., 2014, p. 19). Marsabit and Bungoma have faced persistently fierce intercommunal competition over access to resources, including land and cattle rustling (Elder et al., 2014, p. 20). Recently there has been increased recruitment of 'militia for hire' and the use of sophisticated weapons, alongside the politicisation of control of resources and arable land (Elder et al., 2014, p. 20). Investment projects, both foreign and domestic, 'risk further exacerbating intercommunal conflict over land and upsetting pastoralist livelihoods' (Elder et al., 2014, p. 20).

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[7] Uhuru Kenyatta and William Ruto formed a coalition called the Jubilee Alliance, which 'brought together two of Kenya's largest ethnic voting blocs, the Kalenjins and Kikuyus, who were also the two political constituencies that had most often perpetrated violence against each other during previous election periods' (Halakhe, 2013, p. 5; Lynch, 2014).

3. Stakeholders

The **national government** is led by Uhuru Kenyatta and William Ruto of the Jubilee Alliance[8] (Lynch, 2014, p. 93). The government has increased the risks of radicalisation in the country through its counter-terrorism strategy and the treatment of groups, such as Somalis and Muslims, as separate and threatening (Lind et al., 2015, p. 4; Botha, 2014, p. 20).

The government's handling of security in Kenya has resulted in the recent denouncement by the chairman of the Kenya Conference of Catholic Bishops, who announced that 'the government has lost legitimacy due to its inability to provide security' (Warah, 2015).

County governments, which emerged as a result of devolution and the 2010 Constitution, can play an integral part in local conflict dynamics. They have decision making powers to allocate jobs, contracts and public funds and funds worth 15 per cent of the public purse (expert comment). This has intensified local-level political competitions and rivalries (expert comment). As devolution has vastly increased the monetary value of local politics, losers feel especially aggrieved (Scott-Villers et al., 2014, p. 23).

The **Kenyan security forces** are active stakeholders in the conflict and violence in Kenya. The security sector has been criticised for failing to prevent attacks as a result of weak coordination and poor relations between intelligence and policing departments (Lind et al., 2015, p. 30; Anderson & McKnight, 2014, p. 16; KNCHR, 2014, p. 10; Parrin, 2015). The impression that security services are weak and thus lack credibility 'encourages the emergence of local militias and allows those who mobilize violence to present their activities as legitimate' (Mwakimako & Willis, 2014, p. 19; Halakhe, 2013, p. 11).

Security services are reported to have not acted upon warnings about attacks before the Westgate siege and attacks in Mpeketoni and Maporomoko (Lind et al., 2015, p. 31). In addition poor coordination in relation to the counter-offensive meant fleeing assailants were able to carry out a second attack (Lind et al., 2015, p. 31). These poor relations are 'thought to be due to suspicion, internal power struggles and personal differences among security bosses' (Lind et al., 2015, p. 31). This had led to recent resignations and sackings and the appointment of many officials from military backgrounds (Lind et al., 2015, p. 31). Some suggest this is a sign of the increasing militarisation of Kenya (Ombaka, 2015, pp. 20-21; expert comment). The Kenyan security sector and its actions are not affordable and it is 'doubtful that even Kenya's most staunchly loyal donors can continue to subsidize the security sector in the face of the blatant corruption in Kismayo and the highly public misdemeanours of the security forces in their mishandling of the Muslim community' (Anderson & McKnight, 2014, p. 27).

The reaction of the security forces to the attack in Garissa has strengthened people's perceptions that the security services are corrupt and inept (Parrin, 2015). This impression is not helped by the images of security forces stealing from the Westgate mall as the siege was ongoing (Warah, 2015). In October 2014, Kenya's high court halted the recruitment of 10,000 extra police officers as a result of corruption in the hiring process (Parrin, 2015). Anticipated reforms are either proceeding at a very slow pace or have stalled (KNCHR, 2014, p. 9; Halakhe, 2013, p. 12; Parrin, 2015). This means that the police are not equipped to discharge their security functions effectively (KNCHR, 2014, p. 9; Halakhe, 2013, p. 12). As a result there has been an increased militarization of internal security functions (KNCHR, 2014, p. 9; TSA, 2014, p. 2). The military, who are believed to be better equipped, are

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[8] Kenyatta's The National Alliance (TNA) and Ruto's United Republican Party (URP). Kenyatta and Ruto both face separate charges of crimes against humanity at the International Criminal Court for their alleged role in organizing violence *against* each other's support bases and communities during the 2007-2008 post-election violence (Lynch, 2014, p. 94).

increasingly being deployed to carry out the internal policing functions of maintaining law and order (KNCHR, 2014, p. 9). However, there are suggestions that the military is also corrupt, with scandals relating to disappearing money during peacekeeping missions and the training of Kenyan Somalis, as well as involvement in the illicit charcoal trade in Somalia which provides funds to Al-Shabaab (Warah, 2015).

The security forces are often isolated from local communities, especially in northeast Kenya and along the coast, which results in distrust (Parrin, 2015). The security forces have also been rumoured to be involved in the assassinations of prominent Muslims (Lind et al., 2015, p. 28; Parrin, 2015). Human rights organisations have also documented cases of killings, enforced disappearances, and mistreatment or harassment of anti-terror suspects since 2007 (Lind et al., 2015, p. 28). The Anti-Terrorism Policing Unit (ATPU), members of the paramilitary General Service Unit, military intelligence, and NIS were implicated in these actions (Lind et al., 2015, p. 28). Such suspicions have deepened mistrust and tension between Muslims and security agencies (Lind et al., 2015, p. 28).

Politicians and elites have fuelled conflict by employing political militias to carry out violence on their behalf, engaging in polarising discourse against groups such as Somalis, and failing to represent Kenyans on issue-based concerns (Dowd & Raleigh, 2013, p. 2; Lind et al., 2015, p. 29; Cox et al., 2014, p. 2; Scott-Villers et al., 2014, p. 14; TSA, 2014, p. 38). Violence has been used by political elites to improve their chances of election, either by driving away opposition voters or intimidating them from voting (Mbugua, 2013, p. 14). Elite behaviour is 'deeply tied to clientelism, in which state resources, jobs and contracts are allocated on an ethnic basis, which continues to feed inter-ethnic competition and stereotyping' (Cox et al., 2014, p. 5).

Militia groups include private armies for elites and politicians and militant groups with local aims, who do not seek to overthrow, replace or secede from the state (Dowd & Raleigh, 2013, p. 2). **Political militias** are usually 'short-lived militant units, constituted for the purpose of pursuing elite interests for a short period of time' (Dowd & Raleigh, 2013, p. 2). Elites may use them to carry out certain acts of violence on their behalf, without appearing to be affiliated to the political violence (Dowd & Raleigh, 2013, p. 2). Between 1997 to September 2013, political militias, rather than, communal militias or rebel groups, engaged in the 'highest absolute and proportional rates of violence against civilians' in Kenya (Dowd & Raleigh, 2013, p. 2). This could be as a result of the 'nature of their role as primarily *ad hoc*, informal agents of elite forces', which means they are a 'more convenient conduit for civilian intimidation and harassment than other actor types' (Dowd & Raleigh, 2013, p. 3).

Communal militias are normally organised along ethnic, religious, or local lines, and 'typically engage in violence against other identity groups in pursuit of local goals and objectives: for example, control over resources, or in cyclical violence between groups' (Dowd & Raleigh, 2013, p. 4). Communal militias have been involved in 29.5 per cent of all recorded violent activities between 1997 and September 2013, which makes them the most active violent actor category in Kenya (Dowd & Raleigh, 2013, p. 4). 52 per cent of communal militia violent activity involves the targeting of civilians (Dowd & Raleigh, 2013, p. 5).

Pastoralist communities are made up of a variety of ethnic and clan groupings. They have a long history of competition for pasture and grazing land, which has sometimes led to violence in the form of cattle rustling, ethnic violence, displacements and massacres (Sharamo, 2014, p. 3). Recently the nature of this violence is changing as a result of the proliferation of small arms, devolution, and northern Kenya becoming a focus for future national development (Sharamo, 2014, p. 3). Traditional pastoralist structures have been ill-equipped to cope with these changing conflict dynamics (Sharamo, 2014, p. 3).

Kenyan Somalis live mainly in the North Eastern Province and the Eastleigh district of Nairobi (Lind et al., 2015, p. 8). According to the 2009 census there are 2,385,572 Kenyan Somalis in Kenya, the sixth largest ethnic grouping in Kenya (Ministry of State for Planning, National Development and Vision 2030, 2010, p. 34). They have historically been viewed and treated by the Kenyan state as 'others', given a largely criminal identity, and seen as a security

threat (Lind et al., 2015, p. 14; Botha, 2013, p. 19). This has damaged their experience of citizenship and access to equal rights (Lind et al., 2015, p. 8). This has been more typically the case for Kenyan Somalis living in the North Eastern province, but is also increasingly the case for those living in urban areas like Eastleigh in Nairobi (Lind et al., 2015, p. 8). There is also a large population of around 462,970 UNHCR registered Somali refugees in Kenya, living mainly in Garissa Country and Nairobi.

Kenyan Muslims[9] have been marginalised within the Kenyan state and feel like they are treated as second-rate citizens (Anderson & McKnight, 2014, p. 20; Botha, 2013, p. 19). Muslims in Kenya are not homogeneous in their beliefs and practices (Mwakimako & Willis, 2014, pp. 9-10; ICG, 2014, pp. 7-8). There is also tension between the Muslims of the Kenyan coast and Somalis (Mwakimako & Willis, 2014, p. 12). There is conflict between 'moderate' and 'radical' Muslims, although few, if any, community leaders align themselves with the government as a result of this marginalisation (Anderson & McKnight, 2014, p. 20). Many young Muslims increasingly believe that the discrimination they face is part of the wider systematic discrimination against Muslims in the world (Mwakimako & Willis, 2014, p. 13; Botha, 2013, p. 16). Distrust of Kenya's government is widespread among Muslims, making it harder to tackle radicalisation (Anderson & McKnight, 2014, p. 20; Anderson, 2014, p. 2). This is not helped by the lack of investigations of violence which is seemingly orchestrated by the state (Anderson & McKnight, 2014, p. 20). Organisations such as the Council of Imams and preachers (CIPK) that have pursued a peaceful engagement with Kenyan politics have struggled, despite external support from USAID and the Danish government which has left them open to criticism that they have been compromised (Mwakimako & Willis, 2014, p. 13). The 'absence of a common Kenyan Muslim agenda and leadership has meant little resistance to the extremist message' (ICG, 2014, p. 1; Botha, 2013, p. 22).

Young people who are susceptible to radicalisation are a significant threat to Kenya's peace and security (Lind et al., 2015, p. 18). Poverty, unemployment, unfulfilled promises, and relative deprivation remain factors that frustrate the youth and thus the likelihood of their involvement in militias and other groupings is high (Kituku, 2012, p. 15; Sharamo, 2014, p. 9; Botha, 2013, p. 13; Mbugua, 2013, p. 20). Violence can become a lucrative enterprise for unemployed youth, which contributes to its perpetuation (Sharamo, 2014, p. 9). Appeals to Muslim youth are made on the basis of 'the humiliation suffered by Muslims in Kenya, Christian "occupation" of coastal land, revenge for the killing of prominent preachers, and the liberating potential of violence' (Lind et al., 2015, p. 18; Anderson, 2014, p. 2). They have joined extremist groups as a 'counter-reaction to what they see as government-imposed "collective punishment"' of Somalis and Muslims (Botha, 2014, p. 1). Radicalisation amongst Muslim youth is also attributed to the deepening influence of Wahhabism[10] and Wahhabi organisations that provide basic needs alongside an extremist agenda (Lind et al., 2015, p. 19; Batha, 2013, pp. 16, 18). Very significant factors in youth radicalisation are said to be 'uneven socioeconomic development and historic marginalisation of some parts of Kenya' (Lind et al., 2015, p. 19; Botha, 2013, p. 13). However, it is also important to remember that radicalisation factors differ from person to person, and that the most deciding factors are personal (Botha, 2013, pp. 12, 20-21).

Al-Shabaab is an Islamist terrorist group and Al-Qaeda affiliate, mainly active in Somalia. An analysis in 2013, suggests that Al-Shabaab in Kenya is a diffuse and highly divided organisation (Dowd & Raleigh, 2013, p. 6). It is actively recruiting non-Somalis and suspects in attacks have come from all over Kenya, including the central and

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[9] There are 4,304,798 Muslims in Kenya according to the 2009 census, compared to over 31 million Christians (Ministry of State for Planning, National Development and Vision 2030, 2010, p. 33).

[10] An orientation of Salafism that informs much of the core theological outlook of jihadi groups such as Al Qaeda and Al-Shabaab. It took root in Kenya in the 1990s through the work of 'Saudi-funded charitable organisations such as al-Haramain and the Young Muslim Association, who laid a foundational network of *madrassas* [Islamic religious schools] and orphanages in northern Kenya and the Coast' (Lind et al., 2015, p. 19).

western highlands (Lind et al., 2015, p. 18). It has skilfully manipulated historical injustices, socioeconomic inequalities, and the treatment of minority groups to recruit members (Lind et al., 2015, p. 20; Anderson and McKnight, 2014, p. 3). Al-Shabaab's tactics include hitting 'soft targets' such as 'open public places where a large number of civilians congregate and where the attacks can instil maximum terror, extreme fear, horror, panic and chaos, cause the greatest number of casualties and provoke a high sense of insecurity, uncertainty and doubt about national security forces' ability to stop the carnage' (African Union, 2015, p. 4). The deliberate targeting of civilians increased sharply since 2010 and early 2011[11] (Dowd & Raleigh, 2013, p. 6). Its selective killing of non-Muslims creates discord, division and mutual suspicion amongst Kenyans (African Union, 2015, p. 4; Cox et al., 2014, p. 5). It has positioned itself as carrying out legitimate acts of self-defence on behalf of East African Muslims (African Union, 2015, p. 4). It has threatened moderate Muslim preachers (Anderson & McKnight, 2014, p. 19; Anderson, 2014, p. 2; ICG, 2014, p. 9). Its recent attack in Garissa could indicate that Al-Shabaab is moving beyond Somalia to engage in a regional conflict in Kenya and beyond (African Union, 2015, p. 4; Anderson & McKnight, 2014, p. 26). Its recent activities in Kenya are an indication that 'Al-Shabaab is reinventing itself to exploit the wider sense of economic and social grievance amongst Kenya's disadvantaged Muslim populations in its north-eastern and coastal provinces' (Anderson & McKnight, 2014, p. 3; Anderson, 2014, p. 3).

Al-Hijra is an Al-Shabaab affiliate which is active in Kenya (Anderson & McKnight, 2014, p. 2). It has been active in trying to develop the war within Kenya by appealing to Kenyan Muslims to recognise their oppression and join the jihadi movement through media messages (Anderson, 2014, p. 2; Anderson & McKnight, 2014, p. 17). It is widely associated with Nairobi's Muslim Youth Centre (MYC) and especially Nairobi's Pumwani Riyadha Mosque – 'although the mosque's organising committee vehemently deny the allegations' (Anderson & McKnight, 2014, p. 17). The slum area of Majengo and Gikomba market are centres of Al-Hijra's recruitment activities (Anderson, 2014, p. 2). The Anti-Terrorist Police Unit (ATPU) has led the security clampdown on Al-Hijra which has resulted in numerous 'catch and release' raids on Muslim gathering places and are suspected of the killings of prominent Muslim activists (Anderson & McKnight, 2014, p. 17). Such actions have 'generated a climate of fear and anxiety amongst Muslim leaders of all shades of opinion' (Anderson & McKnight, 2014, p. 18).

The **international community** views Kenya as a 'pivotal state for regional stability in the Horn of Africa and Great Lakes regions' (Cox et al., 2014, p. 2). As a result they have invested in ensuring stability in Kenya and have engaged in programmes to 'pressures that generate instability, such as … election related violence, financial crises and economic instability, climate change and desertification, youth unemployment, and increasing localized violence and human insecurity' (Cox et al., 2014, p. 2).

4. Conflict dynamics

A number of different conflict dynamics are discussed in the literature to explain the ongoing and evolving conflicts in Kenya. The literature highlights social fragmentation, politicised ethnicity and partisan politics; corruption and impunity; issues around land and development projects; discrimination and marginalisation; Al-Shabaab's exploitation of local politics; and the government response, as having a particularly important impact on conflict in Kenya.

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[11] 2010-2011: attacks on civilians constituted 20-22 per cent of the group's activities. 2013 attacks on civilians constituted 38 per cent of violence, and 56 per cent of the group's reported fatalities (Dowd & Raleigh, 2013, p. 6).

Social fragmentation, politicised ethnicity and partisan politics

One report indicates that while the various different social conflicts across Kenya may initially seem disconnected, they are in fact closely linked to the nature of social fragmentation in Kenya and its deep and persistent fault lines (Cox et al., 2014, p. 1). Ethnic group affiliation is the primary identity of many Kenyans, especially during periods of turmoil (Cox et al., 2014, p. 1). This is a result of ethnic identity being the social sphere in which citizens tend to feel most secure, and because ethnicity shapes people's perceptions of fear and power (Cox et al., 2014, p. 1). Levels of trust erode among ethnic groups in situations of economic and/or political instability, especially when they are in opposing political camps, as determined by elite coalitions (Cox et al., 2014, p. 1).

The roots of some of the violence in Kenya lie in the struggles to influence the balance of power and the distribution of economic resources in Kenya (Scott-Villers et al., 2014, p. 2). The levels of violence vary from place to place, and year to year, but remain persistent and combined with politics (Scott-Villers et al., 2014, p. 2). Partisan politics appears to be the 'most prominent trigger of conflict' (Mbugua, 2013, p. 8). The different political settlements in Kenya's history have been marked by widespread political violence along ethnic and class lines (Scott-Villers et al., 2014, p. 2). In the periods in-between, the violence is more criminal violence and low level disputes, although these are often ethnicised (Scott-Villers et al., 2014, p. 2).

Political entrepreneurs use ethnic affiliation and manipulate ethnic grievances as the basis for political mobilisation (Cox et al., 2014, p. 1; Botha, 2014, p. 11). One study finds four dynamics of persistent violence in Kenya including: i) a struggle for the fruits of devolution, even to the extent of sabotaging it (see also Sharamo, 2014, p. 3); ii) the use of violence to shift voter constituencies *en masse* (see also Mwakimako & Willis, 2014, p. 16; Halakhe, 2013, p. 7; Okumu, 2013, p. 8); iii) violent attempts to prevent the other group or groups from gaining a share of the economy; and iv) the production of ethnic identity through a system of economic preference and clientelism (Scott-Villers et al., 2014, pp. 22-26). The tactic of using violence to drive away potential opposition voters has been used at the coast, in the Rift Valley, and in pastoralist drylands, for example (Mwakimako & Willis, 2014, p. 16; Okumu, 2013, p. 8). Most of the displaced were never resettled or compensated and most perpetrators of inter-communal conflicts were never prosecuted; which 'seemed to legitimize violence as a tool of determining electoral outcomes' (Mbugua, 2013, pp. 9, 21). Often the incentives for violence in terms of political gains are stronger than those for peace (Scott-Villers et al., 2014, p. 27). The violence is said to operate in a way that constantly undermines any positive institutional initiative that may try to amend the system (Scott-Villers et al., 2014, p. 27).

Recent attempts to mitigate the use of 'negative ethnicity' by political elites through robust state and electoral institutions and trying to foster the emergence of cross-cutting, issue based political coalitions, have not succeeded in changing the status quo of ethnic politics (Cox et al., 2014, p. 1; Halakhe, 2013, p. 6). One reason violence persists is suggested to be the 'very nature of [Kenya's] kleptocratic politics, in which informal power extends outwards from elites at the centre through a [multiple, interconnected] network of administrators, police and security officials, criminal bosses and other business interests at lower levels' (Lind et al., 2015, p. 6). If injustices remain unaddressed, historical narratives and grievances will continue to prevent social cohesion (Cox et al., 2014, p. 5).

Corruption and impunity

Citizens believe that police corruption, impunity, and judicial tractability, partly as a result of the institutions being underfunded and undermined, are sustaining violence (Scott-Villers et al., 2014, pp. 2, 16). They generally blame local and national political leaders, their business partners and shady criminal connections for the violence (Scott-Villers et al., 2014, pp. 2, 22). The failure of central government to 'resolve small wars indicates, in the minds of the citizens, a form of approval', where people see political leaders being rewarded for their belligerence (Scott-

Villers et al., 2014, p. 11). They feel they are offered little choice but to line up behind political leaders who encourage violence as a result of their economic vulnerability (Scott-Villers et al., 2014, pp. 2, 28). In the absence of justice, people's ways of coping with the intermittent violence, such as through revenge attacks, often adds fuel to the fire, which reinforces the likelihood of further violence (Scott-Villers et al., 2014, p. 21).

One paper argues that Kenya's weakness as a state is a result of longstanding inequitable policies and endemic corruption which has 'severely compromised the institutions of security of the state including the police and the armed forces' (Ombaka, 2015, p. 11; Parrin, 2015). Corruption, especially the willingness to break rules for bribes, is 'weakening Kenya's ability to prevent attacks by Somali militants', and making it vulnerable to other terrorists and internal insecurity (Ombaka, 2015, pp. 13, 19; KNCHR, 2014, p. 10; expert comment). Corruption is said to result in: weak security intelligence; a poor anti-terror strategy; poor and inadequate equipment; incompetent/botched investigations; poor local and regional cooperation; and a cycle of impunity and disregard for the rule of law (Ombaka, 2015, p. 22-23; Sharamo, 2014, p. 4).

Recently, internal violent events such as inter-ethnic clashes, livestock theft, boundary clashes, inter-clan rivalries have 'acquired an ominous character in that the combatants no longer brook the interference of the state security apparatus in their activities' (Ombaka, 2015, p. 13). This has resulted in murders of police who have responded to the violence (Ombaka, 2015, p. 13; Mbugua, 2013, p. 25).

Land and development projects

Land is a highly emotive issue in Kenya and is a driver in a wide variety of conflicts (Gibbons et al., 2014, p. 7; Sharamo, 2014, p. 8; TSA, 2014, p. 3; Halakhe, 2013, p. 7; Mbugua, 2013, p. 18). 80 per cent of Kenyans depend on land for survival but only 20 per cent of Kenya's land mass is viable for agricultural production (TSA, 2014, p. 34). The deterioration of land carrying capacity due to climate change is also a conflict driver (Mbugua, 2013, p. 25).

Little has been done to tackle grievances over inequity in land ownership and access (Halakhe, 2013, p. 5). Development projects, large-scale land acquisition, and internal migration by other ethnic groups have created tensions over land in places like Isiolo County and the coast, for example (Sharamo, 2014, p. 8; Mbugua, 2013, p. 15-17). Mega development projects being implemented by the government have sometimes caused conflict because they were being delivered in a very conflict insensitive manner (expert comment). Lack of knowledge and openness around the creation of wildlife conservancies is causing tensions among pastoralist communities (Sharamo, 2014, p. 8; Okumu, 2013, p. 8). Lack of access to land also plays into the dynamics around SGBV, as it places women in a subservient position (Njiru, 2014, p. 58).

Economic development has also changed the relationship between generations which has impacted negatively on inter-communal relations and shaped conflict dynamics, especially in northern Kenya (Sharamo, 2014, p. 4).

Discrimination and marginalisation

Ongoing, unaddressed and underlying drivers of conflict in Kenya include unemployment, horizontal inequality, and highly centralised ethnopolitics (Elder et al., 2014, p. 5; Sharamo, 2014, p. 9). This has resulted in the marginalisation of certain groups and areas. Kenya's violent Islamist mobilisation and militancy is 'profoundly shaped by local conditions' (Dowd & Raleigh, 2013, p. 6; Anderson & McKnight, 2014, p. 20). It has its roots in years of 'alienation, disaffection, and dissent of Kenya's Muslim community' (Anderson & McKnight, 2014, p. 20). The Christian ethos which dominates Kenyan politics has 'taken on a Pentecostal and stridently evangelical tone which at best excludes Muslims and at worst is openly hostile to them' (Anderson & McKnight, 2014, p. 20; Anderson, 2014, p. 2; Mwakimako & Willis, 2014, p. 11; Botha, 2013, p. 15). Along with the extra-judicial killings

and indiscriminate harassment of 'suspects', many Muslims feel that the rights of Muslims are not recognised by the state (Anderson & McKnight, 2014, p. 20; Botha, 2014, p. 8, 20; ICG, 2014, p. 7). On the other hand, Christians wonder why more Muslim leaders do not condemn Al-Shabaab (Anderson & McKnight, 2014, p. 20). The government's actions which alienate and victimise the Muslim population are likely to provide fertile ground for groups such as Al-Shabaab and Al-Hijra to sow the seeds of further dissent and disaffection (Anderson & McKnight, 2014, p. 26). There is little to suggest that the Kenyan government has the will or capacity to find reconciliation, and not confrontation, with its Muslim citizens which is suggested as being needed to end the war (Anderson & McKnight, 2014, p. 27).

The emerging narrative that the discrimination that Kenyan Muslims face is part of the global injustice experienced by Muslims is said to help explain the changing nature of violence (Mwakimako & Willis, 2014, p. 14; Botha, 2013, p. 16). Over the last decade many young men have received training after being recruited by radical preachers to fight in Somalia (Mwakimako & Willis, 2014, p. 14). When they return some of them still see themselves as pursuing jihad, while others are disillusioned by the experience in Somalia (Mwakimako & Willis, 2014, p. 14).

Al-Shabaab and the exploitation of local politics

Al-Shabaab activity is on the increase in Kenya and the literature has a number of explanations for this. However, not all attacks which have been attributed to Al-Shabaab have been claimed by them (Dowd & Raleigh, 2013, p. 6). One report suggests that this may be due to their often low grade and intensity, which does not require official claims of responsibility (Dowd & Raleigh, 2013, p. 6). However the report also provides a number of alternative explanations, including: Al-Shabaab associated militants are operating relatively autonomously with relatively little oversight or coordination through group structures in Somalia; ideologically aligned Islamist militants are operating entirely independently, but inspired by Al-Shabaab targeted objectives; or even that 'diffuse, unaffiliated militants are operating in areas where Al-Shabaab militants have been known to carry out attacks, and using this presence as a cover for their own, unrelated activity, which may border on criminal-political violence' (Dowd & Raleigh, 2013, p. 6; see also Lind et al., 2015, p. 17). The 'incidence of copy-cat attacks or vendetta veiled by other violence is an important development that points to the enmeshing of Al-Shabaab with local politics' (Lind et al., 2015, p. 17).

The Mpeketoni massacre in June 2014 signalled a new departure for Al-Shabaab, as well as a sign that the different strands of violence in the coast are increasingly closely interwoven (Anderson, 2014, p. 1; Mwakimako & Willis, 2014, p. 8). It was justified by Al-Shabaab as an attack on a 'Christian town' and as retaliation for the extrajudicial killings of Muslim leaders and the general oppression of Muslims (Anderson & McKnight, 2014, p. 24; Anderson, 2014, p. 1; Mwakimako & Willis, 2014, p. 7). President Kenyatta, however, declared it was the product of local politics rather than an attack by Al-Shabaab (Anderson & McKnight, 2014, p. 24; Mwakimako & Willis, 2014, p. 7). This is accurate to the extent that local politics were exploited by Al-Shabaab (Anderson, 2014, p. 2; Mwakimako & Willis, 2014, p. 19; ICG, 2014, p. 5). It appears that at Mpeketoni, Al-Shabaab has 'recognized how effectively they can exploit local politics by harnessing it to their own cause' and displays their new capacity to opportunistically link its message to local Kenyan politics (Anderson & McKnight, 2014, pp. 24-25; Anderson, 2014, p. 1; Parrin, 2015). This interweaving of violence has been enabled by the 'chronic failings of the Kenyan state's security sector, as well as by a wider pattern of the instrumentalization of ethnic violence which has been a feature of Kenyan politics since the 1990s' (Mwakimako & Willis, 2014, p. 8, 22). It is noted to be 'a profoundly alarming development' (Mwakimako & Willis, 2014, p. 8).

As a result, an International Crisis Group (ICG) report suggests that the biggest threat Al-Shabaab poses is less in relation to the terror cells which carried out the attacks on Westgate Mall, and 'more in managing and healing the rising communal tensions and historic divides that Al-Shabaab violence has deliberately agitated' (ICG, 2014, p. 1).

One report suggests that the actual nature of the security threat which Kenya faces is very different from how the security agencies seemingly conceptualise and respond to the problem (Lind et al., 2015, p. 4; 33-34). While it is clear that Al-Shabaab is a serious threat to regional stability, the worsening violent insecurity in Kenya 'suggests that the more important impact of the group has been to simply unmask the country's deep, structural divisions' (Lind et al., 2015, p. 4). Al-Shabaab has 'deliberately targeted Kenya's religious and ethnic fault lines, using social and economic grievances to deepen political divides, especially in coastal counties' (ICG, 2014, p. 11). It has managed to stir up anxiety and fear in Kenya with minimal resources, picking at regional and ethnic divisions and exploiting centre – periphery relations (Lind et al., 2015, p. 4). Al-Shabaab has found fertile ground to localise its jihad at Kenya's margins as a result of the deep-seated injustices and sense of marginalisation among Kenya's many minority and ethnic religious groups (Lind et al., 2015, p. 5; Anderson & McKnight, 2014, p. 2). The state security response that seems to target Somalis and Muslims plays into Al-Shabaab's tactics (Lind et al., 2015, p. 5).

The government response

While more discussion of the interplay between responses to violence and further violence is outlined in section 5 below, the literature clearly suggests that Kenya's vulnerability to violence is worsened by the reactions of government officials to the latest series of attacks (Lind et al., 2015, p. 34). Kenya's systems of violence are fed into by the interconnectedness of 'internal'[12] and 'external'[13] stresses (Lind et al., 2015, pp. 5, 15-21). The state had begun to recognise this interconnectedness in the recent attacks but has 'pursued a decidedly partisan and divisive approach that is likely to generate further violence rather than strengthen security and stability' (Lind et al., 2015, p. 5).

They have 'fuelled an unseemly politicisation of worsening violent insecurity that is undercutting effective efforts to address the problem' (Lind et al., 2015, p. 34). This politicisation has involved blaming the opposition for attacks, scapegoating certain ethnic and religious groups, and stoking long standing divisions (Lind et al., 2015, p. 35). Groups like Al-Shabaab have thrived in this environment (Lind et al., 2015, p. 35).

Future threats and triggers

Kenyan's identify a number of threats to Kenya's future peace and stability (Elder et al., 2014, pp. 16-20). These include: i) disappointment with devolution; ii) persistent land disputes; and iii) uncertainty related to the International Criminal Court and accountability (Elder et al., 2014, pp. 17-19). The outcomes of the International Criminal Court trials are suggested to be a potential future trigger for violence (Elder et al., 2014, p. 19). Triggers for more localised or intercommunal violence include 'ongoing evictions at the coast and in the forestland, dangerous perceptions regarding the discriminatory nature of the IDP resettlement scheme, heavy-handed counterterrorism efforts, and corruption scandals at the county level' (Elder et al., 2014, p. 19). The **proliferation of small arms** provides increased opportunities for violence and wider insecurity (Elder et al., 2014, p. 19; Sharamo, 2014, p. 9).

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[12] Low income levels, youth unemployment, corruption, human rights abuses.

[13] Military invasion, external support for domestic rebels, cross-border conflict spill-overs, international terrorism and criminal networks, price shocks, and the impacts of climate change.

5. Responses

Responding to the 2007-2008 violence: the new Constitution and reforms

Kenya responded to the 2007-2008 election violence by signing a National Accord in 2008 and creating a new constitution in 2010, which initiated and implemented wide-reaching institutional reforms across Kenya (Cox et al., 2014, p. 2; Scott-Villers et al., 2014, p. 2; Elder et al., 2014, p. 5). Steps were also taken to prevent hate speech, including the Ushahidi online early warning platform (Halakhe, 2013, pp. 10-11). The new constitution is 'intended to guide the country towards a more fair and inclusive future based on respect for the rule of law and, in particular, a more equitable distribution of resources through devolved governance' (Mc Evoy, 2013, p. 1). Kenya Vision 2030,[14] a long-term national development blue-print, enshrines these reforms in three pillars: economic, social and political (TSA, 2014, p. 3). The international community provided considerable logistical, financial, and political support to assist the Kenyan government in carrying out these reforms (Elder et al., 2014, p. 5; Halakhe, 2013, p. 9).

The constitution is very progressive and guarantees parliamentary seats to marginalised groups and prevents discrimination (Cox et al., 2014, p. 3). The reforms of the governance and security institutions are designed to improve service delivery and make governance much more accountable and equitable across the country (Cox et al., 2014, p. 2; Scott-Villers et al., 2014, p. 2; Kituku, 2012, pp. 18-20). However, despite positive progress, political institutions 'remain weak and predatory in nature, as they have often been captured and manipulated by elites to protect ethnic-based, political and economic interests' (Cox et al., 2014, p. 2). The actors and institutions in Kenya have not yet embraced the constitution's values and principles (Cox et al., 2014, p. 3; Mc Evoy, 2013, p. 1). The effect of persistent low-level violence in the political system holds back and modifies the positive advances offered by the new constitution (Scott-Villers et al., 2014, p. 2). Despite promises made to youth in the constitution, mechanisms for ensuring they actually benefit from them have not been put in place (Kituku, 2012, p. 15). Devolution has the potential to improve social cohesion, but if 'underlying structural drivers of fragmentation such as poverty and exclusionary politics are not addressed adequately at all levels of governance, devolution risks reproducing exclusionary cultures at the county level' (Cox et al., 2014, p. 2; Scott-Villers et al., 2014, p. 15; Elder et al., 2014, p. 17; Sharamo, 2014, p. 3). The recent conflict dynamics in both Mandera and Moyale are suggested as being reflective of 'potential linkages between the devolution process and the escalation of inter-ethnic violence' (Cox et al., 2014, p. 2; Scott-Villers et al., 2014, p. 15).

One report suggests that the judicial reforms undertaken after the 2007-2008 post-election violence were the most effective investment made to prevent mass atrocities in the 2013 elections (Halakhe, 2013, p. 14). Strengthening the independence and impartiality of the highest courts established a viable peaceful dispute mechanism (Halakhe, 2013, p. 14). However, this did not translate into individual prosecutions for the post-election violence despite the commission that inquired into post-election violence recommending prosecuting those who held the highest responsibility for the violence (Halakhe, 2013, p. 14; Kituku, 2012, p. 14). When this did not occur, the International Criminal Court began investigating the crimes (Kituku, 2012, p. 14). Fear of indictment by the International Criminal Court is suggested to have been an important deterrent to election violence in 2013 (Elder et al., 2014, pp. 10-11; Cox et al., 2015, p. 1; Halakhe, 2013, p. 15). In addition, it gave others hope that justice would be done for the 2007-2008 violence (Elder et al., 2013, p. 12). However, in the immediate postelection period, participants observed that the investigation had increased tensions between the Kikuyu and Kalenjin communities (Elder et al., 2014, p. 18). There are doubts that it will be able to continue to

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[14] http://www.vision2030.go.ke/aboutus.html

foster restraint and deter violence, especially if justice is not done and Kenyans become disillusioned and susceptible to mobilisation (Elder et al., 2014, p. 19).

Despite the reforms which have taken place to address and prevent violence, Kenya's 'system of violence' is adaptable (Scott-Villers et al., 2014, p. 3). The violence which continues to break out in different part of the country indicates that 'a positive change in reducing violence in one part of the system often seems to be rapidly overwhelmed by the rule still operating undisturbed in other parts of the system' (Scott-Villers et al., 2014, p. 3).

Responses to intercommunal violence

The government has responded to the high levels of communal violence by 'proposing a disarmament campaign in rural areas, alongside deploying the paramilitary General Service Unit (GSU) to areas affected by sharp spikes in communal violence' (Dowd & Raleigh, 2013, p. 5). However there are doubts that this would mitigate the violence, especially as similar schemes have not worked well elsewhere (Dowd & Raleigh, 2013, p. 5; Okumu, pp. 13-14). In addition it neglects the political dimensions of the problem, while poor infrastructure and poorly paid police and security forces make policing and securing areas difficult (Dowd & Raleigh, 2013, p. 5). Responses to persistent violence in areas such as Marsabit Country is often very late and the effect of the violence is already great (Scott-Villers et al., 2014, p. 15).

In the drylands the government has focused on 'peacebuilding from below'; involving communities in maintaining and negotiating peace (Gibbons, 2014, p. 2). However, one report argues that there needs to be a greater emphasis on the responsibilities of the state and political leadership (Gibbons, 2014, p. 3). The ability of communities to use traditional peacebuilding means are 'being curtailed by modernisation, education (influencing the dynamics between elders and youth), the availability of firearms, and the commercialisation of the previously cultural practice of cattle rustling' (Gibbons, 2014, p. 3; Sharamo, 2014, p. 4). In addition, issues such as the proliferation of small arms, which span administrative and ethnic boundaries cannot be effectively dealt with at the local level (Gibbons, 2014, p. 3). However, there has been a lack of coordination and collaboration in peace and security between the local and national level (Gibbons, 2014, p. 3).

Responding to the Al-Shabaab threat: Kenya's counterterrorism strategy

In October 2011, Kenya sent ground troops into Somalia as part of a military campaign dubbed **Operation *Linda Nchi***, or 'Protect the Country' (Lind et al., 2015, p. 22; Anderson & McKnight, 2014, p. 4; Mc Evoy, 2014, p. 4). This was part of Kenya's approach of blaming 'external stresses' for the violence in Kenya (Lind et al., 2015, p. 22). Its ostensible aim was to 'create a "friendly" buffer-zone state in Jubaland that would work in Kenya's interests' (Anderson & McKnight, 2014, p. 4). Kenyan forces' involvement in the charcoal trade, despite a UN ban on its export, has served to boost Al-Shabaab's resources which are heavily dependent on taxes raised from the Somali charcoal trade (Anderson & McKnight, 2014, p. 11). Kenya's presence in Somalia has not resulted in a reduction in attacks in Kenya; attacks have in fact increased (Lind et al., 2015, p. 22; Anderson & McKnight, 2014, p. 15-16; Mwakimako & Willis, 2014, p. 14). ACLED warns that a weakened Al-Shabaab in Somalia could lead to 'greater instability regionally if Al-Shabaab operatives redirect their more limited capacity into attacking soft targets with high profile attacks in Kenya and elsewhere' (Dowd & Raleigh, 2013, p. 7). The Kenya state's continued military involvement in southern Somalia is criticised in the literature, although it suggests that withdrawing from Somalia will not necessarily lead to a reduction in attacks, as Al-Shabaab had localised jihad in Kenya (Lind et al., 2015, p. 5; Anderson & McKnight, 2014, p. 1). Political debate in Kenya is muted on withdrawing troops (Lind et al., 2015, p. 23; expert comment).

As an initial part of its operation, Kenya recruited and trained Kenyan Somalis and others to fight as a militia in Somalia (Lind et al., 2015, pp. 23-24). However, many deserted upon facing the reality of conflict in Somalia and there are fears that many of these have returned to Kenya unsupported and are carrying out attacks in Kenya (Lind et al., 2015, pp. 23-24). There are also rumours that the salary promised to recruits never appeared as a result of corruption in the military, which may have also been a factor in the recruits deserting (Warah, 2015).

At the coast the security forces response to both street protests and terrorism has escalated confrontation (Mwakimako & Willis, 2014, p. 14). By mid-2014, a climate of widespread tension and suspicion had developed at there as a result of a cycle of murders and counter murders and demonstrations and harsh policing (Mwakimako & Willis, 2014, p. 15; ICG, 2014, p. 10).

In 2014, Kenya responded to the perceived threat of Al-Shabaab by instigating police swoops in majority-Somali neighbourhoods, tightening administrative controls of refugee populations, passing new security laws, and giving wide leeway to the Anti-Terrorism Policing Unit, which some human rights observers accuse of being involved in the extrajudicial killings of terror suspects (Lind et al., 2015, pp. 4, 25). **Operation *Usalama* Watch** (Operation Peace Watch) launched in April 2014 in Eastleigh, was an 'undisguised security crackdown on Kenya's Somali populations' (Lind et al., 2015, p. 25; Anderson & McKnight, 2014, p. 21). It was criticised for its failure to recognise human rights protections and increased Kenyan Somalis sense of marginalisation (Lind et al., 2015, pp. 25-26; Anderson & McKnight, 2014, p. 21; Anderson, 2014, p. 3). There was a certain level of public support for the operation as a result of xenophobia, historical perceptions of Somalis as criminals and outlaws, and political rhetoric of blame (Lind et al., 2015, p. 26 Anderson & McKnight, 2014, pp. 21-22; Botha, 2014, p. 21). The 'politicisation of attacks by various politicians has increased a sense of fear in the non-Somali population, while also providing cover for measures that target Somalis' (Lind et al., 2015, p. 26). Operation *Usalama* Watch had serious economic implications and reaffirmed Kenya's Somali and Muslim populations 'suspicions of the state as a source of injustice and insecurity' (Lind et al., 2015, p. 27). It played into hands of Al-Shabaab by seeming to scapegoat ethnic Somalis and alienating Muslims (Anderson, 2014, p. 3). Operation *Usalama* Watch is suggested to be a watershed moment in the rapid alienation of moderate Muslims, with several further 'crackdowns' making matters worse, without improving the security situation (Anderson, 2014, p. 3).

The government has also introduced a controversial Security Laws (Amendment) Bill in December 2014 (Lind et al., 2015, p. 32). It has been strongly criticised for violating the Constitution and the Bill of Rights (Lind et al., 2015, p, 32). Parts of the Bill have been suspended due to their controversial nature (Lind et al., 2015, p. 32).

The political debate around counter-terrorism has descended into 'partisan and ethnic mud-slinging' in the wake of the Mpeketoni attacks (ICG, 2014, p. 14). Both the government and the opposition 'have politicised the terrorist threat, at a national level and in local politics' (ICG, 2014, p. 14). Such politicisation has seemingly resulted in revenge attacks against different ethnic groups and has shown 'complete disregard for allaying fears and tensions between Kenyans of different ethnicities and faiths' (ICG, 2014, p. 15, 17).

The Kenyan government has also responded to Al-Shabaab's attacks by trying to limit the number of Somali refugees, which it feels are undermining Kenyan security (Lind et al., 2015, p. 29). 80 per cent of Somali refugees live in the Dadaab refugee camps in Garissa County (Lind et al., 2015, p. 29). They have been the targets of xenophobic, criminalising discourse by both society and government actors (Lind et al., 2015, p. 29; IRIN, 2015a). In the wake of the Garissa University shooting, threats to send back hundreds of thousands of Somali refugees were renewed by Kenya's deputy president (IRIN, 2015a). As conflict is ongoing in Somalia, this would be in violation the tripartite accord signed with Somalia and UNHCR in late 2013, to ensure all returns would be voluntary (IRIN, 2015a). Blaming the refugee population is seen to be politically expedient but risks reinforcing xenophobic mentalities and existing ethnic divisions (IRIN, 2015a). Mindful of this risk, some MPs have criticised the announcement (IRIN, 2015a). One expert also warns that sending refugees back to Somalia would be a boon

for Al-Shabaab as it 'would lead to mass recruitment opportunities within Somalia given the lack of other (economic) opportunities' (expert comment).

In April 2015, Kenya began building a barrier along its entire border with Somalia, with the purported aim of preventing incursions by Al-Shabaab (IRIN, 2015b). The Kenyan Government has suggested that Al-Shabaab combatants do not live in Kenya, so this security wall could keep them out (IRIN, 2015b). The barrier has sparked heated debate in Kenya, and critics have pointed out that Al-Shabaab is internal to Kenya as it has been successful in recruiting young and disenchanted Kenyans (IRIN, 2015b). These very recent responses by the government have caused increased widespread fear among Muslim and Somali communities, while doing little to stop the rise of Islamic extremism in Kenya (Parrin, 2015). Experts point to poor governance and stalled police reforms as the real enemy within (Parrin, 2015).

One report suggests that this security response is the result of the state's 'others' approach, which sees entire populations, in this case Somalis and Muslims, as separate and threatening (Lind et al., 2015, p. 4). The response ties in with the politicisation of violence in Kenya, which has deepened the entrenched ethnic and regional divides that structure and frame its system of violence (Lind et al., 2015, p. 4, 7). The legitimate need to strengthen security contrasts with the counterproductive targeting of Somalis and Muslims and actions which undermine constitutional-based solutions (Lind et al, 2015, p. 5). The state is said to be playing into Al-Shabaab's hands by alienating its Muslim population and using ethnic profiling to target Somalis (Anderson, 2014, p. 3).

Peacebuilding responses: civil society, government, and the international community

Local civil society organisations and interreligious groups have long been working to limit violence, although their work is negatively affected by divisive politics at the local level and lack of donor support (Cox et al., 2014, pp. 3-4; Scott-Villers et al., 2014, pp. 18-20). Since the 1990s a mix of local leaders, ordinary citizens, NGOs, and members of the executive have generated formal peace declarations, which are local political settlements drawing on a long-established system of customary and civilian governance (Scott-Villers et al., 2014, p. 19). Despite being flawed and limited, these agreements have often been more successful in creating peace and a sense of justice than modern state law (Scott-Villers et al., 2014, p. 19). One example is the 2008 Maikona–Walda Declaration that 'effectively ended active hostilities between the Borana and Gabra' (Scott-Villers et al., 2014, p. 19; Okumu, 2013, p. 17). Another local NGO initiative is the Laikipia Peace Caravan (LPC), which is working to promote inter-community peacebuilding among the Pokot, Samburu and Turkana communities (Okumu, 2013). It emerged as a response to the failure of government agencies to address insecurity and violence in the area (Okumu, 2013, p. 2). There are concerns that the 'withdrawal of international assistance further increases the risk of future violence, particularly when civil society is increasingly under threat and operating within a shrinking space' (Elder et al., 2014, p. 3).

The international community initiated a multifaceted peacebuilding[15] effort in the lead-up to the 2013 elections (Elder et al., 2014, p. 28). This included promoting peace messaging and providing media and basic mediation training amongst other activities (Elder et al., 2014, p. 13). In addition, they applied considerable pressure to ensure the implementation of constitutional reforms to mitigate the risk of a recurrence of violence (Halakhe, 2013, p. 17; Cox et al., 2014, p. 3). The international and local peace movements 'eased tensions in the lead-up to the election and empowered groups to feel less threatened by each other' (Elder et al., 2014, p. 13). However,

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[15] Beyond their provision of support for Kenya's security sector, there is little discussion in the literature reviewed for this report of the international community's security response to the conflicts in Kenya.

they were also criticised for suppressing dissenting opinions and ignoring lingering grievances in favour of the short-term prevention of mass violence (Elder et al., 2014, p. 13).

The UN strategy to ensure stability in Kenya has focused on three strategic areas: i) governance and human rights; ii) empowerment of poor and vulnerable populations; and iii) sustainable and equitable economic growth; with peace and reconciliation as a 'cross-cutting' issue (Cox et al., 2014, p. 2).

This international support has enabled the Kenyan government to put in place multiple bureaucracies, such as the Provincial Peace Forum (PPF), District Peace Committees (DPC), Divisional Peace Committees (DvPCs), and Location Peace Committees (LPCs), to better manage conflict inducing social cleavages (Cox et al., 2014, p. 2; Elder et al, 2014, p. 5; Halakhe, 2013, p. 17). The conflict prevention efforts are coordinated by the National Steering Committee (NSC) on Peacebuilding and Conflict Management, and involve large investments in new technology, early warning systems, and capacity-building programs for the country's peace infrastructure (Elder et al, 2014, p. 5). The National Cohesion and Integration Commission (NCIC) has also 'emerged as the principal formal bureaucratic institution at the helm of nation-wide efforts to change inter-ethnic group attitudes in Kenya and construct a more cohesive, peaceful national identity' (Cox et al., 2014, p. 3).

One report suggests that a 'strong case can be made that the UN has been very successful in promoting human rights and political rights norms, as well as helping to construct new formal institutions and bureaucracies that have the potential to help reduce the propensity for violent inter-group conflict' (Cox et al., 2014, p. 3). However, the formalisation of peace architecture at state level has been problematic, and traditional, ethno-centric social order remains the dominant form of socio-political organisation (Cox et al., 2014, p. 3).

6. Gender dimension – sexual and gender-based violence

Sexual and gender based violence (SGBV) is part of a long history of violence in Kenya, which results from colonial oppression, racial domination, and armed resistance (Thomas et al., 2013, p. 523). 45 per cent of women aged 15-49 have experienced either physical or sexual violence; 47 per cent of married women have experienced emotional, physical or sexual violence; and FGM prevalence rate is at 27 per cent in Kenya (Njeri & Ogola, 2014, p. 17). The 'sexual abuse of male adults and children is vastly under-reported and poorly understood' (Njeri & Ogola, 2014, p. 19). SGBV in Kenya has its roots in 'a historical and cultural context of traditional patriarchal domination, colonial rule and attendant introduction of new economic and social structures that disrupted kinship relations' (Njiru, 2014, p. 52). SGBV cases are increasing in diversity and magnitude across the country (Njeri & Ogola, 2014, p. 24). The lack of support for survivors emboldens perpetrators (Njeri & Ogola, 2014, p. 11).

Election violence and SGBV

During elections, 'women victimized either as part of the target communities in ethnic clashes and/or as survivors of opportunistic predation and criminality that is characteristic of antagonistic election processes' (Njeri & Ogola, 2014, p. 15). Research carried out in five urban areas in Kenya (Kisumu, Nairobi, Naivasha, Muranga, and Mombasa) in the wake of the 2007-2008 post-election violence found that incidences of SGBV increased during this period (Thomas et al., 2013, p. 525). Women's groups in Kenya have been very concerned with SGBV instigated against women during and after election conflict (Njiru, 2014, p. 51; Kituku, 2012, p. 14). The Nairobi Women's Hospital Gender Violence Recovery Center attended over 650 cases of gender-based violence related to the post-election crisis, three times the normal intake (Thomas et al., 2013, p. 525). An estimated 82 per cent of women who were subject to sexual violence did not report it formally to the police (Thomas et al., 2013, p. 525). 90 per cent of the rape cases were as a result of gang rape, as opposed to 10 per cent of the cases before the

post-election crisis (Thomas et al., 2013, p. 525). Interviews also show that 'women and girls were made subject to extreme sexual harassment, rape, female genital mutilation, psychological torture, forced divorce or separation, and physical abuse which sometimes led to death'; while 'some men also suffered mutilation of their sexual organs, forced circumcision, sodomy, and castration, and forced divorce or separation' (Thomas et al., 2013, p. 528). It appears that most of the attacks were based on ethnic affiliation or suspected sympathy with the ODM party (Thomas et al., 2013, p. 528).

Another study finds that women 'paid and continue to pay the highest price for the violence over five years after the post-election conflicts' (Njiru, 2014, p. 50). It focuses on the SGBV experienced by women and girls in IDP camps in the aftermath of the 2007-2008 post-election violence, with data gathered in 2012 (Njiru, 2014). An estimated 350,000 - 450,000 people, mainly Kikuyu, an ethnic group living mostly in the Kalenjin Rift Valley region, were displaced by the ethnic violence which broke out (Njiru, 2014, p. 49). Women living in these camps continue to face physical, sexual and structural violence (Njiru, 2014, pp. 50, 56). The article argues that women's continued vulnerability to violence in these camps is as a result of the 'failure of the government to address the root cause of the recurrent ethnic political conflicts in Kenya, gender inequalities and the lack of provision of essential services in camps' (Njiru, 2014, p. 51). The endurance of intimate partner violence in these camps is attributed to factors, including: i) the social acceptance of violence; ii) unequal power relations between men and women; iii) failure of government institutions to ensure basic life conditions in camps; iv) lack of resettlement of IDPs and ensuring land rights; v) lack of prioritisation of violence by both women and government; vi) laxity of police in prosecuting perpetrators of violence; vii) low levels of community sensitization on existing laws on the rights of women; and viii) a culture that blames victims and abhors reporting of SGBV (Njiru, 2014, p. 59). Many young girls living in the camps experience sexual abuse and engage in transactional sex (Njiru, 2014, pp. 59-60). There are high levels of teenage pregnancies and abortions, which can resort in higher levels of poverty and other complications (Njiru, 2014, p. 61).

The study argues that it is the 'failure to address various problems embedded in Kenya's social structures – economic inequalities, provision of basic essentials, culture of violence as manifested in the formation of gangs used by politicians to settle political scores, gender inequalities and unequal power relationships between women and men, and the creation of an effective and accessible justice systems' that has made women and girls in the IDP camp susceptible to multiple levels and various forms of violence (Njiru, 2014, p. 62).

Research indicates that fear of sexual violence has escalated since the post-election crisis; and widespread mistrust of the police and other security forces in Kenya, partly as a result of their involvement in perpetrating violence, made it difficult for women to report incidences of SGBV (Thomas et al., 2013, p. 525). The high prevalence of SGBV in Kenyan society means 'it's not hard for it to escalate and to be used as a tool to punish certain groups' (expert comment).

Legal protections

The Government of Kenya has ratified and adopted various international protocols[16] and there are national legal provisions that protect women and girls from violence, such as the constitution and the penal code (Njiru, 2014, p. 52). Kenya also has in place a National Gender Policy and a National Gender and Equality Commission (Njiru, 2014, p. 52). However, despite these legal protections, Kenya has failed to significantly reduce SGBV (Njiru, 2014,

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[16] Including the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), Declaration of Elimination of Violence Against Women (DEVAW), Declaration on Human Rights (UDHR); International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). Kenya is also party to the African Charter on Human and Peoples Rights (ACHPR) (Njiru, 2014, p. 52).

p. 52). The government largely adopts a 'non-interference policy' on SGBV because it is considered a domestic affair or an issue for elders in the community to deal with (Njiru, 2014, p. 53).

Women's role in pastoralist conflict and peacebuilding

One study also mentions the role of women in pastoralist communities in relation to both promoting pastoral conflicts and spearheading peace building initiatives (Okumu, 2013, pp. 18-19). Women have been involved in singing the praises of raiders after successful raids and ridiculing their sons who do not get involved (Okumu, 2013, pp. 18-19). However, women were the pioneers of peacebuilding in Wajir in the early 1990s, and were said to be critical to the success of the Wajir Peace and Development Committee (Okumu, 2013, p. 19). Their involvement in preventing conflicts among the Turkana, Dodoth, Jie and Toposa through the *Alokita* Peace Crusades has also been documented (Okumu, 2013, p. 19).

Violence against children

In 2010, Kenya carried out a national survey of violence against children which established that violence against children is a serious problem in Kenya (UNICEF, 2012, p. g). In their lifetime, 32 per cent of girls and 18 per cent of boys experience sexual violence, while 66 per cent of girls and 73 per cent of boys experience physical violence (UNICEF, 2012, p. g). Less than 10 per cent of children who experienced sexual, physical or emotional violence received some form of professional help (UNICEF, 2012, p. g). Females aged 18 to 24 who reported experiencing sexual violence in childhood were 'significantly more likely to report feelings of anxiety, depression, suicidal thoughts and fair/poor health than those females who did not experience sexual violence' (UNICEF, 2012, p. g).

7. Recommendations from the literature

There are many recommendations in the literature relating to measures to strengthen Kenya's security; combat the threat of Al-Shabaab and radicalisation; address pastoral violence in the drylands of Kenya; and prevent future conflict.

Measures to strengthen Kenya's security

A recent study into conflict in Kenya makes the following recommendations for strengthening Kenya's security (Lind et al., 2015, p. 5):

- **'Redressing regional inequalities and historic marginalisation** by following the moral intent of Kenya's 2010 Constitution and sincerely implementing its provisions to devolve powers and resources to new sub-national county governments.
- **Removing institutionalised discrimination of Kenya's Somalis and Muslims** through systematic reforms to un-do "hierarchies in citizenship", thereby overcoming the inherent limits of existing discrete counter-radicalisation efforts.
- **Mobilising political support for security sector and policing reforms** that aim to reign-in abusive, predatory and corrupt practices as well as to promote accountability to a citizenry in need of protection.'

A recent report by the Kenyan National Commission on Human Rights (KNCHR) looking at the state of security in Kenya also recommends: i) fast tracking security sector reforms; ii) making sure that police are properly equipped and their welfare is looked after; iii) addressing corruption; iv) taking personal responsibility for security lapses; v)

adding human rights to the police curriculum; vi) sensitising the public on national cohesion; vii) addressing youth unemployment; viii) investigating and prosecuting human rights violations; ix) facilitating the movement of police vehicles; and x) making public the findings of the Tana River Inquiry and conducting inquiries into other security lapses (KNCHR, 2014, p. 11-12).

Measures to combat the threat of Al-Shabaab

The African Union recommends combatting the threat of Al-Shabaab by: i) strengthening international and regional cooperation and coordination; ii) enhancing the capacity of defence, intelligence and security services and law enforcement; and iii) heavy investment in prevention and building a strong partnership between the state and different national stakeholders, including the communities living in border areas, to win commitment and genuine support for the government's counter terrorism efforts (African Union, 2015, p. 5).

A recent study looking at Al-Shabaab's exploitation of local Kenyan politics recommends that the government needs to reconcile Muslim leaders at the coast and community leaders in the north-east with the state and its goals (Anderson, 2014, p. 3). As the government's current actions cannot achieve the political compromises needed to build these alliances, the study recommend four steps it acknowledges are difficult to achieve (Anderson, 2014, p. 3).

- 'National leadership should demonstrate clearer signs of Muslim inclusion in national politics surrounding security policy, by building national dialogue involving Muslim leaders.
- Urgently invest in the coastal and north-eastern regions and reassure local community leaders that their concerns will be addressed and local interests protected.
- Fully and competently investigate the officers of the state who committed crimes during Operation *Usalama* Watch to send an important signal to Muslim communities.
- Halt the hate speech against Somalis in the media, through consultation with media editors and proprietors, and, if necessary, through appropriate prosecutions.'

A recent ICG briefing on Al-Shabaab in Kenya recommends that the Kenyan government, opposition parties and Muslim leadership should (ICG, 2014, p. 2):

- 'clearly acknowledge the distinct Al-Shabaab threat inside Kenya without conflating it with political opposition, other outlawed organisations or specific communities;
- put further efforts into implementing and supporting the new county government structures and agencies, to start addressing local grassroots issues of socioeconomic marginalisation;
- carefully consider the impact of official operations such as Operation *Usalama* Watch, and paramilitary operations of the Anti-Terrorism Police Unit (ATPU) when they appear to target whole communities, and allow for transparent investigations and redress where operations are found to have exceeded rule of law/constitutional rights and safeguards;
- implement the recommendations of the 2008 ("S*harawe*") Presidential Special Action Committee (finally tabled with the 2013 Truth, Justice and Reconciliation report) to address institutional discrimination against Muslims (e.g., issuance of identity cards and passports) and better (proportional) representation of Muslims in senior public service appointments; and
- facilitate Muslim-driven madrasa and mosque reforms, which should entail review and approval of the curriculum taught; mosques vetting committees need to be strengthened in areas where they exist and put in place where they are absent.'

Measures to combat radicalisation

A paper on radicalisation in Kenya recommends that a counter-radicalisation strategy must not copy other countries, but address the specific circumstances enabling radicalisation in Kenya (Botha, 2013, p. 21). This would require: i) equitable socioeconomic development, especially of the coastal region; ii) re-establishing a Kenyan national identity that embraces its diversity; iii) political representation and participation of the country's Muslim community to counter the message of extremists; iv) not treating whole groups as suspect; and v) involving fathers and mothers in the de-radicalisation process (Botha, 2013, pp. 21-24).

Measures to address pastoral violence in the drylands of Kenya

A recent report looking at the politics of pastoral violence, with a focus on Isiolo County, recommends: i) the leadership of the devolved county government must promote inclusive governance; ii) awareness raising around development projects, such as Vision 2030, should be undertaken to ensure that the communities fully understand and appreciate the projects and position themselves to reap the economic windfalls; iii) guidelines for establishing wildlife conservancies should be established and sufficient communal consultations held before one is set up; iv) ensure communal pacts are binding and supported by all communities; v) build the capabilities of young people so that they can benefit from development projects; vi) better vetting of Kenya Police Reservists and disarmament programmes; vii) the government should invest in and use early warning and response systems; and viii) deter revenge attacks by ensuring justice (Sharamo, 2014, pp. 11-12).

A recent brief looking at peace and security in the drylands of Kenya recommends: i) focusing on the systemic drivers of conflict which cross administrative boundaries; ii) integrating peace and security and the activities of local communities and the state; and ii) integrating peacebuilding with other sectors such as development and governance to ensure they are conflict sensitive (Gibbons, 2014, p. 6). This should be carried out in an integrated, coordinated, long-term approach throughout the country as a whole (Gibbons, 2014, p. 6).

Measures to avoid future conflict

A recent report looking at lessons learnt from the 2013 elections for avoiding future conflict recommends that: i) the constitution and reform agenda remain an opportunity to move beyond short-term crisis management and resolve underlying grievances and potential drivers of future conflict; ii) the Kenyan security sector must regain citizen trust; iii) civil society should prioritise – and be supported to prioritise – bottom-up reconciliation programming between ethnic communities; iv) government and political leaders must create opportunity and guarantee space for active citizen engagement; v) sustainable mechanisms must be found to increase the perceived cost of violence; vi) preventing electoral violence requires sustained international support; and vii) trade-offs between short-term prevention of mass atrocities and long-term conflict prevention merit further evaluation and learning (Elder et al., 2014, pp. 20-22). It also recommends that peacebuilding organisations should offer technical assistance on better practices for mitigating triggers for election violence and addressing underlying drivers of widespread political violence (Elder et al., 2014, p. 3).

One report looking at conflict management in Kenya recommends that: i) community-based peace-building programmes should be broadened to address root causes rather than focusing only on conflict management; ii) donors should support programmes that specifically address the historical grievances that are fundamental conflict fault-lines within Kenyan society; and iii) development programmes working in conflict affected areas should be both conflict sensitive and put addressing the root causes of conflict at the centre of their efforts (Idris et al., 2013, p. 43).

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Appendix 1: Map of Kenya's counties

Source: https://www.opendata.go.ke/facet/counties

Appendix 2: Map showing the distribution of Kenya's main ethnic groups

Distribution of ethnic groups

Ethnic groups

- Kikuyu/Meru 22%
- Luhya 14%
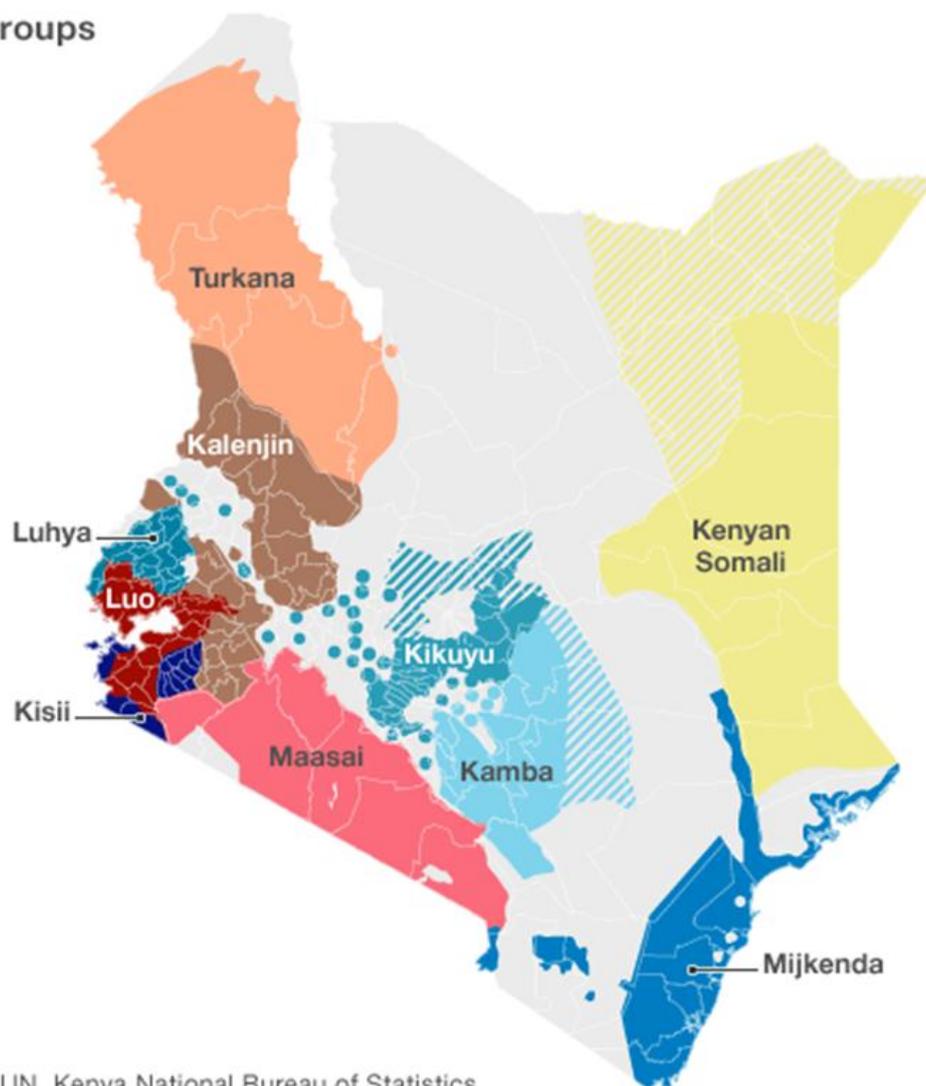- Kalenjin 13%
- Luo 11%
- Kamba 10%
- Kenyan Somali 6%
- Kisii 6%
- Mijkenda 5%
- Turkana 3%
- Maasai 2%
- Others 6%

Source: Kenyan embassy to the UN, Kenya National Bureau of Statistics

Retrieved from: http://www.bbc.co.uk/news/uk-21592589

Appendix 3: 2012 Baseline report on potential conflict in 47 counties in Kenya

In 2012 the Constitution and Reform Education Consortium (CRECO) carried out a baseline report which mapped conflict in 47 counties in Kenya (Kituku, 2012). The conclusions drawn for each county are listed below.

The full conflict analysis can be found here:
http://www.humanitarianresponse.info/system/files/documents/files/CRECO_2012.pdf

Mombasa County

Mombasa, being the second largest city is an obvious boiling pot come the next election. Due to its cosmopolitan nature, active presence of secessionist group (the MRC), long history of post-election violence and persistent land problem, the chances of electoral violence erupting is high and therefore the entire County merits closer monitoring.

Kwale County

Kwale presents a veritable challenge for electoral monitoring considering that the area has previously been rocked by post-election violence. The likely hotspots are Matuga and Msambweni constituencies.

Kilifi County

The risk for manipulation of elections in the County is high due to low voter literacy, land problems and poverty. Based on past trends, it is also important to closely observe the influence of factory owners on the electoral process.

Tana River County

Tana River is high political risk area owing to ethnic differences between the Pokomo and Orma, which tend to assume political dimensions during elections

Lamu County

Even though the County has never been beset by serious conflict and strife, the land problem, together with the cosmopolitan nature of the area, widespread illiteracy, threats from Al Shabaab and drug menace may provide long-term conflict risk factors that could affect the electoral environment.

Taita Taveta

Taita Taveta has a considerable high conflict risk due to such factors as the land question, disputes over sharing of wealth, border disputes and ethnic differences. All constituencies in the County therefore merit close monitoring.

Garissa Taveta

Garissa bears high risks that ought to be monitored prior to the 2012 elections. The presence of refugees in Daadab, deteriorating border situation in Somalia, religious intolerance and resource based conflicts are key factors that might affect the electoral environment in the run-up to the upcoming elections.

Wajir Taveta

Political risks attending to conflicts in the County will remain high as the next elections approach. The deteriorating security situation in Somalia will also warrant closer attention to the forthcoming elections from a monitoring point of view. In the same vein, there is need to monitor the use of environmental triggers in precipitating electoral violence.

Mandera Taveta

Ethnicization of politics, boundary disputes, fragile security situation and resource-based conflicts elevate the conflict risks in Mandera to high category. For this reason, monitoring of the electoral environment in all constituencies (particularly Mandera Central) should be a matter of priority.

Marsabit Taveta

From the foregoing, it is evident that many factors appear to predispose Marsabit County to conflicts. It is therefore rational to categorize the County as a high risk conflict area due to multiplicity of triggers and structural factors identified in this report.

Isiolo County

Political ethnicization of conflicts and conflicts due to natural resources remain the greatest challenges in Isiolo County. Looking at all factors together, Isiolo remains a County with high conflict risk in Kenya.

Meru County

Perhaps the most significant conflict factors that require close monitoring prior to 2012 elections are inter-clan political rivalry as well as the land issue. Otherwise, Meru presents relatively minimal risks in so far as electoral violence and conflict is concerned.

Tharaka-Nithi County

Conflict risks in Tharaka-Nithi County are slightly higher than in Meru owing to the potential for a border dispute, security situation in the pastoralist areas and land-related conflicts.

Embu County

Conflict risks in Embu are moderate, considering that the County is more cosmopolitan that its northern neighbours.

Kitui County

The above analyses place Kitui County as a moderate political risk area and therefore should warrant close monitoring in the run up to the upcoming elections.

Machakos County

Land-related conflicts and political competition for control of resources in devolved structure of governance is likely to make the upcoming elections intense and hence attract moderate risks of incidences of violence.

Makueni County

Makueni poses moderate risks with regard to political conflict and therefore could merit monitoring as the elections approach.

Nyandarua County

Conflict risk in Nyandarua can be termed as moderate. The key factors may include political competition, poverty occasioned by landlessness and unsustainable land use and insecurity.

Nyeri County

Nyeri presents a high conflict risk area, due to the impending retirement of the president, the history of violence in some of the constituencies and strained gender relations. All constituencies may be potential hotspots.

Kirinyaga County

Kirinyaga County evinces a high level of conflict risk in Central Kenya. The history of violence in Gichugu and the conflict factors prevalent in Mwea constituency makes the two the most significant hotspots that merit closer attention in terms of monitoring.

Murang'a County

Even though the conflict risk in this County is not high, there is need to monitor Mathioya and Gatanga constituencies due to the history of electoral violence.

Kiambu County

Kiambu is a high risk County with likely hotspots being Kiambaa, Lari, Gatundu and Juja due to rising intolerance against anti-Uhuru politicians and their supporters. The Mungiki issue is also likely to be a destabilizing factor if members of the sect are mobilized for nefarious purposes. The County therefore merits closer scrutiny.

Turkana County

There is need to closely monitor the security situation on the borders of the County with Uganda, Ethiopia and South Sudan (Elemi Triangle where there have been traditonal disputes between the Merrille, Toposa, Karamajong and Turkana). In regards to neighbouring Counties of Samburu, West Pokot, Marakwet, Baringo and Marsabit, it is important to monitor especially the Kainuk area. The borders between the aforesaid communities are long and may require a lot of resources that may be only the government can or should muster. In this regard civil society groups need to work closely with government security efforts.

The discovery of oil, and its further exploration within the County should be closely monitored. Therefore, the management of the exploration, through legislation and policy, should be done with effective participation of the residents of the County.

West Pokot County

The Pokot feel they are marginalized and that the tendency by some actors to lump them together with the greater Kalenjin nation has no benefit to them at all. They feel that the historical land injustices they have suffered have never been addressed and if this state of affairs is not rectified they may consider using force to reclaim their land. The area should be monitored especially to forestall the risk of small arms coming into the rest of the country from Uganda. The border area around Chesegon in particular should concern the security apparatus of the neighbouring Counties, which should provide more security personnel and improve the road network.

Samburu County

Samburu County is a sparsely populated County with poor security arrangements. There is sporadic fighting between the Samburu, Borana, Turkana, Somali and Maasai communities who use arms seeping in from Kenya's porous border with Uganda (via Turkana and West Pokot Counties). Most of the fighting does not however influence electoral politics. Therefore instead of electoral monitoring, concerned groups should urge the government to provide security for the residents in order to reduce security self-help measures undertaken by the communities and seepage of small arms into other parts of the country. In addition, the equitable sharing of economic benefits from natural resources dotted all over the County may ensure peace.

Trans Nzoia County

Due to the fact that it has one of the highest multi-community population in the country it should be monitored closely. National politics influences how communities treat or react against those from different communities. Land distribution between the Bukusu and the Sabaots, between the Kalenjins and the Luhyas, and between the Kalenjins and the Kikuyu among others provide a powder keg at any election time. There are numerous cases of land squatters; on the flipside there are cases of local people 'taking over' farms they argue were illegally (through political connections) acquired. These dynamics need to be monitored.

It should not be forgotten that Trans Nzoia shares a border with Uganda and West Pokot, two areas where it is easy to acquire small arms. The security apparatus should be on the look out to ensure in the months leading up to the elections these do not find their way into the hands of militia formed by politicians to push their agenda.

Uasin Gishu County

Uasin Gishu is one of the promising Counties in terms of economic investments in the larger North Rift region. It is considered as the capital 'city' for the North Rift region populace. This is because of availability of proper infrastructure such as the Moi Teaching and Referral Hospital which is one of the few hospitals in Kenya that boast latest medical technologies. For example, it has an AMPATH Centre for people suffering from Human Immuno- deficiency Virus (HIV).

The County's Achilles Heel is its vulnerability to conflicts arising from historical land grievances harboured by the Kalenjin vis-à-vis the Kikuyu community. This conflict may come to boiling point, as it has done in past election periods, therefore monitoring is required.

Elgeyo/Marakwet County

In political and electoral terms, this constituency may not need much monitoring save for the security dimension regarding the flow of arms from West Pokot and its neighbouring Counties (West Pokot). The socio-cultural tensions do not seem to be unmanageable but sharing of County resources, which may in future reflect the high

amounts of Kshs778M of 2009, may reignite the differences between the two main communities. The sharing of County resources should be sensitive to the rivalry between them.

Nandi County

It is not expected that there will be much political trouble in Nandi. Nevertheless, there is need to observe the border areas with Kakamega and Kisumu where there could be flare ups.

Baringo County

The politics of major and minor Kalenjin communities may cause divides that may make peaceable existence difficult. The sharing of resources (at the National and County levels) will dominate discussions on the political economy of the County. The area to watch especially in relation to elections is the border with Uasin Gishu County.

Laikipia County

Laikipia County should be monitored closely due to the diversity of its population which is distinctly lacking in harmony. As indicated the 1997/8 period witnessed election related violence and while the country was then led by President Moi, and the Maasai, Turkana and Pokot feared being dominated by the Kikuyu in a post-Moi State; those earlier conflicts may mutate and take a different fault line as the sociology of conflict is such that it festers and can recur.

There is also the issue of small arms that pose a security threat if they should find their way to militia groups and unemployed youth. These could be used to perpetrate election related violence.

Nakuru County

The whole County should be monitored closely for both historical and contemporary reasons. The separate but competing claims to land by the Maasai vis-à-vis the Kikuyu; and by the Kipsigis and Turgens vis-à-vis the Kikuyu when laced with the fight for political power are a risk. There is also a growing migrant working population in areas such as Naivasha who have some political influence. The ramifications of the ICC elevating Messrs. Kenyatta and Muthaura from being suspects to accused persons needs to be monitored closely as it may affect inter-communal relations.

Narok County

Without any doubt the border areas between Kilgoris in Narok County and Kisii County; and Narok North (Kikuyu or Maasai) should be monitored because the land question is yet to be resolved.

Kajiado County

There are few political and security problems with this County. Only the urban areas such Ngong and Ongata Rongai should to be monitored for both historical and contemporary reasons. The level of crime in the two urban centres is medium to high with small arms being involved.

Kericho County

The focus in Kericho County should be on Nyagacho (Kericho town), Kipkelion and Londiani urban centres and the surrounding areas. These two areas must concern anyone interested in preventing future conflict as the Kikuyus (some of who have since left the area) here are viewed as outsiders and may be isolated politically and economically leading to renewed conflicts between the two communities.

Bomet County

For election purposes, monitoring of the neighbouring constituencies in Nyamira and Bomet Counties (in this case, Nyamira and Sotik) will be critical.

Kakamega County

There is low likelihood of any sustained conflicts. Most of the tensions revolve around political competition and at times these turn violent. The County requires moderate surveillance in the run up to the next elections.

Vihiga County

There is little likelihood of any widespread and sustained conflict in the County and thus the County is of low priority in this regard.

Bungoma County

The potential for re-emergence of the insurgency and the alienation of minorities from economic and political life in Bungoma raises the potential of conflict in Bungoma to High.

Busia County

The Luhya versus Teso conflict is likely to be exacerbated during the next elections while Bungoma- Busia County conflict due to the River Nzoia dam. However, the likely hood of violence remains low.

Siaya County

There is a slim possibility of any sustained political violence part from pockets of campaign violence.

Kisumu County

The potential for violence in Kisumu, both in the border areas and those related to local politics is high and requires monitoring.

Homa Bay County

There is a likelihood of isolated violent conflicts related to political competition but these will most likely peter out in the post-election period. However, any national unrest has the potential to spread out across the region as happened in the PEV.

Migori County

Migori County has the potential for extreme and widespread violence due to political feuds and inter-clan ethnic tension and is a high priority area for monitoring.

Kisii County

The risk of widespread violence is minimal. However, there is a possibility of pockets of electoral related violence and cross border incidents.

Nyamira County

Nyamira has experienced extreme electoral violence in the past. There is potential for violence in the run up to the next elections and this requires high monitoring by CRECO.

Nairobi City County

Nairobi County is a very high conflict risk area owing to its political significance in the country, the entrenched culture of political violence, scars of the PEV and prevalence of social tensions associated with inequality, youth unemployment and landlessness.