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BURSA ULUDAĞ ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
ULUSLARARASI İLİŞKİLER ANABİLİM DALI
ULUSLARARASI İLİŞKİLER BİLİM DALI

**CONFLICT INFLUENCED BY GEOGRAPHY: ANALYSIS OF KENYA'S
GEOGRAPHICAL POSITION TO EXPLAIN THE SOMALI AND
NORTH-EASTERN KENYA'S UNREST**

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FIONA NZINGO ANYANGO ODWAR

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SOSYAL BİLİMLER ENSTİTÜSÜ MÜDÜRLÜĞÜNE

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Coğrafya Etkili Çatışmalar Somali ve Kuzeydoğu Kenya'daki Uyuşmazlığı Anlamak İçin Kenya'nın Coğrafi Konumunun Analizi

Afrika toplumları ve diğer büyüyen ülkeler zor bir krizden geçmektedir; sömürge öncesi zamanlardan beri etnik çatışmalar vardır. Sömürgecilikten beri çatışmalar farklı türlere dönüştü. Dünyada ciddi bir sorun teşkil ediyor. Afrika içinde en belirgin çatışmaya sahip bölgelerden bazıları batı, orta ve doğu bölgelerinde yer almaktadır. Afrika sınırları sürekli olarak kötü bir şöhrete sahiptir. Tarihe göre, Afrika'daki sınır anlaşmazlığı sömürgeci bir miras. Bu anlaşmazlık, 1884/85 Berlin konferansında Afrika'nın kapışmasından ve bölünmesinden sonra. Afrika'daki çoğu çatışma sisteminde hem etnik sınırlar hem de ulusal sınırlar önemli bir rol oynamaktadır. Afrika bölgesi gibi, Afrika sınırları da çeşitli şekilde 'keyfi' ve 'yapay' sömürge yapıları olarak tanımlanmıştır; bu karardan bazı Afrikalılara zorlandı. Bu belirsiz idari sınırlar geçmişte Kuzey Doğu Kenya'da çok az sonuç vermiştir. Bunun zaman içinde değiştiği kanıtlanmıştır. Somali Al-Shabaab'ın artan saldırıları ve Somali mültecilerinin Kenya'ya akması da Kuzey Doğu Kenya'daki çatışma ve güvenlik durumunu etkiledi. Bu rapor, Kuzeydoğu Kenya'daki bağlamı, Somali'deki durumun yayılma etkisine ve bunun daha geniş etkilerine odaklanarak değerlendirecektir. Bu tezde aynı zamanda Somali etnik grubuna ev sahipliği yapan Kenya - Somali sınır bölgelerinin birbirine bağlılığı ve sınır engelini potansiyel etkisi incelenecektir. Bölgedeki sınır güvenliğinin karmaşıklığına bir katkı olarak sömürgeci ve sömürgeci güçlerin yürüttüğü tarihsel sınırlandırma süreci arasındaki bağlantıyı inceleyeceğim. Jeopolitik analiz, Somali etnik grubundaki kimlik politikalarının ortaya çıkmasının yanı sıra, teröristlerin bu etnik kimliği kendi çıkarları için nasıl kullandıklarını incelemek için de kullanılacaktır. Çalışma, hem ev sahibi hem de mülteci topluluklarındaki sakinleri güçlendiren sürdürülebilir çözümler için programatik önerilerle sona ermektedir. Bu araştırmanın temel amacı, coğrafyanın Kuzey Doğu Kenya'da yaşanan huzursuzluk üzerindeki etkilerini analiz etmek ve Somali'deki devlet içi çatışma tehdidinin Kuzey Doğu Kenya'nın güvenliğini nasıl etkilediğini incelemek ve durumu iyileştirmek için uygun çatışma çözümü yaklaşımını sunmaktır.. Araştırma aynı zamanda coğrafyanın Kuzey Doğu Kenya bölgesinde yaşanan benzer çatışmalarda oynadığı rolü analiz etmeye çalışmaktadır.

Anahtar Sözcükler: Sınırlar, Bölge, Çatışmalar, Kuzeydoğu Kenia, Somalia, Etnik Köken, Shifta Savaşı, Yayılma, Afrika Boynuzu, Sömürgecilik.

ABSTRACT

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Conflict Influenced By Geography: Analysis Of Kenya's Geographical Position To Explain The Somali And North-Eastern Kenya's Unrest

One of the most troubles areas in the globe is the Horn of Africa (HOA). Many parts of the Horn of Africa remain unable to break free from armed conflicts, violent crime, communal violence, extremism, political instability, and state failures that have plagued the region for decades. Most of the region's zones of armed conflicts and instability today is more concentrated near border areas; this poses a significant risk of spillover. An excellent example of this situation is that of Somali's conflict spillover in the North-Eastern Kenya region. Both Kenya and Somalia/Somaliland have been the subject of numerous conflict assessments over the past fifteen years. This report will assess the context in North-Eastern Kenya with a focus on the spillover effect of the situation in Somalia and its broader implications. This thesis will also look at the connection between the Kenya-Somalia border regions that house Somali ethnic group and the likely consequence of the border. The research will examine the link between the historical bordering process carried out by the colonial and post-colonial powers as a contribution to the complexity of border security in the region. The geopolitical analysis will also examine the emergence of identity politics within the Somali ethnic group, as well as how terrorists have exploited this ethnic identity for their interest. The study concludes with programmatic suggestions for sustainable solutions that empower residents in both the host and refugee communities towards stability.

Keywords: Borders, Territory, Conflict, North-Eastern Kenya, Somalia, Ethnicity, Shifta War Spill over, Horn of Africa, Colonialism

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ABBREVIATIONS

OAU	Organisation of African Union
AU	African Union
NFD	Northern Frontier District
IBEAC	Imperial British East African Company
TJRC	Truth Justice and Reconciliation Commission
KANU	Kenya African National Union
KADU	Kenya African Democratic Union
IGAD	Intergovernmental Authority on Development
AMISOM	African Union Mission in Somalia
HOA	Horn of Africa
UNHCR	United Nations High Commissioner for Refugees
NPPPP	Northern Province People's Progressive Party

INTRODUCTION

Background of the Study

It has been a standard narrative for African countries since the pre-colonial times for the growing continent to experience continuous crises because of the ethnic hostilities and conflicts. Ever since the time of colonisation, the level of conflicts in the African region has shifted into different magnitudes and dimensions which cause an enormous problem in the world¹. The Western, Central, and Eastern part of Africa are some of the regions experiencing the most noticeable conflict.

The Horn of Africa is a region in Eastern Africa. It is the easternmost extension of the African continent separating the Gulf of Aden from the Indian Ocean. It inherited this name because it sticks out like the horn of a rhinoceros from the rest of the continent. The HOA is a geographical term used to describe the countries of Eritrea, Ethiopia, Djibouti, and Somalia². On the other hand, the Greater Horn is more of a political concept that used for core countries in the HOA inclusive of Uganda, Sudan, and Kenya into the region. The Greater HOA encompasses all the countries of the regional organisation, the IGAD³.

The HOA has, for decades, become synonymous to crises, i.e., HOA = Crisis. It's well known in African politics of being a volatile, hostile and weak due to numerous conflicts, wars, and colonialism. Each state in the HOA has experienced conflict with either one or more states at a certain point in history. All kinds of conflicts – intra-state conflicts, inter-state wars, proxy wars, revolutions, and dictatorships – had engulfed the region, even before the decolonisation struggle started, since the mid-1800s⁴.

External powers have long played important roles in affecting the developments of domestic affairs of the HOA. Many claims are that foreign interference has been a

¹ THE ECONOMIST. "Why Africa's Borders Are a Mess." *The Economist*, 17 Nov. 2016, www.economist.com/the-economist-explains/2016/11/17/why-africas-borders-are-a-mess, p. 1. (06.01.2020).

² The Horn of Africa proper is defined here as comprising four core states: Djibouti, Eritrea, Ethiopia, and Somalia; however, other analysts have included Sudan and Kenya.

³The Intergovernmental Authority on Development (IGAD) is an eight-country trade bloc in Africa. It includes governments from the Horn of Africa, Nile Valley and the African Great Lakes.

⁴ MENGISTU, Muhabie Mekonnen. "The Root Causes of Conflicts in the Horn of Africa." *American Journal of Applied Psychology*, vol. 4, no. 2, April 2015, pp. 28–34, doi:10.11648/j.ajap.20150402.12, p.28.

significant destabilising factor of the sub-region. According to historical evidence, colonial legacy and its role in the partition of Africa after the 1884/85 Berlin Conference has proven to contribute to the border disputes in the African continent⁵.

It is common for African societies and other growing nations to experienced severe crisis because of ethnic conflicts and hostilities even before the times of colonialism⁶. After this period, the magnitude and range of these conflicts have intensified into different shapes, and dimensions and magnitude of that pose a severe problem to the world⁷. These conflicts, in ways one cannot fully comprehend, have managed to disrupt people's lives and their environment; resolving them is an essential precondition for socio-economic development. The resolutions of the conflicts are essential in the region to alleviate poverty, and to achieve peace and security for the continent.

Both ethnic boundaries and national borders play an essential role in most conflict systems in Africa. Borders within the African continent are known for being weak; these 'artificial' and 'arbitrary' colonial constructs identified as boundaries were imposed on uninterested and uninvolved Africans who have either ignored the impact of these changes or suffered from them. These arbitrary borders have influenced the trend of ethnic border conflicts and hostility worldwide. North-Eastern Kenya is one of the regions in the world that has experienced notorious attacks between the ethnicities inhabiting the area.

North-Eastern Kenya is known to be one of the most frequently insecure zones within the country. These zones exhibit insecurity in the form of violence within the communities in the region. This in turn produces displacement on a large-scale along with many casualties, followed by national and local efforts for mediation. These conflicts

⁵ PAPAIOANNOU, Elias, and MICHALOPOULOS, Stelios. "The Long-Run Effects of the Scramble for Africa." *Vox*, 6 Jan. 2012, pp. 1802-1848, <https://voxeu.org/article/long-run-effects-scramble-africa>, p. 1802. (06.01.2020).

⁶ NEGASI, Solomon, et al. "Environmental Impacts and Causes of Conflict in the Horn of Africa: A Review." *Earth-Science Reviews*, vol. 177, February 2018, pp. 284–90, doi:10.1016/j.earscirev.2017.11.016, p. 284.

⁷ Mengistu, op. cit., p. 29.

seem to be increasing magnitude and range; there has been a spillover effect into Kenya ever since the demise of the Somali government⁸.

At the North-Eastern region, Kenya and Somalia share a border that is 682-kilometres long. Because of this, the demise of the Somali government had a significant impact on Kenya, both politically and economically. As a result, the country's attempts to recover from these political and economic setbacks after colonisation experiences a stunted growth.

Currently, East Africa alone hosts over one million registered Somali refugees; 54.5 per cent of these refugees are in Kenya. Somali refugees are also in parts of Yemen.

Location name	Source	Data date	Population	
Kenya	UNHCR	30 Nov 2019	34.1%	256,186
Yemen	UNHCR	31 Jul 2019	33.4%	250,500
Ethiopia	UNHCR	31 Dec 2019	25.6%	192,082
Uganda	UNHCR <i>Government of Uganda, Office of the President</i>	31 Dec 2019	5.1%	37,960
Djibouti	UNHCR	31 May 2018	1.6%	12,139
Eritrea	UNHCR	31 May 2018	0.3%	2,149

Table 1: Somali Refugee Statistics⁹

Aside from Somalis, other nationalities included to the list of refugees in Kenya are Congolese (8.8%), South Sudanese (24.4%), and Ethiopians (5.9%). Other nationalities such as Sudanese, Rwandese, Eritreans, Burundians, and Ugandans consist of 6.4 % of the whole refugee population (by end October 2019, the total refugee population was 485,524). Close to half of the refugees in the country (44%) reside in Dadaab, 40% in Kakuma and 16% in urban areas (mostly in Nairobi), along with 18,500 who are stateless¹⁰.

The inflow of Somali immigrants in the North-Eastern region of Kenya has limited local resources within the country. Climate change, weak institutions, and porous borders

⁸ After the collapse of the Somali government in 1991, there country has continuously experienced political instability.

⁹ UNHCR. "Situation Horn of Africa Somalia Situation." Operational Data Portal, UNHCR, 31 Dec. 2019, www.data2.unhcr.org/en/situations/horn?id=3&country=110, p. 1. (06.01.2020).

¹⁰ UNHCR. "Figures at a Glance - UNHCR Kenya." UNHCR, Oct. 2019, www.unhcr.org/ke/figures-at-a-glance, p. 1. (06.01.2020).

make conditions harsher; this nurtures historical, violent rivalry over the minimal resources available for the 11 ethnic communities of North-Eastern Kenya¹¹. This violent competition for land and resources, not only happens amongst ethnic communities within a state but also between states despite their set territories. Some claim that the current conflicts result from colonialism and "incomplete nation-building.". Historical evidence recounts that the border dispute in the majority of the African countries is born from the colonial legacy following the scramble and partition of Africa at the aftermath of the Berlin Conference of 1884-85¹².

During the 1870s, European always had arguments about the prizes available in Africa. Not wanting to start a war with each other, they met at the Berlin Conference of 1884-85 to set up rules on how they would divide Africa for themselves and take over these regions. The Scramble for Africa explains more about this term¹³.

Division of ethnic groups into different countries shaped the path of these societies by encouraging civil conflict and unrest over the years. Colonialism ended when these European countries started a war with each other instead of fighting the rest of the world (this was during the two World Wars). These wars made them weak in the process. Because of this, the United States of America (USA) and the Union of Soviet Socialist Republics (USSR) gained tremendous power.

As their colonisers fell during the wars, the colonised people all over the world realised their strength and saw their chance to break free as they realised that Europe was vulnerable or not as civilised as they claimed to be to their colonies¹⁴. In most areas, however, European control was steady during this period; post-colonial African states retained the existing borders and similar structures devised by the colonial state, such as the artificial maps and boundaries.

¹¹ These communities include Somalis, Samburu, Dassanach, Burji, Rendile, Gabbra, Turkana, Konso, El Molo, Borana, and Wata.

¹² GASHAW, Tasew. "Colonial Borders in Africa: Improper Design and Its Impact on African Borderland Communities." Africa up Close, 17 Nov. 2017, <https://africaupclose.wilsoncenter.org/colonial-borders-in-africa-improper-design-and-its-impact-on-african-borderland-communities/>, p. 1. (06.01.2020).

¹³ The Scramble for Africa, also called the Conquest of Africa, or the the Partition of Africa was the takeover, annexation,splitting, and colonisation of Africa by the European powers.

¹⁴ Papaioannou and Michalopoulos, op. cit., p. 1803.

When Kenya got its independence, the actual borders were poorly marked, often regarding natural features that changed over time. Independent Kenya received internal provincial and district borders along North-Eastern Kenya from the colonial administration. These unclear administrative boundaries were of minimal consequence to North-Eastern Kenya in the past; based on the unending conflict experienced in that area, this has proven to change over time. As a result, armed conflict is likely to increase significantly in both Eastern Somalia and North-Eastern Kenya region in the foreseeable future¹⁵. Al-Shabaab, a Somalia-based militant Islamist group,¹⁶ has also contributed to conflict and insecurity in North-Eastern Kenya through increased terror activities¹⁷.

This paper examines Africa's colonial-set boundaries and their potentials for conflict and the threat it poses to peace and security in the region of North-Eastern Kenya. This research assumes that one of the primary sources of conflicts in the HOA is because of geography and ethnicity. From this perspective, states having proximity - especially those sharing a border and ethnic group - tend to have more interactions than the states that are far away from each other. This study aims not only to explain the conflict experienced in the North-Eastern Kenya region but as skeleton research to understand further conflicts experienced by states because of territory and ethnicity.

A desk study and literature review were conducted to investigate this global and regional concern by examining relevant literature, books, reputable media and organisation reports, articles, videos, and other documents published on the subject of the thesis. All the content was secondary data; it gave a good insight into analysing the nature of previous, current, and future trends conflicts in the HOA along with the historical manifestations of the issues involving the people and the government. Within the context of regional security complex and human security, this paper examines this paper examines conflict regions between the refugees from Somalia and their host community, Kenya. It also explains how these circumstances affect both the refugees' safety and that of the state. The study ends by providing methodical recommendations for sustainable and

¹⁵ KHADIAGALA, Gilbert M. "Boundaries in Eastern Africa." *Journal of Eastern African Studies*, vol. 4, no. 2, July 2010, pp. 266–78, doi:10.1080/17531055.2010.487337, p. 266.

¹⁶ Harakat al-Shabaab al-Mujahideen is commonly identified as Al-Shabaab. It is a terrorist, jihadist militia group in East Africa. It pledged loyalty to the militant Islamist organization Al-Qaeda in 2012.

¹⁷ ANDERSON, David M., and MCKNIGHT, Jacob. "Kenya at War: Al-Shabaab and Its Enemies in Eastern Africa." *African Affairs*, vol. 114, no. 454, December 2014, pp. 1–27, doi:10.1093/afraf/adu082, p.2.

durable solutions to peace that would empower the North-Eastern Kenya region along with its residents.

Statement of the Problem

There are numerous conflict patterns and causes North-Eastern Kenya. These cause a link to ethnicity/ ethnocentrism, border disagreements, environmental degradation, increasing levels of poverty, communities competing over the little resources available, an inflow of illegal weaponry from the neighbouring states, and evasive cultural activities such as rustling of cattle¹⁸. Other scholars argue that the political, economic, and social separation of the region along with the state's inability to provide security and the necessary livelihoods to the pastoral community attribute to conflicts in this part of Kenya¹⁹. However, historically, conflict and displacement in Kenya result from the land occupancy and border division issue. This conflict started during the colonial era when the indigenous African population had to give room to the white settlers thereby displacing them in their land and determining their borders²⁰.

Objectives of the Study

This study conducts thorough research and analysis of security interest in the alienated North-Eastern Kenya, which holds millions of refugees from East and Central Africa. It is not only about the traditional concept of national security, which emphasises protecting the state and its territorial integrity, but it is also about individual security and human security. The overall objective of the study is to determine how much influence geography determined by colonialists had on the level of conflict experienced in North-Eastern Kenya over the years.

The specific objectives of the study are:

1. To examine how colonialism's border division influenced the conflict in the North-Eastern region

¹⁸ MWANIKI, Terry, et al. *Peace Building & Conflict Management in Kenya: Joint Casree Study of North Rift Region of Kenya*. Pauline's Publications Africa, 2007, p. 9.

¹⁹ KUMSSA, Asfaw et al. "Conflict and Human Security in the North Rift and North-Eastern Kenya." *International Journal of Social Economics*, vol. 36, no. 10, 2009, pp. 1008–1020, doi: 10.1108/03068290910984786, p. 1009.

²⁰ Papaioannou and Michalopoulos, op. cit., p. 1804.

2. To explain how Kenya is a prisoner of geography to the conflict in Somalia; how serious the Somalia intra-state conflict affects the security of neighbouring Kenya
3. To illuminate the effect of the conflict in North-Eastern Kenya on Somali's identity in Kenya
4. To establish useful recommendations to resolve the enduring intra-state conflicts in the North-Eastern Kenya region

Research Questions

The study sought to answer these questions:

1. Why is it that the countries bordering those of the HOA experience a high rate of unrest and insecurity?
2. How serious is a threat posed by the intra-state conflict in Somalia to the security of the North-Eastern Kenya region?
3. What is the most critical solution to resolve the prison of geography?
4. How has the Legacy of Colonialism contributed to conflicts among communities living in North-Eastern Kenya?

Justification of the Study

This study was vital for Kenya's security interventions in this decade as Kenya faces a security crisis due to terror attacks in North-Eastern Kenya and indeed across the whole nation because of terror militia organisations that originate from Somalia. The study findings will go a long way to inform how the government could relate better with communities in the North-Eastern Kenya region to help combat this menace and promote peaceful co-existence along the border. The Kenyan leadership shall benefit from the findings of this study and could develop policies that expressly seek to address the challenges in tackling security issues along the border.

Therefore, this study will end by recommending essential ways in which the government can work effectively with communities in North-Eastern Kenya to address security problems.

There are various studies conducted regarding the conflict situation in the HOA since the colonial era, and how the civil unrest in Somalia is changing the conflict dynamics of the region. These studies instigate these conflicts without linking the root causes of conflicts in the HOA to the colonial legacy. There is not much emphasis on how North-Eastern Kenya is a prisoner of geography and how its position is a significant source of conflicts in the country. The assumption is that this research will fill that gap.

This analysis will help policymakers, and external actors understand the implications of geography and borders over Kenya and work on finding a better solution to end, or at least, reduce these implications²¹.

Scope of the Study

The region of focus was on the border between Kenya and Somalia with focus on North-Eastern Kenya and the county of Garissa located in that region. This area was North Frontier District before independence and as North-Eastern Province of Kenya after independence²². The study analyses and shares details on the accounts of Somali residents of this specific region along with the Kenyan-Somalis in the country.

Limitations and Delimitations of the Study

The study concentrated a lot of desk research as crucial methodology. The study did not seek to do an in-depth study of particular issues affecting the original local communities in North-Eastern Kenya but put more focus on the local communities of Somali ethnicity.

Before and during the time of the study, Al-Shabaab carried out several attacks in Kenya; there was a record of many terror attacks that resulted in death on counties near the Kenya-Somalia border. There were also many instances of instability between the host and refugee states. For this reason, North-Eastern Kenya region was considered insecure, and the researcher could not visit the area for further research; it was not safe to conduct the study on the ground without the aid of very expensive security agencies.

²¹ WA NJERĪ, Muturi. "Kenya That Was Never Kenyan: The Shifta War & the North-Eastern Kenya." Medium, 13 Apr. 2015, <https://medium.com/@muturi/kenya-that-was-never-kenyan-the-shifta-war-the-north-eastern-kenya-e7fc3dd31865>, p. 1. (06.01.2020).

²² HORNSBY, Charles. Kenya: A History since Independence. IB Tauris Publishers, 2013, p. 28.

This study only focused on the North-Eastern Kenya region, limiting the findings. However, some of these findings could relate well to situations in other regions of the country or continent. Some of these findings could be used as a baseline for research for similar border conflicts influenced by ethnicity; a good example would be that of India-Pakistan over Jammu and Kashmir, the Turkish-Kurdish conflict, and Palestine-Israel conflict over West Bank among other conflicts.

Security is a dynamic aspect that has changed how the world generally operates. Terrorism under security, in particular, has transformed international relations substantially²³. Terrorism, therefore, requires a non-ending study that requires further in-depth analyses on its sphere of influence. However, this study only took place over several months and managed to analyse data over the past years.

²³ TUURYARE, Abdirisak, M. "Al-Shabaab Continues To Pose A Significant Threat To Somalia." Mareeg, 9 Apr. 2019, <https://mareeg.com/al-shabaab-continues-to-pose-a-significant-threat-to-somalia/>, p. 1. (06.01.2020).

1. LITERATURE REVIEW

1.1. Review of Literature

Colonial histories and their contribution to the HOA point to power relation that has divided Somalia through the creation and preservation of certain borders in the region. Violence experienced round the refugee based camps in Kenya's North-Eastern region today continues to be a constant problem related to the country's history of nation-building and border competitions post-colonialism. Today, these borders strengthen continuously from the massive and somewhat political inflow of humanitarian aid.

Ethnic conflicts, over the years, have started intense divisions in many states worldwide, and exhibited in different styles. A good example is that of genocide in Rwanda and Burundi between the Hutu and Tutsi, which was ethnic. Ethnic conflicts not only plague the African continent but is also a worldwide dilemma; 'the Troubles' ethnic conflict in Northern Ireland from the late 1960s to 1998. These hostilities also include interstate conflicts such as when Somalia's invasion of Ethiopia that lead to the Ogaden war, the Sino-Vietnamese conflict over ethnic Chinese, and the expulsion of the Indian ethnic group in Uganda over Indophobia²⁴. Kenya has encountered numerous ethnic conflicts like any other African state; it has become a norm for the African continent to experience ethnic disputes within their territories. Political or ethnic conflicts tend to haunt most Kenyan societies; this is partly because different communities continue to rely on their ethnicity to perpetuate their dominance knowingly²⁵.

One needs to make a critical examination of the trends of the British rule and occupation as it was reaching its end in the 20th century to be able to understand the relationship between Kenya and Somalia regarding their shared border and region along the NFD. This examination will also help understand the Shifta War. The British, under the Imperial British East African Company (IBEAC), controlled what is now Uganda and Kenya. They did this to take control over the River Nile and the British Somaliland territory from 1884 to 1895²⁶. The IBEAC relinquished the right over its territory to the

²⁴ SHAH, Anup. "Conflicts in Africa—Introduction — Global Issues." Global Issues, 12 May 2010, www.globalissues.org/article/84/conflicts-in-africa-introduction, p. 1. (06.01.2020).

²⁵ WEITZBERG, Keren. *We Do Not Have Borders: Greater Somalia and the Predicaments of Belonging in Kenya* (New African Histories). First ed., Ohio University Press, 2017, p. 16.

²⁶ KENYA REGIONAL BOUNDARIES COMMISSION. *Kenya; Report of the Regional Boundaries Commission*. London, H.M. Stationary Off, 1962, pp. 50-78.

government of Her Majesty, the Queen. The East African Protectorate became an official British colony. With this change came a challenge; not only were the Somali-occupied NFD strongly protected by the Islamic religion and clan allegiances, but they also had access to the powerful arsenal²⁷. The British still managed to take control of the Somali territory. They even managed to extend their control upwards to the river Juba. In 1925, the British handed over the area between river Juba and the current Kenya-Somali border to the Italians; this territory became Italian Somaliland²⁸.

Research conducted at the beginning of an armed conflict between states has underlined characteristics of the states with little to no emphasis on the geographic framework of relationships between states. Geography is important predominantly because it influences the simplicity in which the states can get to each other's scope militarily (the proximity perspective) or the regularity in which they relate to each other (the interaction perspective)²⁹. The importance of territory suggests a chain of repercussions for the study of interstate conflicts. Issues involving territories should be more prone to militarised conflict behaviour than most other issue types, and conflicts over land space should be higher than confrontations over other issues³⁰. The primary understanding of territory and conflict suggests that territory is more significant mainly because it provides relations between actors.

Borders and territory do not start off with conflicts; they, at least, generate a structure of opportunities and risks in which war would likely occur. First, the combat zone between a separated ethnic community and the central government, or even with another ethnic group, might extend past the home territory of the separated ethnic community³¹. For example, the 1991 civil war in Somali has extended across the border its 'brother' territory at North-Eastern Kenya over the years. Second, in many cases, the conflict in the homeland of the divided ethnic group leads to displacement and refugee flows to nearby areas away from their international territories³². This displacement of people is the reality of the situation experienced by many in Dadaab refugee camp in

²⁷ WEITZBERG, *op. cit.*, p. 15.

²⁸ Papaioannou and Michalopoulos, *op. cit.*, p. 1806.

²⁹ Thompson, *op. cit.*, p. 182.

³⁰ *ibid.*, p. 183.

³¹ *ibid.*

³² *ibid.*, p. 182.

Kenya, where a large per cent of its refugees are of Somali origin. The conflict between the refugees and residents of the host community identifies as the third structure. The biggest source of conflict in the region comes from the competitive nature of taking care of their livestock; over grazing the land and inadequate supply of water for both the animals and people. This competition applies to the border-divided ethnic Somali clans fighting over pasture and water for their livestock. The other sources of conflict such as insufficient foodstuff, lack of access to health care services, low amount of income, and political influence span across the entire region³³. This applies to conflict between the residents and refugees over the little resources provided to the region. All these factors fuel conflicts between the neighbouring states and the parties involved.

The proximity between involved actors can affect the likelihood of interstate conflict and war, and the spillover received from the conflict³⁴. Bordering states, therefore, are more cautious in their association than with states that are far away from them; this can also escalate the security dilemma and erupt in conflict.

Since the effects of colonial rule forced boundaries on the delicate grazing lands of the Somali's pastoralist communities, Somalia irredentist assertions formed into a desire to bring together all the Somalis into one ethnically identical state³⁵. These colonial laws and policies had both long-term and immediate effects on African societies. The colonial system created ethnic-specific boundaries that gave the opinion that specific societies could only enjoy land rights within specific frames³⁶. There is an essential link between ethnic violence and land injustices in Kenya. All government regimes after independence failed to address these inequalities effectively. The failure of colonial government regimes along with the governments formed after independence failed to talk about how lack of land has caused communities and their people to turn to violence³⁷. These land ties to ethnicity continue to affect Kenya and its neighbouring states to this day.

³³ Mengistu, *op. cit.*, p. 30.

³⁴ Gashaw, *op. cit.*, p. 1.

³⁵ Weitzberg, *op. cit.*, p. 17.

³⁶ *The Economist*, *op. cit.*, p. 1.

³⁷ BURBIDGE, Dominic. "Conflict in the Horn of Africa: The Kenya–Somalia Border Problem 1941–2014." *African Affairs*, vol. 115, no. 458, 2015, pp. 176–78, doi:10.1093/afraf/adv064, p. 176.

Political developments in Kenya and her neighbouring states, including what one intellectual calls the "intense ethnicisation of Kenyan politics in the Moi period" have toughened the relevance of ethnic identities that were more relaxed and accessible in the past. This history of community-based clashes has left many deceased or displaced, further deepening these ethnic identities and making it much easier for the political entrepreneurs to assemble clans and tribes as political coalitions and, possibly, for armed violence³⁸. The Somali ethnic group in Kenya is dominant in the North-Eastern region of Kenya, formerly identified as NFD. They express identity in the form of lineage or clan. To this day, Somalia still considers itself as the rightful owners of the counties located in the North-Eastern region: Isiolo, Marsabit, Mandera, Wajir, and Garissa.

Though some of the clan members inhabiting Wajir and Mandera counties are of Somali descent, they have a more multifaceted identity, with levels of membership and identity with the Boran clan³⁹. The Ajuraan clan⁴⁰, for example, was considered by the British colonial governance as an Oromo group⁴¹, while the Garre⁴² speak Boran though they thought themselves to be Somalis and the Degodia⁴³ have sought entitlement to a lineage that considers them the "brothers" of the Boran Oromo⁴⁴. While these fluid identities have helped the communities living at the Somalia borderline and Boran very well in the past, they have less value today.

Tribal or clan identity is of certain importance concerning the communal entitlements on the land. While the private deeded property is considered as normal in urban and many farming areas across the country, the primary pastoral regions of North-Eastern Kenya are considered communal, having the tribes or clans committed to defending their rights to specific pieces of land. Others are allowed to use that land for

³⁸ KUMSSA, Asfaw. "Research-Cum-Capacity Building Project on Human Security and Conflict in Northern Kenya: Assessment and Outcome." *Human Security, Conflict Resolution, Capacity Building, and Sustainable Livelihoods in Africa*, vol. 33, no. 2, 2012, pp. 1–17. *Regional Development Dialogue*, www.uncrd.or.jp/content/documents/238rdd33_2_contents_and_editorial_introduction.pdf, p. 2. (06.01.2020).

³⁹ The Boran are a subethnic group of the Oromo that live in Southern Ethiopia.

⁴⁰ The Ajuraan are a Somali clan that largely live in Kenya and Ethiopia.

⁴¹ The Oromo are an ethnic group that is native to Ethiopia.

⁴² The Garre are a sub-tribe of the Somali ethnic group.

⁴³ The Degodia is a Somali clan that primarily live in Kenya.

⁴⁴ LOCHERY, Emma. "Rendering Difference Visible: The Kenyan State and Its Somali Citizens." *African Affairs*, vol. 111, no. 445, September 2012, pp. 615–39, doi:10.1093/afraf/ads059, p.616.

grazing, but only after negotiated access⁴⁵. Religious identity is somewhat, but not entirely, linked to a tribal group. The population of North-Eastern Kenya is mostly Muslim as the last country census confirms⁴⁶, however, Muslim representation in the public sector is low leading to dissatisfaction among communities living in this region. Virtually all Somalis are Muslim. The Boran of Kenya is mainly Muslim, with small minority groups of both Christians and those pledging to the traditional way of religion and worship. The Gabra clan mainly focus to a traditional way of religion, but some have an Islamic way of belief; the Samburu, Rendille, and Turkana are devoted to their traditional religious beliefs, with Christianity and Islam making its way into some of the urbanised areas; the Meru ethnic group are mainly of Christian belief (both Methodist and Catholic). To this day, religious differences have not managed to play a substantial role in community-based conflicts in the region. Unfortunately, Al-Shabaab has begun targeting those that are non-Muslims by use of violence as an effort to fuel religious differences⁴⁷.

In summary, two relevant policies would help make sense of how the British colonial administration helped fuel the separationist ambitions of the NFD at independence; Established frontier posts to prevent the Westward spread and the Outlying District Ordinance policy⁴⁸.

Kenya's permeable boundaries, along with its system of open and free passage for refugees, provides the platform for an influx of migrants from neighbouring states. It started with the entry of Ugandan refugees during 1970s and then followed by an inflow of all of its neighbouring countries (i.e. Ethiopia, Somalia, Sudan, and Tanzania). This inflow of refugees began to overcome the resources available within the country⁴⁹.

After the end of the Cold War, international attention and resources moved from Africa to the newly freed Eastern Europe as the Soviet Union collapsed. Regimes also

⁴⁵ HAGMANN, Tobias. *Stabilization, Extraversion and Political Settlements in Somalia*. Rift Valley Institute, 2016, p.17.

⁴⁶ *ibid.*

⁴⁷ THE NEW HUMANITARIAN. "Rising Insecurity in Northern Kenya - Kenya." ReliefWeb, 18 Feb. 2013, <https://reliefweb.int/report/kenya/rising-insecurity-northern-kenya>, p. 1. (06.01.2020).

⁴⁸ Gashaw, *op. cit.*, p. 1.

⁴⁹ CAMPBELL, Elizabeth, et al. "Navigating Nairobi. A Review of the Implementation of UNHCR's Urban Refugee Policy in Kenya's Capital City." Elizabeth Campbell, Jeff Crisp, Esther Kiragu. January 2011." UNHCR, Jan. 2011, www.unhcr.org/research/evalreports/4d5511209/navigating-nairobi-review-implementation-unhcrs-urban-refugee-policy-kenyas.html, p. 1. (06.01.2020).

collapsed—as in the case of Somalia—and the situation in Africa became even more chaotic. This collapse triggered another great flow of Ethiopian, Somali, and Sudanese refugees into Kenya⁵⁰.

The central concept was that the incoming refugees were momentarily fleeing from their original homes undergoing conflict; and once their original homes stabilised, they would return. The Kenyan government was also concerned about its national security; they constructed special camps to shelter and protect these refugees before helping them return to their homeland. The camps in the area were under the auspices of the United Nations High Commissioner for Refugees (UNHCR). They envisioned a well-organized effort to cope with migration with an aim of providing the much-needed support as they make arrangements to return to their home⁵¹. However, many asylum seekers and refugees desired to relocate permanently; they saw Nairobi as the better choice as compared to their home countries that conflicted with one reason or another.

Refugee flows challenge the Westphalian notions of statehood and territoriality; the refugee camps have become a long-lasting spectacle on the landscape because they successfully flourish from official territoriality.

1.2. Regional Security Complex Theory

This theory, by Ole Waever and Barry Buzan, well explains the situation in North-Eastern Kenya as this region borders Somalia, which has been volatile for over two decades. Buzan and Wæver are well known as essential characters behind the prominent Copenhagen School of security studies whereby security as a social construct is the central policy behind this school of belief⁵². Regional Security Complex Theory declares that international security is from a regional outlook; relationships between states and other important actors manifest geographically. Regional Security Complex Theory declares that the security actions and motivations of actors heavily rely on the region; this means that the neighbourhood of a state is a security interest of the state⁵³.

⁵⁰ LOESCHER, Gil, and James Milner. “Security Implications of Protracted Refugee Situations.” *The Adelphi Papers*, vol. 45, no. 375, 2005, pp. 23–34, doi: 10.1080/05679320500212130, p. 24.

⁵¹ Campbell, et al., *op. cit.*, p.5.

⁵² BUZAN, Barry, and WAEVER, Ole. *Regions and Powers: The Structure of International Security* (Cambridge Studies in International Relations). Cambridge University Press, 2004, p.6.

⁵³ *ibid.*, p. 7.

The security of actors within a region highly depends on another neighbouring state's activities and their security. Security of states is heavily linked to each other. Therefore, the security threat of a state will most likely be felt most influential within the immediate neighbourhood. Buzan and Wæver's perception of security is primarily regional.

This view of security opposes the concept of security during the Cold War, which sees security influenced by significant global power as opposed to regions. Because Buzan and Wæver's consider security as a social construct, this means that history, ethnicity, and culture, among other things, have a considerable amount of influence on the state's security decisions⁵⁴.

Regional Security Complex Theory extends from Neorealism. This theory incorporates the Neorealism school of IR. However, it stresses the importance of not just adopting the predominant global perspective but also taking in the regional perspective. It also emphasises the importance of concentrating on actors other than the state when focusing on security⁵⁵.

The security concerns in Somalia and North-Eastern Kenya are too interconnected to be resolved independently due to the massive flow of refugees from Somalia, and due to Al-Shabaab invasion of the region. Al-Shabaab in Somalia and has continuously managed to carry out attacks on Kenyan soil with coordination from local recruits and other compromised institutions in the country⁵⁶.

Recruiting these young men from different ethnicities and nationalities by Al-Shabaab as well as the involvement of Al-Qaeda symbolises a new war⁵⁷ role in this conflict situation. Actors in the fresh conflict influence soldiers through ideology or identity such as clan, political or religious identity. Therefore, Al-Shabaab's behaviour in Kenya is a prominent characteristic of "new wars".

⁵⁴ *ibid.*, p. 9.

⁵⁵ *ibid.*, p. 11.

⁵⁶ BURNS, Avery. "Feeling the Pinch: Kenya, Al-Shabaab, and East Africa's Refugee Crisis". *Refuge: Canada's Journal on Refugees*, Vol. 27, no. 1, 2010, pp. 5-15, <https://refuge.journals.yorku.ca/index.php/refuge/article/view/34356>, p. 6. (06.01.2020).

⁵⁷ New wars, a term coined by Mary Kaldor to characterize the warfare experienced after the Cold War era

In 2011, Kenya deployed troops to Somalia with the support of the Somali government, to weaken Al-Shabaab⁵⁸. The presence of Kenyan troops in Somalia since 2011 has often provided a reason for attacks by the Al-Shabaab terrorists. Therefore, this dimension of security was well explained by the Regional Complex Theory.

The study focused more on the fluidity of the border between Kenya and Somalia at Garissa. This fluidity has allowed the influx of refugees into the country. Given the geographic proximity of these two areas and penetrable nature of the lengthy Kenya-Somali border, many Somali citizens seek asylum in Kenya from the civil war and radical regimes. Since structures and actors form fundamental underpinnings of this theory, then the theory provided an adequate platform for the discussion of the security situation in North-Eastern Kenya.

It is therefore impossible to discuss security in the studied region without considering that the Somali of North-Eastern Kenya shares the same culture and religion as the Somali who live across the border in Somalia. The theory could also explain the interdependence of Kenya and Somalia in the war against Al-Shabaab along with the activities conducted by the Kenyan government over Kenyan-Somalis and Somali refugees in the name of security. One of these ‘activities’ was in the form of massacres. A large number of the massacre victims in North-Eastern region were mostly Somali Muslim individuals.

Most massacres committed by the state in the post-independence period have occurred in North-Eastern Kenya, that is, North-Eastern, Upper Eastern and North Rift⁵⁹. These massacres include massacres during the Shifta War; Bulla Karatasi Massacre, 1980; Wagalla Massacre, 1984; Lotirir Massacre; and Malka Mari Massacre. The most notable massacre in Kenya’s history post-independence is the Wagalla Massacre⁶⁰.

⁵⁸ SHEEKH, Nuur M., and MOSLEY, Jason. “Insecurity in Northern Kenya: Is the Government Losing Its Grip?” African Arguments, 6 Jan. 2014, <https://africanarguments.org/2014/01/06/insecurity-in-northern-kenya-is-the-government-losing-its-grip-by-nuur-mohamud-sheekh-and-jason-mosley/>, p. 1. (06.01.2020).

⁵⁹ RINGQUIST, John. “Bandit or Patriot: The Kenyan Shifta War 1963–1968.” *Baltic Security & Defence Review*, vol. 13, no. 1, 2011, pp. 100–121, <http://connection.ebscohost.com/c/articles/62006082/bandit-patriot-kenyan-shifta-war-1963-1968>, p. 101. (06.01.2020).

⁶⁰ TJRC KENYA. “Report of the Truth, Justice and Reconciliation Commission of Kenya.” TJRC Kenya, vol. 2A, 2013, pp. 1–149. Truth, Justice and Reconciliation Commission (TJRC), Kenya, www.scribd.com/doc/142838359/Kenya-TJRC-Final-Report-Volume-2A, pp. 139-141. (06.01.2020).

Unfortunately, the majority of culprits that were held accountable for these grave massacres, to this day, have not had to answer for their crimes; they remain unpunished⁶¹.

The 'so-called' security operation conducted in Wagalla, Wajir, in February 1984 resulted in the massacre of hundreds of civilians. The Wagalla Massacre included detention, torture and killing of male members of the Degodia tribe; a large number died, close to a thousand; this is contrary to the official figure given by the state. The government's plan, through the District Security Committee (DSC), involved confining people at the airstrip, a place not officially gazetted as a detention centre. This plan involved the rounding up of persons and livestock and for them to be "treated mercilessly"⁶². This act proves that the gross underestimation of dead people from the massacre showed how senseless the government has traditionally treated massacres committed by its officers under the claims of state security.

Kenya is not only a prisoner to geography from the conflict spillover from Somalia; neighbouring countries from the north of Kenya contributed to a certain level to instability in Kenya. Even though the neighbour relationship between Kenya and Somalia has resulted to thousands of deaths - through Al-Shabaab attacks - and an influx of refugees more than any other neighbouring country, it is important to take note of the other neighbours that have also contributed to the security problem in Kenya.

To solidify the argument made by the regional security complex theory, the study will analyse the border relation between Kenya and Ethiopia, South Sudan⁶³, and Uganda⁶⁴. It is imperative to note that instability and clashes that take place between the neighbouring states of Sudan, Uganda, and Ethiopia have had a spill over effect in the North-Eastern Kenya region. The outcome of this spill over is an influx in border conflicts, proliferation of small weaponry and an overall instable nature in the region. For that reason, when talking about conflicts in the North, North-Eastern Kenya specifically for this study, it is important to focus on the regional aspect of this issue, the changing aspects of the community's ethnic structure, the outcomes expected from the large

⁶¹ *ibid.*

⁶² *ibid.*, p. 142.

⁶³ The area of interest is the southern part of former Sudan. For this reason, the study will focus on South Sudan which seceded from Sudan.

⁶⁴ Uganda neighbours Kenya to west; Ethiopia neighbours Kenya to the north; South Sudan neighbours Kenya to the north-west.

continuous influx of refugees, and proliferation of weapons from neighbouring communities to this region⁶⁵.

Based on a study on conflict in North-Eastern Kenya conducted in 2003, the suspected party located in Samburu County showed that 90 per cent of proliferation of weapons arms are from Sudan while 76 per cent originate from Uganda. The same study discovered that in Marsabit, 83 per cent mentioned that the minor weaponry originates from Ethiopia, and 78 per cent of them said that Somalia is the country of origin⁶⁶. The closeness of the two counties in Kenya to the neighbouring states in the North describes the variety and quantity of the weapons entering Kenya from either Sudan, Ethiopia, Somalia or Uganda, or even from all states at once. The respondents were, however, agreed that this rise of production and distribution of small weaponry is one of the major causes of conflicts in these counties⁶⁷.

Conflicts experienced in the Federal Democratic Republic of Ethiopia, to a large extent, have contributed to this spillover effects experienced in North-Eastern Kenya. The Ethiopian army constantly makes claims to move in to the North-Eastern region of Kenya under the alleged reason of pursuing the Oromo rebel group who, according to the Ethiopian authorities, withdraw into Kenya only to be provided asylum by the Borana group in Kenya⁶⁸.

The border between Ethiopia and Kenya, stretching over 600 kilometres, is home to the Borana and Gabra nomadic pastoralist communities among many other communities that live on both sides of the Kenya-Ethiopia border. A majority, if not all, of all these pastoralist communities' means of support depend mainly on production of livestock. During the dry weather seasons, these nomadic communities migrate their livestock to better pastures within the region; this may mean moving across the Ethiopia-Kenya border, as their pastoralists' lifestyle often does not take notice of official set

⁶⁵ KUMSSA, Asfaw, and WILLIAMS, James Herbert et al. "Conflict and Migration: The Case of Somali Refugees in North-eastern Kenya." *Global Social Welfare*, vol. 1, no. 4, March 2014, pp. 145–56, doi: 10.1007/s40609-014-0006-9, p. 146.

⁶⁶ MENKHAUS, Kenneth. "Conflict Assessment: Northern Kenya and Somaliland." *SSRN Electronic Journal*, February 2015, pp. 1–137, doi:10.2139/ssrn.2589109, p. 7.

⁶⁷ *ibid.*

⁶⁸ THE NEW HUMANITARIAN, *op. cit.*, p. 1.

boundaries⁶⁹. In addition to their search for water and pasture, this movement has a higher meaning for these communities. The cross-border movement is connected to pilgrimage, communal circumcision, rituals, or ceremonies. Unfortunately, these migrations taking place across the borders ever so often lead to conflicts because of major struggle for limited resources and political difficulties. Mandera County in Kenya, for example, borders Somalia and Ethiopia. The porous nature of the border along Mandera enables the transportation of small weapons into the country. This border porosity causes a large amount of concern for Kenya's security. It is, therefore, automatic for the Kenyan government to deploy forces to contain any attempts of violence or movement of weapons in the region. Government interventions, therefore, limit the cross border movements to protect the state's security⁷⁰.

The lack of infrastructure and resources to develop the region have facilitated conflict in the region; difficult to get to territory and seclusion of the North-Eastern region produce a fertile ground and safe haven for criminals, robbers, and terrorists who are all armed and dangerous. For example, rogue Somalis commit a crime on Kenyan territory and, to avoid execution from Kenyan authorities, move back to the Somali side where there is no functioning state. Law and order in Somalia has collapsed, hence, no one to hold these criminals accountable for their misdemeanour. Somalia, commonly known as a "failed state", has become a major source of radical Islamist groups in the region and has given birth to Al-Shabaab among other terrorist organisations⁷¹. This condition has favoured the spread of small weaponry, and increased cross-border wars and criminal happenings in North-Eastern Kenya region.

According to a study done on the conflict experienced in North-Eastern Kenya, in Turkana district to be specific, one of the key assailants involved in the attacking and slaying of people are the Toposa community from then-Sudan. From the findings in the same research, 90 per cent of the respondents showed that the illegal arms and weapons are from Sudan to the border. Other findings discovered that in the north-west of Turkana

⁶⁹ TJRC KENYA. "Report of the Truth, Justice and Reconciliation Commission of Kenya." TJRC Kenya, vol. 2B, 2013, pp. 165–305. Truth, Justice and Reconciliation Commission (TJRC), Kenya, www.scribd.com/doc/142838359/Kenya-TJRC-Final-Report-Volume-2B, p. 166. (06.01.2020).

⁷⁰ Papaioannou and Michalopoulos, op. cit., p. 1815.

⁷¹ Burns, op. cit., p. 8.

district, communities from mainly the Nyang'atom and Toposa of Sudan, the Merille of Ethiopia, and the Karamojong of Uganda often initiate the extensive raiding⁷².

The conflicts experienced along North-Eastern Uganda spill over to Kenya at the North⁷³. This weakens socioeconomic stability of the communities living along that borders. The region that borders South Sudan and North-Western Kenya is a semi-arid land with little rain throughout; also marginalised culturally, socially and economically from the rest of Uganda. Insecurities, cattle rustling and other conflicts plague the region⁷⁴. In the dry period when pasture was limited, the Karamajong crossed to the Kenyan border to terrorise people; this has a direct implication for the border regions of Kenya⁷⁵.

The problems experienced in the former NFD region intensified mainly because of the instability observed in the former Somali Republic; this is especially after the downfall of the 1991 government under Siad Barre government that took place⁷⁶. Somalia was known to have one of the most enormous and best-equipped armed forces located in the sub-Saharan Africa region in the 1970s. The then-President Siad Barre wanted more weapons in order to increase control within Somalia and "in pursuit of expansionist goals, to annex part of Ethiopia and Kenya" but failed⁷⁷. State failure, although identified as an evident and major cause of influx of refugees, is not the only factor to consider. Location of refugees in areas neighbouring the source countries thereby increasing conflicts and insecurity is another factor that should not be overlooked. Refugees and the camps that house them are a creation of state weakness and failure in the Eastern African region. Therefore, even though these camps and settlements deliver new spaces for relief, support, citizenship, and contestation, they are also considered as a major source of conflict and insecurity in the region.

⁷² Kumssa et al., *Conflict and Human Security in the North Rift and North-Eastern Kenya*, p. 1010.

⁷³ The Karamojong violently engage with their Kenyan, Ugandan, and South Sudanese neighbours over cattle raids.

⁷⁴ Even though this conflict dates back to pre-colonial times, colonialism has contributed a large impact to this conflict.

⁷⁵ Sheekh and Mosley, *op. cit.*, p. 1.

⁷⁶ HAMMOND, Laura. "Somalia Rising: Things Are Starting to Change for the World's Longest Failed State." *Journal of Eastern African Studies*, vol. 7, no. 1, 2013, pp. 183–193, doi:10.1080/17531055.2012.755316, p. 185.

⁷⁷ *ibid.*

The magnitude of the inflow of Somali refugees could considerably affect Kenya in many ways. This outcome exemplifies Michael Brown's concept of regional dimensions in internal conflict. He explains that refugees are a result of internal conflict, and it affects the security of the neighbouring countries most of the time⁷⁸. The aspect of insecurity relates to Brown's justification about the provoking actions internal conflicts inflict on their neighbouring states. He argues that the refugee dilemma and "spillover" of insecurity are major factors that can make states within a region to end up in local conflicts⁷⁹. Additionally, Brown explained that local conflicts have great prospective to "spillover" and generate military-related problems for their neighbouring states. He argues that these internal conflicts produce instability within the neighbouring states; this produces both political and economic instability for the neighbouring states⁸⁰. As an outcome of terrorism, insecurity, and instability created by Al-Shabaab in certain regions in Kenya, numerous western states along with others issued travel warning advisories on the country. As a result, this outcome affects the country's tourism sector which cuts into its economy.

Kenya's actions to intervene against the Al-Shabaab group in Somalia in order to tackle the insecurity point out what Brown called a "Defensive intervention". He points out that states take actions of intervention in internal conflicts because the actors involved in a conflict within their proximity have threatened their national security⁸¹. The primary motive for this involvement through invasion is not initially meant to end the conflict, but rather to halt its spread into the Kenyan borders. Many states do this using different tactics, but the main motive is always to defend the national security which is a main priority.

As Brown further expounds, it is a universal behaviour of states to always act in favour of their own national interest even if it is a conflict they are not directly involved in. In this situation, Kenya aims to prioritise the safety of her national security rather than putting emphasis on resolving Somalia's conflict in a holistic manner. For many years, Kenya's role and position in the Somali conflict remained quite neutral. Some of its

⁷⁸ BROWN, Michael. *The International Dimensions of Internal Conflict* (BCSIA Studies in International Security). MIT Press, 1996, p. 590.

⁷⁹ *ibid.*, p. 591.

⁸⁰ *ibid.*, p. 600.

⁸¹ *ibid.*, p. 596.

holistic interventions in Somalia include mediation processes between internal actors and hosting several peace processes with an aim to bring together different parts in Somalia separated by internal conflict. These sequences of mediation comprised of the one held 2002-2004 under the sponsorships of IGAD member states and the international community making the TFG⁸².

Even though it is not easy to eradicate the spillover effect of conflict while neighbouring with a conflict-stricken country, Kenya has made efforts to create and maintain a secured and stable nearby region in the Somali civil conflict; this is what Brown labels as “protective intervention”. In line with Kenya’s attitude towards Somalis along North-Eastern Kenya, the state makes sure to aid the ethnic groups in close proximity to nearby conflicts only to benefit their national security⁸³.

1.3. Theory of Expansionism

One of the most important outcomes from the colonial era was the formalising of expansionism. Colonialism, a type of expansionism, is the system of a nation desiring to increase or protect its power over territories aside from its own. The main aim of this desire is to either develop or utilise these territories to their benefit. Expansionism occurred most during the European colonial era, whereby European powers took colonies for themselves from all over the world: Africa, the Americas, and Asia. This theory fits well to this research, especially because colonialism is the focus of the outcomes described by the study. However, there is another aspect to expansionism that also applies to this research: Expansionist nationalism.

Expansionist nationalism is a radical and threatening type of nationalism that fuses patriotic, self-governing attitudes with a hope of recovering formerly owned territories or expansionism; internal expansion of state power within state boundaries often met with violence. Expansionist nationalism also took in resistant groups who realised that uniting around ethnic or religious similarity was usually the most effective method to fight for political reform and autonomy⁸⁴. Traditional counterinsurgency had a political function: to establish authority, control resources and as a symbolic way of describing the political

⁸² NYUOT YOH, John, G. “Peace Processes and Conflict Resolution in the Horn of Africa.” *African Security Review*, vol. 12, no. 3, 2003, pp. 83–93, doi:10.1080/10246029.2003.9627238, p. 83.

⁸³ Brown, op. cit., p. 597.

⁸⁴ Ringquist, op. cit., p. 103.

and cultural borders of ethnic identity. The collapse of this traditional system started with colonial invasion. Even though colonial powers encountered traditional counterinsurgency in the form of rebellious ethnic movements⁸⁵, they had the upper hand and managed to contain any efforts against counterinsurgency that would undermine their leadership over their colonies. As states developed after the colonial era, leading Cold War powers took the lead in influencing policies of external participants of this war.

Even though the European powers lost their territories, the boundaries they set in their colonies remained standing even after they left. Each boundary is highly dependent on a convention. Aside from the obvious cases of erratic partitioning, some of the boundaries born from colonisation were closely associated to nature: rivers, mountains, or oceans, among other geographical features. Other boundaries were as a result of diplomatic negotiations or treaties of cession, annexation, or even as a form of exchange among the imperial powers at that time⁸⁶.

Not ready to accept the legitimacy of these pre-independence boundaries, the Somali influence from the early 1960s maintained their entitlement on territories located in Ethiopia, Djibouti, and Kenya's NFD regions⁸⁷. By 1964, less than a year after gaining independence, Kenya experienced rebellion from a region that had an aim of seceding. The then president of Kenya, President Jomo Kenyatta⁸⁸, declared a state of emergency for that region. This links back to the regional security complex theory whereby the security threat that Somalia posed was highly experienced within the immediate neighbourhood, Kenya.

Somalia's rebellion and desire to expand caused the 'Shifita war' that resulted in a widespread and structured breach of human rights practised by state security agencies in Kenya. The Shifita War ended after four years. Around 2,000 to 7,000 people, both civilians and combatants from both countries, died during this period⁸⁹.

⁸⁵ MAATHAI, Wangari. *Unbowed: A Memoir*. Reprint, Anchor, 2008, p.11.

⁸⁶ Papaioannou and Michalopoulos, *op. cit.*, p. 1820.

⁸⁷ Weitzberg, *op. cit.*, p. 35.

⁸⁸ Hornsby, *op. cit.*, p.30.

⁸⁹ GWAAMBUKA, Tatenda. "How Eurocentric Boundaries of Africa Have Resulted in Genocides and Political Instability." *The African Exponent*, 16 Aug. 2017, www.africanexponent.com/post/8538-how-eurocentric-boundaries-of-africa-have-resulted-in-genocides-and-political-instability, p. 1. (06.01.2020).

The concept of having a different ethnicity as a reason for creating a separate state requires us to explore the earliest standard level of measurement connecting people, to define what the preferred unit into creating a nation⁹⁰. The Somali ethnic group present in the NFD, even though located under Kenyan territory, preferred to be under Somalia than under Kenya. So, what determines nationalism in a particular group of people? The poor treatment of Somali ethnicity in Kenya, for many years, may have a role to play in the self-governing attitudes exhibited amongst this ethnic group around that region⁹¹.

During the colonial period, the Somalis under the British East Africa rule experienced different treatment as compared to others. The Kenyan state, after independence, continued to treat Somalis not as members of Kenya, but as aliens. This behaviour was because of "Shifta" war of 1963 to 1967, in which the people inhabiting the NFD made an effort to secede from Kenya⁹².

The expansionist nationalist theory well explains the Shifta war, and its newly evolved war with the radicalistic militia groups, Al-Shabaab. A rise in occasions of terror attacks from the Somalia-based militant Islamist group made the conflict and security situation in the North-Eastern region of Kenya more difficult.

⁹⁰ The Economist, op. cit., p. 1.

⁹¹ Lochery, op. cit., p. 622.

⁹² Ringquist, op. cit., p. 102.

2. COLONIALISM, KENYA, AND SOMALIA

2.1. The Scramble for Africa: Drawing the Line that Divided the Nation

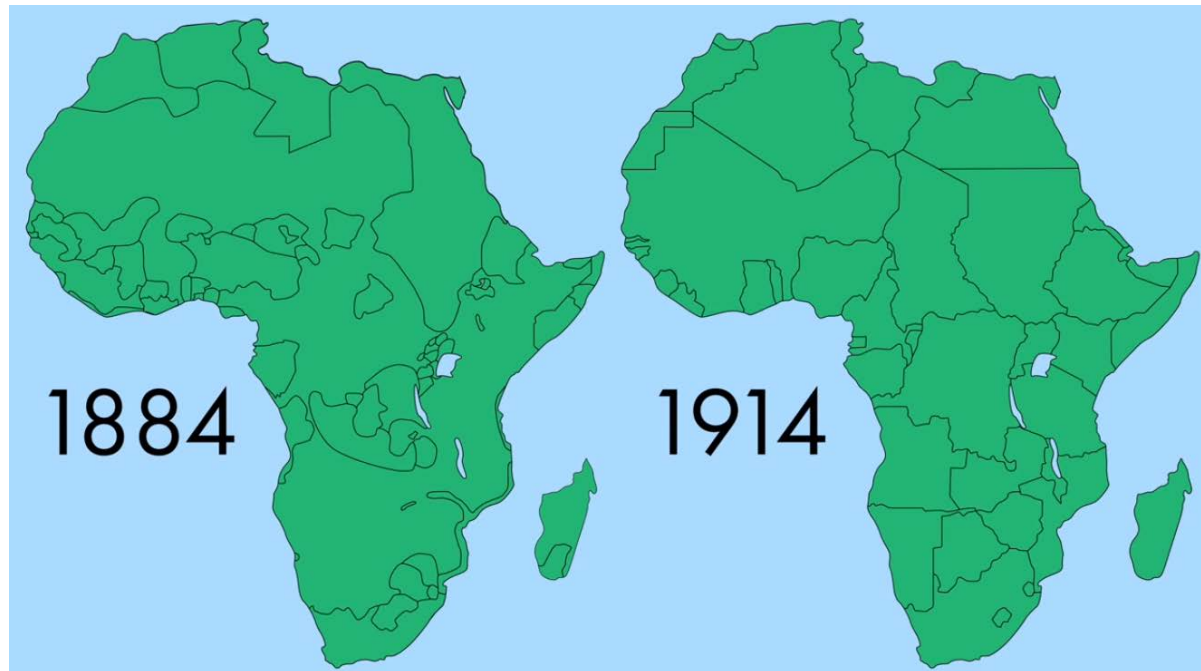


Figure 1: Boundaries of Africa⁹³

In the 1870s, the European nations were arguing over the prizes available in the African continent. To prevent further conflict amongst each other, they met at the Berlin Conference between 1884 and 1885⁹⁴. They wanted to set up rules and come to an agreement on how they would divide Africa for themselves⁹⁵. The Italians, British, and French colonised the HOA (not including Ethiopia). Djibouti was labelled the French Somaliland in 1885; while British Somaliland comprised of the region of the Gulf of Aden, and Italian Somaliland took control of the region nearest to the Indian Ocean, including the Red Sea colony of Eritrea⁹⁶.

From 1870 to when World War I took place, this scramble for the African continent resulted in European powers owning around a fifth of the world as its overseas colonial territories⁹⁷; they took hold over these territories. In some of the areas, Europeans

⁹³ ALEX. "Boundaries of Africa (1884 vs 1914)." Vivid Maps, 10 Apr. 2019, <https://vividmaps.com/boundaries-africa-1884-vs-1914/>, p. 1. (06.01.2020).

⁹⁴ Papaioannou and Michalopoulos, op. cit., p. 1802.

⁹⁵ HIRBE, Bekele Bengessa. *Intra-State Conflicts in the Horn of Africa and Their Implications for the Regional Security*. Howard University: ProQuest Dissertations Publishing, 2016, p. 29.

⁹⁶ Papaioannou and Michalopoulos, op. cit., p. 1805.

⁹⁷ The Economist, op. cit., p. 1.

were encouraged to live and settle. In doing so, dominant minor communities emerged. The colonisers enjoyed their newly found territories in different continents that they wanted to assimilate their colonies into the mainland. For example, France intended to combine Algeria as part of the French state. The level of dominance of these colonial rulers proved to be very powerful. In other instances, they even implemented the traditional 'divide-and-conquer rule' techniques to get the locals to help them administer over their colonies⁹⁸. They did find some locals who were ready to help them with this endeavour.

The "scramble for empire" that took place among European powers from the nineteenth century onwards fast-tracked the colonial partition process over the HOA even though they exercised only a maritime presence in the beginning. Unsurprisingly, the focus of many, if not all, borders within the African continent always had European interests as opposed to that of the Africans; The Europeans failed to put to focus the indigenous settlement patterns, class relations, or pre-colonial politics of the Africans.

The UK, France, and Italy had imposed their colonial rule in the Horn of Africa. The French settled in French Somaliland, which is present-day Djibouti. The Italians made proposals to inhabit Somalia; they successfully launched a colony in the Southern parts of Somalia, which became present-day Ethiopia and Eritrea. In 1896, they were defeated in the famous battle of Adwa. The Ethiopian empire also desired a larger territory for itself. It therefore, boarded on the idea of territorial expansion into their neighbouring territories. In 1897, the Somali Region of Ogaden was incorporated into the Ethiopian empire. This represented a unique and unexpected form of intra-African imperialism; this was assumed as a concept only adapted by the Europeans. The British, who not only established themselves in British Somaliland, as elsewhere, took the greater share of the land. They also managed to defeat the French to the control of Sudan at Fashoda. It was here that they agreed on an atypical form of joint rule with Egypt. The British colonial administration had its plans for the region. They wanted to set up a "buffer zone" between its boundaries with Italian Somaliland (present-day Somalia) and Ethiopia on one side, and its railroad and white settler community on the other side⁹⁹.

⁹⁸ Papaioannou and Michalopoulos, op. cit., p. 1830.

⁹⁹ *ibid.*, p. 1827.

The colonial rule passed on North-Eastern Kenya, a contentious border with Somalia due to its large Somali ethnic population, to Kenya. The original colonial border was at the Jubba River¹⁰⁰. This would have given Kenya a much larger and more economically attractive northeast corner in the Horn of Africa, while also putting to consideration the fast growing Kenyan-Somali population. The British, instead, gave the Transjubba area to Italy as part of the World War I Treaty of London, resulting in the current borders observed in the region. The British made Isiolo the main site of military stations for random security patrols into the North-Eastern region. It was here that they managed to settle a large number of Somali Isaaq from British Somaliland; all were soldiers. This group, which hypothetically wedded with local Samburu and Boran tribes of Kenya, formed a unique subgroup of the Kenyan-Somali community.

Colonialism, in some way, ended as soon as European countries started a war among themselves rather than against the rest of the world when the two World Wars took place. As a result of this, European powers exposed their weakness to their colonial subjects. This allowed the USA and USSR to finally gain overall world power which they fought over for more than 50 years. The people under these colonies realised the opportunity to be able to break free from the grasp that Europe had over them; they noticed that Europe was as not powerful or as enlightened as they claimed to be. The motivation for this move came from World War I whereby European countries depended heavily on the troops from their colonies as a source of defence. Britain, for example, was longer able to maintain their hold on India. This downfall became the norm for all other British colonies and other European powers¹⁰¹.

The wave of nationalism or patriotism got more profound among the Africans that were politicians and philosophers. Many in Africa realised their strength concerning the coloniser for the first time. At the same time, the barbarities of the war destroyed some of the mystique of the invincible European¹⁰². In most areas, however, European power remained relatively steady during this period.

In 1960, the British administration, due to pressures, removed the limitations it set on the political parties. This removal brought in the creation of political parties such as

¹⁰⁰ Jubba river is also identified as Giuba river.

¹⁰¹ Wa Njeri, op. cit., p. 1.

¹⁰² Hirbe, op. cit., p. 30.

the Northern Province People's Progressive Party (NPPPP), the Kenya African Democratic Union (KADU), and the Kenya African National Union (KANU). While KANU and KADU had nationalistic goals, the NPPPP announced its desire to pursue self-determination and gain some level of independence from the rest of Kenya in order to join the hopefully unified Somali Republic. The British isolationist policy in the NFD gave the NPPPP separatist feelings. The NPPPP was a political party that represented the opinions of the Somali ethnic group in the NFD. When the formation of the NPPPP took place, the alliance between British Somaliland and Italian Somaliland was also forming. For the NFD, the union of these two lands would only bring up Pan-Somali feelings. The newly unified Somali Republic government and its constitution, with the direction of Dr Ali Shirmarke¹⁰³, passionately announced the desire to pursue the dream of bringing the remaining three Somali-inhabited territories- the NFD, the Ogaden and the French Somaliland- into the national plan in order to create a Greater Somalia¹⁰⁴.

¹⁰³ Abdirashid Ali Shermarke, was Prime Minister of Somalia from July 1960 to June 1964. He was President of Somalia from July 1967 to October 1969, until his assassination on October 1969.

¹⁰⁴ WHITTAKER, Hannah. *Insurgency and Counterinsurgency in Kenya: A Social History of the Shifta Conflict, C. 1963-1968*. Leiden: Brill, 2015, p. 392.



Figure 2: The Greater Somalia with Its Autonomous Regions of Somaliland and Puntland ¹⁰⁵

During the colonial period, there was already a physical division of Somalis along borders marking out Kenyan, Ethiopian, and Somali territories¹⁰⁶. The ruling British colonial administration disregarded the will of the majority of Somali people from the NFD to join with the Republic of Somalia, and change the existing border. Because the British administration disregarded their request, Somalia began the Shifta War to take over the North-Eastern Province¹⁰⁷ from Kenya. However, they only succeeded in reinforcing the marginal economic and social location of Somalis within Kenya.

¹⁰⁵ WIKIPEDIA CONTRIBUTORS. "File:Somali Map.Jpg - Wikipedia." *Wikipedia*, 17 Aug. 2005, www.en.wikipedia.org/wiki/File:Somali_map.jpg, p. 1. (06.01.2020).

¹⁰⁶ Weitzberg, op. cit., p. 40.

¹⁰⁷ Northern Frontier District changed to North-Eastern province after Kenya gained independence

The colonialism experience in the Greater Horn had major cultural consequences. Kenya's national hero, Wangari Maathai¹⁰⁸ perfectly summarises the interconnected effects from the colonial era in Kenya:

"Culture is Africans' antennae into the unknown future and their reference point into the past... The people robbed of their heritage during occupation, enslavement and political and religious colonisation, become disoriented and disempowered. The world cannot ignore centuries of cultural degradation of the African people through religious and mental brainwash against their heritage. Colonisation has left Africans weakened culturally, economically and politically [and in] a crisis of leadership"¹⁰⁹.

2.1.1. Geographical Changes to HOA during Colonialism

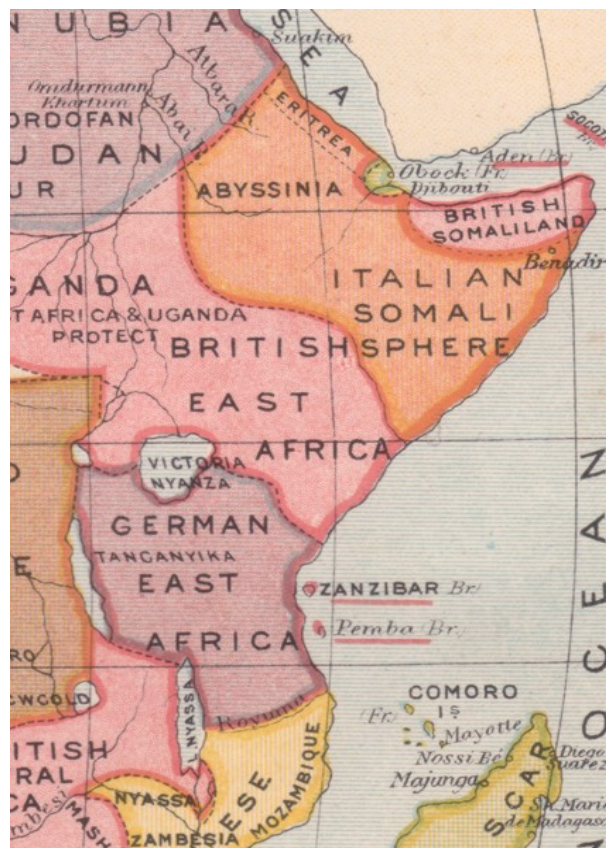


Figure 3: Colonial Boundaries in the HOA¹¹⁰

¹⁰⁸ Wangari Mathai (1940-2011) was a renowned Kenyan political, environmental, and social activist and the first African female to win the Nobel Prize.

¹⁰⁹ Maathai, op. cit., p. 11.

¹¹⁰ BRETT, Oliver J. "Blunders, Booze, and Boats: How WW1 Erupted in Colonial East Africa." News Speak, 14 Dec. 2014, www.thenewsspeak.wordpress.com/2014/12/13/blunders-booze-and-boats-how-ww1-erupted-in-colonial-east-africa, p. 1. (06.01.2020).

The unsuitable set-up of the African borders along with the use of these designs as political tools, have amplified levels of instability and underdevelopment for communities all over the continent. Like for many countries in Africa, these borders have cut across and divided many ethnic groups and societies. The Somali group considered these set borders as meaningless; their way of life as nomads entailed unlimited travels in search of pasture and water for their cattle.

As a direct effect of the colonial partition, ethnic Somalis dispersed in four countries, Somalia, Ethiopia, Kenya and Djibouti. The successive Somali governments wanted to undo the fragmentation brought upon them by colonialism and unite all Somali occupied lands including the Ogaden and Haud in Eastern Ethiopia, the French Somaliland of Djibouti, and Northern Frontier District (NFD) of Kenya. After independence, they embarked on a project of creating "Greater Somalia," which in turn fuelled regional tensions resulting in three major wars between Ethiopia and Somalia, and border skirmishes between Kenya and Somalia.

Following the artificial border set up by the colonisers, African communities had limitations to their movement. This limitation greatly affected their daily activities, such as pastoralism. The creation of these borders also meant that their social and economic lifestyle experienced a level of inconvenience. This change brought to the African structural systems and lifestyles had an immensely adverse effect on their economic well-being, traditional life, and administrative structures; this denied African borderland communities the chance of economic opportunity¹¹¹. They had to live contrary from their traditional way of living. For example, many Africans observe a pastoralist lifestyle; they are nomadic people that require huge land for grazing and water for their livestock. Unfortunately, these artificial borders restricted these people to herd on smaller land than what they are used to. These restricted mobility sanctions forced these societies into competition for resources and hostility with other borderland peoples¹¹².

Europeans created almost all boundaries in Africa during colonial times; they arranged how they could share their rule over the continent. During the negotiations, they

¹¹¹ TAFIRA, Hashi Kenneth. "Against Colonial Borders: The Need for African Citizenship Now." Pambazuka News, 19 May 2016, www.pambazuka.org/pan-africanism/against-colonial-borders-need-african-citizenship-now, p. 1. (06.01.2020).

¹¹² MINORITY RIGHTS GROUP INTERNATIONAL. "World Directory of Minorities and Indigenous Peoples - Kenya : Pastoralists." Refworld, Jan. 2018, www.refworld.org/docid/49749cf765.html.

did not ask for the views of the African people when creating these borders and instead, decided to use poorly constructed maps¹¹³. This ignorance has been the primary cause of the unsatisfactory nature of inter-state and regional borders in Africa, which end in conflict.

Since independence, several African countries have experienced a great level of struggle and instability over the colonial-set conventional boundaries. These conflicts have focused on minorities and resource issues on a trans-boundary level, vague frontiers, and the competition or difficulty of executing the then-existing colonial and post-colonial boundary arrangements. Between the late 1950s and the late 1990s, over half of the African states had gone through some form of boundary-related battle¹¹⁴.

When it came to the Kenyan territory of the NFD, the colonialists did not make enough effort to encourage proper levels of social or economic events in the district; they did not blend it with the rest of Kenya's political systems before its independence. This geographical and socio-economic seclusion was an exercise continued even after Kenya gained independence. This "Special District" remained distinctly weaker and less politically dominant than the rest of Kenya¹¹⁵.

The British colonial government introduced a leadership system that relied heavily on ethnicity; they utilised a policy of 'divide and rule'. Divide and rule involved the policy of having authority over one's lesser subject or contender by encouraging disagreement between them, therefore preventing any alliance that would form greater opposition. There was a great aspect of ethnic stereotyping in the British colonial leadership system¹¹⁶. As a result of these colonial policies, land conflicts, forced displacement, and inequality emerged. These historical wrongs from the colonial era were not addressed even after Kenya gained independence because the elite groups that were put under leadership were not truly committed and did not have the political drive to build a truly democratic and prosperous country for all its newly independent people¹¹⁷.

¹¹³ The Economist, op. cit., p. 1.

¹¹⁴ Papaioannou and Michalopoulos, op. cit., p. 1837.

¹¹⁵ Whittaker, op. cit., p. 393.

¹¹⁶ Tafira, op. cit., p. 1.

¹¹⁷ The Economist, op. cit., p. 1.

Insider and outsider dynamic forces have directly or indirectly triggered ethnic tension and violence when communities assert a superior claim over territory, to the exclusion of others. Ethnic tension occurs when areas taken over by the people from outside the region enjoy much better services; when the areas inhabited by the ‘outsiders’ get ‘outside’ labels; and during the election procedures, when the ‘outsiders’ were required to choose the desired political candidate of the local people¹¹⁸. A good example is the situation in Rift Valley; the non-Kalenjins were automatically expected to vote according to the Kalenjin inclinations.

Conflicts that sprung from limited resources, such as cattle rustling, have directly or indirectly triggered a high level of ethnic tension amongst the pastoralist communities, predominantly those located in North-Eastern Kenya. President Jomo Kenyatta’s ethnic group, the Kikuyu, enjoyed remarkable amounts of prosperity both politically and economically. This automatically isolated the other ethnic communities along with many non-conforming Kikuyu people from any form of government matters. The shooting of some political front-runners, such as Tom Mboya, increased the levels of ethnic tension¹¹⁹.

President Daniel Moi¹²⁰ filled the civil service institutes and the state-owned establishments with members from his ethnic group, the Kalenjins. Those from the ethnic groups that were known to support his regime also benefitted from having him as their political preference. Ever since 1991, multi-party politics have predominantly consisted of regional, ethnic-based and poorly established political structures. President Mwai Kibaki’s¹²¹ cabinet also had a highly unbalanced number of members from the Kikuyu, his ethnic group. To date, politicians appointed in the Kenyan government have most of the time, if not always, made sure that the government policies and structures have advanced the living of certain ethnic groups, at the cost of others which would leave them excluded; this bore out of the effects of colonialism.

¹¹⁸ BURBIDGE, *Democracy versus Diversity: Ethnic Representation in a Devolved Kenya*, p. 1.

¹¹⁹ Hornsby, *op. cit.*, p. 29.

¹²⁰ Daniel Toroitich arap Moi was the second President of Kenya between October 1978 to December 2002. He became president after the death of the then president Jomo Kenyatta

¹²¹ Mwai Kibaki, was the third President of Kenya between December 2002 to April 2013.

2.1.2. The NFD Region before Kenya's Independence

The history of the North-Eastern region of Kenya has mostly been a story of seclusion and negligence, both from the British colonial leadership and from the newly independent Kenyan leadership. The outcome of British colonialism left other another aspect of history as well; the divide-and-rule leadership both misleading and a reinforced form of traditional power.

Abuse of human rights was prevalent right after independence. This included multiple occurrences of massacres that targeted North-Eastern Kenyans who were mainly Somalis. There were times when non-Somalis were targets of these massacres; non-Somalis in Marsabit were also victims of the Kenyan security forces. The TJRC recognised and recorded these incidents of state-sponsored violence through the massacres. The worst of these cases was the Bagalla massacre of 1984 in Wajir, whereby close to a thousand Somalis from the Degodia clan¹²² were murdered in a penal disarmament procedure right after clan clashes. To this day, the official number of the people killed is still a subject of debate.

Other massacres attributed to the security actions taken by the Kenyan forces took place in Garissa (the Bulla Karatasi/ Garissa Gubai massacre) in 1980 and Mandera (the Malka Mari massacre) of 1981. In all of these massacres, the TJRC discovered that this unjust form of extermination was actually a form of joint punishment against an entire clan for clan conflict or misconducts. The government conducted these atrocities with complete immunity from punishment. Those in superior positions carried out the abuses and killings on orders, therefore violating numerous counts of human rights. These attacks through the massacres involved extensive raping, raiding of property, and even torture. Those same government officials who approved of these attacks engaged in methodical cover-ups right after¹²³.

This era of massacres was a chapter in the abusive history of state relations with the citizens of North-Eastern Kenya. It continues to be an imperative and highly delicate matter, especially because of the revival of this unmannerly conduct towards Somali-

¹²² The Degodia are an ethnic group of Somali origin in Wajir, North-Eastern Kenya

¹²³ TJRC KENYA. "Report of the Truth, Justice and Reconciliation Commission of Kenya." TJRC Kenya, vol. 4, 2013, p. 12–15. Truth, Justice and Reconciliation Commission (TJRC), Kenya, www.scribd.com/doc/142838359/Kenya-TJRC-Final-Report-Volume-4, p. 12. (06.01.2020).

Kenyans during the Operation Usalama Watch crackdowns after the September 2013 Westgate Mall terrorist attack¹²⁴; this principally impacted Somalis and Somali-Kenyans in Nairobi but resonated with those in North-Eastern Kenya as well¹²⁵. Comprehensive knowledge on the historical, geographical, and demographic setting of the NFD is of utmost importance in discussing the history and basis of the Shifta War. Even though the demographics changed over time, the NFD applies to roughly 102,000 square miles. Former NFD is current day Moyale, Mandera, Marsabit, Isiolo, Wajir, and Garissa.

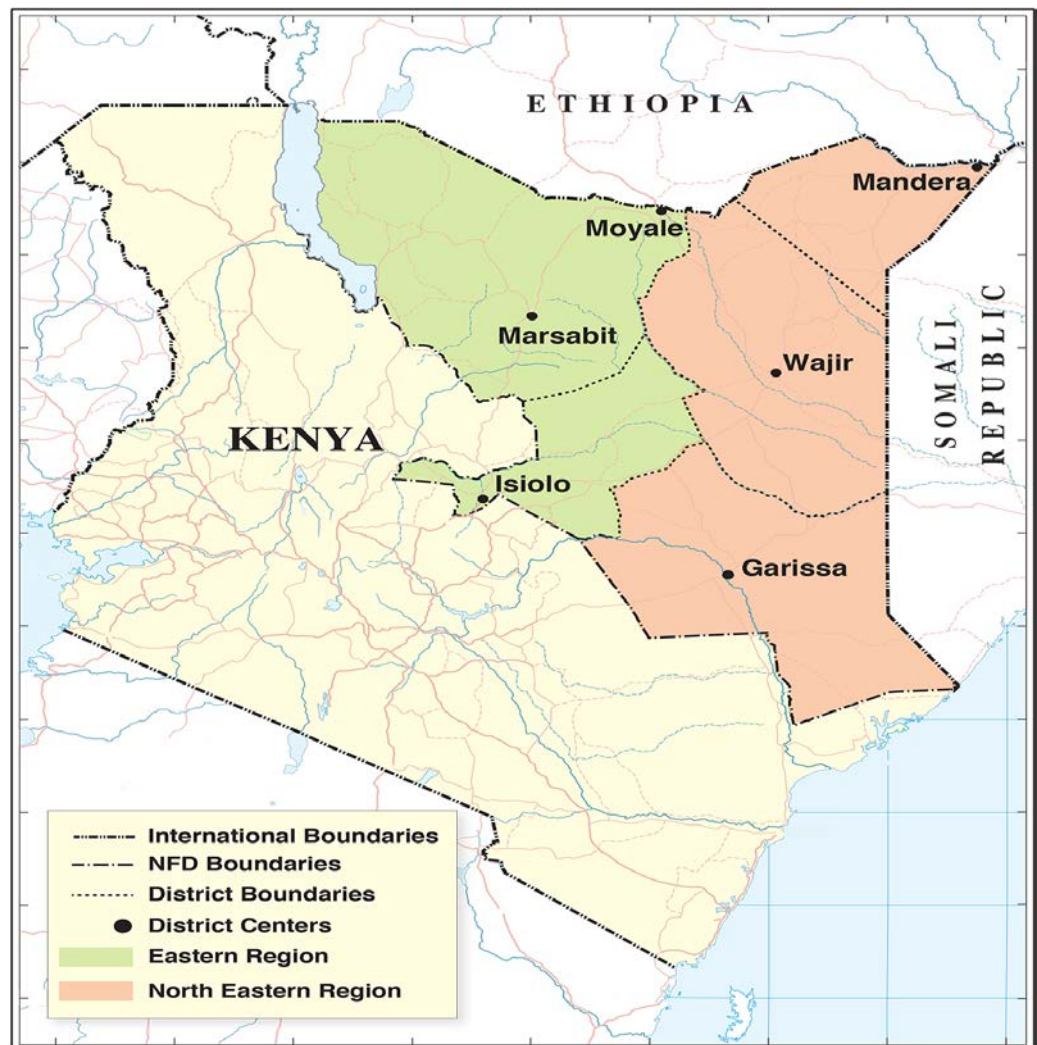


Figure 4: The Northern Frontier District of Kenya¹²⁶.

¹²⁴ BBC NEWS. “Deadly Explosions in Kenyan Capital.” BBC News, 1 Apr. 2014, www.bbc.co.uk/news/world-africa-26827636, p. 1. (06.01.2020).

¹²⁵ FAKUDE, Thembisa. “Can Kenya Avoid a Sectarian Conflict?” Al Jazeera Center for Studies, 14 May 2015, <http://studies.aljazeera.net/en/reports/2015/05/2015514124231134280.html>, p. 1. (06.01.2020).

¹²⁶ BURBIDGE, Conflict in the Horn of Africa: The Kenya–Somalia Border Problem 1941–2014, p. 176.

Administrative boundaries drawn within Kenya created the NFD. The physical attributes of this region are semi-desert and a low plateau. The nature of the region means that not much vegetation thrives in the area. Thorn bushes that predominantly grow in the region act as food for the cattle kept by residents of the area. Livestock in the form of goats and camels are the primary source of sustenance for the people living in this region. People of Somali origin are the dominant group inhabiting this area. However, other non-Somali groups such as the Galla and Borana live in this area¹²⁷.

The "frontier" in the district's name gained meaning in 1909 when Somalis living in Kenya could not cross the Somali-Galla line, which separated the NFD from Kenyan territory. This initial attempt to hold Somalis in North-Eastern Kenya led the British administration to create policies that would restrain the movement of Somali-Kenyans in connection; these policies alienated Somali-Kenyans from other Kenyan nationals. One policy that sparked up resistance to colonial control among the Somalis was the 1902 policy. The Outlying District Ordinance of 1902 finally allowed the British to establish frontier posts that limited raids carried out by the Abyssinian¹²⁸ soldiers upon the British territory. They enforced these borders to reduce the westward movement of the Somali people. The border between Kenya and Somalia failed to consider the people's way of life or even their ethnic interest. In 1904, Sir Charles Elliot¹²⁹, the Commissioner of the East African Protectorate, made a recommendation to separate the Somali-occupied districts to form their government. Even though they did not implement his recommendation, it was evident that administration over the NFD in comparison to other British East African Protectorate¹³⁰ displayed an attitude similar to Elliot's recommendations. It did not end there; in 1926, the British successfully managed to obtain a legal mandate that declared the NFD as a closed district. This ruling gave the British powers to metaphorically dust off the 'Somali problem' along the border because they could legally use force should any problem arise¹³¹.

¹²⁷ Mengistu, *op. cit.*, p. 31.

¹²⁸ Abyssinia is modern-day Ethiopia.

¹²⁹ He served as a Commissioner of British East Africa under his colonial administrator position from 1900–1904.

¹³⁰ British East Africa also known as East Africa Protectorate was a region in the African Great Lakes that occupied approximately the same land as present-day Kenya; territories between Lake Victoria and the Indian Ocean.

¹³¹ Ringquist, *op. cit.*, p. 111.

The main aim of the Closed District Ordinance policy that took place in 1926 was to control the movement of the people of NFD. It wanted to separate the NFD from the rest of Kenya and limit the expansion of Somali westwards. This limitation blocked an opportunity for the Somali in the NFD region to have a collective identity with other non-Somalis based in the southern part of Kenya.

What worsened the situation was the 1934 Special District Ordinance that hindered any form of interaction between the NFD and the world that existed beyond their borders. The supposed reason for this action was to stop epidemics found in livestock from the NFD region from spreading to other livestock around that area. However, there was another reason behind this; they implemented the policy preventing the faith of Islam from rousing those in the NFD against the colonial leadership¹³².

By 1940, this isolation policy worked against Kenya. Nationalistic feelings successfully spread across Kenya. The British colonial administration had a great fear that the Somali situation in the NFD would also manage to provoke a sense of political consciousness in the country; the last resort was to neglect the region at an aim of weakening it entirely. By the time the British administration left and gave Kenya independence, the level of economic and political negligence experienced by the NFD region had borne fruit; this became the country's most isolated and backward portion. To date, the North-Eastern Kenya region is one of the most disadvantaged regions in Kenya¹³³.

In 1960, the North-Eastern part of British Somaliland merged with the southern part of Italian Somaliland to form the Somalia Republic. Even though a new state emerged, many Somalis remained outside the borders. Those who imagined themselves as part of the Greater Somalia were left out in the NFD region of Kenya and the Ogaden region in Ethiopia.

The independence of the Republic of Somalia reintroduced their great desire to unify with their Somali brothers residing in Kenya and Ethiopia. The hustle and bustle Somalis in the NFD went through for this independence through self-determination grew stronger with each attempt. Their relentless political efforts lead to the British Colonial

¹³² Thompson, *op. cit.*, p. 183.

¹³³ *ibid.*, p. 182.

Secretary's bid for an official commission that would help determine what the general view of the Somalis in the NFD was. In the face of continued political system of governance among the Somalis, a later legal decree nominated the NFD region of Kenya as a "Special District" that expected the inhabitants with Somali ethnicity to carry documentations or request for approval from legal authorities in order to enter other districts in the country¹³⁴

The British administration decided to appease Kenyatta by quickly inventing its own "Report of the Regional Boundaries Commission" which promoted its favoured course of action, and went back on its promise to comply with the UN Commission's counsel¹³⁵.

When they announced this decision, the Somalia Republic cut its diplomatic relations with Britain and rose to rebellion in the North-Eastern region; this was the Shifta War.

2.2. 1961-1984: The Shifta War and its effects

Shiftas are thieves, robbers, and bandits. There is a clear link between the bandit activity and the systematic economic dismissal of the ethnic Somalis living in this region. Independence of Kenya entailed close to three decades of despair for the Somali inhabitants in North-Eastern Kenya. The Somali administration's advocacy to claim the Somali-inhabited NFD region after independence led to the Shifta War. The outcome of the Shifta War was a three-decade-long emergency rule that caused North-Eastern Kenya to experience one of the most harsh security state rule enforced by the government of Kenya¹³⁶.

The hopes and aspirations of the Somali Republic for the Greater Somalia symbolised in the Somali flag¹³⁷. The flag is sky-blue with a five-pointed white star for the five acclaimed regions of the Somali Republic. Their ethnic flag reflects this sense of ownership, where the white Star of Unity symbol represents the five areas inhabited by the Somali ethnicity in the Horn of Africa: Kenya's former NFD region, Djibouti, Former

¹³⁴ Hirbe, op. cit., p. 59.

¹³⁵ Kenya Regional Boundaries Commission, op. cit., p. 70.

¹³⁶ Whittaker, op. cit., p. 400.

¹³⁷ The Republic of Somalia adopted the flag in 1954, in hopes of a Greater Somalia.

Italian and British Somaliland territories, and Ethiopia's Ogaden region¹³⁸. Even though Kenya at the time was working towards its independence, it was evident that the fight over the NFD against the Somali Republic was inevitable; the Shifta War was inevitable.

Ethnic Somalis in Kenya surprisingly favoured unification and alliance with the Republic of Somalia over the political status provided to them in Kenya. However, at the same time, the British colonial government was also in the talks of giving Kenya independence with the then president-to-be Kenyatta¹³⁹. As these conversations were taking place, Kenyatta clarified that he did not want to secede the Kenyan Somaliland to its bordering Somalia.

Somalia gained its independence in 1960, just three years before Kenya's independence. The call for independence meant that the two territories of Italian and British Somalia unified to the Republic of Somalia¹⁴⁰. Because Somalia gained independence earlier, their government requested to obtain the NFD from Kenya before Kenya gained her independence. If the British colonial administrators had an issue with that, then they could allow them to carry out a referendum to determine whether the majority would prefer seceding from Kenya; follow the procedure, as a republic should do. An ethnic Somalia secessionist movement, Northern Frontier Liberation Army (NFLA), was founded in early 1960 to fight against Kenyan governance over NFD. The Somali government, at the time, provided them with moral and material support¹⁴¹.

The Somalia delegation went to Mogadishu to lobby for back up and support from the Somalia Republic when the time to secede came. In November 1961, the lobbying bore fruit; the Somali National Assembly passed a resolution that would entail the welcoming and union between the Somalia Republic and the NFD¹⁴². The Somali ethnic groups in the North-Eastern region of Kenya had already managed to displace the Galla community among other resident communities located in the NFD. They wanted to incorporate dominance in that region for a smooth transition of seceding to Somalia.

¹³⁸ Weitzberg, op. cit., p. 37.

¹³⁹ Kenya Regional Boundaries Commission, op. cit., p. 74.

¹⁴⁰ LEWIS, Ioan Myrddin. "The Politics of the 1969 Somali Coup." *The Journal of Modern African Studies*, vol. 10, no. 3, 1972, pp. 383–408, doi:10.1017/s0022278x0002262x, p. 383.

¹⁴¹ *ibid.*, pp. 387–389.

¹⁴² *ibid.*, p. 388.

The government advocated using all means possible to pursue this dream. Publicity around this campaign provided an atmosphere of solidarity among the Somalis as they headed out to gain approval from London at the Second Constitutional Conference in the Lancaster House¹⁴³. While in London, the NFD representatives NFD pushed for autonomy and freedom to unify with the excellent Somalia Republic as soon as Kenya gained its independence. KADU and KANU, two political party delegations from Kenya, also took part in the Second Constitutional Conference¹⁴⁴.

Despite these two parties being on opposing sides when it came to some issues involving Kenya, such as how to carry out a devolution, they found common ground to unify. Both parties disagreed with the NFD delegation over their desire to gain freedom from Kenya. As it is said, 'The enemy of an enemy is a friend'. This saying played out, and both KADU and KANU argued that the secessionist desires of the NFD would endanger Kenya's security and territorial integrity¹⁴⁵.

The NFD left London very hopeful that they would get their wishes granted by the British. They left with this notion because of how popular their secessionist calls seemed. Unfortunately, the British already planned to disregard the wishes of the NFD¹⁴⁶. Because the British wanted to defend the good standing they had with Kenya, Ethiopia, and other states in the continent that they had influence over, they already had a biased decision on the NFD plea. The British administration found every means possible to prevent the implementation of the NFD plea.

For starters, the selection of the NFD commissioner lingered and took more time than expected. This delay, in return, made the Somali Republic have feelings of resentment as the people of Kenya developed anti-secessionist feelings. At this point, there was no sight of hope for a resolution between the two countries over NFD. However, the Somali Prime minister attempted to open up discussion on this matter¹⁴⁷. For the Somali Republic Independence day in 1962, the Somali Prime Minister invited Kenyan leaders from the two main parties - KANU and KADU - to try to resolve the issue they

¹⁴³ The Second Constitutional Conference took place in February 1962. Parties involved negotiated on a framework for self-governance in line with the NFD request.

¹⁴⁴ Lochery, op. cit., p. 627.

¹⁴⁵ Hornsby, op. cit., p. 54.

¹⁴⁶ Kenya Regional Boundaries Commission, op. cit., p. 76.

¹⁴⁷ Lewis, op. cit., p. 398.

diplomatically had over NFD. One would say that the Somali Prime Minister, Ali Sharmarke, tried his very best not to succumb to the pressure his people gave him to retaliate in an even harsher way. Instead, he took a softer approach because he wanted to protect the vague concept of a future East African Federation that would unite Somalia, Tanganyika, Uganda, Ethiopia, and Kenya¹⁴⁸.

Unfortunately, the attempts made yielded very little because the Kenyan leaders at the time felt that the international community should not be involved in this matter. In line with this, Kenya appointed a new Regional Boundaries Commission¹⁴⁹ to modify the regional boundaries in the NFD based on ethnic groups before the NFD Commission from the international community stepped in.

In October 1962, nine months after the Second Constitutional Conference, the NFD commission was as selected. Through mass public gatherings, it began to investigate the thought and feelings of the residents in the NFD region. To ensure no level of favouritism, the Commission appointed a Nigerian judge as to the lead. According to analysts such as Ioan Myrddin Lewis, the admired and respected legend of Somali studies, the NFD Commission did an excellent job¹⁵⁰. According to the outcome of the NFD Commission's investigations, it was evident that the people of NFD preferred secession as soon as Kenya gained independence. Sixty-two per cent wanted to secede with hopes of unifying with the Somalia Republic¹⁵¹. However, there was a small non-Muslim minority group who wanted to remain under the Kenyan authority.

Even though the investigation findings gave hope to the dream of secession, the reality was that the British administration would not entertain any form of secession before Kenya's independence; it sank the dream of the 62 per cent who voted for it¹⁵². The colonial government overlooked the ambitions and eagerness of the NFD people, and ruled against their favour; they brought the NFD region into the Kenyan constitution

¹⁴⁸ Menkhaus, *op. cit.*, p. 77.

¹⁴⁹ Kenya Regional Boundaries Commission, *op. cit.*, p. 75.

¹⁵⁰ Lewis, *op. cit.*, p. 401.

¹⁵¹ *ibid.*, p. 403.

¹⁵² SCHARRER, Tabea. "‘Ambiguous Citizens’: Kenyan Somalis and the Question of Belonging." *Journal of Eastern African Studies*, vol. 12, no. 3, 2018, pp. 494–513, doi:10.1080/17531055.2018.1483864, p. 494. The Economist, *op. cit.*, p. 1.

right after independence. The British administration gave preference to both the future Commonwealth state, Kenya, and to its Anglo-Ethiopian ties¹⁵³.

Because the British colonial government had perceived Somali as a threat to their administration, they administered a certain level of discrimination in the NFD region. Instead of flooding colonial administration resources into NFD as it was for places like Central Kenya, the British colonial administration cared less about the NFD¹⁵⁴. When conflict occurred in the region, the British administration did not involve themselves as much and often delegated the tough role of conflict resolution to the clan leaders and elders. If a similar situation were in Central Kenya, the colonisers would yield absolute power over that area to resume stability¹⁵⁵. Another reason was that the climate of the NFD area was not compatible with the agricultural interests of the white settlers; the British administration did not invest much on them. This disaffection because of the British behaviour contributed significantly to the outburst that led to the Shifta War. As a result, in March 1963, the already-stretched out relationship between Somalia and Britain ended.

The British regime tried to weaken the legitimacy of the Somali political actions to secede. To counter resistance in that region, the colonial administrators declared a "state of emergency" in March 1963¹⁵⁶. Barely one month after the newly independent Kenya gained its freedom, and it decided to declare a state-of-emergency on the NFD region as they accused their neighbouring government in Somalia for suspected rebel movement detected in NFD. The state set a sunrise to sunset curfew. What resulted out of this curfew was the reoccurring isolated acts of violence that targeted the Kenyan government institutions by the radical group of the Northern Province People's Progressive Party (NPPPP). Several radicalised NFD residents, labelled as shiftable the Kenyan government, defected to the Somali Republic from where they waged a guerrilla insurgency. The continuous decline of the NFD led to some form of revolution amongst the inhabitants; the Kenyan government, in a very discreet manner, managed to fight a

¹⁵³ Weitzberg, op. cit., p. 82.

¹⁵⁴ The Economist, op. cit., p. 1.

¹⁵⁵ KHRC. "Foreigners At Home - The Dilemma of Citizenship in Northern Kenya." Kenya Human Rights Commission, 31 Oct. 2015, www.khrc.or.ke/mobile-publications/equality-and-anti-discrimination/66-foreigners-at-home-the-dilemma-of-citizenship-in-northern-kenya.html?path=equality-and-anti-discrimination, p. 1. (06.01.2020).

¹⁵⁶ Wa Njeri, op. cit., p. 1.

war (the Shifta War) against the Kenyan Somali rebels that wanted to secede and unify with the Somali Republic that supported them¹⁵⁷.

In 1960-63 as Kenya transitioned to independence, more activities contributed to the build-up towards the Shifta War. For starters, Ahmed Farah, the Legislative Council representative of the NFD, verbalised how the people of the NFD felt alienated. He insisted that if the government administrators did not reform the system, then the areas inhabited by Somalis would be moved to Mogadishu, and the non-Muslim communities would annexe to Ethiopia¹⁵⁸. These feelings manifested in the 1961 national elections in Kenya. A majority, if not all, of the people in the NFD, boycotted the elections. From a region as populated as the NFD, only 1,622 people registered to vote. A majority of the Somalis believed that if they voted, they would be accepting their status as Kenyan citizens; they did not want to take on that status¹⁵⁹.

The British administration knew that if they put the power and responsibility of running newly independent Kenya in the hands of the dominant ethnicities, then there was no guarantee that they would include minor ethnic groups in this new era for the country. Because of this, the British administration hoped to implement a federal constitution that would be impartial and satisfy all the parties involved¹⁶⁰. This constitution was the only way the British could ensure that the new government would represent all groups, including those from the NFD who felt alienated; they were wrong.

Throughout Jomo Kenyatta's leadership from 1964 to 1978, Somalis in Kenya experienced a lot of hatred and negligence. His government put the Somalis through concentration camps and inflicted massacres on the ethnic group simply because they wanted self-determination and freedom from Kenya. The second president of Kenya gave an even more aggressive response to the Kenyan-Somalis. During leadership under President Moi, the government authorities conducted numerous massacres; approximately 8,000 people of the Kenyan-Somali ethnic groups died from between 1980-1984¹⁶¹.

¹⁵⁷ Ringquist, *op. cit.*, p. 112.

¹⁵⁸ Lewis, *op. cit.*, p. 389.

¹⁵⁹ The Economist, *op. cit.*, p. 1.

¹⁶⁰ Weitzberg, *op. cit.*, p. 83.

¹⁶¹ TJRC Kenya (Vol. 2A), *op. cit.*, p. 16.

From 1964 to 1967, the political struggle to unify the Somali nation magnified to a regional and worldwide level. During this time, Kenyan troops, in the name of security, killed 2,000 Somalis in the Shifta War. The Shifta War ended in July 1967 after a mutual agreement with their neighbours, Somalia. By the late 1960s, they no longer contested.¹⁶² Even though this war cost the Kenyan government much, the leading party at the time, KANU, did not want to surrender almost one-third of the Kenyan territory assigned to them by the colonisers.

The desire to unify Somalia vehemently continued; during the 1974 Mogadishu OAU Summit¹⁶³, a memo was dispersed amongst the delegates. This memo preached the hopeful return of the disputed NFD territory to its 'rightful' owners, Somalia. Unfortunately, the ambitions of the NFD and the Somalia Republic received negative backlash on a continental level because of the birth of the Organization of African Unity (OAU) in Ethiopia. Because Ethiopia and Somalia had their conflicts, it was essential for the majority of the continent to support Ethiopia, no order for the OAU to thrive. Even though Somalia received numerous applauses from Tunisia for their desire of a Greater Somalia, the Somalia Republic still failed to gain support from Addis, where they founded the OAU. Even though the OAU at the time clearly admitted that the set borders from post-independence Africa were considered as artificial, it was devoted to maintaining the territorial integrity of the region. The OAU's viewpoint was that the survival of these artificial limitations was crucial and doing otherwise would greatly sacrifice the peace experienced among the African states¹⁶⁴.

The Kenyan delegation in OAU made a strict vow not to surrender any inch of land to Somalia. A minor group of the delegation were very eager to listen to the view that those of the NFD and the Somali Republic had. They were willing to offer support; this was because there was a wave of Pan-Africanism and nationalism roaming the African continent the same time Somalia wanted a voice. It was evident that few countries in Africa had any level of sympathy for the desires of the people of the NFD. This lack of understanding was very frustrating. It was evident to the people of NFD and the

¹⁶² Lochery, op. cit., pp. 629-631.

¹⁶³ President of Somalia, Siad Barre, chaired the OAU Summit in Mogadishu, 1974.

¹⁶⁴ Wa Njeri, op. cit., p. 1.

Somalia Republic that they had to take a more drastic yet undiplomatic approach to achieve their goal¹⁶⁵.

2.2.1. HOA's Role during the Cold War

In the Cold War period, the United States of America and Soviet superpowers perceived Somalia's strategic location as a great value. Due to its advantaged position during the Cold War, Somalia became extremely armed across sub-Saharan Africa. The USA and USSR's power struggle led to benefits that Somalia highly benefitted from. This evolved to control that financed Somalia's geopolitical strategies and upper hand in the region. The North-Eastern region of the Greater Horn was a primary target because of its proximity to the Persian Gulf. It also has a boundary with the Red Sea; this has strategic importance for bringing in or even countering the naval barricades¹⁶⁶.

In the late 1970's, the tensions that resulted from the pan-Somali dream halted because of the overpowering relevance of the Cold War. At that time, Somalia and Ethiopia both became proxies in the periphery of the Cold War rivals. Since 1950, Ethiopia benefitted vastly from America's military assistance. America had also set their well-established military base in present-day Eritrea. Somalia gave its allegiance to the opposing power, the USSR. In 1974, Somalia signed a friendship treaty with the Soviet Union. This agreement increased the tension levels between the two competing superpowers across the Horn of Africa. The Somali Government took advantage of this friendship treaty to influence their ability obtaining substantial economic and military assistance from USSR. USSR managed to bring in almost four thousand military and civilian advisors into Somalia by 1976¹⁶⁷.

While Ethiopia struggled with its own internal calamities, Somali forces organized an invasion even though Moscow advised them otherwise. In 1977, Somalia entered Ethiopia in a move to annex the Ogaden region. Prior to this situation in the same year, the USA withdrew from Ethiopia. After this, Ethiopia welcomed the Soviets into their territory; this automatically came with benefits and assistance. This agreement between the Soviets and the Ethiopians was seen as a form of betrayal by the Somalis. Angered by

¹⁶⁵ KUMSSA et al., *Conflict and Migration: The Case of Somali Refugees in North-eastern Kenya*, p. 150.

¹⁶⁶ BHARDWAJ, Raman. *The Dilemma of the HOA*. New Delhi: Sterling Press, 1979, pp. 150-165.

¹⁶⁷ Ringquist, *op. cit.*, p. 112.

the agreement, the Somali government evicted USSR from its territory which was the military base located in Berbera, Northern Somalia. USA still wanted to maintain its level of influence in the region and decided to take over that base¹⁶⁸.

It is imperative to note that superpower proxies gained major influence over the Horn of Africa barely a decade after these states gained independence. In less than fifteen years, the geopolitics observed in the HOA was influenced by both colonial interests and by superpower rivalries. In the late 1970s, Ethiopia and Somalia played a very important role within the HOA; these strategic postcolonial proxy states provided significant external influence on a political and economic level. With one of the greatest airlifts of weapons ever observed in Africa's history, the Soviet Union and Cuba supported and aided Ethiopia in defeating the Somali military's invasion attempts. Ethiopia received 7 billion worth of military supplies, 1,500 USSR advisors, brigades from Yemen, and 16,000 Cuban troops¹⁶⁹.

The Cold War's influence and power observed in the HOA was dual: the region received a large amount of weaponry, while also producing an influx of refugees along the Somalia Ethiopia border, on the other¹⁷⁰. The intensity of intra-state conflict increased dramatically in the last few decades in Somalia because of an increase in degree and magnitude of marginalisation and discrimination experienced by its ethnic groups in the HOA. Regional geopolitics and Cold War ideological bases of opposition did not deter the Pan-Somali project of unification after colonialism ended.

¹⁶⁸ *ibid.*, p. 113.

¹⁶⁹ WASHINGTON POST. "Massive Soviet Airlift Of Arms to Ethiopia Said to Swamp Airport." Washington Post, 16 Dec. 1977, www.washingtonpost.com/gdpr-consent/?destination=%2farchive%2fpolitics%2f1977%2f12%2f16%2fmassive-soviet-airlift-of-arms-to-ethiopia-said-to-swamp-airport%2fc5e35e22-1757-438e-b2a4-326489435017%2f%3f, p. 1. (06.01.2020).

¹⁷⁰ *ibid.*

2.3. The Spill-Over into Kenya: The Dadaab and Al-Shabaab Dilemma

2.3.1. The Dadaab Refugee Camp and Rise of Somali Refugees in Kenya

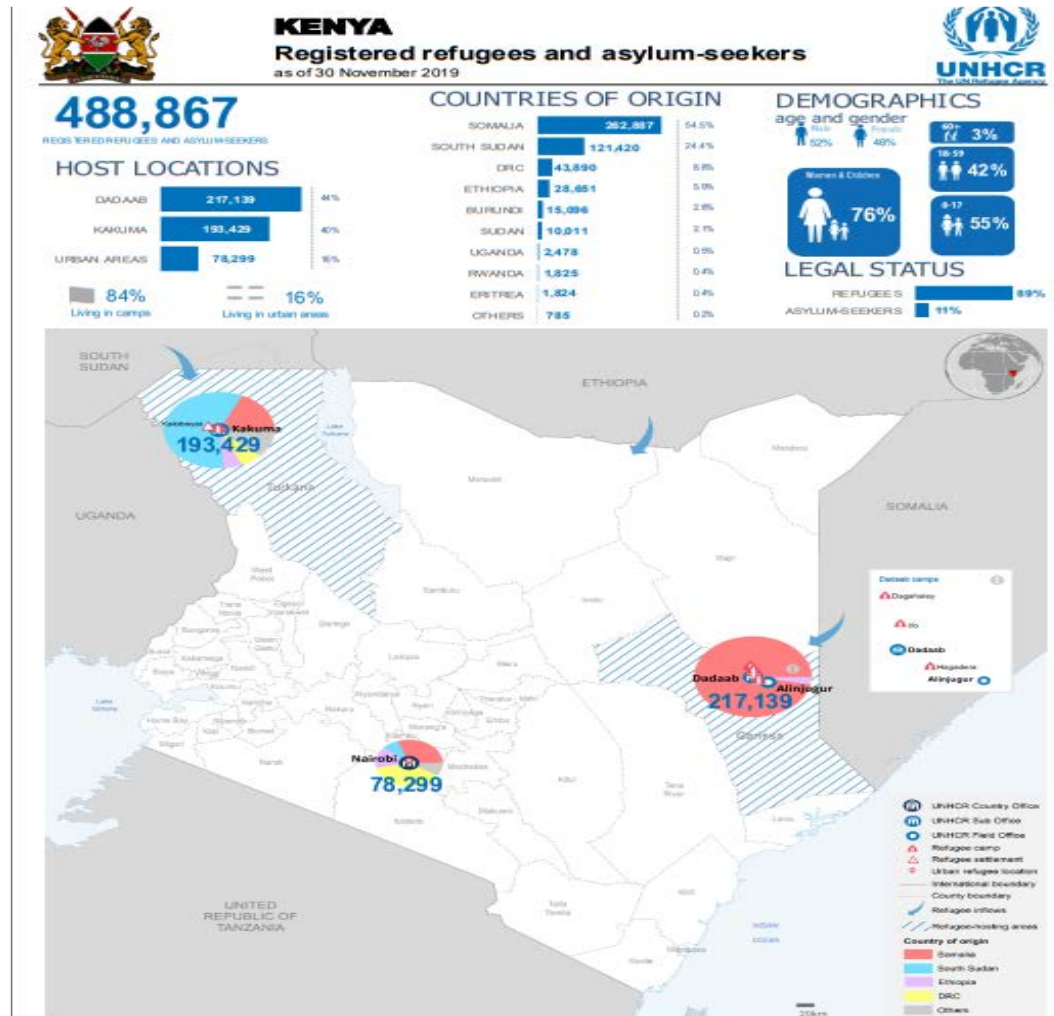


Figure 5: Refugees and Asylum Seekers in Kenya¹⁷¹

Roughly, over the past twenty years, the world has regarded Somalia as the most troubled region in the horn of Africa. The once peaceful and prosperous country experienced conflict, violence and human rights abuses. A blend of natural and human catastrophes has generated repeated waves of refugees. Political instability and the civil war in Somalia forced a large number of Somalis to flee to neighbouring countries, especially to Kenya. The unending inflow of the refugee population from Somalia into

¹⁷¹ UNHCR. "Kenya-Infographics." *UNHCR*, 30 Nov. 2019, <https://www.unhcr.org/ke/wp-content/uploads/sites/2/2019/12/Kenya-Infographics-30-November-2019.pdf>, p. 1. (06.01.2020).

Kenya signifies the connection that links the destiny of Kenya-Somalia relations. Whether they would like it or not, this situation defines the state relations.

The situation in Somalia during the civil war in 1991 is similar to the situation in Ethiopia and Sudan; all these countries experienced drastic changes to their government that resulted in numerous refugees flowing into Kenya. When Siad Barre's regime fell, Somalia was in a protracted state of collapse and civil war. This led to the death of Somali citizens – approximately 500,000. Over one million Somalis were categorized as internally displaced persons (IDPs). Six hundred thousand of them sought asylum in the neighbouring Kenya.

Aggressive clan and local militia, military leaders, and even armed crooks successfully got across the Kenya-Somalia border and moved into North-Eastern Kenya with a wave of small weapons. As the civil war damaged most of Somalia, people from around the world watched as the politically caused famine affected the people and claimed Somalia as a country that is not capable of ruling its matters.

In the same year, Ethiopia experienced radical changes to its leadership; the Mengistu regime¹⁷² fell as well. The army broke up and dispersed, while a large number of former soldiers from Ethiopian managed to peddle their artilleries, further increasing access to low-cost weapons along the border. In the same year, Sudan was in its second civil war. A massacre happened in 1991: the Bor massacre. When the civil war erupted between the South Sudanese groups, the flow of Dinka refugees into North-Eastern Kenya was inevitable¹⁷³. The outcome meant that Northern Kenya's significant role as the main hub of humanitarian relief operation into Sudan got even bigger. As a result, all these violent exchanges and outcomes in neighbouring countries intensified the production and spread of small weaponry in the North-Eastern Kenya region; this unpreventable spillover intensified the lethal nature of communal clashes in Northern Kenya generally.

¹⁷² Mengistu Haile Mariam was the leader of Ethiopia from 1977 to 1991.

¹⁷³ The massacre was carried out on the Dinka civilians mostly by Nuer fighters.

The majority of the Dadaab refugee camp located in the North-Eastern region of Kenya houses hundreds of thousands of Somali refugees. The camp is only 100 kilometres away from the Kenya-Somali border¹⁷⁴.

In 1991, the Kenyan government founded the Dadaab Refugee camp in Garissa district of the North-Eastern Kenya province. The main agenda was to host and support the refugees from Somalia who were fleeing the social and environmental effects caused by the civil war, along with drought and famine¹⁷⁵. By lawfully expecting all Somali refugees in the country to live in one of three readily-available refugee camps situated in the north of Kenya, the present-day geopolitics of mobility for the Somalis could be considered close to identical as the one observed by the British colonial administration and later on, the Kenyan government; mainly containment policies and strategies. This gave the province a "state-of-emergency" label until 1991.

While the Somali refugees did not receive a proper welcome, the Kenyan Government had to permit them; international law commitments made to the Organization of African Unity as well as the 'UN Convention and Protocol Relating to the Status of Refugees' as well bound them¹⁷⁶. Kenya also provided this support partly because it wanted the continuous help received in the form of donor countries foreign aid. At that time, the majority of these donor countries suspended funds flowing into Kenya. This suspension was because they were in the period of monitoring the country's first elections as a multiparty state. This suspension also forced the then president Daniel Arap Moi, though grudgingly, to allow the Somali refugees in Kenya if they remain at the camps found near the border. The continued capital in the form of development aid into Kenya from North America and Europe were conditional; the country had to prove that it upheld to democratic practices and that it would accept the Somalis in need of humanitarian assistance with open arms¹⁷⁷. It was a 'win-win' situation for the Somali refugees, Kenya, and the West.

¹⁷⁴ Burns, *op. cit.*, p. 8.

¹⁷⁵ HYNDMAN, Jennifer, and Bo Nylund V. "UNHCR and the Status of Prima Facie Refugees in Kenya." *International Journal of Refugee Law*, vol. 10, no. 1–2, 1998, pp. 21–48, doi:10.1093/ijrl/10.1-2.21, pp. 22-24.

¹⁷⁶ Campbell, *op. cit.*, p. 8.

¹⁷⁷ KAHONGEH, James. "This Is What It Means to Be a Refugee in Kenya." *Daily Nation*, 2 Feb. 2018, www.nation.co.ke/lifestyle/dn2/Refugees-in-Kenya-speak/957860-4289374-12hbhg6z/index.html, p. 1. (06.01.2020).

Over the years, the camp continuously accommodates a continued increase of Somalis who are escaping the continuous violence from civil war, ecological, and societal issues as a result of drought and famine, hence the expansion. The biggest refugee camp worldwide is now the camp in Dadaab¹⁷⁸.

In September 2012, the Somali Republic reinstalled the national government and elected Mr Hassan Sheikh Mahamud¹⁷⁹. The new leadership had increased levels of positivity and hope for the potential levels of peace and stability in the country. The country held high hopes because they had not experienced a proper form of governance since 1991 when Siad Barre, its military dictator lost in a coup¹⁸⁰. The coup d'état and the subsequent famine contributed greatly to this wave of human displacement; this involuntary migration in conjunction with adverse malnutrition triggered the arrival of hundreds of millions of dollars in the form of funding. This funding was expected to supply resources for rehabilitation and refugee relief activities between Kenya and Somalia¹⁸¹. These separate geographies of mobility explain the flexibility and porosity of borders from a regional and international perspective.

An estimated 485,524 refugees take shelter in Kenya. Somalis comprise of 54.5 per cent of this society, and almost half of the refugees in Kenya live in Dadaab Refugee camp located in North-Eastern Kenya¹⁸². While most of these refugees do not pose any security threat to the country, certain societies take advantage of their mere presence alone. Malevolent and hostile extremist groups have managed to invade the Kenyan society and cause havoc to the country. This threat to security has contributed to a high level of apprehension of late, especially due to the rise of Al-Shabaab extremists observed in Southern and Central Somalia. The collapse of the Islamic Courts Union in 2006 has also contributed to the rise of the extremist group¹⁸³.

¹⁷⁸ HYNDMAN, Jennifer. "A Refugee Camp Conundrum: Geopolitics, Liberal Democracy, and Protracted Refugee Situations." *Canada's Periodical on Refugees*, vol. 28, no. 2, 2013, pp. 7–15, <https://refuge.journals.yorku.ca/index.php/refuge/article/view/36472>, p. 8. (06.01.2020).

¹⁷⁹ Mr Hassan Mahamud was the 8th President of Somalia from September 2012 to February 2017.

¹⁸⁰ Menkhaus, op. cit., p. 47.

¹⁸¹ Wa Njeri, op. cit., p. 1.

¹⁸² UNHCR. "Figures at a Glance - UNHCR Kenya." UNHCR, Oct. 2019, www.unhcr.org/ke/figures-at-a-glance, , p. 1. (06.01.2020).

¹⁸³ ABDILLE, Abdullahi. "The Hidden Cost of Al-Shabaab's Campaign in North-Eastern Kenya." *Crisis Group*, 7 Apr. 2019, www.crisisgroup.org/africa/horn-of-africa/kenya/hidden-cost-al-shabaabs-campaign-north-eastern-kenya, , p. 1. (06.01.2020).

The areas surrounding the Dadaab refugee camp is known to be one of the most unsafe zones in Kenya. In that region lies a huge, idle group of young boys and men; this makes it easy for Al-Shabaab's recruiting process. Recruitment of youngsters provides the terrorist organisation with a capacity to destabilise Kenya through local-based elements such as its youth. It shows how gang movements and the absence of alternative livelihoods in the camp moreover, facilitate conflicts. Differences in the humanitarian aid that each group receives also fuels the conflict between the host community residents and the refugees. Despite the severe conditions in the refugee camps, the host community perceives the refugees as enjoying relatively good health services and nutritional status, besides free schooling through UNHCR's and other humanitarian organisations' support. Latest efforts made to endorse community policing greatly helped these efforts. Unfortunately, this continues to be a habitually insecure region¹⁸⁴.

Since those new to the camp do not always find a settlement, they choose to reside near the camps and make temporary homes for themselves. The ever-growing refugee population in the area will continue to put pressure on the dwindling economic opportunities near and around the camp area; this would result in tension and conflict between the refugees and the host community¹⁸⁵.

Disagreements between the refugees and residents of the host community occur due to the big difference in treatment delivered to the different groups. Notwithstanding the problematic conditions in the refugee camps, the refugees are relatively well off due to the simple necessities of daily life, free schooling, and excellent health services that UNHCR and other humanitarian-based NGOs provide to them¹⁸⁶.

The wave of Somali who were displaced people and refugees seeking asylum had a transformative influence over Kenya. First of all, it automatically led to the spread of the formerly broad-set refugee camps at Dadaab. Containing an estimate of 340,000 Kenyan-Somali residents and over 200,000 refugees – is now one of the largest Somali cities in the Horn¹⁸⁷. Garissa County is in the North-Eastern region; it has a shared border

¹⁸⁴ Burns, op. cit., p. 9.

¹⁸⁵ *ibid.*, p. 11.

¹⁸⁶ KUMSSA, Asfaw, and JONES, John F. "Human Security Issues of Somali Refugees and the Host Community in North-eastern Kenya." *Journal of Immigrant & Refugee Studies*, vol. 12, no. 1, 2014, pp. 27–46, doi:10.1080/15562948.2013.810797, p. 29.

¹⁸⁷ UNHCR, Horn of Africa Somalia Situation, p. 1.

with Lamu County, Kitui County, Tana River, Wajir county, and Somalia. The Ogaden clan of the Somali inhabit almost all of these areas. Nevertheless, the ethnic-based sub-clan identities are considered to be more durable, thus dividing the people further into Abdwak, Abdalla and Auliyen subclans¹⁸⁸.

Before 1991, North-Eastern Kenya was known to be an area of very limited commercial trading. After 1991, the region has successfully hosted several vital trade passages with neighbouring Somalia, such as the Garissa livestock market. This form of transit trade that mostly involved the smuggling of goods from Somalia to Kenya included food items, sugar, crucial consumer items, electronics, fuel, and small arms¹⁸⁹. Even though in some cases, trade partnerships contributed to peace in North-Eastern Kenya, this is not the same situation for Garissa. Control of cross border trade in Garissa has accelerated armed conflict that is linked to the community for power over the trade routes; sometimes, it is the rival business groups that initiate the conflicts. Climate also plays a great role in this conflict over trade; Garissa County is considered as a semi-arid region, and therefore, land and access to resources such as water are the key motives driving the conflict in this area.

Competition experienced among the nomad communities over the livestock, grazing grounds, and drought periods have provided a conducive environment for conflict. Unfortunately, many attempts to improve the economy have not succeeded because there is no proper balance between the resources provided and the people — these two aspects link closely with the pastoralist way of life of the county residents¹⁹⁰.

Hostility experienced between the authorities and the Somali people has encouraged endless instability because of the desire to control movement of people and even the livestock movement. The desire to control has resulted in harsh abuses, including massacres in Garissa and Wajir¹⁹¹. The outcome of these killings has managed to affect all Kenyan Somalis – even those situated in urban settlements – which felt like they were inferior citizens of Kenya. In 1989, one of the requirements imposed on the Kenyan

¹⁸⁸ UNHCR. ““Refugees in the Horn of Africa: Somali Displacement Crisis.”” Operational Portal Refugee Situation, 30 Nov. 2014, <https://data2.unhcr.org/en/situations/horn?id=3&country=110>, p. 1. (06.01.2020).

¹⁸⁹ Hagmann, op. cit., p. 16.

¹⁹⁰ *ibid.*, p. 17.

¹⁹¹ The Garissa massacre and Wajir massacre took place in 1980 and 1984 respectively.

Somalis was to carry a distinct pink identification card; this was inclusive of the regular national identity card carried by all Kenyan citizens. This tactic was likely to separate them from those identified as Somali refugees. During this time, a rough 220,000 people experienced mistreatments at the hands of the police; this also included alleged rape allegations¹⁹².

Garissa also experiences numerous challenges due to its proximity to Somalia. A large portion of Garissa County – houses majority of the refugee inhabitants; for this reason, unique security encounters emerge.

Even though this area has grown into the major commercial core between Kenya and Somalia, the Dadaab refugee camp has also been identified as the major location for local community tensions with each other and with the refugees. This tension is due to environmental degradation, lack of employment, and access to essential services such as education. These camps, for many years, have been a major breeding ground for Al-Shabaab recruitment and other armed rogue groups. In addition, Dadaab and its surroundings have gained the spotlight for violating the refugees through serious violent crimes such as rape and killings. Because of community policing, the rate of criminal violence within the camps has dropped significantly. However, there is still a level of significant concern over these crimes¹⁹³.

The inflow of the Somali refugees coming into Kenya – a large majority prefer to settle in the major cities over the refugee camps – has also introduced new dynamics in the relationship between Kenyans and Somali-Kenyans. The arrival refugees who settle and take up residency into the country has produced two types of identities among the Kenyan-Somalis which tends to be confusing for both Somalis and Kenyan-Somalis. The Kenyan-Somali population identify as the fifth most populous society in the country and the largest Cushitic tribe in Kenya. These include ethnic Somalis who are citizens of Kenya (often called the "Rer¹⁹⁴ Kenya" Somalis) and the Somalis from Somalia (the "Rer Somalia")¹⁹⁵. Reference to "the Somalis" in Kenya typically complicates this evident difference. The overall relations observed between the Rer Kenya and Rer Somalia is

¹⁹² TJRC KENYA (Vol. 2A), op. cit., pp. 17-19.

¹⁹³ Scharrer, op. cit., pp. 499–501.

¹⁹⁴ The term 'Rer' means 'the clan of'.

¹⁹⁵ Weitzberg, op. cit., p. 58.

seen as very tense. This has managed to sometimes contribute to instability in parts of North-Eastern Kenya using communal clashes¹⁹⁶.

The Rer Kenya Somalis constantly protest the overrun from the Rer Somalia. They have also accused the Rer Somalia of criminality and clannism values. As for the Rer Somalia, they argue that the Rer Kenya take more of the job availability and political leadership in Somalia. Even though the Somalis and Kenyan-Somalis are of one ethnicity and believe in being 'One Somalia', it is evident that there is still a level of superiority and division between them¹⁹⁷. Blaming a Somali leader of being "Kenyan" while brawling in politics is a technique used to make him or her lose value in the eyes of their fellow Somalis, and contradicts the logic of pan-Somali nationalism and the Shifta war.

The millions of Somalis in Kenya – from Somalia and originally from Kenya – can be classified further into four groups. The first group are the relatively affluent Somalian "returnees", who left Somalia for North America or Europe in the 90s and later moved back to urban areas in East Africa; these are the smallest groups. Secondly, there are Somali refugees from war-torn Somalia. Thirdly there are urbanised Somalis whose ancestors settled in colonial towns before Kenya's independence. The last and most noteworthy are those living in North-Eastern Kenya, especially the region that borders Somalia and Ethiopia. Some connections are all interlinked¹⁹⁸.

Even though the refugee situation has assisted greatly in politicizing and further dividing Somali Kenyans through clannism, it has also succeeded in expanding the roles Somali people have in the commercial and real estate aspects of Kenya. Currently, many Somalis settle in nearly every leading town in the country where they venture into trade and business. The Somalis in Kenya flourish as some of the most successful business owners. Interestingly, the rise of Somali refugees contributes to the astonishing growth witnessed in Eastleigh; a highly robust Somali business community in Nairobi, Kenya. Eastleigh accommodates both the Rer Kenya and Rer Somalia Somalis. At times, this community has managed to surpass the control of country's security sector. Decisions are taken by local elites based in Eastleigh increasingly influence North-Eastern Kenya's

¹⁹⁶ Wa Njeri, op. cit., p. 1.

¹⁹⁷ Lochery, op. cit., p. 622.

¹⁹⁸ Scharrer, op. cit., p. 500.

politics; Somalis in Kenya have sustained close historical relations with their kinfolk in Somaliland. Eastleigh assumed the de facto political and commercial role of Somalia for many years. This role involved grounds for fund-raising, organising, enlisting, and improvement for Al-Shabaab¹⁹⁹. These developments exhibit Nairobi's important role as a major base for politics of the Somali people as well as the security threats coming in from Somalia.

2.3.2. Al-Shabaab Militia

The post-9/11 world has witnessed the global rise of Islamic radicalism; Al-Shabaab in Somalia has served as one of the most focused outlets of this radicalism– in many ways a forerunner to the Islamic State of Syria and Iraq.

Due to the changing faces and evolution of Somalia's never-ending conflict, the threat it poses to its neighbouring states also evolves; the threat posed towards Kenya became greater when Al-Shabaab and Al-Qaeda managed to control the certain areas in the country that would destabilize it to an extent. By the 1992 spring period, the fighting clan groups that were present in the south of Somalia made sure to avert a lump sum amount of the international humanitarian aid designated to feed the hungry. International forces and armies did not succeed to scramble up any aspect of a functioning Somali state system. The clans at that time gained a lot of power and strength through the militia and from those who were power-hungry. These clans and their warlords did not intend to share any form of power or authority with Mogadishu; a transitional state government. The traditional clan system was only successful in Northern Somaliland where they managed to salvage themselves from this inevitable defeat of Somalia²⁰⁰. Southern Somalia, on the other hand, experienced an unimaginable famine and warfare. These harsh conditions birthed one of the most renowned terrorist groups in the continent; Al Shabaab became one more strain on the HOA regional peace and security that was hanging by a thread²⁰¹.

From 2008 onwards, Al-Shabaab has successfully spread out and deepened its rogue network of militias, recruitment of new members, assassinations of anyone getting

¹⁹⁹ Carrier, op. cit., p. 20.

²⁰⁰ Wa Njeri, op. cit., p. 1.

²⁰¹ BRYDEN, Matt. "The Reinvention of Al-Shabaab." Center for Strategic and International Studies, 21 Feb. 2014, www.csis.org/analysis/reinvention-al-shabaab, p. 1. (06.01.2020).

in their way, and conducting numerous terror attacks both into Kenya towards the south and into Somaliland and Puntland towards the north²⁰².

The main target locations of attack for this terrorist group was Eastern Somaliland and North-Eastern. To this day, North-Eastern Kenya is known to have experienced high levels of violence inflicted by the Al Shabaab group; This was carried out through assassinations of their Somali rivals, bombings of churches, countless massacres that targeted only non-Muslims, assaults directing towards the international aid workers in the region, and most of all, the Kenyan military and government officials who they harboured much hatred for. The oil-rich areas that developed extraction sites and pipelines, including many other major development in the area are also considered by Al-Shabaab to be vulnerable regions for attack that would sabotage the country painfully²⁰³.

Al-Shabaab was, and still is, identified as a menace that delivers a high level of threat to stability and restoration the struggling Somalia along with its neighbours. Even though Eastern Somaliland has not experienced the harsh hand of Al-Shabaab as much as North-Eastern Kenya has experienced, the group has made its presence known in the that region. Al-Shabaab has contributed in continuous assassinations attempts and successes in Northern Somalia, mainly the Puntland region. The government and security forces, moderate clerics, and foreign aid workers have fallen victim to these attacks. To make a statement in October 2008, Al- Shabaab also introduced very pronounced suicide bombings in the town of Hargeisa. Even though Somaliland was considered to be a very safe area to both citizens and foreigners, Al-Shabaab continues to sustain its threatening network throughout the HOA²⁰⁴.

The permeability observed in the borders along the Horn of Africa not only allowed the free mobility of an influx of refugees birthed from inter-state and intra-state conflicts. This permeable nature also simplified the smooth transmission and delivery of weaponry, militia and the bandits in the region. Al-Shabaab, among other religious and cultural extremists in the HOA, has pushed the level of instability in the area. The

²⁰² Somaliland, globally recognised as the Republic of Somaliland, is an autonomous region of Somalia. Puntland State of Somalia, or Puntland, is also an autonomous region in North-Eastern Somalia.

²⁰³ Tuuryare, op. cit., p. 1

²⁰⁴ Bryden, op. cit., p. 1.

ethnicity factor makes these countries very sensitive to conflict; ethnicity became a 'we-versus-them' tool that increases the tense nature present among these societies²⁰⁵.

Ever since the 2013 Kenyan Presidential elections took place in March, cases of inter-ethnic violence broke out in Marsabit, Samburu, and Mandera — three populated counties located in North-Eastern Kenya. However, even though these worrying trends were evident and inevitable, the Kenyan authorities mainly focused on the results of the elections, and the court cases against President Uhuru Kenyatta²⁰⁶ and William Ruto, his Deputy President. After immediately getting the nation's attention, even the Westgate shopping mall attack on September 2013 fell from the priority list of the government even though it caused enormous implications for the security and economy²⁰⁷.

Kenya's continuous mediation in Somalia is another cause of instability in Kenya, not only near the border but also for the whole country in general. The results manifested during the Westgate attack of 2013. Nonetheless, the small-scale conflict has extended in individual sections of North-Eastern Kenya, particularly attacks on police or local government offices. Militants that collaborate with Somalia's Al-Shabaab presumably carry out these attacks²⁰⁸.

Although Kenyatta held office as President only after the October 2011 intervention mission in Somalia, his term has suffered the worst part of Al-Shabaab's revengeful terrorist attacks. Kenya experienced the severest incidents of terrorism since 1998 when the terrorist group bombed the United States embassy at Nairobi Central Business District. Exactly seven months after Kenyatta took his position as president, Al-Shabaab attacked the Westgate shopping centre located Nairobi; 72 people died. Events that had preceded this was the killing of almost 68 people in Mpeketoni, Poromoko, Mpeketoni, and Majembeni in June 2014. In November 2014, 28 people died in a bus attack in Mandera. That same year in December, around 36 people died in a Mandera quarry. The most tragic situation that took place in April 2015 was the killing of 147 people on Garissa University College campus. Al-Shabaab also attacked the Nairobi

²⁰⁵ ABDILLE, Abdullahi. "The Hidden Cost of Al-Shabaab's Campaign in North-Eastern Kenya." Crisis Group, 7 Apr. 2019, www.crisisgroup.org/africa/horn-africa/kenya/hidden-cost-al-shabaabs-campaign-north-eastern-kenya, p. 1. (06.01.2020).

²⁰⁶ Uhuru Muigai Kenyatta is the fourth and current President of the Republic of Kenya (from 2013 to date).

²⁰⁷ Tuuryare, op. cit., p. 1.

²⁰⁸ Bryden, op. cit. p. 1.

Dusitd2 complex in 2019; the attack took the lives of 16 innocents and left 28 injured²⁰⁹. Since December 2019, Al-Shabaab insurgents have intensified their attacks in Kenya, which have left at least 20 dead. On 5 January 2020, Al-Shabaab conducted an attack on a military camp at Manda Airstrip in Lamu where three people died. The most recent attack took place in Garissa on January 13 2020, where they killed three teachers in Garissa County²¹⁰.

Garissa, one of the largest Somali city in the Horn, has experienced the highest level of gun and grenade raids from extremists whereby the military forces, police officers, and civilians died from these attacks. This town is the most dangerous place in Kenya²¹¹.

Much distrust between the police and public dramatically adds on to the conflict and instability in the county. Because of this, it proves to be hard to apprehend the Al-Shabaab militia and its supporters properly. "In case of someone reports, one will find these guys back in the streets. We are afraid. There were two people murdered after allegedly submitting the names of the suspects who had attacked police posts and the police on patrol," said a resident of Bulla Iftin, on the outskirts of Garissa town²¹².

The Kenyan authorities has a strong belief that the quickly emerging market along the Kenya-Somali border region contributes greatly to the successful Al-Shabaab activities in the country; this has therefore made government efforts to focus more on increasing security along that area. However, corruption and lack of resources continue to limit signs of progress made towards security. The Kenya's police force, custom control and immigration services, border patrol and coastal protection units are unmistakably weak, managed poorly by the authorities, and not funded well enough. Because of low professional standards and reduced salaries, a large number of the police and immigration officials continue allow and maintain high levels of corruption by criminals and terrorists in order to feed themselves. Many Somalis, including those from the Al-Shabaab terror

²⁰⁹ SEVENZO, Farai, et al. "Nairobi Attack: At Least 21 Killed as Kenya Hotel Siege Is Declared Over." CNN, 17 Jan. 2019, <https://edition.cnn.com/2019/01/16/africa/kenya-hotel-complex-terror-attack/index.html>, p. 1. (18.01.2020).

²¹⁰ MAKONG, Bruhan. "Three Teachers Dead in Garissa Attack." Daily Nation, 13 Jan. 2020, www.nation.co.ke/news/Shabaab-kill-three-teachers-Monday-Garissa-attack/1056-5415970-6wh9haz/index.html, p. 1. (06.01.2020).

²¹¹ Sheekh and Mosley, op. cit., p.1.

²¹² TJRC KENYA (Vol. 2B), op. cit., pp. 168-189.

group, have utilised corruption in Kenya to their advantage to secure official Kenyan identification documentation²¹³. Ethnic profiling has also supported the declining relationship observed between the Kenyan local authorities and the communities in North-Eastern Kenya²¹⁴.

Instead of relying on the police, who have proven to be untrustworthy, the residents decided to take matters to their own hands. As a way of retaliating against these killer gangs, the residents opt to arm youths and use them as their defence. "We know the gang members... Somalia's Al-Shabaab group and rich traders sponsor them," mentioned by one of the residents in the area who preferred to remain unidentified for security purposes. The assumption is that those who are perpetrators of these evils are notable in society. Some have been reported, but no conviction or arrest made after all the attacks and killings"²¹⁵. Because of this, the region suffers an unending chain of violence: between Al-Shabaab and the police, between the police and the residents, and between the residents and Al-Shabaab.

Insufficient levels of security that manage to prevent illegal cross-border movements and the underlying forces that promote high levels of ethnic division in the region have hardened any efforts and endeavours to manage the conflict²¹⁶. One can blame the colonial heritage of these countries for these complications. Colonial powers, mainly the British, arbitrarily divided the territorial boundaries and parted the Somali ethnicity across the HOA states. The unfortunate outcome of this separation shows how the miscalculations of the British greatly impacted the already-existing and complex inter-ethnicity in the region and creates new ethnic groups; these groups were neither historically, politically nor economically viable²¹⁷.

Aside from Al-Shabaab, Kenya also experienced problems with piracy in Somalia. The UNSC, has in a resolution 1851, defined the unlawful piracy and armed robbery conducted in the Somali and international waters as a hindrance to obtaining the much needed peace and stability²¹⁸. In an effort to overcome activities such as piracy, and in

²¹³ Menkhaus, op. cit., p. 112.

²¹⁴ TJRC KENYA (Vol. 4), op. cit., pp. 13-14.

²¹⁵ TJRC KENYA (Vol. 4), op. cit., pp. 13-14.

²¹⁶ Buzan and Waever, op. cit., p. 13.

²¹⁷ Mengistu, op. cit., p. 30.

²¹⁸ UNHCR, Horn of Africa Somalia Situation, p. 1.

order to secure the interests of the nation, the Kenyan security agencies and law enforcements utilize a lot of resources into anti-piracy operations. Due to the expensive nature of these operations, the burden is imposed more on the country rather even though it is an international problem generated from the lawless nature of the rogue groups from Somalia. These pirates not only pose an imminent threat for Kenya, but also to global stability²¹⁹.

²¹⁹ CARRIER, Neil. *Little Mogadishu: Eastleigh, Nairobi's Global Somali Hub*. First ed., Oxford University Press, 2017, pp. 100-111.

3. NAVIGATING SOMALI IDENTITY IN KENYA

3.1. Between Discrimination and Shelter: the ‘Ambiguous’ Citizens of Kenya

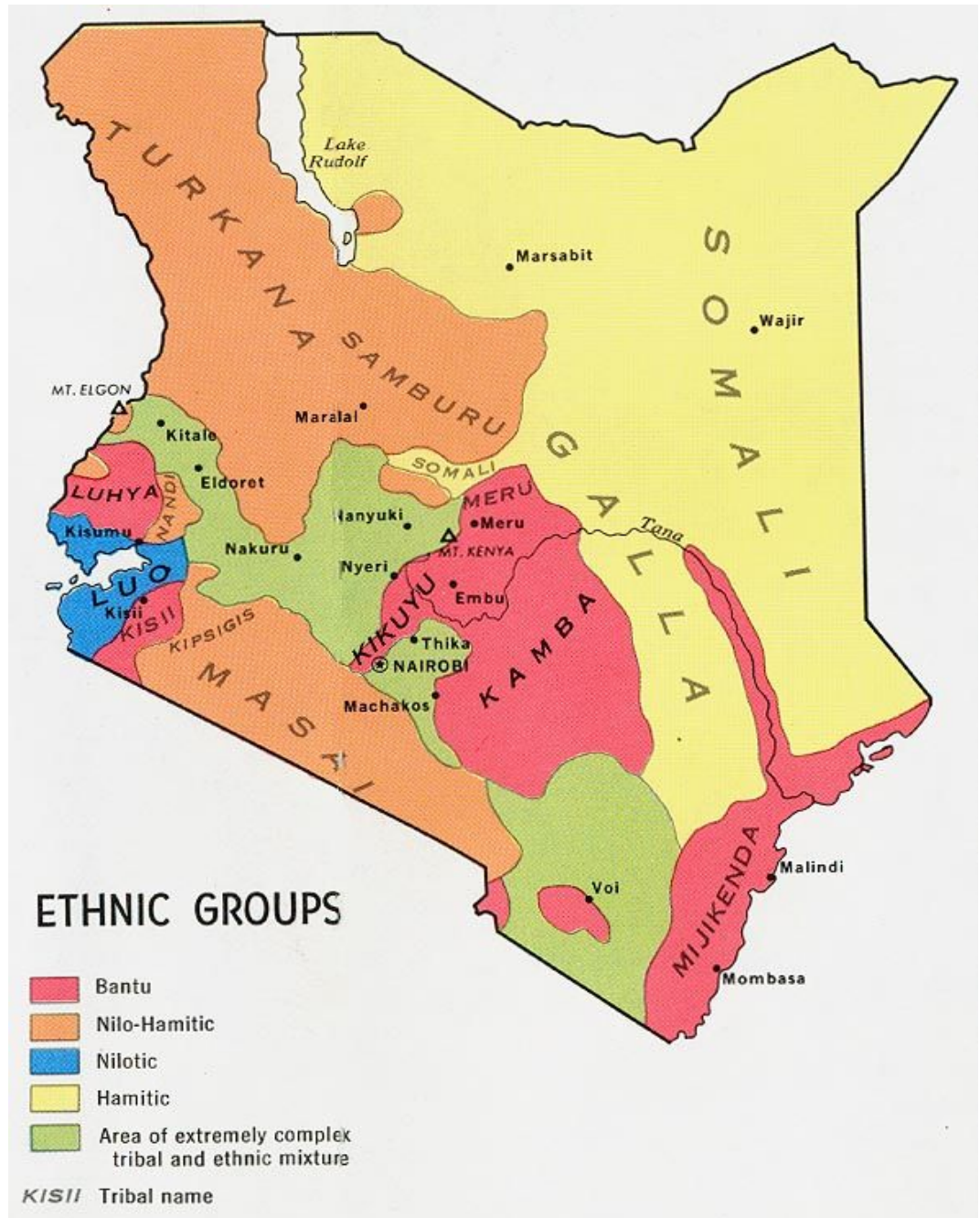


Figure 6: Ethnic Groups of Kenya²²⁰

²²⁰ SLIDEPLAYER. “Ethnic Diversity and Development in Africa ECON 3510 June 15, 2010 (Text Chapter 8) A. Ritter.” *SlidePlayer*, 15 June 2010, www.slideplayer.com/slide/5904847/ffb356a6bb.jpg, p. 1. (06.01.2020).

The term “ambiguous citizenship” summarises different dimensions of citizenship – while treated as “belonging” of the state; they are not under the citizens’ category in others²²¹. The Government of Kenya visibly expressed its disdain for the Kenyan-based Somali refugees, as well as for Kenyan-Somali nationals. Prevalent racism and discrimination directed towards Somalis experienced today is just as it was in the colonial times whereby Britain governed Northern Somalia and Kenya. Citizenship and political opinions of Somali ethnic groups in Kenya was always under suspicion; this was even before independence. The level of suspicion and resentment experienced by Somalis in Kenya has raised concern from human rights groups. The narrative of terrorist attacks in Kenya has also fuelled this suspicion, making Kenyan-Somalis seen as the enemies of their state. This type of suspicion has held back the country's development²²².

During the colonial period, British neglect of the region - considered a separate entity within Kenya - resulted in economic and political marginalisation. Because of this, those residing in the NFD had relationships that are more meaningful with those living across the border in the Somali Republic than with the people living in the Kenyan state²²³.

Given the amount of effort and energy put to retain the NFD region in Kenya, one would assume that the government had big plans in store for this region; maybe the government was going to integrate the people of the NFD to the newly independent state, and develop Kenya into prosperity as one. However, according to historical reports, from 1967, when the Shifta war ended to today, the government did not take the anticipated steps toward NFD. The type of government support observed in the former NFD is quite similar to what the British administrators implemented; a leadership that entailed neglect along with unnecessary use of force should a conflict begin²²⁴.

The Kenyan government made life very difficult for Somalis during the late 1980s; this was experienced across both sides of the Kenya-Somali border. The state of emergency imposed in that area at that time allowed unlawful harassment of inhabitants and detention without trial. The inhabitants were also subject to torture, and beatings that

²²¹ Carrier, op. cit., pp. 129-31.

²²² Burbidge, *The Kenyan State's Fear of Somali Identity*, p. 1.

²²³ *ibid.*

²²⁴ ADOW, Mohammed. “Not Yet Kenyan | Al Jazeera Correspondent.” YouTube, uploaded by Al Jazeera English, 14 Nov. 2013, www.youtube.com/watch?v=QeagOhyABXU, 25:15-40:37, (06.01.2020).

were directed to Somalis for up to 56 days²²⁵. In 1989, authorities argued that since Somalis were illegally spreading into Kenya, they began mandatory screening of all ethnic Somali groups entering the country. Kenyan Somalis who were never in Somalia and knew Kenya as their only home were forcefully "returned" to Mogadishu if they did not provide national identification during police checks. To this day, politics of mobility imposed on the Kenyan Somalis remains unjustifiable under constitution guidelines. To be able to distinguish who was an 'authentic' Kenyan-Somali and who was a Somali based in Kenya, the Kenyan authorities relied heavily on the local language, Swahili; if someone who is suspected to be Somali was able to fluently speak in the country's national languages – English and Swahili – then they were more likely to be Kenyan. This separation did not mean much because they spoke the Somali language even past the set borders²²⁶.

In June 1991, Kenyan authorities rounded up hundreds of Somalis for screening. Exactly one month later, police raided homes and rounded up roughly 2,000 Ethiopians and Somalis in Nairobi and Mombasa; the police, at gunpoint, forced them to get in trucks that would take them to refugee camps. Some of the people rounded up had genuine intentions to seek asylum in the country yet treated in such a manner. Many of the asylum seekers from war-torn Somalia did not find refuge and protection in Kenya as they hoped. Instead, they ended up as victims of raids and random evictions from their settlement²²⁷. It is unfortunate that some of the Somali victims of the raid never saw or lived in Somalia.

The early attempts made toward democratizing and opening up the country politically in 1992 resulted in reduction of the harsh measures earlier implemented in the Somali-inhabited region of North-Eastern Kenya. A good example of this is the removal of the state of emergency on the region. Residents were able to rightfully exercise their rights. The highly competitive nature of Kenya's parliamentary elections paved the way for North-Eastern Kenya. The region successfully produced the first round of "poll violence" whereby the candidates managed to assemble their constituencies ethnically to

²²⁵ TJRC KENYA (Vol. 2A), op. cit., pp. 13-17.

²²⁶ OYUGI, Walter O. "Ethnic Relations and the Democratisation Process in Kenya: 1990 - 1997," in Nnoli (ed.) *Ethnic Conflict in Africa*. Dakar: CODESRIA, 1998, p. 2.

²²⁷ ALI, Abdiwahab. "Somalia: Will Its Refugee and Displacement Crises Ever Be Solved?" *Peace Insight*, 21 July 2016, www.peaceinsight.org/blog/2016/07/somalia-will-its-refugee-and-displacement-crises-ever-be-solved, p. 1. (06.01.2020).

determine the referenda results on who has the rightful claims on the districts. At the same time, Kenyan authorities, in August 1992 and 1993, forcefully took Somali refugees from urban settlements to the refugee camps and borders along the North-Eastern Kenya region. The government denied UNHCR any opportunity to house these refugees in the Central Kenya region. They wanted to protect this British settlement area from a so-called Somali 'intrusion'²²⁸.

In December 1992, after President Moi won the Kenyan presidential elections, he made a big announcement regarding Somalis in the country; he announced that he would make sure all refugees would go back to Somalia. Even though he had previously mentioned the desire to do so, his presidential powers gave him the political and diplomatic power to revoke any support for Somali refugees²²⁹.

A 2013 documentary by Mohammed Adow, entitled *Not Yet Kenyan*, in no small degree demonstrates the harsh method in which Kenyan government treated those living in the North-Eastern region after gaining freedom from colonialism²³⁰. Indicators of social and economic development, such as the education system and levels of infrastructure, are below standard. Aside from this, the Kenyan government has conducted and covered up several massacres in the North-Eastern region.

Majority of the massacres carried out by state authorities during post-independence Kenya took place in the North-Eastern Kenya region. These massacres include massacres during the Shifta War; Bulla Karatasi Massacre, 1980; Wagalla Massacre, 1984; Lotirir Massacre; and Malka Mari Massacre. The most notable massacre in Kenya's history post-independence is the Wagalla Massacre.

Many of the identified North-Eastern Kenya massacre victims were primarily of Somali origin. In February 1984, what was assumed to be a 'genuine' security operation conducted by the Kenyan government in Wagalla town in Wajir resulted in the massacre of hundreds of innocent inhabitants. The government's plan, through the District Security Committee (DSC), meant detaining civilians at the Wagalla airstrip; this airstrip was not officially listed as a legal detention centre. This plan involved the gathering the people and their livestock in order for them to be "treated mercilessly". The Wagalla Massacre

²²⁸ Kahongeh, *op. cit.*, p. 1.

²²⁹ Carrier, *op. cit.*, p. 60.

²³⁰ Adow, *op. cit.*, 25:15-40:37.

included mandatory detention, assassination and torturing men from the Degodia clan group. From this, almost a thousand people died. This is contrary to the official figure given by the state²³¹. This act proves that the gross underestimation of dead people from the massacre showed how senseless the government has traditionally treated massacres committed by its officers. The Truth, Justice and Reconciliation Commission (TJRC), discovered that, just like the response to the Shifta War, these massacres aimed to punish whole communities. Unfortunately, the larger group of culprits in charge of carrying out the massacres have not paid for their crimes. To date, they are not held accountable²³².

Ever since independence, while under Kenyan governance, the people of the NFD, and now in the North-Eastern Kenya region, have experienced a very uncertain type of national identity and citizenship. While the majority have surrendered to the fate Kenyan citizenship, the government has not necessarily received them with open arms. In the Al-Jazeera documentary, Not Yet Kenyan, there is mention of how young Kenyan-Somalis are having trouble attaining Kenyan identification cards from the Kenyan government. This identification is a critical mark of Kenyan citizenship; because they have been born and raised in Kenya, it is their right. Denying these youths any form of identification that would give them access to opportunities any other youth from Kenya enjoys violates their rights²³³.

Because there is still a great fear of Somalia's power of influence over Kenyan-Somalis, the government post-Shifta War has tried to manage citizenship in the North-Eastern region through mass screenings. The security situation got more complicated when the Kenyan military chose to invade Somalia in October 2011; this was after the Al-Shabaab militia's continued attacks along the coastal region of Kenya²³⁴. To respond to national security interests and challenges, the government of Kenya made a choice to increase the involvement of Somali forces and integrate them into the AMISOM peacekeeping units that function under the command of the UNSC and AU²³⁵. This strategy formed portion of what is known as Operation Usalama Watch policy²³⁶; they

²³¹ TJRC KENYA (Vol. 2A), op. cit., pp. 18-19.

²³² *ibid.*, p. 20.

²³³ Lochery, op. cit., p. 630.

²³⁴ Sheekh and Mosley, op. cit., p. 1.

²³⁵ The New Humanitarian, op. cit., p. 1.

²³⁶ Operation Usalama Watch was the security measure conducted by the Kenyan security forces who raided through Eastleigh and detained and deported thousands of Somalis

are efforts to end Al-Shabaab support systems in Nairobi, Kenya. The rising number of security issues connected to the terrorist and extremists group, Al-Shabaab, was the reason behind this policy.

The Kenyan forces that conducted their operations in Somalia had started off their invasion initially with an aim of self-defence and security of the country at their forefront. Moreover, Kenya had faith that the operation would provide a safe and secure environment for the refugees sheltered in Kenya to have a safe and stable home to go back to. The AU and UNSC gave the green light for KDF to join AMISOM peacekeeping forces through in UNSC resolution 2036 of February 2012²³⁷. This resolution also sheds light to the legal framework of Kenya's capacity in their Somalia operation.

Little did they know that, with this incursion, the safety of Kenya was also at risk. These results go back to the statement, 'bordering states should be more cautious in their association than with states that are far away from them; this can also escalate the security dilemma and erupt in conflict'. Aside from the Westgate Mall attack in the city of Nairobi - cited as one of the most significant consequences of Kenya entering Somalia - to date, there have been hundreds of terrorist attacks in North-Eastern Kenya alone. Despite Kenya's troop intervention in Somalia for the war against Al-Shabaab, the terrorist faction is still active in carrying out attacks and therefore provides a very serious threat to Kenya's security interest.

What followed these attacks involved mass punishment of Kenyan-Somalis, quite similar to post-Shifita War punishment techniques. The relationship between Kenyans and Kenyan Somalis became even worse than before. Also, the Daily Nation, one of Kenya's leading newspapers, has taken note of the high level of discrimination Muslims and Kenyan-Somalis have adhered to under the Kenyan immigration and police after the Westgate attack²³⁸.

Expressions of injustices and marginalization the Kenya's Somali and Muslim community have had to endure has contributed as a fertile source for recruitment for the Al-Shabaab. Because of these attitudes, they are able to localise its jihad concept in Kenya. Al-Shabaab attacks have managed to swerve the devotion allocated to state

²³⁷ TJRC Kenya (Vol. 2B), op. cit., p. 175.

²³⁸ Kahongeh, op. cit., p. 1.

security away from the already existing local conflicts; further endangers the state's level of security. Following an explosion in Eastleigh and many grenade attacks in April 2014, Kenyan government authorities conducted raids in homes of Kenyan-Somalis based in Nairobi. These raids took place to identify and capture those who did not have legal immigration or citizenship documents. The police apprehended roughly 900 people without legal documentation to reside in Kenya. The police took them to a stadium in Nairobi for screening. Afterwards, they were sent to Dadaab Camp, or back to Somalia. For those who could prove their right to reside in Kenya, they went back to resume their normal activities²³⁹.

Kenyan Somalis are torn between embracing their ethnicity as Somalis or embracing their Kenyan citizenship even though they are not allowed to feel like every other Kenyan. Even though they socialize with Kenyans, they were not considered as Kenyans. The perfect term to capture this emotion is “ambiguous citizens”. It captures Kenyan-Somali situations much better than the term “second class citizens”. The term “ambiguous citizens” covers the uncertainty and the undetermined, as well as the emotional side of Kenyan-Somali citizenship. This term also encompasses the shifting nature of treatment of Kenyan Somalis by the county, and also how they react to this treatment. This term also incorporates the numerous roles Kenyan Somalis adapt while in the country: either as marginalised or as high-ranking politicians and business owners²⁴⁰.

Kenyan Somalis are not the only “ambiguous citizens” of Kenya. When looking at the White, Asian, and Arabs in the country, two main dimensions of the Kenyan construct manifest: both cultural and racial dimensions. In both categories, the Kenyan-Somalis are considered as ambiguous; they do not fit in either groups. Contrary to the earlier mentioned groups, the vague nature of their citizenship has a great impact on them. On the one hand, Kenyan Somalis experience the apprehension and deportation threats or considered as “many and dangerous” to the country's status quo because of their newfound might in the political and economic sphere of influence²⁴¹.

²³⁹ Kumssa et al., *Conflict and Migration: The Case of Somali Refugees in North-eastern Kenya*, pp. 151–153.

²⁴⁰ Scharrer, *op. cit.*, p. 500.

²⁴¹ Lochery, *op. cit.*, p. 633.

3.2. The New Constitution: A Remedy?

Over the years, Kenyan Somalis gained strength in Kenyan politics sphere, including its economy. Given the nature and history of the Kenyan government towards the Somali ethnic group, how is this possible? What has helped improve this landscape of tension between Kenyans and Somalis?

Kenyan-Somalis have successfully managed to ascend to top positions in the Kenyan government. They have even been considered as reliable allies when it comes to determining the strength of a ruling party. This is considered to be a dramatic change, in a positive way, considering the previous perception the country had on them. This shift could be traced back to 1982; a Kenyan-Somali military soldier thwarted an attempt coup against the then-president. As a show of gratitude, the president put the officer and his entire family as his beneficiaries²⁴².

Elections, another crucial moment for “politics of belonging”, are another essential aspect in the Kenyan identity. The relevance of Somali-Kenyans in the political power-sharing dynamics grew significantly mostly because Somalis were considered to be relatively neutral when it came to tribal politics²⁴³.

The 2013 presidential elections happened the same time as the newly introduced county-level elections; the value of Kenyan politics intensified. For the first time, this fresh constitution brought in political devolution, allowing the inhabitants of North-Eastern Kenya to participate in the election of their local leaders. The establishing of counties in the state, gave way for the new constitution to decentralise the central government’s power. This power decentralisation meant that counties divided into individual communities would have the ability to manage their political affairs and to improve their development²⁴⁴. After the March 2013 elections, these new county governments began their administrative duties.

Although ethnic groups were already in specific territories during the colonial times, this categorisation intensified with the devolution of the constitution. As a result, the eight provinces of Kenya became 47 county governments that had control of

²⁴² Abdille, *op. cit.*, p. 1.

²⁴³ Burbidge, *Conflict in the Horn of Africa: The Kenya–Somalia Border Problem 1941–2014.*, p. 177.

²⁴⁴ *ibid.*

approximately 30 per cent of the national revenue. Division of this revenue highly depended on the population size of the county from the 2009 census activity²⁴⁵. Minority groups such as those in North-Eastern Kenya, which are predominantly of Somali ethnicity, though pessimistic, hoped for more control over their lands.

The devolution of the constitution also came with changes to the presidential election activity; this change meant that for a presidential candidate to be successful, he/she must secure 25 per cent of votes in over half the counties; half the counties involve counties in the North-Eastern Kenya region. The region the state and its leaders once disregarded became the only determinant for a win. Because specific presidential candidates had equally won consensus over major counties, they looked to North-Eastern counties to determine the winner²⁴⁶. As a result, the 2013 presidential elections looked to the North for a president; this meant that the devolution of the constitution required exclusive dedication to the North. During the presidential elections, the voter registration in Garissa, Mandera, and Wajir counties was at 32.25 per cent, considerably low in comparison to the overall country's 66 per cent voter registration²⁴⁷. The low registration from the North-East region of Kenya comes from specific factors such as lack of identification cards and documents for the Kenyan-Somalis, error in population estimations, and complication in the registration process.

Because of the changes that accompanied the devolution of the constitution, Kenya experienced several Kenyan-Somalis elected in the government, and even assuming powerful positions in parliament. Somali-Kenyans held relevant posts such as Deputy Speaker of Parliament, Minister of Intelligence, Chair of the Interim Independent Electoral Commission, Chief of Police, and Minister of Defence²⁴⁸. This representation was a significant step in integrating and increasing the visibility in place of Somali-

²⁴⁵ *ibid.*, p. 178.

²⁴⁶ CARRIER, Neil, and KOCHORE, Hassan H. "Navigating Ethnicity and Electoral Politics in Northern Kenya: The Case of the 2013 Election." *Journal of Eastern African Studies*, vol. 8, no. 1, 2014, pp. 135–152, doi:10.1080/17531055.2013.871181, p. 147.

²⁴⁷ TJRC KENYA (Vol. 2A), *op. cit.*, pp. 16-19.

²⁴⁸ Amina Mohammed Jibril delegated the Cabinet Secretary for Foreign Affairs position; Adnan Mohammed delegated Cabinet Secretary for Industrialization role; Aden Duale became the Majority Leader of the National Assembly of Parliament.

Kenyans into Kenyan politics as opposed to marginalization experienced in previous decades²⁴⁹.

The better the roles and positions they received in high status government positions, the more this gave a positive outlook to the formerly negative narrative of Kenyan-Somalis. They were now considered as genuine investors and participants in the country; they were no longer the country's second-class citizens. This little opening of hope underwent a severe setback after the Westgate Mall terrorist attack and the police crackdown during Operation Usalama Watch²⁵⁰.

Even though the country's "Vision 2030" economic blueprint has included the North-Eastern Kenya region, whereby the Jubilee Alliance made a vow to involve themselves in the region thoroughly, it does not follow up to its word. On the one side of the spectrum, the policy attention and resources turn to North-Eastern Kenya, which indicates a meaningful change in the region's political significance to the country. This change includes LAPSSET²⁵¹ (connecting the new Kenyan port at Lamu to the South Sudan and Ethiopia), and the envisioned transport and logistics corridor among other significant new projects²⁵².

On the other side of the spectrum, continued instability and insecurity gives the understanding that many leaders in Nairobi are more focused on the economic possibilities. Leaders focus on projects as opposed to the well-being of the woefully undeveloped region, even under Kenyan criteria. The voting blocs in North-Eastern Kenya were vital for Kenyatta's win and Jubilee's victory²⁵³. In addition to the concerns raised from the region's impulsive nature contributing to the conflict, it directly links to the alliances and unions within the government of Kenya. Continuous government negligence in addressing the levels of insecurity across the North-Eastern Kenya region, therefore, provides a level of political risk.

²⁴⁹ Carrier and Kochore, op. cit., p. 153.

²⁵⁰ Scharrer, op. cit., p. 510.

²⁵¹LAPSSET is Eastern Africa's most ambitious project in infrastructure that aims to bring together Kenya, South Sudan, and Ethiopia.

²⁵² Carrier, op. cit., p. 65.

²⁵³ Carrier and Kochore, op. cit., pp. 137–139.

3.3. On the Path to Durable Peace and Stabilization

Conflict resolution processes in the North-Eastern Kenya region must meet specific conditions and requirements. Both development and humanitarian programmes need to push possibilities that can create self-reliance and profit the local economies. If the state can support these sustainable solutions, then the developmental and humanitarian players along with the public and private sectors could successfully work together to achieve the common goal for the benefit of Somalia. Only then will the country be a better place for the coming generations²⁵⁴.

Internally displaced people and refugees are meant to be at the forefront of peace efforts in Somalia, and for the development and recovery of the refugee situation. It is critical to promote a bottom-up solution whereby the community also participates in creating and designing durable solutions for themselves. Faith-based groups and community elders play an effective role in conflict management²⁵⁵.

To promote peace in the region, the main actors should have a proper understanding of the conflict, and what conditions facilitate it; this is another important condition for conflict resolution. A good example is that these actors should have a level of awareness of the existing cultural and economic structures amongst the clans or communities; the religious and cultural origins of specific communities; and how conflict resolution would affect their position. These actors should also consider the power levels of each clan- in terms of their total numbers or military capabilities - when it comes to negotiating the peace agreements²⁵⁶.

3.3.1. Elders

Conflict resolution institutions, peace committees, or individuals that society trusts are usually encouraged to be key players in resolving conflicts in their societies; it is preferred to involve the chief/sub-county administrator. Aside from the government representation, the chief, these conflict resolution mechanisms also rely heavily on those considered as leaders and influential in society. Key actors in conflict prevention include

²⁵⁴ Mwaniki et al., op. cit., p.10.

²⁵⁵ Kumssa and Jones, op. cit., pp. 30-33.

²⁵⁶ ELMORE, Emily. "The Horn of Africa: Critical Analysis of Conflict Management and Strategies for Success in the Horn's Future." *Inquiries Journal*, 1 June 2010, www.inquiriesjournal.com/articles/256/the-horn-of-africa-critical-analysis-of-conflict-management-and-strategies-for-success-in-the-horns-future?id=256, p. 1. (06.01.2020).

elders, chiefs, family members, police, social workers, NGOs, and peace committees, among others²⁵⁷.

The governance structure of the Somali ethnicity plays a role in this list of actors; the Somali ethnicity's governance system emphasise significantly on community and clan elders when it comes to prevention and management of conflict²⁵⁸. There is a high relevance of traditional elders in settings such as North-Eastern Kenya; they are known play a complex role in either promoting or influencing either peace or conflict.

An overall assessment of the role of clan elders in the North-Eastern Kenya region legitimises a greater role than they could play in conflict resolution and peacebuilding in the area. Their legitimacy is because of the following: firstly, the community considers elders to be very effective as group representation. Secondly, these elders earn their status through vetted leadership as most elders do in North-Eastern Kenya. There are other situations where the communities make a formal selection of the elders. Elders, who are considered as incompetent leaders were easily replaced. Thirdly, the elders of the North-Eastern Kenya region communally deliberated over making decisions that would affect the community as a whole. This decision-making process is highly valued. Lastly, the elders from the Somali tradition are automatically assigned the role of customary law guardians. This tradition is considered to be the primary source of customary rule of law in areas like these; whereby the state-led institutions are either not available or not considered as a trusted source²⁵⁹.

In recent decades, the elders' authority and power over the North-East Kenya region has lost its value. This question of authority made some analysts lose value of their competency when it comes to peacebuilding. These analysts are not the only ones who share these concerns, elders as well have the same fears; the limited control over the powerful armed bandits who disrupt the stability worries the elders. The younger generation also fails to cooperate as they do not respect the elders' authority. There was also the great debates and conflicts of 'self-declared' elders; who is a 'real' elder and

²⁵⁷ Kumssa, Research-Cum-Capacity Building Project on Human Security and Conflict in Northern Kenya: Assessment and Outcome., p. 13.

²⁵⁸ Hagmann, op. cit., p. 17.

²⁵⁹ *ibid.*, p. 18.

who is not? The elders also identify emerging issues and dynamics of conflict that customary law is not able to handle.

After independence, a considerable fragment implemented by the national political process of Somalis was that of clan politics. Ogaden, Djibouti, and Somalia – having an identical language and culture – at one point, agreed that the 'clan' was going to be the main governing body that would differentiate the Somalis from the rest of the world when it comes to politics²⁶⁰.

In Somali and proto-Somali-inhabited zones – Garissa, Wajir, Mandera, and portions of Isiolo counties – people are identified through their clan or lineage. This identity has a specific importance in regards to clan claims over the land. This goes back to Somalia's communal claim of the former NFD which started the Shifta war and trickled down to the security threat that Kenya currently faces. Even though many urban societies and farming lands greatly adhere to private deeds as a form of land ownership, pastoral zones located in the North-Eastern region are considered as community land; these clans are highly dedicated to protecting their traditional claims over the land²⁶¹.

The clan elder position in the Somali ethnicity group have an important role to play when it comes to either positively or negatively manipulating peace trends; they successfully mediate intra clan and inter clan conflicts, organise workflow for community survival, and also to end any form of adversity within the community. It is customary for communal groups located in the North-Eastern Kenya region to have a set of elders. The role of these elders is to promote and maintain the practise of customary law as an important tool for conflict resolution and management²⁶².

Despite the positive outlook towards the elders when it comes to promoting peace, elders are also capable of doing the exact opposite; they are also known to mobilize the community for war. There are some elders who have used their position in society to call on their clan members for militia recruitment and fundraising. At times, they publically disagree with political figures from their ethnic groups in order to incite armed conflict.

²⁶⁰ Weitzberg, op. cit., p. 15.

²⁶¹ ADAN, Wario Kabelo. "The Role of Traditional Clan Elders in Conflict Resolution among the Boran of Marsabit District, Kenya." Nairobi: University of Nairobi Digital Repository, 2010. <http://erepository.uonbi.ac.ke/handle/11295/4088>, p. 1. (06.01.2020).

²⁶² Negasi et al., op. cit., pp. 287-290.

When it comes to gaining public interest or favour, the political elite make rogue attempts with elders for their own benefits, even if these attempts may lead to violence. Whether elders lean towards adopting an agency of war or peace, there is a combination of factors that determine this: the interests of their lineage and clansmen, their integrity, and the political pressure imposed by their subordinates²⁶³.

Clan elders are identified as the primary negotiation representatives for their lineage. These elders are very useful when it comes to identifying levels of compromise that would give way to successful negotiation and avert the conflict or any form of clashes. These elite group of elders are identified as mediators when it comes to intra clan conflicts. With their position, elders are also able to negotiate benefits for their communities with other surrounding communities; this can form an integral aspect in preventing conflict and management of resource-related conflicts²⁶⁴.

To achieve peace, it is crucial for formal political structures involved in the process. It is important to note the relevance of elders in formal politics; the clan elders of the North-Eastern Kenya region have critically undertaken the negotiator role when it comes to elections and voting. The elders that hold immense power over their communities have the ability to manipulate the votes to their outcomes as people look to them in voting procedures²⁶⁵. Over the past years, the country's local government has witnessed the importance of having elders on board, and including them in decision making. They successfully formalise elders' roles in community peace-making and conflict management processes. To further formalize this partnership, the elders and government formed peace committees and grazing committees for the local clans²⁶⁶. It is, therefore, crucial to stress the importance of local communities and their clan elders in active participation of peace efforts in the region, and if not, any effort made to end the conflict would be useless.

3.3.2. The Religious Element

Religion is another crucial element that enjoys moral authority in the region of North-Eastern Kenya. No other category of actors' experiences honourable autonomy as

²⁶³ Adan, op. cit., p. 1.

²⁶⁴ Menkhaus, op. cit., p. 110.

²⁶⁵ Adan, op. cit., p. 1.

²⁶⁶ TJRC Kenya (Vol. 4), op. cit., p.14.

much as the Muslim and Christian clergy. These leaders generally do not involve themselves in matters involving peace or conflict, but when they do, their say holds immense power over its followers. The sermons delivered from these religious institutions have the capability to impact security conditions in the region, especially across the Kenya-Somali border²⁶⁷.

The Muslim-exclusive portions of the North-Eastern Kenya region is inhabited only by the Somalis. Over the past years, religious leaders among the Somali population have maintained a long-standing role as peacemakers; they have successfully mediated inter and intra clan conflicts. Lineages such as the Asharaf and Sheikal²⁶⁸ specialised in producing clerics considered as useful arbitrators of other clans' disputes; they acted as mediators in inter-clan conflicts. Inclusion and participation of local sheikhs in the mid-1990s Wajir Peace and Development Committee²⁶⁹ process contributed greatly to the success of the peace committee.

Religious identity is not entirely, linked to any tribe or ethnic group. It is obvious that all Somalis identify themselves as Muslim, along with some other ethnic groups in the North-Eastern Kenya region. Other religions in the region include Christianity and traditional religion. Contrary to ethnic differences influencing patterns of conflict in the region, the aspect of religious differences do not have such a stronghold in determining community-based conflicts. Despite Al-Shabaab directly setting targets and carrying out vicious attacks towards non-Muslims with an aim of fuelling religious polarisation, the religious difference is welcomed in the region. Different religious groups in the form of institutes and organisations have contributed to peace efforts in the region.

After the 2007-2008 post-election violence that caused a chain of conflicts across Kenya, the Northern region of Kenya was not spared. Because ethnicity has always played an unusual and extreme role in Kenyan politics, post-election violence also played out this way. The country's constitution was two years shy of the devolution; therefore, state

²⁶⁷ Carrier and Kochore, op. cit., p. 141.

²⁶⁸ The Asharaf and Sheikal are religious minority groups of Somalia

²⁶⁹ The Wajir Peace and Development Committee is a network of organizations that operated in Wajir. Both government and non-government organizations embodied a variety of people in the society including, elders and religious leaders.

resources in stabilising the country after the post-election violence did not focus on rebuilding the abandoned region of North-Eastern Kenya²⁷⁰.

Father Patrick Devine, an Irish Catholic priest, founded the Shalom Centre for Conflict Resolution and Reconciliation in 2009. The Centre, founded after the 2007-2008 post-election violence, explored successful methods on conflict prevention and peacebuilding between warring societies. They established a model on comprehensive research done on areas prone to violence and issues that motivate these conflicts. The models created depended on what defines the conflict and the history behind it to be able to reach a common understanding as they find solutions²⁷¹.

The centre focused on the delivery of conflict management training to local societies in a consistent manner; conduct thorough research within the communities on the causes of these conflicts, and carry out a peace education curriculum in educational institutions located in these conflict-prone areas to invalidate the use of violence in solving the conflicts²⁷².

Some of their unconventional peace-building tactics include converting riffles from weapons of war to household items and cooking pots. This unique approach to resolving conflict and its impact has generated multiple international awards. The centre has tested out such projects in conflict areas along North-Eastern Kenya to assist with conflict resolution and reconciliation processes in Kenya. The centre also worked through workshops; it has managed to train more than 9600 leaders in the community to act as mediators and peacemakers in their troubled societies²⁷³.

Shalom's grassroots-based tactics for peace heavily clasps on to preventative and transformative measures deep into the historical, religious, economic, cultural, and social factors which contributed to the conflicts in the region; guesswork and assumption should not be the basis of determining policies in the area. When they do identify the causes of conflict agreed upon by those affected, the peace-building mechanisms will provide the way for a fruitful tomorrow. According to Father Devine, its founder, conflicts result from

²⁷⁰ Lochery, op. cit., p. 620.

²⁷¹ COLLINS, Terry. "The Peace Builders of Northern Kenya; Successful Research-Led Model Spreads to Other African Nations." Society of African Missions, 5 July 2017, <https://sma.ie/the-peace-builders-of-northern-kenya-successful-research-led-model-spreads-to-other-african-nations/>, p. 1. (06.01.2020).

²⁷² *ibid.*

²⁷³ *ibid.*

the inefficiency of weak institutions that help people achieve their prospects and fulfil their basic needs. The Shalom Centre's goal of peaceful and harmony in the society is 'to aid the people to become the designers of their own future'²⁷⁴.

3.3.3. United Africa?

Another unchartered aspect that could come into conflict resolution for the HOA is regional identity and the vision of regional integration. This concept could create a less intimidating process, which would give a chance for all the actors in the region to be involved in creating a fair and peaceful commitment that would eventually lead to mutually strained relationships²⁷⁵.

Arbitrary acts that Europeans imposed on Africa during their time as colonialists included partitioning of the continent and creating borders; they did this without regarding the actual situation on the ground. The level of disregard was a significant problem that identifies as the root source of conflicts, not only in Africa but also in other parts of the world²⁷⁶.

The original Pan-African plan was to undo the damage caused by the set of colonial borders. Based on the spirit of Pan-Africanism, the type of relationship the society aims to observe should be more of people-to-people. Looking back at the history of African relations, the people of Africa have always engaged in intermarriages and trade, both short and long-distance. These activities gave birth to numerous genuine citizenship while at the same time giving people a chance to relate to economic, political, and social levels. It is therefore evident that all African communities have always shared religious, cultural, and lingual connections beyond their borders²⁷⁷.

The OAU attempted to revive this Pan-African culture and unite the African continent. Unfortunately, this did not happen because, at the time, they tried to unite Africa while still maintaining the colonial borders set by the Europeans; OAU failed to realise that these same borders made the continent structurally inclined to conflict. They stuck by these borders because they were hoping to avoid any form of conflict²⁷⁸.

²⁷⁴ *ibid.*

²⁷⁵ Elmore, *op. cit.*, p. 1.

²⁷⁶ Papaioannou and Michalopoulos, *op. cit.*, p. 1843.

²⁷⁷ Tafira, *op. cit.*, p. 1.

²⁷⁸ The Economist, *op. cit.*, p. 1.

The notion of an African citizen and African citizenship would benefit the continent immensely. It is because this utopia would promote unity, togetherness, and love among the African people, qualities that would prevent violence from breaking out. Not to insinuate that regional identity is the answer to every problem happening in the HOA, it could be a significant step in promoting inclusivity among identities in the region²⁷⁹. This step could challenge groups to recognise aspects of themselves that they could share past their ethnic divisions.

²⁷⁹ Tafira, *op. cit.*, p. 1.

CONCLUSION AND RECOMMENDATION

The North-Eastern region of Kenya continues to be the location for a constant influx of refugees and conflict via Al-Shabaab.

In colonial times, authorities in Kenya kept the Somali status contestable, ambiguous, and undefined, the ‘others’. In historical continuity, the ‘other’ community has stayed with the same definition. The only thing that changed about the ‘others’ is the rhetoric: the modification from Shifta and bandit criminals to poor refugees seeking help, then pirates who want to occupy the sea, and now Al-Shabaab terrorists²⁸⁰. Another thing that has maintained over the years is the highly colonial-influenced political approaches that were enforced by the Kenyan government. These approaches include screening and registration, checkpoints and unending police raids that specifically target the Somalis. It is therefore quite evident that the Kenyan-Somali community have not had the chance to enjoy the freedom expected to come along with independence from the British colonisers. The instability experienced due to the civil war in Somalia for over two decades has not helped rectify this situation either²⁸¹.

Even if there is any attempt made towards promoting unity in diversity in the country, Kenyan-Somalis will continuously struggle to be adapted into this idea. The different images given of Somalis in Kenya that originated from contrary lines in history, are entrenched in the “ambiguous citizen” image. Although some of these Kenyan-Somalis are considered to be part of Kenya’s socio-economic and political elite, they still remain confined in that position of not being part of the nation, but also not outside it. Sometimes the “insider” status is almost unreachable for the Somalis²⁸². These certain methods of exclusion and inclusion almost concurrently take place.

The British could have honoured the pledge of the NFD Somalis who conveyed their obvious desire to separate the NFD from Kenya and unite with their fellow Somalis through the NFD Commission. Seeing that the NFD had individual opinions available since they were on the ground, the British could have put this into consideration. This consideration could have contributed to a stronger Somali and Kenya relation, and

²⁸⁰ Burbidge, *The Kenyan State’s Fear of Somali Identity*, p. 1.

²⁸¹ Scharrer, *op. cit.*, p.1.

²⁸² Lochery, *op. cit.*, p. 637.

probably prevented the Shifta War from ever taking place. It would also result in stable HOA, which would mean a better and successful future for the region²⁸³.

Despite the unstoppable spillover coming in from the very troubled and violent south-central part of Somalia, both areas are able to forge relatively long-lasting levels of much-needed peace and security for the region. The refugee situation along North-Eastern Kenya requires a level of political commitment, not only from the Kenyan government but from the Somali government as well. This situation requires the commitment to promote and protect the rights of its displaced people as they move back into the country²⁸⁴. Irrespective of age, sex, and clan, the rights of these displaced people and refugees should be at the forefront of both governments. Locally driven, all-inclusive, and human-centred solutions and discussions should be formulated and implemented to address this situation better.

It is essential to strengthen and improve the already existing traditional conflict management approaches and systems. Many parts of Africa have demonstrated that traditional institutions can resolve modern conflicts. A good example is that of *Gacaca*²⁸⁵ court institutions implemented in Rwanda for peacebuilding post-genocide. It will be challenging to achieve any peace agreement in the HOA unless the foundation on which the peace agreement is made is clearly defined and the balance of power between the militant groups - be it social, military or economic - is identified. Unless the mediators or the warring parties come together to meet and discuss, it will be challenging to attain fair and permanent solutions to the conflict situation in the HOA²⁸⁶. Only this way will the proposed conflict resolution mechanisms for the North-Eastern Kenya region provide a path of peace and stability.

The state is doing nothing much to rectify the level of alienation experienced by the Kenyan-Somalis. Instead, the concept of dividing the Kenyan-Somalis from the rest of Kenya is not that rejected. The failure to differentiate between the Kenyan-Somalis and the radical Somali Islamists by the Kenyan state expresses a missed opportunity to

²⁸³ Papaioannou and Michalopoulos, op. cit., p. 1847.

²⁸⁴ Menkhaus, op. cit., p. 105.

²⁸⁵ The Gacaca courts is a system of communal justice inspired by Rwandan tradition and crafted to promote healing and rebuilding in the community after the 1994 genocide.

²⁸⁶ Wa Njeri, op. cit., p. 1.

promote national integration of the Somali community²⁸⁷. Until the nation addresses this vital desire of Kenyan-Somali inclusion in the society, the tactics utilized by the Kenyan authorities over the Kenyan-Somali population will forever portray them as the enemies of the state, hence, always considered as threats to the state security. The time is now for the Kenyan state to include the Kenyan-Somalis into the nation's vision fully.

²⁸⁷ Scharrer, *op. cit.*, p. 500.

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