Kenya and International Security: Enabling Globalisation, Stabilising 'Stateness', and Deploying Enforcement

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ABSTRACT   *On the international stage Kenya promotes itself as a regional peacemaker. The country is an important contributor to UN missions, has had an important role in mediating regional conflicts, and is a driving force in the implementation of Africa's peace and security architecture. However, there is another picture of Kenya's engagement in regional conflicts which, at first glance, seems to contradict international perception of the country. By discussing Kenya's historical and current practices in regional security, this article analyses how the Kenyan government balances what seem to be multiple security agendas, ranging from following a responsibility to protect, to pursuing economic self-interest, to executing international counterterrorism agendas. Rather than being a shift in the country's foreign policy, it will be argued that Kenya's involvement in rights and norm-violating practices— more specifically in arms deliveries to Southern Sudan and the illegal military training of youths in defence of the Somali transitional government, as well as repressive 'counterterrorism' practices against its own population—illustrates how the conditions of globalisation not only limit but also enable new opportunities for the positioning of postcolonial states in the international arena. It confirms patterns in Kenya's political history in which the politics of attracting, sustaining, and diversifying international partners and external revenue is part of the regime's continuing efforts at consolidating 'stateness'. Actively engaging with international norms to make them comply with one's own perceptions of security demonstrates how actors in the South shape the terms of reference in regional security.*

Keywords: international security, Kenya, state formation, securitisation, counterterrorism, sovereignty, agency

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I have requested the US government to support Kenya, to strengthen its security as an essential element in the fight against terrorism. This assistance will also enhance Kenya's role as a peacemaker in the Horn of Africa.

(Kenyan President Mwai Kibaki at a White House press briefing with George W. Bush, Washington, 6 October 2003)

Introduction

On the international stage Kenya promotes itself as a regional peacemaker that is worth investing in. It has much to offer: the country has a long history of reliable partnership with the West in matters of security. It has been, at least until the post-election violence in 2007/2008, a strategically important guarantor of stability in a troubled region and a hub for international humanitarian missions in the Horn of Africa. The country is understood to share Western humanitarian and security concerns. For a considerable time the Kenyan government has successfully nourished this geopolitical imaginary: it continues to be one of the largest African recipients of Western security assistance. In addition, Kenya[1] has for a long time spearheaded a multilateral approach towards the mediation and resolution of the continent's conflicts. The country has accentuated its responsiveness to human security, which centres on the protection of the individual rather than the state, by being a central contributor to UN missions and a driving force in the implementation of the African Union's architecture on peace and security.

Since the end of the Cold War, African countries have increasingly taken on the responsibility to prevent and manage threats and crises on their continent through regional mechanisms on peace and security. These mechanisms are based on liberal norms that are linked to human security. This commitment and the steps taken within the African Peace and Security Architecture (APSA) have been welcomed by donors who, by providing the main share of funding, retain a certain level of political control. Yet how African countries creatively appropriate international expectations to make them work with their own economic and political agendas, and how these performances shape the terms of reference in international security, has gained less attention in studies of African security policies.

Discussing Kenya's historical and current debates and practices in regional security, this article analyses how the Kenyan government balances what seem at first glance contradictory security agendas, ranging from following a responsibility to protect, to exercising economic self-interest, to executing international counterterrorism interests. It will be argued, however, that the country's involvement in rights and norm-violating practices—more specifically in arms deliveries to Southern Sudan and the illegal military training of youths for the Somali transitional government, as well as repressive 'counterterrorist' actions against its own population—in fact does not constitute a contradiction to what is otherwise perceived as a moderate and multilaterally oriented foreign policy. These activities are rather to be seen as state formation practices in response to tensions in globalisation and securitisation. Processes of globalisation are assumed to significantly limit the autonomy of the state, as they compel it to negotiate sovereignty with sub-national, regional, or international authorities and to comply with international norms. In contrast, the securitisation of social spaces around the world since the 1990s, and particularly since 9/11, reasserted the notion of a state capable of executing authority over its territory and population (Wiener and Young, 2006). It will be shown how both processes have provided the Kenyan political executive with new opportunities for state-consolidating practices in which attracting, sustaining, and diversifying international partners and external revenue have

been central features. While confronted with contested and unstable domestic authority, successive Kenyan governments have furthered the country's position as a reputable and stable partner in the international sphere, characterised by security alliances with the West, compliance with international norms, and a moderate role in regional security. Kenya's role in the international counterterrorism regime, as well as its recent more active economic and security engagement in Southern Sudan and Somalia, is the result of the country's positioning in the international system but also reflects its efforts to appropriate pressures of globalisation and its current security rationales which require to cede as well as to expand state sovereignty.

However, excessive and illegal security practices may nevertheless undermine this position when they contribute to a culture of impunity in the security sector which, in turn, further erodes the legitimacy of the political system. This also has implications for practices of global security governance, since much of the recent international effort in the post-9/11 context has focused on modernising state enforcement agencies through the training, equipping, and capacity-building of peacekeepers and national militaries, as well as counterterrorism institutions. The article begins with a brief review of the post Cold War problematisation of the global South and the mobilisation of African actors to confront new security challenges perceived to be emerging from fragile statehood. It then discusses African agency and ownership within the African Union's peace and security architecture, and in particular Kenya's contribution. The second part contrasts Kenya's position as a promoter of multilateral conflict mediation and its history of quiet diplomacy with its recent controversial role in the conflicts in Sudan and Somalia as well as in international counterterrorism.

Mobilising African Agency . . . and Responsibility

It has long been demonstrated that (neo-)realist foundations and assumptions cannot account for the realities of how authority is exercised in many postcolonial spaces (Ayoob, 1995; Brown, 2006; Dunn and Shaw, 2001; Thomas, 1987). Moreover, in largely Eurocentric security studies, agents in the global South are regarded 'as marginal or derivative elements of world politics, as at best the site of liberal good intentions or at worst a potential source of threats' (Barkawi and Laffey, 2006, p. 332). In such a view, the interdependencies between Western and non-Western concepts in global politics too often remain out of the picture (Bilgin, 2008). In globalisation theory it is now accepted that the diversification and 'proliferation of authorities' (Rosenau, 2009, p. 2) has not led to a general retreat of state authority, but rather to its manifold reconfiguration (Held and McGrew, 2007; Scholte, 2005). Critical social theory conceptualises the state not as a given entity, but rather as a series of practices in which 'stateness' has to be permanently performed. These practices then 'call into being the abstract concept of the state' (Dunn, 2010, p. 88; see also Mitchell, 1991; Weber, 1995). Sociologically informed studies on state authority in postcolonial contexts have additionally demonstrated the fragility of these state-formation and consolidation processes, both historically and in relation to globalisation (Gupta and Sharma, 2006; Hansen and Stepputat, 2001; Migdal and Schlichte, 2005). Yet pressures arising from increasing economic interconnectedness and changing international security interventions do not simply restrain local elites' scope for action but, to the contrary, 'often have a strong dynamising effect on local power constellations' (Bliesemann de Guevara, 2010, p. 115; see also Brydon, 2009). A focus on how external security interventions are appropriated helps us in coming to terms with practices that seem at first glance contradictory. Excessive security practices on the one hand, and a commitment to multinational norms on the other, are then inseparable parts of the struggle to consolidate (notions of)

'stateness'. Seen through this lens '. . . purposeful attempts at establishing state institutions are always "bent" by the complex social processes they provoke and the compromises they require . . .' (Bliesemann de Guevara, 2010, p. 116). Under the conditions of globalisation, postcolonial states are caught between the expectation of ceding sovereignty (and implementing international norms such as human security) on the one hand, and the pressure of the international system to extend their 'stateness' (i.e. to actualise their authority over their territory) on the other. Ong has argued that globalisation forces governments to find 'new ways of governing' and to let private or external entities regulate domestic domains. Such dynamics have resulted in forms of 'graduated sovereignty' in which external resources both govern and invigorate the state's authority (Ong, 2003, pp. 42–3; Harrison, 2004).

With regard to state formation processes in Africa, it is no longer disputed that African states have barely matched the Weberian ideal-type of a legal-rational authority. In African political settings, authority is carried out by different actors among which 'state authority' is only one (Engel and Olsen, 2010). Rather than reading this constellation as a dilemma for Africa in the international system, Jean-François Bayart has shown how African actors throughout history have not only actively engaged with the outside world, but also how this outward orientation has served as a key strategy for mobilising resources (Bayart, 2000). Analysing the multiple ways in which actors make sense of insecurities and security interventions and negotiate and appropriate authoritative security agendas would sharpen our understanding of how these actors influence global politics.

Despite the strong emphasis on 'African solutions' by the pan-African movement after independence, efforts to 'africanise' security issues only re-emerged after the stabilising (and paralysing) effects of the bloc confrontation ceased. Africa lost most of its strategic importance to the West, symbolised by the US withdrawal from Somalia and the international community's apathy towards the genocide in Rwanda. In policy circles, an emphasis on political chaos, famine, and—after 9/11—violent extremism in the global South established popular geopolitical demarcations between the 'premodern' African world and its implications for the 'postmodern' West (Cooper, 2001).

Despite the hope for a post Cold War 'liberal peace', the prevalence of violent conflict in some African regions set in motion a search among Western policymakers and scholars for symptoms and therapies for what were now perceived to be new security challenges (Kaldor, 1999; Krasner, 2004; Rotberg, 2004; critically: Bilgin and Morton, 2002; Milliken and Krause, 2002) The problematisation of 'new wars' and 'fragile states' resulted in a series of remedies—namely conflict prevention, and human security—all of which have made the assumption of a mutual dependence between security and development indisputable for Western policymakers (Duffield, 2001, 2007). Although these remedies lack clear policy guidance, they are supposed to convince through their normative appeal. By stating the importance of overcoming the priority for state sovereignty in order to protect insecure populations on the one hand, and by maintaining that the state is the most effective provider of protection on the other, it can be argued that human security has deepened the notion of an international division between responsible states and states that fail to protect their citizens, which then requires action by the former on behalf of the insecure populations of the latter (Pupavac, 2005). Yet the normative linking of security and development with the vision of a global enactment of human security has not only broadened the liberal responsibility to intervene on behalf of insecure populations, but works through the participation, activation, and empowerment of the targets to be reformed.

This rationality places the primary responsibility to resolve conflicts upon African actors. This axiom of 'Africa first' has been embraced by African governments. The most comprehensive action taken by African states in the formation of a continental security model is the creation of the APSA (Engel and Gomes Porto, 2010; Franke, 2009; Williams, 2007). Turning away from the reluctance of the Organisation of African Unity (OAU) to end conflict, one of the guiding principles of its successor, the African Union (AU), is the 'right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity' (African Union, 2000, article 4 h). The AU adheres to the principles of preserving existing borders and non-interference in domestic affairs, but at the same time reserves the right to restore peace and security and take a stand of 'non-indifference' towards internal conflict. The step of graduating national sovereignty has been read as the development of a new security culture, in which widely accepted liberal norms (e.g. a responsibility to protect being prioritised over non-interference) are negotiated and institutionalised on a continental level, and may be guiding the AU's practices (Williams, 2007). The APSA's institutional fundament is the AU's Peace and Security Council as a 'standing decision-making organ' aiming at establishing a 'collective security and early warning arrangement' (African Union, 2002, Article 2). Other main institutional components are a continent-wide conflict early warning system, the Panel of the Wise, the setting up of a peace fund and, finally, the creation of the Africa Standby Force in order to maintain stability and resolve conflict (Engel and Gomes Porto, 2010, pp. 5–12; Franke, 2009, pp. 139–49).

The autonomy of African actors in establishing a progressive continental framework for preventing conflict and restoring peace has been met with enthusiasm among Western countries. The African commitment is seen as convenient for many Western states, who perceive their primary role as providing expertise and funding rather than having to send their own troops into African conflicts. Since Bill Clinton issued his Presidential Decision Directive 25 in 1994 that aimed at limiting US contributions to UN peacekeeping missions, US assistance has mainly been channelled through the funding and training of African peacekeeping forces and through conflict prevention programmes (White House, 1994). By 2009, more than 45,000 African soldiers from 22 countries had been trained for UN and AU peacekeeping missions under the US African Contingency Operations and Training Assistance programme (AFRICOM, 2009). While the institutionalisation of the AU's mechanisms for peace and security is a manifestation of the ambition of African governments to be in control of preventing future crises, it has also provided the West with new steering powers exercised at a distance. Franke asserts that 'through the selective, conditional and purpose-bound provision of financial and technical assistance under the pretext of "enabling Africans to help themselves", states like the US, the UK and France thus continue to maintain full control of the African security agenda with the added benefit of having outsourced the actual work to the Africans' (Franke, 2009, p. 29). Klingebiel et al. (2008, p. 82) have argued that the establishment of the regional brigades of the African Standby Forces has become the 'donors' darling'. It is estimated that 90% of the donor contributions towards the AU Commission are provided to the AU's peace and security directorate rather than to other directorates. Given the donors' overwhelming support for military components at the cost of civilian capacities, Klingebiel et al. assert that the aim of peace support is 'still primarily equated with military missions', a policy that may negatively affect the AU's role in areas other than security (Klingebiel et al., 2008, pp. 31, 82).

Given this dependence on donor funding, the question of who sets the agenda in this peace and security initiative is crucial. External parties portray themselves as partners, as neutral providers of expertise and funding, emphasising the African partners' ownership in these security

arrangements. However, perceptions of what constitutes a security threat to whom differ between the donors and the African governments. While the West reminds the African governments about their responsibility to protect their citizens, 'new security challenges' for the West, perceived to be emerging in 'undergoverned' spaces, have an equally important role. On the other hand, as will be shown, the aim of African elites for reconciling liberal principles of civilian protection and human security with the need for regime stabilisation produces ambiguous effects.

Spearheading International Peacekeeping

Kenya is a driving force behind regionalisation processes, both in economic and in security terms. It is a key proponent of the East African Community (EAC), as well as the Intergovernmental Authority on Development (IGAD). Since the end of the Cold War, Kenya has been one of the most important contributors to UN peacekeeping missions. Until the mid-2000s, Kenya belonged to the top 10 troop-contributing countries for UN peace missions, providing up to 2,000 troops, civilian police, and military observers annually to missions worldwide. For example, in the UN Operation in Burundi (2004–2006), Kenya was the second largest contributor, with more than 1,000 personnel (Center on International Cooperation, 2006, p. 184). Since 2005, however, there has been a steady decline in Kenya's contributions.[2] This decline correlates with Kenya's increasingly important role within APSA and may hint to shifting priorities with regard to contributing to the regional standby force rather than UN missions. Together with Nigeria, South Africa, and Ethiopia, Kenya is driving this regionalisation process forward. It also hosts the Coordination Mechanism of the Eastern Brigade (Easbricom) as part of the proposed African Standby Force and is home to the International Peace Support Training Centre, the regional training centre for peacekeeping forces in Eastern Africa.[3]

Kenya's proactive engagement within the regional security mechanisms of IGAD and APSA underline the country's role as an advocate of a multilateral approach towards conflict prevention and resolution in the region. Historically this policy feeds into the country's strategic positioning as a reliable and responsible player in the East African sub-region. Despite the country's alliance with the West during the Cold War, for a long time Kenya was considered to be pursuing a moderate and low key foreign policy.

Kenya's Historical Positioning in International Security

During the Cold War, Kenya's security interests were closely tied to external security interests and geopolitical considerations. Yet, rather than portraying this relationship as one of pure dependence, the focus here is on how Kenyan governments mobilised Cold War tensions and managed to establish a regime that Lancaster has called 'balanced benefaction', in which recipient countries gained assistance from a diversity of donors without becoming too reliant on a single one (Lancaster, 2000, p. 233). This holds true for development (which will not be addressed here) as well as for security cooperation. At the dawn of independence, 60,000 Europeans, who dominated the Kenyan economy, lived in the country (*Time*, 1959). It was thus in the interests of the former colonial power to build a relationship that guaranteed a politically as well as economically stable independent state. Shortly after independence, Kenya and Britain signed several defence agreements, and until the 1970s the UK remained the largest provider of arms and training for the Kenyan military (Cumming, 2001, pp. 242–3; Makinda, 1983, p. 302).

Despite the fact that the Cold War was ravaging the African continent, the Kenyatta government promoted a foreign policy based on the principles of 'positive non-alignment', African unity, anti-colonialism, and UN multilateralism (Howell, 1968, pp. 34−5). For example, it took a radical stand against US involvement in the Congo Crisis but also prevented the socialist wing's attempts to ally the country with the Soviet Union. Consequently, in 1964 Kenyatta stopped Vice President Oginga Odinga, who had secured a promise of $45 million in Soviet military and development assistance (Laïdi, 1990, p. 9). The country positioned itself as an independent and strong voice for 'what is right and just in international affairs' (Manifesto of the Kenya African National Union, quoted in Howell, 1968, p. 35). Due to the country's strong commitment to African nationalism, Kenya was regarded as a neutral yet prestigious force on the continent throughout the 1960 and early 1970s.

Following the OAU's Cairo declaration in 1964 to leave the colonial borders untouched, most African postcolonial governments faced challenges to their sovereignty from within their territories. However, in the first years of its independence, the main threat to Kenya's territorial integrity had an international dimension related to Somali nationalism. When British and Italian Somaliland became the independent Somali Republic, the status of the Somali-populated Northern Frontier District (NFD)—what is now Kenya's North Eastern Province—remained unresolved. Even though a survey, commissioned by the British, found an overwhelming majority of the population in the NFD favouring unification with Somalia, in 1963 the British granted the Kenyan nationalists of the Kenya African National Union the administration of the NFD (Kromm, 1967, pp. 362−3). This decision triggered a Somali insurgency in this province, which lasted until 1967. Kenya's government declared a state of emergency and sent the military and paramilitary police units (the latter founded by the British for fighting the Mau Mau during the colonial state of emergency) against Somali secessionists in the North Eastern Province. The state of emergency in North Eastern Province, which granted extensive powers to the security forces, was in place until 1991.[4]

Except for Kenya's strained relationship with Somalia, its foreign policy remained moderate in the first decade of independence. Scholars of Kenyan foreign policy agree that there is a close relationship between the consolidation of a balanced and responsible foreign policy and Kenya's pursuit of foreign investments (Howell, 1968, pp. 44−5; Makinda, 1983, p. 303; Okumu, 1977, p. 136). Foreign capital has been an important factor in the country's industrialisation policy. Kenya's subsequent economic hegemony in East Africa (such as its attempt to disproportionately increase its gains from the EAC) stirred up conflicts with Uganda and Tanzania, who perceived Kenya's policy as acting on behalf of Western interests (Musambayi, 1995). As a result, Kenya's relations with its neighbours deteriorated from the mid 1970s: Somalia and Idi Amin's Uganda threatened to attack Kenya, and Tanzania closed the border following the collapse of the EAC in 1977 (Makinda, 1983, pp. 307−10).

Additionally, the geopolitical climate was heating up. Following the increased interest of the US in the Horn of Africa after the Ogaden War, in 1980 the US and Kenya signed a (still existing) agreement which allowed the US to use the airports of Nairobi and Mombasa, as well as Mombasa's seaport, for its own purposes (Carson, 2005, pp. 178−9). The US invested heavily in the modernisation of Kenyan military infrastructure and became the biggest donor of military and development assistance to Kenya (Musambayi, 1995, pp. 44−5). While this might seem like a deeper engagement in Cold War politics, Kenya managed to keep its interests in regional security in balance with global security interests, and so even maintained close security cooperation with Ethiopia after the country became a client of the Soviet Union (Musambayi, 1995, p. 28). Rather than seeing Kenya as a mere passive object in the Cold War games, Makinda

reads this as another step in the government's emancipation from the former colonial power and the effort to diversify its sources of external support (Makinda, 1983, pp. 312–18). However, the ambition of a proactive foreign policy, particularly under Daniel Arap Moi, who succeeded Kenyatta as president in 1978, was quickly to be determined by the deteriorating economic situation in the course of structural adjustment programmes and the superpowers' decreasing strategic interest in the Horn of Africa towards the end of the 1980s.

State-Making Performances: Kenya's Engagement in Sudan and Somalia

From the mid-1990s, Kenya attained an important role in mediating the conflicts in Sudan and Somalia under the aegis of the Intergovernmental Authority for Development (IGAD). Kenya hosted negotiations between the Sudanese government and the Sudanese People's Liberation Movement (SPLM) of the South, which in the end led to the Comprehensive Peace Agreement signed in 2005 in Naivasha (Murithi, 2009). In order to resolve the conflict in Somalia, Kenya additionally hosted a two-year reconciliation conference that resulted in the formation of the Somali Transitional Federal Government in 2004. With its mediating role within IGAD, and record contributions of Kenyan peacekeepers to UN missions, Kenya once more strengthened its position as a prudent yet engaged driver for multilateral action on peace and security.

However, the examples of Kenya's controversial and less well documented engagement in the conflicts in Southern Sudan and Somalia, as well as within the international counterterrorism regime, expose state practices that differ highly from the country's international reputation as spearheading a multilateral approach towards conflict resolution. It will be argued that these at first glance conflicting practices are inseparable and seem to validate a historical configuration in Kenya's relation to the world. The practice of appropriating international norms on peace and security while pursuing its own economic and security agendas is part of the performativity of state-making efforts, in which the constant diversification of revenue is a key strategy.

Kenya as an Emerging Donor? The Relationship to South Sudan

Kenya's facilitating role in mediating peace between the Sudanese government and the SPLA/M recently became compromised after the Kenyan government was suspected of arming the government of South Sudan. A more proactive Kenyan engagement came at a time of growing tension between the North and the South ahead of the referendum on latter's independence in January 2011. One of the most prominent events is the hijacking of the Ukrainian cargo ship MV *Faina* on its way to Kenya by Somali pirates in September 2008. The ship carried 33 T-72 tanks, along with rocket launchers, anti-aircraft guns, ammunition, and spare parts for the tanks (Small Arms Survey, 2009). The hijacking of MV *Faina* caused public furore when it emerged that these tanks were not destined for the Kenyan but for the Southern Sudanese government. The Kenyan government insisted that the tanks were for its own use. However, the diplomatic cables of the US State Department, published by Wikileaks in late 2010 exposed this statement to be a lie. The documents furthermore demonstrate that the Bush administration was not only aware of this arms deal between Kenya and South Sudan but had also tolerated previous shipments of more than 60 similar tanks to South Sudan during 2007 and 2008. It was only the Obama administration that changed course and called upon the Kenyan government not to ship the tanks to Southern Sudan (*New York Times*, 2010).[5] The shipment of heavy weaponry to Southern Sudan would be in breach of the Comprehensive Peace Agreement and would increase worries about an arms race between the newly independent South Sudan and Khartoum.

Relations between Kenya and the SPLA/M have traditionally been close, but at the same time Kenya also managed to keep a good relationship with Khartoum. Since 1991 the SPLA's headquarters were based in Nairobi, and Kenya allowed entry to tens of thousands of Southern Sudanese refugees. Since the Comprehensive Peace Agreement, Kenya has applied an unusually proactive foreign policy towards Southern Sudan. Kenya has become somewhat of a donor country. The Kenyan government has pledged to assist Southern Sudan with $4.5 million in order to establish a civil service (*Daily Nation*, 2010; *SudanTribune.com*, 2011). It has additionally bilaterally dispatched up to 300 military staff to train SPLA forces in their effort to transform the former rebel group into a regular army *(SudanTribune.com*, 2009; *Voice of America*, 2010).

However, the most important aspect of Kenya's support for South Sudan's security agencies might be the economic gains the Kenyan government expects from a self-determined Southern Sudan. Kenyan companies have been the biggest investors there, mainly in banking, construction, infrastructure, and air transport, but also in the small trading sector. Additionally, an independent South Sudan is likely to trigger a dynamic favourable to Kenya's own national development. Kenya hopes to attract millions of dollars of external investment, as it will be at the centre of the extension of the wider East African infrastructure, including new highways and railway networks that integrate Southern Sudan. Yet the main benefit will come from a planned new pipeline from Juba in Southern Sudan to a new port and refinery in the Kenyan archipelago of Lamu. The export of Southern Sudan's oil through Lamu would, according to these plans, boost the economic development of Kenya's neglected North (*Business Daily*, 2010; International Crisis Group, 2010b, pp. 2–3). However, the influx of Kenyan workers and investors into Southern Sudan has raised suspicion that it is Kenya that benefits from the exploitation of the South's resources, rather than the people of South Sudan themselves. Critical South Sudanese voices warn that every product is imported from Kenya and Uganda and that moves to increase tax collection or to diversify the Southern Sudanese economy are insufficient (JohnAkecSouthSudan blog, 2010). These opportunities for Kenyan businesses in Southern Sudan have also opened a window on the transnationalisation of governance arrangements, as the Kenyan state, through its investments and capacity-building programmes, tries to extend its authority to external spaces that are not (yet) regulated by a state authority. This not only consolidates Kenya's strong position vis-à-vis South Sudan, but also demonstrates its deep involvement in this not yet resolved conflict.

Kenya and Somalia: Where External and Internal Security Become One

The West's multiple problematisations of Somalia—as providing the open door for recruitment of Al Qaeda-style militias in Africa, as a humanitarian disaster zone, as a potential future target for international state-building operations—have increased Kenya's strategic relevance for Western countries engaged in the region. As shown above, the situation in Somalia has historically been closely linked to Kenya's security interests. After the Ethiopian invasion of Somalia in 2006, Kenya closed its border to Somalia and stepped up border patrols, with international counterterrorism assistance. In 2009 and 2010 the Somali al-Shabaab militia repeatedly threatened to launch attacks on Kenyan territory, and minor incursions into Kenya by Somali militias have become more regular (*The Standard*, 2010a). Therefore, Kenya is at the centre-stage when it comes to supporting international efforts to stabilise Somalia, or at least to contain the spread of instability. Surprisingly, for many years Kenya was not a frontline actor when it comes to official engagement in the current Somali crisis (*Christian Science Monitor*, 2009; *Daily Nation*,

2009c). Kenya had an important mediating role in the formation of the Transitional Federal Government (TFG) in 2004, but recently Kenya's Somalia policy has become a somewhat quieter affair (International Crisis Group, 2010a, p. 12). Until the military invasion in Somalia in October 2011 it was official government line that Kenya will not interfere with Somalia's internal affairs (*The Standard*, 2010b). Even though Kenya has been involved in police training for the AU mission to Somalia (AMISOM), the country does not provide troops to AMISOM.

There have been ongoing discussions as to what could explain Kenya's long silence with regard to Somalia, given that Kenya's security is directly affected. One reason might be that the Kenyan economy benefits from the disorder in Somalia in several ways. It has been speculated that shares of Somali piracy ransoms are invested in the real estate market in Nairobi, which drives up prices (Odula, 2010). Yet this popular explanation overlooks that Somalis have long been important investors in diverse sectors in Kenya, including construction and transport, as well as the wholesale and retail industry. In fact, the Somali and the Kenyan economies have become increasingly entangled, and the activities of Somali business networks have become an important pillar of the Kenyan economy. It has been argued that the reason why Somalis have invested so heavily in Kenya is because the country has 'over time evolved a more adaptive and mutually beneficial strategy for domesticating the threat of Somali irredentism' (*The East African*, 2010). Apart from allowing networks of Somali investment and trade to flourish in Nairobi's Eastleigh estate, which arguably contributes to a growing and consuming middle class, Kenya also gains from the ongoing Western engagement in the wider region, as the international community, including humanitarian NGOs, manage (not only) the Somali crises from their headquarters and hotels in Nairobi.

Nevertheless, Kenya's embroilment in Somalia can hardly be reduced to economic aspects. Quite to the contrary, Somalia's political crisis materialises in Kenya on an everyday basis as, according to UN reports, almost half of the foreign fighters of the Islamist militia al-Shabaab are Kenyans. Around particular Nairobi mosques, networks exist that engage in recruitment and funding for Somali Islamist groups (UN Monitoring Group on Somalia, 2010, pp. 25–7). Yet the Kenyan government also seems to have shifted its policy behind the scenes. The UN Monitoring Group on Somalia has recently accused the Kenyan government of having recruited and trained 2,500 youths from Somalia and North Eastern Kenya to establish a military force for Somalia's TFG and to create a buffer zone along the border. Since these activities are not approved by the UN Security Council, this constitutes a breach of UNSC resolution 1772 (2007) (UN Monitoring Group on Somalia, 2010, pp. 53–6). The Kenyan government has denied the existence of this training programme. Observers interpret this new focus on military training as a change in Kenya's Somalia policy towards one which is more confrontational (International Crisis Group, 2010a, p. 12).

In the last 15 years, Kenya has had an important function in multilateral efforts to resolve the conflicts in Somalia and Sudan. However the country's unilateral security practices in both countries, which breached international embargos, could in fact contribute to growing instability in the region. It remains to be seen if Kenya's military adventure in Somalia, which was uninvited but supposedly backed by the US and France (New York Times, 2011) will undermine the government's self-portrayal as a regional peacemaker or if it will be seen as proof of Kenya's willingness and capability to engage coercively in regional conflicts. However, taken together these operations shed light on the government's multiple balancing acts, in which rights violations may be accepted for benefits including international security assistance as the following discussion of Kenya's role in international counterterrorism agendas demonstrates.

Enforcement Practices: Kenya and International Counterterrorism

The internationalised character of Kenyan security issues has become most visible in relation to counterterrorism practices. The discourse of the 'global war on terror' has provided the Kenyan government with a new source of revenue. Kenya has not only become a core country Western counterterrorism and counter-radicalisation programmes but also one of the biggest recipients of 'hard' security assistance (Bachmann and Hönke, 2010). The main share of the funding, largely provided by the US, was used in the modernisation and extension of security institutions. This enforcement-centred infrastructure was then used for a series of rights-violating practices against parts of the Kenyan population.

More than 200 people died in the attacks against the US embassy in Nairobi in 1998 and against a hotel in Kikambala near Mombasa in 2002. In the dominant geopolitical imaginary—fed by Kenya's experience of being a target for terrorist attacks, the porous borders to Somalia, the existence of large areas in which state authority is patchy at best, as well as the existence of a large Muslim minority and its perception of being both economically and politically marginalised by the Kenyan government—the country is perceived to be a fertile ground for terrorist activities (Combating Terrorism Centre, 2007, p. 63). In response to the securitising gaze of the 'war on terror', the Kenyan government once more presented itself as a credible partner, as sharing the same security concerns and interests as its Western counterparts. Since 2003, units of the US-led antiterrorism programme Combined Joint Task Force-Horn of Africa (CJTF-HoA) have patrolled the Kenyan border region to Somalia to capture suspected terrorists. During the crackdown on the 'Union of Islamic Courts' in early 2007, special counterterrorism operations into Somalia were launched from the US military base in the archipelago of Lamu (*Business Daily*, 2007a, 2007b; *New York Times*, 2007).

Kenya does not only serve as a base for international counterterrorism operations, but has also received the main share of some of the US's largest counterterrorism programmes, including the East African Counterterrorism Initiative (EACTI) and the Antiterrorism Assistance Programme (ATA). For years Kenya has been among the top six ATA recipients worldwide, alongside Pakistan, Indonesia, Afghanistan, Jordan, and Iraq (USAID/US Department of State 2009, pp. 63–4).[6] The massive international resources for the fight against terrorism enabled the Kenyan government to expand and upgrade the infrastructure of its security sector. Using EACTI and ATA funding, the Kenyan government established the Antiterrorism Police Unit, the National Counterterrorism Centre (NCTC), the Joint Terrorism Task Force (JTTF), and the National Security Advisory Committee in 2003 and 2004 (Hanneke, 2007, p. 29; Volman, 2008). These external counterterrorism measures, which strengthen the enforcement capacities of the state's security apparatus, have directly and indirectly made possible several controversial security practices that have come under severe national and international criticism.

One of the most controversial issues has been the introduction of the Suppression of Terrorism Bill in the spring of 2003 without consultation with the public, only months after the historic victory of Mwai Kibaki's Rainbow coalition over KANU (*Kenya Gazette*, 2003). Since several of the provisions in the bill would have violated basic civil rights as guaranteed in the Kenyan Constitution, the human rights community and Muslim groups in particular organised a massive protest against the passage of the bill, which forced the government to withdraw it (Amnesty International, 2004; ICJ, 2006). The Kenyan government was under increasing pressure from the international community to introduce antiterrorism legislation.[7] Widespread rumours about US involvement in this matter fuelled the resistance of civil society and of an increasing number of MPs. A more balanced second draft was circulated among

parliamentarians and the human rights community in 2006, but it had to be withdrawn before its introduction to the parliament. The government recognised that it would not be able to win a majority in parliament on this contested issue.[8]

Even without the law being enacted, some of its discriminatory provisions were nevertheless carried out in practice by the security forces. After the terrorist attacks in Kikambala, raids and mass arrests of suspected terrorists were carried out in the Somali quarters of Nairobi, and particularly in Kenya's Coast Province, causing widespread fear among Muslim communities.[9] Hundreds of people were detained, many of them held incommunicado, with access to legal counsel denied. Witnesses reported that they were being tortured (Amnesty International, 2005; Bachmann and Hönke, 2010; ICJ, 2006).

The willingness of the Kenyan government to act as an auxiliary for external counterterrorism agendas was met with protest within the Muslim minority. Particular anger was raised by the 'extraordinary renditions' of almost 90 suspected terrorists to Somalia and Ethiopia in 2007, where they were interrogated by Ethiopian and US officials. Some of the detained reported having been tortured (Human Rights Watch, 2008; Muslim Human Rights Forum, 2008; Redress and Reprieve, 2009). With regards to the role of the Antiterrorism Police Unit in these detentions and deportations, a Muslim human rights group asserts that '. . . the US-funded unit has continued to push the impunity by the Kenya Police to higher levels' (Muslim Human Rights Forum, 2008, p. 37). Despite the government's constant denial, it emerged that almost 20 of the deported were Kenyan citizens. One of them, Mohammed Abdulmalik, was sent to Guantanamo Bay and remains there to date (*New York Times/NPR*, 2011). The Kenyan government breached several international conventions—including the UN Convention Against Torture and rights against arbitrary detention, arbitrary detention, and enforced deportation—provided under the International Covenant on Civil and Political Rights (see Human Rights Watch, 2008, pp. 40–1; Muslim Human Rights, Forum 2008). In the eyes of the affected, as well as the critical public, the government has eagerly ceded its duty to protect its citizens in return for a closer security partnership with the US. For the Kenyan human rights community and representatives of the Muslim community, the step to violate international law in order to attract more external assistance is additional proof of the government's opportunism, which further erodes its legitimacy.[10]

While this episode might be read as a governmental strategy to gain resources from abroad, it additionally illustrates the importance of domestic pressures. Standing accused of disregarding newly won civil rights, the government found itself confronted with a coordinated protest against the antiterrorism legislation and the looming loss of electoral support. As a consequence, the government had to constantly rebalance its stand on this topic, answering to both external and domestic expectations and pressure. Whitaker has described the relationship between the Kenyan and US governments on counterterrorism as a 'reluctant partnership' characterised by public contention and behind-the-scenes cooperation (Whitaker, 2008).

Indicative for the reading that the role of the Kenyan political elite cannot be reduced to one of subservience is the Kenyan government's refusal to sign a bilateral immunity agreement with the US, which would exempt Americans suspected of being involved in genocide, crimes against humanity, or war crimes from being extradited to the International Criminal Court (CICC, 2006a). As a consequence, Kenya was excluded from several security-related funding programmes and lost $13 million in 2005 alone (*New York Times*, 2006). However, after warnings that the cuts undermined the US's counterterrorism efforts in strategically important countries, in October 2006 the US Congress and later President Bush waived several restrictions on IMET (International Military Education and Training) and ESF (Economic Support Funds) in the

'national interest of the US', and security assistance to Kenya resumed (CICC, 2006b; White House, 2006). By refusing to enter the bilateral agreement with the US, Kenya publicly presented itself once more as a champion of human security over national sovereignty. While the government risked losing US security assistance (a tactical loss), it was aware of the geopolitics of the 'war on terror' and Kenya's importance as a regional hub for the US counterterrorism agenda and industry. In the end it was a strategic win by gaining international credibility and resuming US counterterrorism assistance.

Another, more recent, example in relation to Kenya's strategic handling of international norms and domestic expectations is the government's refusal to arrest persons who are subject to an arrest warrant by the International Criminal Court, even though the country is obliged to do so as a party to the Rome Statute. On the one hand, the Kenyan government has promised full support to the ICC's investigation of crimes against humanity committed during the Kenyan post-election violence in 2007/2008, recognising that the idea of having an international body investigating the violence is favoured by many Kenyans (Musila, 2009). On the other hand, in August 2010 the government invited the Sudanese President Omar al-Bashir, who is wanted by the ICC for counts of crimes against humanity, war crimes, and genocide, to Kenya in order to celebrate the adoption of the new Kenyan Constitution. Even though the Kenyan government came under domestic and international fire for undermining international law, it can legitimise its actions as being in accordance with multilateral decisions. In July 2010 the AU decided not to cooperate with the ICC in its request to arrest al-Bashir (African Union, 2010).

Concluding Remarks: The State and Global Security Governance

The previous section has illustrated some of the ambiguous implications of international assistance to Kenyan enforcement agencies, in which external counterterrorism support has made possible a series of rights-violating practices against suspect sections of the population. This concluding section relates Kenya's autonomy in globalised issues of security to the general debate on Western security governance in the global South and its imaginations of the postcolonial state.

Globalisation debate has drawn attention to the pluralisation of authorities for the provision of security, as well as to the existence of processes and regimes of security beyond the state (Abrahamsen and Williams, 2010; Johnston and Shearing, 2003; Shearing and Wood, 2007). In particular, the literature on nodal security governance has contested that the postcolonial state is capable of providing security and justice for its population. The permanent struggle of the postcolonial political elite over gaining authority over its population usually unleashes its authoritarian tendencies (for a critique, see Loader and Walker, 2006). At the same time, these approaches concede the state to constitute a 'meta-authority' for establishing guiding principles for security provision (Johnston 2006, pp. 47–9).

Both dynamics—scepticism towards the state and reliance on the state—are reflected on the policy level with regard to security sector reform. On the one hand, it has become established in policymaking circles that any transformation of security institutions must be case sensitive and include wider areas of governance, such as justice sectors, parliaments, traditional authorities, the media, and nongovernmental organisations (Caparini, 2004; OECD/DAC, 2008). On the other hand, the mixed record of security sector reforms in the global South has shown that there is a substantial 'resilience of police institutions' (Hills, 2008, p. 221). What makes these enforcement agents resilient is that security, both as concept and practice, is still commonly understood to be at the core of state sovereignty (Albrecht and Buur, 2009, pp. 392–5). Any

security sector reform is potentially tied into the process of state transformation and thus subject to close scrutiny by the targets of reform.

The dilemma of postcolonial state security institutions becomes apparent in relation to security assistance to Kenya. As demonstrated above, the global counterterrorism regime has strengthened state authority, in so far as the vast resources it made available for the Kenyan government overwhelmingly benefited its security apparatus. It aimed at extending the policing capacities of intelligence services, the military, and various police units in a country where the structure of the security institutions is still hallmarked by colonial policing, i.e. where paramilitary police units were central for political purposes (for the debate on colonial policing with regard to Africa and Kenya, see Clayton and Killingray, 1989; Sinclair, 2006; Throup, 1992). The colonial system of dual policing, where a decentralised force dealt with customary law in the villages and a central force dealt with civil law, is still in place. The mandates of the Administration Police (formerly the 'tribal police') and the Kenya Police are blurred, and this has caused competition and some deadly skirmishes between the two forces (*The Standard*, 2009; *Daily Nation*, 2009a). Constitutional provisions to transform the police into a neutral force with civilian oversight, discussed immediately after independence, were never implemented (CHRI/KHRC, 2006, p. 6; Ruteere and Pommerolle, 2003).

The history of extrajudicial killings, the use of excessive force, and its use for political purposes in Kenya was most recently once more confirmed by the Commission of Inquiry into Post-Election Violence. It estimates that during the violence that erupted after the general elections in 2007, more than one third of the more than 1,100 dead might have been shot by police (Commission of Inquiry into Post-Election Violence, 2008, pp. 384–5, 418; *The Economist*, 2008). In an additional UN inquiry into unlawful killings by the Kenyan police, the UN rapporteur, Philip Alston, confirmed 'the existence of systematic, widespread and carefully planned extrajudicial executions undertaken on a regular basis by the Kenyan police and 'that the police are free to kill at will' (UN High Commissioner for Human Rights, 2009). However, the post-election violence once more pointed to the urgency of the transformation of the security sector. With a new constitution adopted in the summer of 2010, Kenya's crisis may provide a window of opportunity for wholesale reform of the security apparatus. Some important structural changes have been included in the new constitution, yet for many it is not the radical break the country perceived itself to be in dire need of immediately after the crisis (Kenya National Task Force on Police Reform, 2009).

The international focus on military capacity at the cost of civil–military expertise in the APSA and the renewed emphasis on the modernisation of the state security apparatus, with its devastating effects in the context of counterterrorism in Kenya, once more confirm the central position of traditional state security institutions in the imagination of global security governance. Yet this article has defied the notion that actors in the South are merely on the receiving end of international security interventions where governments simply jump on the bandwagon of Western agendas. Kenya's juggling of international norms on the one hand and its own security and economic logics on the other have evolved historically and illustrate how the social capital emerging from Kenya's adherence to international norms or from bilateral alliances is used to sustain and diversify external support as an important part of the regime's effort of stabilising (the perception) of statehood. However, these processes are inherently unstable, as the particular history of postcolonial state transformation and global pressure on economic and security governance in many countries in the global South require a re-evaluation of practices in which (multinational) expectations are met and (state) sovereignty is demonstrated and reaffirmed. Yet what is even more important is that even though the performance of negotiating and appropriating international security agendas, as a struggle for positioning, is an endeavour with contingent

outcomes, this process highlights how emerging actors in the South not only claim a 'normalised' role of pursuing their own economic and political agendas, but also redefine the terms of reference in entangled regional and global issues of security.

Notes

1 When Kenyan political agency ('Kenya', 'the government', 'security institutions') is addressed in this article, I refer broadly to the executive. This somewhat simplifying conceptualisation serves the analytical purpose of the article which focuses on the elites' *practices* of positioning the 'state' in the international arena.

2 In 2009 the number of Kenyan personnel in UN missions had fallen to 900. Currently Kenya contributes to the UN mission in Sudan (UNMIS, military and police), the AU-UN Hybrid Mission to Darfur (UNAMID, military), the UN Mission in the Central African Republic and Chad (MINURCAT, military), the UN Mission in Liberia (UNMIL, police), and the UN Mission in the DRC (MONUC, military) (UN Peacekeeping website).

3 Its predecessor organisation was initially established as part of the Kenyan Defence College in order to live up to Kenya's increasing role in multilateral peace operations. The donors had greater ambitions and—after some years of struggle over its ownership and funding—the centre is now independent from the Kenyan Ministry of Defence and has been transformed—with the help of more than $3.5 million from Japan—into a regional training school as part of APSA (UNDP, 2009).

4 Local pastoralists in this border region, in which state authority is fragmentary at best, have since regularly attacked state institutions. The attacks were answered with excessive force by the Kenyan security state. The massacre of up to several hundred people by the Kenyan military near Wagalla in 1984 became an infamous example (Human Rights Watch, 2009a, pp. 12–16). Government distrust of ethnic Somali Kenyans prevails until today. Somali Kenyans encounter systematic difficulties when it comes to citizenship rights. Since the 1960s, Kenyan Somalis not only have a special identity card, they must also report if they wish to move into another district. Additionally, in 1989 the 'pink card' was introduced, which is evidence that the bearer had been 'screened' and his or her lineage had been confirmed (Africa Watch, 1990). This card has acquired a bitter smack as it revived memories of the *kipande*, a special ID card which every male from the age of 15 had to wear to allow British control over the 'native's' movements. In the course of the screening process in 1989, more than 2,000 people who claimed to be Kenyans were deported to Somalia and hundreds fled Kenya to neighbouring countries or Europe and Canada (Africa Watch, 1990).

5 While the list of parties that carry the mischief of this embarrassing affair is quite short (the Kenyan government), the list of beneficiaries is longer and involves international actors, including the governments of Ukraine and Southern Sudan, as well as companies and private individuals from Ukraine, the UK, Germany, and Kenya (Small Arms Survey, 2009, p. 44).

6 Additionally, Kenya regularly received support from the IMET, foreign military financing (FMF), and ESF. More specifically, in 2007 the US announced a package worth $14 million for antiterrorism assistance. This included $5.5 million for the 'training and equipment of various Kenyan law enforcement and security programs', $3 million for the 'construction of Coastal Maritime Training Facility on Camp Manda' in the Lamu archipelago, over $2 million for the installation of a 'secure IT network and case management project for the Antiterrorism Police Unit (ATPU)', $400,000 for a security system at the port of Mombasa, $1.2 million for a cyber forensic laboratory, and $200,000 for a border control management course. The antiterrorism training facility was opened in February 2009 and provides training to military and ATPU officers (US Embassy in Nairobi, 2007).

7 Author interview Paul Muite, former MP and between 2002 and 2007 chair of the Committee of the Administration of Justice and Constitutional Affairs, Nairobi, 11 September 2008.

8 Author interview Muite.

9 Mass arrests and abuse of suspected illegal migrants, refugees, or suspected terrorists from Somalia by Kenyan authorities continue to occur regularly (Africa Watch, 1990; *Daily Nation*, 1999; Human Rights Watch, 2009b; *The Standard*, 2002). In one of the most recent swoops, 1,000 migrants were detained (*The Standard*, 2010c).

10 Author interview, Muslim human rights organisations, Nairobi, 4 September 2008.

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