

Kenya's Somali North East: Devolution and Security

Crisis Group Africa Briefing N°114

Nairobi/Brussels, 17 November 2015

I. Overview

Devolved government in Kenya's newly formed north-eastern counties, designed to address decades of political marginalisation and underdevelopment, has been undermined by dominant clans monopolising power and growing corruption. Violent clan competition and antipathy between elected county elites and the remaining national administrative structures have allowed the violently extremist Al-Shabaab movement to expand and operate with relative impunity across large areas of the North East. Its attacks exposed security-service disarray and caused a sharp reversal of already stretched state services in this vast and poor region that shares a porous 680km border with Somalia. To end the violence and capitalise on devolution's potential, county elites must be more inclusive of minorities, cooperate across local boundaries for inter-county peace and recognise the continued role for neutral national institutions. National government should recognise where pragmatism can trump convention and back new security approaches that combine national and county responses.

Rampant criminality, inter-clan animosities and small-arms proliferation stretch policing and render highly insecure the sprawling refugee camps that host more than 350,000 Somali nationals fleeing the conflict in their country. This is compounded by Al-Shabaab infiltration, radicalisation and recruitment – especially in a borderland region where the inhabitants' national identity is historically contested and suspect. As relations between the refugees and their Kenyan Somali host communities fray, demands for the camps' closure are becoming more strident.

After lengthy bureaucratic infighting and knee-jerk initiatives that smacked of political score-settling and risked alienating many Kenyan Somalis, a new security approach is finally in place, led by senior national security officers who vitally have local roots (ie, Somali heritage) but are directly accountable to the national executive. This has temporarily helped bridge a breakdown in cooperation, especially in local intelligence-sharing, between county commissioners appointed by the president and newly-elected county governments that resented their security oversight. Whether this approach is applicable to other insecure areas with historically-strained relations with the centre is yet to be seen.

A purely security-focused approach, however innovative, is in any event not a panacea. The new devolved county governments must share responsibility for chronic insecurity instead of continually deflecting blame to the centre. Most importantly,

the inclination, with some notable exceptions, for a winner-takes-all approach to county politics will only generate further insecurity, as will the deepening problem of graft. With the second “devolved” elections in 2017 promising to be even more competitive than those in 2013, consensus on minimum provisions for cross-clan inclusion is needed now.

New county elites underutilise existing peace-making structures (“local peace committees”, community-based organisations and clerics) and prefer “county-owned” forums dependent on – often compromised – clan elders, while keeping the national government and its good offices at a distance and ignoring or sidelining women and youth networks. The government should establish an independent commission of national and local experts to offer solutions on the contentious issues at the core of the inter-clan frictions, such as borders, land, wells and justice and restitution for losses.

Finally, the national and county governments urgently need to reestablish social services (especially health and education) at the same time as they strengthen the security sector. Education can help reduce poverty, promote integration among ethnic and religious groups and fight extremism; and, at least in the medium term, more resources should be allocated to lift its standards. Donors, multilateral and bilateral alike, have clear incentives to give developmental aid that supports successful devolution and enhances Kenyan and regional security.

II. The Somali Minority: Success and Setbacks

For most of Kenya’s modern history, there were two distinct ethnic Somali communities: a relatively successful urban-based minority – descendants of colonial-era immigrants – and the majority pastoralist clans of the former North Eastern Province (NEP).¹ The latter were often seen as recalcitrant and unreliable citizens; mutual distrust between the Kenyan state and its Somali minorities (and irredentism sponsored by the Republic of Somalia) helped generate the “Shifta War” (1963-1967) – an internal secessionist rebellion against the central government – and the imposition of Emergency Rule in the NEP (1963-1991), during which government forces were responsible for a number of atrocities against civilians.² Nevertheless, despite the extreme poverty and isolation of some communities, Kenyan Somalis were, by the late 1990s and 2000s, on the whole increasingly integrated and wealthier and better educated and represented in government than many other of Kenya’s minorities.³

¹ Many immigrant Somalis – largely from the ex-British Somaliland Protectorate and Kismayo – were brought in as soldiers. Areas south of the Juba River including the port of Kismayo in today’s Somalia were governed as part of the Northern Frontier District until 1925, when Britain transferred them to Italian Somalia, as a reward for Italy’s World War I alliance. Crisis Group Africa Briefing N°85, *Kenyan Somali Islamist Radicalisation*, 25 January 2012, p. 2.

² Ibid, pp. 2-4. For a short history of Kenya’s Somali-speaking population, see Emma Lochery, “Rendering difference visible: The Kenyan state and its Somali citizens”, *African Affairs*, vol. 111, no. 445 (2012), pp. 615-639.

³ However absolute poverty levels in NEP grew in the 2000s, see fn. 7 below.

A. *Progress*

Over the past decade, the former NEP saw some social and economic development, notably through former President Mwai Kibaki's 2003 introduction of universal free primary education.⁴ Kenyan Somalis had great expectations for the 2010 constitution and the implementation of devolved political, administrative and developmental authority to 47 counties – the NEP became the three counties of Mandera, Wajir and Garissa. Some even considered devolution as the establishment of self-rule.⁵ Two years on, county officials say it has brought more development to the region than the preceding 50 years since independence.⁶

The three north-eastern counties are among fourteen nationwide identified as most marginalised by the Commission on Revenue Allocation (CRA) and thus among the leading recipients of devolved funds.⁷ Mandera county received 8.9 billion shillings (\$88 million) in the financial year 2015/2016, the highest allocation after Nairobi and Turkana counties.⁸ Benefits are being felt: health services and water and road infrastructure are particular priorities.⁹ The World Bank ranked Wajir county top of all 47 counties for the amount (58 per cent) of its nationally devolved funds spent on development projects.¹⁰

Kenyan Somali political representation has also improved, to the extent that other communities say their population numbers are inflated.¹¹ The delimitation of the new administrative boundaries between and within counties concluded in 2012 also increased north-eastern National Assembly (parliamentary) constituencies from elev-

⁴ NEP primary school enrolment was 23.8 per cent in 1990 and still less than 30 per cent in 1999 after Emergency Rule ended. Today, while the national average is 77 per cent, in Mandera, Wajir and Garissa counties, it is only 42, 35 and 34 per cent respectively. Secondary school attendance in the three counties averages 9 per cent against 23.5 per cent nationally. "Socio-Economic Atlas of Kenya: Depicting the National Population Census by County and Sub-Location", Kenya National Bureau of Statistics, 10 November 2014.

⁵ "[In Kenya] it is either devolution or revolution". Crisis Group interview, senior Mandera county official, Nairobi, 20 February 2015.

⁶ Crisis Group interview, Mandera county official, Mandera, 28 February 2015.

⁷ In 1994, 56 to 58 per cent of the NEP's population was considered to live in absolute poverty. In 2014, when the national rate was 45.2 per cent, it was 84.2 and 85.8 per cent respectively in Wajir and Mandera counties. "Socio-Economic Atlas of Kenya", *op. cit.*, pp. 101-139.

⁸ Crisis Group email correspondence, revenue allocation commission official, 4 August 2015; "The County Allocation of Revenue Bill, 2015, First Schedule [s. 4(1)]", Allocation of Each County Governments' Equitable Share of Revenue Raised Nationally, Financial Year 2015/2016.

⁹ In 2014/2015, Garissa county allocated 17, 16, and 15 per cent of its development budget to water, health and road infrastructure respectively. Wajir and Mandera counties are getting first-ever tarmac roads in their town centres. Crisis Group interviews, senior county government official and county liaison officer, Nairobi, 20 February, 23 April 2015; county assembly member, Garissa, 22 October 2014.

¹⁰ For the fiscal year 2013/2014. Only nine other counties allocated as much as 30 per cent of their nationally devolved funds to development spending; the majority of the remaining 37 counties – including Wajir's neighbours, Garissa and Mandera – used them for recurrent expenditures. "Decision Time: Spend More or Spend Smart? Kenya Public Expenditure Review", World Bank Group, December 2014, pp. 32-34.

¹¹ The official 2,385,572 census figure for the North East is disputed. The government's cancellation of the 2009 census in eight north-eastern districts is still under challenge in the Appeal Court. Population determined by census, along with other indicators such as the poverty index and land area, is important in determining county resource allocations. The same census put Kenya's total population at 38.6 million.

en to eighteen. Although Kenyan Somalis remain underrepresented in the national civil service, there are a handful of prominent Kenyan Somali national government officials, including Amina Mohamed, cabinet secretary, foreign affairs and international trade; Aden Bare Duale, National Assembly majority leader; Issack Hassan, chair, Independent Electoral and Boundaries Commission (IEBC); and Abdulkadir Mohamed, the president's constitutional adviser and former chair, Constitution Implementation Oversight Committee.¹²

Specific ethnic-Somali constituencies are important "vote-baskets". Prior to the 2013 election, clan elites and elders met with the political camps to hear what they were offered for returning majorities in their counties and constituencies.¹³ The Garre clan in Mandera county was particularly effective in delivering the vote for the (now ruling) Jubilee coalition.¹⁴

While their political clout has grown, ethnic Somalis are most known, and sometimes reviled, for their business success. President Kibaki's "free market" era saw their advance in the export and import trade, real estate, transport, petroleum and education to rival the traditionally dominant Asians and Kikuyus.¹⁵ Though this success was partly home-grown, it also benefited from links to other Somalis. Especially after the Somali state's collapse in 1991, many professionals, including ex-ministers, bureaucrats and technicians, relocated to Kenya and elsewhere, while maintaining a stake in the region.¹⁶ As the conflicts died down but Somalia remained without a functioning central government, businessmen and consortia there needed a stable base and agents and representatives whom they could trust with investments. They turned to Kenya and its ethnic Somali minority, creating a large global trading network centred primarily in the Eastleigh district of Nairobi, whose economy and tax-receipts they boosted.¹⁷

Without a government to enforce contracts and laws, clan ties were an important basis of trust, but so, increasingly, were religious networks. Many, but not all, new entrepreneurs were associated with the Islamism of the Arab Gulf states; some were religious leaders in their own right.¹⁸ This led to the establishment of mosques and

¹² The 2010 constitution dramatically increased elected offices across Kenya. The Luo, Luhya, Kamba, Turkana and Maasai are also under-represented in the civil service relative to their size. "Towards National Cohesion and Unity in Kenya: Ethnic Diversity and Audit of the Civil Service", National Cohesion and Integration Commission (NCIC) Report, 2011, p. 7. Especially following the deeply-polarising 2007-2008 post-election violence, which largely bypassed ethnic minorities, the perception that they are politically neutral in national politics benefits Somalis.

¹³ The successful presidential candidate must win at least 25 per cent of the vote in half the country's 47 counties. The estimated 350,000 registered Somali voters form a relatively insignificant minority of the 14.3 million citizens eligible overall, but clans (or clan alliances) that can deliver constituency seats provide leverage to bargain for national-level posts.

¹⁴ Its Council of Elders vetted all candidates and supported their campaigns. Crisis Group interview, National Assembly member, 1 October 2015.

¹⁵ Kibaki's government was perceived as more sensitive to the North East's needs. Crisis Group Briefing, *Kenyan Somali Islamist Radicalisation*, op. cit., pp. 4-5.

¹⁶ Others moved to more distant parts of Africa and the Middle East; businessmen were especially drawn to Dubai. Over time many resettled in Australia, Europe and North America.

¹⁷ Farah Abdulsamed, "Somali Investment in Kenya", Chatham House, Africa Program, March 2011, pp. 6-10.

¹⁸ Current Garissa Governor Nadhif Jaam'a worked in the Gulf's Islamic banking sector and helped found the First Community Bank (FCB), Kenya's first Sharia (Islamic law) compliant bank. The rise of al-Qaeda brought scrutiny of Gulf-based charities, and local religious leaders had to generate more of their own funds. Well-known Somali clerics Sheikh Mohamed Abdi Umal, Sheikh Shibli

madrasas more attuned to the global trends of Islamic revivalism than to the local traditionalist, mostly Sufi-orientated religious establishment. “Integrated schools” emerged offering both religious and secular education to the growing Somali and self-consciously Muslim middle class in Nairobi and north-eastern urban centres.¹⁹ Yet, these schools may have helped reverse the integration of Kenyan Somalis, who are again viewed – partly due to self-imposed separation – as internal aliens.²⁰

B. *Setbacks*

The downside of Kenya’s ethnic-Somali transnational links has been association with refugees, criminality and terrorism.²¹ This was most clearly evident in “Operation Usalama Watch” in April 2014, when both Kenyan and non-Kenyan Somalis concentrated in Nairobi’s Eastleigh and South C districts and the Komarok and Fedha estates were subjected to a police dragnet. Justified as an effort to combat illegal immigration and Al-Shabaab-related terrorism, its success is still disputed.²² Usalama Watch did demonstrate continued official anxiety about the ethnic-Somali population, while appearing to confirm Kenyan Somalis’ long-held belief that they are the target of official harassment and persecution.²³

Kenya’s 680km border with Somalia has allowed a constant exchange of people.²⁴ In areas like the Somalia frontier town Bula Hawa, Gedo region (directly adjacent to Mandera town), Somalia nationals came to depend on Kenyan health, education and communication services.²⁵ Some acquired Kenyan identification documents via corrupt officials; the authorities recruited others into the civil service and security forces. Most recently (and controversially) Kenya recruited and trained proxy militias from the cross-border populations (including refugees) to fight Al-Shabaab in southern Somalia.²⁶ Control and issuance of identity papers is increasingly treated as a national security matter, with the result that Somalis who are Kenyan citizens find it tougher to obtain documents necessary to access government services.²⁷ No Ken-

and Sheikh Shakuul, among others, collectively own and manage Al-Bushra Properties Ltd, which invests in real estate, including Eastleigh shopping malls.

¹⁹ For example, the Ansaru Sunna Group of schools in Eastleigh, Nairobi; Wamy Schools and Nairobi Muslim Academy in South C, Nairobi; Kenya Muslim Academy in Huruma, Nairobi; and Young Muslim School in Garissa.

²⁰ Integrated schools often do not support activities, such as sports, with other schools, arguably to the detriment of Somali integration.

²¹ For more on Al-Shabaab’s activities in Kenya, see Crisis Group Africa Briefing N°102, *Kenya: Al-Shabaab – Closer to Home*, 25 September 2014.

²² In a KTN TV interview, 25 July 2015, Interior Ministry Permanent Secretary Monica Juma said Usalama Watch had prevented further terrorist attacks in Nairobi.

²³ Lochery, *op. cit.*; Crisis Group blog, “Losing Hearts and Minds in Kenya: The Crackdown on Somalis Will Probably Backfire”, 16 April 2014.

²⁴ Crisis Group Africa Report N°184, *The Kenyan Military Intervention in Somalia*, 15 February 2012, p. 10.

²⁵ Until early 2015, some 3,000 school children crossed the border daily to attend schools in Mandera. Crisis Group interview, local journalist, Mandera, 1 March 2015.

²⁶ In 2009, some 2,500 militia personnel were recruited from the former NEP districts, the Dadaab refugee camps complex and communities across the border in Somalia. Crisis Group Report, *The Kenyan Military Intervention in Somalia*, *op. cit.*, p. 2.

²⁷ For example, high school graduates need these documents to work or continue studies. Crisis Group interview, education and social services official, Mandera county government, Mandera, 2 March 2015.

yan identity cards have been issued in Mandera county for three years. In September 2014, the Garissa regional passport office (serving the entire North East) was closed.²⁸

C. *The Refugee Burden*

The steady growth of the Somali refugee population since the early 1990s has further complicated the enduring question of who is and is not Kenyan among the north-eastern population. The progressive 2006 Refugee Act allowed refugees to work and invest; special “alien cards” were issued, and urban registration centres were opened in major towns, but the refugees’ growing presence was often resented, leading to official and unofficial harassment.²⁹ Al-Shabaab’s growth in southern Somalia hardened the government’s approach not only to the refugees, but also, by association, to Kenyan Somali communities.

By 2010, as Al-Shabaab’s advances caused suspension of many Kenya-based humanitarian agencies’ work in southern Somalia, affected populations crossed the border in search of assistance. The 2011 famine pushed yet more Somalis into the large Dadaab refugee camp complex near Garissa, which that year contained 486,913 “persons of concern”, compared to 138,129 in 2005.³⁰ In August 2011, Kenya temporarily halted registration of additional refugees and refused a UN High Commissioner for Refugees (UNHCR) proposal to add two camps.³¹

A declared aim of Kenya’s Somalia intervention that year was the refugees’ return and resettlement.³² But numbers remained high, as banditry, sexual and gender-based violence and suspected Al-Shabaab activity around the Dadaab camps increased. Many agencies significantly reduced operations; others simply left. Kenyan security forces virtually withdrew, and UNHCR and partner agencies were forced to hire police reservists to complement those that remained.³³

On 18 November 2012, the then permanent secretary for internal security, Mutea Iringo, directed that all urban refugees return to the camps. This was overruled by the High Court, but pressure to close Dadaab and for refugees to leave grew, as small terrorist attacks increased in Nairobi (primarily in Eastleigh), culminating in the September 2013 Westgate Mall attack that killed at least 67 people.³⁴ In November

²⁸ “Immigration halts services amid outcry”, *Daily Nation*, 14 September 2014.

²⁹ Sara Pavanello, Samir Elhawary and Sara Pantuliano, “Hidden and exposed: Urban refugees in Nairobi, Kenya”, Humanitarian Policy Group Working Paper, Overseas Development Institute (ODI), March 2010.

³⁰ It is alleged that at least 12,000 Kenyan Somalis are also registered as refugees in Dadaab. Crisis Group interview, local journalist, Nairobi, 14 September 2015.

³¹ Host communities were bitterly opposed to new camps, which they argued caused environmental degradation, and resented refugees’ perceived better access to basic services.

³² For example, President Mwai Kibaki, “A defining moment in the history of Somalia”, speech to London Conference on Somalia, 23 February 2012; Crisis Group Report, *The Kenyan Military Intervention*, op. cit., p. 2.

³³ Crisis Group interview, UNHCR partner agency staff, Nairobi, March, April, 2015. The suspected Al-Shabaab activity included leaflets asking women to dress “decently” and not to ride *boda boda* (motorcycle) taxis and schools not to ring bells (bells are associated with churches).

³⁴ “High Court of Kenya Judgment, Petitions Nos. 19 and 115 of 2013”, issued 26 July 2013, dismissed the government’s national security arguments. For more, see Crisis Group Briefing, *Kenya: Al-Shabaab*, op. cit.

2013, Kenya, Somalia and UNHCR, signed a tripartite agreement on voluntary repatriation to Somalia.³⁵

In March 2014, the government again ordered refugees to return to Dadaab and a few days later launched Usalama Watch.³⁶ Over 30 elected Kenyan Somali leaders publicly opposed the operation, including National Assembly majority leader Duale, who threatened to withdraw support from the ruling Jubilee coalition.³⁷ In December, the assembly passed the “Security Laws (Amendment) Act 2014”, which included a 150,000 ceiling on refugees and asylum seekers that was again successfully challenged in the High Court.³⁸ Following the April 2015 Al-Shabaab attack that killed 148 (mainly students from other parts of Kenya) at Garissa University College, which officials said was linked logistically to Dadaab, Deputy President William Ruto issued an ultimatum for the UNHCR to relocate all Somali refugees back to Somalia within three months.³⁹

D. *Settling Scores*

Kenyan Somali leaders unanimously condemned the Garissa attack, pledging to support the national government against terror. Hundreds of Somalis protested against Al-Shabaab in Garissa and Eastleigh, and leaders in the North East called for Dadaab’s closure.⁴⁰ The government quickly unveiled emergency measures, including withdrawing licences of thirteen Somali *hawala* money transfer agencies and freezing the bank accounts of individuals, companies and NGOs with alleged Al-Shabaab links.⁴¹ All Somalis, even at the highest levels, came under suspicion of Al-Shabaab sympathies. However, unlike previous eras, Somalis, though still vulnerable, had a more robust political class to defend their interests.⁴²

III. **Double-edged Devolution**

Devolution’s gains are fragile, and some county capacity is in doubt. The region is still wracked by inter- and intra-clan conflict, largely unnoticed by the rest of Kenya, and “many of the ills of the centre are being replicated in the counties”.⁴³

³⁵ A pilot project began a year later, and 2,048 had returned by April 2015. “Closing Dadaab”, Rift Valley Institute Meeting Report, September 2015.

³⁶ “Kenya orders all refugees back into camps”, Al Jazeera, 26 March 2014.

³⁷ “Adan Bare Ducaale oo ka hadlay hawlgalada boliska islii”, [“Adan Bare speaks on police operations in Eastleigh”], Universal TV, 5 April 2014.

³⁸ Following a Kenya National Human Rights Commission (KNHRC) petition.

³⁹ Crisis Group blog, “Al-Shabaab’s Kenyan Ambitions”, 15 April 2015. “Closing Dadaab”, op. cit.

⁴⁰ Aden Duale said, “the camps have been the centres where the training, coordination and the assembly of terror networks is done. We want the refugees to be relocated, across the border”. “Leaders want refugee camps closed down”, *Daily Nation*, 6 April 2015.

⁴¹ “List of entities suspected to be associated with Al-Shabaab”, The Kenya Gazette vol. CXVII, no. 36, 7 April, 2015. Lists of suspect individuals have long been a feature of Kenya’s periodic crackdown on its indigenous and expatriate Somali populations. Lochery, op. cit., pp. 625-626.

⁴² Jubilee coalition legislators showed little solidarity with their majority leader, Duale, who, after the attack, promised to produce a list of terrorists and their sympathisers; when he did not, some Jubilee parliamentarians publicly demanded it and asked why he had not acted earlier. “Nyeri MPs threaten to remove Aden Duale as Majority Leader over terror list”, *Daily Nation*, 21 July, 2015.

⁴³ Crisis Group interview, National Assembly member, 1 October 2015.

A. *Clans and Counties at War*

The reported 83 per cent turnout for the March 2013 elections, which decided county as well as national offices, was the highest in the region's history.⁴⁴ However constitutional provisions did little to safeguard minority rights. Majority clans or clan alliances decided the polls and the division of county power, adding new dimensions to longstanding rivalries.⁴⁵ The post-election implementation of devolved county government also ushered in violent clan conflict, most acutely in Mandera county, where constituency and county boundary changes were a flash point in re-eruption of a longstanding feud between the Garre and Degodia.⁴⁶ An August 2014 incident reportedly involved 77 casualties and displacement of over 18,000 households.⁴⁷ Smaller and minority clans – the latter often called “corner tribes” – caught in the middle were forced to choose the ally likeliest to protect their perceived collective interests.⁴⁸

Garissa county is affected by a simmering intra-Ogaden feud over exclusive claims to territory (and constituencies) and control of the governorship between the Aulihan and Abudwaaq clans. The latter had dominated for 30 years, until the elections produced an Aulihan governor.⁴⁹

Wajir county has been the exception. A pre-election agreement ensured it avoided the communal conflicts that followed the vote in Mandera and Garissa. Elected offices were carefully apportioned: the governorship went to the majority Degodia, the deputy position to the Ajuraan, the next largest clan; and the Senate seat to the Mohamed-Zubeyr (one of the three resident Ogaden sub-clans).⁵⁰ The governor has been applauded for fairly distributing jobs and resources. However, there are still disagreements over resources, and county leaders have done little to reduce Degodia bellicosity toward Mandera's Garre, so inter-clan clashes now look increasing like inter-county conflict.⁵¹

The new county-level inter- and intra-clan conflicts and the vested interests of the devolved political leadership have made previous peacemaking mechanisms obsolete, especially the local peace committees with their wide range of stakeholders, includ-

⁴⁴ “Post-Election Evaluation Report on the March 4th 2013 General Election”, Independent Electoral and Boundaries Commission (IEBC), October 2014, p. 154. County assembly contests galvanised the smallest Somali social units (sub-sub-clans and extended family groupings).

⁴⁵ There are 29 clans and sub-clans in Garissa county, but it is dominated by three Ogaden sub-clans. Mandera has at least twelve clans and sub-clans, three of which dominate.

⁴⁶ For a detailed account of clan conflicts past and present in each north-eastern county, see Ken Menkhaus, “Conflict Assessment/2014 Northern Kenya and Somaliland”, Danish Demining Group, March 2015. The Garre-Degodia feud began in 2007, when the Garre lost their historic Mandera Central constituency to a Degodia candidate. In 2012, the IEBC split Mandera Central into North and South and the Garre won both constituencies in 2013 (despite Degodia numbers in Mandera North), as well as the governorship. Degodia-dominated neighbouring Wajir largely went to the opposition. 4 March 2013 General Election IEBC Data, at www.iebc.or.ke.

⁴⁷ In mixed Rhamo and Banisa districts; some participants came from the Ethiopian side of the border. “Mandera Attacks Situation Report”, Kenya Red Cross, 28 August 2014.

⁴⁸ The Murule allied with the Garre in Mandera county and were rewarded with the deputy governorship and county government posts, see fn. 52 below.

⁴⁹ Balambala, Dadaab and Lagdera constituencies have been particularly affected. Crisis Group interviews, Garissa political leaders, Nairobi; residents, Garissa, June 2015, October 2014.

⁵⁰ Degodia took four of the six National Assembly seats; Ajuraan and the Muqabul (Ogaden) clans took the remaining two. In the county assembly, Degodia hold 25 of the 45 seats. Crisis Group telephone interview, county assembly member, Wajir, 8 October 2015.

⁵¹ Crisis Group interview, elder and peace activist, Wajir, 5 November 2015.

ing women and youths.⁵² Even in relatively peaceful Wajir, notable for its inclusive approach to county government, the experienced “Al-Fatah Council of Elders” that mediated and helped end conflicts both locally and throughout the former North East Province from its inception in 1993 has been superseded by the “County Peace Forum”, a county-controlled mediation facility that may impact on its neutrality and how its interventions are received by parties to conflict.⁵³

Mandera in particular has struggled to deal with its internal conflicts. Attempts to mediate the Garre-Degodia conflict in that county required external help from the Garissa senator (and ex-cabinet minister and provincial commissioner), Yusuf Haji, and the National Cohesion and Integration Commission (NCIC) head, Francis Ole Kaparo, since the Garre clan was so vested in the new county government. Local stakeholders believe the mediation team cannot maintain the engagement needed to sustain peace.⁵⁴

B. *Bureaucratic Battles and Alleged Graft*

Compounding intra- and inter-county clan rivalries is frequent unresolved political tension between locally elected county governments and presidentially appointed county commissioners, who maintain central government coordination and oversight.⁵⁵ Mandera county has seen the worst of this competition. In 2014, the county commissioner voiced misgivings about the local leadership, alleging it had helped foment the Garre-Degodia feud.⁵⁶ The prickly relationship deteriorated further in the wake of increasing Al-Shabaab attacks in 2014-2015, with the governor accusing the county police (controlled by the commissioner) of not acting on information from the public.⁵⁷

Criticism of national security structures that remained after devolution as being both under-resourced and riddled with corruption is widespread; local observers note that as long as this situation persists, communities will retain arms and maintain militias.⁵⁸ However, the elected county leaders’ hostility toward national officials, including the county commissioners and county police, is not entirely warranted; some Mandera communities still look to the central government to provide balance and protect their interests.⁵⁹

⁵² The 2008 Sheikh Ummal Accord that repaired relations between the Garre and Murule is an example of former local peacebuilding. See Aden Abdi, “Clan, conflicts and devolution in Mandera, Kenya”, Insight on Conflict, Peace Direct, 14 October 2014. Despite repeated violations, the truce has largely held since 2013, partly because it reflected the Garre-Murule electoral pact.

⁵³ Some criticism of the Al-Fatah Council is justified, including its semi-bureaucratisation, but its diversity, moral authority and ability to cross clan lines was valuable and is worryingly absent in the new county’s approach to mediation. Crisis Group interviews, civil society activist, Wajir, 5 November 2015.

⁵⁴ The two individuals and the National Cohesion and Integration Commission are also mediating other conflicts in northern Kenya. The commission is hampered by funding constraints.

⁵⁵ The latter was the role of the once powerful provincial administration that reported directly to the president.

⁵⁶ “Politics, border disputes Garre, Degodia clan clashes”, Standard Media, 29 June 2014.

⁵⁷ The governor said he shared local intelligence with the county police commander, Noah Mwivanda. “Governor Roba had warned of imminent attack”, *Daily Nation*, 22 November 2014.

⁵⁸ Crisis Group interview, senior (Mandera) county government official, Nairobi, 20 February 2015; anecdotally, the North East has more arms in civilian hands than in those of the formal security apparatus. Crisis Group interview, peace activist and elder, Wajir, 5 November 2015.

⁵⁹ Crisis Group interview, Mandera peace activist, Nairobi, 12 October 2015.

Many north-eastern residents point to the corruption and mismanagement of county government, and the Office of the Auditor-General has raised serious issues of misappropriation of devolved funds across the three counties. Proper procurement procedures are said to be flouted regularly in the awarding of contracts.⁶⁰ There is a popular perception that development projects are contractor-driven, without the public consultation the architects of devolved government envisaged.⁶¹ There are also allegations that contractors inflate costs in partnership with county government officials;⁶² the leasing of ambulances in Garissa county became a national scandal.⁶³ New county-level bureaucrats have allegedly used their positions to overpay themselves;⁶⁴ some are said to have accumulated assets in Nairobi and Mombasa worth ten to 30 million shillings (\$96,300-\$288,000), far in excess of salaries.⁶⁵

For now, the clear development benefits of devolution still outweigh the local problems it has generated, in particular graft and the inclination of county governments to monopolise all activities, including peacemaking. Above all, internal peace and security have been compromised by county governments' over-vigilance against both national government intrusion into their domain and any hint of encroachment by neighbouring-county jurisdictions (interpreted locally as clan expansionism).⁶⁶

IV. Al-Shabaab and North East's Security Crisis

Al-Shabaab's ability to convert the hostile north-eastern population to sympathy or at least acquiescence was underestimated and demonstrates its skill in manipulating local conflicts, recruiting local members and gaining support of aggrieved communities and clans. Where that has not been possible, it has used intimidation to compel

⁶⁰ In Wajir county, the Auditor-General noted KES 69,189,600 (\$664,199) worth of relief food could not be accounted for. "Report of the Auditor-general on County Government of Wajir for the year ended 30 June 2014", Auditor-General Office, 2 June 2015, p. 3; Crisis Group interview, civil society organisation official, Wajir, 5 November 2015.

⁶¹ Crisis Group interviews, opinion leader, Nairobi, 22 January, 17 February 2015.

⁶² A county government-constructed classroom reportedly cost KES 1.3 million (\$12,500), double what it would have cost if built by a locally based NGO. Crisis Group interviews, civil society group members, Garissa, 22 October 2014; Mandera, 3 March 2015.

⁶³ The Auditor-General noted "the County Government of Garissa leased seven ambulances from Kenya Red Cross Society at a cost of KES 600,000 (USD\$5,759) per month each totalling KES 50,400,000 (US\$483,825) for the year The County Government had inherited 11 ambulances from the National Government Health Department which if utilized properly the County Government would have not leased the extra ambulances". "Report of the Auditor-General on County government of Garissa for the year ended 30 June 2014: Financial Statements", Auditor-General's Office, 26 May 2015, p. 8; Crisis Group telephone interview, Garissa Civil Society Organizations Network, Garissa, 5 November 2015.

⁶⁴ A Mandera county audit found an individual was "irregularly paid overtime allowances amounting to KES 588,608 (US\$5,650)" in the months of May, June and September 2014, and that the same individual "was irregularly paid salary amounting to KES 967,028 (US\$9,283) over and above the salary entitlement in the month of December, 2014". "Report of the Auditor-General on the Financial Operations of Mandera County Executive for the Period 1 July 2013 to 30 June, 2014", Office of the Auditor-General, 21 May 2015, p. 10.

⁶⁵ Crisis Group telephone interviews, businessmen, Nairobi and Garissa, 22 October 2015. The monthly salary of a county governor is KES 640,681 (\$6,150); that of the deputy governor is KES 461,250 (\$4,427); the salary of a member of the County Assembly (MCA) is KES 123,750 (\$1,187); that of a member of the County Executive Committee is KES 225,000 (\$2,159).

⁶⁶ Crisis Group interview, civil society activist, Wajir, 5 November 2015.

community compliance. It aims to make the North East ungovernable, force the civil service to retreat and prompt de facto return of the “closed district” experienced under the 1963-1991 state of emergency, thereby reversing the gains of the last decade, especially in development and integration, and halting devolution’s progress.

A. *Al-Shabaab’s Infiltration*

Before the change in the North East’s security leadership and operations seen in the last six months, officials said at least three autonomous Al-Shabaab units were operating there and in adjacent Lamu county (especially in the Boni forest reserve that straddles Lamu and Garissa counties) in small, secretive, highly-mobile cells.⁶⁷ From May to July 2015, Al-Shabaab regularly occupied remote villages and mosques in Mandera, Garissa and Lamu counties for several hours, preaching jihad, disparaging the government and intimidating or killing government appointees. At least seven local chiefs have been targeted for collaboration.⁶⁸ Mandera county, where small-scale bombings and targeted killings have been ongoing since 2011, was worst hit.⁶⁹

Anecdotally at least, the violent inter-clan feuds and supremacy contests in the new counties, particularly Mandera, provide a perfect context for extremist infiltration. There are allegations of aggrieved communities colluding with Al-Shabaab: certainly one clan’s monopolisation of political and economic power, including squeezing out traders and residents who historically had the upper hand, contributed to some incidents.⁷⁰ Attacks on a civilian bus and a quarry in November and December 2014 respectively brought the extent of Al-Shabaab’s reach to national notice. These targeted the small communities of up-country Christians – labourers, petty traders and civil servants, including education and health professionals – and not local Muslim Somalis; immediately damaged inter-faith relations, locally and nationally;⁷¹ and sowed division between Somalis and other communities, despite the parallel killings of local chiefs and the intimidation of elders and residents.

The attacks also prompted an exodus of civil servants not native to the area, with disastrous effect on services. Many sectors were entirely dependent on non-local professionals, in particular education and health. After the Mandera killings, 117 of 147 outside health workers employed in the county fled; over 21 facilities closed between December 2014 and January 2015. When schools reopened in January, more than 1,000 teachers employed by the national government cited insecurity, declined

⁶⁷ Crisis Group interviews, security officials, Mandera, Garissa, June, July 2015; Nairobi October 2015.

⁶⁸ The 23 April 2015 killing of the Arabiya (Murule) chief in Mandera sparked inter-clan conflict in the county’s rural areas; the Murule accused Marehan clan elements across the border in Gedo, Somalia, of collusion.

⁶⁹ “[S]ecurity officers had lost control of the town to terrorists especially at night”. “Report of the Joint Committee on Administration and National Security and Defence and Foreign Relations on the Inquiry into the Westgate Mall terror attack, and other terrorist attacks in Mandera in North Eastern and Kilifi in the Coastal region”, National Assembly, December 2013, p. 64.

⁷⁰ Crisis Group interviews, security officials, Mandera, Garissa, June, July 2015; Nairobi, October 2015; “Clan-feuds may have opened up Mandera to Al-shabaab raids”, *The Standard*, 7 December 2014.

⁷¹ “It is naive for anyone to imply that the so-called terrorism in Kenya is anything other than jihad against Christians”. “Standing with the Christian Faith”, press statement, Christian Leaders’ Consultative Forum, 15 April 2015.

to return to the three counties and sought transfers.⁷² The April 2015 Garissa University College attack jeopardised public higher education in the entire North East.⁷³ Apart from a reorganisation of security (see below), the government's response to the services crisis has been weak.⁷⁴

B. *Security Failings*

Even before Al-Shabaab attacks increased, security forces were on the back foot. During the August 2014 clan conflict in Mandera, they “were overwhelmed”.⁷⁵ The region is large, and many areas are sparsely populated. Police posts are few and far between, and in the wake of increased attacks, the government has closed those with less than 40 officers.⁷⁶ Even urban areas have insufficient security. Garissa still has only one Kenya Police and one Administration Police station.⁷⁷

Security was also undermined by corruption in national government agencies (including immigration and the Kenya Revenue Authority), county governments and local private businesses.⁷⁸ The Somalia border is officially closed, but contraband goods steadily enter the North East, most notoriously sugar smuggled to avoid the government's protectionist duties, even though traffickers are accused of financing terrorism.⁷⁹ The local economy, including the Dadaab refugee complex, depends on imports from Somalia.

The national government's default response to increasing insecurity has been to deploy more security forces, including the army to man checkpoints. The government began construction of a border “security fence”, despite at least partially unfounded scepticism and criticism.⁸⁰ Above all, public participation in security matters needs remedying; a Garissa resident stated: “People cannot work with the police, for they

⁷² “95 schools closed in North Eastern because of terror – Kaimenyi”, *The Star*, 27 May 2015. The Teachers Service Commission gave in to the demands and sent 886 to other counties.

⁷³ Regional leaders had lobbied to obtain the institution, whose first class was in 2013. The Kenya Medical Training College (KMTTC) was also closed.

⁷⁴ Unlike the Kibaki administration, which “created a lot of space for Somalis”, the Jubilee government seems to have “pulled back from the region”. Senator Billow Kerow, “Mr President, North Eastern Region Deserves Your Attention”, *Sunday Standard*, 31 May 2015. The president has not visited Wajir and the deputy president has visited only once. Crisis Group interview, National Assembly member, 1 October 2015.

⁷⁵ On 29 May 2014, the Mandera conflict spilled into Wajir county, when clan militias armed with rocket-propelled grenades and assault rifles attacked a village on the county boundary, killing at least twelve. Crisis Group interview, Kenya Red Cross official, Garissa, 22 October 2014.

⁷⁶ Crisis Group interview, resident and civil society member, Garissa, 22 October 2014.

⁷⁷ The Kenya Police enforce national laws and regulations and prevent and detect crime; the Administration Police help government officers execute their duties. But roles often overlap with resulting tension. Both report to the National Police Service led by the Inspector General.

⁷⁸ “... [a] nationwide systemic failure on the part of the Immigration Services Department, Department of Refugee Affairs; and Registration of Persons Department attributed to corruption at the border control points and registration centres, mainly in Nairobi, Coast and North Eastern areas”. “Report of the Joint Committee”, *op. cit.*, p. 7.

⁷⁹ An Eastleigh businessman claimed Al-Shabaab charged \$1,000 for every truck ferrying goods that either leaves or enters Kenya. Crisis Group interview, Nairobi, January 2015; “Report of the Monitoring Group pursuant to resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea”, UN Security Council, S/2015/801, 19 October 2015, p. 30.

⁸⁰ Contrary to popular belief (and scepticism), the fence will not run the entire 680km but will extend a considerable distance from four well-policed border crossings. Crisis Group interview, security official, Garissa, 5 October 2015.

even turn against their informers”.⁸¹ Much of the North East, including Dadaab, has felt caught between the security forces and Al-Shabaab.⁸² Virulent local clan rivalries (including in business) have furthered the atmosphere of mutual distrust.⁸³

C. *Community-led Security Responses – A North-eastern Pilot Program*

After the late-2014 Mandera killings, the growing national debate on whether to devolve aspects of security became especially pertinent in the north-eastern counties. The Garissa attack's horror added pressure, and north-eastern leaders proposed many recommendations directly to the president, notably appointing an overarching regional coordinator, replacing the three county commissioners and deploying more security forces, mostly drawn from the local population.⁸⁴

Senior national government officials resisted the latter proposal, allegedly lest it give the North East “the tools to secede” but actually for fear of the precedent it would set nationally.⁸⁵ Despite the initial resistance in national government, the president appointed Mohamud Saleh as regional coordinator in April 2015 and established a remodelled “locally sensitive” security apparatus, though still under national command.⁸⁶ The results have been encouraging; reportedly Al-Shabaab cells have been dismantled and several weapon caches discovered.⁸⁷ Security officials say that while better training and state-of-the-art surveillance equipment have helped, the regained trust of local communities has mattered most.⁸⁸

The North East, which should have been Kenya's first defence against Al-Shabaab, now has a second chance to take a leading role. Despite Al-Shabaab's growing Kenyan aspect, its leaders have not encouraged autonomous affiliates. It thus still has critical links to Somalia that a well-designed, intelligence-led security response could sever.⁸⁹ What momentum Al-Shabaab has in Kenya may not – yet – be enough to sustain an isolated movement.⁹⁰

⁸¹ Crisis Group interview, civil society member, Garissa, 22 October 2014. The Kenya National Commission on Human Rights (KNCHR) accused the military of operating secret detention cells. “The Error of Fighting Terror with Terror”, KNCHR report, September 2015.

⁸² Crisis Group interview, Garissa-based political commentator Nairobi, 4 February 2015.

⁸³ Crisis Group interview, resident affected by arrests, Garissa, October 2014.

⁸⁴ “Governors in push for establishment of county police force”, *Daily Nation*, 10 December 2014. Crisis Group interviews, National Assembly, Nairobi, 3 June, 9 July, 1 October 2015.

⁸⁵ Crisis Group interviews, National Assembly, Nairobi, 3 June, 9 July, 1 October 2015.

⁸⁶ The public views 2001-2003, when Saleh was provincial commissioner, as the most peaceful time in recent North East history. 200 extra, specially trained administration police were eventually deployed, a third of those requested; overall command went to another local, the senior assistant police inspector general and commandant of the administration police training college, Omar Shurie. Crisis Group interview, security official, Garissa, 5 October 2015.

⁸⁷ “Security agents recover yet another cache of deadly weapons in Garissa”, *Standard Media*, 28 August 2015.

⁸⁸ “The public remains our biggest asset 90 per cent of the information provided to us has been credible and actionable”. Crisis Group interview, security official, Garissa, 5 October 2015.

⁸⁹ Crisis Group Report, *Kenya: Al-Shabaab*, op. cit.

⁹⁰ However, some local sources still report significant pockets of Al-Shabaab sympathisers, especially in Garissa and Mandera; Crisis Group interview, adviser in the Office of the President, Nairobi, 14 October 2015.

V. Conclusion

At the core of the security crisis in the North East – and Kenya in general – is a worrying loss of faith in the capacity of the state, whether in centralised or devolved form, to deliver collective security and find a just solution to local conflicts. There are good arguments for and against the devolution of security, including in the north-eastern counties. The initial experience of devolution has showed how clan capture of county government can lead directly to conflict or cause the county government to lack the means to mediate, and thus that a neutral national administrative and security presence is still required. Nevertheless, where cultural divides loom large, especially in the historically poorly integrated regions, locally recruited security forces led by nationally trusted and experienced professionals from the same community are producing results.

But while north-eastern leaders can be commended for a united response to terrorist atrocities, their record on resolving clan-based political conflict is poor. Unlike for Al-Shabaab, they have not produced a coordinated plan to reduce and resolve such conflict. Many have become as corrupt as national counterparts, arguing it is “their turn to eat”, and stoking minority community grievances.⁹¹

Many county elites have joined the opposition in accusing the national government of being anti-devolution, or at least presiding over its failure, without acknowledging the equally concerning failings and excesses of county government.⁹² Now that devolution has been implemented, and the rewards of political control of the unprecedented resources it delivers have been fully realised, electoral competition to control counties and especially the governorships will likely be fiercer and more prone to violence in 2017 than it was in 2013.⁹³

Nairobi/Brussels, 17 November 2015

⁹¹ “Unless we accept the principles of good governance, we risk losing everything [gained under devolution]”, Crisis Group interview, civil society activist, Wajir, 5 November 2015.

⁹² At a recent government-sponsored workshop, many north-eastern professionals expressed great unease at county government mismanagement of devolution. Crisis Group interviews, Nairobi, October 2015.

⁹³ Crisis Group interviews, Garissa resident and a political commentator, Nairobi, 4 February 2015; local journalist, Mandera, 1 March 2015; security official, Garissa, 5 October 2015.

Appendix A: Map of North East Kenya



Appendix B: Predominant Clans and Sub-clans by County

County	Major clans or sub-clans	Remarks/Comments
Garissa	Three Ogaden sub-clans: Aulihan, Abuudwaq, and Abdalla	In addition to three dominant Ogaden sub-clans, Garissa is home to at least 26 other Somali clans or sub-clans. Since Somalia's state-collapse in 1991, Garissa town has been the biggest commercial centre in northern Kenya, while also serving much of southern Somalia. It has more non-Somali residents than either Wajir or Manderla and also hosts a large refugee population (350,000) in five camps at Dadaab, near the Somalia border.
Wajir	Degodia, Ajuraan, Mohamed-Zubeyr, Bah Geri, Muqabul, Geri Kombe	The Degodia, the majority clan, has presence in at least four of the six constituencies. The Ajuraan have presence in Wajir North and Wajir West, while the three Ogaden sub-clans and the Geri Kombe are concentrated in Wajir South. Other clans, such as the Garre, are present in smaller numbers.
Mandera	Garre, Murule, Degodia	In addition to the three dominant clans, the county is also home to at least eight more Somali clans or sub-clans. The Marehan clan – the majority resident across the Somali border (Gedo region) – is also present in significant numbers; other clans include the Sheekhal, Leisan, Gababweyn, Shirmoge, Jarer, Warabeye.

Source: Ken Menkhaus, "Conflict Assessment/2014 Northern Kenya and Somaliland", Danish Demining Group, March 2015; and additional sources such as field interviews.

Appendix C: Elected officials, March 2013 Elections

Governors

County	Governor	Political Party/ Coalition	Clan or Sub-clan
Garissa	Nathif Jaama	WDM-K/CORD	Aulihan (Ogaden)
Wajir	Ahmed Abdullahi	ODM/CORD	Dagodia
Mandera	Ali Roba	URP/Jubilee	Garre

Deputy Governors

County	Deputy Governor	Political Party	Clan or Sub-clan
Garissa	Abdullahi Hussein	WDM-K/CORD	Abdalla (Ogaden)
Wajir	Abdulhafid Yarow	ODM/CORD	Ajuraan
Mandera	Omar Maalim	URP/Jubilee	Murule

Senators

County	Senator	Political Party/ Coalition	Clan or Sub-clan
Garissa	Yusuf Haji	TNA/Jubilee	Abdalla (Ogaden)
Wajir	Abdirahman Ali	ODM/CORD	Mohamed-Zubeyr (Ogaden)
Mandera	Billow Kerow	URP/Jubilee	Garre

County Women Representatives to the National Assembly

County	Women Rep	Political Party/Coalition	Clan or Sub-clan
Garissa	Shukran Gure	WDM-K/CORD	Aulihan (Ogaden)
Wajir	Fatuma Ibrahim	ODM/CORD	Dagodia
Mandera	Fathia Mahbub	URP/Jubilee	Garre

Members of National Assembly by County and Constituency

County	Constituency	MP	Political Party/ Coalition	Clan or Sub-clan
Garissa	Garissa Township	Aden Duale	URP/Jubilee	Abudwaaq (Ogaden)
	Balambala	Abdikadir Omar	ODM/CORD	Abudwaaq (Ogaden)
	Dadaab	Mohamed Dahiye	ODM/CORD	Aulihan (Ogaden)
	Lagdera	Mohamed Shidiye	TNA/Jubilee	Aulihan (Ogaden)
	Fafi	Elias Bare Shill	URP/Jubilee	Abudwaaq (Ogaden)
	Ijara	Ahmed Abass	ODM/CORD	Abdalla (Ogaden)
Wajir	Wajir East	Abass Mohamed	URP/Jubilee	Degodia
	Wajir North	Ibrahim Saley	ODM/CORD	Ajuraan
	Tarbaj	Mohamed Elmi	ODM/CORD	Degodia
	Wajir West	Abdikadir Ore	ODM/CORD	Degodia
	Eldas	Aden Keynan	ODM/CORD	Degodia
	Wajir South	Diriye Abdullahi	ODM/CORD	Muqabul (Ogaden)
Mandera	Mandera East	Abdulaziz Ali	URP/Jubilee	Murule
	Mandera West	Mohamed Maalim	URP/Jubilee	Garre
	Banissa	Mohamed Abdi Haji	URP/Jubilee	Garre
	Mandera South	Mohamed Huka	URP/Jubilee	Garre
	Mandera North	Aden Mohamed Noor	URP/Jubilee	Garre
	Lafey	Shabaan Ali Isaack	URP/Jubilee	Murule

Sources: The Kenya Gazette, vol. CXV, no. 45, 13 March 2013; IEBC Election Data and other additional sources.