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The Challenges of Reforming Security Sector in Kenya

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Abstract

The security sector in Kenya is under scrutiny due to innumerable security concerns that range from terrorism to criminal activities of vigilantes and Militia groups and ethnic related violence. The institutional and structural weaknesses within the security sector together with increased security threats promote a critical re- examination of the process of reforming the sector.

Introduction

Kenya has over the years enjoyed relative peace and security compared to her neighbouring countries. Yet there are security governance challenges that play out at local, regional, and international level. Crime and insecurity is a major challenge in urban and rural areas. Banditry, international terrorism, proliferation of arms, organized gangs and militia point to the declining role of the state over security. This article is divided into four sections. Section one deals with the insecurity; section two provides an overview of national regional and international policy frameworks on peace and security, section three deals with the implications of insecurity; section four is about security sector reform in Kenya and finally section five provides some recommendations.

Section one: Drivers of insecurity in Kenya

This section discusses several drivers of insecurity in Kenya

Small Arms Proliferation

Small arms availability continues to pose a security threat in Kenya. The report by Kenya National Focal Point on Small Arms and Light Weapons (KNFP, 2013) indicate that there are approximately 680,000 illegal firearms in circulation in Kenya. High concentration of the illegal arms is found in Mandera, Wajir, Garissa, Marsabit, Turkana, Samburu, Isiolo, Tana River, West Pokot, Baringo, Nairobi and Laikipia counties while medium concentration of illegal small arms is found in Nakuru, Narok and Kisumu, among other counties. The proliferation of small arms pose security risks to the nation; facilitate and exacerbate violence, disruption of social cohesion and displacement of persons.

Political violence

Political violence in Kenya is understood in political context as: state repression and privatized violence was witnessed in 1969, 1975, 1988, 1991, 1993, 1995, 1996, 2002, 2004, 2007 and 2008. Political violence due to personalization of power and hegemonisation of ethnic politics contribute to displacement of persons and the climate of insecurity. For instance in 1993, 300,000 people were displaced and 1,500 died in political violence; 1995, 350,000 persons were displaced with 1,800 dead; in 2004, 360 displaced and in 2007 and 2008, about 66,921 were displaced and 1,133 died (Mueller, 2011).

Terrorism

Kenya is a good target for global terrorism because of a combination of geographic, regional, historical, political, economic and socio-cultural factors. The country's close ties with Israel and western countries, especially the USA, is a cause of resentment by terrorist groups. The relatively good transport and communications infrastructure enable the terror gangs to communicate and move easily. The political and socio- economic deprivation of some sections of the population, especially the youth, is an incentive for radicalization that contributes terror activities. Porous international borders with many unstable neighbours, especially Somalia and South Sudan, have resulted in a large inflow of refugees into Kenya. The neighbouring countries, with varying degrees of political instability, undermine their ability to provide for their peoples' basic needs especially safety or protect their territorial

integrity. Of the surrounding countries, Somalia shares a 700-kilometer boundary that is hardly marked.

Extremist Islamic groups such as Al-Ittihad al-Islami and Al-Qaeda Al-Ittihad al-Islami and Al-Qaeda have both managed to infiltrate cross-border refugee traffic and established Somali refugee camps in Kenya's North Eastern Province and have made their way into Somali dominated neighbourhoods in Nairobi and Mombasa. From these convenient hideouts, these terror groups have been able to map their targets and mount terror attacks.

The collapse of the state of Somalia has graver impact on upsurge of terrorism. Furthermore, the extremist militant groups that formed Islamic Courts Union and today al-Shabaab have links with Osama bin Laden's al-Qaeda terrorist organization. Some prominent militants of al-Shabaab are said to have had paramilitary training at al-Qaeda camps in Afghanistan. Furthermore, some of the radical Islamic militias' commanders in Somalia are themselves Kenyans who have been bent on recruiting many young Kenyans to fight in the Somalia jihad (Daily Nation, June 22, 2009). Such developments pose a serious security threat to not only Kenya, but also the entire Eastern Africa. The security threat is real and of great concern particularly in considering the fact that Kenya has been a target of terrorist attacks since the 1975 with two blasts in central Nairobi, inside the Starlight nightclub and in a travel bureau near the Hilton hotel. This was followed, in 1980, by the Norfolk Hotel bombing killing 20 and several injuries and in 1998 the bombing of the Embassy of the USA. In 2002, there was a failed missile attack on an Israel plane in Mombasa airport and the Kikambala bombing where 13 people were killed and 80 injured. Between 2011 and 2012, the Al-Shabaab launched 17 attacks killing at least 48 people and injuring 200. In the 2013 Westgate attack, 70 people died and scores were injured (The Star, October 8, 2013, Chronology of Terrorist Attacks in Kenya).

Refugees

Kenya is home to refugees from neighbouring countries such as Somalia, Ethiopia and South Sudan. Many of them crisscross the country's international borders at will. Additionally, Kenya's limited financial and human resources undermine its ability to better police her borders hence the country's inability to stop weapons smuggling and would be terrorists' entry into the country.

In 1984, Kenya hosted about 6,000 refugees mainly from Uganda and Sudan (Gorman, 1987). By 1992, the influx of refugees had soared to about 500,000 (Daily Nation, June 8, 2008). This led to congestion of the three Dadaab camps of Ifo, Dagahaley, and Hagadera and, Kakuma in Turkana County. Various, there have been sporadic violent conflicts between refugees and the host population over resource use and employment opportunities. It has been pointed out that the influx of refugees has the potential of spreading diseases in the host country. In 2007 for instance, Kenya recorded the first polio cases in the districts that experienced refugee influxes. These, among others, are developments that have security bearing in the refugee host countries (Patrick, 2007).

Institutional and legal weaknesses

Legislative action

On 30 April 2003, the Suppression of Terrorism bill to guide Kenya's future response to terrorism sought to (1) criminalize unlawful weapons training, the leading of terrorist organizations, possession of articles on terrorism, being a member of or supporting a terrorist organization (Kenya 2003); (2) confers extra powers on police and spells out cooperative procedures to enable Kenya to work with other countries to combat terrorism; (3) provides punishment, and or life imprisonment for anyone convicted of terrorism; and, (4) allows for the seizure of property acquired through terrorism. The bill was however opposed by a cross-section of the populace because of its alleged bias towards members of the Muslim community.

Laxity within the security apparatus

The laxity in the country security apparatus in stepping up security measures complemented, for example, by consistent patrols of Kenya's Indian Ocean territorial waters makes the country vulnerable to terrorist infiltration. The failure by the police to curb illegal immigration and the smuggling of narcotics and other contraband goods like weapons into country also, contributes to increased insecurity.

The lax security and immigration laws make it easier for terrorists to enter and blend easily. The government has taken a number of measures aimed at strengthening the forces' ability to combat terrorism through the creation of an Anti-terrorism Police Unit and of a National Counter-Terrorism Centre to provide an institutional

framework to combat the terrorist threats. However, these counter-terrorism efforts, such as, technical collaboration in detection and disarming of bombs, protection of government leaders, hostage negotiations and enhancement of airport security have not borne the desired results given the increased terrorist attacks in Kenya.

Ethnic related violence

Kenya has also experienced ethnic clashes resulting from competition over resources. Ethnic clashes are also caused by the elite for political reasons. Such conflicts were witnessed between the Orma and Pokomo tribes in Tana River District that resulted in the deaths of 118 people and more than 13,500 displaced with an additional 30,000 people affected by ethno-political clashes. Over 50% of the 13,500 people displaced were children and the rest women and the elderly. There are many other ethnic related violent incidences that have occurred in country culminating in the infamous 2007-2008 post- election violence that embraced ethnic dimensions.

Vigilantes, gangs and militia

The National Crime Research Centre study, released on 30 August 2013, showed that some of the notorious gangs in Kenya included: Sungu Sungu, Mombasa Republican Council (MRC), Brothers, Kamjeshi, Sabaot Land Defence Force (SLDF,) Jeshi La Embakasi, Super Power, Siafu, Kamukunji Pressure Group, Kibera Batallion, Kenya Youth Alliance, the Nubians, Angola Msumbiji and Kamkunji Boys. These groups contribute to a climate of insecurity.

The above discussion point to the security threats in the country but the security also suffers from institutional capacity, limited resources, and lack of skills to combat modern crime and diminishing public trust of the security institutions. Despite this, there several local, regional and even international coordinated efforts to deal with insecurity as noted in the following section.

Section two: Government initiatives in reforming the security sector

In 2008, the Agenda IV, as agreed under the National Accord, established principles of partnership of the coalition government that brought to an end the post-election violence. Agenda IV as agreed under the National Accord also established the Truth, Justice and Reconciliation Commission (TJRC) in 2009 to spearhead a national process of truth telling, healing and reconciliation.

The enactment of the 2010 democratic constitution and subsequently the establishment of a National Task Force on Police reform, into an effective and accountable institution, were based on the recommendations of the Waki and Ransley Reports stemming from the 2007/8 post-election violence (PEV). Other security initiatives include the creation of the Kenya Police and Oversight Board; Policy coordination: Cabinet Security Committee, Provincial administration, National Security Advisory Committee, and National Committee on Security and Foreign Relations to improve on security.

Funding the Security Sector through National Budget

Budget allocation for national security was as follows: Kshs. 67 billion for national police service; Kshs. 4 billion for purchase of security equipment; Kshs. 4.5 billion for security operations, Kshs. 1.5 billion crime research and investigation, Kshs. 3 billion to motorize the police; Kshs. 1.2 billion for housing; and, Kshs. 16.1 for judiciary transformation programmes.

Capturing security matters under the First and Second Medium Term Plan of the Kenya Vision 2030

The Kenya Vision 2030 was launched in 2008 to promote industrialization, incomes and high quality life to all its citizens by the year 2030. The Vision is implemented through successive five year Medium Term Plans (MTPs), which provide focus and direction to Kenyans and all other stakeholders, on the nature of programmes necessary to meet future goals as envisaged by the Vision 2030. The first MTP launched simultaneously with the Vision expired in 2012. Several challenges were registered in the security sector including: organized crime, resource conflicts, political violence, drug and substance abuse, transnational crime and the proliferation of small arms.

The second MTP (2013-2017) was launched in June 2013 and implemented within the context of the Kenya Constitution 2010, which gave rise to a devolved structure of government and hence new and distinct governance structures at the national and county levels. The second MTP endeavoured to steer the economy onto a growth path to achieve an average of 10 percent Gross Domestic Product (GDP) growth rate per annum by 2017.

The MTP prioritizes policies, programmes and projects to reduce poverty and inequality including meeting the remaining Millennium Development Goals

(MDGs) targets. The Constitution of Kenya 2010 provides calls for participation of Kenyans in the policy making and planning process. Within the security sector it commits the country to the adoption of policy, legal and institutional frameworks in security, peace building and conflict management. This includes improved safety and security; enforcement of law and order; building harmony among ethnic racial and interest groups; promoting peace building; and, restraining people from using violence to resolve disputes.

Regional security frameworks

The regional security frameworks include, among others, those of the United Nations and African Union on peace and Security; Regional Oversight Mechanism of Peace and Security and Cooperation of 2013 by International Conference between Great Lakes Region (ICGLR); East African Community (EAC) regional policy framework for peace and security and the IGAD coordinated Peace and Security Division.

International frameworks

There are number of international security frameworks to promote peace and security that Kenya subscribes including:

The 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). CEDAW holds states responsible for ending discrimination against women, which it defines in Article 1.

The Beijing Declaration and Platform for Action (1995). The Beijing Declaration resulted from the Fourth World Conference on Women and aimed to promote the advancement and empowerment of women.

The United Nation's Security Council Resolutions (UNSCRs) 1888 and 1889 (2009) that builds on UNSCR 1820 by mandating that sexual violence be addressed in peace processes and calls for the deployment of experts and a Special Representative on Sexual Violence in Conflict. The UNSCR 1889 calls for an increased role for women at the top levels of mediation as well as mandating the UN to collect gender-segregated data on all activities related to peace and security.

The UNSCR 1960 (2010) encourages the inclusion of women in police, civil and military functions during peacekeeping missions.

The UNSCR 2106 (2013) requests relevant UN entities to assist national authorities in addressing sexual violence, with effective participation of women, in security sector reform (SSR) and justice sector reform processes, specifically through training, increasing female recruitment and implementing vetting processes that exclude perpetrators of sexual violence from serving in security institutions.

Section three: Implications of security challenges in Kenya

One of the major security challenges facing Kenya is terrorism, which has had negative impacts on the country. Though widespread, the economic effects of Kenya's terrorist attacks are most noticeable in the tourism sector. The terror attacks have also resulted in profound negative socio-political effects in Kenya including the loss and disruption of lives, growing tension between Muslims and Christians, radicalization of the country's Muslims, harassment of Kenyans by the security forces, erosion of the country's sovereignty and rising anti-western sentiments. The tension stems from differences in the perception of the country's terrorism risk and the issuance of economically harmful travel advisories on Kenya. Ethnic related violence contributes to ethnic rivalry while gangs, vigilantes and militia groups undermine and erode the public confidence of the state capacity to provide security.

Section four: Reforming the security sector

Gender Mainstreaming of the Security Sector in Kenya

Gender mainstreaming is a strategy for making women's as well as men's concerns and experiences an integral dimension of the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality.

In the context of SSR, gender mainstreaming involves considering the impact of and on security programmes and how different security needs of women, men, boys and girls are taken care off. Gender and SSR is a process of transforming security

sector on several fronts. Among others, it includes the promotion of gender initiatives such as gender training for security sector personnel and mentoring schemes to facilitate the professional development of female police officers. Gendered budgets ensure that resources are distributed equally. The promotion of equal participation of men and women in SSR processes and security sector institutions is a method of strengthening local ownership as well as increasing representation and effectiveness. In relation to SSR processes, this may involve ensuring that women and men are equally involved in SSR needs assessment, monitoring and evaluation, and that representatives of women participate in SSR policy- and decision-making. Because men are over-represented, promoting equal participation generally involves increasing the recruitment, retention and advancement of women.

Dealing with male-dominated, militarized command structures remains a challenge in the military. Recruiting more women into newly reconstructed security sector institutions and ensuring that the newly reformed justice institutions take into account the needs of both men and women are instrumental in reforming the security sector.

According to the UN 2008 report gender security sector reform is key to developing security sector institutions that are non-discriminatory, representative of the population and capable of effectively responding to the specific security needs of diverse groups. Gender dimensions are often included in SSR processes as part of a country's commitment to UN Security Council Resolution 1325 (2000), which calls for wider female participation in all aspects of post-conflict reconstruction and for more consideration of the specific needs of women and girls (UNSCR, 1325).

Constitutional amendment

Reforming the security sector by restructuring National Intelligence Service has its challenges. The national intelligence Security Act, first and foremost, violates the bill of rights because of the arbitrary powers bestowed upon the National Intelligence Service officers to detain suspects, search and seize private property and monitor communications in the pretext of protecting national security. It also violates the rights of refugees and freedom of association and assembly.

Institutional security reforms

Benefits of SSR

Effective Service Delivery

One of the key tenets of SSR is that the security sector should be designed to serve the security and justice needs of the population. A person's gender including sexual orientation, plays an important part in his or her own security needs. Women, men, girls and boys have different experiences in areas such as sexual violence, trafficking in human beings, gang violence, and robbery, among others.

Achieving security sector objectives

To effectively achieve the objectives of the security sector reform, gender perspectives are useful tools. For example, in order to encourage women who have been victims of sexual violence to report the crime, it may be important to give them the option of speaking to a woman police officer, perhaps in a specialized police station. In cases where men are affected, similar provisions may also be needed.

Forming partnerships and collaboration

It is important to form partnerships between security providers (e.g. police, justice institutions and prisons), health care providers and civil society organizations, as part of a holistic approach to SSR.

Collaboration between security sector institutions and civil society groups involved in gender issues can increase the effectiveness of the security sector. Such groups can deliver training, support policy development, and on an ongoing basis provide complementary security and justice services and keep security forces informed about issues within communities.

Appropriate staffing

If security sector institutions lack either male or female staff at any level, their staff will possess a smaller skill set which, limits their operational options.

Cultural aspects

Certain security roles might for cultural reasons only be able to be performed by personnel of a particular gender thus, requiring both male and female personnel for effective operations. For example, in many cultures it is inappropriate for a male police officer or soldier to search a woman. Likewise, in intelligence gathering, civilians may only be willing to speak with security sector personnel of a certain gender

Local ownership

Local ownership has been recognized as a key pillar in ensuring that SSR is both implemented correctly and sustainably. The reform of security policies, institutions and activities must be designed, managed and implemented by local actors rather than external actors. Given that security and justice needs vary by gender, it is important to ensure that people of different genders are consulted and involved in SSR processes. In practice, this can be achieved by involving women's groups, youth groups and other organizations that work on gender-related security issues such as human trafficking, gang violence and human rights.

Oversight and accountability

Improving oversight and accountability of the security sector can ensure the sustainability of SSR by building trust among the population and by deterring security sector personnel from abusing their power. To be effective, it is essential that security sector oversight bodies and accountability mechanisms (parliaments, national human rights institutions, complaints bodies, local security fora etc.) adopt a gendered perspective. This involves both giving particular attention to the different types of violations committed by security sector personnel against people of different genders, and monitoring the quality of services delivered to people of different genders.

Police ratio to civilian population

The United Nations recommended ratio for police to civilian is one police officer for every 450 citizens. For countries like Kenya, this is far from reality because the Kenya Police force of about 40,000 translates to one police officer for every 1,150 civilians. Even worse, in cases like Kenya, the few police forces are also underfunded and poorly equipped which is compounded further by poor pay, poor housing and accusations of corruption all of which negatively affects the provision

of security to the public. In many cases, attempts to recruit more people to boost the police force and bridge the police-civilian ration gap is hampered by lack of funding, corruption and logistical challenges

Section Five: Conclusion and recommendations

Public participation, including civil society, in security sector reform contributes to civilian ownership of the security processes. The involvement of the community can take the form of neighbourhood policing; using local-level communications/newsletters and face-to-face meetings organized by police officers to improve the perceptions of police by the community.

The media has an important role to create public awareness, understanding and participation in security matters. The media can enhance the public responsiveness to security concerns through information albeit in a responsible manner. It should also be noted that the public has a right to be informed on security matters.

Engendering the security sector is a crucial component of security reform. Equally, increasing gender representation in the security sector can be a positive influence if it meets the needs and interests of various genders.

Research and academic institutions can assist in improving curriculum and conceptual understanding of security. The security sector curriculum should promote democracy, human rights, good governance and the creation of a culture of accountability and transparency in the management of security sector processes.

The process of recruitment into the security sector should be divorced from the security institutions themselves and left to oversight bodies in order to minimize corruption that undermine the process. Reforming the vigilante and militia groups into the security sector framework can also contribute to a stable security environment. Countries should also develop regional security policy frameworks that can facilitate dealing with transitional crimes.

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