



## Security and subterfuge:

Civil society, aid and the state in Kenya in wake of the 'Global War on Terror'

- Kenya has received considerable financial, technical and legal advice to co-operate in the 'War on Terror'.
- Human rights concerns and support to civil society have been de-emphasised in the political and military pursuit of the 'War on Terror' in Kenya that includes the government's participation in a regional rendition programme backed by the US
- Counter-terrorism measures and practices have disproportionately affected Muslim communities
- Muslim leaders and groups and human rights campaigners have led the pushback against counter-terrorism
- Mainstream groups, churches and the media have failed to respond to counter-terrorism issues revealing the deeper social divisions that prevail in Kenya



## Kenya as a strategic partner

As the perceived pivot of stability in East and the Horn of Africa, 'security' has long been important to the configuration of Kenya's bilateral relations. Kenya was the key player in the region that did the west's bidding during the cold war. These strategic relations were cemented through military training partnerships and the receipt of security assistance by the Kenyan government. The end of the cold war brought about a cooling of relations as diplomatic and aid pressure was used to buttress internal pressures to reform by civil society. The bombing of the US embassy in Nairobi in August 1998 raised the threat of trans-national terrorism as an issue of public concern and reaffirmed the strategic importance of Kenya within the shifting global political landscape. But the tragedy did not immediately change the emphasis on democracy and gov-

ernance as the organising objectives of bilateral aid to Kenya.

This was to change with the 9/11 attacks in the U.S. and the declaration of the 'Global War on Terror'. 'Security' has come back to the forefront of Kenya's foreign relations. The Kenyan government has received considerable financial, legal, technical and security assistance for its cooperation in the 'War on Terror'. For its part, Nairobi has played on the assessment of a high-level terrorist threat to acquire new material assis-

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tance such as baggage screening equipment for airports and communications equipment for police. It has also used 'security' as a subterfuge to pursue the targeting of Muslims and civil society more generally, as detailed overleaf.

## NGPA Programme

The Economic and Social Research Council Non-Governmental Public Action research programme is a unique opportunity to further understand the impact of non-governmental public action in reducing poverty and exclusion, and in social transformation, from an international comparative and multi-disciplinary perspective. Public action by and for disadvantaged people, undertaken by non-governmental organisations and others, is increasingly significant at local and international levels. The focus of the programme is not just on NGOs, but on a broader range of formal and informal non-governmental actors concerned with poverty reduction and social transformation. These might include advocacy networks, campaigns and coalitions, trades unions, peace groups, social forums, rights-based groups, social movements and business in the community initiatives. Building systematically on research to date, this programme will develop theory, generate new empirical theory, and foster beneficial linkages between researchers and users.

## Counter-terrorism in Kenya

The Kenyan government has introduced an array of counter-terrorism responses but outside of a policy and legal framework. Recently, it incorporated counter-terrorism provisions into a proposed Anti-Money Laundering law. This follows its earlier unsuccessful attempts to pass an anti-terrorism bill that was widely deemed as draconian and targeting Muslims. For example, the 2003 Suppression of Terrorism Bill made it an offence to dress in a way as to arouse suspicion that an individual belonged to a terrorist group.

Although lacking a policy and legal framework on counter-terrorism, Nairobi has co-operated with US, Ethiopian and Somali military and intelligence personnel in a secret regional rendition program. Since early 2007 when US-backed Ethiopian forces ousted an Islamist regime linked to terrorists, the Kenyan government has 'renditioned' over 150 people to Somalia, Ethiopia and, in

one case, to Guantanamo Bay. Civil society groups have documented both the culpability of the Kenyan government as well as the involvement of foreign interrogators, allegedly American. Civil society groups have also reported the involvement of foreign security personnel in the

interrogation of suspects rounded up in swoops on Muslim neighbourhoods by the Kenyan Anti-Terrorism Police Unit. The government has increased its checks on civil society as part of its efforts to convey a robust response to international concerns over the terrorist threat in the country. Various political leaders have made statements linking the activities of NGOs with terrorism. This suspicion of NGOs dates back to the aftermath of the 1998 bombing. At the time, several Muslim humanitarian and welfare groups were shut down. NGOs have been a specific focus of money laundering suspicions and are mentioned in the proposed Anti-Money Laundering law. Security concerns have also crept into discussions around a proposed new regulatory framework for NGOs.

### The role of aid

Development is one of the tools being used



to pursue the political objectives of the 'War on Terror' in Kenya and the region. This includes efforts at engaging with Muslim leaders and community groups as well as various

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types of economic support and livelihoods promotion in predominately Muslim parts of the country. However, the use of overt political criteria in targeting some types of aid in Kenya has minimised its poten-

tially positive impacts. By initiating new programming focused on Muslims, donors have indirectly lent credibility to perceptions that Muslims are predisposed to terrorism. Muslim leaders have questioned the nature and objectives of this new engagement and resisted its ideological underpinnings.

The emphasis on security and counter-terrorism has meant that human rights concerns and support for civil society have been de-emphasised. Donors shifted again to supporting civil society in the lead up to the elections in December 2007. This shift has gathered momentum in the violent aftermath of the election and ensuing political crisis, which uncovered significant structural inequalities and pervasive institutional weaknesses.

### The social and political fallout

Muslim individuals and organisations

have been most affected by counter-terrorism. There has been a chilling effect on the activity of some groups, who have found it increasingly difficult to formally register or access funding. This especially pertains to their efforts to contest police raids, oppose renditions, and to otherwise advocate on behalf of terror suspects. Despite these various hindrances, there are efforts by Muslims to oppose the government's counter-terrorism agenda. Muslims voted overwhelmingly for the opposition in the recent elections. Muslim parliamentarians have formed a caucus in the new parliament and have opposed the Anti-Money Laundering Bill as an attack on Muslims as well as called for the return of 'disappeared' youth held in Ethiopian detention.

In spite of the wider public interest of the 'War on Terror', very few civil society representatives have opposed counter-terrorism measures undertaken by the government. Prominent civil society groups and churches in Kenya have failed to oppose the targeting and treatment of Muslims. Media coverage has highlighted the government's security arguments rather than the human rights implications of new measures. The Kenyan media has also not accorded prominent coverage to anti-terror police raids in Muslim neighbourhoods, or to the rendition controversy. This, in turn, relates to a broader perception that these issues affect Muslims only. The equation of counter-terrorism with a crackdown on Muslim communities has distracted from its clear relevance to all of Kenyan society concerned with human rights, civil liberties, political openness and the rights to organise around shared interests.