

The Securitization of Political Discourse in Reinforcing Regimes of Power in Kenya

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Abstract

This article examines the securitization of political discourse in reinforcing regimes of power in Kenya. It perceives securitized terrorism and counterterrorism discourse as political discourse. The article combines Foucault's perspectives on discourse, discursive practices and power relations, and aspects of Securitisation Theory, that subjectively construct security threats, as a framework to analyse the securitization of terrorism and counterterrorism discourse and discursive practices in Kenya. The official speeches of key members of Kenya's National Security Council, which is officially responsible for security matters in the country, form the core data. The arguments raised are that Somalis residing in Kenya are constructed as existential threats to national security in the terrorism and counterterrorism discourse and discursive practices of the members of the National Security Council. The construction is done on the basis of ethnicity, religion and ungoverned spaces. These three are examined as causal factors whose political outcome is the reinforcement of power relations. By securitizing discourse and discursive practices, the state legitimizes its role in implementing and enhancing its capacity to implement coercive norm-violation counterterrorism measures. The state also enhances its capacity to continually modify existing knowledge of terrorism and counterterrorism through communication, further reinforcing discrimination of Somalis in Kenya.

Keywords

Securitization; Political discourse; Terrorism and counterterrorism; Power relations; Kenya

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Introduction

In politics, securitization generally refers to the subjective construction of a political issue as an urgent existential threat to security that requires immediate political action (Mwangi, 2018). Securitized terrorism and counterterrorism discourses are discourses that are socially constructed, portraying referent objects as existential threats to security. Likewise, securitized discursive practices are social practices that are subjectively constructed with the objective of reinforcing relations of power in society. While there is no universal definition of terrorism and counterterrorism, this article adopts, as its working definition, one of the United Nations General Assembly's (UNGA) definition of terrorism as, "criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them" (UNGA, 2016: 4). It adopts Kenya's National Counter Terrorism Centre's (NCTC) definition of counterterrorism as, "Measures aimed at preventing, deterring and responding effectively to acts of terrorism." (NCTC, 2020).

This article seeks to establish, as the problem under investigation, the relationship among securitized terrorism and counterterrorism discourses, discursive practices and the reinforcement of power relations in Kenya. Securitized terrorism and counterterrorism discourses and discursive practices in Kenya construct Somalis residing in the country as terrorists hence existential threats to national security. The securitized discourse is a product of securitized socio-historical processes based on ethnicity, religion and ungoverned space. Consequently, securitised terrorism and counterterrorism discursive practices have reinforced relations of power in the context of ethnicity, religion and space. This article is divided into three sections. The first section provides an analytical framework based on Foucault's perspective on the relationship among discourse, discursive practices and power relations, and Securitisation Theory to describe, analyse and explain the securitization of terrorism and counterterrorism discourse and discursive practices in Kenya. The second section examines the securitized socio-historical evolution of Somalis in Kenya's terrorism and counterterrorism discourse. Foucault argues, as discussed in the following section, that in order to understand discourses one must understand the socio-historical processes that produce them. The third pays attention to the securitization of terrorism and counterterrorism discursive practices in Kenya. This section analyses official speeches of members of the National Security Council (NSC) and argues that their securitized discursive practices, evolving, from securitized socio-historical structures have reinforced relations of power in Kenya. Securitized terrorism and counterterrorism discursive practices reinforce relations of power. This is the article's contribution to theory.

1. Foucauldian discourse analysis and securitization theory

Critical Discourse Analysis (CDA) pays attention to structural and linguistic features in texts and discourse analysis informed by the work of Foucault. The former perspective pays close attention to the linguistic features of texts and the latter can be described as paying attention to those which do not (Graham, 2005: 3). The term CDA is now used to refer more specifically to the critical linguistic approach that focuses on the larger discursive unit of text as the basic unit of

communication. This perspective explicitly considers discourses which attest to more or less explicit relations of struggle and conflict (Wodak, 2006: 1-2). CDA also assumes that discourse is a form of social practice. It approaches discourse as socially constitutive, socially conditioned, and as an opaque power object. Discourse is a “socially and historically situated mode of action, in a dialectical relationship with other facets of “the social” (its “social context”) - it is socially shaped, but it is also socially shaping, or *constitutive*” (Fairclough, 1995: 131). Discourse is “always simultaneously constitutive of (i) social identities, (ii) social relations and (iii) systems of knowledge and belief - though with different degrees of salience in different cases” (Fairclough, 1995: 131). As a variant of CDA, Foucauldian Discourse Analysis is historically grounded, attentive to historical specificities and mainly concerned with relations of power. It concerns itself with the production of knowledge through discourse, viewing knowledge as embedded in specific social and historical contexts (Foucault, 1972).

Michel Foucault’s theoretical perspectives on discourse are no longer limited to linguistics but now widely regarded as analytical frameworks in social sciences. Foucault conceived discourse and discursive practice as social structure and social practice, respectively (Diaz-Bone et al., 2008: 9). Hence, he pays attention to who creates the discourse and what status they have, and argues that the individual does not make discourse but the opposite tends to be the case (Jager, 2001: 36). Discourse, therefore, is conceived of as a super-individual reality. It is a kind of practice that belongs to collectives rather than individuals, and is located in the social realm. Foucault, however, in his later work, revealed that discourses have an impact on individuals as they are discursively constructed and constituted (Diaz-Bone et al., 2008: 10). Discourses live an independent life in relation to reality although they impact on, shape and even enable reality, through intervening active subjects in their societal network, as producers and agents of discourse and changes to reality. Since they have knowledge at their disposal, these active subjects conduct discursive and non-discursive practices. Hence discourse has a material reality of its own and feeds on past and current discourses (Jager, 2001: 36). Discourse does not only imply the semantic structure of individual utterances or political speeches but it delineates a material-semantic knot in which subjective experiences and objects of knowledge are inscribed. This distinction leads to the concept of the *dispositif*: institutional and technical forms of social practices are embedded in discourses and vice versa. The *dispositif* is the constitutive interface for power-knowledge relations which Foucault has analyzed in many of his socio-historical studies (Diaz-Bone et al., 2008:12-13). In short discourses have evolved and become independent as a result of historical processes. They express more knowledge than the individual subjects are conscious of. Hence if one wants to identify the knowledge of a society, on certain topics, one has to construct the history of its evolution (Jager, 2001: 37).

Foucault’s analysis of discursive practices pays attention to the object or area of knowledge discursively produced; the rationality behind constructing the language used; those who authorize it; and the type of strategic goals being pursued through the discourse (Diaz-Bone et al., 2008: 11). The role played in the discursive interplay by the individual or subject is not ignored by Foucault. He undertakes to arrive at a historical analysis which is capable of clarifying the constitution of the subject in the socio-historical context and therefore from a synchronic and diachronic perspective (Jager, 2001: 37-38). Foucault has emphasized that the individual as subject is created discursively. The unit of analysis in this case is the individual and her/his discursive production, including the relationship between discursive practices and processes of subjectification (Diaz-Bone et al., 2008: 8).

In addition to being historically grounded and attentive to historical specificities, Foucault's discourse and discursive practice analysis pays attention to power relations. Foucault emphasizes that as agents of knowledge, discourses exercise power. They are themselves a power factor to the extent that they induce behavior and other discourses. They thus contribute to the structuring of power relations in a society (Jager, 2001: 37). Power relationships are continually produced as both effect and conditions of other processes. Relations of power are the immediate effects of the differentiations which occur in social relations and conversely, they are the internal conditions of these differentiations which can be determined by a number of factors. Every human relation is to some degree a power relation. It is produced in every relation from one point to another. There are numerous means by which power relations are brought into being. However, power relations, as relations between individuals (or between groups), must be differentiated from power as capacity as well as from power as a relationship of communication. Power relations between individuals, power as capacity and power as communication, overlap and reciprocally support each other, thus further extending or altering power relations (Deacon, 1998: 114-116).

It is in the context of the foregoing arguments on discourse and discursive practices regarding power relationships that this article combines Foucault's perspective with Securitization theory as an analytical framework. For Foucault, discourse analysis is not only about interpretations of something that already exists, not only about the analysis of the allocations of a meaning after the fact 'but about the analysis of the production of reality which is performed by discourse-conveyed by active people' (Jager, 2001: 36). Securitisation theory examines the processes that produce an 'intersubjective and socially constructed' security, whereby security or the logic of security is not actually constructed but objectively defined. Only threats are socially constructed in the context of various issues being framed as existential threats (Ciuta, 2009: 308). Threats, as constructions, are based on the way those constructing interpret their reality (Newell, 2016: 3-4). Securitization theory pays attention to both the discursive construction of existential threats and how this construction creates a type of politics that allows actors to disregard established norms, rules or restraints. The threat of terrorism, which existential threats are deemed to represent, supersedes particular human rights (Bright, 2012: 861-862). The state therefore introduces counter-terrorism measures, which in turn enhance individual perceptions that counterterrorism is a threat, leading to a vicious circle of threat and response (Spencer, 2006: 15).

2. Methodology

This article adopts both primary and secondary sources of data. The core or primary sources of data are the official speeches of members of the NSC that tackle terrorism and counterterrorism in Kenya. The speeches were obtained from the official website of the Kenya Government. The authors relied on previous research experience and findings to deliberately obtain and purposively sample speeches as units of analysis. The objective of purposive sampling was to ensure that the sample of the NSC members was representative of the relevant population from the security sector. The members include the President, Deputy President (DP), Attorney-General (AG), Cabinet Secretary (CS) Interior and Principal Secretary (PS) Interior. Qualitative data analysis was adopted to establish a cause-effect relationship. Using a combination of Foucauldian discourse analysis and securitisation theory, ethnicity, religion and space were considered as independent variables and reinforcing regimes of power as the dependent variable. In other words, ethnicity, religion and

space were considered as causal factors and reinforcing regimes of power, as a political outcome of these three factors. Secondary sources of data were obtained from academic books and journals, newspapers, government and non-governmental organization publications and other printed material. The article relies heavily on Human Rights Watch reports as they are authoritative sources of counterterrorism human rights abuses committed by states such as Kenya.

3. Socio-historical evolution of securitizing Somalis in Kenya's terrorism and counterterrorism operations

Foucault argues that discourse defines a material-semantic knot, wherein subjective experiences and objects of knowledge are recorded and that discourses evolve and become independent as the result of historical processes. Discourses impart more knowledge than the individual subjects are conscious of. Hence if one wants to identify the knowledge of a society on certain topics, such as the securitization of terrorism and counterterrorism, one has to construct the history of its evolution (Jager, 2001: 37; Diaz-Bone et al., 2008: 12-13). It is in this context that this section examines the socio-historical evolution of the securitization of Somalis in terrorism and counterterrorism in Kenya.

The socio-historical evolution of securitizing Somalis residing in Kenya as existential threats to national security is based on the realities of ethnicity, religion and ungoverned space. On the issue of ethnicity, Kenyan Somalis constitute approximately 6.2 percent of the country's population. There are about documented 500,000 Somali refugees residing in refugee camps in Kenya. This translates to about 1.1 percent of the country's population. A combination of Kenyan Somalis and Somali refugees totals to about 7.3 percent of the population (KNBS, 2013a). With regard to religion, Kenya's population is predominantly Christian. Christians comprise 83 percent of the country's population and Muslims 11.2 percent. The converse holds for Somalia, whereby 98 percent of the country's population comprises of Muslims. The majority of Somalis in both countries follow a *Shafi'i* version of Sunni Islam that has traditionally been dominated by apolitical *Sufi* orders. Islamist politics becomes robust when Somalis are faced with a foreign, non-Muslim threat (Mwangi, 2012: 517; ICG, 2010: 1; KNBS, 2013b). Securitisation also occurs on the basis of ungoverned spaces. Ungoverned space is an area characterized by absence of functional state capacity to exercise control. Intrastate and interstate protracted social and political conflicts that threaten national and regional security are common in such spaces. They are spaces of insecurity created by individuals and groups of individuals as they interact with each other largely through violence. Terrorists thrive in ungoverned spaces (Whelan, 2006: 69-70; Menkhaus, 2007; Witenburg and Zaal, 2012: 4-5). Kenya's ungoverned spaces cover 80 percent of the country's geographical territory. The north-eastern region, the focus of this article, covers approximately 22 percent of Kenya's geographical territory and contains slightly over 7 percent of the country's population. This region borders Somalia and is dominated by ethnic Somalis. It is the most marginalized region in the country with a history of insecurity insurgency, misrule and repression, chronic poverty, youth unemployment, poor infrastructure and lack of basic services (Mwangi, 2017a: 120-122). The long and porous Kenya-Somalia border is impossible to police effectively. Small arms flow across the border unchecked and Somali clan-identity politics and conflicts frequently spill over into the region often resulting in violent conflicts. The considerable stream of refugees into overflowing camps creates an additional strain on local residents and the country

generating a strong official and public backlash against Somalis (ICG, 2012: 1). The biggest settlement in the region, Dadaab Refugee Camp, hosts about 500,000 Somali refugees, and is the largest refugee camp complex in the world (Bradbury and Kleinman, 2010: 21; UNHCR et al., 2015: 4).

3.1. Securitization of terrorism and counterterrorism discourse

This section examines how ethnicity, religion and ungoverned spaces as social structures have socio-historically been securitized, hence leading to the production of a securitized discourse that constructs Somalis as terrorists and existential threats to national security. It pays attention to the pre-2011 period; that is, prior to Kenya's military intervention in Somalia on 16 October 2011 and the period thereafter that has witnessed intensified terrorist attacks and securitization in the country.

3.1.1. Securitization of terrorism in pre-2011 period

State-lead measures targeting Somalis as threats to national security in Kenya date back to the *shifita* (bandit) conflict of 1963 to 1968 (Whittaker, 2015). The documented historiography of the *shifita* conflict places Pan-Somali nationalism at the center of analysis. The literature pays attention to the critical relationship between violent insurgency in northern Kenya, and the broader objectives of Pan-Somali nationalism during this period. Actors in the conflict were inspired by the idea of a 'Greater Somalia' (Whittaker, 2012: 392). The rise of modern Pan-Somali nationalism dates back to the post-World War II period, when several political organizations in Somalia advocated for a 'Greater Somalia.' Proponents of Pan-Somali nationalism sought to incorporate all Somalis living in the greater Horn of Africa states and territories such British and Italian Somaliland, French Somaliland, Ethiopia and Kenya into a single territorial nation-state. The former Northern Frontier District (NFD) of Kenya, whose inhabitants predominately spoke a dialect of either Oromo or Somali, was to be part of 'Greater Somalia'. The region had been marginalized, economically and politically, during colonial rule hence causing ethnic disaffection with the newly independent Kenya. This disaffection, combined with Somali nationalism emanating from the Somali Republic, provided a motive for secession (Whittaker, 2012: 391-392).

By 1960, the idea of 'Greater Somalia' had gained popularity among the inhabitants of the NFD. Many of them aligned themselves with and supported the most popular party and the main advocate for union with Somalia, in the NFD, the Northern Province People's Progressive Party (NPPPP). The idea of secession, however, did not auger well with the interests of party leaders in the Kenya African Democratic Union (KADU) and the Kenya African Nationalist Union (KANU), Kenya's main political parties at the time, who regarded the NFD as an essential part of an independent Kenya. At independence in 1963, the Kenyan government launched a repressive operation to suppress the movement leading to the attack and massacre of many ordinary civilians. The Kenyan government also launched a propaganda campaign that branded those fighting for union with Somalia as *shifita* (Weitzberg, 2016: 65-66). According to Whittaker (2012), the post-1993 militarization of northern Kenya also needs to be understood in relation to contemporary inter-community resource struggles, post-insurgency violence, and Somali nationalism. *Shifita* secessionists pursued a nationalist agenda. They sought support and protection of their individual

clan sections by providing them access to firearms. The insurgents used the Kenya-Somalia border in pursuit of those interests (Whittaker, 2012: 392).

The pre-2011 period also witnessed the securitization of Somali refugees in Kenya. This was prompted by the upsurge of Somali refugees into Kenya, following the collapse and end of Siad Barre's rule in Somalia in 1991. During the 1990s, the securitization of Somali refugees developed around localized insecurity issues such as border insecurity, poaching and the proliferation of illegal trade in arms. Following the 11 September 2001 terrorist attacks in the United States and the subsequent launch of the Global War on Terrorism, Somali refugees became the purported 'local and regional epitome of contemporary global terrorism'. The external military intervention of Ethiopia and the US against the Union of Islamic Courts (UIC) in 2006 contributed to the emergence of Islamic extremism in Somalia, prompting a new wave of refugees to Kenya. The UIC, an armed non-state actor in Somalia, had its origins in Somali clan courts and was a heterogeneous organization based on a variety of religious traditions and political perceptions. Kenya responded by closing the border in January 2007, citing increased insecurity in the border area and the threat of UIC militia crossing the border. The border closure provided the police the opportunity to send Somali asylum seekers back to Somalia, breaching the fundamental principle of *non-refoulement*. Some of the Somali asylum seekers forcibly returned to Somalia had already been pre-registered with the United Nations High Commissioner for Refugees in Kenya (UNHCR) a few days before the *refoulement* (Mwangi, 2018: 3-4). The pre-2011 period also witnessed Somali refugees become victims of police corruption, such as demands for bribes in exchange for allowing onward movement to refugee camps or to Kenya's capital city, Nairobi. This is a practice that continues to date. Security agencies in Kenya began viewing Somali refugees as a threat to national security yet, ironically, they facilitate the movement of some of the refugees through corruption (HRW, 2010).

3.1.2. Securitization of terrorism in post 2011 period

In the post-2011 period, the securitization of Somalis as terrorists on the basis of ethnicity stems from the fact that *Al-Shabaab* has for a long time been perceived as a Somali organization. Its leadership and membership are predominantly Somali, and its attacks in Kenya are conducted also predominantly by Somalis. Since 2010, *Al-Shabaab* has, however, aspired to become a truly regional organisation with membership and horizons that transcend national borders (IGAD, 2016: 4). Somalis in Kenya have, since the country's independence in 1963, been perceived by the state as more sympathetic and loyal to the idea of a regional Somali identity and Somali pan-nationalism rather than a Kenyan identity and nationalism (Lewis, 2004: 493). This provides opportunities for both Somali identity and pan-nationalism to be used as foundations for securitization in the region. *Al-Shabaab* deploys Somali nationalism and incites Somalis to embrace xenophobia so as to gain popular support in Kenya and Somalia. The group depicts Somalis as victims of state induced political marginalization and state repression. The deployment of Somali nationalism and xenophobia is backed by group's effective propaganda apparatus (Mwangi, 2012: 520-523). Securitizing Somalis as terrorists also stems from the fact that *Al-Shabaab*'s attacks in Kenya are organized and conducted predominantly by Somalis. In several of the attacks conducted by the group, security agencies and state officials in Kenya have implicated members of the Somali ethnic group as organising and conducting the attacks. In the 2013 Westgate Mall attack for example, of

the four terrorists involved in the attack, two were Somali nationals, one was a Norwegian citizen of Somali origin, and the other was a Somali national of Arab descent (Kenya, 2013: 29).

Securitizing Somalis as terrorists on the basis of religion, particularly Islam, is primarily a function of *Al-Shabaab's* use of Islamism as a political ideology to gain legitimacy hence achieve its objectives of creating an Islamic Caliphate in the region (Mwangi, 2017b). Islamism refers to the use of Islam by individuals, groups and organisations as an instrument to pursue political objectives. *Al-Shabaab* has transformed the nature of the conflict in Somalia by introducing religious extremism. Consequently, the conflict has acquired a more global *jihadist* dimension, also transforming it into a transnational one. *Al-Shabaab* perceives itself as a *Jihadi-Salafi* movement making it extremist and intransigent in pursuit of its socio-political objectives. Its internationalist and anti-Western stance are evident in its formal links with *Al Qaeda* and attempts by some of its factions to establish links with the Islamic State of Iraq and the Levant (ISIL). Its religious extremism makes it perceive Kenya as a Christian and an apostate state (Mwangi 2012: 514-520; Barkeley 2015: 46). Several of *Al-Shabaab* reprisal attacks in Kenya have targeted churches and Christians. The Global Terrorism Database (GTD) (2016) indicates that more than 30 attacks conducted by *Al-Shabaab* between October 2011 and December 2015 targeted Christian religious institutions and individuals (NCSTRT, 2016). Most Somalis residing in Kenya and Somalia are Muslims. *Al-Shabaab* has introduced a religious dimension in its national and transnational activities. Hence partisan state officials are religionising terrorism by depicting Somali Muslims as terrorists.

North-eastern Kenya is a major security threat largely due to *Al-Shabaab's* attacks. Its political and economic marginalisation provides the opportunities for the youth population residing in these spaces to be recruited by extremist organisations (Bradbury and Kleinman, 2010: 25-28). The GTD (2016) points out that out of the approximately 493 terrorist incidences conducted between 16 October 2011 and 29 December 2015 in Kenya, about 235 of them occurred in Kenya's ungoverned spaces, particularly the north-eastern region, representing about 48 percent of the total number of terrorist attacks in the country. The number of terrorist attacks conducted by *Al-Shabaab* in the ungoverned spaces was about 185, representing approximately 78.8 percent of the total number of attacks in ungoverned spaces (NCSTRT, 2016). Insecurity in north-eastern Kenya is institutionalized. The impact is reflected on the 'othering' of Somalis in Kenyan society, irrespective of their nationality. Securitising Somalis in north-eastern, as an 'outside' threat to peace and stability, is a distinct characteristic of Kenya's security thinking and has provided opportunities for such communities to be further marginalized and radicalized (Lind et al., 2015: 10-15).

3.1.3. Securitization of counterterrorism

Like terrorism, counterterrorism in Kenya is also securitized on the basis of ethnicity, religion and space. Hence this section examines the securitization of counterterrorism as a response to the securitization of terrorism in Kenya. The implementation of counterterrorism, on the basis of ethnicity, religion and space, is conducted simultaneously. This section focuses on state-led coercive counterterrorism measures provided for under various security and security-related laws of the country.

Securitizing counterterrorism on the basis of ethnicity and religion is based on the controversial symbiotic relationship between the two variables, and terrorism in Kenya. Most Somalis residing in the country are Muslims and they are disproportionately targeted during counterterrorism operations, a practice that is discriminatory, unconstitutional and against international norms. The norm-violating counterterrorism measures are responses to the securitization of Somali Muslims as ‘outsiders’, terrorists or abettors of terrorism, and as a threat to national security (Lind et al., 2017: 119). The most notable agency that has been accused of violating rights of Somalis is the Antiterrorism Police Unit (ATPU). The ATPU is Kenya’s main domestic counterterrorism force. Human rights activists and organisations have accused the ATPU of engaging in ethnic and religious discrimination that targets Somali Muslims in Kenya. The Unit, established in February 2003, is mandated to, among others, prevent, detect, disrupt and interdict imminent terrorist activities within the country. Its vision is to ensure that Kenya has a secure environment for all by eliminating the fear and threat of terrorism (OSF/MUHURI, 2013: 17-18). Although the ATPU has been credited with preventing several terrorist plots and arresting or killing dozens of terrorist suspects, it has, in the course of its operations, committed a wide range of human rights abuses that violate international, regional, and domestic laws (OSF/MUHURI, 2013: 9-10). Kenyan Somalis and Somali refugees are unfairly held responsible for the frequent terrorist attacks subjecting them to illegal detentions, detainee abuse, extra-judicial killings, enforced disappearances, kidnappings and torture. The Unit has also issued several directives aimed at the encampment of all refugees, including those residing in urban areas (OSF/MUHURI, 2013: 30-33).

Kenya has acceded to the 1951 Convention/1967 Protocol relating to the Status of Refugees and the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa. The country also has ratified other international instruments protecting human rights. In December 2006, Kenya enacted its first refugee legislation, which came into force on 15 May 2007. The majority of Somali refugees in Dadaab originate from South Central regions of Somalia that are *Al-Shabaab* strongholds (RCK, 2012: 15; UNHCR, 2014: 2). The perception created through securitization, that Somali refugees are a threat to Kenya’s national security, has provided grounds for the state to delegitimise its role in meeting its domestic and international obligations regarding the rights of refugees. The aim is also to justify the repatriation, forced relocations, and renditions of Somali refugees as part of counterterrorism measures. The Security Laws (Amendment) Act 2014, for example, initially included a section placing a 150,000 ceiling on refugees and asylum seekers in the country. This section of the Act was, however, successfully challenged in the High Court in 2015 and declared unconstitutional and against the country’s international obligations (Kenya, 2015a: 140). State officials in Kenya have on several occasions claimed that Somali-dominated refugee camps in the country are breeding grounds for terrorism. Security agencies confirm that *Al-Shabaab* is active in these camps, heightening the suspicion that Somali refugees abet terrorism in Kenya. Consequently, political leaders in Kenya have issued ultimatums to the UNHCR to relocate all Somali refugees back to Somalia (Daily Nation, 2015).

Securitizing counterterrorism on the basis of religion is a response to *Al-Shabaab*’s strategies and tactics that promote and enhance Islamophobia in Kenya. The group’s strategy of targeting civilians in the country is designed to lure the government into reacting excessively. *Al-Shabaab*’s asymmetric strategies and tactics in Kenya involve using small groups of sympathisers to carry out attacks aimed at provoking state countermeasures that will be perceived as unfairly targeting all Muslims. The group attempts to maximise the potential divisiveness of these attacks by singling

out non-Muslims for execution (Ali-Koor, 2016: 1; Jones et al., 2016: 30-33). *Al-Shabaab's* fighters often single out victims based on religion, killing those who cannot recite the Islamic creed *shahada* (HRW, 2016: 14). *Al-Shabaab's* is achieving its objectives given that counterterrorism measures implemented by security agencies to counteract its strategies, are subjectively targeting and adversely affecting Muslims in Kenya. Following *Al-Shabaab's* attacks on Mpeketoni center and other villages in Lamu and Tana River counties in 2014, for example, state-led coercive counterterrorism measures targeted Muslims and ethnic Somalis in the two counties (HRW, 2016: 16; Torbjornsson and Jonsson, 2016: 2).

State fragility in ungoverned spaces of north-eastern Kenya provide opportunities for the state to securitize counterterrorism measures in the region. Somalis residing in the region are subjected to structural and physical violence. In the region's counties, several counterterrorism agencies are operational and are characterized by varied and conflicting command hierarchies and very limited effective civilian oversight. The agencies that are directly involved in carrying out counterterrorism operations in the region and are, by law, supposed to be coordinated by the NCTC, include the Kenya Defence Force, Kenya Police Service, the Directorate of Criminal Investigations, the ATPU, the paramilitary General Service Unit, the Administration Police Service and its units particularly the Rapid Deployment Unit and the Rural Border Patrol Unit, and the National Intelligence Service. All these counterterrorism agencies have been involved in the abuses of Somalis in the ungoverned spaces (HRW, 2016: 19). The agencies use their legitimate powers of arresting and detaining, imposing curfews, gathering intelligence information, seizing property used in terrorism, and conducting covert operations, to commit human rights abuses. They target men ranging from 20 to 40 years who include, among others, imams, Islamic madrasa teachers and Muslims with other responsibilities at their local mosques. These men, allegedly have links with *Al-Shabaab*. They are frequently targeted for questioning, arbitrary arrests and, in some cases, enforced disappearances and extrajudicial killings. In most cases, the counterterrorism agencies do not follow the laid down procedures of registering those arrested and detained in police stations as stipulated in Article 50 of the National Police Service Act (HRW, 2016: 23-25). The agencies also impose extended and indefinite curfews in the ungoverned spaces. Rather than preventing and combating terrorism impartially, counterterrorism measures implemented in the region "are modelled on the assumption that these Somali populations threaten Kenya's peace and security" (Lind et al., 2017: 130). The structural violence meted out on individuals, groups of individuals and organizations in these ungoverned spaces is worsened by state and security officials. They threaten and intimidate those seeking to report and call for investigations and accountability for counterterrorism abuses. In December 2015, for example, Kenya's CS Interior threatened to arrest anyone linking counterterrorism agencies to killings, enforced disappearances and purported mass graves in the north-eastern region. A day after the warning, four political leaders from the region were arrested and released without charge over claims made regarding the existence of mass graves in Mandera County (HRW, 2016: 57-58).

4. Securitization of terrorism and counterterrorism discursive practices in reinforcing relations of power in Kenya

The securitized terrorism and counterterrorism discourse in Kenya that has evolved from securitized socio-historical processes has paved the way for the securitization of terrorism and counterterrorism discursive practices in reinforcing relations of power. Foucault argues that the processes of discursive analysis pay attention to the area of knowledge discursively produced; the rationality behind constructing the language used; those who authorize it; and the type of strategic goals being pursued in the discourse (Diaz-Bone et al, 2008). In the foregoing context of Foucault's arguments, and securitization perspectives, this section examines the way in which securitized terrorism and counterterrorism discursive practices are produced.

The area of knowledge under analysis is securitization of terrorism and counterterrorism discourse. An analysis of the securitized discursive practices shows that the securitized language is constructed on the basis of ethnicity, religion and ungoverned space. Those who authorize it are members of the NSC. They are members of the NSC as stipulated in Article 240 of the Constitution of Kenya. They represent structures of the executive and the security sector in Kenya (Kenya, 2010: 154). The securitized discursive practices are evident in the way in which key messages conveyed by these active persons in their official speeches and statements construct Somali Muslims in Kenya's ungoverned spaces especially Somali refugees and the refugee camps they occupy as existential threats to national security. The strategic goals pursued are the reinforcement of relations of power in the country. Foucault argues that discourses and discursive practices contribute to the structuring of power relations in a society (Deacon, 1998: 114-116).

4.1. The presidency

The President, on behalf of the presidency, has on several occasions conveyed issues of ethnicity, religion and space in the state's securitized terrorism and counterterrorism discourse. In *Statement by President Uhuru Kenyatta on the Terrorist Attack at Garissa University College*, April 4th, 2015, Kenyatta conveyed religious and spatial issues regarding the attacks. He pointed out that the terrorists "were not expressing a legitimate political aspiration;" they were not "killing in response to oppression or marginalisation;" and they were not "reflecting the tenets of faith and Godliness." On the issue of religion, the President stated that he personally believed that "Islam is a religion of peace and tolerance, tenets which the vast majority of Muslims uphold." He, however, pointed out that "the time has come for Kenyans to be honest with themselves and each other," stressing that "the radicalisation that breeds terrorism is not conducted in the bush at night. It occurs in the full glare of day, in madrassas, in homes and in Mosques with rogue Imams." The President argued that Kenyans must ask "where are the religious leaders, the community leadership, and the parents and families of those who are radicalising" young people in the country. Hence the government must get the information and cooperation of all these parties if Kenya was to "effectively combat the terrorists" (Kenya, 2015b).

On the issue of ungoverned spaces, the President said that the terrorists seek to "establish a Caliphate in Somalia, and the north-eastern and coastal counties" of Kenya, and across large parts of the world. He stressed that Somali Muslims "enjoy the full rights, privileges and duties of every

Kenyan” and that in those regions that have received less recognition and support from past governments, the new “Constitution has made provisions.” The President urged all those who reside in the “affected regions, and across the country, to not allow those who hide and abet the terrorists to compromise and even destroy the development that is fast growing” in their regions (Kenya, 2015b). On counterterrorism, the President said that it is a fact that the task of “countering terrorism work has been made all the more difficult by the fact that the planners and financiers of terrorism” are “deeply embedded” in local communities. He emphasized that the state will not allow them to continue their “lives as normal” and that the “full force of the law would be brought to bear with even greater intensity than has been the case in previous years” (Kenya, 2015b). On the issue of Somali refugees, the President, in his Madaraka Day Speech on 1 June 2016, argued that in defence of the country’s sovereignty, Kenya “must pre-empt any threat” hence the decision to close the Dadaab Refugee Camp in Garissa County. He emphasized that the “decision was difficult, but our security, and our national interests, dictated it. Kenya comes first.” The President pointed out that for twenty-five years, Kenya has hosted refugees from Somalia, from South Sudan, and from our other neighbours and the country would continue to provide a safe haven for refugees, “but that generosity will be balanced against the imperative of keeping Kenya safe” (Kenya, 2016a). Likewise while delivering a *Speech by His Excellency Hon. Uhuru Kenyatta, C.G.H., President of the Republic of Kenya and Commander In Chief of The Defence Forces, Extra-Ordinary Summit of the IGAD Assembly of Heads of State and Government on Durable Solutions for Somali Refugees*, at Nairobi Kenya, on 25th March, 2017, the President pointed out that the “camp has, over time, lost its humanitarian character” and that it was not acceptable to Kenya that “a space that is supposed to provide safety and assistance, is transformed to facilitate agents of terror and destruction.” He stressed that instead, Dadaab had become “a protracted situation, characterized by hopelessness” that definitely fed environmental destruction; “conflicts between refugees and host communities; insecurity; radicalization; criminality”; and allowed “terrorist operatives to exploit it” for their operational efforts” (Kenya, 2017). From Foucault’s and securitization perspectives, the President discursive practices, as Chair of the NSC, hence the principal security actor in Kenya, reinforces power relations by constructing Somalis as existential threats to national security so as to justify the implementation of norm-violating counterterrorism measures.

4.2. The deputy-presidency

The DP, on behalf of the Deputy Presidency, has also on several occasions conveyed issues of ethnicity, religion and space in the state’s securitized terrorism and counterterrorism discourse. The DP has been emphatic conveying the message that Somali refugees and the camps they reside in are existential threats to national security in Kenya. In his speech delivered during the World Humanitarian Summit in May 2016, the DP emphasized that the Dadaab Refugee Camp was a security threat, a haven for terrorism and conduit of contraband goods as well as a danger to the environment. He argued that while “Kenya has been faithful to her international obligations of humanitarian assistance,” no country can “shoulder humanitarian responsibilities at the expense of the security of her people and the refugees themselves.” The DP said that Kenya was looking forward to discussions on how best to fast-track the repatriation of refugees’ process so that they could go back and contribute to rebuilding Somalia. He further said that Kenya had paid the price of terrorism and smuggling of weapons and contraband goods into the county because of the camp.

Like the President, the DP also emphasized that it was unfortunate that the Dadaab Refugee Camp had lost its humanitarian character and instead mutated into a center for radicalization, planning and training of *Al-Shabaab* terrorists as well as a conduit for contraband goods, weapons, electronics and sugar which was killing local industries. The DP insisted that in the past two years, “the refugee camp has posed an existential threat to Kenya.” He also pointed out that the planning, coordination and the execution of the terrorist attack in Westgate Shopping Mall that killed 67 people in Nairobi, the Garissa University terror attack where the country lost 147 students and Lamu attack where 67 Kenyans lost their lives, were all traced to the camp (Kenya, 2016b). The DP who deputises the President has also in his discursive practices reinforced relations of power in Kenya by constructing Somali refugees and refugee camps as existential threats to national security so as to justify *refoulement* as a norm-violating counterterrorism measure.

4.3. The attorney-general's office

The AG, on behalf of the Attorney-General’s Office, has also on several occasions conveyed issues of ethnicity, religion and space in the state’s securitized terrorism and counterterrorism discourse. His arguments focused more on the ungoverned spaces in Kenya and those who reside in such spaces. In his speech, for example, during the official opening of the fourth regional seminar on National Implementation of International Humanitarian Law at the Kenya School of Government in Nairobi in June 2016, the Attorney General also discussed the Somali refugee crisis in Kenya and its implication for national security. The AG said that the Government had confirmed that the closure of Dadaab Refugee Camp would go on as had been planned but within the confines of international humanitarian law, emphasizing that the decision to repatriate the refugees at the camp was neither cruel nor a change of heart by the Government. He argued that it was designed to balance between the country’s security interests and obligations under international human rights laws and conventions, noting that the Government of Kenya has for many years, and at times on its own, played a significant part in ensuring that peace and stability return to Somalia. The AG insisted that it was “important to note that this decision to repatriate” was also based on the “practical realities of protracted refugee status” that had “adverse effects on socio-economic and political circumstances of host nations and especially in Kenya.” To support his and the Government’s position, the AG said that “since the setup of the camp in the 1990s, the Northern Kenya region has been clouded in controversy, ranging from illicit trade in goods and weapons, general insecurity and now, posing the greatest existential threat facing Kenya – terrorism” (2016c). The situation in Northern Kenya, the AG argued, had led to national dissatisfaction with the continued state of permanence due to the exacerbation of peace and security interventions in the region. This, the AG noted, was a challenging situation that had not been envisioned within the context of the 1951 Convention on Refugees (Kenya, 2016c).

The AG is the principal advisor to the government. The AG’s terrorism and counterterrorism discursive practices focus more on ungoverned spaces and those who occupy them as existential threats to national security. The AG has also justified the implementation of norm-violating counterterrorism measures despite the fact that one of the office holder’s function is “to promote, protect and uphold the rule of law and defend the public interest” (Kenya, 2010: 93). This is in essence reinforcing relations of power in Kenya.

4.4. Ministry of interior

The CS for Interior, on behalf of the Ministry of Interior also conveys messages of ethnicity, religion and space in the state's securitized terrorism and counterterrorism discourse. Like the DP and the AG, the CS has focused more on the ungoverned spaces in Kenya and those who reside in such spaces. A notable example is the CS's *Government Statement and Update on the Repatriation of Refugees and Scheduled Closure of Dadaab Refugee Camp*, 11 May 2016, in which he pointed out that for "reasons of pressing national security that speak to the safety of Kenyans in a context of terrorist and criminal activities, the Government of the Republic of Kenya has commenced the exercise of closing Dadaab Refugee Complex." He emphasized that the decision was made by the government "reflecting the fact that the camps had become hosting grounds for *Al-Shabaab* as well as centers of smuggling and contraband trade besides being enablers of illicit weapons proliferation" (2016d). He further said that "considering the changing landscape of global terrorism, with new terrorist entities seeking to root themselves in our region, it would be inexcusable for the government to overlook its primary constitutional responsibility to protect Kenyan citizens and their property" (2016d). The CS also emphasized that the hosting of refugees has been costly for Kenya and that the country had been glad to help its neighbours and all those in need sometimes at "the expense of Kenya's security" but there comes a time when Kenya must think primarily about the "security of its people" and that time had arrived saying that "Ladies and Gentlemen, that time is now" (Kenya, 2016d).

Like other state officials, the CS also conveyed the message of the discourse that the state was aware that several large-scale attacks such as the Westgate Shopping Mall attack, Garissa University attack and the Lamu attack, were planned and deployed from Dadaab Refugee Camp by transnational terrorist groups. He also noted that over the years, Kenya's security agencies had "thwarted and continue to thwart numerous terrorists attempts besides recovering caches of arms and arresting several terrorist suspects from Dadaab Refugee Complex" (2016d). Some of these attacks were aimed at the interests of the country's international partners yet Kenya continued to "bear the brunt of these attacks on their behalf with negligible support from them" (2016d). The CS emphasized that Kenya's national security organs had "observed that terrorist groups such as ISIS" were "looking to make inroads" into the region. He said that the decision to fast-track repatriation of refugees was anchored in an "evolving understanding by virtually all regional and international bodies that Kenya faces a serious security threat" (Kenya, 2016d). The CS Interior is accountable to the President and the Parliament on internal security matters, among others (Kenya, 2010: 91). The CS's discursive practices also reinforce relations of power in Kenya as they emphasize coercive norm-violating counterterrorism measures are the solution to the Somali dominated refugee camps constructed as existential threats to national security.

4.5. Principal secretary interior

The PS Interior, on behalf of the Ministry of Interior, like other state official, expressed similar issues in the state's securitized terrorism and counterterrorism discourse. In a statement issued to explain why the Government was shutting down refugee camps, the PS said that the *Al-Shabaab* terrorist group had been able to take advantage of the Dadaab Refugee Camps "overcrowded and under-resourced conditions, and most importantly the limits to policing United Nations run sites,

to operate with an alarming degree of freedom” (2016e). He also pointed out that “terrorism has killed hundreds of Kenyans, and injured thousands.” Terrorism had also led to frequent Western country travel warnings that in their broad – and inaccurate – generalisations ruined the livelihoods of thousands of families, The PS, like other state officials, conveyed the message that since its inception in the 1990s, the “camp has been clouded in controversy ranging from smuggling of goods and weapons from the neighbouring Somalia, to harbouring terrorists” (Kenya, 2016e).

It is in this context that the PS argued that the Government’s most pressing constitutional and moral responsibility was to ensure the security of its citizens from the risk of violent attack and that the country’s intelligence and security forces have known for a long time that these camps were a dire threat to our people’s security. Hence as a country with limited resources, which was facing an existential terrorist threat, Kenya could no longer allow its people to bear the brunt of the International Community’s weakening obligations to the refugees. He further emphasized that “Kenya has stood on the front-lines of challenging terrorism, upholding humanitarianism, and pursuing global peace and security” (2016e). The country, however, had “no grounds to keep compromising the security of its citizens in the face of foot-dragging, double standards and lack of commitment in the rapid resettlement of Somali refugees in their homeland” (Kenya, 2016e). Like the CS Interior, the PS Interior is responsible for administering the department in charge of internal security, among others (Kenya, 2010: 92). The PS has also reinforced power relations by justifying the implementation of norm-violating counter-terrorism measures that call for the closure of refugee camps and *refoulement*.

Conclusion

The socio-historical-evolution of securitization of Somalis in Kenya’s terrorism and counterterrorism discourse has created securitized terrorism and counterterrorism discursive practices in the country. Members of the NSC have securitised Somalis as terrorists and existential threats to national security hence the need to implement state-led norm-violating counterterrorism measures targeting Somalis. The securitized terminology used by members of the NSC in their speeches and statements as demonstrated in the foregoing analysis is based on ethnicity, religion and ungoverned spaces. The strategic goals of the securitised discursive practices are to reinforce relations of powers by enhancing ethnic discrimination, the capacity of the state to implement coercive norm-violation counterterrorism measures, and its capacity to modify existing knowledge of terrorism and counterterrorism through communication.

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