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From Securing the State Security to Regional Disorder: An Exploration of Instability in North Eastern Kenya

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Abstract

From the colonial time to date, North Eastern Kenya has witnessed sporadic incidents of instability characterised by conflict and insecurity. Scholarly studies have attributed instability to state capacity that includes structural weaknesses such as inability to monopolize the use of violence, poor border controls and ineffective law enforcement. However, such studies do not explain why the state does not function to its optimal capacity in the region. This paper argues that instability in North Eastern Kenya is a deliberate creation of disorder by the state. Measures taken by both the colonial and post-colonial governments to secure their interests have subsequently rendered the region unstable. It argues that the colonial government in an attempt to secure the white highlands used the Northern Frontier District as a buffer zone with minimal investment. Similarly, the post-colonial government curved it out as a security zone to tame insurgency and denied it the necessary attention required to make it safe and secure.

Keywords: Instability, Conflict, Insecurity, North-Eastern Kenya

1. Introduction

This paper is about instability in North Eastern Kenya. It tries to trace the origin of instability in North Eastern Kenya from the colonial period to date. Through historical tracing, it aims at demonstrating that instability manifesting as conflict, insecurity and poverty in the region today is not by default but it is due to the deliberate or conscious errors of omission and/or commission made by both the colonial and post-colonial state that aimed at enhancing the security of the state at the expense of establishing order in the region.

Social political and economic processes that underpin state fragility and instability in the North Eastern region are deeply rooted in Kenya's pre-colonial and colonial history. However, certain key aspects or issues in that history are necessary for this paper to illustrate or elaborate on the dynamics of instability today. Of importance is the establishment of colonial authority in the region particularly administration of the local population, establishment of international boundaries demarcating spheres of influence and border relations with neighbouring states.

Literature portrays North Eastern Kenya as a region characterised by conflict, insecurity and instability that is attributed to failure of the state to govern. For instance, the works of Menkhaus, (2007); Menkhaus, (2015) and Menkhaus, (2009) put a lot of emphasis on the inability of the state to penetrate and establish viable institutions to govern the region.

All these scholars attribute the cause of instability to the inability of the state to function as expected. However, they do not further their analysis to explain why both the colonial and post-colonial governments did not commit to longterm solutions to instability in the region. This paper aims at filling this gap by arguing that the state in its attempt to secure to enhance security in the region, committed errors that that rendered the region fragile and prone to conflict and insecurity. The empirical weaknesses of the state evident in the region did not emerge by default but by design to enhance the security of the state at the expense of establishing order in the region.

This paper largely embraces historical tracing to show the origin of instability in North Eastern Kenya. The rationale behind this method is that it allows one to look at past events, analyse them and use that information to explain current situations and even predict the future. This involved digging into the history of the region with the aim of understanding the origin of instability in the region. This was undertaken by dividing the history of the region into colonial and post-colonial era. This categorisation enables one to analyse events that took place and show how errors of omission or commission by the colonial and post-colonial governments could explain the origin and persistence of instability in North Eastern Kenya. The study begins by analysing colonial origins of instability given that colonialism laid the foundation upon which the post-colonial state emerged. It then delves into the post-colonial period to look at how the government addressed the challenges that emerged in the region to see whether measures taken by the government stabilised the region or worsened the situation. In order to comprehensively analyse historical events that occurred, we sourced information from archives and relevant published books and articles. Archival material used in this paper was sourced from the Weston Library at Oxford University. With the assistance of a researcher in Oxford, we had access to the Weston Library where we got archival material on North Eastern Kenya. From the archival material we got unpublished information from journals kept by colonial administrators and police officers concerning the state of governance and instability in the region in the colonial period. We prioritised material containing information on how the colonial government governed the region. Besides archival materials we conducted desk research where we reviewed peer reviewed articles and books on instability to get a conceptual handle on the subject and to understand what other scholars say about North Eastern Kenya. We sourced journal articles through the use of search engines such as google scholar

With respect to the organization of the paper, the next section discusses the analytical approach adopted in this study. This is followed by the origin of instability, from the colonial to post-colonial era with the view of highlighting on the loopholes that necessitated state fragility to emerge and prevail to date. Here, we try to demonstrate how the colonial and the post-colonial governments engaged in actions that mainly targeted the security of the state at the expense of restoring order in the region hence. A situation that produced fertile ground for disorder characterised by cross border insurgency, conflict, insecurity and poverty

2. Analytical Framework: On State Fragility and Instability

This paper adopts the overarching debate on state fragility and instability to explain instability as experienced in the North Eastern region of Kenya. State fragility discourse revolves around the Weberian notion of the state. Discussions on the state are in relation to its ability to establish and maintain monopoly of violence, have control over its territory, maintain law and order and enhance the general welfare of its citizens (Di John, 2008; Francois, 2006; Hill, 2007). To this end, analysis of stability is in relation to its capacity to establish territorial control, secure borders and maintain presence in frontier zones, promote human security and earn legitimacy from citizens (Hanlon, 2012).

Stability within the state is achievable when the state can demonstrate its ability to meet the above obligations. That involves providing an enabling environment for people to secure their livelihood and provide safety nets when livelihoods are threatened, protecting citizens from both internal and external aggression and promote human

development through enhanced economic and opportunities, political freedoms and social freedoms through education and healthcare (Barnet and Adger, 2007). Thus, failure to meet the above obligations erodes the strength of the state and render it fragile and prone to violence (Hout, 2010). On the contrary, some scholars argue that the Weberian conceptualization is mainly concerned with the empirical and juridical components of statehood i.e. what is required for a political entity to qualify to be a state (Jackson and Rosberg, 1982:2). Such analysis only shed light on empirical weaknesses that manifest as political instability characterised by internal conflict and violence, partial control of territory and population (Jackson and Rosberg, 1982:2).

Such analysis of the state pegged on empirical statehood may not be appropriate in developing countries especially in Africa. Basic attributes of statehood such as monopoly of violence, effective government governed by legislation, ability to exercise control over territory and people within it do not exist. Such analysis does not shed light on local power dynamics in a fragile context i.e. how local elite adapt in the face of fragility, the strategies they use to ensure physical and economic security and the impact of adaptation processes on the changing notion of political order (Raeymaekers, 2005). Raeymaekers(2005) further suggests that instability is not breakdown of political order but a situation signifying continuous struggle between various forces in society to control functions related to state performance.

The foregoing discussion kind of criminalises the state for failing to function as expected to restore order and normalcy in fragile states. However, it does not explain why the state behaves in a manner that breeds fragility that later translates to instability. To this end, we introduce the works of Chabal and Daloz (1999) who introduced the paradigm of instrumentalization of political disorder. In this paradigm, they talk of the benefits that the political elite derive from low levels of political institutionalisation. At the core of this paradigm is the argument that the state in Africa is vacuous and ineffectual. Vacuous in the sense that it did not emerge as a political entity that integrated and consolidated all political interest within its territory and became vulnerable to patronage. On the other hand, it is ineffectual meaning that it is characterised by a political elite with no interest to institutionalising the state and its apparatus. Consequently, lack of emphasis on rule of law, separation of powers and a strong bureaucracy.

According to Chabal and Daloz (1999), the vacuous and ineffectual nature of the state amounts to political disorder. They are of the view that disorder does not necessarily mean chaos or anarchy but it is a condition that creates opportunity for those who take advantage of the system to further their interests. Rather than saying that the state is fragile, they argue that the state is vacuous since it is not insulated from social forces that determine politics and explain the low levels of political institutionalisation. In other words, the state is not weak but vacuous. They argue that no state in Africa meets the criteria of the Weberian ideal state therefore it only makes sense to say that the state is vacuous and ineffectual (Chabal and Daloz, 1999:1).

By arguing that disorder does not mean weakness, these authors give us another perspective from which to engage with the state fragility discourse. Their paradigm enables us to understand why the state behaves in a manner that breeds instability. In North Eastern Kenya, this paradigm enables us to demonstrate that the origin of instability in the region is attributed to the vacuous and ineffectual nature of the state that amounted to disorder experienced today.

The foregoing discussion leads us to another analytical framework put forth by Jackson and Dexter (2014). They begin from the premise that conflict is neither spontaneous nor inevitable but, it occurs due to the presence of actors and agents that produce and sustain it. Rather than look at causes or structural determinants of conflict, they argue that organised and sustained violence occurs where there are material and discursive structures. That is, presence of the military as an instrument of violence, economic basis for war or conflict, military norms and values and agents to execute violence. This led them to develop the structure_ agent framework for analysing conflict situations.

Structure refers to the enabling environment for conflict while agent refers to those who perpetuate the conflict. These are mutually reinforcing in the sense that in the absence of an enabling environment, actor/agents have no

stimulus or justification to use violence. Without actors or agents, societies endure conditions without plunging in to conflict (Jackson and Dexter, 2014: 2).

The structure_ agent framework enables us to understand conflict as a socially constructed phenomenon that is embedded in specific historical and spatial context. It comprises three components such as, structures of political violence, agents of political violence and discursive practices that construct violence (Jackson and Dexter, 2014:2). For the purpose of analysis in this paper, we combine the works of Chabal and Daloz (1999) and Dexter and Jackson (2014) to come up with the analytical framework. In this paper, instrumentality of disorder helps us to explain the behaviour of the state (conscious acts of omission and commission) that breeds instability. Structure and agency help us to explain the historical and political conditions behind instability in North Eastern Kenya.

3. The Colonial origins of instability in North Eastern Kenya

The analysis of the colonial origins of instability in North Eastern Kenya begins with the establishment of the northern frontier of Kenya. The Anglo-Ethiopian Treaty of 1897 consolidated attempts to establish boundaries between Northern Kenya and Ethiopia (Oba, 2013). However, challenges arose particularly concerning placing communities within localities. For instance, the Boran inhabited the region but cross over to the Ethiopian side during dry season and on the British territory in wet season. More so it was not easy to determine tribal boundaries in the absence of physical markers and it was not easy to distribute water and pasture between the two territories (Oba, 2013). In light of such challenges, negotiations occurred between the British and the Ethiopian empire over trans- frontier grazing and water by nomadic population on the frontiers of the two territories culminating into the Trans -Frontier Treaty of 14/5/1897 (Oba, 2013). Proposals made by the two parties reflected the guiding principles of the treaty. The Ethiopian empire proposed free movement in and out the frontier so long as they obeyed the authority of the territory they moved into while the British emphasised on access rights to resources being reserved for those occupying either side of the frontier (Oba, 2013:45). Article 1 part (a) and (b) set the conditions that governed cross-frontier movements between the two territories. The provisions of the treaty as quoted by Oba, (2013:45) from Wylde, (1901: 475) are as follows; (a). *'The subjects or persons protected by each of the contracting parties shall have full liberty to come and go and engage in commerce in the territories of the other, enjoying protection of the government within whose jurisdiction they are; but it is forbidden for armed bands from either side to cross the frontier of the other on any pretext whatever without previous authorization from the competent authority'*.

(b). *'The tribes occupying either side of the line shall have the right to use the grazing grounds on the other side, but during their migration, it is understood that they shall be subject to the jurisdictions of the territorial authority. Free access to the nearest wells is equally reserved to the tribes occupying either side of the line'*.

The first boundary marker known as the Red line or the Maud line emerged in 1903 (Oba, 2013). In 1907, an international treaty between Ethiopia and Britain recognised the 'Red Line' drawn separating the two territories and recognising the international frontier (Oba, 2013). The Northern frontier emerged following agreements between the colonial power and the Ethiopian empire, a phenomenon that lay foundations for future sources of insecurity and instability (Khadiagala, 2010). The immediate effect of the 'Red Line' on the nomadic people had to do with their access to water and pasture. The Maud Line left most wells and pasture on the Ethiopian side. The new boundary enforced dispossessed groups of their resources given the little or no understanding of local conception of territory. For instance, the line placed Gadaduma wells and grazing land that originally belonged to the Boran in Ethiopian territory thereby raising concerns about their access to those resources in times of scarcity (Oba, 2013). Following the dissatisfaction of the British with the distribution of wells and pasture, 1908 saw the emergence of the second commission to readjust the 'line' northwards to give the British subjects a fair share of resources (Oba, 2013: 53). The new boundary line dubbed the Blue Line was rejected by Ethiopians who insisted on observing the Red line. 1911 the year of Northern Frontier District (NFD) consolidation characterised by the establishment of special service office to patrol the frontier while safeguarding the Blue Line (Oba, 2013).

The treaty became a source of instability in various ways. It gave rise to unmanned porous borders. Free movement of people between the two territories enabled people to exercise their agency to undermine the state (Oba, 2013). The British not having effectively administered the region did not want to invest in the supply of water and pasture

for its subjects and pushed for an agreement that would allow the local people to continue with their lives as they had before. Consequently, they did not exercise control over the local population whose presence at any place depended on the availability of water and pasture.

4. Consolidating territory and exercising control in Northern Frontier District (NFD)

In the context of a contested frontier between the British and Ethiopian Empire need arose to establish control and maintain law and order in the Northern Frontier District. The need to administer the region fulfilled two objectives; to prevent any further movement of Ethiopian bandits and outlaws and to discourage the westward movement of the Somali into NFD who were migrating in large numbers at that time (Oba, 2013:51). Thus, the administration put in place operated on the policy of containing movement into and within the district. The specific tasks to be accomplished included preventing Somali groups already in the region from encroaching on other groups grazing area, prevent groups from moving towards the Tana River basin, prevent more Ogaden groups from Italian Somali land and Ogaden from Abyssinia/Ethiopia from moving into British territory (BA.MSS. Afr. 5. 1116). The first attempt to establish British influence in the frontier was in 1902 with the appointment of a frontier inspector to police the frontier who later founded the Hurrington post in Moyale (Oba, 2013: 51). The inspector personified the presence of British authority and influence in the frontier and remained so for the period from 1902-1905 (ibid). Despite the challenges one officer would face policing the vast frontier, the British Colonial government was very reluctant to enhance its presence at the frontier reason being the region was not worth investing in. such attitudes could be noticed in colonial officer's response to the quest for more staff in the region. For instance, I reference to NFD and its inhabitants a governor stated in his report 'The Somali, averse to manual labour is not a useful population. A lot of expenses are incurred in the region without returns does not encourage any further development' (Bodleian Archives/MSS. Afr. S. 702). In 1911, the military took over frontier policing in view of pending attacks by Ethiopian forces over contested boundary after readjustment in 1908 (Oba, 2013: 91).

Early administrative establishments in NFD were in frontier towns to facilitate management of the frontier. The administrative headquarters of NFD was in Isiolo with specific attention to the frontier for the purposes of checking on the expansionist activities of Abyssinia/ Ethiopian Empire and the westward movement of the Somali. Military establishments at the frontier were in Moyale, Isiolo and Marsabit to fulfil the above (Bodleian Archives, MSS.Afr. S. 702). Besides the military, there were also police posts strategically established alongside the military posts to enhance frontier security and check on local community. In the interior, the function of the police was to segregate the somali from the other communities. From 1913-1926 police posts emerged in Wajir at Habaswein and Arbo to patrol the somali boundary; Garissa had two post at Balambala to take care of the Tana River basin and water and a post in Ijara to check on friction between communities at water points (BA/MSS. Afr. 5. 1631.1). Frontier posts in the 1940s included Mandera with outpost at Dandu, Melka Muri and Lulis; Moyale with outposts at Sololo, Buna, Gunar and Heilu serviced with a full platoon to secure contested wells of Gaddaduma at the border (BA/MSS.Afr.5. 1631.2).

Besides the military and police, a hand full of regional administrators also worked within the region namely Provincial commissioner, District Commissioner and Chiefs. They carried out judicial functions. The District Commissioner was gazetted as the first class magistrate and could preside over criminal cases (BA/MSS. Afr.5. 1116). On matters security, the District Commissioner (DC) sanctioned patrols though from late 1940s onwards, commanders did it in consultation with the DC (BA/MSS. Afr. 5. 1116). From 1930s onwards, locals were engaged in the colonial governance structure to serve as chiefs, headmen and tribal police. Their knowledge of the terrain of the region attracted the British to incorporate them to support the colonial administration in maintaining law and order. These local leaders were encouraged to administer justice in accordance with their customs in the local tribunals. Headmen had the responsibility of tax collection and ensuring that communities stuck to their grazing zones while the tribal police enforced rules governing grazing (BA/MSS. Afr.5.1116). Later in 1940s, the tribal police had the responsibility to maintain law and order in the frontier through combating cross border raids when the military left the frontier (BA/MSS. Ar. 5. 497).

5. Governing the local population

As noted in the previous section one of the main tasks of the administration in this region was to contain the movement of the Somali southwards the British territory. To this end, the colonial administration pursued a policy of settling Somali groups and allocating grazing areas and wells to support their animals. The Crown Lands Ordinance of 1902 on native leasehold that defined specific areas for communities in the colony (police 143). This policy encouraged settling communities in designated areas. Archival material indicate that the task of settling the natives was at the discretion of colonial administrators since there were no guidelines as to how the task would be undertaken (BA/MSS.Afr. s583). What appears to have been the guiding principle in allocating and settling communities in NFD was the need to segregate the Somali groups from the other communities like the Borana. The Somali groups were 'troublesome, *always having issues with others and amongst themselves*' (BA/MSS. Afr. 5. 497).

From the end of World War 1 to early 1930s, boundaries separating the Somali groups (Degodia, Adjuran and Ogaden) from the Boran emerged along natural resources and roads. The southern boundary markers were UasoNyiro River and Lakdera. The Aulihan (Ogaden sub-clan) occupied areas south of the UasoNyiro River administered from Bura. The Western tribal borders at Habaswein road marked the border between the Ogaden and Degodia to the East and the Boran and the Adjuran to the west. North Western borders - Wajir- Dubasa- Butullo –was a complicated boundary as it marked the Boran areas though the Degodia were allowed to cross over to access water at the Makaror, NurAbikur wells (BA/MSS.Afr.5.1631/).

Demarcation of boundaries and settling of communities in NFD did not go without challenges. Information gathered from archival material (BA/MSS. Afr. 5. 497) indicates that some of the challenges were as follows; one was to ensure fair distribution of wells and pasture to minimise conflict over them. The Degodia suffered shortage compared to the Ogaden while the Boran fairly supplied. For instance, they had nine wells out of which only five were in use after moving the Degodia from the area. The main reason for relocating the Degodia East of Habaswein –Wajir-Butello track was to ease tension between them and the Boran over the use of El Nur and Makaror wells. At the same time, restricting them from accessing the wells would deny them access to permanent water sources to the North during dry seasons forcing them to move to Wajir where they would cause congestion at the Arbu wells. Crossing back to the wells bred tension between the Degodia and Boran leading to the decision not to restrict any group from accessing that the two wells at El Nur.

Control of movement within designated grazing zones also became an issue. Despite the Outlying Districts Ordinance of 1913 that restricted movement in and out of the NFD, it was not possible to contain groups within specific localities. There was the tendency to move away from areas where the nomads felt they were constrained by law as pointed out by colonial officers that '*they moved back and forth running away from all sorts of law and order*'. Control of movement was critical, as it would facilitate collection of tax. Tax evasion was possible through the abuse of trans-frontier treaties by the local population who took advantage of the freedom to cross over to Ethiopia where the British authorities would not pursue them to enforce tax collection. The Degodia and Adjuran escaped poll tax by escaping to Ethiopia (Castagno, 1964).

6. Post-Colonial origins of instability in North Eastern Kenya

At independence, the state faced a major threat to its stability. That is, to maintain its territory as one political entity. Various groups threatened to go back to their traditional way of life that they enjoyed in the precolonial time in disregard of the state. Peterson, (2020) observed that the Somali of North Eastern Kenya argued that the Somali inhabited areas of Kenya belonged to the republic of Somalia. The Boran on the north envisioned a future under the Ethiopian empire. To the west, the Luo and Luhya showed interest in joining their ethnic brethren in Eastern Uganda. The Swahili at the coast emphasised the fact that the Indian Ocean coast belonged to the sultan of Zanzibar. This implied that Kenya's borders were open to amendment (Peterson, 2020) and the unity of the state was at stake (Ringquist, 2011). The Kenyan government did not support the move by the Somali to break away resulting into a separatist conflict called the shifta war that lasted from 193 to 1968 (Castagno, 1964). The war became a major threat to regime stability and attracted state military intervention (Branch, 2014).

In order to secure its territory, the state took certain measures ranging from state sponsored violence to policy orientation that managed to end the shifta war. However, these measures ended up producing new dynamics of instability in the region. Sporadic conflict and insecurity continue to characterise North Eastern Kenya. The post-colonial state is partly responsible for the instability that has plagued the region over the years. Subsequent sections of this paper analyses state response to the shifta war with the aim of demonstrating how they created instability in post-colonial Kenya.

Attempts to secure regime stability were characterised by use of state violence and collective punishment (Anderson and McKnight, 2014). Collective punishment here refers to subjecting an entire community to punishment for crime or offence committed by a few individuals in a particular community (Whitaker, 2012; Whitaker, 2015). State violence on the other hand refers to the use of excessive force characterised by harassment and abuse of citizens by state security agencies (Anderson, 2014). State intervention to counter insurgency was characterised by militarization of the region, use of excessive force on the local population and collective punishment. In the context of the shifta insurgency, state perception of the Somali in North Eastern Kenya was that of an enemy within the territory hostile to the state hence the justification for state organised violence and intimidation against ethnic Somali (Whitaker, 2015).

Early 1960s the administration focused on containment of movement in North Eastern Kenya. In 1966, the government established villages in Somali inhabited areas of Marsabit, Moyale, Isiolo, Wajir, Mandera and Garissa and forcefully allocated them to according to clans (Whitaker, 2012). This was a strategy to demobilize clan militia into manageable units to keep them under tight security check (Whitaker, 2015; Anderson, 2014). The Public Security Regulation of March 1967 that empowered the provincial administration to define and force residency of clans in specific areas (Whitaker, 2012). The policy restricted movement and grazing within five miles radius of the village and a pass was required for one to move out of the village. This kind of policy changed perceptions of communities on resources and their use by defining the connection between clans and geographical location that later manifested as the exercise of exclusionary land rights by clans in their areas of residence (Menkhaus, 2015).

The immediate effect of the forced village project was that rotational grazing dwindled and settlements emerged around water points leaving no reserves to be used in drier seasons (Birch and Grahn, 2007) e.g. Wajir West (Oxfam,2008). Government policies constrained the mobility of nomadic pastoralists in Wajir and Grissa and undermined their ability to secure livelihood through rotational grazing since they hindered them from exploring variable sources of water and pasture (Birch and Grahn, 2007).

Mobility is a rational move to secure livelihood among nomadic pastoralists in arid and semi- arid lands. Nori, Taylor and Sensi, (2008) argue that moving out to other grazing areas allowed pasture to regenerate and it is also a strategy of range land management that regulated the use of available resources. The move by the Government of Kenya to allocate grazing areas along clan lines interfered with traditional rangeland management systems that supported pastoralism further weakening the capacity of nomads to adopt to adverse weather conditions.

The village project was a deliberate move by the state to frustrate pastoralism. Conditions in the villages did not allow for productive livestock keeping given the fact that a large number of animals were concentrated in an area leading to over grazing. Transformation from nomadic pastoralism to sedentary life was a serious threat to securing livelihood as it limited mobility and the ability of nomads to respond to changing weather conditions for the survival of their livestock (Khalif and Oba, 2013). Dire conditions in the government villages led to low productivity and loss of animals resulting into contraction of livelihood and dependence on food aid from the government (Anderson, 2014). This was a strategy to demobilize clan militia into manageable units to keep them under tight security check (Whitaker, 2015; Anderson, 2014).

Prolonged political, economic and social marginalisation, inappropriate development policies, resource competition and adverse climatic conditions have limited the ability of pastoralists to have a sustainable livelihood (Oxfam, 2008). Livelihood security is a critical factor for people to be secure from violence in pastoral

communities (Barnet and Adger, 2007). Violence and conflict shapes social structure where survival is characterised by social competition and conflict over water and pasture (Mburu, 1999).

Constraints to secure and sustainable livelihood precipitates violent conflict in two forms. One, direct confrontation between clans as a means of securing livelihood. This mainly occurs in times scarcity when water and pasture are not available prompting migration of people and livestock to areas with these resources (Barnet, 2003). Contact with other clans in resource rich areas enhances the vulnerability of pastoralists to violent conflict over access to water and pasture. In other words, scarcity brings different groups the proximity of each other heightening tension that may result into conflict and loss of animals (Theisen, 2012).

From 1967 to early 90s, the region remained under emergency laws and military expeditions to quell inter- clan and inter- ethnic conflict over resources. Clashes between the Degodia and Adjuran over occupancy of Wajir attracted military expedition that resulted into the Wagalla massacre in 1984(Whitaker, 2015). Anderson (2014) narrates how state response to communal clashes in Wajir destabilised lives and resulted into a massacre “ on the tenth of February 1984, Wajir was subjected to military curfew, surrounded by military men, policemen and general service unit who conducted routine screening separating the Degodia from other clans. All Degodia men were rounded up and taken to the newly constructed airstrip in Wagalla where they were tortured and their bodies thrown in the forest” (Anderson, 2014:1). Similar incidences occurred in Garissa in the early 1980s in response to the killing of an administration officer by local militia. All men of Somali origin were rounded up in a primary school, tortured, murdered, all houses in bulla Kartasi torched, women raped and men killed and their bodies thrown in to river Tana (Anderson, 2014).

Poor governance has a stake in the state of security in this region. Structural weaknesses of the state and the collapse of the state in Somalia fuel insecurity in the region. While referring to governing the frontier, Menkhaus (2005) notes that Kenya share vast borders with Somalia and Ethiopia that are not under the full control of the state. Agade (2014) concurs with Menkhaus by stating that in the vast northern frontier there is minimal state presence that cannot provide adequate security. For instance, the 933 kilometre western border has only 3 immigration post and minimal police presence. This situation contributes to insecurity along the international borders given the proximity of the region to conflict in South Sudan, other pastoral communities such as the Toposa and Karamojong (Agade, 2014). Insecurity manifests as cross border insurgencies, the existence of armed groups that challenge the authority of the state and proliferation of illicit arms (Kumsa, Jones and Williams, 2009). The prevalence of these issues is due to negligence and laxity of the state in governing its Northern frontiers. Just like the colonial government, the post-colonial government did not make serious efforts to manage border movements because of the transhumant nature of local population.

State agencies are confronted with the challenge of monitoring cross-border flows of people and goods (Chumba, Okoth and Were, 2016). Consequently, illicit arms and criminal elements flow into North Eastern Kenya. Ineffective border control mechanisms and minimal police presence produces a permissive environment for arms smuggling (Wepundi, Nthiga, Kabuu, Murray and del Frate, 2011). For instance, smugglers from Somalia transport between one to ten guns across the Kenya Somalia border on foot or disguised as charcoal or vegetables transported by bus to Dadaab refugee camp where they are stored awaiting onward movement to other areas(Gastrow, 2011). By 1991, the military and police suffered major setbacks in law enforcement due to the superiority of weapons in the control of militias and bandits (Menkhaus, 2005).

Poor border management and security systems in North Eastern Kenya has contributed to establishment of Al-Shabaab's cross-border presence and clandestine networks (Chumba et al). The region is vulnerable to radicalization given the dominance of Islam among local population, presence of long standing grievances and Al-Shabaab. Socio-economic and historical marginalization plays a huge role in radicalization in Muslim occupied regions of North Eastern Kenya. These factors produce collective identity and a unifying factor through which people can be mobilised for a course. People in this region share common experiences in the face of poverty and under-development due to neglect by the state. Botha, (2014) argues that group characteristics have enhanced their vulnerability to radicalization by Al-Shabab given collective identity can easily be politicised. Economic, decline, violent conflict and lack of strong state intervention is the driving force behind radicalization in this region.

Recruitment is easier in areas with wide spread poverty, inequality, ethnic and religious tension, political marginalisation and insecurity. Al-Shabab thrives on the long-standing grievances locals have with the state to inculcate anti-state sentiments and mobilize them into the jihad movement (Botha, 2014).

Al-Shabab has the capacity to exploit local conditions to achieve its goals (Anderson, 2014). It has the tendency to blend jihadi *theology* with the long-standing grievances of citizens in marginalised regions of Kenya. Socio-economic and political grievances of Muslims at the coast and North Eastern Kenya serve as a mechanism to mobilise the Kenyan umma to join jihad. Al-Shabaab has effectively managed to blend jihadi ideology with local conditions to orchestrate and justify violence against non-Muslims. In the recent past, Kenya has witnessed dangerous attacks orchestrated by Al-Shabaab and its affiliates. Examples to illustrate this include several incidences in Wajir and Garissa as shown here.

With limited opportunities to improve on their lives, people especially the youth are lured into organised crime (Barnet and Adger, 2007). The youth in pastoral areas have very limited opportunities to sustainable source of livelihood. Their social position in the society is characterised by poverty as they do not own livestock and they not empowered through education to pursue other economic endeavours through formal employment (Kralti, 2014). Consequently, decisions to join vigilantes, militia and other criminal gangs is usually to demonstrate their frustrations, grievances and desire for revenge (Barnet and Adger, 2007). In North Eastern Kenya, organisations such as Al Shabaab have taken advantage of situational factors such as social, economic and political exclusion of the Somali to expand their networks in Garissa area (Anderson and McKnight, 2015). These scholars further argue that members of Al Shabaab often lure recruits to join the organisation by using the ‘victimisation narrative’ i.e. locals are victims of neglect by the state and offer alternative to joblessness. Many people have been hired to fight in south central Somalia from the 1990s on contracts ranging between 50 dollars to 200 dollars a month (Anderson and McKnight, 2015).

Another aspect of governance that contributed to instability in the region has to do with poor policy choice and implementation. Odhiambo (2008) observed that the arid and semi-arid region of North Eastern Kenya did not get appropriate policy consideration despite its unique status. Instead, previous policy preferences enhanced marginalization through skewed allocation and distribution of resources, infrastructure development, social service delivery and economic transformation. Development planning anchored on sessional paper number 10 of 1965 emphasised on allocating resources to areas with high potential for agricultural production neglecting arid and semi-arid areas (Odhiambo 2008; Government of Kenya 2011). In other words, the government deliberately deprived the region of resources for development. Having securitized the region, the government did not take into consideration its development needs and challenges. A phenomenon that later kept instability afloat. Socio-economic and political marginalisation of regions threatens stability (The World Bank, 2011). For instance, deprivation threatens the survival of marginalized groups who opt to obtain political and economic resources through political violence (Howard, 2010). Consequently, underdevelopment becomes a source of instability as poverty increases the likelihood of conflict (Duffield, 2001).

7. Discussion

The presentation above paints a picture of what happened in the colonial and post-colonial times. This section analyses these activities with the aim of showing how the state deliberately bred instability in the region. Both the colonial and post-colonial state exhibit political disorder, a phenomenon occasioned by their vacuous and ineffectual nature as put forth by Chabal and Daloz (1999). The state is vacuous in the sense that it did not integrate local community with the aim of subduing them to its authority. The colonial government did very little to control people in North Eastern Kenya since they did not have economic interests in the region. The colonial government was only interested in securing its area of influence to ensure that Ethiopian emperor did not annex the northern frontier. This it achieved by drawing international boundary between the colony and the Ethiopian empire.

The ineffectual nature of the state is characterised by low levels of institutionalisation. The colonial government deliberately left the region loosely governed by the trans-frontier treaty of 1897. This is because they were not interested in investing in the region to provide water and pasture for pastoralists, the treaty offered a solution to

that problem as its subjects continued to access resources across the border. The choice to have international boundary governed by the Trans Frontier Treaty of 1897 amounted to a critical error of commission by the colonial government. The error later resulted into disorder leading to instability in the region. As Oba, (2013) observed, the British did not enforce articles 1(a) of the treaty that forbade armed groups from crossing over into the territory without formal authorization. The enforcement of the treaty required the establishment of proper administrative infrastructure to govern cross border movement within the framework of the treaty. This was not the case as the entire frontier was manned by one official who couldn't check on cross border movement of armed gangs.

Administrative laxity gave rise to porous borders that the post-colonial state inherited. As observed by Menkhaus (2005), the entire northern frontier has never been fully controlled by the state given the minimal presence of state in that region. Just like the colonial government, the post-colonial government did not invest much in securing the region from cross border movement of people and illicit goods. Poor governance of the northern frontier breeds instability and insecurity. Given the proximity of the region to war zone countries such as Somalia and Sudan, one expects the state to be concerned about its security and make arrangements to enhance security. Despite this situation in the north, the borders remain porous allowing free flow of illicit goods, a situation that has facilitated the proliferation of small arms and light weapons.

From the discussion above we argue that instability in northern Kenya is not by default but by design. International borders were designed to be porous to allow for free movement back and forth courtesy of the Trans Frontier Treaty of 1897. Despite being in a troubled neighbourhood, the government remained reluctant to enhance presence by putting up more administrative and security agencies to effectively govern the region. That is to say that administrative laxity in the region remained a viable option for the state since there was no political will to invest in the region.

Persistence of insecurity, in the region in the post-colonial era is also by design. As indicated earlier in this paper, policy choices by the government ended up marginalising the region from economic development pushing people to find alternative means of survival such as joining terrorist groups and participating in organised crime.

North eastern Kenya remains unstable due to the existence of an enabling environment that has sustained conflict and insecurity to date. Administrative laxity in the region created a conducive environment for trans-national organised crime and terrorism. This enhanced insecurity in the region since the government did not resolve the issue. Poor policy choices that resulted into systemic marginalization of the region denying it foundations of development.

8. Conclusion

Instability manifested as conflict and insecurity in North Eastern Kenya is the creation of both the colonial and post-colonial state. The state in an attempt to enhance its security committed errors of omission and commission that ended up breeding instability in Northern Kenya. The colonial government's interest in the region was minimal, as it did not favour agricultural production due to unfavourable environmental conditions. The colonial government was keen on securing its sphere of influence to contain the downward movement of the Ethiopians and Somali pastoralists towards the white highlands. Thus, it did not invest in establishing meaningful structures of governance to maintain law and order and secure its borders in the region. Instead, it allowed the northern frontier to be governed by the provisions of the Trans frontier treaty of 1897. This culminated into porous borders that facilitated the free flow of people and illicit goods into the region. The post-colonial government on the other hand deliberately neglected the region by pursuing policy options that automatically denied the region resources for development there by laying the foundation perennial conflict and insecurity among the local communities as they struggle to sustain their source of livelihood.

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