The post-general election environment in Kenya has been characterised by efforts to crackdown on two human rights organisations. While this recent onslaught appears to be leveled against human rights institutions, it is also an attack on individuals who have held particular views on questions of justice and freedom over the years. The Kenya Human Rights Commission and the Africa Centre for Open Governance are perceived as being a problem for the current regime. The regime’s propagandists have in the past described individuals and civil society organisations that are critical of it as the “evil society”.

The “evil society” tag, which was also accompanied by “Western puppets”, grew in intensity prior to the 2013 elections as a variety of voices supported the pursuit of justice at the International Criminal Court for crimes committed during the 2007/8 post-election crisis in Kenya. The cases that eventually collapsed enjoined the current president and deputy president, who mobilised “anti-Western” sentiments successfully for their presidential campaign in 2013.

A historical view suggests that what we are witnessing in Kenya is demonstrative of a systemic approach to dealing with dissent, even though the tactics may have changed in a new and evolving global environment.

The closure of civic space has become an increasingly important debate within civil society organisations. CIVICUS has classified the various ways in which this manifests across the globe. In July 2017, I participated in a global convening about the dangers of state repression and how
governments globally were overtly and covertly limiting civil liberties. It was evident to some of us in the room that while the signposts of closure, such as reduced media freedoms and regulation of civil society organisations’ operations, were key, they missed an assessment of how regimes demonstrate their fragility on a daily basis. It became clear to us that regimes are not just going for civil society organisations, they are also going for ordinary citizens.

A historical view suggests that what we are witnessing in Kenya is demonstrative of a systemic approach to dealing with dissent, even though the tactics may have changed in a new and evolving global environment. The tools available to the hetero-patriarchal state may appear sophisticated but at its root the state aims to deter full freedoms whilst appearing to offer others. So, on the one hand, a government will offer a harsh sentence to those who sexually assault women in public spaces, while at the same time have parliament refuse to pass a bill on domestic violence or marital rape. The same government that appears to take seriously the question of violence against women through legislation on rape and other forms of violence will arm its national police to enable it to violently respond to citizens protesting against high food prices or poor service delivery. Consequently, the relationship between discourses and practices of violence, securitisation and peace must be placed front and centre in discussions on shrinking civil liberties.

Since the September 2013 terror attack at the Westgate mall in Nairobi, Kenyans have witnessed increasing state-led securitisation that has created room for greater intrusion into citizens’ lives. The government has corralled citizens around the notion of peace being synonymous with more arms. This has been most obvious in the increased hardware allocated to the national police, which is part of a larger securitisation discourse engendered by the “war on terror” launched by the Bush administration after the September 11th terror attacks in New York and Washington DC.

The daily insecurity faced by women is justified by our acceptance of violence as synonymous with security and an accompanying structural belief that women who have “strayed” away from their traditional roles should be violently guided back to their rightful place.

Accompanying these investments is a national narrative evident in television advertisements and pronouncements on the individual’s role to secure themselves. These investments include surveillance equipment and the tacit encouragement of Stalinist-style civilian surveillance through “Nyumba Kumi”, a version of community policing launched to aid crime prevention. All of these seemingly parallel and disconnected activities justify the monopoly of violence by everyone, not just the state, as a legitimate way to do business in the country. The strongest counter-argument to those who suggest that we can imagine secure lives without weaponising peace is in the statement – “you are either with us or against us”.

More critically, when we reflect on civil liberties, it is important to focus on the mobilisation of gender identity as part of this project. Women and girls in Kenya have been mobilised as mothers, child bearers and nurturers to contribute to de-radicalising young men and to sustain peace. The images of politicians’ wives wearing white clothes and praying for peace at rallies ahead of the just-concluded general elections are a critical part of this public imaginary. Yet at the same time, public spaces occupied by women are constricted through attacks on women in public office, on the streets through stripping and, most potently, through the failure to fulfill the gender equality provisions in the constitution. These actions are demonstrative of how fear of violence serves to discipline women into accepting traditional gender roles. The daily insecurity faced by women is justified by our acceptance of violence as synonymous with security and an accompanying structural belief that women who have “strayed” away from their traditional roles should be violently guided back to their
Young men who navigate their relationship with the state through violence in turn view violence as the only tool available to them to navigate their relationships with women and men who occupy different class positions.

These attacks on women do not occur in a vacuum. The increasing criminalisation of young men on the edges of our country and the class dynamics that shape the disposability of young men’s lives in Kenya heighten violent masculinities. The ease with which Kenyans justify violence illustrates how deeply securitisation discourses are embedded in the state’s surveillance and containment strategies. These debates were prevalent when the police violently responded to protests after the announcement of the 2017 presidential election results when, according to the Kenya National Commission on Human Rights, at least 24 people were killed at the hands of police officers; most of the victims were unarmed protesters or bystanders.

Extra-judicial murder of young men in particular is not new or isolated in Kenya. Critical here is how the criminalisation young men in the inner city begets gendered violence and limits citizens’ ability to live well on a daily basis. Young men who navigate their relationship with the state through violence in turn view violence as the only tool available to them to navigate their relationships with women and men who occupy different class positions. The class and gendered relationship may be about the wealthy that contribute to creating the socio-economic conditions that lead to 4 out of 10 Kenyans living in poverty and the richest 10% of the population receiving 40% of the nation’s income. This means that young women who live on the margins of our society bear the brunt of violence by men who occupy a low social or economic status.

As Kenyans witness the resurgence of attacks on human rights organisations, we need a historically grounded and nuanced approach to what we name as shrinking civic space. This is not only about civil society organisations and the threat to others like them; this is about the compact between Kenyans and their government. Regime insecurity manifests in curtailing the ability of citizens to live well. These signposts are around us on a daily basis before overt state responses kick in. It is these seemingly invisible group-specific demands that we must connect to the wider debates about the Kenyan state and its relationship to society.

There remains a fundamental question about the democratic control of the security forces in Kenya to ensure that responses to insecurity are not reliant on recreating insecurity. Security forces must enable an environment that is attentive to constitutionalism and they must develop an awareness of the structural conditions that foster inequality and exclusion. This must be at the heart of responses to shrinking civic space.

Equally, there are enough lessons to draw on globally about how violent extremism discourses and projects stall conversations about the national project. The threat of an ever-mutating “external force” is useful for masking internal problems that could provide the basis for broadening rather than reducing national disgruntlement.
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