



# A Faustian Bargain: Westgate and Kenya's Role in America's Forever War

By Abdullahi Boru Halakhe



The Kenyan government's studious silence on the 5<sup>th</sup> anniversary of the attack on the Westgate mall by Al Shabaab was baffling, even for an administration obsessed with meaningless symbolic gestures and spin rather than with meaningful policy interventions. Silence is not out of step but is in keeping with President Uhuru Kenyatta and his handlers' deceptive baiting and switching; every tragedy, including Westgate, is followed by feigned concern and significant made-for-TV roadside pronouncements that inevitably lack the necessary follow-through. Welcome to #MoveOn, #MtaDo Inc.

Following the fateful Saturday, 21 September 2013 attack, when four masked gunmen entered the Westgate shopping mall in Nairobi and killed dozens of people, President Kenyatta promised a Commission of Inquiry. Five years later, the commission has not been established.

It is not just the presidency who demonstrated a grave dereliction of duty; the Joint Parliamentary Committee report on the Westgate attack was rejected by the National Assembly because the report was "[shoddy](#)". That says plenty considering the standard of debate in Parliament where discussions are increasingly resembling a marketplace where the highest bidders buy votes, sometime in the [parliamentary toilet](#). There has not been genuine attempt since then to pursue what exactly happened during the Westgate.

As a result, five years later, Kenyans do not know the official number of those killed or even what exactly happened at the mall. The media puts the number of people killed during the attack at nearly 70 and the attackers at four. It is unclear whether all were killed or whether any escaped. A Commission of Inquiry or even [the parliamentary report](#), dismissed by the National Assembly as “[shoddy](#)” could have answered some of these questions, not expressly for accountability alone - which is critical - but also for posterity.

Despite both the presidency’s and the executive’s failure, the Westgate effect continues to exert a toll on Kenyans’ daily interactions and experiences: the law and order police work continues to be militarised at an almost industrial scale; extrajudicial executions and enforced disappearances in Muslim majority areas in the name of fighting terrorism continue unabated; crime in low-income urban areas has reached epidemic proportions; and Kenya’s military officers and their families continue to count the cost in blood and treasure even as the country’s military intervention in Somalia recedes from the collective national memory.

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## **Kenya and terrorism**

Kenya has long been at the crosshairs of international terrorist groups. The first major terrorist attack on Kenyan soil occurred on New Year’s Eve in 1980, when the Popular Front of the Liberation of Palestine (PFLP) bombed the Norfolk Hotel in Nairobi as retribution for Kenya’s assistance to the Israeli Defence Forces (IDF)’s [Operation Entebbe/ Operation Thunderbolt](#). The majority of the 20 people killed and 100 injured were foreign nationals.

On August 7, 1998, Al Qaeda in East Africa simultaneously [attacked](#) the United States embassies in Nairobi and Dar es Salaam. The attack in Nairobi killed 213 people and injured more than 4,000 while the one in Dar es Salaam killed 11 people and injured more than 100. Al Qaeda’s Somalia connections were instrumental in planning and carrying out these attacks.

Four years later, on December 28, 2002, the same group [bombed the Paradise Hotel](#), an Israeli-owned hotel in Kikambala on the Kenyan coast, killing 15 and injuring 80. Simultaneously, it attempted - but failed - to bring down Arkia Airline Flight 582 as it took off from Mombasa’s Moi International Airport heading to Tel Aviv.

These attacks targeted mostly the United States and Israeli/Jewish facilities, and Kenyans were considered “collateral damage”.

## **Domestic blowback**

In October 2011, following cross-border attacks and kidnappings targeting humanitarian and aid workers, Kenya deployed thousands of soldiers to Somalia in *Operation Linda Nchi* (Protect the Nation) to fight against Al Shabaab. This was first time Kenyan troops had engaged in combat abroad outside peacekeeping operations. However, the intervention, instead of making Kenya safe, exposed the country’s vulnerability, especially in northern and coastal areas near the Somalia border. After the intervention in Somalia, Kenya and Kenyans became principal targets. The porous and poorly policed border allowed Al Shabaab to cross over and launch a series of attacks targeting

security [installations](#), as well as [churches](#), [schools](#) and [night clubs](#).

Al Shabaab attacks fall into two broad categories: large-scale and sophisticated (some foiled, some successful) and amateurish low-grade and low casualty. The attacks on the Westgate shopping mall, Garissa University and Mpeketoni in Lamu County fall in the former category. Sandwiched between these are those targeting matatus - public transport taxis - in Eastleigh, a Nairobi suburb popular with the ethnic Somali community, and other public facilities like Gikomba, East Africa's largest open-air market. These types of attacks are also concentrated in the Muslim majority regions of north-eastern Kenya, such as Garissa, Wajir, Mandera, and Isiolo, as well as Lamu. One of the largest Al Shabaab attacks occurred in Mpeketoni, a settlement in Lamu County, where over 70 people were killed.

As a response to these domestic attacks, the government launched counterterrorism operations in [Eastleigh](#), [Coastal Kenya](#) and the North-East. These operations were mostly conducted in scorched earth fashion; everyone was guilty until they proved their innocence. No means were spared, including extrajudicial executions and enforced disappearances, of suspected terrorists.

For instance, during [Operation Usalama Watch](#) in Eastleigh, over 4,000 Somalis were arrested and held in the Kasarani football stadium. The security sweep touched a raw nerve and exacerbated the already fraught relations between the ethnic Somali community and the state. These operations, beyond causing egregious human rights violations, as documented by [human rights organisations](#) and the [media](#), antagonised communities at the centre of gravity in the fight against terrorism, thus creating a trust deficit between them and the state. They also animated the latent yet potent animus between the state and the communities, a legacy of past attempts at secession from Kenya. During the [Shifita War](#), fought between 1963 and 1967, ethnic Somalis in the North-East tried to join Somalia, and in the 2000s the Mombasa Republican Council had issued their clarion call *Pwani si Kenya* (The Coast is not Kenya).

If the Somalis in the past were Shiftas (bandits), now they were classified as terrorists. For the Somalis and coastal Kenya communities, Kenyan citizenship comes with terms and conditions, and they have no agency in accepting or declining those terms. Human rights violations against these communities by the police has a rich tradition that transcends the advent of the War on Terror. Within the context of counterterrorism operations in the two regions, they are not an exception, but rather a continuation of the [trajectory the police have been on](#).

## **US Africa policy**

America's recent Africa policy has evolved in three distinctive phases. The first phase was the period immediately after the end of the Cold War, during the George H Bush administration, when fueled by the confidence in defeating communism, the United States projected a more maximalist approach to foreign policy centered on humanitarian intervention. [Operation Restore Hope in Somalia](#), launched in December 1992, was the first product of the policy. However, through a combination of a lack of understanding of the local nuanced realities and an underestimation of the warlord Mohamed Farah Aideed, America was bogged down in urban warfare that its troops were unprepared for. The October 1993 "[Black Hawk Down](#)" incident, in which America lost 18 servicemen, broke its armour of post-Cold War invulnerability.

Chastised by the Mogadishu experience, America opted for a more minimalist approach borne out of the realisation that the United States is not good at engaging in intractable "tribal" fighting in foreign countries. One of the outcomes of that was the hands-off approach during the 1994 Rwandan genocide. The Somalia syndrome persisted, until it was replaced by the third phase that emerged after the Nairobi and Dar es Salaam bombings. Under this new outlook, the US argued that threats

came from transnational non-state actors rather than from inter-state conflicts. In this new reality, the US would require “smart” military engagement.

This smart military engagement was given a further boost by the 9/11 attacks in New York and Washington DC. This approach was articulated in the 2002 National Security Strategy, which states: “The events of September 11, 2001, taught us that weak states...can pose as great a danger to our national interests as [strong states](#).” At the operational level, among many other options, security sector assistance was prioritised, especially in failed/fragile states that were viewed as fertile breeding grounds for transnational jihadi groups.

Because it borders Somalia from where Al Shabaab was operating, Kenya fit the bill.

### **Pakistanisation of Kenya**

Similar to Pakistan in its war against the Taliban, Kenya plays a focal point in America’s and the West’s counterterrorism operations. Kenya provides Western intelligence with the base and infrastructure from which to wage the war. Unlike in Pakistan, however, there is a marginal political cost to Kenya’s political elite for supporting the operation. Participating in America’s [Forever War](#) has seen the security sector receive tremendous amounts of support in the form of training, equipment and money. From 2010 to 2014, Kenya received more than [\\$141 million](#) in US counterterrorism aid, and over the last few years, military aid has been increasing.

However, Kenya’s military personnel pay a steep price for engaging in US-led counterterrorism operations. In January 2016, Al Shabaab attacked a Kenya Defence Forces base in El Adde, Somalia, killing [over 140 troops](#) (although the government has yet to release the exact casualty numbers). A year later, on 27 January 2017, Al Shabaab attacked another KDF base in Kulbiyo [causing multiple casualties](#). After El Adde attack, the president [addressed the nation](#) and stated, “We remain unbowed, determined to protect our way of life and committed to pursue our goal of a united, integrated and prosperous nation, region and continent. Neither shall we be shaken nor deterred by the actions of these criminals”.

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Post-Westgate, nearly all public and private spaces have been effectively securitised. Most offices and shopping malls have security barriers, guards and metal detectors, including some [that are fake](#). There has also been a proliferation of private security companies (PSCs) in major towns. By some estimates, PSCs employ 500,000 people, compared to the [less than 100,000](#) serving in the police. The legal-policy framework governing PSCs is the Private Security Regulation Act and the body regulating them is the Private Security Regulatory Authority. One of the changes announced by President Kenyatta under the latest iteration of police reform is that the police will strategically pull out of VIP protection services and “Cash-in-Transit” operations. This will be a boon for the already thriving PSCs. There have also been calls to amend the Act to allow private security guards to carry arms. Arming of half a million PSC employees would potentially double the [estimated number](#) of legal and illegal arms held by civilians.

Increasingly, in line with a global shift, the government has admitted that its “hard” approach has to

be complemented by a “softer” one in addressing terrorism, and hence the framing has shifted from counterterrorism to countering violent extremism (CVE). The military method, in most cases, is concerned with eliminating individuals and does not address the broad spectrum of how and why individuals are recruited into terrorist groups, and how they can be incentivised to denounce and abandon them – because the reasons for joining, staying and eventually leaving are not always the same.

The use of force also treats all violent extremists and terrorists – regardless of rank, file or leadership – in the same way. As such, it does not offer a mechanism of rehabilitation and reintegration of returnees back into the community.

As part of the pivot, the national government [launched](#) a national CVE strategy in 2016, after years of consultation with various stakeholders. This has been followed by counties crafting their respective CVE plans through a similarly consultative process with the national government and other non-state actors, including human rights groups. Central to the success of these plans is community and citizen ownership.

While undoubtedly there has been a discernible shift from counterterrorism to CVE, it will take more than a change in nomenclature to heal the trust deficit between the security agencies and the communities in northern and coastal Kenya. Further, there is no legal or policy framework that governs the returnees who have renounced Al Shabaab and who find themselves in a double bind: targeted by both Al Shabaab, who regard them as deserters, and by security agencies, who see them as double agents. This distrust has seen some of them rejoin Al Shabaab, while others have been killed by the terror group, especially in Kwale, and by the anti-terror police.

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The stated reason for Kenya’s intervention in Somalia was to keep Kenya safe, but it achieved the opposite, turning Kenya and Kenyans into primary targets. Despite the mounting cost, the country is doubling down on the Somalia mission, which has metastasised into an open-ended stay in Somalia.

The Western-funded counterterrorism campaign is a Faustian bargain: Kenya gets money but completely loses its soft power regarding Somalia. The Westgate attack represented a seminal teachable moment, but Kenya missed the opportunity, and as a result, Kenyans continue to pay the price.

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