

Conflict in Somalia and Crime in Kenya: Understanding the Trans-Territoriality of Crime¹

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ABSTRACT

This study examines the effects of the persistent Somalia conflict on security in Kenya. It reviews the historical connection between ethnic Somalis of different citizenship. Against this backdrop, the study examines the trans-territoriality of crime in the region by focusing on arms trafficking between Somalia and Kenya. It interprets this trans-territoriality as one of the fall-outs of post-Cold War conflicts in Africa. By analysing why Kenya is a favourite destination and settlement for Somalian refugees, the study also accounts for the influx of small arms into Kenya. Using the case of Eastleigh estate in Nairobi, the study analyses the nature of criminal activities in Nairobi. It questions the simplistic view that Somali refugees are behind increased crime in Eastleigh. On the contrary, we show that the criminal identity of the Somali in Kenya is a product of an intolerant post Cold War political environment that marginalizes and scapegoats refugees and an international post-Cold War economy that supports rather than deters illicit trade, including that conducted by refugees.

¹ The idea for this article began with a CODESRIA Multi-National Working Group on *Beyond Territoriality*. I wish to thank members of the working group for their suggestions and criticisms. I particularly benefited from the contributions of Guy Martin, Rokhaya Fall and Michel Ben Arrous. Also acknowledged are the suggestions of Prof. Ali A. Mazrui and Cyril Obi, the valuable suggestions and editorial assistance of my colleague Mshai Mwangola and the superb research assistance of Alfred Anangwe. The usual caveats apply.

Introduction

Kenya has always regarded the Somali as either an internal nuisance or embarrassment.²

Today the prevalence of modern weapons, Somalia's most significant legacy of superpower involvement during the Cold War, has undermined the very foundation for order in Somalia's society – the authority of the clan elder.³

[T]he instability in South-West Somalia is hurting Kenya's security because of the influx of illegal arms across the border.⁴

The New World Order is an intricate part of the persistent conflict in the Republic of Somalia.⁵ The fiasco of American intervention in Somalia to restore peace, pave way for humanitarian assistance and establish a central government in 1992 spoke to the connection between the world's superpower and the conflict in Somalia. This connection has attracted enormous attention, mainly because of the media reporting of the ghastly misery in Somalia.⁶ But there is a more regional process that needs attention. This concerns the effects of the Somalia conflict on neighbouring countries in East Africa and the Horn.

This article focuses on conflict in Somalia and its relationship to crime in Nairobi, Kenya. It is divided into three parts. First, it reviews the history and transition of Somalia from the Cold War to the Post Cold

² V. Glenday quoted in E.R. Turton, 'The Isaq Somali Diaspora and Poll-Tax Agitation in Kenya,' in *African Affairs*, 73 (July 1974), 325.

³ Jeffrey Clark, 'Debate in Somalia: Failure of the Collective Response,' in Lori Fisler Damrosch (ed.) *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York: Council on Foreign Relations Press, 1993), 207-208.

⁴ President Daniel arap Moi quoted in *The East African Standard* (Nairobi), 29 May 2001.

⁵ Colonialists partitioned the ethnic Somali into Italian Somaliland (now Eritrea plus Southern Somaliland), British controlled Northern Frontier District of Kenya, French Somaliland (now Republic of Djibouti) and Region Five of Ethiopia. At independence, the divisive boundaries were retained as part of the Organization of African Unity policy on national territories. Ethnic Somali were divided into Somalia, Kenya, Djibouti, Ethiopia and later Eritrea. This article focuses on ethnic Somali of Somalia and Kenyan citizenship. Unless otherwise stated, the former will be referred to as Somalians or Somali refugees and the latter as Kenyan Somali. In places where ethnicity rather than citizenship is in focus, Somali will be used. The point is that there are Somali who are not citizens of Somalia.

⁶ See, for instance, Virginia Luling, 'Come Back Somalia? Questioning a Collapsed State,' *Third World Quarterly*, 18/2 (1997); Anna Simons, *Somalia: Networks of Dissolution* (Boulder: Westview, 1995); Ismail I. Ahmed and Reginald Herbold Green, 'The Heritage of War and State Collapse in Somalia and Somaliland: Local Level Effects, External Interventions and Reconstruction,' in *Third World Quarterly*, 20/1 (1999).

War World Order with a view to demonstrating how the Somalia conflict is part of a global reform process. In the second and third sections, the study explains how Kenya became a favourite re-settlement option for refugees from Somalia. The sections account for how the migration of Somali refugees into Kenya fed into the problem of arms trafficking, the development of a trans-territorial regime of criminal trade in arms and in the nature of crime in Kenya using the case of Eastleigh estate in Nairobi. The study shows that crime in Eastleigh involves Somali refugees, Kenyan law enforcement agencies and others, including Kenyan citizens who, in one way or another, participate in the illicit activities that pervade the estate. Thus, I contest the criminal identity associated with the Somali in Kenya and locate crime in the local and international political context that supports illicit trade including that conducted by refugees.

The article addresses the literature on state failure, criminality, disorder and territoriality. It cautions against the tendency to treat dissidence as essentially reactive, criminal, and violent and shows how initiatives of Somalia refugees interlock with those from the Kenyans. It illustrates the genuine concerns that animate some forms of dissidence. The Somali case illustrates at once the continuation of autochthonous ideas of space as entirely relative and the colonial attempt to impose limits by treating territory as a domain of sovereignty, authority and citizenship. The result is an economy that does not conform to dominant geographical categories. Writing on this, Achille Mbembe shows how endogenous ideas of space continue to co-exist with more recent notions of territory as 'the privileged space for the exercise of sovereignty and of self-determination, and as the ideal framework of imposition of authority.'⁷ But although Mbembe acknowledges that African boundaries have 'multiple geneses', his analysis slants the explanation to present Africa as a continent of chaos and anarchy whose sources are largely local and have very little to do with colonial demarcation of boundaries and the more recent process of globalisation that has unleashed or intensified trans territorial forces that challenge the nation-state system. Alternatively, William Reno has argued that rather than focus on the states, more attention needs to go on 'organization of political authority.' Reno analyses regime innovations for managing internal security threats and how reconfigured weak states manipulate their way in a global and local context even

⁷ Achille Mbembe, 'At the Edge of the World: Boundaries, Territoriality, and Sovereignty in Africa,' in *Public Culture*, 12/1 (2000), 263. Also published under the same title in *CODESRIA Bulletin*, 3-4 (1999), 5-16 and in Arjun Appadurai (ed.) *Globalization* (Durham, N.C.: Duke University Press, 2001), 22-51.

when they lack popularly known structures and institutions for the exercise of power.⁸ This argument together with Michel Ben Arrous' view that 'the very lawlessness [of dissident groups and movements] is precisely one of the "achievements" of the local level non-state initiatives informs my understanding of the legitimacy and independence of 'geography from below'.⁹

Somalia in the New World Order

Julius Ihonvbere argues that structural adjustment has led to further peripheralisation and marginalization of the African continent in the new global dispensation. He argues that the policies of privatisation, deregulation, desubsidisation and devaluation were thrust on a poverty-stricken and debt-ridden environment that could not withstand the shock therapy administered. Also, the regime-types characteristic of most African states in the 1980s were illegitimate and desperate, having a ruling elite that was closely connected to external foreign interests but lacking internal solidity, efficiency, productivity, and discipline. The regimes were 'historically depended on the state for largesse or accumulation.'¹⁰ The imposition of structural adjustment led to, or exacerbated poverty, eroded the purchasing power of a large portion of local people and generally caused untold desperation and misery among innocent groups. For him, adjustment has entailed a direct invitation to deepening social crisis and violence. Faced with such crisis of governance and unable to maintain law and order, most regimes in Africa resorted to despotism, authoritarianism, kleptocracy and repression of any internal challenge.

While Ihonvbere does not specifically focus on the Somalia case, the above analysis fits well in the Somalia story. It is no wonder that he concludes the chapter by stating that:

Siyaad Barre's regime in Somalia was not helped by the introduction of the IMF stabilisation package in 1985 when the Fund imposed a devaluation, the floating exchange rate, an end to trade restrictions, and constriction of

⁸ William Reno, *Warlord Politics and African States* (Boulder: Lynne Rienner, 1998), 9. For a more historically sensitive study of the state in Africa, see Bruce Berman, "Structure and Process in the Bureaucratic States of Colonial Africa," *Development and Change*, 15 (1984) on the colonial state and Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 1996) for a critical reflection on the state-society paradigm in African studies.

⁹ See Michel Ben Arrous, *Beyond Territoriality: A Geography of Africa from Below* (Dakar, CODESRIA, 1996) and 'Mapping Contemporary Africa: A Geography from Below Perspective,' forthcoming, 3.

¹⁰ Julius O. Ihonvbere, *Africa and the New World Order* (New York: Peter Lang, 2000), 71.

the money supply. . . . How did the Fund expect a poverty-stricken, least-developed country like Somalia to survive the imposition of such draconian “shock-measures”? Today, we can see the effect in Somalia’s unprecedented disaster.¹¹

To put this quote in context, let us revisit the relationship between Somalia and the Cold War superpowers. The aim is to underscore the instrumentality of Somalia to the Cold War struggles and the consequences, in terms of predisposition to violence, these relations entailed. It cannot be denied that internal problems of bad governance, corruption, politicisation of ethnicity, malfeasance and economic mismanagement are central to the Somalia predicament. But of immediate relevance to understanding the relationship between conflicts in Somalia and crime in Kenya is the militarisation of Somalia society, itself a product of the political experience of Somalia during the Cold War.¹² There is some consensus in Africa that matters were worsened by the shock therapy administered through adjustments.¹³ By emphasising the military factor and its connection to the external reforms, the essay does not minimise internally generated problems. All these factors should be seen as reinforcing each other.

Siyaad Barre took over power in a bloodless military coup in October 1969, barely a decade after Somalia gained political independence from Britain and Italy. He remained in power until 1991 when he was also deposed by a coalition of groups opposed to his dictatorial rule. Upon assuming power, Barre suspended the constitution, dismissed parliament and instituted a Supreme Revolutionary Council (SRC) under his leadership. Between 1969 and 1976, Barre consolidated and legitimised his rule through popular moves in health provision, education, rural development and resettlement of drought victims. He achieved this through

¹¹ Ihonvbere, *Africa and the New World Order*, 91.

¹² See Ali A. Mazrui, ‘Crisis in Somalia: From Tyranny to Anarchy,’ in Hussein M. Adam and Richard Ford (eds.), *Mending Rips in the Sky: Options for Somali Communities in the 21st Century* (Lawrenceville, NJ and Asmara: Red Sea Press, 1997), 9.

¹³ The classic statement on this is associated with Bjorn Beckman who argued that “it is resistance to SAP, not SAP itself, that breeds the democratic forces.” But in some cases, these forces coalesce into marauding factions that instigate war and crime. In Africa, Eboe Hutchful argues that reform “inflamed political conflict and stressed fragile legitimacies.” See Bjorn Beckman, ‘Empowerment or Repression? The World Bank and the Politics of African Adjustment,’ in P. Gibbon, et al. (eds.) *Authoritarianism, Democracy and Adjustment: The Politics of Economic Reform in Africa* (Uppsala: The Scandinavian Institute of African Studies, 1992), 102 and Eboe Hutchful, ‘Adjustment in Africa and Fifty Years of Bretton Woods Institutions: Change or Consolidation?’ in *Canadian Journal of Development Studies*, XVI/3 (1995), 394.

the military, the very institution he had used to assume power. Although Somalia was at the time a military state, the innovative leadership and populist approach Barre adopted won him affection in several quarters.¹⁴

According to Hussein Adam, Barre began on a populist stance in order to build personal rule. He built his personal rule through existing institutions of governance especially the military where he had a solid base.¹⁵ The military presence in civilian service increased as the army built new barracks, dormitories, mess facilities, theatres, playgrounds and even got involved in relief efforts during the 1974-75 drought. By 1970 when Barre declared socialism as the ideology of the military regime, the state and society were almost completely militarized. In July 1976, Barre 'civilianised' himself by replacing the SRC with the Somali Revolutionary Socialist Party (SRSP) of which he became the Secretary-General. The dominant legacy of his rule was one of authoritarianism, dictatorship, corruption and the active promotion of regional and clan factionalism.

The East-West involvement in Somalia worsened the security situation in the Horn and East Africa. First, the West was interested in Somalia for its strategic location in relation to India, the Middle East and the Suez Canal.¹⁶ At the same time, the local elite began the drive to unite people of Somali ethnicity into one nation-state. Both moves have serious military implications as Somalia kept vigilant alert against possible external threats (refer to note 5). Regional strategy and irredentism combined to make military preparedness a Somalian priority especially following the Kenya and Ethiopia defence pact of 1963. Somalia went all out for military aid and managed to attract alternating military assistance from Britain, Italy, USA and the USSR. Barre increased expenditure on the military to unprecedented levels. Somalia National Army (SNA) grew both in numbers and in armament from a force of 10,000 in 1963 to 37,000 in 1978. The army further expanded to 96,000 in 1980, 115,000 and eventually 123,000 by 1984-5.¹⁷ But by this time, it had shed the previous mask of military discipline and public/civilian ser-

¹⁴ During a visit to Somalia in 1974, Mwalimu Julius Nyerere remarked that '[t]he Somalis are practicing what we in Tanzania preach.' Quoted in Hussein M. Adam, 'Somalia: Personal Rule, Military Rule and Militarism,' in Eboe Hutchful and Abdoulaye Bathily (eds.), *The Military and Militarism in Africa* (Dakar: CODESRIA Book Series, 1998), 368.

¹⁵ Adam, 'Somalia: Personal Rule,' 369.

¹⁶ See Turton, 'The Isaq Somali Diaspora,' 325-326 and Adam, 'Somalia: Personal Rule,' 358-361.

¹⁷ Adam, 'Somalia: Personal Rule,' 372-3.

vice. Instead, it became an instrument of overt repression, authoritarianism and corruption. This went alongside proliferation of arms in the wider Somalia society and militarisation of civilians.¹⁸ But the sustainability of the military budget depended more on external support than on internal resources. This external support came as debt and with the changing bases of foreign support, SNA gradually fell in deep trouble.¹⁹

Further, dwindling economic fortunes added another dimension to the problems afflicting Barre's rule. He could not sustain the military budget, then ranked among the highest in Africa. The privileges and allowances, the uniforms and equipment to SNA could only be sustained with outside help that began to steadily decline as his autocracy increased. When Barre used the military to repress society, promote clannism, and to destroy channels of debate and dissent, some of his creditors quickly slapped conditions for further aid. Such conditions, like devaluation, the floating exchange rate, and an end to trade restrictions, were added to high levels of inflation that had hit the 400 per cent mark between 1978 and 1982. By 1985, Somalia was weak, poverty-stricken, highly militarised and in general chaos. The trade restrictions, devaluation and deregularisation imposed in 1985 all exacerbated an already bad situation.

Between 1985 and 1991 when Barre was deposed, state tyranny along clan lines became rampant. Widely perceived as ruling through his Marehan clan of Darood, Barre visited untold terror on perceived 'rebel' clans, followed by open massacre of the youth in urban places. These culminated in the massacres at Mogadishu, Somalia's capital city, in July 1989 followed by terror against the Hawiye clans and then in the North where he focused largely on the Isaq clan-family. All these tangentially contributed to the suspension of US military aid in 1988 and economic aid in 1989. Unlike other countries in Africa where such stoppages were gradual, 'in Somalia, an abrupt stoppage of all aid followed a history of too much aid.'²⁰ These happened in a highly militarised context, a context in which Somalia was not only susceptible to easy collapse, but one

¹⁸ According to Adam, military expenditure rose at the rate of 10 per cent per year between 1963 and 1973 while the Gross National Product grew at the rate of as little as 3 per cent. The military took about 27 per cent of the total government expenditure between 1972 and 1977, 37.1 per cent in 1978 and 39 per cent in 1979. See Adam, 'Somalia: Personal Rule,' 375.

¹⁹ On the US geostrategic interests in Bab-el-Mandeb straits in Somalia and the fiasco of America's Operation Restore Hope, see David N. Gibbs, 'Realpolitik and Humanitarian Intervention: The Case of Somalia,' in *International Politics*, 37 (March 2000), 41-55.

²⁰ Huseein M. Adam, 'Somalia: A Terrible Beauty Being Born?' in I. William Zartman (ed.) *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (Boulder: Lynne Rienner, 1995), 75.

in which the country had been turned, to use Ali Mazrui's phrase, into 'massive collective armory.'²¹ By 1993, 'there [were] more arms than food in Somalia.' As Boutros Boutros-Ghali further emphasised, 'these arms were not fabricated by Somalis . . . they were given by the outside, to serve outside interests.'²²

The collapse of Barre's rule was accelerated by, and led to an increase in free-floating guns in unauthorised hands. This collapse also occurred against a background of intense suspicions within Somalia among rival clans and groups. The coalition that opposed and ultimately deposed Barre was unstable, ill conceived and steeped in a survivalist and individualistic ethos.²³ It was mainly focused on ending Barre's personalised rule. As such, it was built and united solely by the tyranny and authoritarianism of Barre's rule. Once Barre was ousted, the coalition entered a new phase of intense suspicions, factionalism and conflict. The central governance in Somalia collapsed as factional conflict and intense warfare escalated. Between 1991 and now, the story of conflict fired by the immense militarisation of Somalian society, of drought and famine, and of poverty and misery in Somalia has been told and retold in great detail. The impact of war on innocent Somalians, especially the women and children, has been horrendous.²⁴ In its most grisly consequence, the war produced 'walking skeletons.'²⁵

From Somalia to Kenya

What have been the implications of a war-ravaged Somalia on security in Kenya? The dominant view in Kenya holds the Somalia conflict responsible for increased crime. This view focuses on post-1991 Somalia and blames the war for escalated trafficking into Kenya of illicit products including, most importantly, sophisticated guns. These, it is argued, have contributed to increased insecurity in North Eastern Kenya and Eastleigh in Nairobi where most refugees settle. President Moi, in a 28 July 2001 presidential order, gave credence to this assumption when he ordered the Kenya-Somalia border closed. He explained that armed

²¹ Mazrui, 'Crisis in Somalia,' 8.

²² Quoted in Julius O. Ihonvbere, 'Beyond Warlords and Clans: The African Crisis and the Somali Situation,' in *International Third World Studies Journal and Review*, 6 (1994), 7.

²³ Abdi Ismail Samatar, 'Leadership and Ethnicity in the Making of African State Models: Botswana and Somalia,' in *Third World Quarterly*, 18/4, 697-698.

²⁴ See the experience of Somalia women refugee in Celia McMichael, '“Everywhere is Allah's Place”: Islam and the Everyday Life of Somali Women in Melbourne, Australia,' in *Journal of Refugee Studies*, 15/2 (2002), 171-188.

²⁵ Ihonvbere, 'Beyond Warlords and Clans,' 7.

refugees entered into Kenya and have contributed to increased incidence of insecurity and crime in Nairobi. In banning border trade, President Moi noted that 'although Kenya showed hospitality by accommodating refugees from Somalia, they [refugees] abused their welcome by bringing illegal firearms into the country.' For him, 'the Somalis were to blame for the current state of insecurity in Kenya.'²⁶ This argument is ahistorical and erroneous.

Moi's view on insecurity calls for a historical caveat. The Somali 'refugee' problem dates back to the colonial era. With it has always been a problem of state security in Kenya. The problem is intermittently spiced by mutual suspicion in the Kenya-Somalia relations (starting in colonial times) and a similar Kenyan suspicion of all ethnic Somali including those who are Kenyan citizens. Thus, the relationship currently drawn between refugees and security problems in Kenya ought to be understood in the context of the historical partition of Somalia and its legacy; a context that repudiates the one-sided focus on Somalia refugees.²⁷ This context highlights geographical and political factors that facilitate a mode of citizenship for the Somali that does not conform to the dominant geographical categories. It is our argument that it is the departure from the dominant view and the irredentism that explains the criminalization of the Somali identity. Let us use the following three factors to explain this departure and its relationship to the criminalization of Somali identity. These are i). the spread of people of Somali ethnicity astride the Kenya-Somalia border; ii). a porous and unpoliced border; and iii). the stigma of the Somali in Kenya as 'irredentist troublemakers.'²⁸ These are compounded by the nature of Somali socio-economic organisation that has rendered the Kenya-Somalia border impossible to police.

Kenyan Somali occupy the arid and semi-arid region of North Eastern Kenya. The region is characterised by hot climatic conditions mixed with very irregular short rainy periods. The environment cannot support sedentary mode of subsistence. The harsh climate and 'inhospitable' environment dictates a transhumance mode of living. The Somali have adopted a mode of organisation that allows them 'relatively open and fluid societal boundaries' that could accommodate their transhumance

²⁶ *Sunday Standard* (Nairobi), 29 July 2001, 1.

²⁷ For a study on this, see A.I. Asiwaju (ed.) *Partitioned Africans: Ethnic Relations Across Africa's International Boundaries, 1884-1984* (Lagos, University of Lagos Press, 1985).

²⁸ Marc-Antoine Perouse de Montclos, 'Elections among the Kenya Somali: A Conservative but Marginalised Vote,' in Marcel Rutten, et al. (eds.) *Out for the Count: The 1997 General Elections and Prospects for Democracy in Kenya* (Kampala: Fountain Publishers, 2001), 303.

needs.²⁹ This organisation conflicts with the idea of living within defined territories marked by fixed state boundaries. Having lived with negligible regard to fixed territorial boundaries, the Somali were confronted, at the onset of colonialism, with attempts to hem them into limited locales. By seeking to establish fixed territories, the colonial regimes failed to take note of the prevailing socio-cultural boundaries. This failure explains why the Somali were spatialised into Italian Somaliland (now Eritrea plus Southern Somaliland), British Somaliland (now Northeastern Province of Kenya), French Somaliland (now Republic of Djibouti), and what is currently Region Five of Ethiopia. Today, they occupy Somalia, Kenya, Ethiopia, Djibouti and Eritrea.

The colonial state in Kenya failed to crystallise the Kenya-Somalia border, effectively police it and hem the Somali into specific territories. The state treated the Kenyan Somalia as allies whom they employed in the police force when it suited but dismissed them as ‘people whose demeanour is frequently insolent in the extreme.’³⁰ Since the Somali spread across the Kenya-Somalia border, they evaded colonial control by constantly crossing the border depending on where the policy favoured them. The colonial administration was also unable to control the mobility of the Somali. The Isaq clan of the Somali in particular were so mobile that controlling them ‘proved more than a little difficult.’³¹ The Somali played the British administration in Kenya against the Italian administration in Somaliland. The British, Italians and Ethiopians ‘tried to demarcate their Somaliland sphere in no fewer than ten official conventions – in 1908, 1924, 1928, 1929, 1934, 1937, 1942, 1946, 1954 and 1955 – all to no avail.’ These attempts failed because the administering powers did not take note of the ‘Somali ecology and social organisation.’³²

Consequently, ‘border’ Somali in Kenya were bundled into a marginal and closed Northern Frontier District (NFD). Entry to NFD was restricted only to those in possession of a valid pass. Thus, NFD was for the most part of the colonial and post-colonial period a marginal district where the Kenyan Somali lived separated from the rest of Kenya

²⁹ Neal Sobania, ‘Pastoralist Migration and Colonial Policy: A Case Study from Northern Kenya,’ in D. Johnson and D. Anderson (eds.), *The Ecology of Survival: Case Studies from Northeast African History* (Boulder, Colorado: Westview Press, 1988).

³⁰ This remark was made in response to the colonial state’s inability to control the Somali. see letters in Kenya National Archive (KNA) AG/19/12, Government Policy in Respect of Somalis – General, 1930.

³¹ Turton, ‘The Isaq Somali Diaspora,’ 337.

³² Said S. Samatar, ‘The Somali Dilemma: Nation in Search of a State,’ A.I. Asiwaju, *Partitioned Africans: Ethnic Relations Across Africa’s International Boundaries, 1884-1984* (Lagos, University of Lagos Press, 1985), 175.

and limited their ability to develop a sense of belonging to Kenya. Though they had comparatively heavier security presence, they paradoxically remained mobile and elusive to the state as the dominant producer of regulations. The marginality of the Somali in Kenya fed into their irredentist struggle which began in the early 1960s and drew inspiration from the nationalist struggles of Sayyid Mahammad ‘Abdille Hasan, the Somali poet, mystic and nationalist who led the Dervish movement against colonialism from 1895 to 1920. In 1962, the drive for Greater Somalia was supported by about 87 per cent of Kenyan Somali. They sent delegations to various forums to fight for their re-union with Somalia. Their relentless struggle to secede was supported by various Somalian administrations. For them, colonial boundaries went against *self-determination*, an ideal which all African countries fought to preserve against colonial domination.

In response, Kenya argued that the *territorial integrity* of colonial boundaries had been accepted as the framework of independent African statehood.³³ The British granted independence to Kenya in 1963 without resolving the NFD issue. The new Kenyan government did not show convincing commitment to deal with the marginality of the Somali in Kenya. Instead, it put in place punitive policies that thwarted the possible integration of the Somali in Kenya and further marginalized them. In frustration with the refusal to cede NFD to Somalia and the increasing remoteness and marginality of the province from Kenya, demonstrations in NFD degenerated into acts of sabotage and physical confrontation against the state in Kenya. The majority of the Somali offered support to acts of banditry launched into Kenya, starting in 1963, by groups of organised Somali bandits.³⁴ The subsequent *shifita* war dragged on for long and exerted serious consequences to the Somali.³⁵

³³ For a perspective on the tension between self-determination and territorial integrity, see Samuel Makinda, ‘Kenya’s Role in the Somali-Ethiopian Conflict,’ Working Paper No. 55 Strategic and Defense Studies Centre, Australian National University, Aug. 1982.

³⁴ *Shifita* is a Somali term for bandit. For instance, see a report in *The Nairobi Times*, 5 Feb. 1978 which claimed that “there have been cases involving government officers who outwardly purport to be behind the Kenya government but who engage in clandestine activities intended to aid the enemy and enhance the *shifita* menace. Such people have assisted in sending supplies across the border as well as sowing seeds of discord amongst the population they are supposed to rally behind the Kenya government.”

³⁵ Following intensified acts of physical aggression launched against Kenya within and from Somalia in support of irredentism, Prime Minister Jomo Kenyatta requested the Governor-General to declare a state of emergency in NFD (then called Northeastern Region) on 25 Dec. 1963. According to Kenyatta, this action was made necessary by “a mounting wave of terrorism and banditry” in the region. Kenyatta was referring to

The *shifita* war is largely responsible for the criminalisation of the Somali identity in Kenya. The war led to the stigma of the Somalia as irredentist troublemakers and reference to *shifita* in political talk came to indiscriminately apply to all Somalis. From this, the criminality of the Somali in Kenya was banalised and provided the excuse to resort to exclusionary tactics in which the Somali were either ignored or targeted for punitive military and police confrontations.

In the late 1980s and early 1990s, the *shifita* problem gradually diminished.³⁶ But NFD remained a remote and marginal place that overlapped more with Southern Somalia than with the rest of Kenya. The *shifita* made NFD's remoteness susceptible to criminal networks and gangs interested in illicit trade including arms trafficking. Furthermore, the Kenya-Somalia border is not adequately policed. It is remote and inaccessible to Kenyan police officers. The police are also ill-equipped and are not used to the surrounding ecology. Consequently, the nature of the border and the surrounding environment allowed the Somali to easily cross between territories. In the process, they carried with them goods and items across the border that they then circulated without serious restrictions. It is in the context of this movement that criminals took advantage to traffick in arms. The baseline point is that the nature of the border zone made Kenya an easier choice for refugees fleeing the war in Somalia and with them criminal elements taking advantage of the situation.

There are other reasons why Kenya became a favored settlement for Somalian refugees. The Somali presence in Kenya, many of whom were relatives of migrating refugees, explains not just the ease with which

the *shifita* attacks that had began in 13th Nov. 1963 and resulted in a total of 33 attacks using firearms. He further disclosed that 2,000 bandits were operating from Somalia while about 700 were based in Northeastern Region.

³⁶ There are several factors that explain the end of the Shifita problem. First, there was the growing disillusionment among some Kenyan-Somali in NEP with the activities of the *shifita*. It is argued that "[t]he morale of the Somali populations in these areas [Northeastern Province] was low, and they gradually ceased to provide the *shifita* with the local support they needed.' About 5,000 Somali had lost their lives in the *shifita* attacks between 1963 and 1967. See Korwa G. Adar, *Kenyan Foreign Policy Behavior Towards Somalia, 1963-1983* (New York: University Press of America, 1994), 77. There was also unanimous support for the Kenyan government by most elected Somali leaders in the district which brought some calm in the 1970s and 1980s. The second reason was the reduced Somalian support to the bandits. Somalia under Barre moved from consistent support of secessionism to commitment to good neighbourliness. Barre softened public opinion at home in relation to Pan-Somalism because of his dictatorial rule. Lastly, Barre's dictatorship also made Somalia less attractive as a destination for the Kenyan Somali. The conflict that followed his rule reversed the attractiveness of Somalia and made Kenya attractive for fleeing refugees.

Somalia refugees entered, mingled, and settled in Kenya but also how they became invisible (to a state intent on regulating their movement). In Kenya, as in Somalia, the refugees were at 'home'. Though they moved under changed circumstances – those of forced migration due to internal conflict in Somalia – those who crossed actually moved into a familiar territory and by a familiar process. The process of their movement also broadly resembled their transhumance mode of livelihood. Indeed, their migration to Kenya entailed the paradox of 'refugees at home.' The paradox was that 'these pathetically uprooted war victims [became] refugees in a state based on their own ethnic identity: they [became], as it were refugees at home.'³⁷ Though they were away from home, they settled in societies based on their own culture and in environments that mimicked their own. As refugees at home, they were invisible to the Kenyan legal instruments once they joined their kin in Northeastern Province (NEP) and Eastleigh.

The invisibility of the migrating refugees facilitates arms trafficking across the border. The trafficking is the work of criminal elements who take advantage of the ecological remoteness and socio-economic organization in the area. Much of the Horn of Africa, especially those areas occupied by pastoralists, have for some time now been involved in a 'gun culture' that entails the acquisition and use of guns for community and individual protection. This culture traces back to the 1920s when the Turkana acquired guns from Europeans in exchange with ivory. But in the 1970s and 1980s, the need for guns for individual and community protection against cattle rustling and for conflicts over resource grew. The result has been the proliferation of guns in the hands of many people, many of whom merely seek personal or community security precisely because the government has abdicated its duty of protecting them.³⁸

This prevalence of light weapons in vast regions of Kenya occupied by pastoralist communities has created conditions amenable to abuse by gun traffickers whose eventual aim is to use them for illegal activities. Other than guns and light weapons that are for personal and community protection, networks of armed bandits who use guns to rob, maim and kill have also sprung up. The demand for these weapons in far-flung areas like Nairobi have also facilitated the rise of criminal networks that specialise in acquiring weapons from war zone area and supplying them to criminal gangs within Nairobi and other towns. These criminal

³⁷ I.M. Lewis, *Understanding Somalia: Guide to Culture, History and Social Institutions* (London: HAAN Associates, 1993), 63.

³⁸ See Jan Kamenju, et al. *Terrorized Citizens: Profiling Small Arms and Insecurity in the North Rift Region of Kenya*, Nairobi: Security Research and Information Centre, 2003.

networks get the weapons from neighbouring countries especially those with a history of internal conflict like Northern Uganda, Southern Sudan, and Somalia. The ease with which these weapons cross the Kenya-Somalia border is attested to by the fact that the border region is well over 1,000 kilometres long and it is inadequately policed. Further, the geographical and climatic conditions in the area makes it more difficult to police.

Furthermore, these weapons traverse vast region that are already saddled by the gun culture. Unscrupulous traders, government officials and the police are also actively involved in facilitating the influx of these weapons. According to interviews conducted in the North Rift, 'government intransigence' was cited as a common reason for the insecurity in pastoralist occupied regions and the increased influx of illegal weapons into Kenya. The police have been accused of inaction or knowingly looking the other side as arms traffickers operate with impunity.³⁹ There are well known centres where guns are purchased, but little action has been taken to control illegal purchases of such guns. For instance, Gedo area of Somalia is a key source of ammunition while weapons are regularly picked at Manyatt Burji-Moyale in Ethiopia. In Garissa, weapons from Somalia go through Diff, Liboi and Daadab from where they find their way into Ijara, Tana River, Ukambani, and Nairobi. These guns eventually end up in Eastleigh and Kariobangi estates in Nairobi. These weapons and ammunitions are at times carried by women and children and on other occasions transported using donkeys, ox-carts and lorries to towns in Kenya.

In a nutshell, the endogenous conception of space among the Somalia as entirely relative came to co-exist with the colonial idea of demarcating territorial limits and served the Somali in unpredictable ways.⁴⁰ In this co-existence rested a tension between the transhumance habits of the Somali that had historically compelled them to criss-cross the Kenya-Somalia border and the claims of state administration that sought to hem them into either Kenyan or Somalian citizenship, not both. Kenyan Somali preferred and desired Somalia citizenship but are today forced to recognise the utility of Kenyan citizenship. For their preferences, they are perceived in Kenya as a matter of security. Kenya's focus is the security of its postcolonial territory. It seeks to protect itself even at the expense of the citizenship rights of Kenyan Somalia and humanitarian needs of the Somalia refugees. The tension between the humanitarian needs of the refugees, the citizenship rights of Kenyan Somali and the

³⁹ Kamenju, et al. *Terrorized Citizens*, p. 49 and *Daily Nation*, 29th July 2004, p. 11.

⁴⁰ See Mbembe, 'At the Edge of the World,' p. 263 for a detailed discussion of endogenous conceptions of space and its co-existence with colonial notions of territory.

security concerns of Kenya has been played out in Nairobi in Eastleigh estate. We now turn to the tensions in Eastleigh.

Crime and Contestations over Somali Identity in Eastleigh

The influx of Somalia refugees in Kenya was a development that reversed the irredentist impetus of the 1960s. The war in Somalia shattered the promise of Pan-Somalism and instead Somalia became unattractive for many Kenyan-Somali. The result has been the influx of Somalian refugees into Kenya many of whom end up in Eastleigh estate in Nairobi. A community of ethnic Somali has consequently formed in Eastleigh, creating a mixed community of both Kenyan and non-Kenyan Somalis. In turn, Eastleigh has been nicknamed 'Mogadishu Ndogo' (little Mogadishu); Mogadishu being the capital of Somalia. The case of Eastleigh provides the refugees space to easily move where other Somalia are in the city of Nairobi, settle there and feel at home.

Eastleigh Estate, located to the east of Nairobi's city centre, has an intriguing history that marks it as a Somali town.⁴¹ Like NFD, it is a marginal site in Nairobi that has over time evolved its own 'culture' and ways of coping with its marginality within Kenya and the consequences that go with uprooted people (refugees). In Eastleigh is played out an interesting dialectic of citizenship versus ethnicity, marginalization versus prosperity. But first, why is it a popular destination for Somalia refugees?

Eastleigh was proclaimed a township by gazette notice of 13 April 1921 which also amalgamated formerly Egerton Estate, Nairobi East Township and the area known as Egerton, Eastleigh and Eastleigh Extensions into Eastleigh Township. The idea for creating Eastleigh was to relocate the Indian Bazaar from the city centre. Thus Eastleigh was laid out as 'a residential area for better class artisans and traders and workers.'⁴² Because Nairobi East Township was predominantly populated by the Somali, they also moved into Eastleigh and resisted eviction attempts. Eventually, they were allowed to settle and own property in Eastleigh. The Somali presence in Eastleigh was reinforced when the higher class Indians refused to settle in the area claiming it was an dirty

⁴¹ A good glimpse into the racial politics that led to the founding of Eastleigh is found in Zarina Patel, *Challenge to Colonialism: The Struggle of Alibhai Mulla Jeevanjee for Equal Rights in Kenya*, Nairobi: Publishers Distribution Services, 1997.

⁴² Mary Parker, "Political and Social Aspects of the Development of Municipal Government in Kenya, with Special Reference to Nairobi," (London: Colonial Office Library, 1959), 71.

and unkept 'location'. It became the main settlement for Somalis from the 1930s and 1940s and the headquarters of the Kenya Isaq during the Poll Tax campaigns of 1936-1941. Eastleigh acquired both the imprint of the Somali identity and the stigma that criminalised them as troublesome and insolent in post-colonial Kenya. This stigma was further reinforced by the racist and arrogant perception the Somali maintained towards 'natives.'⁴³ These perceptions have become the hallmark of Somalia refugees in Kenya. But above all, Eastleigh is now identified with mixed citizenship, a place where Kenyans and non-Kenyans, especially of Somali ethnicity, reside.

This identity of Eastleigh accounts for its popularity for Somalia refugees. But the refugees have to negotiate another general perception that refugees belong to refugee camps. Yet according to the United Nations High Commission for Refugees' (UNHCR) mid-year report for 2000, there were about 8,371 refugees in Nairobi. In 2001, this number rose to an estimated 20,671 out of a total 218,500 refugees living in Kenya. But a Human Rights Watch (HRW) report doubts the figure, putting it instead at approximately 60,000.⁴⁴ The report accuses UNHCR for neglecting urban based refugees and leaving them in poor, filthy and unprotected environments. For HRW, UNHCR's 1997 Policy on Refugees in Urban Areas UNHCR 'casts urban refugees in a sceptical and wholly unwelcoming light,' treating them as a burden, 'as people who move "irregularly" and who can be unreasonably demanding and even violent.'⁴⁵ 'By delegitimising their presence in urban centres, UNHCR itself is pushing these people back to camps where their lives are endlessly on hold and often at risk.'⁴⁶ Consequently, UNHCR and the Kenyan government have neglected the refugees in Nairobi. Such neglect bolsters the identity of Eastleigh as a marginal space and refugees as a criminal lot.

⁴³ The Poll Tax agitation was provoked by the insistence of the Somali that they could not pay tax at the same low rate as 'natives' whom they thought racially inferior. The Somali hoped to demonstrate their superiority by paying higher taxes. The poll tax agitation was meant to press the colonial government to take higher taxes from the Somali as racial superiors to Africans. see Turton, 'The Isaq Somali Diaspora,' 324 and 338.

⁴⁴ UNHCR "Kenya Annual Statistical Report," Table III, February 2002 quoted in Human Rights Watch, *Hidden in Plain View: Refugees Living Without Protection in Nairobi and Kampala*, New York, 2002. The report can be accessed at <http://www.hrw.org/reports/2002/kenyugan/>.

⁴⁵ Human Rights Watch, *Hidden in Plain View: Refugees Living Without Protection in Nairobi and Kampala* (New York, Human Rights Watch, 2002), 19-20. Report can be accessed at <http://www.hrw.org/reports/2002/kenyugan/>.

⁴⁶ Human Rights Watch, *Hidden in Plain View*, 20.

The status of urban [Somalia] refugees and that of Eastleigh constitute an explosive mix when seen in the context of the relationship between the Kenyan government and the UNHCR. This relationship is filled with numerous tensions and legal imprecision that renders the status and treatment of refugees capricious at best. Kenya government has no laws guiding the refugee status. Although it is a signatory to UN and Organisation of African Unity conventions regarding refugees, it does not perceive itself as being responsible for their protection, maintenance and security. Thus, it treats refugees as a UNHCR problem. Though the UNHCR determines the legal status of refugees, and provides 'protection letters' for those residing outside the camps for one reason or another, there is no unanimous agreement between it and the Kenyan government as to who really should grant this status. Its letters lack legal binding force. The UNHCR position is worsened by the fact that it relies on limited subsidies to maintain refugees and its capacity to provide is limited. Its policy on urban refugees is another problem. It basically regards refugees as camp people, takes camp confinement as the appropriate site for refugees and discourages 'irregular movement' through reduced assistance to such refugees.⁴⁷ The policy criminalizes non-camp refugees.

Incidentally, at the time when refugees were streaming into Eastleigh, Kariobangi and Eastleigh estates were experiencing an increase in crime rates.⁴⁸ Since many of these refugees were Somali and lived in Eastleigh, an obvious connection was established between refugees and rising crime rates. Yet Eastleigh is also a neglected space as compared to other estates in Nairobi. In the 1980s and 90s, Eastleigh experienced collapsing infrastructure, lawlessness, unplanned growth, and lack of basic services. This situation supports the invisibility that refugees outside the camps need. Thus, like NEP, Eastleigh provides the anonymity that refugees require to pass as citizens. Their settlement in Eastleigh is therefore strategic since it allows them a level of invisibility that the camp lacks. Urban refugees, to use Liisa Malki's argument, are concerned about the 'possible loss of the power to determine one's own status and place of residence.'⁴⁹ The UNHCR's camp confinement policy cannot provide this freedom. To cope with their situation, they deploy 'technique of invisibility'

⁴⁷ Human Rights Watch, *Hidden in Plain View*, 161.

⁴⁸ On crime trends in Nairobi, see David Anderson. 'Vigilantes, Violence and the Politics of Public Order in Kenya,' in *African Affairs*, 101 (2002), 543-7 and Edwin A. Gimode, 'An Anatomy of Violent Crime and Insecurity in Kenya: The Case of Nairobi, 1985-1999,' in *Africa Development*, Vol. XXVI, Nos. 1 & 2, 2001, 295-336.

⁴⁹ Liisa H. Malki, *Purity and Exile: Violence, Memory, and National Cosmology among Hutu Refugees in Tanzania* (Chicago: The University of Chicago Press, 1995), 155.

and staying in Eastleigh is a good technique. This strategy of invisibility is satisfied when Kenyan and non-Kenyan Somali mix. To be sure, these refugees are not interested in permanence. They prefer temporary and ephemeral manner of living. Unlike the Hutu refugees in Kigoma township, Somali refugees in Eastleigh maintain a sense of kinship and live in temporary fashion. Few are interested in permanence and stability. Though they have investments and run businesses, these cater for that tentative goal. The overall effect of this is that people in Eastleigh are either often on the move or seem always ready to move.

Such a mode of life is best suited in neglected parts of town as opposed to the more policed areas. The neglect in Eastleigh that has allowed legal and illegal, the licit and illicit and legitimate and illegitimate activities co-exist in profound interaction is suitable for the refugee whose everyday objective is to pass as a citizen. One can see why planning provisions for Eastleigh is difficult. On the one hand, the state, it seems, has acceded to this uncertainty and tentativeness and has not put in place a plan to enforce the law, invest in infrastructural development and maintenance, and to impose order in an estate that is degenerating into chaos. On the other hand, the uncertainty of refugee life pushes for such a register of chaos and the two compliment each other. Thus, both the government and refugees are responsible for the deteriorating situation in Eastleigh. The problem is that Kenyans do not factor in the states' acts of omission to explain the rising rates of crime, rather, they focus on the Somali refugees as causes of uncertainty and crime and further add to suspicion of Somali refugees. Considering the history of Somali irredentism explained above, it is easy to understand the Kenyan suspicion of all Somali. This is worsened by the overall concern about state security in Kenya which is threatened in part because of the proliferation of small arms in Kenya associated with state collapse and conflicts in the region. But, valid as these concerns are, the focus in Kenya tends to be unfairly on Somalia.

The Kenyan government has used the nature of Eastleigh estate as an excuse to overlook its duty to maintain order, rehabilitate and maintain infrastructure, provide for the necessary basic services and, most importantly, check and curb crime. This neglect and collapse, which predates the arrival of refugees, is true of government obligations across the city and in the country. But the level of degradation in Eastleigh has gone beyond limits and the agenda for renovation in Nairobi has not made Eastleigh a priority area. The estate has become a pale shadow of an urban suburb. From a relatively organised estate in the 1970s and 80s, the face of the estate got deformed in the mid-1980s. Formerly well-designed roundabout spaces have turned into huge heaps of uncollected

garbage frequently inhabited by street children. Some street children use the garbage heaps as 'homes' where they retrieve dumped leftovers as food. The 'streets' have become dirty, sandy potholed paths unrecognisable anymore as streets.

Furthermore, the roundabouts and streets are so crowded with people and unplanned makeshift structures conducive for criminals. The crowding supports criminal activities ranging from petty pick pocketing to big time drug trafficking and trade in sophisticated weapons. While there is no clear evidence of the source(s) of the drugs and weapons, there are indications that they come from the heavily militarised and now collapsed republic of Somalia.⁵⁰ Suggestions that the situation in Eastleigh has worsened since the large influx of Somali refugees into Kenya cannot, therefore, be ignored. The worsened conditions are appropriate to those bent on creating chaos for criminal activity but these are not always refugees. Recent HRW reports quoted above doubt the association of small arms proliferation with refugees arguing that the Kenyan government uses this to scapegoat and harass refugees. True as this statement is, the reports fail to adequately situate scapegoating in the context of the historical suspicions between Kenya and Somalia arising from Somali irredentism and the difficulty that Kenya faces in dealing with refugees both as a humanitarian problem as well as a security risk.

That Somali refugees get targeted in Kenya is therefore historical not accidental. Kenyan state security has previously been endangered as a result of incursions from Somalia. Unconfirmed estimates show that as high as 5,000 automatic weapons enter Kenya from Somalia alone.⁵¹ Indeed, on numerous occasions, the Kenya-Somalia border has been closed to trade and other movements on the excuse that armed robbers in Nairobi get sophisticated weapons from Somalia. The latest closure of the Kenya-Somalia border was slapped on 28 July 2001, when President Moi argued that 'the move was aimed at curbing the inflow of small arms, which are believed to contribute to the growing wave of crime in the country.'⁵² This ban came barely two years after another August 1999 ban that was lifted six months into operation. However, the Kenyan government has failed to separate demand and supply and examine the internal conditions that created and continue to sustain demand for weapons. The HRW report, on the other hand, fails to confront the

⁵⁰ Human Rights Watch, *Playing with Fire: Weapons Proliferation, Political Violence, and Human Rights in Kenya* (New York: Human Rights Watch, 2002), 14.

⁵¹ Human Rights Watch, *Playing with Fire*, 14.

⁵² *Sunday Nation* (Nairobi), 29 July 2001, 1 and *Sunday Standard* (Nairobi), 29 July 2001, 1.

fact that the presence of the Somalia refugees has aggravated the situation. The baseline connection between these two positions is that the demand for weapons was already developed in Kenya prior to refugees and, though the entry of refugees has worsened the situation, this has been with the connivance of Kenyans. One can hardly overlook the active, almost enthusiastic participation of Kenyans in the collective subversion of law and order in Eastleigh, as in many other places.

The connivance is explicit is trade. Many Somalia refugees engage in petty trade as itinerant traders. The wares some of these traders sell are cheaply acquired from Somalia and brought into Kenya for sale through the porous Kenya-Somalia border. The wares are sold at ridiculously low prices compared to items imported through officially recognised points of entry into country. Thus, for some Somalia dwellers in Eastleigh, the war in Somalia is a disguised boon. It allows them to import into Kenya items from Europe and Asia untaxed and sell them very cheaply, though at a good profit, to Kenyans. This is made possible by the expansive, unpoliced and porous border in NEP. Because of the business opportunities this provides, an increasing number of Somalia refugees prefer living out of the designated refugee camps in Kenya. Even in the camps, Somalia refugees are reputed entrepreneurs owning the largest market in the three NEP camps.⁵³ Since the camps are located near the Kenya-Somalia border in NEP, they have in fact bolstered the increased cross-border trade.⁵⁴ The refugee trade is bolstered by the closeness to their country of origin and is linked to urban businessmen in Nairobi. There are *matatus* (private transport mini-buses) from Dadaab that go to Eastleigh via Garissa, North to Wajir and East to Liboi.⁵⁵

Trade is a lucrative activity in Eastleigh among Somali refugees. Within the estate, sprawling 'markets' have emerged where people of Somali ethnicity sell numerous items originating from Somalia. These range from clothing materials and cloths imported from China and Italy to electrical equipment like radios, televisions, video, plus shoes. These items sell

⁵³ Marc-Antoine Perouse de Montclos and Peter Mwangi Kagwanja, 'Refugee Camps or Cities? The Socio-Economic Dynamics of the Dadaab and Kakuma Camps in Northern Kenya,' in *Journal of Refugee Studies*, 13/2 (2000), 213.

⁵⁴ It will be recalled that the initial coastal location of the refugee camps was moved to the present location in NEP (Kakuma and Dadaab) because refugee camps at the coast had become centers of economic activity selling untaxed imported items. This robbed some Mombasa traders off viable business thus eliciting complaints that forced the government to relocate the refugees. It is no wonder that in late 1980's a similar complain came from NEP. With the relocation from Mombasa to NEP, traders in Eastleigh have continued to benefit from supply of untaxed items from Somalia.

⁵⁵ de Montclos and Kagwanja, 'Refugee Camps or Cities?' 212.

at comparatively very low prices. Other items include mattresses, vehicle tyres, spares for toys, furniture and household utensils. Eastleigh supplies most of Nairobi businesses with such items. In fact, it is more profitable to buy from Eastleigh and resale within the city center than it is to buy legally imported goods and sale them at an equivalent profit. In a sense, Eastleigh is re-defining, from below, the business landscape in most of Nairobi and related towns like Thika and Nakuru. Somali traders are a notable presence in Nakuru at any time of the day or night. They hawk imported items like shoes, watches, belts, perfumes, leather jackets, and radios. Their nightly presence in petrol stations in Nakuru mimics the life in Eastleigh and the mobility of the ethnic Somali in general. In Nairobi, the human traffic to Eastleigh is heavy. Unlike Kenyan hawkers who sell items imported mainly from China, Somali hawkers sell sophisticated, high quality and expensive items imported from Europe.

Until recently, these businesses in Eastleigh were housed in a cluster of shopping 'malls' collectively called Garissa Lodge; Garissa being the provincial headquarters of NEP. These were initially rental houses that have been converted into shops. At night they become residential houses for the traders while during the day they are centers for booming trade. A total of about 400 rooms can be counted in Garissa Lodge, most of them being operated mainly by Somalia refugees. Some of the items for sale are housed in small rooms that initially had been bathrooms or toilets. Indeed, there is no evidence of garbage dumping sites in the Lodge and toilets or bathrooms are hardly noticeable. The nature of these rooms shows that their current occupants are temporary residents. They have no separate residential houses and neither are they interested in finding 'decent' housing for long term residence. Further the clothing items they sell act as chairs and beds and there is no private space for private life or even cooking. These places are occupied by non-Kenyan Somalis. Many of them hardly communicate in Kiswahili, the Kenyan national language, and are reluctant to answer 'suspect' questions. While this may be explained by lack of understanding of Kiswahili, it is possible that the illicit activities that go on in these places also explain the reluctance.

Eastleigh has one of the highest crime rates in Nairobi. Incidents of car-jacking, gun fighting, and robbery are common in Eastleigh.⁵⁶ The

⁵⁶ See Edwin A. Gimode, 'An Anatomy of Violent Crime and Insecurity in Kenya: The Case of Nairobi in the last Quarter of the Twentieth Century,' Paper presented to the Conference on 'The Urban Experience in Eastern Africa, Organised by the British Institute of Eastern Africa,' Nairobi July 2001.

manner in which these take place also reflects the neglect of the estate. On several occasions, police officers have been shot dead in Eastleigh while bank robberies have been staged in dramatic styles. One businessman in Eastleigh confirmed that ‘it is only ‘life’ that we do not sell here.’⁵⁷ The estate is full of life twenty-four hours a day. When other estates in Nairobi go to sleep, Eastleigh remains awake. It is therefore not far fetched to argue that many of the Somali traders in Eastleigh have no places to sleep. Most of them take turns to sleep at their business premises, and those who rent residences do so in groups of several families. It is the only estate in Nairobi that has constant twenty-four hours operation of *matatus* (private-owned public transport vehicles). The Somalia are avid consumers of *miraa* (khat), which supposedly keeps one from sleeping. *Miraa* is supplied from Meru in Eastern Kenya by pick-up vehicles and offloaded in Eastleigh. Part of this is then airlifted to Somalia through Wilson Airport and NEP by flights whose booking offices can only be found in Eastleigh. In a sense, Eastleigh serves and is in constant connection with Somalia and NEP.

The peculiar lifestyle in Eastleigh is also observed in the way monetary transactions are carried out among Eastleigh traders. Few of the traders in Garissa Lodge have the necessary documentation like Kenyan identity card, a passport or a driving license to hold a bank account in Kenya. Most of these traders are not holders of valid Somalia passports having easily crossed into Kenya through NEP. Thus, they rely on mobile one-man banks to keep their money or keep large sums of money in their business premises. The ‘bankers’ are always inconspicuous and only known to their clients. The transaction is based mainly on trust between the client and ‘banker’ and is built around clan affiliation. Most clients bank with a ‘banker’ from his/her clan. As one trader put it, “many people have no valid documents to do business in Kenya and so we cannot use banks. We bank with people from our clan who we really trust.”⁵⁸ These one-man mobile banks are able to ‘take money and give back at short notice.’⁵⁹ On the other hand, some traders keep their own cash. For instance, the fire that razed Garissa Lodge on 14 December 2000, some traders allegedly lost large sum of hard cash. One trader however managed to rescue from the fire US\$ 80,000 in cash.⁶⁰ Apart from the enormity of the amount involved, it is noteworthy that the preferred currency among Somalis in Eastleigh is the dollar.

⁵⁷ See *Sunday Standard* (Nairobi), 7 Nov. 1999, 16.

⁵⁸ *Sunday Standard* (Nairobi), 7 Nov. 1999, 16.

⁵⁹ *Sunday Standard* (Nairobi), 7 Nov. 1999, 16.

⁶⁰ See *East African Standard* (Nairobi), 16 Dec. 2000.

Given the difficulty of establishing exactly who among these Somali traders is Kenyan, the law enforcement agencies in Kenya usually make sporadic and unregulated night raids on residential houses in Eastleigh. Those unable to identify themselves during a raid with a valid Kenyan identity card are rounded up as illegal foreigners. This haphazard approach has elicited some problems. One, there are non-Kenyans who obtain Kenyan identity cards through manipulating and corrupting the officers charged with issuing identity cards or passports. Indeed, among the items recovered during police raids in Eastleigh are sophisticated gadgets used to process fake identifications. The latest case of irregular issuance of Kenyan passports involved 100 Somalis who were caught with Kenyan passports on their way to Europe through Dubai.⁶¹ But this is not the first time such a syndicate was revealed. Other cases were noted in 1985 and 1989.⁶²

Secondly, given the regularity with which Kenyan police raid Eastleigh estate, many Kenyan Somalis have complained and protested against the government for unfair and unjustified harassment. The complaint speaks to an ulterior motive driving some of the raids. Clearly, the police target the Somali because their ethnicity is likely to produce a beneficial (in the sense of one most likely to offer a bribe) culprit. They also target them because of the stigma of stubbornness and the criminalisation of their identity. But the problem is that genuine and law abiding Kenyans get unnecessarily harassed for residing in Eastleigh. Indeed, it is true that the police hardly raid the residences with the focused intention of screening to flush out non-Kenyan aliens. 'Hordes of police officers who patrol the estate nightly never seem to be looking for the real criminals,' argued a newspaper piece.⁶³ Many of them simply exploit darkness with the intention of extorting bribes from unsuspecting people. To this end, they try to find any fault, real or imagined, to justify harassment. Often, they demand receipts for very old items or they implant illicit drugs on an unsuspecting person in order to extract bribe.⁶⁴ As a

⁶¹ See *Daily Nation* (Nairobi), 18 Aug. 2000. It is instructive that from the Kenyan side, those involved in the syndicate of issuing passports included immigration officers, a politician from Nairobi and some officers of the Criminal Investigation Department.

⁶² See *The Weekly Review* (Nairobi), 17 Nov. 1989, 16 and 8 Dec. 1989, 16.

⁶³ *Sunday Standard* (Nairobi), 7 Nov. 1999, 16.

⁶⁴ A recent complaint by Samira Waithira Najim who lost her handbag together with her identity card marks out the corrupt nature of police interest in Eastleigh during their patrols. Najim is half Kikuyu and half Indian Kenyan though she looks like an Ethiopian. She complained that after she lost her identity card she had been in trouble because she had 'to deal with the police who roam the Eastleigh area, and who think I'm a refugee. They want nothing but money, which I don't have.' See *Sunday Nation* (Nairobi), 22 July 2001, 10.

consequence of this and other forms of harassment, those who live in Eastleigh are on high alert against the police. Eastleigh is the place of constant conflicts between the law enforcement officers in Kenya (the state) and the dominant ethnic Somali in the estate. It will be of interest to explain further the dynamics of this conflict and analyse emerging trends in terms of how the Somali in Eastleigh have sought to assert themselves in the face of a state-defined criminal identity and especially the permissiveness of the police.

Conclusion

This essay sought to locate the Somalia conflict in the juncture between local politics and international reform policies after the Cold War and their consequences. We discussed the wastage the Barre regime expended on militarising the Somalia society, its conflict with an individualistic and survivalist ethos in Somalia and how the consequent clash of *ethoses* led to the collapse of Somalia and the influx of refugees into Kenya. The study focused on the impact of this conflict on security in Kenya using Eastleigh estate in Nairobi as a case. Two conclusions emerged. First, that insecurity or crime in Nairobi is not just a result of the entry of refugees in Kenya. Rather, the refugees merely exacerbated an already insecure situation. By analysing the stigma associated with the Somali in Kenya, we demonstrated its age-old nature and its role in criminalising the Somali merely because of their marginal status in Kenya and their desire to re-unite with Somalia. Two, it has been shown that crime in Eastleigh results from a combination of causes including the role of refugees who enter Kenya with illegal weapons, the long, porous and inadequately policed Kenya-Somalia border, the indulgence of Kenyan law enforcement officers, and participation of Kenyans in a collective project of subverting the law by actively buying items they know to be smuggled into the country. We pointed out that Kenya's treatment of refugees is complicated by the tension between its concerns of state security and the treatment of refugees as a humanitarian problem.

This study addressed the literature on state failure, criminality, disorder and territoriality that tends to treat dissidence as essentially reactive, criminal, and violent. We showed that the dissidence associated with the Somali is a product of the state's attempt to hem them into limited locales where they were marginal to the wider national experience. As such, their dissidence, like dissidence in many other places, has roots in a dynamic initiated and sustained by the state. This form of dissidence is not violent, criminal and disorderly for the sake of it, but it is animated by genuine grievances and concerns of marginalised groups. Indeed,

the very notion of dissidence is questioned by the reality that there is no line separating dissidence from other state processes that are equally criminal, violent, disorderly and de-territorialising. For instance, the initiatives of Somalia refugees for survival interlock with those emanating from state agencies to the extent that it is difficult to extricate one from the other. In view of this, the historical context within which dissidence grows cannot be ignored. Often, this context illustrates the genuine concerns that animate and sustain dissidence. The literature should go beyond the appellations of violence, criminality and disorder to account for the process.