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# Legacies of Empire: State Violence and Collective Punishment in Kenya's North Eastern Province, c. 1963–Present

Hannah Whittaker

*This article reflects on the dual historical evolution of the use of state violence and collective punishment in Kenya, with particular reference to the Somali-inhabited North Eastern Province. The use of collective punishment began under British rule as a strategy designed to control its African population, and was central to British counterinsurgency during the 1950s Mau Mau Emergency. This system of government was then entrenched and expanded by the postcolonial elite as a means of dealing with a population that was perceived to be hostile to the interests of the state. The article provides evidence of both colonial continuities and discontinuities with regard to population control methods.*

## Introduction

On 5 April 2014, Kenyan police began a security crackdown in Nairobi's Somali-dominated Eastleigh estate. During the operation, which was soon extended to other 'Somali' neighbourhoods, security forces raided people's houses and, without search warrants looted, bribed and harassed.<sup>1</sup> Those found without the 'correct' identity documents were detained for questioning. According to figures published by the *Daily Nation* on 17 April 2014, 1,136 suspected illegal immigrants, most of them Somali, were rounded up and interned at Safaricom Stadium, Kasarani, where immigration and other agencies were called in to vet them. Conditions of the detention could not be verified, and neither the press nor the relatives of those detained were allowed in.<sup>2</sup>

The security crackdown in Eastleigh was part of a nationwide security operation, Operation *Usalama* (peace) Watch, which began in the aftermath of a series of cross-border raids and kidnappings along Kenya's border with Somalia and a

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number of terrorist attacks in areas of Nairobi and Mombasa by activists or sympathisers of the Somalia-based and Al-Qaeda-linked group the Al-Shabaab.<sup>3</sup> During the most serious of these incidents, 18 people were killed in raids on churches in Garissa district, in Kenya's North Eastern Province (NEP) on 1 July 2012, and at least 67 people were killed in an attack on Nairobi's Westgate Mall on 21 September 2013.<sup>4</sup> As Eastleigh is a predominantly Somali-inhabited suburb, police and government officials suspect that Al-Shabaab members and sympathisers find refuge there. It is certainly the case that Al-Shabaab has used Nairobi as a recruitment hub, and that it does have support from among the more than half a million Somali refugees in the country.<sup>5</sup> The Kenyan government therefore used the threat of an 'internal enemy' to justify the security operation.<sup>6</sup>

For many Kenyan Somalis, and especially those living in the border region of NEP, the targeting of their community since 2012 is little surprising, and the approach adopted by Kenyan security forces during Operation *Usalama* Watch nothing new. Just after Kenya gained independence in December 1963, the Kenyan government waged a four-year counterinsurgency campaign against Somali separatists operating in NEP.<sup>7</sup> The security forces used indiscriminate violence against the local Somali population in the name of 'collective responsibility', and many thousands of livestock, the foundation of the Somali pastoral economy, were killed during a governmental programme of forced villagisation.<sup>8</sup> Although the conflict officially came to an end in November 1967, the region remained subject to emergency rule until 1991, and there have been numerous instances of state-sponsored violence and intimidation against Somalis living in NEP, including two massacres in Garissa and Wajir districts, in November 1980 and February 1984 respectively, as well as a nationwide 'screening' of all ethnic Somalis residing in Kenya during 1989 and 1990.<sup>9</sup> As documented by Africa Watch, these measures have led to instances of rape, beatings, stock seizures, detentions and potentially thousands of deaths that have yet to be officially recognised.<sup>10</sup>

At the same time, the use of collective punishment in NEP connects with Kenya's deeper colonial history. As will be detailed below, it is a strategy that is as old as effective administration in Kenya's arid and sparsely populated northern frontier, and it was at the heart of British counterinsurgency during the 1952–60 Mau Mau emergency.<sup>11</sup> Speaking in the aftermath of Operation *Usalama* Watch, Raila Odinga, the leader of the Kenyan opposition, urged the government to halt 'the indiscriminate harassment of a particular community', which reminded him of 'the Mau Mau days, when the British handled the Kenyans in the most brutal and inhumane manner imaginable'.<sup>12</sup>

This article reflects on the dual historical evolution of the use of state violence and collective punishment in Kenya, with particular reference to NEP. Scholarship on decolonisation in Kenya has already pointed to the political continuities between the late colonial and post-independence periods.<sup>13</sup> By analysing the dual colonial legacy of population control methods in NEP, this article provides additional evidence of the ways that colonial practices were internalised.

Nonetheless, the continuities that can be found between British and Kenyan methods of population control are not simply colonial hangovers. The use of collective punishment and state violence may have begun under British administration, but this system of government was entrenched and expanded by the postcolonial state. In Kenya, as elsewhere in Africa since independence, the main governmental concern has been economic growth and development. However, as the Kenyan historian E. S. Atieno Odhiambo has argued, economic growth and development has been contingent on order and stability.<sup>14</sup>

This point has particular relevance in regard to NEP. This region is the epitome of what Richard Reid calls a 'militarized margin': peripheral areas that can be found all across the globe with long histories of economic distress, political marginalisation and oppression, social dislocation and violent conflict.<sup>15</sup> During the colonial period NEP was periodically raided from the Ethiopian side of the border, and there was mutual raiding among the various NEP communities. This was regarded as a volatile 'backward' territory, whose inhabitants gained a reputation as violent and unruly.<sup>16</sup> When Kenya gained independence, the existence of the Somali separatist movement in NEP simply confirmed the image of it as a dangerous and unstable place, and reinforced an idea that the people living within the region had dubious loyalties to the state. Counterinsurgency, collective punishment and the use of state violence have all therefore been seen as 'necessary' against a population that is believed to be 'hostile' to the interests of the state.

### **Colonial Models of Population Control in North Eastern Province**

The North Eastern Province of Kenya covers an area of about 45,000 square miles, about a fifth of Kenya's total landmass. To the north NEP borders Ethiopia and to the east Somalia. During the colonial period NEP was comprised of three districts, Mandera, Wajir and Garissa, and formed the eastern half of the Northern Frontier District (NFD), which also included Isiolo, Marsabit and Moyale districts. The NFD region is characterised by low-lying semi-desert. Annual rainfall averages between 5 and 20 inches, and the region lacks mineral or agricultural resources.<sup>17</sup> As such, during the first half of the twentieth century, most of the region's inhabitants were pastoral nomads that lived at subsistence level on the milk and flesh of their herds of cattle, camel, sheep and goats.<sup>18</sup>

Although the broader NFD region is home to a number of interrelated ethnic groups, including the Boran, Rendille, Gabra, Sakyue and Burji, it is primarily ethnic Somalis who inhabit NEP. The Somali are divided between six clan families, which can be further sub-divided into clan, sub-clan and lineage groups. In NEP, the major clan groups are the Marehan, Ogaden, Ajuran, Degodia, Gurreh and Murille, with the Abd Wak, Abdalla and Aulihan being important sub-clans of the Ogaden. According to the anthropologist I. M. Lewis, clan and lineage have historically been the focus for Somali political activity, behind which normally independent minded pastoralists would unite, to facilitate herding, farming or for raiding or defence.<sup>19</sup>

British expeditions in northern Kenya began in 1899. The King's African Rifles established the first administrative posts at Moyale and Marsabit in 1909 and at Wajir in 1912.<sup>20</sup> However, there was no real attempt to establish any effective administration in the region until the second decade of the twentieth century. This was an area that was without the potential for economic development and could therefore be largely ignored until its pacification could be paid for.<sup>21</sup> As such, and beyond individual garrisons and police posts, British authority was precarious and contested. It was dependent to a large extent on relationships with local power brokers, which were continually shifting as local circumstances changed or as relations between neighbouring communities altered. There was mutual cattle raiding among a number of Somali clan groups in areas along the Daua River, on the frontier between Kenya and Ethiopia, as well as in areas of Wajir district and further south in Garissa district along the Uaso Nyiro River.<sup>22</sup> The British position in the NFD was therefore uncertain. The continuous movement of people and livestock across colonial frontiers undermined attempts at boundary delineation, and resource conflicts between neighbouring communities upset early attempts at stable administration.

Nonetheless, by the 1930s, something approaching a 'frontier policy' had developed. First, and in the absence of mineral or agricultural resources to exploit, British interest in the area was limited to its existence as a buffer zone between an expansionist Ethiopian state and the fertile Central Highlands of Kenya. As such, in 1902, the Outlying District Ordinance was evoked and the whole of the NFD became a 'closed district'. Non-resident travel to and from the district was prohibited, except with the permission of the provincial commissioner (PC), anyone found within the NFD without the correct documentation and pass was liable to be forcibly removed from the district and the PC was given powers to confiscate property.<sup>23</sup> Second, and in response to continued inter-clan warfare, as well as the movement of people and livestock across international borders in search of scarce water and pasture resources, the British sought to stabilise different groups living in the NFD to within fixed 'tribal' territories. In 1934, the PC was given powers under the Special District Administration Ordinance (SDAO) to demarcate 'tribal' grazing boundaries.<sup>24</sup> This was part of a much wider process of boundary making within individual colonial states in an attempt to demarcate clear-cult distinctions between perceived ethnic groups in order to maintain control over them. For example, one British colonial official argued in 1931 that a feud between the Gurreh and the Boran in Moyale, which had claimed 91 lives between 1925 and 1931, would come to an end only once the boundary between the two groups had been fully delineated.<sup>25</sup>

Through the progressive application of the Outlying District Ordinance and the SDAO, the British set a precedent for the application of collective punishment in NFD areas, and established a system of military administration in northern Kenya that David Anderson has described as 'garrison government'.<sup>26</sup> Any violation of the SDAO was punished by a livestock confiscation or prison sentence, and the provincial administration was given powers of arrest, detention and the seizure of properties of 'hostile tribes'. As such, when a group of Degodia Somali killed 18 Boran and stole 1,000 head of cattle during a fight over watering rights at the Uaso Nyiro River in

October 1931, the district commissioner (DC) of Wajir fined the local Degodia headman 1,000 cattle.<sup>27</sup> Similarly, when a group of Mandera Gurreh trespassed two miles into Wajir district, 20 of 91 head of cattle were seized by the Wajir police, and when another group of Mandera Gurreh were accused of gun running across the Somali border, the DC warned that a communal fine would be imposed on the whole section of anyone found guilty.<sup>28</sup>

To a certain extent, the use of collective punishment in NEP was not exceptional. Elsewhere in Kenya, the 1909 Collective Punishment Ordinance gave the colonial government powers to apply collective punishment to any community thought to be defying government authority, and collective punishment was embedded within the 1913 Stock and Produce Theft Ordinance, which was designed to deal with the persistent problem of cattle theft by Africans against their neighbours, as well as livestock theft from European farms in Kenya's Western Highlands.<sup>29</sup> Under this legislation the colonial government in Kenya had the power to fine any community that failed to assist in the pursuit of thieves. The colonial authorities believed that the use of collective punishment was an appropriate method of dealing with its African population due to a belief that stock theft was a socially accepted form of accumulation in African societies. Policing and punishment could therefore be extended to the family, village or entire location of the individual(s) implicated in a crime.<sup>30</sup> There was a similar situation in British Palestine, where the principle of collective punishment was formalised in the 1924–25 Collective Responsibility and Punishment Ordinance, on the basis that the Palestinian social system was built on mutual protection, an idea that was reinforced by the existence of collective rural farms.<sup>31</sup> Collective punishment in the form of the destruction of property, collective fines, forced labour and village occupations became a central characteristic of British military repression thereafter.<sup>32</sup>

However, in northern Kenya, collective punishment was the defining feature of colonial administration, and maintaining order through the application and enforcement of SDAO orders was the only real priority of colonial officials stationed on the arid frontier. In part this was a consequence of the fact that the pastoralists subjected to grazing boundaries did their best to circumvent mapped 'tribal' areas, and both international borders and internal administrative boundaries were frequently flouted, as neighbouring communities moved in search of water and pasture, and engaged in mutual cattle-raiding. A snapshot of the situation in Mandera district during the 1950s is illustrative. In April and May 1954, the district officer reported cattle thefts and gun running between the Gurreh and Degodia, and during June the Gurreh damaged border pillars marking on the boundary line between Kenya and Ethiopia.<sup>33</sup> In 1956, it was only the Gurreh who were reported not to have violated 'all known grazing orders', and in May 1957 the Degodia made incursions into the 'Gurreh triangle', where there were a series of stock thefts.<sup>34</sup>

These types of incident, together with the unwillingness of some Somali pastoralists to submit to British authority, earned them a damaging reputation. As early as 1928, the governor of Kenya remarked that 'the Somali tribesmen have always adopted an independent and truculent attitude . . . they defy our laws and they pay no taxes.'<sup>35</sup> On the eve of Kenyan independence, a British government report on the NFD similarly

stated that ‘the volatile character of the Somali leads them to be easily excited and roused to violence.’<sup>36</sup> The report concluded that no spectacular progress was made in the region due to Somali hostility to control and to the ‘tribal feuds and internecine strife; the unsettled frontier lines and the constant raids.’<sup>37</sup> These are stereotypes of the region and its inhabitants that continue to shape popular perceptions and, alongside the experience of British counterinsurgency during the 1950s, helped to mould the nature of collective punishment and garrison government in northern Kenya in the years after Kenyan independence.

### **Counterinsurgency and Collective Punishment during the Mau Mau Emergency**

Collective punishment was a mechanism by which the colonial government sought to deal with its nomadic Somali population. It was also a central tenet of British counterinsurgency during the Mau Mau rebellion of the 1950s. David Anderson, Caroline Elkins and Daniel Branch have all dealt in detail with the counterinsurgency campaign.<sup>38</sup> Under emergency powers enacted after 1952, communal punishments for those communities that were thought to be in league with the Mau Mau included property confiscations, livestock seizures, detention without trial, screening exercises and the creation of concentrated villages for members of the Kikuyu ethnic group.<sup>39</sup> There was also a vast system of detention camps, where up to 80,000 suspected insurgents were subjected to what has become known as the pipeline, a system of detention and rehabilitation that we now know involved the use of torture and significant human rights abuses.<sup>40</sup>

Nonetheless, Anderson argues that, of all the measures imposed during Mau Mau, villagisation was the most punitive.<sup>41</sup> Villagisation is a common counterinsurgency tactic that is used to deny insurgents the support of the civilian population.<sup>42</sup> For example, during British counterinsurgency operations in Malaya between 1948 and 1960, and during Portuguese counterinsurgency in Mozambique and Angola between 1961 and 1974, programmes of population resettlement and villagisation were implemented.<sup>43</sup> Villagisation also corresponds with the political side to counterinsurgency, which involves finding a political solution to target the grievances that caused the insurgency in order to undermine its base of support. More often than not a political solution will take the form of providing social services to those living within affected areas.<sup>44</sup> During British counterinsurgency operations in Malaya persuading the masses of people that the government was capable of providing essential services was considered just as important as the battle against the insurgents.<sup>45</sup> During the insurgency, more than 500,000 Malaysians were resettled in over 500 New Villages, where they were provided with basic social services, such as maternity hospitals.<sup>46</sup>

In 1950s Kenya, villagisation was likewise bound up with socioeconomic reform, and was designed to co-opt the Kikuyu community and re-establish colonial control.<sup>47</sup> However, villagisation also involved massive dislocation of the rural population. Between June 1954 and October 1955, 1,077,500 Kikuyu were relocated in 854 villages. Although some villages were meant for the protection of those considered ‘loyalist’, most, according to Anderson, were little more than concentration camps

to punish Mau Mau sympathisers.<sup>48</sup> Overall, and of particular significance for our discussion of the use of collective punishment in NEP, villagisation allowed the government to stamp its authority on the countryside.<sup>49</sup> This is a lesson that Kenya's postcolonial elite have not forgotten.

### **Collective Punishment and Counterinsurgency during the *Shifta* Conflict**

When Kenya gained its independence on 12 December 1963, the political elite that took office had significant experience of British administration, and many had experienced Mau Mau at first hand. Jomo Kenyatta, the country's first president, had spent most of the previous decade in detention, as had Oginga Odinga, Achieng' Oneko, Paul Ngei, Fred Kubai and Bildad Kaggia, all of whom gained positions as ministers or parliamentary secretaries.<sup>50</sup> With memories of Mau Mau still fresh in their minds, the response of the government to the development of a Somali separatist insurgency in NEP was unequivocal. A state of emergency was declared on 28 December 1963, and under the terms of a series of emergency regulations that were progressively applied to *shifta* (bandit or rebel; it was the pejorative term used by the Kenyan government to describe the insurgents) affected areas, all people living within the NEP were required to register and carry identity papers, curfew orders and movement restrictions were in operation, stock seizures were used as a form of communal punishment for *shifta* activity, security forces could arrest and detain any person without warrant for 28 days and all northern Kenyans were required to live within designated government villages, where screening exercises were used to establish any potential connections between civilians and *shifta*.<sup>51</sup>

The similarities between the Kenyan campaign against *shifta* and the British campaign against Mau Mau a decade earlier are unambiguous. On the one hand, Timothy Parsons argues that, once the inevitability of African majority rule became evident in Kenya after 1959, colonial policy-makers sought to preserve British influence in the postcolonial state, in an era of increasing cold war tension, and to protect economic interests.<sup>52</sup> One concern in the British East Africa Command was that there were not enough trained African officers in the King's African Rifles to make up an officer corps able to take command of the Kenyan army at independence. This meant that the new Kenyan government had to rely on senior British military officers to run the army after independence.<sup>53</sup> British officers, many of whom had been in Kenya during the Mau Mau emergency or had experience of counterinsurgency operations elsewhere in the British Empire, remained in service of the Kenya army, police and special branch. For example, Inspector General Richard Catling was head of police until the end of 1964. He had also previously served in the Malayan and Palestinian police forces.<sup>54</sup> Derek Franklin, who was a special branch officer in the NFD during the *shifta* conflict, was also involved in the anti-Mau Mau campaign.<sup>55</sup> A number of the NFD provincial and district commissioners serving during the *shifta* conflict had likewise entered into the colonial administration during the 1950s.<sup>56</sup>

At the same time, Kenyatta also deliberately preserved what he needed most from the colonial state, particularly the law-and-order aspect.<sup>57</sup> The provincial

administration was therefore taken over unchanged, and by 1968 there were still 1,700 British serving in the civil service.<sup>58</sup> It is for this reason that Oginga Odinga, the former vice-president and outspoken critic of Kenyatta, remarked that Kenya under Kenyatta was 'not yet *uhuru* (freedom)'.<sup>59</sup>

Perhaps the most striking similarity between colonial and postcolonial counterinsurgency was the use of villagisation. The policy was announced in June 1966, and all people living within *shifita*-affected areas were given one month to move into designated government villages.<sup>60</sup> In total, 28 villages were established, 15 of which were in NEP.<sup>61</sup> Once established, villages were expected to provide for the needs of the people living within them, which included health, education, water, food and grazing. Nonetheless, and just like Mau Mau-era villages, those established in NEP were little more than detention centres for suspected *shifita* sympathisers.<sup>62</sup>

The similarities between British and Kenyan counterinsurgency should not, however, obscure certain discontinuities. For one, it is estimated that by September 1967, only a month before the official end of the conflict, only about half of the population of NEP had been successfully villagised.<sup>63</sup> At the same time, villagisation during Mau Mau was bound up with British attempts to co-opt the African community through what Bruce Berman has described as the 'reconstruction of Kikuyu society'.<sup>64</sup> In colonial Kenya, villagisation went hand in hand with a programme of land consolidation and redistribution among those considered as 'loyalists'.<sup>65</sup>

In northern Kenya a decade later, the rhetoric was also about winning 'hearts and minds'. Following the announcement of the programmes, provincial and district commissioners toured their districts and held meetings to explain the 'advantages of villagization'.<sup>66</sup> One development plan noted that without villagisation it would be 'impossible to improve things for a constantly moving race'.<sup>67</sup> However, the resources that were required to make villagisation a developmental success were simply not invested in the programme. There were inadequate water supplies, food shortages, and hospitals and schools were overcrowded. What is more, villagisation involved significant violence that indiscriminately targeted the local Somali population. Atrocities committed in the name of collective punishment were particularly common during what the government called 'routine screening exercises'.<sup>68</sup> For example, in Garissa district in May 1967, a screening exercise was held in the township, after tracks were found leading in that direction from the scene of a landmine incident, in which ten police personnel were injured.<sup>69</sup> During the screening exercise, residents of the town were collected together at Jaribu primary school, where they were kept without food or water for a sustained period, and men were beaten and women were raped.<sup>70</sup> During the *shifita* conflict, then, the political side to counterinsurgency was entirely overlooked. Documents written by senior police officers make it clear that the actual purpose was to 'enable us to have effective control of *shifita* movements'.<sup>71</sup> As such, no consideration was given to the effects of the policy on people's livestock, and 'arrangements' were made 'to have some stock disposed of'.<sup>72</sup>

Added to these measures were other colonial-style methods of controlling the nomadic Somali population. Curfew orders, movement restrictions and livestock seizures, which had all been used by the British in an attempt to administer the NEP, were

reinvented by the Kenyan government as a further way of asserting governmental power and authority over the operation of the pastoral system. During the colonial period, any violation of the SDAO was punished by a livestock confiscation or prison sentence, and during the *shifita* conflict stock was confiscated from individuals who grazed their animals in illegal grazing zones or if they were found beyond the limits of a village during curfew hours.

Curfews were also used by the colonial administration in an effort to prevent security violations, especially in urban centres or areas of concentrated settlement. The Kenyan government likewise used them after the declaration of a state of emergency in December 1963. During 1964 and 1965 all urban areas in the NEP were under constant curfew, and by the end of 1966 curfew conditions prevailed throughout the entire NFD. Under the terms of the orders, residents of the affected area were required to remain within the premises at which they normally resided between the hours of 6.30 pm and 6.30 am. Anyone found outside between these times was considered subversive.<sup>73</sup> The net result of the use of villagisation, curfew orders and movement restrictions during the *shifita* conflict was effectively to make the practice of pastoralism a criminal act. As the PC of Eastern Province, Eliud Mahihu, who joined the colonial administration during the 1950s, remarked in January 1966, 'what I want to do is villagize all Somali . . . to destroy their *mayattas* and establish new ones. To completely deny them of their rights in the constitution of free movement.'<sup>74</sup> These facts also help to explain why, unlike Mau Mau villages, which were largely disbanded after the emergency as people sought to take advantage of land redistribution, the villages in northern Kenya have continued to expand as a by-product of impoverishment through livestock loss.<sup>75</sup>

### **Collective Punishment and Counterinsurgency in NEP in the Aftermath of the *Shifita* Conflict**

Garrison government and collective punishment were part of the colonial administrative system in northern Kenya. Collective punishment was also used by the British against the Mau Mau rebels. Both methods were continued by the postcolonial Kenyan state during the *shifita* conflict. Normal administrative procedures were handed over to the military, and a variety of counterinsurgency measures were imposed, which included curfews, livestock seizures and property confiscations, as well as a programme of forced villagisation. When the conflict officially came to an end in November 1967, the state of emergency nonetheless remained in force, and counterinsurgency methods of administration, including the indiscriminate use of collective punishment, continued in NEP through the 1970s, 1980s and into the 1990s.

To a certain extent the continued militarisation of northern Kenya can be understood as a consequence of a perceived on-going '*shifita* threat'. The end of the *shifita* conflict may have brought the movement for NFD secession to a close, but *shifita* activity in the form of cattle raiding continued. In part this was a consequence of the conflict, which increased the availability of automatic weapons at a time of impoverishment.<sup>76</sup> The problem, as one former *shifita* insurgent explained to me during

fieldwork in northern Kenya in 2008 and 2009, is that 'when guns find themselves in a place it is very hard to wipe them out'.<sup>77</sup> District intelligence reports from the 1970s and 1980s certainly make clear that it was not uncommon for police patrols to encounter groups of men armed with Kalashnikovs and G.3 rifles.<sup>78</sup> There were regular attacks on township shops, and individual homesteads, with the Garissa-Mwangi road at particular risk from attacks by 'bandits'.<sup>79</sup> This type of 'criminal' *shifita* activity was also a source of instability during the colonial period, and during the 1950s the term *shifita* was used by British administrative officials stationed in the NFD to reference armed groups of raiders that looted and killed.<sup>80</sup>

At the same time, cattle-raiding was also used as a means for a group to maintain or secure access to water and pasture resources. The Kenyan government's villagisation scheme may have temporarily halted these types of disputes between 1966 and 1967, but after the end of the conflict tensions re-emerged. For example, in Wajir district during April and May 1968 there was a series of confrontations between groups of Degodia and Aulihan. A total of 3,520 cattle were stolen during the course of four raids at Habaswein, Tarbaj and Wajir Town.<sup>81</sup> Further south in Garissa district Somali groups also began to encroach upon Boran reserved grazing areas in Isiolo, and during the early 1990s there was a series of major confrontations between the Boran and Degodia.<sup>82</sup>

In an attempt to try to deal with each of these continuing sources of instability in NEP (conflated in official documents as '*shifita* activity'), district and provincial security committees oversaw regular police patrols along known '*shifita* routes', and co-ordinated security force follow-up operations following a *shifita* attack.<sup>83</sup> During one joint police and army patrol in October 1978, a number of 'suspected characters' were arrested and interrogated, and when a man was found in possession of 543 rounds of .303 ammunition, he was jailed for 42 months and given five strokes of the cane.<sup>84</sup> Likewise, during a police patrol in July 1982, a group of four 'bandits' were contacted, one of whom was armed. They were arrested, detained and later interrogated.<sup>85</sup> In the aftermath of a series of incidents along the Kenya-Somalia border in 1978, one district official boasted that 'the security forces continue to terrorize the bandits'.<sup>86</sup> Throughout all this, the principle of collective responsibility loomed large. In July 1978, during a *baraza* (public meeting) held by the DC, Mandera, local people were reminded that the government 'would not hesitate to deal severely with those that concealed information regarding *shifita* movements'.<sup>87</sup> At a leaders' meeting two months later it was decided that all those living in Mandera with relatives who were *shifita* should have their property confiscated.<sup>88</sup>

Curfews also remained in regular operation throughout NEP. In Moyale, for example, a 7 pm to 6 am curfew was in constant application between August 1977 and December 1980.<sup>89</sup> When a group of *shifita* shot at five civil servants just outside Garissa Town, the PC placed the entire NEP under curfew.<sup>90</sup> This was also the trigger for one of the more extreme examples of the use of collective punishment since the end of the *shifita* conflict. In a move reminiscent of the screening exercise conducted in May 1967, all adult males residing in Garissa were rounded up and detained at Garissa primary school. On the assumption that the entire population of the town

was complicit in the shooting, the men were beaten and tortured. The military is also accused of committing sexual assaults, including rape, against local Somali women.<sup>91</sup>

Collective punishment was again used against the residents of Wajir Town four years later. This time the action was justified by local conflicts between groups of Degodia and Ajuran, which was compounded by insecurity resulting from a large influx of defectors from the Somalia military into the district following the end of the 1977–78 Ogaden War between Ethiopia and Somalia.<sup>92</sup> Cross-border raiding, arms smuggling and a series of minor conflicts between groups of Ajuran and Degodia led the Kenyan government to issue an ultimatum for both groups to voluntarily disarm in December 1983. By the end of January 1984, the Ajuran had surrendered 26 weapons and the Degodia had surrendered eight.<sup>93</sup> However, following a further Degodia attack on an Ajuran homestead in early February, the security forces took the ‘necessary action’ to prevent ‘inter-tribal fighting’.<sup>94</sup> Between 10 and 14 February, as many as 5,000 Degodia Somali men were rounded up and detained at Wagalla airstrip, where they were ‘screened’ and subjected to security force brutality, which included being burned, beaten and shot. It is estimated that at least 2,000 Degodia were killed in what has become known as the Wagalla Massacre, and, just as in events in Garissa four years before, sexual violence was also committed against local Somali women.<sup>95</sup> According to Anderson, the scale of the atrocities at Wagalla was unprecedented, but the ‘process and character of the violence was familiar and routine’.<sup>96</sup> Those detained at the Kasarani Stadium in April 2014 would probably agree.

## Conclusions

Writing in 1995, W. R. Ochieng’ and E. S. Atieno-Odhiambo characterised independent Kenya as a ‘neo-colonial’ state.<sup>97</sup> They argued that independence did not effect any major ideological or structural break with the colonial state, and that all Kenya did was expand former colonial administrative and economic structures.<sup>98</sup> The centrality of the provincial administration for maintaining law, order and good governance is one such continuity. In NEP during the colonial period, provincial administrators were responsible for enforcing SDAO orders, and the provincial administration remained central to military rule during and after the *shifita* conflict, mainly through their role in district and provincial security committees, which were responsible for authorising collective punishments.

However, the institutional continuities that can be found between the colonial and postcolonial state were not simply relics from a bygone era. A close ally of the president, Tom Mboya, defended the conservatism of the newly independent Kenyan state when he remarked ‘there is no point in change for its own sake’.<sup>99</sup> Colonial political structures, and especially colonial methods of population control were used by the postcolonial state to achieve its own aims of security and development. In the case of north-eastern Kenya, the concern for ‘order’ resulted in the convergence of two colonial strategies for dealing with insecurity. After independence NEP was subject to military administration under emergency regulations, not unlike those

enacted by the colonial state during the Mau Mau emergency, until 1991, and these were combined with measures previously used by the colonial state to regulate and control the pastoral economy in northern Kenya. Collective punishment and state violence was therefore normalized in NEP, where little regard is shown for people's human rights.

The implications of the current government's approach to its northern borderland also reach further. Since Operation *Usalama* Watch there have been numerous further terror attacks in NEP, the most serious of which was an attack on a university in Garissa on 2 April 2015, during which 147 students were killed.<sup>100</sup> These latest attacks have raised questions about the country's national security provision. The Kenyan government's inability to provide security has been blamed on intelligence failings, on corruption within the military (including involvement in an illicit charcoal trade from Kismayu in Somalia) and on the official response to the attacks, which has indiscriminately targeted Kenya's own Somali population and fuelled radicalisation.<sup>101</sup> Since April, Garissa Town has been under a dusk-to-dawn curfew, and there are reports of extrajudicial violence by security forces.<sup>102</sup> If the Kenyan government is to succeed in its efforts against Al-Shabaab and provide security along the border with Somalia then it needs to engage positively with the people that live there rather than subject them to 'blanket punishment' in an attempt to gain control.<sup>103</sup>

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### Notes

- [1] Bruzzone, 'Kenya's Security Crackdown'.
- [2] Nation Team, 'Police Hold Hundreds in Kasarani Stadium', *Daily Nation*, 7 April 2014.
- [3] For example, on 31 March 2014, six people were killed in three explosions in Eastleigh, and four people were killed and 20 were injured when a bomb was thrown into a church in Likoni, Mombasa, on 23 March 2014. Aggrey Mutambo and Oliver Musembi, 'Duale Backed as MPs Dare Him to Quit', *Daily Nation*, 7 April 2014; Galgalo Bocha, 'Four Killed and 20 Injured in Likoni Church Attack', *Daily Nation*, 23 March 2014.
- [4] Branch, *Kenya*, 306; Daniel Howden, 'Terror in Westgate Mall: The Full Story of the Attacks that Devastated Kenya', *Guardian Online*, 4 Oct. 2013.
- [5] Branch, *Kenya*, 306.
- [6] Bruzzone, 'Kenya's Security Crackdown'.
- [7] Details of the conflict can be found in Mburu, *Bandits on the Border*; and Whittaker, *Insurgency and Counterinsurgency*.
- [8] See Whittaker, 'Forced Villagization'.
- [9] For details see Anderson 'Remembering Wagalla'; and Lochery, 'Rendering Difference Visible'.
- [10] Human Rights Watch, *Kenya: Taking Liberties*.
- [11] See Anderson, *Histories of the Hanged*; and Elkins, *Imperial Reckoning*.
- [12] B. M. J. Muriithi, 'Stop Targeting Somalis, Says Raila', *Daily Nation Online*, 12 April 2014.
- [13] See Branch, *Kenya*; Branch, Cheeseman and Gardner, eds, *Our Turn to Eat*; Ogot and Ochieng', eds, *Decolonization and Independence*.
- [14] Atieno-Odhiambo, 'Democracy and the Ideology of Order', 177–201.

- [15] Reid, *Frontiers of Violence*, 249.
- [16] Mitchell, *African Afterthoughts*, 271.
- [17] Command Paper 1900, *Kenya*, 3.
- [18] Parkinson, 'Notes', 162–66.
- [19] Lewis, *A Pastoral Democracy*, 1, 267.
- [20] Moyses-Bartlett, *The King's African Rifles*, 212, 214.
- [21] Turton, 'Somali Resistance', 121.
- [22] Turnbull, 'The Impact on East Africa of the Somali and Galla', (1953), 6, PC/NFD4/1/1, Kenya National Archives (hereafter KNA); Turton, 'The Pastoral Tribes', 440–51; Schlee, *Identities on the Move*, 44.
- [23] The Outlying Districts Ordinance, Cap 104, Laws of Kenya, 1902.
- [24] For examples see DC Wajir to DC Tana River, 20 Nov 1918, PC/NFD/4/7/1, KNA; PC/GRS/3/12/2, KNA,
- [25] Reference 3/1/31, 27 Jan. 1931, CO 533/409/15, The National Archives, Kew (hereafter TNA).
- [26] Anderson, 'Remembering Wagalla'.
- [27] King's African Rifles Intelligence Report for Oct. 1931, CO 533/409/15, TNA,
- [28] Mander District Monthly Report for April 1954, June 1954 and Dec. 1956, DC/GRSSA/18/13, KNA.
- [29] Anderson, 'Stock Theft', 399–404.
- [30] *Ibid.*, 399.
- [31] Hughes, 'Banality of Brutality', 317.
- [32] *Ibid.*, 320.
- [33] Mander District Monthly Reports, March 1954, April 1954, and May 1954, DC/GRSSA/18/13, KNA.
- [34] Mander District Monthly Reports, April 1956 and May 1957, DC/GRSSA/18/13, KNA.
- [35] Governor of Kenya to Secretary of State for the Colonies, No. 72, 29 Aug. 1928, CO 533/380/1, TNA.
- [36] E. C. Eggins, 'A Report on the NFD in relation to internal self-government/independence for Kenya', Nov. 1961, FCO 141/6840, TNA.
- [37] *Ibid.*
- [38] See Anderson, *Histories of the Hanged: Elkins, Imperial Reckoning*; and Branch, *Defeating Mau Mau*.
- [39] Elkins, *Imperial Reckoning*, 55.
- [40] Anderson, 'Mau Mau'; and Anderson, 'British Abuse'.
- [41] Anderson, *Histories of the Hanged*, 294.
- [42] Kalyvas, *Logic of Violence*, 122.
- [43] Cann, *Counterinsurgency*, 156; and Ngal, *Learning*, 95.
- [44] Rich and Stubbs, 'Introduction', 3.
- [45] Ngal, *Learning*, 95.
- [46] As found in Hack's article in this edition.
- [47] Berman, *Control and Crisis*, 347–48.
- [48] Anderson, *Histories of the Hanged*, 294.
- [49] *Ibid.*
- [50] Branch, *Kenya*, 5–6.
- [51] For detail of the use of screening, see Whittaker, 'Forced Villagization'.
- [52] Parsons, *1964 Army Mutinies*, 60.
- [53] *Ibid.*, 63–64.
- [54] Branch, *Kenya*, 39.
- [55] See Franklin, *A Pied Cloak*.
- [56] Branch, *Kenya*, 33.
- [57] Ochieng', 'Structural and Political Changes', 93.

- [58] *Ibid.*, 93, 97.
- [59] See Odinga, *Not Yet Uhuru*.
- [60] See Whittaker, 'Forced Villagization'.
- [61] Villages were established at Mandera Town, Wajir Town, Garissa Town, and at El Wak, Rhamu, Takabba, Bura, Balambala, Madogashe, Masalani, Ijara, Buna Gurar, Giriftu and Habaswein.
- [62] Whittaker, 'Forced Villagization'; and Whittaker, *Insurgency and Counterinsurgency*.
- [63] Returns of numbers in *manyattas* and numbers in registration, 12 Oct. 1967, DC/ISO/16, KNA.
- [64] Berman, *Control and Crisis*, 347–48.
- [65] The Swynnerton Plan was announced in 1954. It aimed to create individual family land holdings large enough to keep a family self-sufficient at the same time as allow alternative employment to produce a cash income. See Ogot, 'Decisive Years', 49–50.
- [66] Wajir District Monthly Report for July 1966, PC/GRSSA/3/21/9, KNA.
- [67] Proposed Post-Emergency Development Plan for Garissa, 1965–72, SK/3/1, KNA.
- [68] Hansard, *Republic of Kenya, House of Representatives, Volume XII, Fifth Session, 28 May–28 June 1967*, (Nairobi, 6 June 1967), cols 571–74.
- [69] In the archives this is referred to as the Garissa Township Incident.
- [70] Abdo Barre, interview by author, Garissa, 16 Dec. 2008; Hirsi Ibrahim, interview by author, Garissa, 18 Dec. 2008; Hansard, *Republic of Kenya, House of Representatives, Volume XII, Fifth Session, 28 May–28 June 1967* (Nairobi, 6 June 1967), cols 571–74, and (Nairobi, 13 June 1967), cols 931–40.
- [71] Provincial Police Officer, Eastern Province to Officer in Charge of Police District Isiolo and Marsabit, 2 July 1966, BB/12/49, KNA.
- [72] *Ibid.*
- [73] Public Order Act: Cap 56 Curfew Order, signed by Regional Commissioner of Police for Eastern Region, 13 Nov. 1964, BB/12/26, KNA.
- [74] PC Eastern Province to Permanent Secretary in the Office of the President, Reference G.51/239, 4 Jan. 1966, BB/12/48, KNA.
- [75] Land reforms were enacted in Kikuyuland first under the 1954 Swynnerton Plan, and then later under the 1959 Land Registration (Special Areas) Ordinance, and the 1963 Registered Land Act. Ochieng', 'Structural and Political Changes', 87.
- [76] Mburu, *Bandits on the Border*, 231–38.
- [77] Abdub Galgallo, interview by the author, Garba Tulla, 23 Dec. 2008.
- [78] See various security signals in BB/12/25, KNA.
- [79] Divisional Police Marsabit to Provincial Officer, Reference EN27/4, 2 March 1980; Divisional Police Marsabit to Divisional Police Embu, Reference EN27/5, 19 March 1980; Provincial Police Garissa to Provincial Officer, Reference NE1/25, 15 Dec 1980, BB/12/25, KNA.
- [80] See Simpson, 'Frontier Banditry'; Noel Cossins, 'North East Province: A Study of its Pastoral Somali', (Nairobi, 1970), 75–76, BV/111/78, KNA.
- [81] Wajir District Monthly Report for April and May 1968, PC/GRSSA/3/21/9, KNA.
- [82] Sora Buke, interview by author, Isiolo, 8 Oct. 2008; Schlee, 'Brothers of the Boran', 419.
- [83] Mandera District Monthly Report for March, April and June 1968, SK/4/21, KNA.
- [84] Mandera District Monthly Report for July and Oct 1978, SK/4/21, KNA.
- [85] DC Marsabit to PC Eastern Region, Reference L&O1725/vol. IV/25, 7 July 1982, BB/12/25, KNA.
- [86] Mandera District Monthly Report for May 1978, SK/4/21, KNA.
- [87] Mandera District Monthly Report for July 1978, SK/4/21, KNA.
- [88] Mandera District Monthly Report for Sept. 1978, SK/4/21, KNA.
- [89] See BB/12/25, KNA, for copies of the curfew orders.
- [90] Mandera District Annual Report for 1980, SK/4/25, KNA.

- [91] See Truth Justice and Reconciliation Commission of Kenya, *Final Report*, vol. 2A; Anderson, 'Remembering Wagalla'.
- [92] See various monthly reports, SK/4/21, KNA.
- [93] Anderson, 'Remembering Wagalla', 6.
- [94] *Ibid.*; and Human Rights Watch, *Kenya: Taking Liberties*, 275.
- [95] For accounts of the Wagalla Massacre, see Human Rights Watch, *Kenya: Taking Liberties*; Sheikh, *Blood on the Runway*; Truth Justice and Reconciliation Commission of Kenya, vol. 2A; and Anderson, 'Remembering Wagalla'.
- [96] Anderson, 'Remembering Wagalla'.
- [97] Ochieng' and Atieno-Odhiambo, 'Prologue', xiii
- [98] *Ibid.*
- [99] Mboya, *Challenge of Nationhood*, 5, quoted in Ochieng', 'Structural and Political Change', 93.
- [100] Maeve Shearlaw, '#147notjustanumber: Humanising the Victims of Kenya's Garissa Attack', *Guardian Online*, 7 April 2015.
- [101] Human Rights Watch, *Criminal Reprisals*; Rasna Warah, 'With Graft's Tentacles Reaching into Military, Insecurity is Guaranteed', *Daily Nation Online*, 11 May 2015.
- [102] Abdikadir Aden, 'The People of Northeastern Kenya are Ready to Cooperate, Don't Harass Them', *Daily Nation Online*, 7 May 2015; Star Editor, 'Act on Extrajudicial Whipping in Garissa', *The Star Online*, 1 June 2015.
- [103] Comment by Abdikadir Aden, MP for Balambala, Garissa. Quoted in Aden, 'People of Northeastern'.

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