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POLICY BRIEF

THE IMPACT OF POLICIES ON P/CVE
IN KENYA

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*A review of the National
Strategy and County Action Plans*

BACKGROUND

Kenya has considerable experience of violent extremism. Unfortunately, as evidenced by its history it has found ways to address the phenomenon through approaches that have not escaped the political purview. Statements from government and political leadership frame the boundaries and responses to this challenge. State actions have been backed by various laws and acts of parliaments mentioning activities associated with Terrorism. Between 1998 to 2002 Kenya, was dependent on the penal code to deal with terrorism issues, which it equated to capital offenses (i)

While the government was learning, and continuing to employ a “Counter-Terrorism-Tactic”, it was not until the aftermath of the 2002 attacks in Kenya that they enacted specific anti-terrorist and financial control legislation.(ii) This included; the 2003 and 2006-Suppression of Terrorism Bill,(iii) the 2006-Witness Protection Act, (iv) and the 2009-Proceeds of Crime and Money Laundering Act. 2012 saw the introduction of the Prevention of Terrorism Act in October,(v) and the Security Laws Amendment Act in December 2014(vi) as well as the Kenya Defense Forces Amendment Bill 2015.(vii)

Scholars and practitioners, however, contend that laws are not the only mechanism for dealing with Terrorism (viii) and a focus on legal devices without additional contextual structures and mechanisms, is unlikely to address the realities found in communities.(ix) Complexities associated with definitions for Terrorism and Terrorist Organisations also make working on the subject difficult. They are usually dependent on either the state (Kenya anchors the theory of change on religious ideology) or international development partners and organisations.

The localised non-religiously associated forms of Violent Extremist (VE) activities usually do not pass the test to fit Terrorist organisation categorisation. For our purposes here, terrorist activities can be categorised as the use of violence without legal or moral restraints and the use of front groups with a disguised command-and-control hierarchy for propaganda, ideological indoctrination, and mass mobilisation.(x) Kenya though does use VE and Terrorism interchangeably adding to the confusion and complexities associated with responses.

INTRODUCTION

In September 2016, Kenya launched her National Strategy to Counter Violent Extremism NSCVE with the overarching goal of *“rallying all sectors of Kenyan social, religious, and economic life to emphatically and continuously reject Violent Extremist Ideologies (VEI) while shrinking the pool of individuals whom terrorist groups can radicalise and recruit.”*(xi) It sought to promote patriotism for Kenya’s nationhood, enhance the Government of Kenya’s (GOK) support for at-risk communities, rehabilitate and reintegrate returnees, roll out non-coercive approaches to Countering Violent Extremism (CVE), utilise law enforcement to deter and prosecute radicalisers and utilise research on the evolution of Violent Extremist Ideologies.

While progress in the past two years since the NSCVE launch has had challenges, involving ownership and delays on implementation, there are valuable opportunities for learning, adjustment, and stock-taking. This policy brief examines some of those opportunities based on findings from research by Scofield Associates and commissioned by Life & Peace Institute (LPI).(xii) This study was conducted in three locations; Nairobi, Mombasa and Garissa in 2018, and was enriched by desktop data from existing county strategies

(Mombasa, Kwale, Isiolo, and Lamu), a contextual view of the transnational threat, and lessons, learnt both regionally and globally. It also critically reviewed the conceptualisation and operationalisation of PCVE, Violent Extremism (VE) and other associated concepts in Kenya by considering a context-specific historical term framing.

PURPOSE AND INTENDED USE

The brief contributes to contribute to the understanding of what works and what does not in CVE and PCVE programming (through the development of an evidence base) in Kenya. It provides observations on progress in the implementation of the NSCVE and CAPs and identifies gaps and opportunities for policy review and development. It also suggests recommendations to be considered, emerging from these findings and observations. It is intended for use by any stakeholders (government, donors, civil society) with interest in improving PCVE in Kenya.

KEY RESEARCH FINDINGS AND RECOMMENDATIONS

1. Alignment of VE Conceptual Models and Practical Applications: The study indicates that religion is a *framing* driver for VE while contextual issues, individual motivation, structural and societal aspects, then define the processes and pathways into it. It does not align with the conceptual Aarhus Model (*xiii*) adopted in the Kenyan CAPs.

Recommendation: This conceptual model used in CAPs requires adjustment to align with the realities of VE in communities, and that NSCVE and CAPs should tailor interventions to specific contexts and their existing conflict systems.

2. The Role of Structural Issues in VE: In counties where the study was conducted, structural issues considered to contribute to increased vulnerability to VE, and mentioned by respondents include; corruption (37%) unemployment (22%), gangs and extrajudicial killing (16%), in that order (*xiv*) However, the exact nature of the relationship between these issues and VE is not precise. A direct question on challenges facing communities did not elicit a mention of Radicalisation, Recruitment or Terrorism. The NSCVE, by contrast, mentions structural issues but only lightly acknowledges them in its programming.

Recommendation: This CAPs should understand the relationship between structural issues and VE better as well as strive to reduce structural vulnerabilities potentially leading to VE by responding to these pressing issues within communities.

3. Community Resilience: Respondents mentioned that the state does not consider or take into account their community resilience capacities(*xv*) for resisting VE and assumes all VE issues are motivated by religious ideology across the country.

Recommendation: While CAP documents mention terms such as community resilience, the NCTC and CAPs need to identify and be aware of the different capacities that ensure continuity and maintenance of communities in each context. Further strengthening of these resiliencies may reduce some of the significant drivers of grievance and exclusion, are known to be linked to individuals considering VE.

4. *Relationship between Counterterrorism and PVE*: Policy framing for consistent approaches to PVE and CT is essential. At present, there appear to be contradictory results from adopting the current two-streamed approach. While communities appreciate ATPU presence, they also request more accountability for their actions. However, most interventions that are Counter-Terrorism specific (CT), adopting 'hard power' or security-based approaches associated with the Anti-Terrorism Police Unit (ATPU), are perceived to erode gains made through other approaches. This is counterproductive and can affect the overall intended positive impact on the community.

Recommendation: Policies should consider the aggregated results and consequences from the various policies and their implementation and their impact on each context. Ideally, they should be harmonised or explicitly adapted for different situations to maximise positive results.

5. *VE as an exclusive issue*: CAPs assume that VE is a stand-alone policy issue and consider it in parallel with existing needs, funding streams and operational capacities. This leads to duplication and unrealistic budgeting with most having budgets averaging KSh 200 million in the short term. It is also assumed that development partners will fund these plans up to 80% of the budget, which is unrealistic. At least one county is leading a process to harmonise this funding challenge and integrate all activities within a County Integrated Development Plan to tackle VE drivers through social and economic approaches.

Recommendation: Consider PVE as part of the broader development plan rather than a stand-alone issue and adopt a comprehensive and integrated approach.

6. *Clarity of Responsibility between Levels of Government*: The complexities of the Kenyan devolution project mean that there is a lack of clarity between responsibilities, processes and functions of the National Government and those to be led by the County. The adoption of a holistic systems approach would benefit all parties. Such an approach would not only clarify responsibilities and functions at the two levels but also address the policy issues emerging from different parts of government (e.g. ATPU) and integrate them in addressing structural and development issues.

Recommendations: Adopt a systems approach addressing PCVE/VE that includes various levels of government, departments, and policies to be implemented at the community level.

7. *Returnees*: Due to the ongoing threat and fear associated with VE returnees and uncertainty of their status, communities either shun these individuals or remain silent on their presence (xvi)

Recommendation: NCTC should provide clear guidance to communities on how they should approach the issue of returnees and foreign fighters.

8. *Theories of Change and Programme Objectives*: The study found that Theories of Change (ToC) across documents considered, were insufficient to describe the hoped-for changes, while programme objectives were unrealistic and did not align well with TOCs.

Recommendation: NCTC and the CAPs would benefit from stronger, more developed detailed theories of change aligned with realistic programme objectives which should be assessed and revised regularly. This will ensure efforts better demonstrate how the intervention has contributed to P/CVE outcomes. A review of the usefulness and appropriateness of existing approaches to measure progress adopted in existing large scale PCVE programmes could inform such development. (xvii)

CONCLUSION

In conclusion, from the findings and recommendations noted above, it can be seen that a comprehensive and holistic approach needs to be taken by all actors to the challenge of PCVE. This should consider a system's approach, that is accountable and be adapted to specific contexts. It should incorporate and harmonise policy and practice across levels of government and departments, and recognise the importance of community engagement, involvement; and feedback on unintended results.

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- xi. National Counter Terrorism Centre. (2016). *National Strategy to Counter Violent Extremism*. Nairobi: Unpublished.
- xii. LPI's Horn of Africa Regional programme (HARP) was launched in 2014 and is designed to link LPI's grassroots peacebuilding work in the Horn to the regional level, through policy engagement with regional actors.
- xiii. *The Aarhus Model assumes a vertical radicalisation process; starting with the community up to the Violent Extremist. The violent act is committed by individuals who have arrived at that point through the exclusion and criminal activity. It emphasises a conceptualisation that loses the individual in the process and leans heavily on religious ideology. It does not consider that different locations and context-specific issues motivating individuals into violent extremism. For further information see Berthelsen, P. (2015, 01). From the Deserts to World Cities: The New Terrorism*. Retrieved 11 2018, from Panorama: Insights into Asian and European Affairs: http://psy.au.dk/fileadmin/Psykologi/Forskning/Preben_Bertelsen/Avisartikler_radikalisering/Panorama.pdf
- xiv. Survey data from the Nairobi, Garissa and Mombasa
- xv. Ellis, B. H., & Abdi, S. (2017). *Building Community Resilience to Violent Extremism Through Genuine Partnerships*. *American Psychologist* titled "Psychology of Terrorism", 73(3), Pp 289-300.
- xvi. Respondent feedback from all the three counties (Mombasa, Garissa and Nairobi).
- xvii. For instance the study is aware of two such efforts - the UK-PREVENT programme, which proposes action oriented indicators against pillars to measure progress; Prevent, to focus on all structural challenges; Protect, to respond to VE and human rights; Pursue to cover Counter-Terrorism; Respond, to expand the resilience capacities in the community, and Coordinate, for partnerships. Or the UN utilises a '4Ds' approach; Deter, Detect, Disrupt and Defend; that are time-bound and actionable

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