

## RENDERING DIFFERENCE VISIBLE: THE KENYAN STATE AND ITS SOMALI CITIZENS

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### ABSTRACT

This article examines the history of Somalis in Kenya. It argues that the precarious citizenship status of Kenyan Somalis is rooted in the institutionalization of state power in Kenya and the ways in which social relations have mediated that power. It focuses on a screening exercise organized by the Kenyan government in 1989 to differentiate citizens from non-citizens. Somalis deemed non-citizens were detained and deported while those declared citizens were granted pink ‘certificates of verification’. The exercise was framed as a response to disorder and insecurity in northern Kenya – problems blamed on the increased presence of ‘aliens’ from Somalia. The 1989 screening is a useful lens for understanding how the institutions of the Kenyan state have negotiated and produced citizenship. First, the screening shows how citizenship is an arena for both inter- and intra-ethnic competition; the way specific social relations are embedded within the structures of the state affects the distribution of rights and resources among different groups of citizens. Second, the organization of the screening reveals that public debates about citizenship in Kenya have not just been about drawing lines between insiders and outsiders, but about which insiders belong to which territorial spaces.

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KENYAN SOMALIS HAVE LONG EXPERIENCED PRECARIOUS ACCESS to citizenship. This article traces the historical processes through which the Kenyan state institutionalized the marginality of its Somali citizens. As the war in southern Somalia continues to drive hundreds of thousands of people from Somalia to seek refuge in the refugee camps and major cities of Kenya, it is important to understand the historic terrains of political identity and belonging inhabited by Somalis in Kenya since the formation

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of the Kenyan state. The analysis focuses on a 1989 screening exercise carried out by politicians and civil servants based in the Office of the President. The screening team, which included the principal Kenyan Somali political elites of the period, used state machinery and extra-legal processes to interrogate Somalis in Kenya on their right to citizenship. Those who were deemed to belong to a lineage 'indigenous' to Kenya were issued pink screening cards; those declared non-citizens were deported. The screening reveals how historically the Kenyan state has dealt with its 'Somali problem' by marginalizing its Somali-inhabited regions, manipulating clan and lineage divisions, and leaving Somalis vulnerable to abuse by the security branches of the state.

However, beyond revealing the experiences of Somalis in Kenya, the 1989 citizenship verification exercise is also a useful lens for understanding the way in which the institutions of the Kenyan state have negotiated and produced citizenship. In particular, the screening demonstrates the importance of examining the materiality of the state and the way in which people encounter that materiality.<sup>1</sup> The Kenyan state uses physical objects to signify belonging, and understanding the processes by which these physical objects are designed, produced, distributed, and used is of great importance in comprehending contemporary identity politics.

First, the screening highlights that debates about citizenship in Kenya are not only about drawing lines between insiders and outsiders, but also about which insiders belong where. The documents were not only designed to differentiate Kenyan Somalis from 'Somali Somalis' but also to make differences among Kenyan Somalis more visible – or, to use James Scott's term, legible.<sup>2</sup> The screening was about assigning specific identity groups – clans, lineages, and so on – to particular parts of Kenya, territorializing these identities.<sup>3</sup> Only by examining the documents themselves is this obvious – what may seem to be a story about the persecution of a minority group actually reveals much more nuanced dynamics of the bureaucratic management of identity, the shifting meaning of ethnic labels, and the incorporation of social relations into the structures of the state.

Second, examining how the screening cards were distributed emphasizes that political competition in Kenya revolves around both inter-ethnic

1. This is similar to Foucauldian approaches that have been used to analyse the politics of identity in Israel. See for example Helga Tawil-Souri, 'Colored identity: the politics and materiality of ID cards in Palestine/Israel', *Social Text* 29, 2 (2011), pp. 67–97.

2. James Scott, *Seeing Like a State: How certain schemes to improve the human condition have failed* (Yale University Press, New Haven, CT, 1998).

3. Günther Schlee has written on this trend in pastoralist areas; see Schlee, 'Territorialising ethnicity: the political ecology of pastoralism in northern Kenya and southern Ethiopia' (Working Paper 121, Max Planck Institute for Social Anthropology, 2010).

and intra-ethnic conflicts.<sup>4</sup> These dynamics grow from the social relations that are bound through state institutions and influence the distribution of rights and resources amongst different groups of citizens. By the 1980s, only a small handful of Somalis occupied high offices in the provincial administration and military, and they had little power to increase the overall power of Somalis in Kenya. However, during the screening these few Somali elites used their influence over the bureaucratic machinery to detain and deport economic and political rivals, mirroring conflicts expressed along clan lines in neighbouring Somalia.

These dynamics of inter-ethnic and intra-ethnic competition shape the production of citizenship in Kenya. On one hand, to borrow from the work of Joel Migdal and from Samson Bezabeh's recent analysis of citizenship in Djibouti, citizenship in Kenya is 'graduated'.<sup>5</sup> Due to the way the Kenyan nation state has been constructed and negotiated since colonial times, some groups have more rights and protections than others. Somalis, other ethnic groups in northern Kenya, and groups like the Nubians in Nairobi<sup>6</sup> are lower down the 'citizenship ladder'<sup>7</sup> and more vulnerable to persecution and neglect by state institutions. At the same time, being from a group ranked near the bottom of the ladder means that an individual's access to the rights and protections of citizenship is often determined by personalized relationships that run through state structures.<sup>8</sup> Thus the imperatives of the state that shape the production of citizenship partly reflect the interests of powerful elites in localized, specific, and often very bitter conflicts.

This article begins with a discussion of recent contributions to the debate on citizenship relevant to the Kenyan Somali case, before turning to a historical background on Kenya's Somali population up to the 1980s. I then describe and explain the screening process implemented in 1989 and 1990, focusing first on the political context in which the policy was implemented and then on the policy itself, before examining the reactions and the impact on Kenya's Somalis. The final section discusses the contemporary relevance of the screening for Somalis as well as other groups near the bottom of the citizenship ladder. Recent Kenyan immigration

4. Jean-François Bayart, *The State in Africa: The politics of the belly*, (Longman, London, 1993).

5. Samson Bezabeh, 'Citizenship and the logic of sovereignty in Djibouti', *African Affairs* 110, 441 (2011), pp. 587–606.

6. See Kenya National Human Rights Commission (KNHRC), 'An identity crisis? A study on the issuance of national identity cards in Kenya' (KNHRC, Nairobi, 2007); Abraham Korir Sing'Oei, 'Citizenship in Kenya: the Nubian case' in Brad K. Blitz and Maureen Lynch (eds), *Statelessness and Citizenship: A comparative study on the benefits of nationality* (Edward Elgar, Cheltenham, 2011), pp. 45–65.

7. Bezabeh, 'Citizenship'.

8. *Ibid.*

and security policies have recreated elements of the screening for many Somalis; meanwhile, the rise of al-Shabaab, the 2011 Kenyan intervention in Somalia, and the growing concerns over potential terrorist attacks risk further reinforcing patterns of marginalization and alienation. The analysis that follows draws on interviews collected during fieldwork carried out in Kenya from March to April 2008 and April to September 2010,<sup>9</sup> as well as on a wide range of published material, including government reports and print media sources.

### *Contesting citizenship*

Defined by law, accessed through bureaucratic offices, and signified by identity documents, citizenship is produced and manipulated by state agencies at many levels. For the state, both the legal definition and bureaucracy of citizenship can be potent weapons in the politics of identity. Examining the documentary products of the state's participation in this politics can reveal what kind of relationships shape power relations in political institutions and in turn how agents of the state use and manipulate those relationships.

Citizenship in many parts of Africa remains fundamentally tied to group and ethnic identity, bureaucratic processes being based on these categories. Bronwen Manby discusses how these processes have been used to deny millions across the continent access to secure citizenship and the rights and protections it entails.<sup>10</sup> While some exclusions are driven by efforts to disempower individual politicians, in many cases whole categories of people are displaced or rendered stateless. John Campbell's article on the expulsions of tens of thousands of people by Eritrea and Ethiopia during the 1998–2000 war is just one example of how states have rendered people stateless on the basis of their ethnicity, either by denying individuals access to documentation or by destroying the documentary evidence of belonging they might already possess.<sup>11</sup>

Even when legal rules do not exclude an individual from citizenship, by withholding documentation a state agent can dispossess an individual of property, freedom of movement, and recourse to legal aid, amending the

9. The majority of the research was conducted in 2008 and involved 25 semi-structured interviews about the screening with Kenyan Somalis, including NGO workers, religious leaders, lawyers, and politicians in Nairobi and Garissa. The 2010 fieldwork was part of a British Institute in Eastern Africa project on the economic history of northern Kenya directed by David Anderson. Hannah Elliott, Hassan Kochore, Badr Shariff, and I carried out over 100 semi-structured interviews in Nairobi, Isiolo, Marsabit, and Moyale.

10. Bronwen Manby, *Struggles for Citizenship in Africa* (Zed Books, London, 2009).

11. John Campbell, 'The enduring problem of statelessness in the Horn of Africa: how nation-states and Western courts (re)define nationality', *International Journal of Refugee Law* 23, 4 (2011), pp. 656–79.

bundle of rights and responsibilities generally associated with citizenship. The graduated nature of citizenship means some citizens are more vulnerable to this interference than others. For people whose citizenship is questioned, whether because of past events, geographical marginality, political allegiances, or minority politics, the importance of documentation is sharpened. As Bezabeh argues, for these citizens in particular, personalized relationships and patron–client networks running through the administrative structure of the state are important for securing documentary proof of citizenship status.<sup>12</sup>

From his analysis of citizenship in Djibouti, Bezabeh argues that these patterns of exclusion are rooted in the logics of the modern nation state, emphasizing that those in power use the exclusion of others to legitimize their own position. His argument is important because it stresses that exclusionary practices are part of the ongoing negotiations and contestations that produce and maintain statehood all over the world, and not simply in a post-colonial context. However, his definition of the state is overly limiting; he adopts Carl Schmitt's assertion that the state is defined by 'the presence of a community of people that distinguish themselves as friends and construct themselves as an antithesis of the supposed enemy'.<sup>13</sup> Not only could this definition apply to other kinds of social groupings found within and across state borders, but it also ignores the fact that modern nation statehood is also about the *institutionalization* of power relations<sup>14</sup> and thus the institutionalization of the attempt to control territory, movement, and notions of national belonging.<sup>15</sup> To understand how citizenship is produced and negotiated, it is necessary to examine these processes of institutionalization and the social relations involved in them. The case of the 1989 Somali screening illustrates how the precarious citizenship status of Kenyan Somalis is rooted in the institutionalization of state power in Kenya and the ways in which social relations have mediated that power.

### *A history of the north*

To understand the relationship between Somali citizens of Kenya and the Kenyan state, it is first necessary to explain how the predominantly Somali region of the country, today's North Eastern Province (NEP), was incorporated into Kenya. The experience of the Somalis of the NEP, as

12. Bezabeh, 'Citizenship', p. 599.

13. *Ibid.*, p. 591.

14. Tobias Hagmann and Didier Péclard, 'Negotiating statehood: dynamics of power and domination in Africa', *Development and Change* 41, 4 (2010), pp. 539–62.

15. This draws on John Torpey, *The Invention of the Passport: Surveillance, citizenship and the state* (Cambridge University Press, Cambridge, 2000).

well as the so-called 'alien' Somalis who arrived under British colonial auspices,<sup>16</sup> have been marked by three dominant processes: the restriction of movement, the denial of political voice, and militarization.

While the dynamics of Somali society and realities of the arid lands of northern Kenya require freedom to manage and negotiate group and individual movement, the overriding theme of the administration of the region since colonization has been control and restriction of movement. In the colonial era, the Northern Frontier District (NFD)<sup>17</sup> was comprised of six districts: Mandera, Wajir, and Garissa, dominated by Somali groups, as well as Moyale, Marsabit, and Isiolo, dominated by other pastoralist groups. The latter were separated from the former by the 'Somali line', designed to halt Somalis' westward movement.<sup>18</sup> The administration also tried to limit pastoralists to delineated ethnic and clan rangelands. Agents of the provincial administration had powers to reserve resources for certain groups, arrest all or any members of a community, seize property, or force communities to migrate to or remain in a specific area.<sup>19</sup>

The situation worsened as independence approached. In 1962, the British appointed a commission to gather public views on the issue of secession. The NFD Commission reported that the majority – over 80 percent – of the population favoured secession and that this view was held almost unanimously in Mandera, Wajir, parts of Moyale, and most of Garissa. However, British priorities lay more with a safe exit strategy from a crumbling empire than previously implied principles of self-determination.<sup>20</sup> In 1963 they declared that the areas of the NFD that overwhelmingly supported secession would become the North Eastern Province (NEP) of Kenya, made up of the three Somali-dominated districts of Mandera, Wajir, and Garissa. Protests spread, becoming violent as administrators implemented security measures. In response to attacks

16. Primarily Isaaq and Harti Somali served with the British in the Kings African Rifles or worked for early white settlers.

17. The area was renamed Northern Province in 1925 and Northern Frontier Province in 1947. NFD is most commonly used when referring to the colonial era. See Nene Mburu, *Bandits on the Border: The last frontier in the search for Somali unity* (Red Sea Press, Trenton, NJ, 2005), p. 47.

18. Ioan M. Lewis, *A Modern History of the Somali: Nation and state in the Horn of Africa* (James Currey, Oxford, 2002), pp. 183–4; Mohammed I. Farah, *From Ethnic Response to Clan Identity: A study of state penetration among Somali nomadic pastoral society of northeastern Kenya* (University of Uppsala, Uppsala, 1993), p. 66.

19. See the 1902 Outlying Districts Act, Closed District Ordinance of 1926, and the Special District Administrative Ordinances of 1934. The latter were preserved until 1997 as the Special Districts (Administration) Act, Chapter 105, Laws of Kenya. See Ahmed Issack Hassan, 'North Eastern Province and the Constitutional Review Process' (unpublished paper, Nairobi, 2006).

20. See Lewis, *A Modern History*, pp. 184–92.

on Kenyan military personnel and administrators, soon after Kenyan independence in December 1963, Kenyatta declared a state of emergency in the province – beginning the ‘Shifita War’.<sup>21</sup>

In 1966, a second, more restrictive regime of emergency law was established in NEP and neighbouring districts of Isiolo, Marsabit, Tana River, and Lamu.<sup>22</sup> A programme of ‘manyattarization’ was undertaken: loyalists, the elderly, and the young were gathered inside guarded settlements (*manyattas*) while security forces ‘flushed out’ guerrilla fighters from the area.<sup>23</sup> Somalis in towns such as Marsabit and Moyale, deemed non-indigenous, were trucked to Isiolo.<sup>24</sup> The war officially ended in 1967, and violence decreased. Emergency regulations however remained in place until 1991. Restrictions on movement and confiscation of livestock and other property by security forces continued to ruin the local economy. Residents had no access to a justice system, and the government made minimal investment in infrastructure.

For the rest of Kenyatta’s presidency and then under President Moi, the North Eastern Province was intensely militarized. There was a series of massacres led by state agents from the late 1970s onwards, including the 1980 Bulla Kartasi Massacre and the 1984 Wagalla Massacre, during which thousands of men from the Degodia clan were taken to an airstrip and killed.<sup>25</sup> Some killing and torture bears the mark of an unchecked security apparatus; some involved high levels of government. However, while continued neglect of the north facilitated military abuse, other processes fuelled the violence. Somali leader Siyaad Barre’s continued irredentism and military build-up, culminating in the Ogaden War between Somalia and Ethiopia, greatly destabilized the region.

The political tensions in the region were not felt only in the NEP; dynamics of politics in Somalia also played out in neighbourhoods of the Kenyan capital such as Eastleigh, especially as Nairobi became an

21. ‘Shifita’ means ‘bandit’, from the Semitic languages of Ethiopia. For a brief history of the war, see Hannah Whittaker, ‘Pursuing pastoralists: the stigma of shifita during the “Shifita War” in Kenya, 1963–68’, *Eras* 10 (November 2008), <<http://arts.monash.edu.au/publications/eras/edition-10/whittaker-article.pdf>> (7 July 2012).

22. The North Eastern Province and Contiguous Districts Regulations came under the Preservation of Public Security Act. For an account of the emergency regime in the NEP, see Kathurima M’Inoti, ‘Beyond the “Emergency” in the North Eastern Province: an analysis of the use and abuse of emergency powers’, *Nairobi Law Monthly* 41 (February/March 1992), pp. 37–42.

23. See Mburu, *Bandits*, pp. 152–4; Alex de Waal, *Famine Crimes: Politics and the disaster relief industry in Africa* (Indiana University Press, Bloomington, IN, 1997), pp. 40–2.

24. Interviews, Isiolo, Marsabit, and Moyale, April to September 2010.

25. S. Abdi Sheikh, *Blood on the Runway: The Wagalla massacre of 1984* (Northern Publishing House, Nairobi, 2007); Hashi Mohammed, *Wagalla Massacre: Human rights abuses against minorities in East Africa and its consequences* (African Studies, University of Oxford, unpublished MSc dissertation, 2009).

important base for Somali political and economic elites. In 1977, reports of Somali government agents issuing passports to Kenyan Somalis to go to Somalia for military training led then Vice-President Moi to announce a screening of Somalis.<sup>26</sup> The Kenyan government feared that Kenyans recruited to fight Ethiopia would later 'be used to attack Kenya' and 'liberate' the NEP. The government planned 'to register Kenyans of the Somali ethnic group to make them easily identifiable by our security forces'. Plans were never confirmed, but Somalis were arrested in house-to-house operations in Nairobi.<sup>27</sup>

After the Ogaden War, tensions between the two governments lessened. In 1981 Moi and Barre agreed not to support rebel movements in each other's territory; the Kenyan army subsequently targeted anti-Barre movements in the NEP.<sup>28</sup> Nevertheless, it is critical not to overstate the relationship; as Barre's regime became increasingly fragile, the Kenyan government had to balance connections to Barre with the implications for Kenya of the fragmentation of power in Somalia.

People had been leaving Somalia for Kenya from the 1970s as the Barre regime became increasingly restrictive. Many Somalis had relatives in Kenya, and Kenyan passports were valuable commodities, especially after the Ogaden War when the Somali state began to unravel. By the late 1980s, Barre was under threat from the Somali National Movement (SNM) in present-day Somaliland, coupled with the growing strength of the Hawiye-dominated United Somali Congress (USC) in central Somalia and the formation of the Somali Patriotic Movement (SPM) in the south. Violent battles between Barre's crumbling army and rebel movements heightened insecurity all along the Kenya–Somalia border. Conflict began to spill over into Kenya, and ever more refugees fled across the border. The Kenyan government, after ignoring the developmental needs of the Somali-dominated NEP and concentrating on security exercises, was poorly equipped to deal with the multi-faceted challenges of events in Somalia. Rumours spread of forced removals of refugees while anti-alien police sweeps intensified in urban areas dominated by Somalis.<sup>29</sup>

26. *Daily Nation*, 'Somali bid to recruit Kenyans', 15 October 1977, p. 1.

27. *Daily Nation*, 'Somali agents to be expelled', 17 October 1977, p. 1.

28. Marc-Antoine Pérouse de Montclos, 'Elections among the Kenya Somali' in Alamin Mazrui, Marcel Rutten, and Francois Grignon (eds), *Out for the Count: The 1997 general elections and prospects for democracy in Kenya* (Fountain Publishers, Oxford, 2001), pp. 296–314, p. 300.

29. See Africa Watch, *Kenya: Taking liberties* (Africa Watch, London, 1991), pp. 342, 345, 350–2.



*The political context: aliens and insecurity*

It was in this tense period of the late 1980s, amidst attempts to combat insecurity and banditry in northern Kenya, that the screening occurred. From the mid-1980s, the increase in Somali migration into Kenya and the spillover of conflict from Somalia had placed severe strain on the mechanisms used to control movement across the border and distinguish citizens from non-citizens. This strain manifested in the angry rhetoric used by the state against Somalis in Kenya and the increased use of militarized policies of surveillance and forced movement, especially as part of a new anti-poaching campaign in northern Kenya.

In the lead-up to the 1989 screening, the Kenyan government was dealing with a controversy over poaching and ivory smuggling.<sup>30</sup> Media coverage hinted at the involvement of Somalia and even alleged sponsorship of poaching by Siad Barre.<sup>31</sup> Somalis were increasingly blamed for the slaughter of elephants and rhinos; national and international newspapers carried stories of well-armed gangs wreaking havoc in national parks. In September 1988, Moi authorized a shoot-to-kill order against poachers,<sup>32</sup> and a few months later the government announced plans for a 'crack anti-poaching police unit' modelled on the paramilitary General Security Unit (GSU).<sup>33</sup> By September 1989, in response to an increase in violence and the murder of George Adamson in Kora Natural Reserve,<sup>34</sup> Moi extended the shoot-to-kill order to 'loiterers in national parks'.<sup>35</sup> Meanwhile, populations were also told that, in order to increase security, they must move out of districts where they did not 'belong', a discourse accompanied by politicians' usual calls to 'shed nomadism for development'.<sup>36</sup> There were violent forced removals of Somalis from Isiolo and Tana River districts in late 1988, and in May 1989 NEP politicians and administrators again called on people to return to their districts of origin. Somalis had been moved from Isiolo to Garissa and were awaiting further transportation.<sup>37</sup>

30. *New African*, 'Scandal of the ivory smugglers', November 1988, pp. 36–7.

31. *Weekly Review*, 'The fight against poachers: police commissioner Kilonzo tells of government efforts', 18 November 1988, pp. 12–14.

32. John Thuo, 'Moi: Shoot poachers on the spot', *Kenya Times*, 14 September 1988, p. 1.

33. *Ibid.*; Abdulhamid A. Elmi, 'We're not all the same: the majority of Somalis in Kenya do not condone poaching, says our correspondent', *Weekly Review*, 12 May 1989, pp. 31–2.

34. Paul Muhoho, 'Adamson: all 3 suspects held', *Kenya Times*, 25 August 1989, p. 1.

35. Eric Shimoli and Kenneth Mwema, 'President names man behind banditry', *Kenya Times*, 1 September 1989, pp. 1–2.

36. George Munji, 'Shed nomadism for development', *Kenya Times*, 4 March 1989, p. 14.

37. Africa Watch, *Kenya: Taking liberties*, p. 292; Ogala Muga, 'Nomadic herdsmen told to move to home districts', *Kenya Times*, 26 May 1989, p. 44. Interviews revealed the role of the paramilitary General Service Unit in forcing people to move. To avoid arrest, young men

Identity checks and state surveillance also increased in urban areas dominated by Somalis. In one raid in May 1989, police in Nairobi raided homes, businesses, hotels, restaurants, and *matatus*<sup>38</sup> in Eastleigh and Pangani, checking for identity papers. Police surrounded a mosque in Eastleigh, arrested worshippers, and confiscated identity cards. Somali women married to Kenyan men were detained until a valid marriage certificate could be produced, a document many had never obtained. About 800 people subsequently appeared in court charged with holding forged or defaced identity cards, being in the country illegally, or disturbing the peace. An official public meeting in Eastleigh lent support to police actions, emphasizing the need to crack down on illegal aliens.<sup>39</sup>

Through these policy responses to increased migration and disorder in northern Kenya, the state attempted to render the Somali community more visible and more manageable for state institutions. However, these policies also revealed bitter divisions amongst elite Somalis in Kenya as Kenyan Somali politicians used state policies as a way to disempower their political and economic rivals. In particular, the dominance of politicians from particular branches of the Ogaden clan family allowed them to employ state machinery to the benefit of select lineages.

The dominance of Ogaden politicians had been cemented in a series of promotions in the early 1980s. After the 1982 attempted Air Force coup in Kenya, Moi had begun to rely more heavily on senior army officers who had remained loyal during the coup attempt<sup>40</sup> and promoted select politicians from politically marginalized ethnic groups. Somalis, including two brothers from Garissa District, were appointed to top-ranking government positions for the first time. General Mahmoud Mohammed was promoted to command the reformed Air Force '82 Unit and in 1985 became Chief of General Staff. His brother, Hussein Maalim Mohamed, first appointed as a nominated MP in 1979, became a Minister of State in the Office of the President in 1983. The brothers were from the Ogaden clan family, as was the then powerful Rift Valley provincial commissioner, Yusuf Haji. Tracing the actions and statements of these individuals reveals deeper dynamics driving state policies.

often hid in the bush away from the rest of the group during these journeys; women meanwhile were at great risk of rape by Kenyan military.

38. *Matatus* are privately run minibus taxis popular as a means of public transportation.

39. Africa Watch, *Kenya: Taking liberties*, pp. 296–7; Samuel Nduati, 'Muslims protest arrests: police interfered with worshippers, says leader', *Daily Nation*, 22 May 1989, p. 3; Alphonse Mung'ahu, 'Hundreds of aliens in city courts', *Standard*, 23 May 1989, p. 3.

40. David Throup and Charles Hornsby, *Multi-Party Politics in Kenya* (James Currey, Oxford, 1998), pp. 31–40. See also Paul Goldsmith, 'The Somali impact on Kenya, 1990–1993: the view from outside the camps' in Hussein Adam and R. Ford (eds), *Mending Rips in the Sky: Options for Somali communities in the 21st century* (Red Sea Press, Lawrenceville, NJ, 1997), pp. 461–83, p. 464.

At the height of the poaching controversy in November 1988, Hussein Maalim Mohamed announced at a rally in Garissa town that Somali nationals had been entering Kenya and obtaining citizenship documents illegally. He declared they had built businesses in transport, the export–import trade, real estate, and other industries before using the proceeds to support poaching, banditry, and other illegal activities in Kenya. A fortnight later, the other MPs from Garissa District added fuel to the fire, claiming that aliens from Somalia and Ethiopia were using wealth from poaching and banditry ‘to undermine the popularly elected government’.<sup>41</sup> They suggested the government ‘screen all aliens to ascertain their origin and interest in the country’ and repatriate those in the country illegally.<sup>42</sup> MPs from Wajir and Mandera protested that Garissa MPs were politicizing ‘sensitive security matters’.<sup>43</sup> However, Hussein Maalim Mohamed continued with his claims and disclosed he had submitted a list of Somali tycoons financing poaching and banditry to government authorities. He also asserted that the people of Garissa were not involved in poaching and banditry, leaving Wajir MPs to counter that armed bandits were actually entering Kenya through Garissa.<sup>44</sup>

The dispute appeared to have quietened the next week when the Wajir South MP announced that all the Kenyan Somali MPs were united behind Mohamed, their ‘spokesman and leader’.<sup>45</sup> Soon after, in January 1989, politicians and administrators from North Eastern and adjoining parts of Eastern Province met in Isiolo. They announced what the *Kenya Times* titled the ‘Isiolo Accord, an agreement by which the leaders have pledged to speak with one voice on all matters of development and security’.<sup>46</sup> Besides usual declarations about surrendering illegal weapons and the need to secure the border, the leaders called for people who had moved to Isiolo from Wajir, Mandera, and Garissa to return to their original homes so as to ‘remove suspicion that people who had poured into the district had the intention to commit crime’.<sup>47</sup> Finally, officials announced that they were establishing a committee of provincial commissioners and MPs to investigate security problems.<sup>48</sup> There was little subsequent public mention of the committee, but the press reported Hussein

41. *Weekly Review*, ‘Political sideshow: North-Eastern Province leaders have a public disagreement’, 23 December 1988, pp. 17–19; Charles Kimathi, ‘Poachers paid by Somalis, say MPs’, *Daily Nation*, 8 December 1988, p. 1.

42. Eric Shimoli, ‘How poaching is funded – MPs: NEP leaders blame aliens’, *Kenya Times*, 8 December 1988, p. 10.

43. *Kenya Times*, ‘Leaders disagree’, 12 December 1988, pp. 3, 5.

44. *Weekly Review*, ‘Political sideshow’.

45. *Ibid.*

46. *Kenya Times*, ‘Allow harmony to take root in NEP’, 21 January 1989, p. 6.

47. Daniel Kamanga, ‘Leaders vow to wipe out bandits’, *Kenya Times*, 18 January 1989, p. 4.

48. *Kenya Times*, ‘Allow harmony’.

Mohamed's list of Somali tycoons in February 1989 when five Somali businessmen, all transporters, were arrested and questioned.<sup>49</sup> They were released, but the police impounded their passports and identity cards and questioned them again the following week. The police continued looking for other Somali businessmen who may have acquired citizenship unlawfully.<sup>50</sup>

*In the Office of the President*

The dispute sparked by Hussein Mohamed's comments foreshadowed the dynamics of the screening. His list of supposedly alien businessmen strongly point to his involvement in a committee in the Office of the President known, according to Africa Watch, as the 'Somali Probe Committee'.<sup>51</sup> It most likely also included the other two most powerful Somalis, Hussein Mohamed's brother General Mahmoud and Rift Valley provincial commissioner Yusuf Haji, as well as key security officials. In late 1989, the committee asked the Immigration Department for a list of Somalis with Kenyan identity documents. The principal immigration officer replied that '[t]he Immigration Dept cannot pick on all Kenyan-Somalis with Kenyan passports but ... some of the known non-Kenyan-Somalis in possession are shortlisted and their files have been moved to our secret Registry'.<sup>52</sup> In a letter dated 19 October 1989, the same officer stated that 'most of these Somalis holding Kenyan passports are well known businessmen (mostly transporters) who acquired their passports through either using money or some influence and thereafter embarked on an illegal exercise of poaching for other Somali nationals'.<sup>53</sup>

The Somali Probe Committee, however, was planning a much wider screening process in which the Immigration Department held little sway. Earlier in October, two former MPs from Wajir, Ahmed Khalif and Mohammed Abdi Sheikh, had written a letter to President Moi expressing concern about Garissa politicians' portrayal of insecurity in North Eastern. They stated, 'Hon. Mohamed has made the unfounded and fabricated accusations that the culprits in the matter of poaching and banditry are members of the business community mainly based in Nairobi and especially those engaged in the transport industry' and mentioned that he

49. *Weekly Review*, 'Ambivalent neighbourliness: a series of events militates against strenuous mutual efforts to warm up relations', 17 February 1989, pp. 15–16.

50. Gray Phombeah and Chris Musyoka, '5 Somalis still being probed', *Kenya Times*, 15 February 1989, p. 11.

51. Interviews revealed uncertainty over the name of the committee; I use Africa Watch's terminology for simplicity's sake. Africa Watch, *Kenya: Taking liberties*, p. 298.

52. *Ibid.*, pp. 298–9.

53. *Ibid.*, p. 298; Africa Watch, 'Harassment of ethnic Somalis,' *News from Africa Watch*, 6 December 1989.

had 'gone out of his way circulating a list of such people'.<sup>54</sup> They claimed that in response, the government had appointed a commission charged with advising 'on matters relating to the Somali community with especial emphasis on the causes of insecurity and poaching'.

The two former MPs were not aware of the terms of reference of the committee and only learned about its plans from its brief tour of North Eastern:

The team, headed by the provincial commissioner, Rift Valley, spent two nights each in the three districts and held public gatherings during which time they briefly explained their mission. While at Wajir and Mandera they explained that the government had delegated them to explain to the people certain measures to be effected soon for reasons of curbing insecurity. Among the measures are the introduction of tribal boundaries, issuing new special identity cards for Kenyan Somalis and the 'repatriation' of some Somali businessmen particularly those of the 'Hawiya' clan. The audience were not given adequate time to debate these issues. In the final analysis they left the majority of people with a great deal of confusion, amazement and utter disbelief.<sup>55</sup>

The three measures mentioned in the letter reveal that the screening was not just about targeting businessmen or individuals holding illegally acquired passports but intimately linked to questions of indigeneity. A man present at one *baraza* recalled:

somebody tried to come in and say there are people who are married to our daughters, we Somalis are protective of our in-laws, what can we do about that? ... Somebody ... said, 'Look, my daughter got married to a Harti from the other side. That man is like my son now. What can we do?' The tough answer he was given is 'Let's see how he's going to come in the lineage.'<sup>56</sup>

The gathering was informed that only 'indigenous natives' should be in the area. As the letter from the former Wajir MPs illustrates, the government was concerned not just about which clans were indigenous to Kenya but which clans were indigenous to specific parts of Kenya. Citizenship was not based on individual membership in the Kenyan political community. Rather it was being tied to the need to belong to a specific group within that community – an ancestral lineage tied to a territorial area through a false idea of 'primordial belonging' originally born of colonial conquerors' need to control movement.

Soon after the Wajir MPs sent their letter, the Office of the President released a statement: '[t]he Kenyan Somali community and in particular their leaders have on many occasions pointed out to the government that there exists a mix-up of Somalis of Kenyan origin and those of

54. Ahmed Khalif and Mohammed Abdi Sheikh, confidential letter to Hon. Daniel Toroitich Arap Moi MP, President of the Republic of Kenya, Nairobi (October 1989, in possession of author), pp. 3–4.

55. *Ibid.*, p. 5.

56. Interview, former civil servant, Garissa, 13 April 2008.

neighbouring countries'. It continued: '[I]n the past prevailing conditions in some of our neighbouring countries [have] favoured illegal infiltration of illegal aliens into Kenya. Some of these aliens have also managed to acquire Kenyan identification documents fraudulently and through other corrupt practices.' Therefore, the government had decided 'to take the hard option, but with long lasting effects, of screening and identifying all persons of Somali ethnic community'.<sup>57</sup> Ethnic Somali aged eighteen and over would have to go to one of 51 centres<sup>58</sup> in towns across the country and 'furnish such documentary or other evidence of the truth of their registration between the 13th November, 1989 and 4th December, 1989'. Rift Valley provincial commissioner Yusuf Haji was to head the screening taskforce, made up of 67 public officers, all Kenyan Somalis.<sup>59</sup>

Apart from the gazette notices and the statement from the Office of the President, there were no other official documents available to the public explaining the screening. People without access to mass media learned what was happening when local chiefs told them they would be screened. Some people had to sit with community elders to memorize their genealogy.<sup>60</sup> Apart from those involved in politics and those who could source information from the Office of the President, people subjected to the screening report that while government threats against Somalis were common in Kenya, the exercise came as a surprise.<sup>61</sup> Furthermore, beyond the initial screening period announced in the gazette notices, there was a second stage that went down to a locational level in North Eastern and continued at least into March 1990.<sup>62</sup> It is unclear how the government announced the latter stage; with the province under emergency rule, publicly announcing their plans was not a priority.

The exercise as announced in the gazette notices was clearly unconstitutional. Aside from the screening's discriminative nature, Law Society of Kenya chairman Ojiambo argued that the exercise could not be justified under the Registration of Persons Act because the relevant section was 'not intended to apply to communities or groups of people *en bloc*'.<sup>63</sup> Editor of the *Nairobi Law Monthly*, Gitobu Imanyara, emphasized that

57. Jeremiah Aurah, 'Kenya to vet all Somalis', *Kenya Times*, 10 November 1989, p. 1; Njau, 'All Somalis to be screened Monday', *Daily Nation*, 10 November 1989, p. 1; *Standard*, 'Check on Somalis announced', 10 November 1989, pp. 1, 11.

58. By the first day of the screening, some locations changed. See Gichuru Njihia and Irungu Ndirangu, 'Huge turnout as screening starts', *Daily Nation*, 14 November 1989, p. 1.

59. Government of Kenya, Gazette Notices Nos 5319 and 5320, 7 November 1989, *Kenya Gazette*, 10 November 1989, p. 1522.

60. Interview, NGO activist and former teacher from Garissa, Nairobi, 16 April 2008.

61. This is reflected in both press coverage and interviews.

62. This is evident from interviews and dates on screening cards.

63. Eliud Miring'uh, 'Lawyers attack Somali vetting', *Kenya Times*, 15 November 1989, p. 2.

there were no safeguards to ensure the independence or impartiality of screening panels or the taskforce.<sup>64</sup> In a process reflecting the colonial design of the provincial administration system, district commissioners were given the task of gathering local elders to serve on the panels.<sup>65</sup> The result was 'arbitrary screening tribunals manned by non-judicial administrative officers who appear to have a blank cheque in their manner of deliberations'.<sup>66</sup>

### *Reactions to the screening*

Somalis in Kenya used different strategies to respond to the screening, depending on their own resources, citizenship status, and personal connections. Hundreds fled into Uganda. By mid-December, Ugandan media reported that 'arrivals included businessmen, truck drivers and prominent transporters' who had fled with their Kenyan-registered commercial vehicles and fuel tankers. A group was formed to present their case for political asylum to the Ugandan government, which later granted them temporary papers.<sup>67</sup> Tanzania was not as welcoming; three weeks into the screening, the government announced they were expelling 340 Somalis,<sup>68</sup> the beginning of an 'anti-Somali wave' in Tanzania.<sup>69</sup>

In Kenya meanwhile, from the first day of screening, people queued for hours before presenting themselves to the panels of elders. They had to bring identification documents and answer questions posed by the panel. Individuals had to recite their genealogy and identify their main tribe, sub-tribe, clan, sub-clan, and *jilib*, the smallest unit of clan organization responsible for *mag*,<sup>70</sup> blood compensation. Other demands were arbitrary. Individuals had to know the name of their chief and assistant chief and were sometimes judged on their ability to speak KiSwahili or answer questions about Kenyan history and politics.<sup>71</sup> Some people were asked for detailed geographical descriptions of their birthplaces; one man

64. Gitobu Imanyara, 'Why the screening of Kenyan Somalis cannot be constitutionally supported', *Nairobi Law Monthly* 19 (1989).

65. Interview, former civil servant, Garissa, 13 April 2008; Interview, Ali Bunow Korane, Nairobi, 1 April 2008.

66. Imanyara, 'Screening'.

67. *Daily Nation*, 'Somalis flee to Uganda', 15 December 1989; Africa Watch, *Kenya: Taking liberties*, p. 22.

68. Abdalla Riyami, 'Somalis pour into Tanzania', *Kenya Times*, 23 November 1989; Warambo Owino and Stan Luchebeleli, 'Somali killer of 21 grabbed', *Kenya Times*, 6 December 1989; Eric Shimoli, 'Dar to expel 340 fleeing Somalis', *Kenya Times*, 8 December 1989.

69. Africa Watch, *Kenya: Taking liberties*, p. 301; see also Africa Watch, 'Screening of ethnic Somalis: the cruel consequences of Kenya's passbook system', *News from Africa Watch*, London, 5 September 1990, p. 21.

70. In Arabic, *diya*.

71. Africa Watch, *Kenya: Taking liberties*, p. 302.

complained after failing the screening: 'How could one ask you ... Do you know a certain tree in Wajir ... ?'<sup>72</sup>

Kenyan Somalis were being told as a group that all individuals had to prove their claims to citizenship,<sup>73</sup> most often by positioning themselves in a lineage 'indigenous' to Kenya. As if the elders could provide 'living testimony' to the genuineness of citizenship,<sup>74</sup> individuals had to be identified by members of the panel, supposedly drawn from all clans living in the area. Upon successful completion of the screening process, Somalis would be issued with pink booklets, which recorded their ID number, passport number if they held one, district of origin, present residence, chief and assistant chief, and clan information down to the level of *jilib*. Upon receiving the document, people had to put their left thumbprint next to the registration officer's signature and then carry it with regular Kenyan identification. The 'certificates of verification' would then be required to apply for new identity documents or to access public services.

The policy created much anger. In Kenya during the late 1980s, however, criticism of a policy constituted criticism of the government, the party, and the President himself, and was punished accordingly. When issues were framed as threats to public security, space for criticism shrank further. Only those with sufficient personal courage and some type of independent power base could maintain a stance critical of the state. Nevertheless, by 1989, tension was mounting as what would become the opposition forces pushing for repeal of Section 2A of the constitution began to coalesce. Some individuals involved in this struggle reacted against the screening, the first and most prominent being members of the Law Society of Kenya, the Kenyan Somali lawyer Mohammed K. Ibrahim, and the politician from Wajir, Ahmed Khalif.

Khalif, at the time secretary-general of the Supreme Council of Kenya Muslims (Supkem), held a press conference and restated the argument from the letter he and Mohammed Abdi Sheikh had sent Moi earlier that year – that some politicians from North Eastern had 'for a long time called for this kind of exercise in order to harass other members of the community on account of tribal, political and business considerations'.<sup>75</sup> He warned that the exercise would only 'antagonize loyal citizens of this country' and 'affect their sense of belonging'. Kenyan Somali MPs attacked Khalif, accusing him and other protesters of sympathizing with aliens.<sup>76</sup> Khalif had to resign from Supkem and was threatened with

72. *Kenya Times*, 'Documents impounded for scrutiny', 24 November 1989, pp. 1, 12.

73. Hassan, 'North Eastern Province', p. 11.

74. *Standard*, 'MPs kick off screening exercise', 14 November 1989, pp. 1, 12.

75. *Ibid.*

76. *Weekly Review*, 'Tempers flare over screening', 24 November 1989, p. 17.



expulsion from KANU.<sup>77</sup> He was finally threatened and pressured into being screened, a sign of the level of intimidation surrounding the process.

Mohammed K. Ibrahim, then a partner in the well known Waruhiu and Muite Advocates, is the other individual most remembered for his opposition. He argued:

[T]he truth that many people are not accepting is that corruption is so rife in our society, and in the civil service in particular, that aliens can come into this country and virtually buy their way through the security checks and government offices... it is wrong for the Kenya Somali community as a whole to be inconvenienced and stigmatised due to the failure by the various government institutions and departments to do their work. This amounts to collective punishment reminiscent of the colonial days ...<sup>78</sup>

He never agreed to be screened and in April 1990 was interrogated by Special Branch about his opposition to the exercise. His involvement in the struggle for multi-partyism did not improve his standing with the Moi regime, and he was detained for six weeks in July 1990.<sup>79</sup>

Protest also came from Somalis outside elite circles.<sup>80</sup> In Nakuru, young Somalis sent a statement to the press declaring that the screening amounted to 'selective aggression against a particular section of the Kenyan community';<sup>81</sup> elders in Mombasa further warned it would cause 'incalculable psychological damage'.<sup>82</sup> People complained while queuing at screening centres: 'This is a humiliation to the community. If the government is looking for aliens, why not go for them instead of having us queue here like prisoners.'<sup>83</sup> Many also had logistical concerns, worrying about the time it took to queue and relatives who were ill or travelling.<sup>84</sup>

On the first Thursday of the screening period, several dozen young men launched a protest march in Eastleigh after midday prayers. Soon joined by a larger crowd, they declared that the screening was causing internal strife and fear in their community. They questioned why, as residents of Nairobi, they should be targeted because of issues in North Eastern Province, arguing that they had elected their own MP, and MPs from NEP – in particular Noor Abdi Ogle and Hussein Maalim Mohammed – did not represent them.<sup>85</sup>

77. *Weekly Review*, 'Leaders break rank', 1 December 1989, p. 13.

78. Mohammed K. Ibrahim, 'Somali screening', *Weekly Review*, 24 November 1989, p. 4.

79. Interview, Mohammed K. Ibrahim, Nairobi 19 March 2008.

80. Gichuru Njihia, 'Screening of Somalis today', *Daily Nation*, 13 November 1989, p. 28.

81. Bakr Ogle, 'Alien Somalis flee Kenya', *Standard*, 13 November 1989, p. 1.

82. Makau Niko, 'Society condemns Somali screening', *Daily Nation*, 15 November 1989, p. 36.

83. Njihia and Ndirangu, 'Huge turnout'.

84. Hussein Mohamed, 'Three prominent Somalis nabbed', *Kenya Times*, 16 November 1989, p. 4.

85. Wangui Gachie, 'Somalis in protest demo', *Standard*, 17 November 1989, pp. 1, 4.

The day after a picture of the protest appeared on the front page of the *Standard*, headlines proclaimed Moi's displeasure at the demonstration, which he blamed on aliens out to attract sympathy.<sup>86</sup> The Office of the President announced security organs would 'intensify surveillance on elements bent on using the current screening of the Somali community to cause confusion in the country'.<sup>87</sup> Other politicians joined the chorus; Vice-President Saitoti 'reiterated that the government loved all *wananchi* without discrimination' and then MP for Kamukunji constituency in Eastleigh, Maina Wanjigi, repeated the government line that genuine Kenyan Somalis had nothing to fear – while warning that those sheltering unscreened Somalis were committing a criminal offence.<sup>88</sup>

### *Detention and deportation*

Despite the protests, the screening taskforce forged ahead. Somalis who failed the exercise were detained; many were then moved to a camp at Embakasi Police College in Nairobi in preparation for deportation to Somalia. As people began to be arrested, many Somalis who wanted to avoid the screening, but were unable to flee, went into hiding. Screening officials called for police assistance. In North Eastern particularly, police conducted door-to-door searches for suspected aliens, looting and assaulting people as they went.<sup>89</sup> In Nairobi's Eastleigh neighbourhood,

once people realized ... you'll be arrested if you're not from the right clan, the politically correct clan ... they stayed in their houses ... the police were called to go to break into houses in the night, entering houses and forcefully taking people to the stations ... telling them collect your IDs, let's go ... some had to go with their children ... there were allegations of a lot of harassment and assaults, theft by the police, jewellery, money, and even alleged rapes.<sup>90</sup>

The circumstances of those detained varied widely.<sup>91</sup> Some had left Somalia in the mid-1980s and relied on relatives to secure identity papers with a bribe; others had been born in Kenya or arrived at a young age. Some were detained after failing to satisfy a screening panel; others were arrested before they had been to a screening centre or after they had received their screening card.

86. See 'Moi attacks aliens' demo', *Kenya Times*, 18 November 1989, pp. 1–2; Lee Njiru, 'Somalis demo an insult to us – Moi', *Daily Nation*, 18 November 1989, pp. 1, 22.

87. Irungu Ndirangu, 'Screening: govt warns aliens', *Daily Nation*, 18 November 1989, p. 5.

88. 'Leaders back screening', *Daily Nation*, 20 November 1989, p. 3.

89. Interview, female resident and development worker, Garissa, 14 April 2008.

90. Interview, Mohammed K. Ibrahim, Nairobi, 19 March 2008.

91. The following account of the detainees and first major deportation is a synopsis of accounts found in Africa Watch, 'Screening', pp. 9–17; and Africa Watch, *Kenya: Taking liberties*, pp. 116, 314, 320.

The first major deportation of an estimated 500 to 600 people from Embakasi occurred on 18 December 1989. A convoy of around fifty vehicles, accompanied by a helicopter, drove through Garissa District to Liboi, a town on the Somali border. For three days detainees stayed in a wire enclosure until Somali border officials received word from the Somali government to accept them. They were then taken over the border to Dobley to wait for trucks to transport them to Mogadishu.<sup>92</sup> Conditions were grim – a few months previously, Dobley had been the site of a violent battle between the SPM and the Somali army, and thousands had fled to Liboi reporting widespread killing.

Once in Mogadishu, the remainder of the first group of deportees received a little money from the Somali Ministry of Interior. However as more people arrived, up to 2,000 people had to live in the ministry compound and received little assistance apart from donations from local residents. The well-known Mogadishu lawyer Dr Ismail Jumaale Osoble reported in March 1990 that over 1,500 people had approached him for help with their immigration status. Almost all continued to produce Kenyan identity documents; many could not communicate adequately in Somali.<sup>93</sup> After Jumaale submitted a dossier of files to the Somali Ministry of the Interior, the government established a committee to investigate the deportees' status; it declared that they were not Somali citizens. The government then threatened to expel the group from the ministry compound<sup>94</sup> although some individuals were issued with a 'letter of deportation'.<sup>95</sup> Deportees used whatever means they could to return to their previous home, often bribing corrupt police on the way.<sup>96</sup>

Further information on what happened to people deported to Mogadishu, by then a very violent city, is not readily available. It is also difficult to trace other deportations. Early in the screening process, Somali and Ethiopian border officials refused to accept 60 businessmen brought to the border from Mandera District by Kenyan security forces. They were returned to Mandera and given temporary papers, presumably supposed to last until their deportation could be rearranged.<sup>97</sup>

However, because of the greater resources available to wealthy businessmen, some managed to communicate stories to journalists or fellow elites, as happened with Mohammed Kanyare Afrah, who played a significant role in post-Barre Somali politics. Harassment and deportations of Somali businessmen had been occurring months before the screening,

92. Africa Watch, 'Screening', p. 14.

93. Africa Watch, *Kenya: Taking liberties*, p. 314.

94. Africa Watch, 'Screening', pp. 16–17.

95. Africa Watch, *Kenya: Taking liberties*, p. 320.

96. *Ibid.* Interviews confirmed this impression.

97. *Ibid.*, p. 10.

particularly targeting the Habr Gedir and Murusade clans of the Hawiye clan family as well as the Isaaq and Harti clan families. Businessmen were targeted for a mixture of reasons. Some people were harassed for standing up to the screening; one Ogaden businessman from Garissa District reported that he had to flee Kenya after he spoke up in defence of the many Hawiye transporters working on his contracts.<sup>98</sup> As the screening continued, it became a tool for rivals seeking to settle disputes; there were rumours that the screening ended in part because it was threatening those close to the Kenyan Somali politicians in the Office of the President.<sup>99</sup> Nevertheless, the targeting of high profile figures early in the process reveals the motivations behind the exercise.

Some targets were linked to anti-Barre activities. Only one minister in the Somali government criticized the screening – Abdulkassim Salad Hassan,<sup>100</sup> from the same Habr Gedir clan as many of the targeted businessmen. The personal histories of some deportees also support this theory; not long after he was deported from Kenya, Mohammed Kanyare Afrah rose to prominence in the United Somali Congress and became a powerful faction leader in Mogadishu.<sup>101</sup> Other deportees were rumoured to have been supporters of the Isaaq-dominated Somali National Movement. Whether or not these rumours were true, persecution by clan was by early 1990 so severe in Somalia<sup>102</sup> that even being a prominent member of a clan associated with an opposition movement was enough to be perceived as an enemy of the state. Indeed, fearing what kind of reception Barre might provide, some businessmen resisted deportation to Somalia and were taken to Ethiopia.

On the other hand, it is essential to recognize the role of the politics of business within Kenya. Undoubtedly, the two reasons are connected; the crumbling of Barre's regime created a high stakes game in which whoever controlled crucial infrastructure and trade routes stood to benefit. The power struggles going on in different Somali regions had strong links to business politics among Somalis in Kenya.

Some victims of the screening owned businesses worth tens of millions of shillings. Hassan Kanyare, who used his connections to members of the Kenyan ruling elite to avoid deportation, owned a major transport company. Businessmen who were deported lost huge amounts of property and capital, much of which was auctioned off by the state or looted in

98. Interview, Garissa businessman, Nairobi, 2 April 2008.

99. Interviews, Kenyan Somali lawyers and businesspeople, Nairobi, March–April 2008.

100. *Weekly Review*, 'Controversial aftermath', 22 December 1989, pp. 7–8.

101. See the map 'Mogadishu: principal zones of political influence' in John Drysdale, *Whatever Happened to Somalia? A tale of tragic blunders* (Haan, London, 1994).

102. See Africa Watch, *Somalia: A government at war with its own people* (Africa Watch, London, 1990).

their absence. One of the businessmen taken to Liboi, Yusuf Osman Gabayare, was a major oil transporter before he was arrested and deported in mid-December 1989. Having been made stateless by the Kenyan authorities, he managed to travel to Uganda. At the time of his arrest, he left all his wealth unattended, including two houses he owned in Nairobi's South C neighbourhood, both of which were auctioned.<sup>103</sup> Similarly, Ahmed Hersi Farah, vice-chairman of the Eastleigh KANU sub-branch before he was arrested and deported, owned a block of flats, a lodging house, and a workshop in Eastleigh.<sup>104</sup>

The Moi regime's attempts to dominate the business world meant that elites close to political power could use their position to exploit divisions within their ethnic communities and target rivals from other sub-groups. In the case of Kenyan Somalis, political powerbrokers close to Moi were all from the Ogaden clan and resented the increasing strength of the Hawiye business class. Indeed, there were rumours at the time that Hassan Kanyare was positioning himself to be nominated to Parliament, which would have been taken as an affront by the Somali brothers close to President Moi. Rumours also abound of a conflict between General Mahmoud and Mohammed Idris, an Isaaq livestock trader based in Isiolo. Indeed, a few months before the screening, Moi blamed Idris for the 'banditry' problems in the national parks, describing him as a 'self-styled leader of a renegade rebel group from a neighbouring country ... working in collaboration with a few greedy, wealthy Kenyans in their bid to destroy the country's wildlife'.<sup>105</sup> Whatever the truth behind the rumours, it is clear the screening offered a chance for Somali political powerbrokers to target their economic and political rivals.

#### *Conclusion: the ongoing screening*

The screening does not have a clear endpoint – the processes it set in motion continued long after the categorizations and deportations. The initial bureaucratic events concretized historical marginalization and catalysed new forms of exploitation. The screening card facilitated discrimination along both ethnic and clan lines and legitimated police harassment, legacies seen in quasi-illegal processes over two decades later.

People who hid during the screening or made their way back to Kenya after fleeing or being deported had to live without a document any government official could demand from them. Moreover, the pink card did not guarantee protection, especially in lower-income neighbourhoods.

103. Interview, Hassan Lakicha, Yusuf Gabayare's former lawyer, Nairobi, 1 April 2008.

104. *Daily Nation*, 'Deported Somali's house burgled', 8 January 1990, p. 28.

105. Shimoli and Mwema, 'President names man behind banditry', *Kenya Times*, 1 September 1989.

Police now had one more document to demand and confiscate. Because there were no clear rules about the card and extortion was verbal, discrimination was difficult to challenge. The legacy of this problem exists today. Although government figures have declared verbally that the pink card is no longer necessary, and it is not normally demanded by government agents, there has been no written statement confirming its illegality. Kenyan Somalis have no assurance an immigration official will not demand their or their parents' card when they apply for a passport.<sup>106</sup>

Kenyan immigration practices meanwhile continue to recreate the screening. The law requires that, upon attaining the age of eighteen, individuals must make themselves available for registration within ninety days. However, in northern Kenya, identity cards are only issued periodically. Between their eighteenth birthday and when they receive the card, young people are issued with a temporary document. Stories abound of extended questioning by police doubting the document's veracity. When the time comes for identity cards to be issued, Kenyan Somalis have to face a vetting committee composed of elders, the local chief, and, often, members of the security services.<sup>107</sup> There are striking parallels with the screening panels of 1989 to 1990:

You're under the mercy of that old man ... If he knows you, well and good, you get an ID card. If he doesn't, you either give out something small so he knows you or ... so, in a way, you bribe for your citizenship, which in a way puts you in a very bad situation.<sup>108</sup>

People are still asked about their clan and the districts of origin supposedly attached to those clans; people born or living outside these 'districts of origin' face difficulties:

I may not have seen that district of origin in my life. I may have been born in Garissa or in Wajir and I've never been to Mandera ... If that old man feels that my clan does not live in this specific district then it becomes very unfair; it becomes a violation of basic rights of citizenship of this country.<sup>109</sup>

Once Somalis have their identity card, they have to present it with far greater frequency than non-Cushitic Kenyans at roadblocks and other unsolicited interactions with police:

It puts me in a precarious situation ... it puts me in some sort of fear, that if I don't have the ID card I must give out 200 shillings so that I buy my freedom ... I feel the screening and vetting is still on, up to now.<sup>110</sup>

106. Waweru Mugo, 'Somali leaders reject rules on IDs', *The Nation*, 29 May 2002, <<http://www.somaliuk.com/News/archive.php?month=5&year=2002>> (10 May 2008).

107. See Kenya National Human Rights Commission (KNHRC), 'An identity crisis? A study on the issuance of national identity cards in Kenya' (KNHRC, Nairobi, 2007), p. 16.

108. Interview, Garissa resident and businessman, Garissa, 14 April 2008.

109. *Ibid.*

110. *Ibid.*

Events in Somalia and global politics have exacerbated these problems. The increasing number of Somali refugees in Kenya and the overcrowding of the available refugee camps have placed huge burdens on the state institutions working to delineate citizens from non-citizens. Relying on personal connections remains a much more reliable path to secure citizenship than officially sanctioned processes alone, for both Kenyan Somalis and refugees from Somalia seeking increased security and an escape from the camps.

Regional dynamics have only heightened the suspicions with which government bureaucracy and police view Somalis, making Kenyan Somalis' access to the rights and protections of citizenship even more precarious and extortion ever more prevalent. On one hand, the increasing economic power of Somalis in Kenya has fuelled fears voiced in the media and popular discourse of an economic 'Somali invasion'. In December 2009, following heavy media speculation that most capital invested in Nairobi's Somali-dominated Eastleigh business hub originated in Indian Ocean piracy, the Kenyan Minister of Internal Security gave orders that the provincial administration should profile all property in the country, starting in Nairobi, 'to document who owns what in this country and from which country'. He stated particular concerns that 'foreigners' were guilty of property fraud and money laundering.<sup>111</sup> The move stalled after prominent Kenyan Somali leaders opposed it.<sup>112</sup>

At the same time, the rise of the hardline Islamic militant group al-Shabaab and Kenya's invasion of Somalia in October 2011 have brought a more militarized environment in Somali areas of Kenya. Raids in Eastleigh and other Somali neighbourhoods in Nairobi and Mombasa have become more regular – with the assistant minister for internal security telling the Kenyan Parliament a few days after the beginning of the invasion, 'After the Somalia thing is over, I am going to do a mother of all operations here in Nairobi to remove all Al-Shabaab and al-Qaeda.'<sup>113</sup>

As Kenya's involvement in the war against al-Shabaab has deepened, Somalis have not been the only group to face vetting and screening. The series of explosions in Nairobi blamed on al-Shabaab, and the fear of a larger-scale attack, have led to a widening of state surveillance of Muslims generally. As with the case of ethnic Somalis, the vulnerability of many

111. KTN, 'Kimemia on property audit', 8 December 2009, <<http://www.youtube.com/watch?v=0PVCcpBs9UQ>> (8 July 2012).

112. Interview, civil servant, Nairobi, 5 April, 2010. See Abdullahi Jamaa, 'Our businesses are clean and legal, Somali traders say', *New Dawn* 3, 9 (15 February–1 March 2010), <[the-newdawn.info/Downloads/34th%20Issue.pdf](http://thenewdawn.info/Downloads/34th%20Issue.pdf)> (11 July 2011); and Morris Aron, 'The puzzle of property boom in Kenya', *The Standard*, 6 December 2010, <<http://www.standardmedia.co.ke/?incl=comments&id=2000024096&cid=457&articleID=2000024096>> (8 July 2012).

113. John Ngirachu, 'Govt to weed out Shabaab sympathisers in Nairobi swoop', *Daily Nation*, 19 October 2011 <<http://allafrica.com/stories/201110191112.html>> (8 July 2012).

predominantly Muslim groups in Kenya has a historical basis. Coastal Muslims and especially Kenyans of Arab or Asian descent have often faced vetting when applying for identity cards, and this is increasing.<sup>114</sup> More attention needs to be paid to the ways in which the construction of the Kenyan state has affected the vulnerability of different groups, creating a graduated citizenry, as well to how specific social relations are used to mitigate or reinforce those vulnerabilities.

For Kenyan Somalis, the reactions of the Kenyan state to perceived threats from Somalis in Kenya follow decades-old patterns, using screening, checkpoints, and militarized raids in an attempt to increase the 'legibility' of the Somali population. Indeed, despite the change in rhetoric from 'shifita' and bandits in the 1980s and 1990s to Islamic militants, terrorists, and pirates today, the ongoing dynamics of screening and vetting emphasize the continuing creation of a graduated citizenry, with the least powerful groups reliant on personal connections to access state resources and protection. For Kenyan Somalis, these social relations have most often followed clan lines, thus tying individuals' connection to the state to questions of their lineage. The analysis of the documents produced by the state in 1989 to 1990 in the context of the history of Kenya's North Eastern Province helps explain the origins of these long-term dynamics. The screening cards provided details of an individual's lineage down to a very specific level; they were not only products of the state's attempt to delineate citizens from non-citizens, but also the result of a politics in which more specific differences mattered.

Beyond highlighting the many levels of difference involved in the politics of citizenship, the analysis of the screening also explains how the negotiation of citizenship and belonging in Kenya has changed the meaning of some of the identity labels involved. In the case of the Somalis, the integration of selected elites into the structure of the state not only reinforced the importance of lineage but changed its meaning. Lineage became a way to tie people to specific spaces instead of a way to govern a pastoralist society – a process of change being observed in many pastoralist areas in states across the Horn of Africa.<sup>115</sup> More generally, the embedding of particular social relations within the structures of the state has maintained the potency of ethnic and sub-ethnic relations, but changed their content and the way they are negotiated. This interaction between state institutions and specific kinds of social relationships emphasizes that statehood

114. For example, in January 2011, it was revealed that a government memo instructed officials in Muslim-dominated areas to request extra documents from Muslim Kenyans of Arab and Asian descent applying for identity cards. See 'Kenya: ID cards vetting sidelines Muslims, court told', *Daily Nation*, 13 January 2011, <<http://allafrica.com/stories/201101140158.html>> (8 July 2012).

115. On Ethiopia and Kenya, see Schlee, 'Territorialising ethnicity'.



in Kenya is not just based on the existence of in-groups and out-groups, but is rooted in a specific and historically determined institutionalization of power. Only through understanding the history of that institutionalization and the relationships involved can the fragility of citizenship for Kenyan Somalis and others near the bottom of the citizenship ladder be understood.