

**SECURITY SECTOR REFORMS AND THEIR IMPLICATION IN FIGHTING  
AGAINST TERRORISM IN KENYA (1998-2015)**

**ALBERT OCHIENG' OKINDA, BA**

**REG NO: C50/23402/2012**

**A THESIS SUBMITTED TO THE SCHOOL OF HUMANITIES AND SOCIAL  
SCIENCES IN PARTIAL FULLFILMENT OF THE REQUIREMENT FOR THE  
AWARD OF THE DEGREE OF MASTER OF ARTS (INTERNATIONAL  
RELATIONS AND DIPLOMACY), KENYATTA UNIVERSITY**

**NOVEMBER 2016**

**DECLARATION**

I declare that this thesis is my own unaided work and has not been submitted for any other degree award in any other university.

Signature..... Date.....

**Name: Ochieng' Albert Okinda**

**C50/23402/2012**

**University Supervisors:** We confirm that the work reported in this thesis was carried out by the student under our supervision.

Signature.....Date.....

**Dr. Susan Mwangi Owino**

Department of History, Archaeology and Political Studies

Signature.....Date.....

**Dr. Joseph Wasonga**

Department of History Archaeology and Political Studies

**DEDICATION**

To my late sister Milka May Okinda 'Mum'.

## ACKNOWLEDGEMENT

I am indebted to many people who in one way or the other gave their priceless support toward the realization of this thesis. I am grateful to Kenyatta University for granting me an opportunity to pursue my Masters studies and use university facilities.

I express my gratitude to my supervisors: Dr. Susan Owino Mwangi and Dr. Joseph Wasonga for their reflective support, encouragement and selfless dedication in reading my work and providing valuable comments. To you my supervisors, I can only say continue with the spirit.

I am equally indebted to the Department of History, Archaeology and Political Studies teaching staff, led by Dr. Washington Ndiiri, Dr. Kakai Pius, Dr. Kisiangani, Dr. David Okello, Dr. Lazarus Ngari, Dr. Peter Wekesa, Dr. Edith Miguda, Dr. Joel Imbisi, Mr. Julius Nabende, Mr. Isaiah Odour, Mr Kennedy Gitu and Mr. Lemoosa for your advices and positive criticism. My appreciation also goes to the secretarial staff in the Department led by Carol Runyenje, Miriam Wangui, Margret Odongo, Margret Wambui, Janise Kaburu and Yvonne Mutua.

I owe special thanks to the staff of the Post Modern Library (Kenyatta University), Jomo Kenyatta Memorial Library (University of Nairobi) and Kenya National Archives for all the support given in the course of the research.

I am also thankful to my classmates and friends Nyakundi Enock, Nyarieko Geoffrey, Kipngeno Hillary, Nyabwengi Catheline, Bernice Akinyi, Maina David, and Kennedy Onyango. Thank you for your encouragements and relentlessly reminding me of our joint resolve to complete the course when time was challenging.

My gratitude goes to my parents, Boaz Okinda, Beatrice Okinda, and Pesila Okinda for taking me to school and instilling in me the culture of hard work. Special thanks also go to my brothers and sisters for their support. Equal gratitude goes to the entire family of Richard Monye for their prayers and assistance. I would also like to thank my uncle Philip Monye (Mwalimu) for ensuring steady supply of pocket money for me.

Special thanks go to my wife Maureen Michura and our daughter Natalie Akinyi. Your love, patience, understanding and encouragement made this thesis achievable. It is impossible to name all the people who gave me support, but just to say thank you all.

## TABLE OF CONTENTS

|  |             |
|--|-------------|
| <b>DECLARATION.....</b>  | <b>ii</b>   |
| <b>DEDICATION .....</b>  | <b>iii</b>  |
| <b>ACKNOWLEDGEMENT .....</b>                                     | <b>iv</b>   |
| <b>LIST OF FIGURES .....</b>                                     | <b>viii</b> |
| <b>OPERATIONAL DEFINITION OF TERMS .....</b>                     | <b>x</b>    |
| <b>ABBREVIATIONS AND ACRONYMS .....</b>                          | <b>xi</b>   |
| <b>GLOSSARY.....</b>   | <b>xiii</b> |
| <b>ABSTRACT.....</b>   | <b>xiv</b>  |
| <b>CHAPTER ONE.....</b>  | <b>1</b>    |
| 1.0 INTRODUCTION.....  | 1           |
| 1.1 BACKGROUND .....   | 1           |
| 1.2 Statement of the problem .....                               | 7           |
| 1.3 Research Questions.....                                      | 8           |
| 1.4 Objectives of the study.....                                 | 9           |
| 1.5 Research premises .....                                      | 9           |
| 1.6 Justification and significance of the study .....            | 9           |
| 1.7 Scope and limitation of the study .....                      | 10          |
| 1.8 Literature review and theoretical framework .....            | 11          |
| 1.8.1 Global terrorism .....                                     | 12          |
| 1.8.2 The conceptualization of Security Sector reforms... ..     | 18          |
| 1.8.3 Theoretical framework.... ..                               | 20          |
| 1.9 Research methodology.....                                    | 24          |
| 1.9.1 Research design.....                                       | 25          |
| 1.9.2 Research location... ..                                    | 25          |
| 1.9.3 Targeted population .....                                  | 25          |
| 1.9.4 Sampling technique .....                                   | 26          |
| 1.9.5 Data generation... ..                                      | 26          |
| 1.9.6 Data analysis.....   | 27          |
| 1.9.7 Ethical considerations .....                               | 27          |
| <b>CHAPTER TWO .....</b>   | <b>28</b>   |
| <b>2.0 CONCEPTUAL ISSUES AND ORIGIN OF GLOBAL TERRORISM.....</b> | <b>28</b>   |
| 2.1 INTRODUCTION .....   | 28          |
| 2.2 Conceptual issues and definition of terrorism .....          | 28          |

|                           |  |           |
|---------------------------|--|-----------|
| 2.3                       | Characteristics of terrorism. ....   | 30        |
| 2.4                       | Origin of global terrorism .....   | 34        |
| 2.5                       | Terrorism in Africa .....  | 42        |
| 2.6                       | Conclusion .....   | 44        |
| <b>CHAPTER THREE.....</b> |  | <b>44</b> |
| <b>3.0</b>                | <b>TRENDS OF TERRORISM IN KENYA .....</b>  | <b>44</b> |
| 3.1                       | Introduction .....   | 44        |
| 3.2                       | Terrorist attacks in Kenya .....   | 44        |
| 3.3                       | Historical development of global terrorism in Kenya .....                          | 49        |
| 3.3.1                     | The emergence of Al-Shabaab .....  | 60        |
| 3.3.2                     | Al-Hijra: Al- Shabaab's affiliate in Kenya.....                                    | 69        |
| 3.4                       | Why is Kenya a target of terrorism? .....  | 73        |
| 3.5                       | Conclusion .....   | 85        |
| <b>CHAPTER FOUR .....</b> |  | <b>87</b> |
| <b>4.0</b>                | <b>REFORMING THE SECURITY SECTOR IN KENYA; 1998-2015 .....</b>                     | <b>87</b> |
| 4.1                       | Introduction.....  | 87        |
| 4.2                       | Contextualizing security sector reforms (SSR) in Kenya .....                       | 87        |
| 4.3                       | Security sector reforms in Kenya .....   | 93        |
| I.                        | The National Intelligence Service (NIS) .....                                      | 95        |
| II.                       | Anti-Terrorism Police Unit (ATPU).....   | 100       |
| III.                      | The National Counter-Terrorism Center (NCTC) .....                                 | 102       |
| IV.                       | Legislations....   | 104       |
| V.                        | The Constitution.....  | 108       |
| VI.                       | The Security Law (Amendment) Bill, 2014. ....                                      | 113       |
| VII.                      | Community based policing (now <i>nyumba kumi</i> ) .....                           | 114       |
| 4.4                       | The role of international and regional bodies in the fight against terrorism...123 |           |
| I.                        | East African Counterterrorism Initiative (EACTI).....                              | 123       |
| II.                       | Terrorists Interdiction Program (TIP).....   | 125       |
| III.                      | Anti-Terrorism Assistance (ATA) by United States of America .....                  | 126       |
| IV.                       | Combined Joint Task Force-Horn of Africa (CJTF-HOA) .....                          | 126       |
| V.                        | Intergovernmental Authority on Development (IGAD).....                             | 127       |
| VI.                       | African Union.....   | 128       |

|       |   |            |
|-------|---|------------|
| VII.  | United Nations (UN).....  | 130        |
| 4.5   | Conclusion .....  | 131        |
|       | <b>CHAPTER FIVE</b> .....   | <b>133</b> |
|       | <b>5.0 ASSESING THE EFFECTIVENESS AND IMPLICATIONS OF SECURITY SECTOR REFORMS</b> ..... | <b>133</b> |
| 5.1   | Introduction.....   | 133        |
| 5.2   | Legislations.....   | 134        |
| 5.2.1 | The Suppression of Terrorism Bill 2003 .....  | 134        |
| 5.2.2 | The Security Laws (Amendment) Bill 2014 .....   | 140        |
| 5.3   | ‘Usalama Watch’ .....   | 148        |
| 5.4   | Anti-Terrorism Police Unit (ATPU).....  | 151        |
| 5.5   | Information sharing with other countries .....  | 155        |
| 5.6   | Conclusion.....   | 167        |
|       | <b>CHAPTER SIX</b> .....  | <b>169</b> |
|       | <b>6.0 SUMMARY, CONCLUSION AND RECCOMENDATIONS</b> .....                                | <b>169</b> |
|       | <b>REFERENCE</b> .....  | <b>181</b> |
|       | <b>APPENDICES</b> .....   | <b>196</b> |
|       | A1: INTERVIEW SCHEDULE.....   | 196        |
|       | A2: LIST OF KEY INFORMANTS .....  | 198        |
|       | A3: MAP OF NAIROBI .....  | 199        |
|       | A4: RESEACH PERMIT .....  | 200        |

**LIST OF FIGURES**

Figure 1: Deaths caused by Al-Shabaab Attacks in Kenya, by Month.....49  
Figure 2: Organizational Structure of *nyumba kumi* (ten household)..... 120



**LIST OF TABLE**

Table 1: Statistics on terror related attacks in Kenya since 1975 to May 4<sup>th</sup>, 2014.....47

## OPERATIONAL DEFINITION OF TERMS

**Terrorism:** This is a premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents usually intended to influence an audience.

**Global/International terrorism:** it occurs when the act of terrorism occurs in more than one country and has clear international consequences.

**Domestic Terrorism:** It occurs when the act of terrorism is, confined to national boundaries and does not include targets or agents from abroad.

**Anti-terrorism:** refers to the defensive efforts to reduce vulnerabilities of targets to terrorist attacks and to lessen the effects of terrorist attacks that do occur.

**Counterterrorism:** refers to offensive and military measures against terrorists to prevent, deter and respond to terrorist acts.

**Cells:** A small unit of terrorist group serving as part of a larger terrorist movement.

**Homeland security:** this is the government efforts to protect the country from terrorist attacks.

**Horn of Africa:** The region in focus here includes the following countries: Kenya, Uganda, Tanzania, Somalia, Ethiopia, Djibouti, Eritrea, and Sudan.

**Security sector reforms:** this is the restructuring, professionalizing and increasing the accountability of the security actors in order to improve the delivery of security and justice services in the fight against international terrorism.

**Soft Target:** Something that can be easily attacked

**Transnational:** Operating in more than one country

**LIST OF ABBREVIATIONS AND ACRONYMS**

|                 |   |
|-----------------|---|
| <b>ACRST</b>    | -African Center for Study and Research on Terrorism |
| <b>AFRICOM</b>  | -United States, Africa Command                      |
| <b>AIAI</b>     | -al Ittihad al Islamiya                             |
| <b>AMISOM</b>   | -African Union Mission in Somalia                   |
| <b>AMYC</b>     | -Ansar Muslim Youth Center                          |
| <b>ATPU</b>     | -Anti-Terrorism Police Unit                         |
| <b>ATSA</b>     | -Aviation and Transportation Security Act           |
| <b>AQIM</b>     | -Al-Qaeda in Maghreb                                |
| <b>AU</b>       | -African Union                                      |
| <b>CBP</b>      | -Community Based Policing                           |
| <b>CCTV</b>     | -Closed-Circuit Television                          |
| <b>CIA</b>      | -Central Intelligence Agency                        |
| <b>CID</b>      | -Criminal Investigation Department                  |
| <b>DG</b>       | -Director General                                   |
| <b>DRA</b>      | -Department of Refugee Affairs                      |
| <b>CJTF-HOA</b> | -Combined Joint Task Force-Horn of Africa           |
| <b>EA</b>       | -East Africa  |
| <b>EACTI</b>    | -East Africa Counterterrorism Initiative            |
| <b>EARSI</b>    | -East African Regional Strategic Initiative         |
| <b>FBI</b>      | -Federal Bureau of Investigation                    |
| <b>GSU</b>      | -General Service Unit                               |
| <b>HOA</b>      | -Horn of Africa                                     |
| <b>ICC</b>      | -International Criminal Court                       |
| <b>ICG</b>      | -International Crisis Group                         |
| <b>IG</b>       | -Inspector General                                  |
| <b>IGAD</b>     | -Intergovernmental Authority on Development         |
| <b>ICG</b>      | -International Crisis Group                         |
| <b>ICPAT</b>    | -IGAD's Capacity Building Program Against Terrorism |
| <b>ICU</b>      | -Islamic Court Union                                |
| <b>IPOA</b>     | -Independent Police Oversight Authority             |
| <b>ISI</b>      | -Pakistan's Inter-Service Intelligence Agency       |
| <b>ISIL</b>     | -Islamic State of Iraq and the Levant               |
| <b>ISSP</b>     | -IGAD Security Sector Program                       |
| <b>KDF</b>      | -Kenya Defense Forces                               |
| <b>KHRC</b>     | -Kenya Human Rights Commission                      |
| <b>KNHCR</b>    | -Kenya National Commission on Human Rights          |
| <b>KTN</b>      | -Kenya Television Network                           |
| <b>MRC</b>      | -Mombasa Republican Council                         |
| <b>MYC</b>      | -Muslim Youth Center                                |
| <b>NCBDA</b>    | -Nairobi Central Business District Association      |
| <b>NCTC</b>     | -National Counter-Terrorism Center                  |
| <b>NGOs</b>     | -Non-Governmental Organizations                     |
| <b>NIS</b>      | -National Intelligence Service                      |
| <b>NPS</b>      | -National Police Service                            |

|                    |  |
|--------------------|--|
| <b>NPSC</b>        | -National Police Service Commission  |
| <b>NSIS</b>        | -National Security and Intelligence Service  |
| <b>OAU</b>         | -Organization of African Unity   |
| <b>OECD-DAC</b>    | -Organization for Economic Co-operation and Development - Assistant Committees                                 |
| <b>O.I</b>         | -Oral Interview  |
| <b>ONLF</b>        | -Ogaden National Liberation Front  |
| <b>OPEC</b>        | -Oil and Petroleum Exporting Countries   |
| <b>PFLP</b>        | -Palestinian Front for the Liberation of Palestine   |
| <b>PLO</b>         | -Palestinian Liberation Organization   |
| <b>POCAMLA</b>     | -Proceeds of Crime and Anti-Money Laundering Act   |
| <b>PREACT</b>      | -Partnership for Regional East African Counterterrorism  |
| <b>TFG</b>         | -Transitional Federal Government   |
| <b>TIP</b>         | -Terrorism Interdiction Program  |
| <b>UK</b>          | -United Kingdom  |
| <b>UN</b>          | -United Nations  |
| <b>UNDP</b>        | -United Nations Development Program  |
| <b>UNEP</b>        | -United Nations Environment Program  |
| <b>UNHCR</b>       | -United Nations High Commission for Refugees   |
| <b>UNODC</b>       | -United Nations Office on Drugs and Crime  |
| <b>US</b>          | -United States   |
| <b>PISCES</b>      | -Personal Identification Secure Comparison and Evaluation System.  |
| <b>PMY</b>         | -Pumwani Muslim Youth  |
| <b>PRMC</b>        | -Pumwani Riyadhha Mosque Committee   |
| <b>SSR</b>         | -Security Sector Reforms   |
| <b>TFG</b>         | -Transitional Federal Government   |
| <b>USA PATRIOT</b> | -Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism |

## GLOSSARY

- Al-Hijra** - meaning New Year
- Al-Qaeda** -literally means the 'base'
- Al-Shabaab** - *Harakat Al-Shabaab al-Mujahedeen* (Mujahidin Youth Movement), better known as *Al-Shabaab*
- Boko Haram** -literally it means the “western education is sinful”
- Fatwa** - declaration of war
- Jihad** -is an Islamic term referring religious duty to defend spread religion of Islam
- Sicarii** -named after a short dagger, or Sica

**ABSTRACT**

The growing threat of global terrorism to various countries' national security prompted most governments such as Kenya to make reforms in the security sector to mitigate the vice. The study explored security sector reforms and their implication in the fight against terrorism in Kenya between 1998 and 2015. The study sought to realize the following objectives: examine the conceptual issues and origin of global terrorism; explore the trends of terrorism in Kenya (1998-2015); analyse the relevance of the reforms in the security sector in fighting terrorism in Kenya since 1998-2015; and to assess the effectiveness and implications of reforms in the security sector in mitigating terrorism. To achieve these objectives the study used both primary and secondary data. Primary data was obtained using in depth interview guides while secondary data was subjected to critical textual analysis and interpretation to test the relevance and accuracy of the document for the purpose of the study. The obtained qualitative data was analysed thematically. The study found out that global terrorism has been in existence since human civilization. However, it has been changing in terms of the target audience, *modus operandi* and ideology. The study also found out that Kenya has been a target of increased attacks due to the government's intervention into Somalia following a spate of attacks by Somalia based terrorist group (al-Shabaab). The vulnerability of the country to terror attacks had prompted the government to carry out various security sector reforms from 1998-2015 in order to mitigate the vice. These vary from institutional reforms to policy formulations and regional and international cooperation. The study demonstrated that though these reforms were geared toward addressing the runaway insecurity in the country, they have fallen short of applying appropriate mechanism in addressing the underlying causes, which make the country a soft target for terrorist activities. This is because terrorist attacks resulted from continued securitization of terrorism. This therefore, requires wider reforms, which often result in heavy handedness of the government in addressing incidents and terror suspects. Therefore, the Kenya government has found it challenging in addressing the threat of terrorism since it is supposed to balance liberty and security.

## **CHAPTER ONE**

### **1.0 INTRODUCTION**

This chapter discussed the background of the study, statement of the study, research questions, objectives of the study, research premises, justification and significance of the study and lastly the scope and limitation of the study.

### **1.1 BACKGROUND**

Terrorism is not a new phenomenon, but a new phenomenon in the field of international relations (Jenkins 1974). Cronin (2003) considers terrorism as old as humankind; however, she is keen to note that the current trend of terrorism has its roots in the French revolution, when terror was used to crash enemies of the revolution. Hoffman (2004) and Shughart (2006) on their part concur that the word terrorism was popularized during the French revolution. They argue that terrorism at that time was adopted to restore order in the wake of revolutions.

However, the current wave of terrorism experienced globally emerged in the late 1970s. The emergence of this kind of terrorism is marked by two events; the Iranian revolution and the Afghan-Soviet conflict of 1978 (Botha, 2013; Rapoport, 2004). This kind of terrorism is characterized by fundamentalism and fanaticism and often perceived to be emanating from Muslim countries (Cronin, 2003; Rapoport, 2004). Rapoport (2004) refers to this of kind terrorism as the 'religious wave' of terrorism.

Despite this, scholars have not yet come up with a concrete definition of terrorism. It therefore remains a contested term in that scholars are constantly reconceptualising the term in order to develop the accepted definition of the term. Cronin (2003) attributes the

challenges faced in conceptualizing terrorism partly to its changing nature and its association with subjective activities. According to Stern (2000) and Otiso (2009), there exist many definitions because some focus on the perpetrators, others on their purposes and others on their techniques.

Hoffman (2004, p. 821) on his part comprehends terrorism as the systematic use of violence to create a general atmosphere of fear in a population with the objective of achieving a particular political objective. One key feature of terrorism is that the acts are often considered illegal and result in massive loss of lives and destruction of property. Snow (2006) considers the aim of these acts as the disruption of normalcy of life either through killing or injuring people or of destruction of infrastructures.

However, the current wave of global terrorism is often directed towards the United States and other Western countries and their allies (Botha, 2013). Scholars argue that the reason behind terrorism activities is the presence of US military troops in Saudi Arabia; the economic and military support to Israelis; and their policies towards Middle East countries (Zinn, 2002; Botha, 2013). It is in light of this that various terrorist groups targeting Western interests have carried out terrorist attacks in various regions of the world.

Some of the attacks carried out by terrorists include the simultaneous attacks on US embassies in Kenya and Tanzania in 1998 (Kagwanja, 2006; Otiso, 2009); the 2001 attacks in the US which killed around 3,000 people (Rourke, 2011); the 2004 Madrid train station attack and the London subway terrorist attack in 2005 (Mingst, 2008) among others. According to Otiso (2009) global terrorism has increased in lethality; a



product of the use of sophisticated weapons, religious motivation and the ability to operate globally. The global news networks such as twenty-four hour news have enhanced this and internet based news.

Therefore, with globalization, the nature of terrorism makes it not a preserve of one country (Nzau, 2010). Drawing from other countries' experiences, it is clear that terrorism is catastrophic and can occur anytime anywhere. Scholars and policy makers have argued that it is the greatest threat to our life today globally. The responses to terrorists' attacks are varied and have changed tremendously, especially with the al-Qaeda 11<sup>th</sup> September 2001 attack on World Trade Centre and the Pentagon.

This has demanded rethinking of national security of different countries. In the US, the response contained a range of reforms in the security sector. The US passed the USA Patriotic Act 2001 (Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism). It also created the Department of Homeland Security in 2002 to facilitate easy sharing of information between different government security agencies and placing them under one authority (US Homeland Security Act of 2002). Moreover, the US government federalized airport security by passing the Aviation and Transportation Security Act (ATSA) in 2001, which created the transport administration that provided tight screening of passengers and scanning of any weapons to enhance airport security (del Carmen, 2003). However, is this, the case with other continents and specifically Africa?

On the other hand, terrorism in Africa became pronounced after the 9/11 attack (Lyman, 2009). Ankomah (2014) observes that different terrorist groups have been wreaking

havoc in the continent, from the Eastern part, the Somali based *Harakat Al-Shabaab al-Mujahedeen* (Mujahidin Youth Movement), better known as *Al-Shabaab*, in West Africa; Boko Haram has been abducting school children, and the al-Qaeda activities and attacks in the Maghreb and Sahel countries (pp. 1).

The al-Qaeda in Maghreb (AQIM) in Algeria has been fighting to overthrow the government (Cilliers, 2003). Based on this, African states have responded differently in an attempt to address the ever-growing terrorist phenomenon. For example, in West Africa, Sahelian states have welcomed the American help in getting control of their ungoverned spaces by adopting new security legislation (Lyman, 2009).

The East African region has also had its share of terrorism attacks. The 1998 attack on US embassies in Kenya and Tanzania and the foiled attack in Uganda confirmed the presence of international terrorism (in this case al-Qaeda) in the region (Shinn, 2004). Accordingly, in 2002, Kenya witnessed a major attack on the Paradise Hotel along the Kenyan coast town of Mombasa. The attack killed 12 people and injured 80 people (Botha, 2013; Kagwanja, 2006).

It is worth noting that the first successful terrorist attack in Kenyan history dates back to the Norfolk bombing of 1980 (Aronson, 2013; Otiso, 2009; Kagwanja, 2006). The region's current terrorist threats emanate from al-Shabaab, an al-Qaeda affiliate that has local support from al-Hijra (Nzes, 2014). Al-Hijra is a local terrorist group, which majorly operates in Nairobi and Mombasa. An allegation of al-Shabaab's first attack was in 2010 in Kampala (Nzau, 2010). The group also attacked the Westgate shopping mall in Nairobi in 2013; nonetheless, there were also a spate of attacks using hand grenades

(Blanchard, 2013) across the country. Some of these attacks have been a counter attack to Kenya's military intervention in Somalia in an attempt to restore peace.

In Kenya, the attacks have proliferated due to a combination of international and domestic factors. These factors range from: the porosity of Kenya's borders; the Dadaab refugee complex; presence of urban refugees; corruption; the perceived close ties with the West; unstable neighbours; the relatively advanced economy of the country and the perceived laxity of laws (Otenyo, 2004; Shinn, 2004; Adan, 2005; Combating Terrorism Center at West Point, 2006; and Aronson, 2013).

Terrorist attacks in Kenya have exposed fundamental shortcomings in the country's national security vulnerabilities to terror activities, thus demanding a reorganization of the country's security apparatus. This led to the revision of security sectors in order to prepare the country to meet the new and existing threat of terrorism. On their part, Uganda and Tanzania adopted the Anti-terrorism Act that criminalized funding of terrorism in 2002 as a response to terrorism. Kenya's approach that attempted to adopt Suppression of Terrorism Act in 2003 faced a lot of criticism from civil society. This is because it was violating human rights and targeting certain religious groups mainly Muslim (Kamau, 2006; Whitaker, 2008). The three East African countries have also worked together to improve airport security and regional aviation security regulations (Combating Terrorism Center at West Point, 2006).

Of the three East Africa countries, Kenya has suffered a lot the brunt of terrorism due to the earlier mentioned factors. This experience acted as a spring board upon which security sector reforms to protect the national security were borne. According to Moller

(2007), security sector reforms calls for change in regulations, department, procedures and bureaucratic reorganization.

To redress these existing flaws with national security in regard to terrorism; the Kenyan government took measures to reorganize security institutions and to rewrite laws strengthening these institutions in the fight against international terrorism. For example, the government established the National Counterterrorism Center (NCTC) in 2003 to coordinate regional counterterrorism efforts and Anti-Terrorism Police Unit (Adan, 2005; Mogire & Mkutu, 2011; Whitaker, 2008; Wycloff, 2004). There has also been increased security in and around the airports whereby passengers are subjected to screening and construction of perimeter walls around them (Whitaker, 2008).

In an effort to show its resilience against terrorism, the government intervened in Somalia in 2011 under auspices 'Operation Linda Nchi.' This was after a spate of attacks by al-Shabaab terrorist group (Blanchard, 2013). Kenya has been attacked 133 times since the 'operation Linda Nchi' begun resulting in 264 deaths and 923 injuries (Wafula, 2014). In as much as Garissa recorded the highest percentage of terrorist attacks (39%) as compared to Nairobi (23%) from 2011-2014, Nairobi still had the highest number of casualties (Ibid). On this, one can argue that Nairobi offers easy targets of international significance for terrorists due to its cosmopolitan nature. With attacks on Westgate, there has been an initiative to revive community based policing dubbed "nyumba kumi initiative" as a way to further deal with the question of national security.

The security sectors reforms have received consensus among the public in Kenya, but the change entailed in this reforms remain disputed. The reforms took the form of legislations, restructuring, professionalizing and increasing accountability of the security agencies. Despite all this, there have been continued terrorist attacks with each attack exposing fundamental shortcomings in in the security sector.

Most of the security reforms' shortcomings relate to collection of intelligence by the national security and coordination among security agencies, border security and prosecution of terrorist suspects. The identified shortcomings make the sufficiency of these reforms to be questionable. Nevertheless, reforms in the security sector often have implications regarding the manner in which they are instituted and implemented by government in an effort to mitigate terrorism in Kenya. It is against this background that the study sought to interrogate the efficiency of security sector reforms in curbing terrorism in Kenya.

## **1.2 Statement of the problem**

Kenya has been a soft target for terrorist attacks and activities in the recent past following its intervention into Somalia. This is demonstrated by 144 attacks that the country has experienced since 1998. The first terrorist attack witnessed in Kenya was the 1980 Norfolk Hotel attack that was carried out as a retribution for Kenya's cooperation with Israel during the Entebbe raid in 1975. As response to the ever-growing terrorism attacks in Kenya, the government carried out security sector reforms such as the periodic national security reviews and establishment of security institutions such as Anti-Terrorism Police Unit, and National Counterterrorism Centre. Consequently, the

government in 2011 sent its military forces to Somalia as a way of curbing terrorist activities at its roots.

Nevertheless, despite Kenya's intervention in Somalia, terror attacks have continued to occur. Regardless of the existing comprehensive security sector reforms, Kenya has remained vulnerable to terrorist attacks and activities. This demonstrated that there was need to carry out this research to interrogate the implications of security sector reforms on Kenya's security. This was carried out through examination of the conceptual issues and origin of global terrorism, an interrogation of trends of global terrorism in the country; the existing security sector reforms that are specifically initiated to fight terrorism in Kenya since 1998-2015; and the effectiveness and implications of these reforms on Kenya's security.

### **1.3 Research Questions**

The study was guided by the following research questions:

- i. What are the conceptual issues and origins of global terrorism?
- ii. What has been the trend of global terrorism in Kenya?
- iii. Which security sector reform initiatives has Kenya undertaken in the fight against terrorism from 1998 to 2015?
- iv. What are the effectiveness and implications of the reforms in the security sector in mitigating terrorism?

#### **1.4 Objectives of the study**

The study was guided by the following objectives:

- i.** To explore the conceptual issues and origin of global terrorism;
- ii.** To examine terrorism trends in Kenya, 1998 to 2015);
- iii.** To analyse the reforms in the security sector relevant to fighting terrorism in Kenya from 1998 to 2015; and
- iv.** To assess the effectiveness and implications of the security sector reforms in mitigating terrorism.

#### **1.5 Research premises**

The study was premised on the following:

- i.** Global terrorism is surrounded by many conceptual issues;
- ii.** The emergence and growth of global terrorism in Kenya owe much to her ties with the Western countries;
- iii.** A number of reforms have taken place in the security sector since 1998, in reaction to global terrorism; and
- iv.** Reforms in the security sector relating to global terrorism have had a number of effectiveness and implications.

#### **1.6 Justification and significance of the study**

Most researches (Adan 2005; Aronson, 2013; Mogire and Mukutu, 2011; Nzau, 2010) on terrorism have largely addressed counterterrorism measures in Kenya. Other studies

such as Botha, 2013; Shinn, 2006; Rosenau, 2005; Rabasa, 2007 have focused on regional level in the fight against terrorism and radicalization.

These studies having a broader context of the fight against terrorism do not provide an in-depth critical analysis of security sector reforms undertaken by Kenyan government as a response to emerging threats of terrorism. The study examined the various security sector reforms and their implication in the fight against terrorism in Kenya. The nexus between security sector reform and terrorism is important for a number of reasons: to begin with, with the ever-increasing global threat and apparent tenacity of terrorists to morph and successfully kill and create fear globally, it becomes imperative that more research is carried out in order to counter terrorism.

The scholarly literature about the country's security sector reforms and their implications in the fight against terrorism, are fragmentary and often indirectly relates to the country. Thus, the study will add to the existing literature and ongoing studies on terrorism and security studies. The rationale of the study will be to create an understanding of the reforms in the security sector and their subsequent implications in curbing terrorism in Kenya. At a time the world, and in particular Kenya, is grappling with terror threats, this study would help the government, especially intelligence to decipher the trends and influence policy formulation in counter terrorism response.

### **1.7 Scope and limitation of the study**

The study focused on the implication of security reforms in Kenya in curbing terrorism in the country. The study delimited itself to security sector reforms relevant to fight terrorism and safeguarding the national security. However, reforms in other sectors



relevant or facilitating the fight against terrorism was considered to advance the argument. The study was also restricted to Nairobi, Kenya. Nairobi was given much focus because it is cosmopolitan; the headquarters for different state security agencies; centre for policy formulation and it is constantly the target of terrorist attacks and activities as witnessed in its history.

The study considered 1998 to 2015 periods as appropriate in providing relevant information. This period is significant because it marks the major shift in the security sector reforms to deal with terrorism. However, in examining the trend of terrorism in the country, the study referred to other instances of terrorist attacks before the 1998 USA Embassy bombing.

One of the major challenges experienced by the researcher was the secretive nature of information dealing with security. In most case, the participants (state security agency personnel and the public) of the research were not willing to openly give information. However, the researcher addressed this by assuring participants of their anonymity and that the research was to be used for academic purposes. In some cases, due to terror activities, the respondents that the researcher had intended to interview cancelled the interview; however, this was delimited through by interviewing the next available member of the institution.

### **1.8 Literature review and theoretical framework**

This section deals with an analysis and interrogation of literature related to the study problem. This was carried out with the aim of identifying the knowledge gap that exists and that the present study sought to fill. In addition, the research also sought to establish

how the literature material available on the topic would help in advancing the argument by providing support for claims arrived at by the researcher.

The literature review will be organized around the following thematic issues: the conceptualization of terrorism and the concept of security sector reforms. The chapter also identified the theories used in the study and demonstrated how the different concepts in the theories were applied. As such, the study employed Securitization theory and game theory as tools in developing the discussion.

### **1.8.1 Global terrorism**

Rapoport (2004) analyses different waves of terrorism such as the ‘anarchist wave’, which he considers to be the first international terrorism. This was followed by ‘anti-colonial wave’, which began in the 1920s and lasted for about forty years, which was followed by the ‘new left wave’, which diminished when the twentieth century closed. The final wave is the ‘religious wave’ that emerged in 1979 driven by religious fundamentalism emanating from Islam. This study takes a general look to the emergence and growth of terrorism by highlighting the amorphous nature of terrorism. The present study approached terrorism from a wider perspective based on the changing nature of terrorism in Kenya.

Shughart (2006) traces the history of modern terrorism from the end of the Second World War to the beginning of the twenty-first century. Shughart divides the history of terrorism into three stylized waves: terrorism in the service of national liberation and ethnic separatism, left-wing terrorism, and Islamist terrorism. He gives a deeper analysis of Islamist terrorism, which he places, its origin to the 1979 Iranian revolution, the

Afghan-Soviet conflict, and the collapse of the Cold war. In discussing this, he highlights the various terrorist activities attributed to Islamist ideals from 1979. Shughart's study focused on terrorism in the western countries and Middle East countries thus glossing African countries. Therefore, the present study was a worthwhile undertaking to address this gap in the scholarship.

Shinn (2006) argues that there exist three different types of terrorism in Horn of Africa (HOA) and East Africa (EA). These are terrorist attacks perpetrated by organizations based outside the region such as al-Qaeda; those of organizations within the region, but directed to the neighbour; and lastly domestic terrorism such as the attacks by the Lord Resistance Army against the government of Uganda. However, Shinn's study does not provide a comprehensive analysis of terrorism in Kenya given the fact that it is one of the countries in the region that has served terrorism brunt. It is within such research paucity on Kenya that my study proceeds.

Adan (2005) focuses on the 1998 and 2002 attacks and he discusses at length how these attacks were carried out by al-Qaeda. He gives various reasons why the country is always a target of terrorist activities ranging from the porous borders of the country; the geographical position of the country; a well-established infrastructure; the perceived close ties with the West; laxity of law enforcement and unstable neighbours. However, he argues that despite the attacks and the vulnerability of the country, the government did not do much to deal with the threats. In his analysis of government responses to terrorism, he focuses on diplomacy, information, military, financial control among others. Despite this, he does not discuss the trends of terrorism in the country, which my

study addressed.

Rosenau (2005) gives the same reason as Adan (2005) as to why the country is always a target of terrorist activities. He points out that the country has been a venue for international terrorism since 1980 when the Palestinian Liberation Organization (PLO) sympathizers bombed Norfolk hotel in Nairobi as retribution for Kenya's assistance to Israel during rescue operations in Uganda. This was retaliation against Kenya for allowing Israel military planes to refuel in Nairobi during their raid to free Israel hostages at Uganda's Entebbe Airport, in 1976. However, he rejects the notion that there exists radical Islam in EA, and in his opinion, some US government officials have exaggerated the case. This argument, however, fails to capture the current presence of radicalization of the youth in Kenya and its implication on security reforms. Therefore, my study grappled with this in an attempt to provide appropriate solutions to terror attacks.

Khadiagala (2004) discusses the Al-Qaeda presence in the country by acknowledging that the group had stepped foot in the country and the Horn of Africa in the early 1990s. He further argues that Al-Qaeda was responsible for the 1998 US Embassy bombing in Nairobi and Dar el Salaam. In addition, he argues that the Dadaab refugee camp in Kenya has been used as a training ground for Islamic extremists. He points out that the government in response created the Anti-Terrorism Police Unit (ATPU), and enacted various legislations. Moreover, in counterterrorism effort the government also cooperated with US in programs such as training of security agencies. However, this study does not provide a comprehensive study of terrorism in the country and the

various security reforms put in place by the government therefore my study addresses this gap.

Shinn (2004) in his article *Fighting Terrorism in East Africa and the Horn* outlines the increasing importance Africa in the battle against terrorism after the September 11<sup>th</sup>, 2001 attack in the U.S. He argues that charities sponsored by Saudi Arabia and other Persian Gulf states have probably financed terrorism in the region including Kenya. These charities are closely linked to the effort to promote fundamentalist Sunni Islamic creed popularly known as Wahhabism (p. 39). He also discusses the cooperation between the Kenyan government and the US government in an effort to fight against terrorism in the region. The study, however, does not provide the changing trend of terrorisms in the country, which my study pursued.

Mwazighe (2012) discusses the legal responses that the Kenyan government has taken in order to provide legal mechanisms in dealing with terrorism. The author takes a critical look at the Suppression of Terrorism Bill 2003, which was shelved due to criticism by civil society and religious leaders, and the Prevention of Terrorism Act 2012 which was enacted in 2012. He also evaluates the sufficiency of the Kenyan criminal-justice system, the British legal response to counterterrorism as a basis for comparison, and current counterterrorism legislation. However, the study failed to provide trends and changing nature of terrorism in Kenya. Nonetheless, it does not provide a comprehensive study of other counterterrorism measures; therefore, my study filled these gaps.

Whitaker (2007) examines the relationship between promoting democracy and fighting terrorism in Third World. She focuses on the politics surrounding the development of

recent anti-terror laws, including the involvement of the USA and others in that process. After 9/1, most developing countries adopted various antiterrorism legislations, which were not clear on the definition of terrorism. Some adopted legislations due to international pressure to attract more funding in the fight against terrorism. Nonetheless, Kenya's attempt received opposition from civil society due to perceived American influence in drafting the bill. The bill created tension between freedom and security; thus, had implications on the ongoing processes of democratization. Despite, this analysis the author only focussed on the legislation aspect, but my study looks at both legislation and institutional reforms in the fight against terrorism.

Mogire and Mkutu (2011) critically examine the counterterrorism measures that have been taken in Kenya in response to the attacks and threats made in the country. They describe the measures, the rationale and motivations behind them and assess their effectiveness. They argue that while these measures are aimed at addressing the perceived main causes of terrorism in Kenya, the assumptions upon which they are based are often flawed, do not have domestic support and are externally imposed, primarily by the US, and hence are often criticized as a tool of US imperialism (pp. 473). They point out that the price of these measures has been high in terms of the negation of the civil and human rights and freedoms. However, in their study, they do not analyse the changing nature of terrorism in Kenya, which my study does.

Otiso (2009) tries to conceptualize the historical definition, types, waves, characteristics and causes of terrorism. He considers the definition of terrorism to be subjective and depends on who is defining it and under what context. However, in analysing terrorism

in Kenya, he considers the country to be a target of global terrorism because of a combination of geographic, regional, historical, political, economic and socio-cultural factors. The author also analyses terrorist attacks and activities in the country, drawing conclusion that these attacks have impacted on the country's economy, created tension between Muslim and Christians, and have led to the erosion of citizens' rights and the country's sovereignty. Because of this, the Kenyan government has tightened security through various security reforms and trying to find solutions to the unstable neighbours used as a safe haven by terrorists. However, he does not provide a comprehensive study of terrorism in the country and the changing dynamics due to new actors as perpetrators of terrorism, which this study, did.

Gatsiounis (2012) discusses the anatomy of al-Shabaab- an al-Qaeda affiliate. He traces the history to the al Ittihad al Islamia a terrorist group that operated in Somalia in the 1980s and 1990s. However, he places the emergence of al-Shabaab to the defeat of the Islamic Court, and the Union by Ethiopian troops backed by US government in 2006. The group has carried out various attacks in Somalia and currently poses security threat to Kenya's national security. This prompted the Kenyan government to intervene in Somalia in late 2011. He also highlights the resiliency of the group to different challenges and the future prospects of the group in the region. Despite, providing the groups anatomy, he does not provide the history of terrorism in the region and the counterterrorism measures undertaken by Kenya, which my study sought to address.

### **1.8.2 The conceptualization of Security Sector reforms**

Sedra (2010) conceptualizes the emergence of security sector reforms and the changing nature of what security concept demands. With the waning of the Cold War, there was a shift in the concept of security from state-centric notion to human security. This placed the security of individuals at the forefront rather than the state. This model of security is the mainstay in state-building policy and practice, as it is widely perceived as a precondition for stability and sustainable development in countries recovering from conflict or making transitions from authoritarianism, fragility or collapse (Sedra, 2010: 16). Sedra (2010) provides the general outlook of security sector reform; however, my study looked at security sector reforms in the context of fighting terrorism and how the Kenyan government has enacted various reforms to fight the vice.

According to Ball (2010), the concept of security sector reforms emerged in the late 1990s in recognition of the need for a broader approach to security assistance and alternative ways of thinking about the role of security services in the political and economic lives of countries. The concept of security was broadened by its integration into economic and political spheres. This was influenced by the evolution of the concept of human security agenda, which stressed on the protection of individuals and the nexus of security and development. Ball highlights the various cases of security sector reforms in Chad, Liberia and former Soviet satellite states. Ball (2010) conceptualizes the concept of security sector reforms in the context of countries recovering from instability. Despite the elaborate study, Ball's study ignores the cases where some countries may initiate security sector reforms to deal with an emerging security threat such as terrorism, which my study addressed.



Sherman (2010) examines the implication of “global war on terrorism” on security sector reforms in the post September 11<sup>th</sup>, 2001 attack in the US. This resulted in revision of US national security architecture and policy, which expanded executive authority and erosion of civil liberties. Nonetheless, it led to the militarization of US foreign aid and lastly, it provided a platform for some countries to repress political dissidents under the auspice of counterterrorism. Because of this, it has become hard to reconcile the principles of transparency and democratic oversight, which guide SSR, both domestically and abroad due to the continued demands of defending the US from terrorism (Sherman, 2010, p. 60). The study only emphasizes on the case of US Despite the study focussing on the implication of the fight against terrorism on security sector reforms

Looking at the nexus of counterterrorism and security sector reforms, Moller (2007) examines counterterrorism measures taken by the Western countries and the developing countries at the behest of the West. Moller contends that the fight against terrorism may call for changes in the configuration of the security sector, mainly intended to enhance its capacity. Even with this, it is conceivable that security sector reform efforts intended to enhance counterterrorism capabilities, may in fact create more terrorists, especially if the capacity enhancement comes at the expense of legitimacy (p. 23). He notes that the link between security sector reform and counterterrorism is not self-evident and strong and that neither there is a particular security sector reform that can protect a country from all kinds of terrorism. Nonetheless, the study provided the connection of counterterrorism measures and security sector reforms in general, but my study narrowed down to the Kenyan case.

Hanggi (2004) places the period of emergence of security sector reform to 1990s with the aim to providing efficient and effective state and human security. He attributes the emergence of the concept to non-military security issues, which posed more threat to individuals and social groups than the state. However, he notes that security sector reforms vary with reform context, depending with the country and experiences. However, like Sedra (2010) and Ball (2010) he contends that security sector reform is a precondition for countries recovering from conflict or making transitions from authoritarianism. The study largely focuses on security sector reforms in former Soviet satellite states, but my study conceptualized security sector reforms in Kenya in relation to mitigation of terrorism.

The literature reviewed above demonstrates that some studies have been undertaken on terrorism and security sector reforms in Kenya. Nonetheless, there exists a gap in the reviewed study, which requires further study. Therefore, this study addressed some of the gaps by examining the trends of terrorism in Kenya, reforms in the security sector relevant to fighting terrorism in Kenya, and the implications of these reforms. In pursuit of this, the study employed different sources of data in order to fill the gap.

### **1.8.3 Theoretical framework**

This study was guided by the securitization theory of security studies and rational game theory in explaining the phenomena of terrorism in relation to reforms in the security sector. These two theories were applicable to the study considering that securitization theory often creates urgency in dealing with a threat and in this instance terrorism. Game theory on the other hand, analyses the formal relations among two or more actors thus

the actors must always make choices that potentially affect the interest of the other player and in this case the government of Kenya counterterrorism policies and the terrorists' choices of target and *modus operandi*.

Securitization theory emerged in 1990s and from then on, it has become the principal critical approach to the study of security. Securitization, as a concept, originated from the writings of Ole Wæver. *Security: A New Framework for Analysis* (Buzan, Waever and Wilde, 1998) which is identified as the key foundational text in securitization studies.

According to Buzan et al., (1998), securitization is an inter-subjective establishment of an existential threat, which demands urgent and immediate attention, as well as the use of extraordinary measures to counter the threat. Security, in this sense, is considered a political issue in which political actors use even extraordinary mechanisms to protect from what is perceived as a threat. The political actors in this case can be the state, the executive, and legislature. Not leaving the media aside, which also plays a crucial by securitizing the existential threat through carrying out public opinion and independent investigations, discussions, news and bulletins. Media does this through the provision of information and analysing them to extend that the political actors become convinced of the need to protect the referent object.

Securitization often involves three steps: that is the identification of existential threats, emergency actions, and the effects of inter-unit relations by breaking free of the rules (Buzan et al, 1998). Buzan et al. (1998) view securitization as an extreme politicization. However, the usage of securitization lies on how a group of people uses it and not others,

thus making security a social and inter-subjective construction. Securitized issue is always given more priority than other issues because of its importance and in this case terrorism. Terrorism is always considered as a threat to the national security and the government has always taken measures to curb it by giving it more priority despite the existence of other crimes such as corruption in the country (Kenya).

The priority that is often given to terrorism is reflected in security sector reforms that the government carries out and the frequency by which terrorism has been referred to as a threat to national security by government and national leaders. The public accepting securitization as such also boosts this. In this case, the securitization has been characterized by intervention in Somalia under the operations 'Linda Nchi' and the recent 'Usalama Watch', the increased regional and international cooperation.

In the securitization of terrorism, there exist loopholes that can be used to justify infringement on human rights, justification for security reform measures deemed inappropriate and lastly it allows the use of extraordinary means in the name of security. Thus, state as people can be paranoid, constructing threats where none exists and in doing so they ignore the actual threats. A case in point is the increasing equation of refugees to insecurity in the country.

Game-theoretic models have been increasingly used to study international relations, including war, terrorism, crisis bargaining, deterrence, and economic sanctions. Game theory deals with the rationality of the players where there is this sort of strategic interdependence. Therefore, it studies the behaviour of decision makers in situations of strategic interdependence. Game theoretic models often provide novel insights into how

and why outcomes in the political world look as they do. Hence, game-theoretic models are used to provide insight into outcomes (Conflict, and cooperation) that are jointly produced by choices made by distinct actors (States, groups, or individuals). Those choices result from a decision process based on assumptions about the goals, actors have, about the knowledge those actors have about the goals of other actors, and about what those other actors may know in turn. According to Sandler and Arce (2003), terrorists' choices will be influenced by those of government and vice versa.

Sandler et al., (2003) argues that game theory is suitable for analysing terrorism since it captures the strategic interaction between the terrorists and the governments that they target. In sequential interdependence, the players and in this case the terrorists and the government move in sequence and each knows each other's previous actions. In sequential interdependence (in this case the terrorists and the government) each player should figure out how the other players will respond to his current move, how he will respond in turn, and so on. In this case, the government in pursuit of security reforms to curb terrorism often anticipate the reaction of terrorists similarly by terrorists in carrying out their attacks. The terrorists will always calculate the cost and benefits of their various moves, but the state should always counter these by reducing the benefits or increasing the cost of terrorism, or even both.

The theory is also handy in analysing the changing nature of terrorism due to its interaction with counterterrorism. For example, the Kenyan government counterterrorism measures since 1998, through increased security to diplomats and embassies raised the relative cost of such attacks. As a result, terrorists switched to

kidnappings, which have remained pronounced in the current attacks. Nonetheless, improved security in Nairobi County has raised the cost of attacks targeting the county forcing the terrorists to shift to vulnerable targets in other regions.

The rationality requirement of game theory is viewed as simply the requirement that individuals' actions are consistent with their preferences and beliefs. However, these limits the theory as in certain scenario the government cannot always stick to its preferences in fighting terrorism as some actors such as human rights activists and civil society will always intervene making the government to reconsider its policies. This will always work against the government giving an upper advantage to the terrorists, since for them it would mean reduced governments' heavy handedness in dealing with them. This makes game theory unsuitable in explaining security reforms aimed at curbing terrorism.

Even though securitization have shortcomings, it remains the key theory for explaining the security reforms in curbing international terrorism, since the government will always secure the country against terrorism. This is because terrorism is the single most national threat to sustainable development, therefore, security sector reforms and Kenya's intervention in Somalia should be seen in this light.

### **1.9 Research methodology**

This section looked at the research design, site of the study, population and sampling design, validity and reliability, data collection methods, data analysis, data management and ethical considerations.

### **1.9.1 Research design**

The study adopted a descriptive design to analyse security reforms and their implication in fighting international terrorism in Kenya. This design was significant because it provided an in-depth examination of the phenomena of the study through ascertaining attitudes, values and opinions.

### **1.9.2 Research location**

The study was carried out in Nairobi City (see appendix A5). Nairobi is the capital city of Kenya founded in 1899 by the colonial authorities and is located within Nairobi City County at 1°17'S 36°49'E and occupies 696 square kilometres. It is considered the economic beacon of the East Africa and Horn of Africa with an estimated population of 3.1 million as per the 2009 population census. It is host to many international organisations, foreign embassies and consulates and the headquarters of Kenya security agencies.

### **1.9.3 Targeted population**

The study sample size was fifty key informants; however, due to the nature of the study, the researcher was only able to interview fifteen key informants. This is because at the time of the study there were incidences of terror attack, therefore, hampering the participation of respondents due to fear. Despite the setback, the researcher was able to interview fifteen key informants distributed as follows; four members of the public, four government officials, three members of civil society, three former security officials and a journalist. The key informants were selected based on their roles in the society on matters touching on security sector reforms security and terrorism, their level of

knowledge and to a limited extent organizational representation.

#### **1.9.4 Sampling technique**

The study used both purposive sampling and snowballing sampling techniques. Purposive sampling was used, because the participants were considered by the researcher to be having the vital information for the research such as security experts, civic groups that deal with security matters. Snowballing sampling was used because the sensitive nature of the study, thus the knowledge of the insiders is required in order to locate participants of the study. However, in some cases the researcher used convenient sampling whenever some of respondents (specifically security officers) that were to be interviewed were not available on the day of the interview. Therefore, the researcher interviewed respondents who were available but from the same institution.

#### **1.9.5 Data generation**

The research used both primary and secondary data. Primary data were obtained through interaction with respondents using in depth interview guides to ensure uniformity in the interviewing process. This allowed the respondents to express their own thoughts and respond to any arising questions. Due to sensitivity of the research, it was not possible to use tape recorder, however, the notes were written down in the process of the interview session. The information collected through primary data was supplemented and corroborated with secondary data from Postmodern Library- Kenyatta University, Jomo Kenyatta Library-University of Nairobi, Kenya National Archives, government report documents, books, journals, newspapers, Conference proceedings, theses and dissertations, internet and magazines and any variance or similarity in information



explained, therefore strengthening the analysis. Nonetheless, the secondary data were subjected to critical analysis.

### **1.9.6 Data analysis**

The Data processing and analysis was carried out in accordance with the objectives of the study. This was important because it provided an insight for ensuring that all relevant data for each objective was available. The qualitative data analysis was conducted by coding the collected data and then analysing them thematically. The secondary data were subjected to critical textual analysis and interpretation to examine the relevance and accuracy of the document for the purpose of the study. The analysed data were reported in the form of narrative with first hand quotation from the primary data.

### **1.9.7 Ethical considerations**

The respondents' participation was on a voluntary basis and they were informed that the research was for educational purpose and that their identity would not be revealed without their consent. Any reference to the works was fully acknowledged and finally research findings were submitted for final examination.

## CHAPTER TWO

### 2.0 CONCEPTUAL ISSUES AND ORIGIN OF GLOBAL TERRORISM

#### 2.1 INTRODUCTION

The September 11, 2001 attacks in the United States provided a surge for research in international terrorism and placed it at the top of the international agenda. The discourses focused on the understanding of the phenomena in terms of *modus operandi*, trend, causes, facilitating factors and finding ways of prevention of future attacks. Therefore, the study addressed the following questions: why is it that there is no comprehensive definition of terrorism? What does the history of terrorism look like? What are some characteristics of terrorism? Is terrorism morphological in nature? This chapter discusses the general debates about terrorism globally in an attempt to answer the above questions.

#### 2.2 Conceptual issues and definition of terrorism

Terrorism has been used since the beginning of recorded history. Despite this, its definition has remained elusive and this has presented a problem of coming to a common understanding of what it entails and what it does not. This also presents a possibility of condemning one form of terrorism and accepting the other. Cronin (2003) attributes, challenges faced in the definition of terrorism partly to its changing nature and its association with activity that is subjective. It is a matter of perception thus different individuals have different perception of what it is (Cronin, 2003) therefore making it subjective.

Ganor (2009) believes that the majority who believes that there cannot be a clear

definition of terrorism often find cliché with the maxima 'one man's terrorist is another man's freedom fighter'. According to Stern (2000), there exist many definitions because some focuses on the perpetrators, others on their purposes and others on their techniques. The problem of definition is also because some focus on the terrorist organizations mode of operation while others emphasize the motivations and characteristics of terrorism (Nzau, 2010, p. 166).

The subjective nature of terrorism has been manipulated by certain governments for their own benefits by referring to the actions of their opponents as terrorism. These are used to justify their totalitarian actions against the opponents. In Uganda, president Museveni invoked the Anti-terrorism Act against the opposition leader Kizza Besigye (Kagwanja, 2006, p. 78). Furthermore, radio stations in Uganda were banned from airing interviews with Besigye and anyone considered in aiding him in his propaganda was perceived to be promoting terrorism (Mazrui, 2007, p. 69).

Scholars, international organizations, security experts and governments have struggled to get a comprehensive and universally accepted definition of terrorism. In this process, there are many definitions of what terrorism is and not have come up. For instance, the United States Department of States defines terrorism as “premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience” (as quoted in Snow, 2007). Hoffman (2004) defines terrorism as a “deliberate creation and exploitation of fear through violence or the threat, in the pursuit of political change” (p.840). Kegley and Blanton (2011) define terrorism as “the deliberate use of threat of violence against non-

combatants, calculated to instil fear in the audience beyond the victims” (p. 243).

Stern (2000) defines terrorism as ‘an act or threat of violence against non-combatants with the objective of revenge, intimidating, or influencing an audience’ (p. 11). Kegley and Witkopf (1995) refer to terrorism as ‘criminal acts and threats against the targeted actor for the purpose of arousing fear in order to get the target accept the terrorist demands’ (p, 222). According to Snow (2007) terrorism is “the commission of atrocious acts against a target population normally to gain compliance with some demands the terrorists insist upon” (p, 276).

The above sampled definitions demonstrate that terrorist acts are aimed at generating fear or intimidating the targeted audience. However, the definition of terrorism remains a problem depending on who is defining and identifying it, and the circumstances in which the definition is made. It is in light of the above that the basis of the proceeding debate on the origin of terrorism is grounded. However, in this study terrorism was conceptualized as violence perpetrated by non-state actors against soft targets with the sheer purpose to influence responsive government to accept their demands. Nonetheless, under this study terrorism is treated as a criminal act.

### **2.3 Characteristics of terrorism.**

Despite its existence for a long period, in most cases, terrorism activities have been considered as criminal acts, whether state sponsored or non-state. Therefore, it is illegal. The illegality of terrorism is premised on its aftermath, which is the loss of lives and destruction of property. Snow (2006) considers the aim of terrorist acts as the disruption of normalcy of life either through killing or injuring people or of destruction of

infrastructures. This, according to Wardlaw (1989) demoralizes citizens by causing loss of faith in the ability of the government to guarantee their safety. However, behind these acts are motivating factors, which often vary from one terrorist group to another.

In attempting to unearth the motives of terrorism, Duiker and Spielogel (2001) articulate that the motivations for terrorist acts vary considerably. For instance, the Baader-Meinhof gang (Red Army Faction) in Germany and the Red Brigades in Italy used revolutionary terrorism to bring down the capitalist system with the motivation being ideological. The salient issue discussed by most scholars is that terrorist acts are not mainly directed at the victims who are either killed or maimed in the attacks but to those who are watching. In this regard, the aim to inculcate fear, intimidate and frighten the target audience (Snow, 2006; Hoffman, 2004; Rourke & Boyer, 2004; Jenkins, 1974). Jenkins (1974) builds upon this by concluding that terrorism is a theatre because the audience targeted is composed of those who are watching.

Hughes (1991) concurs with Jenkins (2004) adding that the media attention and the global spotlight are greatly needed for this to be realized (p, 212). The importance of media in all these has created symbiotic relations between the media and the perpetrators of terrorist incidences (Wardlaw, 1989). However, Kegley & Blanton (2011) argue that terrorism is no longer a theatre, since terrorists want to kill more people. This is driven by searing hatred, annihilating the enemies rather than winning sympathy for their cause (Kegley & Blanton, 2011, p. 247).

Though there exist different perceptions on what terrorism constitutes, there are key fundamental aspects that are salient to terrorism. First terrorism is political in nature.

Secondly, it is non-state based. Thirdly it often targets innocent non-combatants and finally the act itself is illegal (Jenkins, 1974; Stern, 2000; Cronin, 2003; Hoffman, 2004; Snow, 2006). The illegality of terrorism thus makes it a criminal act. However, Hoffman (2004) notes that for an act to qualify as terrorism, the violence must be perpetrated by an organizational entity with some clear cut structure and identifiable chain of command beyond a single individual acting on his or her own (p. 840). Jenkins (1974) reiterates this in *International Terrorism: A New Kind of Warfare* in which he distinguishes terrorism from other forms of crime that may have terrific outcomes, but not terrorism in nature.

Another key feature of terrorism lies in their goals. Jenkins (2004, as quoted in Snow, 2006) and Wardlaw (1989) discuss some of the six goals: such as exacting special concession for example the release of prisoners. It is also a way to gain publicity, and to create disorder in the society. In certain cases, it is aimed to provoke overreaction by the government by either repressive laws or counter-terrorism policies.

Sometimes it acts as a form of punishment for perceived guilt committed by the person or the organization, for example, the presence of Kenya's Defence Forces (KDF) in Somalia has been used by al-Shabaab as the reason why they attack Kenya. Terrorist attacks are employed to obtain obedience and cooperation among the population, but this is also common with state sponsored terrorism. This, according to Wardlaw (1989) is to ensure loyalty of their members or citizens. Moreover, the attacks can be used to build morale amongst the members of the movement and supporters especially when attacking highly protected areas (Wardlaw 1989, p. 40).

Nonetheless, terrorism is an asymmetric form of conflict. This is because the terrorists cannot compete with their targets through accepted conventional methods of the target society (Snow, 2006). Kegley and Wittkopf (1995) consider acts of terrorism as acts of the powerless against the powerful and could be the reason why small clandestine groups have adopted it.

Terrorism does not recognize the rules and conventions of war making the continuous use of the dictum ‘Global War on Terrorism’ adopted after the 9/11 misguided due to the stateless and faceless nature of terrorism (Shane, 2009). With the destruction of terrorist sanctuaries in Afghanistan, terrorism has morphed becoming stateless and decentralized (Snow, 2007). The transformation of terrorism is indicative that the perpetrators are rational therefore; they change tactics in face of government or global counterterrorism measures. Their actions are dependent of counterterrorism, hence reinforcing game theory. In this regard, the sustained use of the term implies that the enemy (terrorism) can be defeated, which is not the case (Snow, 2007).

In carrying out their attack, terrorists do not differentiate between combatants and non-combatants (Wilkinson, 1986, Snow, 2006). This was revealed in Bin Laden’s videotaped interview sent to ABC News in early 1998 (The September 11 Commission Report 2004). In the interview, he claimed that ‘we do not have to differentiate between military or civilians. As far as we are concerned, they are all targets’ (The September 11 Commission Report 2004, p. 47). Nevertheless, terrorism is an ideology, which, according to Shane (2009) is defined by mental and attitudinal borders instead of

physical ones, undefined chain of command, operates globally and ability to spread their message (p. 103). An idea, according to Snow (2007) cannot be defeated, but one can oppose and subdue those people who act on the idea by discrediting it (p. 274).

These analyses of characteristics of terrorism provide a foundation for understanding what terrorism is and what it is not. It is upon this that the origin of terrorism is grounded in order to demonstrate the morphological nature of terrorism globally. Therefore, what is the origin of global terrorism and when did it emerge?

#### **2.4 Origin of global terrorism**

However, terrorism has been in existence for many centuries as noted earlier, there is need to highlight various instances instrumental in the development of terrorism. This helps in limiting the extend to understand the problem

Terrorism has been in in existence as early as the 1<sup>st</sup> century, when Jewish nationalists called Zealots and Sicarii (named after a short dagger, or Sica) carried out a terrorist campaign against the Romans ruling Palestine (Hughes, 1991; Wilkinson, 1986; Kegley & Blanton, 2011). At this time, terrorists used violence, especially assassinations using small daggers against the Roman officials (Hughes, 1991). While Cronin (2003) considers terrorism to be as old as humankind she is however, keen to note that the current terrorism outfit has its roots in the French revolution. Griset and Mahan (2003) and Shane (2009) on the same argue that to study terrorism is similar to studying human civilization. Nevertheless, terrorism is as old as war, but as an old phenomenon, it has changed and transformed itself by adapting to developments in technology (Mutave, 2005, p. 26).



As noted earlier terrorism as a phenomenon has continued to morph itself over a period. During each stage, it reflects different characteristics; however, in certain cases the characteristics overlap into other periods, thus presenting no clear-cut differences. Nonetheless, in examining how terrorism has morphed itself, the discourse is organized around four overlapping waves of terrorism as discussed by Rapoport (2004) in his work: *The four Waves of Modern Terrorism*. These four waves include: first ‘the anarchist wave’; second ‘the colonial wave’; third ‘the new left wave’; and fourth is ‘the religious wave’ (Rapoport, 2004, p. 47). The growth of the four waves of terrorism is important in understanding how terrorism has morphed itself, thus; in the analysis of origins of terrorism, the four stages will form centrepiece of analysis of terrorism.

The period 1881-1914, terrorists advanced their cause by assassinating prominent figures, for example, the assassination of the United States president, William McKinley in 1901, and the assassination of Archduke Franz Ferdinand of Austria 1914, among others (Rapoport, 1990). During this period, international terrorism was marked by anarchical activities even though most were revolutionary.

It mostly reigned in Europe from the 1880s until the 1920s and was motivated by the doctrine of anarchism-opposition to state authorities and abolition of governmental structures for voluntary associations (Onapajo, Uzodike & Whetho, 2012, p. 340). This kind of terrorism (anarchist terrorism) is different from the contemporary terrorism because the former relied on individual acts of terror while the latter on group terror (Mutave, 2005). The outbreak of the First World War marked the end of the first modern era of global terrorism (Rapoport, 2004).

In 1930s, the term terrorism acquired a different meaning (Hoffman, 2004). It became less associated with revolutionaries, but was associated with state sponsored terrorism: where the totalitarian government conducted acts of terrorism to intimidate and frighten their own population into submission and also in the building of empires (Rapoport, 2004; Cronin, 2003). Like the Fascist Italy, Nazi Germany and Stalinist Russia and also Saddam Hussein's government atrocities against the Iraqi Kurds (Stern, 2000). This is supported by Snow (2006) who contends that states have always been the leading terrorists and these are often manifested using government organizations such as secret police. This trend later emerged in 1980s when states begun again to 'sponsor' terrorism to control their destiny (Rapoport, 2004).

During the periods of the 1940s and 1950s, it was used to refer to nationalist movements in the Third World countries, which were fighting the colonial governments to obtain their independence. These movements applied terrorist activities against the colonial governments through kidnappings and killing of colonial government officials, attacking colonial infrastructures. According to Cronin (2003), the aim of these activities was to fight against the colonial powers.

Cronin (2003) argument is reinforced by Rapoport (2004) who points out that the nationalists at this period were fighting for national self-determination pegged on the principle that people should govern themselves. According to Kegley and Blanton (2011), some groups such as the Liberation movement of Angola, used terrorism to expel colonial governments (p. 245). Therefore, terrorist activities played a key role in the establishment of new states, Ireland, Kenya, Algeria, Israel, and Cyprus (Cronin,

2003; Rapoport, 2004).

From colonialist standpoint, the fighters were terrorists, but on the contrary the alleged 'terrorists' were freedom fighters for Africans and their sympathizers. However, the difference should be drawn between anti-colonial insurgents and the modern terrorists. As much as the attacks of the former sought international attention, they were within the colonies unlike the latter's case which is worldwide (Jenkins, 1974).

The period 1960-1970 saw the concept expanded to include ethno-nationalists, ideologically motivated organizations and exiled nationalists such as the Palestinian Liberation Organization (PLO) (Hoffman 2004). These new groups adopted terrorism as a way of drawing attention to their cause and international support. The PLO believed that it was only through terror that Israel's would be removed from the Palestinian occupied lands (Rapoport, 2004).

According Shughart (2006) the new left wave kind of terrorism was in operation from 1968, after the defeat of Egypt by Israel in seven days war in 1967. This kind of terrorism lasted up to the demise of the Cold War. It helped shape the nature and cause of contemporary terrorism. During this period, terrorism acquired a firmly international character (Cronin, 2003) as well as religious orientation. It was pronounced by the hostage crisis, which was conducted through kidnappings and hijacking of planes. The most conspicuous case was the kidnapping and killing of the Italian Prime Minister Aldo Moro by the Red Brigade of Italy in 1978, and the kidnapping of Oil and Petroleum Exporting Countries (OPEC) ministers in 1975 (Rapoport, 2004).

This set the precedence of the current wave of terrorism. The ‘religious wave’ kind of terrorism emerged in 1979 and was characterized by fundamentalism and fanaticism often emanating from Muslim countries (Cronin, 2004; Rapoport, 2004). According to Cronin (2003), besides religion, such kind of terrorism reflects the sentiments of anti-globalization and struggle between the developed and developing countries. The developing nations perceive the spread of Western nations’ cultures as a threat to their own culture therefore creating tensions. As Rapoport (2004) puts it, during this period terrorism equally acquired notable political hope from Islam and its success thus, acting as a motivational factor for other zealous religious terror groups in different regions.

The target group from 1979 to date remains the United States and other Western countries and their allies. This form of terrorism resulted from the frustration among the population in the Arab and Muslim world, which are against the US- led globalization campaign rather than technological advancement of the US as some scholars have put it (Cronin, 2003).

Other scholars have, however, argued that what makes the US the target of the terror acts is the presence of her military troops in Saudi Arabia; the economic and military support to Israelis; and their policies towards Middle East countries (Zinn, 2002; Botha, 2013). Huntington (1997) in his article *The Clash of the Civilizations* argues that Western foreign policies in Middle East such as Western democracy is strengthening anti-Western political forces thus complicating the relations between the West and the Islamic states (p. 76).

It is within such a discourse that the 9/11 attack should be understood because much of the terrorists have been targeting US citizens and structures across the globe. It is alleged that the bombing of American Twin Towers was because of contemporary US foreign policies, which is the root of al-Qaeda's animosity for the United States (Shane, 2009, p. 99). However, the growth of this kind of terrorism is alleged to be rooted in the Muslim world.

Botha (2013) and Rapoport (2004) outline some events that happened in the Islamic world that propelled the emergence of the current wave of terrorism. The Iranian revolution in Rapoport's view disintegrated the Shahs secular state and demonstrated that religion had appeal that is more political. This provided enthusiasm for the Iranians to assist terror groups outside Iran such as the Shiite movements in Iraq, Kuwait, Saudi Arabia and Lebanon. According to Mamdani (2004), the revolution produced a nationalist's regime that acted independently of all foreign influences, with the specification of the United States.

The second factor was the Soviet Union invasion of Afghanistan in 1979. Afghanistan became the new arena where Cold War politics were played. The US in response, mobilized the recruitment of volunteer Muslims from all over the world in a holy war, a crusade, against the Soviet Union in Afghanistan with the sheer purpose of driving the Soviets out of Afghanistan (Mamdani, 2004; Rapoport, 2004). The Muslim recruits came from the entire world, including Muslim-majority and minority countries (Mamdani, 2004). The Muslim volunteers in the war were funded by the US government through Pakistan's Inter-Services Intelligence Agency (ISI).

The withdrawal of the Soviet troop from Afghanistan in 1989 marked the end of the confrontation. This Afghan-Soviet confrontation led to the rise of Osama bin Laden and al-Qaeda and its influence in the broader region (Botha, 2013). Osama, according to Shane (2009), was not against the American culture, but was against its political and military policy in the Muslim world. Nevertheless, he exploited the US foreign policy supporting Israel over Palestine. This, according to bin Laden was a Christian-Jewish conspiracy with the intention of destroying Islam and allowing oppressive Arab regimes to remain in power (Shane, 2009, p. 102).

The Israeli-Palestinian conflict, though beyond this study, stems from competing Jewish and Arab claims to the land in Palestine. Jewish claims to this land are based on the Biblical promise to Abraham and his descendants, while Palestinian Arab claims to the land are based on their continuous residence in the country for hundreds of years and the fact that they represented the demographic majority until 1948 (Benin & Hajjar, 2000, p. 1). To address this, the United Nation General Assembly of November 29, 1947, partitioned the land of Palestine into two, one Jewish and the other Arab of which Jewish state got the largest share (Beinin & Hajjar, 2000).

Therefore, land remains the cause of the intractable conflict between Israelis and Palestinians and in accounting for their acts of aggression, Israelis often claim to be responding to Palestinian violence, and Palestinian's often see themselves as simply reacting to Israel violence. In this scenario, the US is perceived to be assisting Israel. Thus, polarizing relationship with Middle East countries and individuals like Osama

who perceived this assistance as US support for persecution of Palestinian Arabs by the Israelis (Rowley & Taylor, 2006).

The third motive for bin Laden's animosity against the US was the presence of US forces in Saudi Arabia following the 1991 US-led Gulf War and the incursion of US troops in Somalia in 1992, after the fall of Siad Barre's government (Shane, 2009). Thus, in 1996, he called for a holy war against the United States and her allies and this was later followed by religious ruling called *Fatwa* (declaration of war) on February 23, 1998 (White, 2003: 55; The September 11 Commission Report, 2004: 69). Part of the fatwa reads:

On that basis, and in compliance with God's order, we issue the following *fatwa* to all Muslims: The ruling to kill the Americans and their allies-civilians and military-is an individual duty for every Muslim who can do it in any country in which it is possible to do it, in order to liberate the al-Aqsa Mosque and the holy mosque [Mecca] from their grip, and in order for their armies to move out of all the lands of Islam, defeated and unable to threaten any Muslim. (Shane, 2009, pp. 104-105)

With the issuing of *fatwa*, bin Laden and al-Qaeda made their intention known and this placed them in the global scene. In this religious ruling, there was no difference between combatants and civilians. The *fatwa* encouraged Muslims worldwide to attack and kill American civilians (Shane, 2009). The only crime that made one a target of al-Qaeda terror was being American citizen and this implied that in pursuing the American citizens, no country was safe from terrorist activities due to diplomatic relations that America has with various countries around the globe. Therefore, the demise of the Afghan-Soviet war and the issuing of *fatwa* produced a kind of opposition to Western

influence in the Middle East (Botha, 2013). This opposition spilled over into Africa, which has seen increased terrorism activities across the continent.

### **2.5 Terrorism in Africa**

Since 1990's, the African continent has witnessed an escalation of international terrorism, which has led to loss of lives and destruction of property. The major terrorist groups operating in the continent include, but are not limited to Boko Haram that forbids Western education in Nigeria, al-Shabab in the horn of Africa and al-Qaeda in the Islamic Maghreb (AQIM), which operates in Algeria, Morocco and areas along the Sahara (Ankomah, 2014). In the recent Global Terrorism Index report (2014), Nigeria bares the highest number of attacks in Africa and is position four globally. Somalia follows Nigeria closely at position seven and Kenya at position twelve (Institute for Economics and Peace, 2014)

Though terrorism is not a new threat or concept for communities and governments in Africa, what is perturbing is that Africans often use Western models to categorize terrorism, the tactics used and its impact (Botha, 2008). However, the use of Western concept should not repudiate the existence of terrorist activities in Africa from 1990s, when al-Qaeda and Osama bin Laden operated in Sudan (Kagwanja, 2006; Rabasa, 2010). This saw Al-Qaeda playing a role in the attacks on American and United Nations forces in Somalia during the humanitarian intervention that began late 1992 (Shinn, 2007).

According to Makinda (2007), the history of terrorism in Africa can be categorised into four waves: the pre-independence nationalist movements; the post-independence, civil



wars; the transplantation of the Israeli-Palestinian issue to the continent; and the emergence of al-Qaeda network that operated in Sudan in early 1990s (p.16). It is the Israeli-Palestinian conflict that the al-Qaeda network has exploited in advancing their global agenda against the western countries and their allies.

Makinda (2007) adds that Africa's dimension of al-Qaeda, a global terrorist group founded in the 1990s can be attested to by participation of African citizens in the leadership of al-Qaeda. For example, Dr Ayman al-Zawahiri an Egyptian physician is alleged to have helped in turning bin Laden to a terrorist (p. 17). Nevertheless, it is Sudan that hosted Osama bin Laden after his expulsion from Saudi Arabia and also provided headquarters for al-Qaeda organization (p.17). During his stay in Sudan, he began various entrepreneurial ventures to support his terrorism agenda, which primarily focused on the US. This was through the forging of alliances with other Islamist groups that resulted in a new organization named the *World Front for Jihad Against Jews and Crusaders* (Shane 2009, p. 102). This demonstrates that al-Qaeda has a strong link to Africa.

The hijacking of a French Airbus from Athens to Kampala, Uganda, in 1976 marked the first violent intrusion of the Arab-Israel conflict in East Africa (Makinda, 2007, p. 17). In addition, the bombing of the US embassy in Kenya and Tanzania in 1998 confirmed al-Qaeda presence in the region. In Uganda, al-Qaeda supported the obscure Salafi Foundation of Uganda, which eventually evolved into an anti-Uganda government group known as the Allied Democratic Forces (Shinn, 2007). Al-Qaeda helped set up training camps for the Allied Democratic Forces, which operated in Eastern Congo.

Africa also embroiled itself in the Afghan-Soviet war by providing Muslim recruits. This later presented a problem after the Cold War. When the Soviet withdrew from Afghanistan in 1989, the contagion by returning veterans from that war spread, particularly in northern Africa (Cilliers, 2003). The return of war hardened and ideologically oriented veterans affected Algeria, Egypt and Sudan. For example, in Algeria, the return of the war veterans provided a nucleus for the terrorist movement (Cilliers, 2003).

## **2.6 Conclusion**

This chapter delved into the evolution, development and problematic of the definition of terrorism. From the discussion, it was established that terrorism is not a recent phenomenon as it is as old as human civilization. Of significance is that terrorism has morphed itself in terms of *modus operandi*. Because of this, there has been a definitional problem of terrorism, majorly created by the subjective nature of terrorism. It has been demonstrated that evolution of modern terrorism can be traced to the Soviet-Afghan war, which placed al-Qaeda at the helm of terrorism as one of the major terrorist organizations after the Cold War. The chapter also highlighted the emergence of terrorist groups in Africa and tried to provide a connection of terrorism in the region to the global terrorism. Although some aspects of terrorism in Kenya featured briefly in this chapter, it is upon this that the next chapter focuses on terrorism in Kenya by giving a critical look at why the country is a soft underbelly for terror attacks and activities.

## **CHAPTER THREE**

### **3.0 TRENDS OF TERRORISM IN KENYA**

#### **3.1 Introduction**

Chapter two problematized conceptual issues and origin of global terrorism. It was established that terrorism is as old as human kind and has been changing over the periods. We concluded that terrorism depends with who is defining it and under what context the definition is made. This current chapter examines the historical development of global terrorism in Kenya. This historical development involves analysing the changing dynamics of terrorism in Kenya with a focus on: historiography of the country, which are perceived to be contributing to terrorism; Somali based al-Qaeda affiliate (al-Shabaab) and its local affiliate-al-Hijra; and reasons why the country is a target of terrorist activities.

#### **3.2 Terrorist attacks in Kenya**

Kenya has experienced a number of terrorist attacks since 1970s to date. According Aronson (2013), this demonstrates that the country may be a hub for terrorism. As mentioned earlier, the first terrorist attack was in 1976, a plot by the Palestinian Front for the Liberation of Palestine (PFLP) and the Baader-Meinhof group (Red Army Faction) to shoot down an El Al Israeli civilian plane passenger plane during a scheduled stopover for refuelling in Nairobi after the Entebbe raid dubbed ‘thunderbolt’ (Mogire & Agade, 2011; Wilkinson, 1986). This was thwarted due to intelligence sharing between the Israelis and Kenyan security apparatus (Aronson, 2013).

This was followed by first successful international terrorism attack on Norfolk Hotel in Nairobi by the PLO in 1980 as a retaliation against Kenya for allowing Israeli military planes to refuel in Nairobi during their raid to free Israeli hostages at Uganda's Entebbe Airport, in 1976 (Otenyo, 2004). This was after the hijacking of France Airline carrying 248 passengers. The attack resulted in death of 15 people and injuring 80 (Forest & Giroux, 2011; Otenyo, 2004). The bomb was planted by a Moroccan, Qaddura Mohamed Abdul el Hamud a member of the Popular Front for the Liberation of the Palestinian (PFLP) (Oketch, 2001, p. 96). The Norfolk Hotel in Kenya was choice of target because it was owned by a Jewish family (Otenyo, 2004). This drew Kenya into the Israeli-Palestinian conflict.

The 1998 twin attack on the US embassies in Kenya and Tanzania conveyed to the world the presence of al-Qaida operatives in East Africa and the Horn of Africa. The al-Qaeda attack on the US embassies in Tanzania and Kenya were planned during Osama's stay in Sudan. The August 7, 1998, attack resulted in the destruction of property and loss of life of 224 Kenyans and 12 Americans and injured more than 5,000 people (Adan, 2005).

The terrorist attack on the embassies of US in Kenya and Tanzania was revealed during the trial of Jama Ahmed Al-Fadi testimony in 2001. According to his testimony, the embassies were bombed because bin Laden was angry at the US intervention in the civil war in Somalia in the early 1990s (Griset & Mahan, 2003, p. 53). This attack laid the ground for Kenya's cooperation with international communities in the fight against terrorism

As retribution for Kenya's cooperation with the Western countries and Israel in the fight against international terrorism the Palestinian Army bombed, an Israeli owned Paradise Hotel along the Kenyan coast in 2002 (Botha, 2013). Two suicide bombers blew the hotel, killing 12 locals, three Israelis and wounding another 80 people (Botha, 2013; Kagwanja, 2006; Krause et al., 2005).

The same day, there was an attempted attack by al-Qaeda terrorists on Israeli bound plane, Arkia airliner at Mombasa airport using surface-to-air missile (Krause et al., 2005). The missiles missed the airline, but this had implications on the safety of airlines in the country. There was an international effort through cooperation with local security apparatus to unearth individuals behind the attacks.

It took well concerted efforts of FBI of US, Mossad of Israel and local security apparatus for the masterminds to be brought to book. Fazul Abdullah Mohammad, a Comoros citizen and a local leader of the al-Qaeda terrorist in the Horn of Africa masterminded the attacks (Adan 2005). Because of the porous borders along the Kenyan coast and the north Eastern part, Fazul moved in and out without detection.

In 2010 and the subsequent years, the country witnessed an upsurge in terrorist attacks attributed to al-Shabaab terror group. The increasing levels of attack by al-Shabaab in Kenya coincided with the loss of its last urban stronghold in southern Somalia, the port city of Kismayo, on Oct. 2, 2012 (Ross & Barr, 2015). Before the intervention in Somalia, the group targeted government officials, foreign workers by either abducting or

killing them. This mode of terror attacks changed by shifting their targets to Christians and sparing Muslims with the aim to plunge the country into a religious war (Omayio, 2014).

Since Kenya's intervention in Somalia, the country was attacked 133 times up to the period of May 4<sup>th</sup>, 2014 (see table 1). On 23<sup>rd</sup> April, 2011 a week after Kenya's intervention in Somalia a grenade was hurled at Mwaura's pub on Mfangano Street in Nairobi, wounding 14 people (Ombati, 2013; & Wafula, 2014). This was followed by a series of attacks on various soft targets in Kenya. Christians as targets was a result of the vulnerability of the churches to attacks. For example, the November 5<sup>th</sup> 2011 attack on a Pentecostal church in Garissa; March 31<sup>st</sup> 2012 attack on two churches in Mtwapa; April 29<sup>th</sup> 2012 attack on God's House of Miracle International Church in Nairobi (Ombati, 2013; Wafula, 2014).

**Table 1: Statistics on terror related attacks in Kenya since 1975 to May 4<sup>th</sup>, 2014.**

| <b>Year</b>  | <b>Number of Attacks</b> | <b>Killed</b> | <b>Injured</b> | <b>Perpetrator</b> |
|--------------|--------------------------|---------------|----------------|--------------------|
| 1975         | 1                        | 0             | 0              | PFLP               |
| 1980         | 1                        | 15            | 85             | PFLP               |
| 1998         | 1                        | 224           | 4000           | Al-Qaeda           |
| 2002         | 2                        | 15            | 80             | Al-Qaeda           |
| 2010         | 8                        | 8             | 49             | Al-Shabaab         |
| 2011         | 29                       | 16            | 90             | Al-Shabaab         |
| 2012         | 52                       | 75            | 389            | Al-Shabaab         |
| 2013         | 42                       | 151           | 287            | Al-Shabaab         |
| 2014         | 10                       | 22            | 157            | Al-Shabaab         |
| <b>Total</b> | <b>146</b>               | <b>526</b>    | <b>5137</b>    |                    |

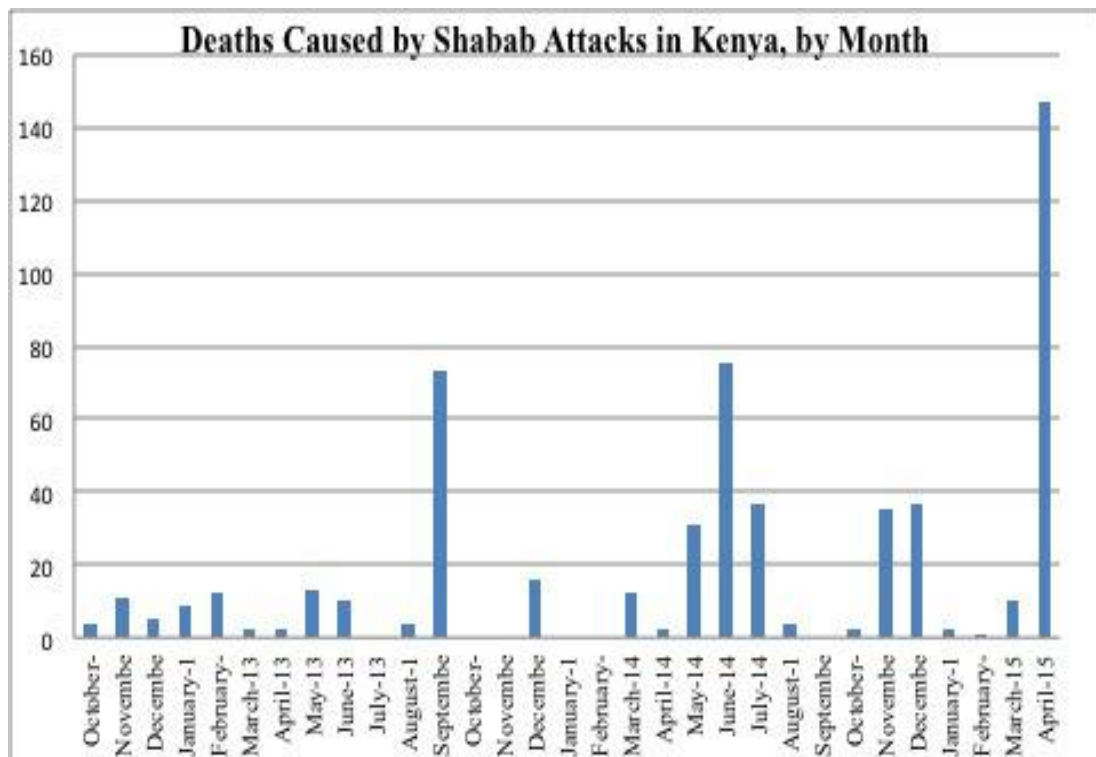
**Source: Research Findings**

Nevertheless, with the current threat from al-Shabaab there has been a changing trend in the choice of targets for attacks of which shows rationality of the group in selecting

targets with highest payoffs. The initial terror attacks in the country mostly targeted the Western interest in the country such as the embassies, investments and even the Western countries and Israel citizens; this, however, has changed with al-Shabaab targeting the locals in order to compel the government to withdraw its troops from Somalia.

On the other hand, al-Shabaab terror attacks increased in lethality and determined to create more casualties. This was manifested in the 21<sup>st</sup> September, 2013 Westgate attack that killed 67 people; the 15<sup>th</sup> June, 2014 Mpeketoni attack killing 48 people, the gunmen also burned 44 vehicles and about 26 buildings and a few days later 14 other people were killed in two separate attacks in nearby villages of Mpeketoni on 16<sup>th</sup> and 24<sup>th</sup> June with al-Shabaab claiming responsibility (Amnesty International, 2015); the attack on Nairobi bound bus from Mandera killing 28 persons; 2<sup>nd</sup> December, 2014 attack on a quarry in Koromei, Mandera County killing 36 quarry workers (Amnesty International, 2015). Lastly, the Garissa University attack on 1<sup>st</sup> April, 2015 which left 147 dead (see figure 1.0). The graph provides comprehensive analysis of the number of deaths since Kenya's intervention in Somalia in October 2011 to 1<sup>st</sup> April, 2015.

**Figure 1: Deaths caused by Al-Shabaab Attacks in Kenya, by Month.**



**Source: Ross and Barr 2015**

The figure above shows that, the years 2014 and 2013 recorded a reduced number of attacks compared to 2012. This was because of selection of targets, which had the highest payoffs in terms of casualties. Therefore, the group's actions and attacks demonstrate application of game theory of which is reflected in the profile of the target objects.

### **3.3 Historical development of global terrorism in Kenya**

At independence, Kenya was faced with a secessionist movement from the Somali ethnic group. This agitation was inspired by the politics of 'Greater Somalia' (Khalif & Oba, 2013). During the preparation of Kenya's independence, the British government



conducted a referendum in 1962 in the Northern Frontier Districts in order to determine their wishes. In the referendum, 87% voted in favour to join the Somali Republic and despite the outcome, the Northern Frontier Districts became part of Kenya (Ringquist, 2011, p. 106; Anderson, 2014; Whittaker, 2008) instead of 'greater Somalia'. This led to the *shifita* war and to some extent the Wagalla massacre of 1984.

The agitation for greater Somalia gained momentum by the attainment of Somalia's independence in 1960. The Somalia government grand political plan was to unite Somali speakers in the greater region of the Horn of Africa (Khalif & Oba, 2014). This was enshrined in the constitution and represented in their flag showing a five pointed white star against a sky blue background. The five stars represent the five regions in the Horn of Africa that had been split by colonial boundaries: Ethiopian Ogaden; British Somaliland; the former Italian Somaliland; Djibouti; and the Northern Frontier Districts of Kenya (Khalif & Oba, 20014: 2). The Northern Frontier District's population comprised Cushitic speaking ethnic groups, which share a similar Islamic culture, history, and, traditionally, a nomadic, pastoral way of life (Bradbury & Kleinman, 2010)

The *shifita* war of 1963-1968 did not just occur in isolation; it had a deep history embedded in the perceived Somali isolation, marginalization, and disenfranchisement (Ringquist, 2011, p. 105). This problem dates back to the colonial period and rooted in the post independent Kenyan state. During the colonial period, the northern Frontier was used by the British colonial government as a buffer zone between Ethiopia and Italian Somaliland. It was also used to protect their economic interest in central Kenya (Ringquist, 2011, p. 101). They developed the southern parts at the expense of the

northern part, which is still reminiscent in the northern parts of the country. Northern parts of the country have dragged behind in terms of development since independence.

When it became clear that the Northern Frontier Districts were going to be part of Kenya, the Kenya-Somalis and Somali-Somalis resented this as their allegiance was to be part of the Somali Republic. They resisted this boycotting the 1963 elections (International Crisis Group, 2012a; Ringquist, 2011). This was followed by armed resistance in May 1963 by attacks on polling station, police stations, government administrative centres, disrupting public transport and attacking government collaborators, this worsened by November 1963 (Ringquist, 2011; Anderson, 2014; Whittaker, 2008). However, it is the November 22, 1963 attack on King's African Rifles camp in Garissa town that caught the government attention (Ringquist, 2011). The government responded by deploying military in the region. The government labelled the fighter as *shifita* (bandit).

The group got support from the Northern Province People's Progressive Party and the government of Somalia (Whittaker, 2008; Ringquist, 2011; International Crisis Group, 2012a; Anderson, 2014). The Northern Province People's Progressive Party had a paramilitary wing called the Northern Frontier Districts Liberation Army (Whittaker, 2008; Ringquist, 2011). Their *modus operandi* against the Kenyan government was through intelligence gathered from local sympathizers. In most cases, they utilized the porous border to escape to Somalia and only to slip back when they had to carry attacks.

The government in 1964 initiated a counterinsurgency that included: declaration of state of emergency, instituting dawn to dusk curfew and giving orders of shoot to kill to the security agencies (Ringquist, 2011, p. 109). This state of emergency remained in place

until 1991 when it was lifted (Anderson, 2014). The government also placed the members of the Northern Frontier Districts into fortified villages- a process referred to as villagisation, which was analogous to colonial vigillisation. This restricted their movements and animals (Whittaker, 2008; Ringquist, 2011; Khalif & Oba, 2014). The fortified villages had an impact in Somali pastoralist mode of lifestyle resulting in death of livestock. In this regard, it can be argued that counter-insurgency was not only directed to the *shifita*, but also to the Somali pastoral community in general (Whittaker, 2008). These responses criminalized the whole community.

The solution to the *shifita* menace was achieved through a political solution by both Kenya and Somalia under the auspice of the Organization of African Union (OAU now African Union). The final big blow to the group came when the government mobilized the local elders in the frontier districts who denounced the group's activities, thus, denying them much needed local support (Ringquist, 2011). The war left a powerful legacy that continues to disfigure politics, perception, and discourse of the region and the Somali community (International Crisis Group hereafter ICG, 2012a: 3) up to now. After the war, there was no effort of reconciliation between the government and the community to address the community's grievances. The government also did not disarm the region after the war. These failures led to regrouping of the remnants of the rebellion into armed gangs that engaged in highway banditry, livestock theft and poaching (ICG, 2012a: 3) in the region. The government response was characterized by heavy – handedness resulting in the Wagalla Massacre in 1984. This, according to ICG (2012a) was perceived by the locals as a government desire “to deal with the unfinished business” which dates back to *shifita* war.

The genesis of the Wagalla massacre was lodged in the conflict between the Degodia and the Ajura clan. The conflict spawned a series of minor, but mounting conflicts, in which raids and counter-raids took lives on both sides (Anderson, 2014, p. 662). To manage the conflict, the Minister of State Maalim Mohamed issued a ten days ultimatum for the conflicting clans to surrender their weapons. At the expiry of the ultimatum, the Degodia had only returned one gun and later six guns. It is the Degodia attack against the Ajuran community on 9<sup>th</sup> February 1984 that precipitated to the Wagalla massacre (Anderson, 2014).

The government responded by deploying the army and the General Service Unit (GSU) to Garissa. The male members of the Degodia community were rounded up, hurled into waiting Lorries, and transported to Wagalla airstrip (Sheikh, 2007). Once at the airstrip the arrested were screened to determine the Degodians, the government civil servants, teachers, students and the elderly. After this interrogation, torture and inhumane treatment started, but it was the allegation of the attempted escape of the detainees that sent the security agencies manning the camp into panic and started shooting (Anderson, 2014; Sheikh, 2007).

The shooting resulted in many deaths of the detainees hence the name Wagalla massacre. This incident bore similarity of collective punishment as the case with the *shifita* war. The *shifita* war and the Wagalla massacre created an uncertain relationship between the Kenyan state and the Muslim community in the country. This has defined the perceptions within the Muslim community that all of them are always criminalized for crimes of certain individuals in their community. Nevertheless, the region's insecurity

dilemma continued with the perceived government marginalization. This has been worsened by the political void created after the overthrow of Siad Barre's government in Somalia.

The fall of Siad Barre's government in 1991 led to insecurity in Kenya. This produced a protracted refugee crisis in Kenya and also the use of Somalia as a safe haven for terrorist groups such as al-Qaeda and al-Shabaab. This instability helped the integration of southern Somalia economy and north-eastern parts of Kenya by stimulation of cross border trade (Bradbury et al., 2010).

The insecurity posed by unstable Somalia to Kenya forced Kenya to intervene in Somalia under the auspice of interest of national security in late 2011 after a series terrorist attacks carried out by al-Shabaab. There was also an attempt to create a 'buffer zone' against the al-Shabaab destabilizing activities (Eriksson, 2013). This was through promotion of federalism in Somalia, embellished in the *Jubaland* initiative policy. This was to establish *Jubaland* (Azania) state in the southern part of Somalia, including Geddo, Middle Juba, and Lower Juba (Eriksson, 2013). However, Kenya's intervention in Somalia dates back to 2002 Somalia peace process that culminated in the creation of the Transitional Federal Government (TFG) (International Crisis Group, 2004; Eriksson, 2013).

In an effort to realize regional authority in *Jubaland* Kenya held a reconciliation process for local elders and politicians from *Jubaland* regions in 2010 and supported them to form a regional state in the southern part of Somalia (Muhammed, 2014,p. 46). Moreover, in an attempt to make the initiative fruitful, Kenya has provided military and

financial assistance to Somalia since 2009 (Eriksson, 2013, p. 44).

This placed Kenya at loggerhead with the Somali government, as Kenya's intervention was perceived by the Federal Government of Somalia as undermining their sovereignty (Eriksson, 2013; Muhammed, 2014). Several external actors (such as the US) also considered this as counterproductive; financially, since it was very costly for Kenya to act alone; and African Union Mission in Somalia (AMISOM) needed to be strengthened (Eriksson, 2013, pp. 34-35).

The *Jubaland* question has different dynamics and presents various treacheries. According to ICG (2012), report one intrigue could be that of long-term economic interest of Kenya. With the current ongoing construction of the Lamu Port and Southern Sudan and Ethiopia Transport Corridor (LAPSSET) to pass through Garissa, North Eastern Province, it is believed, can provide a conduit for exploitation of the potentially large and unexploited oil reserves in Southern Somalia (ICG, 2012: 10). In addition, the creation of an Ogaden (Madobe & Gandhi) dominated buffer zone presents more fears to the Ethiopian government because of the clan ties with the Ogaden National Liberation Front (ONLF) with which Ethiopia is in armed conflict (ICG, 2012; Eriksson, 2013 ).

The implication is that strong Ogaden government in *Jubaland* supported by Kenya may provide incentive for the ONLF in Ethiopia to increase the secessionist war, which is a threat to Ethiopia's national security. Kenya's intervention in Somalia is also perceived by Somalis to be an attempt by Kenya to dominate the country (Eriksson, 2013). Thus, these views greatly influence and to some extent determine the success of the Kenya's intervention in Somalia.

The *Jubaland* initiative saw the hasty appointment of Sheikh Ahmed Mohamed Islam “Madobe”, a former al-Shabaab and Ras Kambooni leader, president of *Jubaland* (Eriksson, 2013; Muhammed, 2014). However, the initial Kenyan ally in the region was Mohamed Abdi Mohamed “Gandhi”, then the TFG defence minister (International Crisis Group, 2012b). It is only when the Gandhi forces failed to perform in 2010 that Kenya started supporting Madobe. It is believed that Madobe sold to Kenyan government the idea for operations in Somalia (Sunday Nation, 2015). Accordingly, it was through him that the American government came to know of Kenya’s intention to intervene in Somalia (Sunday Nation, 2015).

The change of alliances only complicated matters for Kenya because the support of the two Somali leaders was divided in the Kenyan government. According to International Crisis Group (2012b), Madobe was backed by most Kenyan-Somali army officers, while Gandhi was reportedly closer to Kenyan intelligence bodies and politicians such as Defence Minister Mohamed Yusuf Haji (p. 2). In addition, Adan Bare Duale now the majority leader in the parliament also supported Gandhi. This is because of the clan ties, both being Tolomoge the sub clan of the Ogaden (International Crisis Group, 2012b). This complication came to the fore after the Garissa University attack when Kenyan ally was alleged to be behind the attack. This presents a probability of the two leaders to utilize various support that they enjoy in Kenya to gather intelligence on soft targets in the country before an attack.

The formation of stable *Jubaland* authority was the cornerstone exit strategy for Kenyan troops in Somalia (Bryden, 2013). According to the leaked American embassy cables by

Wikileaks reported in the *Sunday Nation*, there were many concerns raised by different actors about the plan of Kenya's intervention to fight against al-Shabaab. First, Kenya trained the Somali youths despite rejection by her allies such as the US. Additionally, the Kenyan government had informed their US counterpart of its intention to train only 36 Somali nationals who would return to Somalia and train bigger and more forces. Instead, the Kenyan government trained 4000 local youths from Mandera, Wajir and Garissa with a promise of joining either UN or AMISOM (African Union Mission in Somalia) (Sunday Nation, 2015; Houreld, 2009; Tayler & Lackey, 2009).

They were also promised of insurance to their families, prime plots in Ras Kamboni, Kismayu, and permanent resettlement as part of the deal to fight the rising threats from al-Shabaab (Abdi, 2015). There is no evidence that shows that the promised funds reached the recruits due to the secretive nature of government defence spending. Moreover, some of the former recruits have experienced disappointment by the Kenyan government in keeping the promise hence bitter with the government (Abdi, 2015). The disappointment with the Kenyan government makes them vulnerable to al-Shabaab recruitment. More so, their military skills make them alluring to al-Shabaab to be recruited in their ranks.

Omari<sup>1</sup> (O.I., 2015) alleges that the recruitment of persons was conducted in the refugee camps in the north-eastern region of Kenya, which was also al-Shabaab's source of recruitment. These recruits were mostly Somalis living in the refugee camps and Kenyan nationals who are ethnically Somalis living nearby (Houreld, 2009; Tayler & Lackey,

---

<sup>1</sup>Omari-not real name



2009). During the recruitment process, most youths from these regions disappeared only to be established that some were abducted to be trained by the Kenyan government.

Jane<sup>2</sup> (O.I., 2015) who works with a local non-governmental organization reveals that in their pursuit to establish the circumstances of youths disappearing from the refugee camps, they realized that the Kenyan government was involved in the process and they had to end their investigation. The implication of this creates a possibility of Kenyan government recruiting and training al-Shabaab sympathizers in the process. In this regard, they are the same youths trained by Kenyan Government that cause insecurity in the country as a reprisal for unfulfilled promises by the Kenyan government. This placed the already vulnerable group (refugees) to increased risk of violence and risked losing their refugee status for joining the militia group (Tayler & Lackey, 2009).

Kenyan government denied the existence of such program only later to acknowledge that they were only providing training to Somali police (Tayler & Lackey, 2009). This did not sufficiently explain the allegations because police training in Kenya is conducted at Kiganjo Police College; however, youth training was conducted in military facilities. A parliamentary committee that investigated the matter and tabled a report in mid-October 2010 confirmed that such a drive had indeed taken place, in which 2,000-4,000 youths were rounded up in and around Dadaab and taken to government paramilitary training camps in Manyani and Archer's Post in Samburu in Kenya, between 2009 and

---

<sup>2</sup>Jane-not real name

2011 (Mungai, 2015; Abdi, 2015; Mandela<sup>3</sup>, O.I., 2015).

The recruitment and training of the local youths raised a lot of concern in relation to what will happen when the youths return to Kenya with military skills and no job as promised by the government (Sunday Nation, 2015). The study established that some recruits once in Somalia, joined Kenya-friendly armed groups in Somalia while others crossed and joined al-Shabaab and returned to Kenya to form “sleeper cells” and await orders to carry out terror attacks (Abdi, 2015). According Former intelligence officer (O.I., 2015) the group that joined al-Shabaab did it because they offered hefty pay as compared to Kenyan allies in Somalia

The group that joined al-Shabaab was believed to be behind the attacks in various parts of Kenya (Mungai, 2015). According to some locals and religious leaders, youths have been used by the highest bidders in many conflicts (Teyie, 2014). The use of militia is risky because they are unregulated, motivated by narrow sectarian or ethnic affiliations, are prone to manipulation and can turn against their onetime master (Mungai, 2015). This complicated more with the inability to draw a line between who is “Kenyan”, who is “Somali” and who is “al-Shabaab” (Mungai, 2015).

Kenya’s intervention in Somalia might be a rewriting of history of failures of different actors in bringing peace and stability in the region. This dates to the colonial period, the US intervention in the early 1990s and the Ethiopia’s intervention backed by the US in 2006, which created al-Shabaab. The attacks increased because of Kenyan government

---

<sup>3</sup>Mandela-not real name

training of anti-al-Shabaab Somali militia and Kenya's direct intervention in Somalia (Barnes, Abdille & Yusuf, 2015).

However, al-Shabaab has been keen to utilize the perceived historical injustice and economic marginalization in the north eastern and coastal parts of the country to conduct recruitment of locals. This was revealed in their statement after the Garissa University attack (The Washington Post, 2015; Barnes et al., 2015). The university attack was also a retribution for alleged atrocities committed by Kenyan military deployed in Somalia (Barnes et al., 2015). Therefore, it is worthwhile to analysis the emergence of al-Shabaab, which currently poses a lot of threat to the Kenyan national security.

### **3.3.1 The emergence of Al-Shabaab**

Al-Shabaab was an offshoot of the Islamic Courts Union (ICU), a terror group that operated in Somalia (Rabasa, 2009). The political vacuum created by the fall of Siad Barre's government resulted in the emergence of different factions and warring groups fighting for the control of the country. The international intervention in the early 1990s led by the US did not bear any fruits, but only escalated the conflict. The US government provided support for different groups as a way to fight the radical fundamentalists who promoted terror activities. For example, the US and Ethiopia backed the Alliance against Terrorism and the Restoration of Peace in 2006 (Marchal, 2009).

The foundation of al-Shabaab owes much to the invasion of Somalia by the Ethiopian troops backed by the US in 2006. In 2006, the Ethiopian troops invaded Somalia to protect the TFG from the advancement and the threat of the ICU which took control of

Mogadishu threatening to invade the town of Baidoa, which was the headquarter of the Transitional Federal Government (TFG). ICU came into existence in mid-2004 as a merger of different sharia courts that operated in Somalia with an aim to restore order and stability (Wise, 2011). According to Wise (2011), al-Shabaab always remained subordinate to the ICU until the time when the ICU was defeated by the Ethiopian troops. Within the ranks of ICU, there also existed the remnant of al Ittihad al Islamiya (AIAI) that played a fundamental role in the foundation of al-Shabaab (Wise, 2011).

AIAI was a group that operated in Somalia from 1980s with the aim of replacing the government of Siad with Islamic state (Marchal, 2009; Wise, 2011). Some of its members for example, Sheikh Hassan Dahir Aweys was later integrated into ICU as courts radical militia. Through this, they re-formed into al-Shabaab, which rose to prominence after the Ethiopia's invasion (Wise, 2011). According to Bryden (2014), Dahir Aweys was the 'god fatherly' mentor and ideologue of the group.

Due to growing of Aweys prominence in ICU leadership forced him to pass the mantle of al-Shabaab leadership to Aden Hashi Ayro (Wise, 2014). Aweys fled to Somaliland after the defeat of the ICU by Ethiopian troops and founded Hizbul Islam, which later merged with al-Shabaab in 2010 (International Crisis Group, 2014; Wise, 2011).

The Ethiopian invasion led to the defeat of the ICU and rendered the organization dysfunctional. The success in stamping out the ICU did not get rid Somalia of Islamic fundamentalism and radicalization, but instead provided impetus to al-Shabaab's ideology, partnership and operational strategy (Wise, 2011).

The US and Ethiopian activities in Somalia generated support for radical Islam in Somalia among outsiders, who painted the Americans and the Ethiopians as infidel occupiers (Gatsiounis, 2012, p. 75). This transformed the organization from a small, moderate organization to a fundamentalist group. According to UN Report of the Monitoring Group on Somalia and Eritrea (2011), the group merged with al-Qaeda in 2012. The merger, according to International Crisis Group (2014), was a rejoinder to the internal wrangles within the group. This was to have large implication on their ideology as it shifted from fighting the Ethiopian and foreign invaders in Somalia to focusing on the global *jihad* war.

Their affiliation to al-Qaeda was reflected in the appointments that were made by its leader Sheikh Abdi Godane who was first appointed as the group's emir in early 2005 (International Crisis Group, 2014). Godane appointed al-Qaeda core linked individuals in top position such as Sheikh Muhammad Abu Faid as financial manager, and Pakistani-born Abu Musa Mombasa as head of security and training (Wise, 2011, p. 8). The adoption for affiliation with al-Qaeda, according to Sjah (2014) was due to the loss of viability of achieving nationalistic ideology. However, the group's adoption of draconian interpretation of sharia law (Islamic law) and rule by fear proved unpopular among the Somalis (Menkhaus, 2014, p. 4). Nevertheless, the internal wrangles within al-Shabab's leadership principally over: tactics, clan interests, affiliation with al-Qaeda, and policies toward international aid agencies increased (Menkhaus, 2014, p. 5; International Crisis Group, 2014).

It is in 2013 that the internal wrangles increased between the Ahmed Abdi Godane aka Mukhtar Abu Zubair group leader and his critics accusing him of killing ‘true Muslims,’ committing strategic blunders, and having dictatorial tendencies (Menkhaus, 2014, p. 5). This led to the killing of some leaders such as Ibrahim “Al-Afghani” his mentor, Abdihamid Hashi Olhaye, alias “Maalim Burhan (International Crisis Group, 2014). The killing of his critics allowed him to consolidate control over the group. This discontent was not only limited to al-Shabaab leadership in Somalia but also extended to its foreign fighters and al-Qaeda. For example, the tension between Godane and Fazul Abdalla Mohamed, the al-Qaeda leader in East Africa, became so pronounced that many observers suspected Godane of engineering Fazul’s death in 2011 in a shootout at a government checkpoint in Somalia (Bryden, 2014).

Furthermore, the loss of most territorial leaders forced the group to adopt asymmetrical warfare against the occupying forces. This has had implications on Kenya’s national security as the group increased its attack on Kenya because of the presence of soft security targets, instead of battling the Kenya Defence Forces in Somalia (Rotberg, 2013).

In addition, the loss of support from the major clans made the group to recruit from marginalized aggrieved sub-clans and minority groups in Somalia (Menkhaus, 2014). The group was also keen to extend this scheme to Kenya in order to get new recruits. This is by exploitation of the historical injustices and marginalization of the Muslim community in the country. This was revealed in a press statement in the wake up of the Garissa University attack.

It is these challenges that some scholars have perceived the group to be on its death bed characterized by desperate attacks in Kenya with the aim to show that they are still relevant (Menkhaus, 2014). These challenges made their nationalistic preference not feasible, therefore, compelling the group to adopt global *jihad* sponsored by al-Qaeda. Nonetheless, the group has shown more resilience to the various challenges that it faces and has even become effective as demonstrated by the level of complicated attacks that it carries off Somalia.

The group has armed force wing known as Jaysh al-Ustra (the Army of Hardship) and an intelligence unit called Amniyat 'secret service' (Menkhaus, 2014). However, Amniyat warrants more attention as it the centre of the group's survival. It is instrumental in executing suicide attacks inside Somalia as well as in Kenya and other African nations, conducting assassinations, providing logistics and support for operations, and integrating the group's local and regional commands (Roggio, 2015; Ibrahim, 2013). For example, the Westgate attack was connected to Adan Garaar, a senior official in the Amniyat, Shabaab's intelligence and security branch who was killed in March 2015 (Roggio, 2015).

According to UN Report of the Monitoring Group in Somalia and Eritrea (2014), the group has extensive intelligence that probably involves Somalis living outside Somalia, such as diplomats, journalists and community activists (p. 19). It is by use of Amniyat that Godane was able to consolidate his power and survive the internal insurgency in al-Shabaab. Moreover, the organization has been designed to survive on its own when the group is dismantled (al-Shabaab) (Nantulya, 2013).

The study also established that there is the existence of a unit in al-Shabaab code-named Jeysh Ayman, predominantly composed of Kenyans. This group is responsible for carrying out attacks in Kenya with the aim of seizing control of Kenya's predominantly Muslim Coast from the national and county governments (Wabala, 2015). This group, according to Wabala (2015) was founded six years ago by a Kenyan Somali, Maalim Ayman aka Abdiaziz Dubow Ali of Mandera County, but also has Somalis and foreign fighters within its ranks.

The initial purpose was to conduct ambushes and raids along the border, but this latter included attack on Kenya Defence Forces and AMISOM troops among its targets, with their area operation being the North Eastern region of Kenya (Wabala, 2015). Nevertheless, this does not deny the fact that al-Shabaab has carried out attacks in other areas of the country.

Al-Shabaab has carried various attacks off Somalia but Kenya has suffered most of these attacks. July 11, 2010, al-Shabaab carried out its first attack off Somalia. They attacked a restaurant and a rugby club in Kampala killing 74 people during the world cup period (Wise, 2011). This was as retribution for Ugandan troop incursion into Somalia (Gatsiounis, 2012).

The second largest attack was in Kenya. On September 21, 2013, militants linked to al-Shabaab carried out attacks on the Westgate shopping mall in Kenya. The attack lasted four days with the number of those killed reaching 67 and several people wounded (Nzes, 2014). The attack was a retribution for the continued presence of Kenya's Defence Forces (KDF) in Somalia. The Westgate mall was a target of choice because it



had international significance and more so, it is partially owned by Israelis (Blanchard, 2013). However, their lethal terror attack in Kenya was the Garissa University attack because of the number of casualties of around 147 and injuring 76 (Koross, 2015; Mukinda and Mutambo, 2015).

According to the International Crisis Group (2014), the group's foothold in the country is alleged to have been around 2009. During this period, it is alleged they did not attack the country either because they considered the country a hub and gateway for foreign fighters, including Diaspora Somalis; a home to many sympathizers and financiers; and a source of new recruits (p. 3). According to the report, the group threatened to attack Kenya because it was hosting and training pro-Transitional Federal Government militias especially in Mandera and Garissa. Following this threat, they fired into Kenya destroying a water tank at General Service Unit (GSU) in Liboi (ICG, 2014, p. 3). This was followed by a series of attacks, kidnappings and abductions in different parts of the country.

In Kenya, the group has embraced all Muslims and their only enemy is Christianity and Christians (Warner, 2015). This is exemplified in the recent pattern of attacks targeting Christians. This is different as in the Somalia case where they were known to stoning women and cutting the hands of thieves. In the country, they portray themselves as pan-Muslim protector (Warner, 2015).

The Westgate attack revealed the groups capability of conducting a complex terror attack in the region to the Kenyan government and the international community. As things unfolded, it became clear that the terror group had local affiliations that did help

to operationalize and carry out logistic support for the attack (Nzes, 2014). For the movement's survival and relevancy, it has forged alliances with other Islamist groups across the East Africa region such as Muslim Youth Council (al-Hijra) (Gatsiounis, 2012, p. 74). The local affiliate groups are sources of recruitments and of funds.

The choices of targets such as the Westgate attack (Badru Nairobi Operation) and the Garissa University attack signalled the widely anticipated operational shift marked by a departure from "soft targets" to "complex and spectacular" large-scale attacks beyond Somalia, drawing on, where practical, a combination of Al-Hijra resources (in Kenya) (UN Monitoring Group on Somalia and Eritrea Report, 2014, p. 19).

The morphing nature of the group has proved a challenge to deal with in Somalia and so is in Kenya; thus, it seems that the group is here to stay. According to UN Report of the Monitoring Group on Somalia and Eritrea (2014), the group has evolved in qualitative terms, possibly owing to several factors, including the violent but pragmatic purge of its dissenting senior ranks in 2013. Nevertheless, the group is more determined, prolific, and effective in its operations (attacks). This has enabled it to withstand counterterrorism pressures and internal wrangles.

Further, in showing its resilience, the group has even included the formation of collusion with its erstwhile enemies in Somalia (Menkhaus, 2014). This has provided a challenge to the intervening forces in Somalia and the Transitional Federal Government. These include temporarily cooperating with the Somali national armed forces in common cause against Kenyan forces and the Ogaden clan militia (Ras Kamboni militia; a Kenyan ally in Somalia) after the latter captured the seaport of Kismayo from al-Shabaab in October

2012. Subsequently, its collusion with Kenyan forces and the Ras Kamboni militia in illegal charcoal and sugar exports out of the Kismayo seaport (UN Monitoring Group Report 2014; Menkhaus, 2014).

The KDF involved itself in this trade despite its ban and having knowledge of the charcoal trade being the primary source of income for al-Shabaab (Ward, 2014). After the capture of the port, KDF commanders almost immediately began pushing for the temporary lifting of the ban, ostensibly to provide for one-time export of the stockpiles (Ward, 2014). In reality, this was an attempt to cover the charcoal business indefinitely. Thus, the battle lines are not clearly drawn in Somalia due to al-Shabaab collusion with different actors in Somalia.

The collusion of KDF and al-Shabaab in Somalia of which KDF has rebuffed may have implications for national security and economy of Kenya. It is alleged that the sugar that is purchased from the sale of charcoal always finds its way into the country's market (Isaak<sup>4</sup>, O.I., 2015; Mandela, O.I., 2015). Therefore, one may argue that the money from the sale of illegal sugar in the country indirectly funds the group's activities and probably has funded terror attacks in the country. This paints a different picture from the rhetoric that government officials make infighting the group, but not putting down mechanism that aims at starving them financially. Thus, dealing with a group, which demonstrates pragmatism and resilience in dealing with various challenges, requires the same pragmatism adopted by the group.

---

<sup>4</sup>Isaak-not real name

As a group, al-Shabaab has remained resilient to many challenges and is always willing to learn and benefit from external influences such as al-Qaeda and regional affiliates such as al-Hijra. It is upon this that al-Shabaab's local affiliate the Muslim Youth Council (al-Hijra) will be discussed to establish its origin, founders and its ideology in the promotion of terrorism in the region.

### **3.3.2 Al-Hijra: Al- Shabaab's affiliate in Kenya**

One key affiliate of the al-Shabaab in East Africa is the Al-Hijra (Nzes, 2014; Anzalone, 2012), al-Hijra meaning new year (Gatsiounis, 2012). Nevertheless, al-Shabaab has another affiliate in Tanzania called the Ansar Muslim Youth Center (AMYC) based in Tanga. The AMYC mobilizes recruits and raises funds on behalf of Al- Shabaab (UN Report of the Monitoring Group on Somalia and Eritrea, 2011).

According to Nzes (2014), al-Shabaab has support in Kenya and Tanzania among the Muslim Swahili along the coasts of these two countries. It has followers who are both Somali and non-Somali Muslims. Al- Hijra has undergone transformation varying from the change of its name and to affiliation with al-Shabaab. Before changing its name to al-Hijra, it was called Muslim Youth Center (MYC) a predecessor of Pumwani Muslim Youth (PMY).

It was founded in 2008, as a community-based organization at the Pumwani Riyadha Mosque (in the Majengo area in Nairobi) to address the social and economic grievances of the Muslim youths (Nzes, 2014; Anzalone, 2012; UN Report of the Monitoring Group on Somalia and Eritrea 2011). According to its constitution, al-Hijra is defined as 'community based-organization' that aims to provide youth with religious counselling;

to further the cause of Islam; and to advance and promote peace and peaceful co-existence through the championing of justice, human rights and inclusiveness' (UN Report of the Monitoring Group on Somalia and Eritrea, 2011, p. 140).

The Muslim Youth Council (MYC) changed its name to al-Hijra after accusation of supporting terrorism in the country (Gisesa, 2014). According to the UN Report of the Monitoring Group on Somalia and Eritrea (2012), the group did not only change its name but also reorganized its membership and finances in order to permit its organization, the Pumwani Riyadhha Mosque Committee (PRMC) in Nairobi, to continue funding Al-Shabaab

AH has been accused by the Kenyan government for carrying out recruitment exercise, funding and fostering training networks for al-Shabaab within the country and radicalization of the youth within the mosque (Gatsiounis, 2012; Nzes, 2014; Anzalone, 2012). Between 2008 and 2011, the MYC published the jihadist newsletter 'Al-Misbah' (the torch) with articles, and speeches in Kiswahili and English, encouraging Kenyan Muslims to provide recruits and financial support to al-Shabaab in Somalia (ICG, 2014, p. 9). Anzalone (2012) points out that the recruitment of regional fighters facilitates easy logistical factors in carrying out attacks. The recruitment of the local population has been facilitated by disillusionment and disenfranchisement of the Somali in Kenya. The local recruits are more dangerous because they can easily access the soft targets and can provide surveillance of the targets.

Not only the group has conducted recruitment, but also organized the January 2010 demonstration in protest to the arresting of a Jamaican Muslim preacher, Abdullah al-

Faisal. During this demonstration AH captured a 45-minute video, which opens with the Al-Shabaab logo, and a message from MYC pledging, “Muslim youth of Kenya support our Mujahideen brothers in Somalia...” (UN Report of the Monitoring Group on Somalia and Eritrea 2011: 144). This demonstration resulted in street battle with the authorities causing seven deaths. In addition, this demonstrated the growing level of extremist organization in the country.

AH leader Sheikh Ahmad Iman Ali joined al-Shabaab in Somalia in 2009, and through a video released in January the same year by al-Shabaab’s media al-Kataib (the brigades), he emerged as the emir of the MYC Somalia branch following earlier statement of MYC making him the 'supreme leader' of al-Shabaab in Kenya (Anzalone, 2012). On his part, Sheikh Ahmad recruited 200 to 500, most of whom are Kenyans, and specifically MYC members (Gatsiounis, 2012; UN Report of the Monitoring Group on Somalia and Eritrea, 2011).

The involvement of Kenyan youths and to some extent non-Muslims is reflected in al-Hijra’s leadership branch in Kenya and Somalia. For example, the principal leaders of al-Hijra in Nairobi include: Acting-Chairman/Amiir: Idriss Nyaboga; Secretary: Hussein Ally; Organizing Secretary: Abdi Mohamed; Treasurer: Abdi Mohamed Mbithuka; and; Coordinator: Mohamed Musa “Bamer” (UN Report of the Monitoring Group on Somalia and Eritrea, 2011, p. 141). The same is also reflected in the MYC in Somalia. This discounts former intelligence officer (O.I., 2015) perception of locals being used as ‘couriers’ by the group, but some are actually active participants.

According to Maxi (O.I., 2015) the involvement of Kenyan youths both in AH and al-

Shabaab ranks is driven by al-Shabaab ‘achievement’ of almost toppling the Somalia Transitional Federal Government. Through this, Kenyan youths were recruited into the ranks of both groups as a transitional process to form security officers in case al-Shabaab formed the government. However, this did not happen and the non-Muslims have remained to serve within the ranks of these two groups. In certain cases the recruitment of locals has been through coercion mostly along the Somalia bordering towns (Daniel, O.I., 2015), but in certain circumstances it has been through trickery by promising the young unemployed youths jobs in the Middle East and only for them to end up in Somalia (Mary<sup>5</sup>, O.I., 2015).

The merger of al-Shabaab and MYC of Kenya took place three months after the KDF invasion of Somalia and one month later, it changed its name to Al-Hijra (Nzes, 2014). This was through consultation of late Sheikh Aboud Rogo who was shot dead in August 2012 and who also greatly shaped the ideological orientation of the group (UN Report of the Monitoring Group on Somalia and Eritrea, 2011). Moreover, the merger may automatically make the group an affiliate of al-Qaeda because al-Shabaab is an al-Qaeda’s affiliate.

According to Menkhaus (2014), this group was previously viewed as “fumbling and amateurish operationally.” However, the group has gained sophistication and discipline. This has resulted in difficulties in examining the extent to which al-Shabaab’s leadership exercises direct control over this network. This came in the wake of its affiliation with al-Shabaab in 2012 not ruling out the fact the group had contacts with al-Shabaab even

---

<sup>5</sup>Mary-not real name

before announcement of its affiliation (Menkhaus, 2014).

The AH activities are not only limited to Nairobi. The AH has its tentacles in the coastal town of Mombasa and Tanzania. Masjid Sunna located in Majengo area in Mombasa is also the base for AH activities and the base for terrorism in the country (Gatsiounis, 2012, p. 79). The Ansar Muslim Youth Center (AMYC) based in Tanga along the Tanzania's north mainland coast announced its links to MYC (Al-Hijra) of Kenya in 2012 January (Gatsiounis, 2012, p. 80). With the affiliation of AH to al-Shabaab, there is possibility of AMYC too could be having ties to al-Shabaab due to its association with AH. These could be red lights for increasing terrorism activities in the country, which puts Kenya's national security at risk. However, what are the underlying ideal conditions that make the country a soft target for terrorist attacks and activities? Thus, it is important to analyse why Kenya is a target of terrorism.

### **3.4 Why is Kenya a target of terrorism?**

The root cause of terrorism in the country from different periods should not be assumed to be identical. For example, during the periods of 1950s and early 1960s the Kenyan nationalists were fighting the British colonial government for self-determination adopting acts of terrorism to advance the course. This varies with the current cause of terrorism in the country, which is founded on the perception of the close ties of Kenya and USA and Israel, nations that have had oppressive legacies to one degree or another (Mazrui, 2007; 72). This, however, has been changing with current attacks being carried as retaliation for the incursion of Kenya's troops in Somalia. Thus, the reasons for Kenya being a soft target of terrorist attacks are dynamic and one reason cannot



sufficiently explain why the country is a target (Immigration Official, O.I., 2015; Maxi, O.I., 2015).

A number of factors breed terrorism and these can be explained as direct causes or facilitating factors (Otenyo, 2004). According to Maxi (O.I., 2015), some factors that make Kenya a soft target of terrorist are just 'force multipliers' because they increase the effectiveness of terror groups' attack in the country. These factors range from Kenya's geographical location, poverty, porous borders, corruption, lax laws, the perceived close ties with the West and unstable neighbours (Adan, 2005; Aronson, 2013; Immigration Official, O.I., 2015).

The geographical location of the country has played a key role for it to be targeted by terrorists, as it can be easily accessed by radical activist and ideologies from other regions (Rabasa, 2009). According to Aronson (2013) and Otiso (2009), Kenya's proximity to the Middle East has made it easy to be infiltrated by terrorists from countries such as Yemen. The geographical positions also make it an easy get away from the Middle East and South Asia to East Africa and the Horn of Africa (Adan, 2005, p. 8). The country's proximity and the historical linkages that the country shares with the Middle East have transformed it into a breeding ground for radical Islamist ideas and operational ground for local cells (Kagwanja, 2006, p. 73).

Otiso (2009) observes that Kenya shares long and poorly protected borders with Uganda, Tanzania, Somalia and Ethiopia. According to Kimunguyi (2011), the intra and inter-state conflicts that have existed within the horn of Africa have bred instability, poverty and political isolations that has made the region vulnerable to terrorists' exploitation.

Instability in some of these countries provides safe haven for terrorists. The most worrisome case is its proximity to war torn Somalia that has been ravaged by conflict for over two decades. The instability has enabled Somalia to be used as a transit hub to bring illegal items in Kenya and a conduit to other regions (Aronson, 2013). Menkhaus (2004) in support of this argues that terrorists have preferred Somalia because it acts as a short transit point for moving of people and illegal materials into Kenya.

In addition to porous borders, corruption has compromised Kenya's security (Otiso, 2009) and this has eroded the state's ability to control its borders. As a result, security related services such as immigration and policing are commercialized to the extent that they have become treasure-troves for those who work in those sections. It is because of endemic corruption in the immigration system that al-Qaeda cell in Kenya exploited to obtain Kenyan citizenship, for example Wadi-el-Hage (Khadiagala, 2004; Adan, 2005).

Corruption makes it easier for terrorists to use airports and other official border points to slip in and out of the country and operate within the country with impunity. This to some extent is attributed to low wages for immigration and security personnel, which significantly increases the prospect of widespread corruption that, in turn, creates a climate amenable to terrorism (Shinn, 2004; Maasai<sup>6</sup>, O.I., 2015; Maxi, O.I., 2015; Immigration official, O.I., 2015). On the contrary, Isaack (O.I., 2015) argues that the issue of low pay should not be used by security officials to allow terrorists in the country because indirectly they also become victims of terrorist activities. To Isaack (O.I., 2015) display of such acts by security officials portrays them as unpatriotic.

---

<sup>6</sup>Maasai-not real name

Al-Shabaab being aware of this prevalent corruption has exploited it to their advantage in order to carry out operations in Kenya. Daniel (O.I., 2015) alleges that al-Shabaab always bribe security officers along the Kenya-Somalia border in order to permit them entry into Kenya disguising themselves as refugees. However, in certain cases, security officials at various border points received bribes from terrorist suspects in order to provide them with escorts and safe routes to other parts of the country (Daniel O.I., 2015; Isaack, O.I., 2015). This enables them to avoid police checkpoints. According to Mary (O.I., 2015), corruption within the police force also prevents citizens from giving intelligence to security agencies for fear of reprisals because of the collusion of individuals within the security agencies with terrorist suspects.

The 'lucrative' nature of corruption along the Kenya-Somali border also contributes to incidences of some officers refusing transfers to other regions (Daniel, O.I., 2015). Corruption of the border officials has not only promoted terrorism in the country, but has also led to an influx of small arms into Kenya, which are used for other criminal activities (Maxi, O.I., 2015; Isaak, O.I., 2015). This has also seen the entry of other contrabands in the country such as brown sugar, clothing and other products that find their way into Kenya's local markets (Mandela, O.I., 2015). According to Mandela (O.I., 2015) and Mbuni<sup>7</sup> (O.I., 2015), corruption within the security agencies is not only found along the border, but in all areas with some top officials being the perpetrators of the vice. Mbuni (O.I., 2015) maintains that despite the corruption existing in the security agencies; it does not repudiate the point that some officers are dedicated to their duties

---

<sup>7</sup>Mbuni-not real name

and have stayed true to promoting national security of Kenya.

The lack of functional government in Somalia since the fall of Siad Barre government in 1991 has fuelled the spread of violent radicalization in East Africa (Rosand, Millar & Ipe, 2010, p. 95). This has been exploited by various groups such as al-Qaeda, al-Shabaab to advance Islamic ideology of the state of Somalia under sharia law. The Somali question has further implication on the north-eastern part of Kenya as it makes it prone to inter-clan rivalry and banditry that weakens the border security. This creates space for terrorists and criminal elements to operate and use it as a conduit to other regions in the Greater Horn of Africa and other parts of the Middle East (Rosand et al., 2010).

The instability in Somalia has also led to the influx of refugees in the country (Adan, 2005; Otiso, 2009). For example, the influx of Somali refugees in the country has enabled terrorists to blend with them facilitating their free movement in out of the country (Adan, 2005; 9). These have also facilitated the free movement of people and illegal weapons in and out of Kenya. Provision of security at borders has remained a great challenge for East African countries. For example, the Kenya-Somalia border, which has not only allowed the movement of refugees fleeing war torn Somalia but also has facilitated the movements of terrorists in and out of the country (Kimunguyi, 2011, p. 5). Terrorists utilized the porosity of the borders in 2002 to smuggle weapons into the country for the 2002 attacks along the Kenyan coast and for a safe passage for the 1998 perpetrators of 1998 attack on the US embassy (Kimunguyi, 2011; Mogire et al., 2011).

Poverty is another factor that promotes terrorism; however, it remains a point of

contention. Poverty alone in Botha's (2013 & 2007) view does not directly cause terrorism but acts as facilitating factor. Thus, poverty alone cannot make one to engage in terrorist activities. Botha (2013 & 2007) argues that the study of those individuals engaged in terrorism, provided mixed results as some of the terrorists are not poor yet they engage in terrorism. Thus, for one to understand the role of poverty there is need to look into the role of poor socio-economic factors (Botha, 2013: 13). Thus, poverty coupled with other factors such as unemployment creates fertile ground for extremism among the youth (Adan, 2005; Botha, 2013).

On the contrary, the argument grounded on poverty fails to explain the recent Kenyan case where the perpetrators of the attack are not from a poor background. Abdirahim Mohamed Abdullahi aka Ababmo who perpetrated the Garissa University attack is not from a poor background. He was a son of an administration official in the Mandera County (Ombati & Jubat, 2015; Ombati, 2015). Police investigations also show that the Pangani blast perpetrator was a son of a soldier in the Kenyan military (Ombati, 2015).

Abdiharim studied law and Hajira studied commerce in a local University (Ombati, 2015). Poverty as a factor cannot be used in justifying why people engage in terror activities, but can only be a facilitating factor for vulnerable groups to join the extremist groups. Thus, any individual or group to advance their ideological orientation can exploit economic disparities. This can be demonstrated through the various charities that were forced to shut in the wake of the 1998 attack in Kenya since they were perceived to be financing terrorist activities.

Due to economic disparities, charity organizations have often come up to fill the void

created by the inability of the government to provide basic services (Botha, 2013, p. 18). By this, they have utilized the opportunity to advocate for radical ideas and recruit individuals to terrorist organization, for example al-Himiran (Adan, 2005; Botha, 2013). Botha (2013) alleges that the 1998 twin attack on US embassies in Kenya and Tanzania was partly funded by money channelled through charities such as Al-Himiran foundation (p. 17). The organization was also accused of carrying out recruitment exercise in Dadaab refugee camp through religious and social programs that it operated (Khadiagala, 2004,p. 3).

Another factor, which explains why Kenya is a soft target, is the perceived close tie with the West (Otiso, 2009. From independence, Kenya has had close relations with the West, especially US, Europe and Israel. Kenya is a host of western facilities such as different diplomatic missions and also a top tourist destination, making it a target (Adan, 2005; Blanchard, 2013). It is also a host of international agencies such as the United Nations Environment Program (UNEP). This in Rabasa's (2009) view offers arrays of targets for the terrorists to hit.

The perceived stability of Kenya, has made the country a hub for social, economic and political interest to Western countries such as US among others (Adan, 20005,p. 8). This has further intensified the close relations with the Western countries. For example, the government of Kenya allowed the US to use its air and sea bases for military purposes and has also cooperated with foreign intelligence in the fight against terrorism (Adan, 2005, P.8). The Kenyan government cooperation with foreign intelligences such as the Israel and US after terrorist attacks on counterterrorism measures has been viewed by

terrorists groups such as al-Qaeda as Kenya's support for the US and her allies' policies in the Middle East. Thus making a target of terrorists' attacks and activities (Otiso, 2009).

However, the fundamental explanation of the current increased incidences of terrorism in Kenya finds their grounding in the perceived marginalization of the Muslim community in Kenya. Botha (2013) notes that the perceived economic and political marginalization of the coastal region and North Eastern parts of the country, predominantly occupied by Muslims has more often than not provided a pool for recruitment and radicalization of youth by terrorist groups. In comparison to other regions, these regions remain economically undeveloped.

This has resulted in the disenfranchisement of the Muslim population in the country. Being a minority group compared to Christians has been used to deny Muslims ability to wield political power relative to the large number of Christians (Terdman, 2007). This has led to calls for succession by groups such as Mombasa Republican Council (MRC) (Botha, 2013; 15). However, this has long history of which is beyond this study.

These socioeconomic factors often become politicized by the middle class leaders and often provide a platform for rallying the less fortunate behind them. Thus, creating a pool for recruitment into terrorist groups (Botha, 2013).The socioeconomic disparities according to Maxi (O.I., 2015) forces individuals to seek refuge in religion because habitually, it promises heaven and earth, which is neither here nor there. Moreover, some religious leaders having knowledge of this symbiotic relation of religion and socioeconomic disparities, exploit it to get more followers that can easily provide a pool

of recruits to extremist groups.

The late Sheikh Abud Rogo utilized socioeconomic factors making his sermons alluring to the youths, thus creating a large following (Gatsiounis, 2012). These youths, according to an Immigration Official (O.I., 2015) may be individuals who have failed to meet their life goals and who will therefore, find consolation from such leaders and because of their vulnerability, they can be recruited to extremist groups. However, Immigration Official (O.I., 2015) notes that “terrorism is a delta issue. It has many tributaries; thus, people join it for different reasons.” In addition, it is for these different reasons that the Immigration Official (O.I., 2015) also alleges that perpetrators of terrorist activities in Kenya may have the desire to create lawlessness in the country to carry out illegal activities, for example, the promotion of illegal charcoal trade in Somalia

The perception of marginalization is also well captured in the report of a committee that was appointed by the former President Mwai Kibaki. This committee was instituted to address the Muslim specific concerns. According to the International Crisis Group (ICG, 2014), the committee found institutional discrimination in: issuance of national identification cards and passport; lack of representation of Muslim in public service; economic marginalization of Muslim inhabited areas; and abuses by security agencies (ICG 2014: 7).

Whenever they apply for passports, Muslims are vetted separately from other citizens, even if they have a national identity card. This was institutionalized by the creation of a specialized vetting committee for Muslim passport applicants at the former Ministry of



State for Immigration and Registration of Persons (now under the Ministry of Interior and Coordination of National Government) (ICG 2014: 7). Yet this is an important document that one requires in order to get employment and showing that one is a Kenyan citizen thus enabling them access to certain services. This, according to Omari (O.I, 2015) and one speaker at a conference held in Hekima College on (8/5/2015) may imply that they are not Kenyans; rendering them stateless. Therefore, they cannot get access the government services or be employed. This, according to the above respondents makes the youth vulnerable to recruitment of extremists in pursuit of employment.

The perceived marginalization has not only been in the socioeconomic realm, but also in politics. The attempts by the Muslim community to form political parties that represent their interest have been met with hostilities. The government disregards them pegged on the notion that they have ulterior motives (Botha, 2013; Otiso, 2009). For example, Moi regime refused to register the Islamic Party of Kenya aimed at articulating the grievances of minority Muslims on the question of citizenship issues such as discrimination in obtaining passports and national identity cards (Kagwanja, 2006; Prestholdt, 2011, p. 10). The Moi government banned the party on accusations that it was promoting Islamic fundamentalism. Further, the opponents of the party accused it of being secretively funded by the Iranian and Sudanese governments (Prestholdt, 2011, p.10). As such, the Muslim community was left with no avenue to air their specific grievances specifically unique to the religion and to the community.

In the aftermath of the US embassy bombing in Kenya, communities that supported the Islamic Party of Kenya were suspected of supporting the bombing of the embassy. This was because the Swahilis and Arabs along the coastal area of Kenya were the perpetrators of the embassy bombing. This was later disapproved by the investigators who discovered that most of the players in the attack were foreigners and despite this some; Muslims were detained and interrogated by the government (Presthodt, 2011, p. 8). Such perception has created friction between the Muslim community and the government. In this case, this view provides fertile grounds for radicalization and recruitment of the youths by extremist groups.

Daniel (O.I., 2015) points out that marginalization of the Muslim community along the coast and north-eastern parts of the country, has made most Muslims to consider themselves more Somalis than Kenyans. He argues that:

‘The government considers them as Kenyans in terms of territorial boundary, but they (Muslims) feel neglected in terms of government services. Therefore, they are Somalis not Kenyans.’ (Daniel, O.I., 2015).

This has created a pool of disenfranchised youth, harbouring bitterness against the government. Therefore, any opportunity that may arise to retaliate against the government they would be willingly ready to embrace.

However, a point of contention that emerges with regard to marginalization is that other parts of the country are equally marginalized and this has not prompted them to join extremist groups. Nevertheless, with the adoption of a new constitution in 2010, government services were devolved to encourage development at the local levels. Such an undertaking by government will then realize equality in terms of regional

development leading to the eradication of underdevelopment.

This has placed the local administration and development in a better position against al-Shabaab and extremism since the locals stand a better chance of getting involved in the development initiatives of their areas (Barnes, Abdille & Yusuf, 2015). The success of this depends on the political will at both the county and national level

The historical grievances and marginalization derived from experiences, such as the *shifita* war, the Wagalla massacre, the professed discrimination in the spheres of national politics and government employment, in issuance of official identification papers and the collective punishment. These local experiences have been given a new meaning by global events in which some Kenyan Muslims perceive themselves to be part of the transnational religious community that is under attack from the US and its allies (Bradbury & Kleinman, 2010)

The foregoing discussions have examined the historical development of terrorism in Kenya and reasons as to why the country is a target of terrorism. The changing trends that are related to the actors/perpetrators, the target audience, frequency of attacks and the reasons for attacks. The actors involved in perpetration of terrorist activities in the country have changed. For example, the first terror threats was from the Palestinian Liberation Organization (PLO) then came al-Qaeda and now al-Shabaab an al-Qaeda affiliate. This saw the increasing involvement of local citizens in terror activities in the country. Initially foreigners carried terrorists' activities with local assistance from some Kenyans, but this has since changed, as majority of the perpetrators are local citizens who for one reason or another engage in terrorism.

Terrorist target audience has also changed over time with current targets being Kenyan Christian communities. Initially the target audience was the citizens of Israel, and then Americans and local citizens who were caught in the middle of the attacks. This changed with the emergence of a new player-al-Shabaab, which targets the Christian population with an aim to place the country into a sectarian conflict of Muslims versus Christians. This also saw an increase of number and lethality of the attacks leaving a trail of destruction and loss of lives.

Initially the country was targeted by terrorist attacks due to its close relation and cooperation with the West, which has not changed, although the reason for attacks has changed. Al-Shabaab has carried its onslaught of terror attacks in the country in order to compel the Kenyan government to withdraw Kenyan troops from Somalia. There are also attempts by the group to agitate against marginalisation of Muslim community in the country. As such, terror groups carry out the attacks in the name of liberating the Muslims from the yoke of the Christian dominated government. Another part of the emerging trend is the place of Kenya with the global political geography and how this places the country within a web of global terrorism. This saw the country increasingly becoming a hub for terror attacks and terrorist activities.

### **3.5 Conclusion**

This chapter provided the historical development of terrorism in Kenya and tried to highlight the relevant historiography of the country from independence. It has also highlighted the factors that make the country a soft target for terrorist attacks including its perceived close ties with the West; the perceived marginalization of the Muslim

community; porous borders; corruption; unstable neighbours among others.

The chapter has also highlighted the government use of proxy strategy to create a buffer zone between the Somali insurgents in Somalia and Kenya. The use of proxy is considered to be the current challenge in dealing with terrorism. It is also noted that it is only after the incursion of Kenyan troops into Somalia that the level of attacks increased with al-Shabaab claiming responsibility of most of the attacks. This placed the Somali based terrorist group as the major threat to national security.

This group has shown resilience by morphing itself and exploiting various opportunities, for example, through collusion with various actors in Somalia and forging regional alliance with groups such as al-Hijra. Local terrorist groups such al-Hijra has provided recruits and financial assistance to al-Shabaab. Moreover, the existence of such local groups makes it complex to deal with terrorism. It is upon the above chapter that the next chapter delves into examining the various Security Sector Reforms (SSR) that have been put in place to mitigate the threat that terrorism poses to Kenya's national security.

## **CHAPTER FOUR**

### **4.0 REFORMING THE SECURITY SECTOR IN KENYA; 1998-2015**

#### **4.1 Introduction**

In chapter three, we examined the historiography of terrorism and its implication for the country's national security. Following various terrorist attacks in Kenya, the national security agenda of the country changed, leading to securitisation of terrorism by the government. Terrorism became an important area of focus due to its threat to national, regional, and international security. The Kenyan government took various steps to reform the security sector in an effort to mitigate the vice. This chapter chronicles the journey to Kenya's security sector reforms (SSR), their significance in the fight against terrorism and briefly examine various regional and international counterterrorism initiatives put in place.

#### **4.2 Contextualizing security sector reforms (SSR) in Kenya**

In understanding security sector reforms, it is important to understand what security sector entails. Security sector is usually understood to encompass all the organizations that have the formal mandate to use, or order the use of, force in order to protect communities, individuals, and the state from acts of violence and coercion (Bendix & Stanley, 2008; Sedra, 2010). However, there is contention on what the security sector should consist of, with some preferring narrower definition and others preferring the broader definition. The narrower definition focuses on the statutory actors such as the police, border guards, intelligence services, the army among others (Hanggi, 2004).

On the other hand, the broader definition includes both statutory and non-statutory actors (Hanggi, 2004). These include the military, police, border guards, intelligence services,

government bodies that monitor such organizations, and those institutions charged with upholding the rule of law, including the judiciary and the penal system and non-statutory security forces such private security guards among others (Bendix & Stanley, 2008; Sedra, 2010). The broader definition was used in the study because the fight against terrorism involves several actors, both statutory and non-statutory, such as the private security firms, the citizens among others.

Security sector reform (SSR) as a concept emerged in the 1990s after the Cold War period (Hanggi, 2004; Sedra, 2010). This period was a narrow window between the end of the Cold War and the beginning of the “war on terror” (Sherman, 2010: 60). The end of the cold war marked a closure to many things: the ideological divide between the West and East, arms race, while introducing new dimensions to others for example, global terrorism that was based on religious fundamentalism, redefinition of the concept of security among others (Mwagiru, 2008, p. 1). The Cold War thus radically shifted the priorities of national security from protection against foreign armies to protection against terrorist attacks by networks of individuals, from natural disasters such as global warming, droughts, floods among others that posed threat to individuals rather than the state (Weiner, 2008: 547, as Quoted in Sherman, 2010, p. 63).

The concept of security was to be revisited by scholars after the demise of the Cold War with a view of making it more applicable to a world where new threats were emerging (Wairigu, Kamenju & Singo, 2004). The new conceptualization of security tries to broaden the rubric of threats to national security beyond the traditional realist over concern with military threats to the exclusion of many non-military threats to the

national security (Mutave, 2005). The shift acknowledges that new threats such as terrorism, poverty, or global warming present greater threats to humans than interstate wars, which since the demise of the Cold War are no longer prevalent.

Therefore, security is not only a concern for states, but also individuals and communities (Wairigu, Kamenju & Singo, 2004). Despite this shift, the threat faced by the state is similar to those that threaten human security. In this case, the state has the capacity and responsibility to provide the necessary environment for the realization of human security (Sabala, 2008, p. 18).

Nonetheless, with the redefinition, security has remained a contested concept depending on authors, their orientation as well as motivation. (Jonyo & Bucheere, 2011). The definition of security is tied to whether security should focus on the individual, the state, or the international community. This has in turn generated two major views on security, namely the narrow and the broad view of security (Jonyo et al. 2011).

The narrow view is found in the state-centric nature of security based on a realist school of thought that considers a threat to national security to be other states (Sabala, 2008).

The broader view, on the contrary, provides a shift from a state-centric concept security and concentrates more on individual security. The focus of security on the individual, according to Jonyo et al., (2011), is critical to the concept of security sector reform (SSR) because it locates security at the lowest level. It is this broad view of the concept of the security that the study adopted due to the emerging threats to individual security rather than the state. Today, contemporary terror threats, though also state targeted are more directed to individuals and personal property.



SSR programs are often meant to address the security problem by trying to improve the situations through institutional reforms (Jonyo et al., (2011). They are implemented as a precondition for stability and sustainable development in countries recovering from conflict or making transitions from authoritarianism or collapsed states to newly sovereign and developing countries (Ball, 2010; Sedra, 2010). The emergence of the concept of SSR was propelled by the collapse of the confrontation between the East-West providing a shift from state-centric security concept to an increasing focus on human security (Sherman, 2010).

The concept of SSR was driven by the recognition of the linkage between security and development. According to Hermsmeyer (2010), development cannot take place without a safe and secure environment for states and their citizens (p. 1). Development projects require security, thus there is need to re-establish security and this can only be realized through reforms and building of security institutions (Sherman, 2010). Thus, the concept of SSR is rooted in the linkage between security and development (Sherman, 2010; Jonyo et al. 2011).

These SSR programs focus on capacity building of the security sector to deliver safety, security, and justice for individuals; reduce corruption; and counter illicit criminal and terrorist networks (Hermsmeyer, 2010,p. 2).The SSR program should be people centred, focusing on the security of the individual citizens rather than that of the government or regimes. The SSR should also uphold the primacy of the rule of law and it should be in accordance with the international human rights norms and standards.

Moreover, governance within the security sector should be accountable to the citizens and institutions such as justice and security (Sedra, 2010, p.104). These are achieved through the review of policies and programs of a country's security sector, with the aim to make it more professionalized and effective. In Sedra's (2010) view, security sector professionalism and effectiveness cannot only be measured by the capacity of the security forces, but how they are managed, monitored, and held accountable (p. 16).

Therefore, SSR should be geared toward enhancing efficiency and effectiveness of the security sector to meet the needs of the national security or policing policies; enhancing civilian control; right sizing the security sector to enable resources to be relocated according to the societal priority conflict prevention (Jonyo et al., 2011, p. 52). The last aim comes in handy in explaining the case of Kenya's situation in the fight against terrorism, where many priorities have been given in the fight against terrorism. In advancing his argument, Sedra (2010) points out that in carrying out SSR, all actors such as the civil society, which acts as a watchdog to the government policies and actions, should be involved.

SSR as a concept does not exist in a vacuum since it is an outgrowth of political transition with the aim of de-politicizing the security sector thus making it to be politically innate. The political nature of the SSR also creates a scenario in which there should be a sense of ownership by the locals who are therefore, willing to support it and provide sustainability for it. The sustainability should be based on self-sufficiency in terms of both long-term political and the fiscal realities. This is because the SSR program is a long-term process aimed to address the security issue (Sedra, 2010, pp.105-106;

Hermesmeyer, 2010). However, Sedra (2010) notes that the above principles can only be achievable if certain conditions are present. For example, a minimum level of security, existence of at least the foundations of stable institutions and human capacity among others (p. 107).

In light of the above, one may argue that SSR programs do not operate in isolation but involves all sectors of the society. For instance, it involves the legal frameworks and judicial services as well as correctional institutions such as prisons and government, oversight bodies (Ball, 2010) among others. It should also be treated as a holistic approach in order to ensure that it provides security and at the same time promoting democratic governance (Hanggi, 2004).

SSR as a concept is a long-term process intended to address structural causes of insecurity, not a means to confront the immediate security threat (Sedra, 2010, p. 106). This is exemplified by the Kenyan case in the fight against terrorism in the country. The reforms have been undertaken to address the structural weakness of the security institutions, for example, establishing specialized institutions to deal with terrorism and civilian bodies in providing oversight to security agencies. The goal of these reforms is to address the future threats of terrorism.

Even though SSR has been associated with professionalizing security of countries that are emerging from conflicts or collapsed states, it may be aimed at improving operational effectiveness to counter threats such terrorism (Sherman, 2010, p. 63). The same is reiterated by Moller (2007) who argues that inasmuch as SSR reforms have been explicitly used to mean a process of transition from dictatorship to democracy or from

war to peace, SSR can also help prevent, contain or defeat terrorism. The study adopted this model in analysing Kenya's response to terrorist threats.

### **4.3 Security sector reforms in Kenya**

The government's response to terror attacks and future threats of terrorism have been carried through security sector reforms (SSR). This is aimed at improving the capabilities of the statutory institutions to deal with insecurity. The analysis of Kenya's SSR was conducted based on the reform's ability to prevent terrorist attacks, to pursue terrorist suspects, prosecute terrorist suspects, to protect the vulnerable targets and to respond to future threats of terrorism in the country. The broader concept of SSR to include the statutory, non-statutory and the public was used in the analysis of security sector reforms that the Kenyan government has undertaken in an effort to mitigate terrorism.

Before the passage of the 2010 Constitution, there was no comprehensive reform program for Kenya's security sector. However, this did not stop the government from carrying out the SSR in the face of threats to national security posed by terrorism. The threats emanating from terror attacks prompted the government to carry out SSR in order to mitigate the threat and any possible future attacks. With the continued attacks and terrorist activities in the country, there has been constant SSR to cope up with the changing dynamics of terrorism phenomena in the country.

The 1998 and 2002 attacks in the country demonstrated the presence of terrorist groups and activities in the country. After the 1998 attack there was little effort on the government side to put up mechanism to deal with future terrorist threats. This is

partially attributed to the perception that the country was a victim and that the attacks were isolated cases only targeting the Western soft targets in the country (Adan, 2005; Tiony, 2013).

Kenya as a victim of terrorism was much informed by the fact that most of the masterminds of the 1998 bombings were foreigners (Muhula, 2007; Mutave, 2005). There was also fear in the government that SSR measures would alienate the minority Muslim population in the country, who have always complained of being marginalized (Adan, 2005). The government's fear was grounded in the fact that most terrorist suspects were from the Muslim community (Adan, 2005, p. 38; Tiony, 2013) and any effort to fight this could be perceived to target the Muslim community.

This denial was also tied to the inability to acknowledge the wider context that led to the growth of terrorism: the erosion of government structures, notably weak enforcement and gate keeping institutions (Mutave, 2005, p. 74). Therefore, it can be observed that the denial created the challenge of how to fight terrorism, while at the same time, being sensitive to the concerns of the Muslim community. Moreover, it inevitably led to laxity allowing al-Qaeda cells to continue their operations in the country (Karanja, 2011).

However, the government laxity changed after the 2002 attacks and the attempted attacks on the newly established US embassy in Gigiri in 2003. The government in response to renewed terrorist threats carried out the necessary SSR to deal with the threat. This involved re-bureaucratization, reorganization, and creation of various security institutions and adoption of various legal frameworks to deal with the threat. This was to identify terrorists, foil terrorist plots, and bring terrorists suspects to justice.

This also involved regional cooperation and bilateral and multilateral ties. Therefore, the study looked at the National Intelligence Service, Anti-terrorism police unit, the National Counter-terrorism Centre and policies among others in an attempt to establish some of the progress made in security reforms.

### **I. The National Intelligence Service (NIS)**

Intelligence has been in existence from time immemorial and serves as the gatekeeper and watchdog of states (Boinett, 2009). According to Agaba and Pulkol (2009), intelligence should serve as part of early warning of states when setting and implementing policies that create or sustain safe and stable environment in which human security is enjoyed (p. 128). Despite the importance of intelligence, most African states in post-colonial period, according to Boinett (2009) and Agaba et al., (2009) use intelligence for regime survival even those who lack legitimacy and rely on dictatorship for survival. This created the pressing need for reforms in intelligence organization.

In addition, with the emergence of new threats such as terrorism, cybercrime, human and drug trafficking and gun trafficking trade, which have taken new dynamics there is increasing need for intelligence because the *modus operandi* of those involved in these crimes are based on secrecy. Nevertheless, intelligence requirements have become increasingly complex, making the business of identifying requirements, establishing priorities, collecting, analysing, and disseminating intelligence significantly more challenging. Despite this, intelligence is pivotal as effective mitigation operations in addressing security threats revolve around it (Wardlaw, 1989).

Intelligence is an important mechanism for strategic policy making; identification of emerging threats such as terrorism, understanding the broader consequences of certain responses to counter intelligence (Jonjo et al., 2011; Boinett, 2006). Thus, the survival of the nation depends on the existence or absence of intelligence, which will spell victory or defeat (Boinett, 2009). It is the emerging threats that led to reform in the intelligence agency in Kenya. For long, the intelligence in the country was used for regime security for the incumbent government and not state security (Jonjo et al., 2011). It was politicized and linked to particular individuals thus losing the traditional intelligence roles supposed to be carried out (Boinett, 2009).

As elsewhere in Africa, the growth of intelligence in Kenya has its origin in colonial period and to a lesser extent the Cold War era (Agbala, 2009). During the colonial period, it was used to protect the interest of the colonial regime and in the Cold War period, it was only re-ordered to meet the political ideology alignment of that time. Of significance is that intelligence still remained focused on maintenance of the regime and in this case the post-colonial governments (Agbala et al., 2009). In the case of Kenya, the history of the National Intelligence Service (NIS) is traced to the Special Branch department of the national police that was under the British administration (Chau, 2007; Agbala, 2009).

The Special Branch initially existed as part of Criminal Investigation Department (CID) working under the Director of Civil Intelligence (later known as the Director of Intelligence and Security) (KNA, GO/3/2/73). Overtime Special Branch became responsible for matters pertaining to intelligence and security control (KNA, GO/3/2/73).

In 1945, it was separated from CID and placed under its special Director who was responsible to the government for all matters pertaining to intelligence, security, and immigration control (KNA, GO/3/2/73). All this time intelligence was not yet well organized until independence in 1963 when it gained a clear identity and expanded from collection of intelligence on criminal activities to investigation of citizens agitating for independence and the trade union movement (Boinett, 2009).

In post-colonial Kenya, intelligence organization was used for spying on political opponents such as Oginga Odinga and neighbouring states, which had political leanings towards the East. The present study established that instead of Special Branch carrying out its mandate on security matters, it involved in political assassination of leaders such as Pio Gama Pinto, Tom Mboya, and J.M. Kariuki (Agbala et al., 2009). However, with new security demands such as terrorism, organized crime, narcotics, money laundering and economic crimes, there was need to reform the intelligence organization. The reform of Kenya's intelligence service occurred at wake of 7<sup>th</sup> August 1998 attack on the US embassy.

Through an act of parliament of 1998, the National Security Intelligence Service (NSIS) currently, National Intelligence Service (NIS) was established to be primary civilian intelligence organization as part of SSR to deal with emerging threats (Chau, 2007). This is because the old structure of the institution was unable to deal with new security demands (Jonyo et al., 2010, p. 92). Functions of NIS included investigating, gathering, evaluating, collating, interpreting, disseminating, and storing information from domestic



and foreign sources and detecting, identifying, and potential threat to national security (Boinett, 2009, p. 30).

The continued threat of terrorism demands strengthening of the intelligence service. It is through this, that in 2003, President Mwai Kibaki grounded the NSIS more firmly in the country's effort to respond to modern security challenges, by unveiling new priorities for the services. These included the responsibility to provide early warning on matters of national interest, with emphasis on security, terrorism, and corruption (Boinett, 2009, p. 32). The inclusion of terrorism as threat to be dealt with by NSIS, was an indication the government was acknowledging terrorism as a threat.

In light of the above, the fight against terrorism needs special mechanisms of information gathering and analysis in order to plan, to prevent, to protect and promote some values (Jonyo et al., 2011, p. 89). However, this information is not easily available in due to clandestine nature, organizational principles, and tactics of terrorists, thus, providing a challenge to security agencies (Wardlaw, 1989). It is at this point, intelligence gathering comes to fill the gap.

Because of the increasing need of intelligence, reforms in the NSIS were further strengthened with the promulgation of the new constitution. Chapter Fourteen, Article 242 (1) of the constitution renamed the intelligence service, the national intelligence service (NIS). This was actualized through the National Intelligence Service Act, 2012. This Act retained most functions of NIS predecessor NSIS. NIS has three divisions (internal intelligence, external intelligence and counter intelligence divisions). This unlike its predecessor, which had seven divisions: Internal intelligence; External

intelligence; Analysis and Production; Administration; Operation; Information Communication Technology and National Intelligence Academy (Jonjo et al., 2011, p. 95).

The transnational and national nature of crimes that the intelligence organization has to deal with has promoted the cooperation of the institution with other intelligence organization within the region and internationally. For instance, the 1980 attack on the Norfolk Hotel in Nairobi prompted a reinterpretation of intelligence operations in Kenya from mainly domestic to international operations. This occasioned the country's collaboration with and receiving assistance from US and Israel intelligence services because the interest of these countries was the centre of target of terrorist activities (Agbala, 2009, pp. 133-134). This has even continued with foreign intelligence service such as US Central Intelligence Agency (CIA), British MI6, Tanzanian Intelligence Security Service, and Israel Mossad provides intelligence on any imminent threat of terrorism to the Kenyan government.

In the East African region, according Agbala et al., (2009) NIS is one of the most advanced intelligence organizations in the region with the capability to sufficiently meet the challenges of the new world. However, this has come to be rivalled by Uganda's intelligence. According to a former intelligence officer (O.I., 2015), Uganda has improved its intelligence gathering by using the local citizens as informants and this has helped in the fight against terrorism. The former intelligence officer (O.I., 2015) also acknowledged the effectiveness of Ethiopia's intelligence in preventing terror attacks. Therefore, according to the former intelligence officer (O.I., 2015), the Kenyan

government should invest in intelligence in order to fight terrorism and intelligence provided by the NIS should be acted upon by the relevant security agencies.

Agbala et al., (2009) notes some of the challenges that intelligence organization faces such as politicization of intelligence; lack of capacity such as qualified personnel, ability to analyse and disseminate the correct intelligence and the changing dynamics of threat; over concentration on political intelligence at the expense of national threats; lack of integration with other security organs; lack of regional information sharing; lack of political goodwill because intelligence is perceived to be a tool of power that can be manipulated for politicians' interest; and inadequate funding.

Despite of the above challenges, intelligence plays an essential role in providing information on threats and the Kenyan authorities in the fight against terrorism can utilize this, it can help in providing information that informs prosecution and security decisions. This can go a long way in resolving court acquittals of terrorist suspects due to lack of evidence. It is upon this that some security agencies consider disappearance, elimination of terrorist threats as the only way of dealing with terror suspects. Intelligence gathering and counterintelligence is and still remains the central pivot for counterterrorism.

## **II. Anti-Terrorism Police Unit (ATPU)**

After the 2002 attack, the government publicly declared that transnational terrorism had taken root in the country (Adan, 2005). The acknowledgement by the Minister of Internal Security and Provincial Administration provided an impetus for the government to deal with future terrorist threats and activities. There was also need for a specialized

unit to deal with terrorism. As such, the government was prompted to establish a specialized anti-terrorism police unit (ATPU) within the police force. Therefore, the ATPU was created in 2003 as a specialized Kenya Police unit to deal with issues of terrorism. It was established with a contingent of 450 officers and it consisted of officers from all security agencies (Chau, 2003, p. 61).

The creation of ATPU was in accordance with the 1988 Police Act that empowers the police commissioner who is a presidential appointee to create specialized units to respond to particular crimes (Redress & Reprieve, 2009, p. 46). This institution is under the office of the president. The institution is entrusted with the duties of prevention and suppression terrorist financing. The unit is also composed of intelligence personnel dealing with various aspects of financial forensics required to trace the proceeds channelled for terrorist activities (Chau, 2007, p. 61).

Regional offices were created at strategic towns such as Nairobi, Mombasa, and Garissa since these towns served as centres for terrorist sympathizers and terror suspects' hideouts. The government also widened the locations of ATPU by establishing other regional units in Eldoret, Western, Lokichogio and Kisumu (Government of Kenya 2004, pp. 7-8 as quoted in Adan, 2005, p. 53). According to Adan (2005), the extension of ATPU offices in various parts of the country has enabled the apprehension of terrorist suspects and disruption of planned terrorist attacks.

Apart from the above, the Joint Terrorism Task Force was created to provide enhanced communication, command, and control among Kenya's security agencies (Pope, 2005). According to the US Department of State report (2006), it was set up to improve the

police and prosecutors' ability to cooperate on counterterrorism issues (p. 50). However, the Kenyan government later disbanded the program.

The disbandment, according to Whitaker (2008), was due to the unwillingness of police officials to give up control over the Anti-Terrorism Police Unit to the Joint Terrorism Task Force. Thus, the Joint Terrorism Task Force basically ceased to function after the Kenya Commissioner of Police, General Hussein Ali, removed the Anti-Terrorist Police Unit from it in 2005 (Harmony Project, 2007, p. 57). This was also attributed to the politics of policing that had historically divided policy makers in the government and the commissioner. This resulted in the unwillingness to give up control of a unit with the highest funding and most elite personnel (Aronson 2011, p. 122).

### **III. The National Counter-Terrorism Center (NCTC)**

In January 2004, the government of Kenya established the National Counterterrorism Centre (NCTC) under the office of National Security and Intelligence Service (NSIS). This formed part of SSR in the intelligence organization to enable it to deal with emerging terrorist threats. The NCTC is required to provide timely and factual intelligence to assist in the fight against terrorism (Kegoro, 2007). It is involved in counterterrorism coordination at the national level. It is composed of the Ministry of Defence, the National Police Service, National Intelligence Service and, and Immigration and Customs. All these institutions are represented at the NCTC by staff seconded to it (Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program, 2012, p. 8).

National Counterterrorism Centre in its operation can liaise with other regional organizations endowed with the duties of counterterrorism to effectively fight terrorism. For example, the NCTC can liaise with the African Center for Study and Research on Terrorism (ACSRT) based in Algiers and the IGAD's Capacity Building Program against Terrorism (ICPAT) based in Djibouti. According to Okumu (2008), this alliance ensures institutional capability to carry out feasibility studies on the establishment and expansion of regional and transnational crime database to enhance the sharing of information on criminal activities in East Africa and the African continent. The database:

...would contain the details of individuals identified as associated with terrorism; analyses of previous acts of terrorism, focusing on factors such as causes, characteristics of perpetrators, terrorist *modi operandi*, and law enforcement responses; information on criminal groups, supply routes, financial support networks and money laundering methods; and international connections. (Okumu, 2008, p. 66)

Through sharing of such vital information with other agencies involved in the fight against terrorism, there is a likelihood of effective responses and monitoring of the terrorist activities. This will improve the ability to foil terrorism operations before they happen. The NCTC also coordinates external reporting, for example, the annual report to the UN Security Council under Resolutions 1267 and 1373 (Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program, 2012, p. 8).

The NCTC has the responsibility to investigate money laundering, narcotics trafficking and the proliferation of small arms (Adan, 2005). The establishment of this institution has promoted timely dissemination of intelligence to a tactical unit charged with combating terrorism (Adan, 2005).

#### **IV. Legislations**

Terrorism legislation is meant to address the crime of terror and mitigate the risks that it poses. Legislation, therefore, should encompass measures that are both prophylactic and pre-emptive in nature because ordinary criminal justice system is not. These measures should define the crime of terrorism, describe the terror organization, tackle terrorist finances and property, and stipulate law enforcement powers (Mwazighe, 2012, p. 57). In an effort for Kenya to provide a legal framework to deal with terrorism related issues, the then minister of Justice and Constitutional Affairs on 30<sup>th</sup> April 2003 tabled the Suppression of Terrorism Bill 2003 (Kamau, 2006; Mwazighe, 2012). This bill received a lot of criticism from the civil society, national politicians, religious leaders, the public, and the Muslim organization.

Because of the criticisms labelled against the bill, the government reviewed clauses that raised many concerns. A revised Anti-Terrorism Bill was presented to parliament in 2006, but it still received a lot of opposition from the civil society and the politicians with further accusations of being American government sponsored (Kamau, 2006; Tiony, 2013; Redress & Repeive, 2009). Therefore, it was shelved and the country remained with no specific legislation dealing with terrorism.

The lack of a legal framework to facilitate prosecution of terrorists was blamed for acquittal of various terror suspects in the country. For example, seven terrorist suspects arrested in November 2003 on charges related to the 2002 attacks along the coast and the 1998 attack on the US embassy in Nairobi, and a 2003 plot to attack the new US embassy were acquitted in June 2005 (US Department of State, 2005). According to the

US Department of State Report (2005), this was blamed on the lack of counterterrorism legislation, as the laws of the country were insufficient in prosecuting terrorist suspects. The existing laws did not permit police to detain terrorist suspects and prosecute them effectively (US Department of State 2011, p. 18).

However, this changed due to the ever-increasing threat that the country was facing from Somalia based terrorist group al-Shabaab after the incursion of Kenyan troops in Somalia. This led to securitization of the threat of terrorism, which increased the need for counterterrorism legislation. The terrorist groups orchestrated attacks in different parts of the country as retribution for the intervention of the Kenyan Defence Forces in Somalia. As a step to deal with this, the Prevention of Terrorism Act 2012 was introduced in parliament by the acting minister of state for provincial administration and internal security, Honourable Mohamed Yusuf Haji on 27<sup>th</sup> July 2012 (Mwazighe, 2012, p. 72). According to Mwazighe (2012), the Bill addressed most concerns raised about the 2003 and 2006 bill.

The bill was passed and assented to by the then president Mwai Kibaki on October 12<sup>th</sup>, 2012 and it became Prevention of Terrorist Act 2012 (Tiony, 2012). This, according to Tiony (2012) was to assist in addressing the institutional weakness that has plagued the judiciary in dealing with terrorists.

The Act provides for life imprisonment for persons or individuals that engage in terrorism activities that results in death of another. The life imprisonment, according to Mwazighe (2012) is explained by the fact that a terrorist is ready to die therefore imposing a death sentence would unnecessary grant them the status of martyr (p. 75).



This demonstrates the rationality of the state in responding to terrorist acts as they attempt to thwart some of their goals such as dying a martyr by long imprisonment thus acting as a deterrence for others who are willing to engage in terrorism activities.

Articles 5, 6, 7, 8, 9 and 10 tackle the issue on individuals or persons that directly or indirectly or knowingly perpetrates terrorism through recruitment, funding, being a member, provides weapons or logistical support (such as housing a terrorist, provision of security intelligence) is liable to jail term of not exceeding 20 years. This was intended to curb the local support that terrorist have been receiving in carrying out their activities in the country.

Some locals play a facilitating role, such as the provision of forged documents such as marriage certificates, national identity cards (Adan, 2005). Therefore security measures put in place can manage the current trend of locals being recruited into terrorist organization and mitigating the problem of local groups seeking affiliation to terrorist organizations such as the Muslim Youth Centre.

The Act also changed the incommunicado detention by the law enforcement officers. The Act stipulates that individuals suspected of terrorists' activities cannot be under police custody for more than 24 hours after their arrest (Article, 32, 1). Police also in carrying out the arrest are expected to do it under reasonable ground and their activities are subject to judicial oversight (Mwazighe, 2012, p. 79). Under this act, all modes of punishment for offenses committed are by imprisonment, even no fine has been created as an alternative to imprisonment. The stiff sentences are intended to serve as deterrence (Mwazighe, 2012, p. 75).

Security reforms do not only entail reforming the statutory sectors, but also curbing the factors that perpetuate insecurity. It is in this effort that the cabinet approved the Crime and Money Laundering (Prevention) Bill of 2004. This provided law enforcement agencies with capabilities to identify, trace, and freeze proceeds of crimes (Adan, 2005). This would deny terrorist the much-needed funds for recruitment and logistical purposes to conduct terror activities in the country, forcing them to operate under limited budget thus lowering pay offs.

In 2010, Parliament unanimously adopted the Prevention of Organized Crime Law to strengthen financial control. This law allowed the minister in charge of security to proscribe criminal groups, but subject to judicial review. The law criminalized various forms of, support for and participation in these groups. In addition, in October the same year, the government designated 33 groups as organized illegal gangs, including al-Shabaab, Mombasa Republican Council (MRC), *Mungiki* (Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program, 2012, p. 8; US Department of State 2011). Article 15 (I) of the Act also allows the state to demand information from any financial institutions, trustee, and cash dealer or custodial on any business transaction conducted by or on behalf of persons involved in organized crimes.

The above law together with Proceeds of Crime and Anti-Money Laundering Act (POCAML) passed in 2010 provides the Kenyan National Assembly with an important opportunity to support executive action against terrorism and provide checks and balances. This was a comprehensive law to seal loopholes in the Prevention of Organized Crime. POCAML requires the bank to monitor and report money-

laundering activities, creates an obligation of verifying customers' identity, establishing and monitoring of customer records and setting up internal suspicious transactions reporting procedures (Karanja, 2011).

The Suppression of Terrorism Act 2012 in combination with the 2009 Proceeds of Crime and Anti-Money Laundering Act and the 2010 Prevention of Organized Crime Act, has provided Kenyan prosecutors with a wide array of mechanisms to bring individuals and organizations to justice. These have further facilitated international cooperation and mutual legal assistance in terrorism cases in the country (US Department of State 2013, p. 20).

## **V. The Constitution**

On the other hand, the passing of a new constitution in 2010 and its promulgation on 27 August 2010 ushered in new reform agendas in the security sector with specific focus on the police. Even though these reforms are not directly linked to the fight against terrorism, they are geared to professionalizing the security sector institutions in their dispensation of duties. These in turn help in the fight against terrorism and other criminal activities in the country. The reforms in this case were initiated after the 2007-2008 post-election violence.

The Philip Waki Commission that was established to look into the violence that erupted after the 2007 General election raised many allegations on the misconduct of the police during the violence. Through its recommendations, the commission called for wide-ranging reforms in the police and investigation and prosecution of police officers that were involved in criminal offenses during the post-election violence (Amnesty

International, 2013; Kawira 2014). To fast track these recommendation, the government set up National Task Force on Police Reforms in 2009 headed by former Judge Philip Ransley (Kawira, 2014) with the goal to:

‘transform the Kenyan Police and the Administration Police Forces into an effective, efficient, professional and accountable security agencies [sic] that Kenyans can trust for their safety and security’ (Police Reforms Implementation Committee 2011, p.5 as quoted in Osse, 2014,p. 2).

The task force provided for at least 200 recommendations in their report. These recommendations included the creation of a National Police Service Commission, Police Reforms Implementation Committee to spearhead police reforms, robust police legal framework, restructuring the police service, community policing mechanisms among others (Kawira, 2014, p. 36).

These reforms were codified in the 2010 constitution and some came about as national legislation by parliament (Kawira 2014; Osse, 2014). The constitution significantly enhanced the police capability in various ways. For example, it placed the Kenya police service and the Administration police service under single hierarchy led by Inspector General (IG) (Amnesty International 2013, p. 9). This, according to Amnesty International (2013) is to make the police more effective and accountable and in order to achieve this certain legislation have been enacted to facilitate these reforms.

The National Police Service Commission Act (2011) created the National Police Service Commission (NPSC). The function of the commission was to mitigate political interference with police personnel management practices and is responsible for

recruitment, promotions, transfers, and disciplinary sanctions of police within the National Police Service (Amnesty International, 2013, p. 9). This, according to Kawira (2014) promotes fairness in recruitment, promotion and discipline of officers because there is the oversight body to check on the dispensation of these services (p. 39).

The creation of the commission delinked the police service from Public Service Commission thus, creating an institution that specifically dealt with the human resource issues of the police (Kawira, 2014). The commission is also delegated the duty of vetting the current members of the National Police Service (NPS) (Amnesty International, 2013). The NPS Act, section 7 (2) and (3) stipulates that all members of the National Police Service will undergo vetting to assess their suitability and competence and the commission will discontinue any officer who does not meet the vetting standards (National Police Service Act 2011).

The NPSC commenced its vetting process in the late 2013 with the highest ranks being the first to face the panel. According to International Center for Transitional Justice (2010), vetting is part of a justice-sensitive approach to SSR, which, when combined with other SSR programs can contribute to building the integrity and the legitimacy of the institution(s) concerned (no pp. no). The objective of the vetting process is to build trust and confidence in the National Police Service and to ensure the service complies by the Article six of the constitution and principles of public service (Kawira, 2014, p. 50).

Article six of the Kenyan constitution focuses on leadership and integrity of state officers, which the National Police Service is part of. It requires state officers respect people, serve the people and they should be competent and suitable; impartial;

accountable to the public; disciplined and committed in service to the people among others. The vetting process is thus, important to align the service with the constitutional requirement where only individuals that have unquestionable records are allowed to be in service. The vetting process has proved vital as it revealed incredible negligence bordering incompetence, when it comes to leadership responsibilities (Osse, 2014, p. 8).

The National Police Service Act (2011) was enacted with a mandate to oversee the functions and powers of the various security organs (Administration police, Kenya police service, and National Intelligence Service) and command of the national police service (IG) created by Articles 239 and 245 of the constitution respectively (Amnesty International, 2013 & The Constitution of Kenya, 2010). The Act also establishes the Directorate of Criminal Investigations with independent funding, in order to enhance management and quality of investigations (Amnesty International 2013, p. 10). The creation of such directorate enhances investigations of various criminal activities such terrorism, which helps to foil terrorist plots and counter the financing of their activities.

The Independent Police Oversight Authority Act 2011 created the Independent Police Oversight Authority (IPOA). This institution is mandated to provide oversight or act as watchdog authority for the activities of the National Police Service. This is through carrying out investigations concerning the misconduct of police officers and monitoring their day-to-day operations, promotion of police accountability to the public, inspecting police premises, including detention facilities under the control of the National Police Service among others (Amnesty International, 2013, p. 10-11; Kawira 2014, p. 45-46; Independent Police Oversight Authority Act 2011). This places the National Police

service under civilian authority. This is because of the powers that are delegated to the police so there will always be tendency to abuse these powers as it has been witnessed with the cases of extra judicial killings. Thus, there is need to have an institution to provide oversight authority to the police activities.

The history of police service in Kenya has been prone to abuses by the political elites and the executive. Nevertheless, the police have always carried out their activities without being subjected to civilian authority, which often has resulted in the abuse of human rights. Thus, the enactment of the above reforms visibly promotes the reform process of the police, making it accountable to the public, professionalizes the institution, which will make it more efficient and effective in dealing with various crimes in the country such as the threat of terrorism.

The reform process initiated by the new constitution has been faced with different challenges. These range from political unwillingness, bureaucratic red tapes, lack of funds, offices and staff (Osse, 2014, p. 6). This is further complicated by government's unwillingness to restructure the Provincial Administration in line with the new constitutional requirement. The government appointed County Commissioners-representatives of the national government in the newly established counties yet this is not stipulated in the constitution (Osse, 2014). The power wrangles has also affected the operational activities of these institutions for example the Inspector General (IG) carried out appointments and transfers despite this being a mandate for the NPSC of which is also a member (Osse 2014, p. 7). Despite these challenges, the prospects of reforms in

the police service will go a long way in enhancing the institution to deal with insecurity in the country.

#### **VI. The Security Law (Amendment) Bill, 2014.**

Following Mandera attack on December 2, 2014 the government drafted the Security Laws (Amendment) Bill, 2014 in an effort to revise and update country's security legislations. The Bill was tabled in parliament by the chairman of Parliamentary Committee on National Security and Administration, Asman Kamama on December 11, 2014. The bill was geared at amending 21 laws of Kenya relating to national security. The laws that bill intended to amend include: Public Order Act (Cap 56), Extradition (continuous and foreign countries) Act (Cap 76), Penal Code (Cap 63), Criminal Procedure Code (Cap 75), Prevention of Terrorism Act (2012), Sexual Offenses Act (2006), Registration of Persons Act (Cap 107), Evidence Act (Cap 80), Prisons Act (Cap 90), Firearms Act (Cap 114), Radiation protection Act (Cap 243), Rent Restriction Act (Cap 296), Kenya Airport Authority Act (Cap 395), Traffic Act (Cap 403), Investment Promotion Act (Cap 485), Labour Institutions Act (2012), National Transport Safety Authority Act (2012), Refugee Act (2006), National Intelligence Service Act (2012), Kenya Citizenship and Immigration Act (2011), National Police Service Act (2011) and Civil Aviation Act (2013), Public Benefits Organizations Act, 2013 (KNCHR, 2015).

The Bill was introduced in parliament on 11<sup>th</sup> December, 2014 and on 18<sup>th</sup> December the Bill passed by the parliament amid chaos due to objection by the opposition parties. However, the following day the president assented to it making it a law (BBC,



2014). This bill received opposition from national leaders, opposition leaders, civil society, journalists and human right organization who demanded a review of the bill. The outcome of this opposition was court petition by the interested parties, which resulted in the suspension of seven Articles of the Act; Articles 12, 16, 20, 26, 34, 48 and 95 of the law (Agutu, 2015).

## **VII. Community based policing (now *nyumba kumi*)**

Community policing according to Ruteere and Pommerolle (2003) is an ambiguous concept that acquires diverse meaning in the minds of different actors and different circumstances (p. 588). For example, the Nairobi Central Business District Association (NCBDA) adopted community policing as a way to deal with runaway crimes within the Nairobi business environs that threatened various businesses. On the other hand, the Kenya Human Rights Commission (KHRC) treats community policing as a way of curbing crimes and human rights abuses (Ruteere et al., 2003). More precisely the NCBDA deals with the delivery of goods while KHRC seek to solve mistrust between the society and the police force (Ruteere et al., 2003, p. 596). Despite the obscurity, the study focused on the broader approach that takes into consideration the NCBDA and KHRC perception of CBP.

CBP is both a *philosophy* (a way of thinking) and an *organizational strategy* (a way of carrying out the philosophy), that allows the police and the community to work together in new ways to solve problems of crime, disorder and safety issues to improve the quality of life for everyone in that community (Saferworld, 2008, p. 4). This creates a mutual ownership of the security agenda by both the states and the communities

(Holmer and van Deventer, 2014). According to the Republic of Kenya (2015), community policing is a ‘philosophy that promotes organizational strategies which support the systematic use of partnership between communities and government policing agencies, and problem solving techniques to proactively address the immediate conditions that give rise to public safety issues as a crime, social disorder and fear of crime’ (p. 2).

From the above definitions, the conceptualization of community policing as an aspect of security reform helps in deconstructing the concept of security provision being the sole responsibility of the law enforcement agencies to being everybody’s responsibility. It helps the community to have a say and participate in security matters that affect them, in turn helping to professionalize the security sector agencies and making them accountable to the community. Even though CBP serve many objectives, this study focuses on how it can be used to mitigate terrorism and terrorist activities in the country.

Holmer et al., (2014) notes that the upsurge of community based policing around the world has been attributed to terrorism and violent extremism. For example, after the 9/11 CBP became accepted domestic strategy in the US and UK to mitigate terrorism and extremism (Holmer et al., 2014, p. 2). It is under this that the study highlighted the current call by the government for the revival of CBP. As a way to redress the high levels of crime and insecurity fuelled by inadequate, police capacity and distrust between the communities and the police. The program was launched by the former president Mwai Kibaki in 2005 in Ruai, with the underlying goal to reduce crime and the

fear of crime through proactive and preventative approach to policing (Saferworld, 2008, p.8).

The program was implemented in partnership with the Office of the President, the Kenya Police, the Administration Police, and civil society. The pilot study was carried in two areas: Kibera, Isiolo, and some success were recorded with the improved relationship between the police and the communities to combat crimes (Saferworld 2008). Despite this, the program faced the challenge of lack of a national legal framework and guidelines on community policing, multiple complaints by the police and the communities being levelled against each other (Kawira, 2014, p. 49). The lack of legal framework, however, was solved by the enactment of the National Police Service Act 2011.

The promulgation of the new constitution in August 2010 further boosted the concept of CBP. The NPSC that was a creation of the constitution reviewed the National Police Service training program by introducing training modules in areas such as community policing, public relations, service delivery among others (Kawira, 2014). This is more inclusive of new issues in the security sector and the increasing need for the involvement of communities in policing matters to curb the new security threats such as terrorism. The National Police Service Act 2011 provided for community policing and defines community policing as:

...The approach to policing that recognizes the voluntary participation of the local community in the maintenance of peace and which recognizes that the police need to be responsive to the communities and their needs, its key element being

joint problem identification and problem solving, while respecting the different responsibilities the police and the public have in the field of crime prevention and maintaining order. (National Police Service Act 2011, p. 9)

The Act addressed the lack of a national legal framework and guidelines on community policing by mainstreaming it. The Act seeks to promote the cooperation of the police and the community and build trust between them in order to combat crimes. This is also aimed at improving the accountability of the police force to the community. The Act also establishes community-policing committees to oversee the implementation of the program in their areas of operation. The committees are chaired by civilian and deputized by police officer. The inclusive approach that involves the key players is the police and the community. Despite the provision of this legal framework from 2011, much has not been done to implement it and it is only after the Westgate attack that there was a call to implement community policing dubbed “Nyumba Kumi” (ten households).

The Westgate Mall attack left the country feeling vulnerable to terrorist attacks. The manner in which the attack was planned and executed suggested some local support. In addition, the recent increase of the local population being the perpetrators of the terrorist activities has even given rise to the prospect that the real threat may not come from foreigners and foreign terrorist groups, but from home-grown organizations such as MYC (al-Hijra) and the local radicalized individuals. As things often unfold after attacks, it has become clear that the enemy resides amidst the local population; thus, requiring Kenyans to assist in the provision of information on suspects and this to some extent can only be achieved through community policing. The paradigm shift from involving the foreigners to locals or both and the deconstruction of stereotypical sentiments of

terrorism being equated with Islam has demanded a rethink on the national security and it is under this that the Kenyan government introduced *nyumba Kumi*.

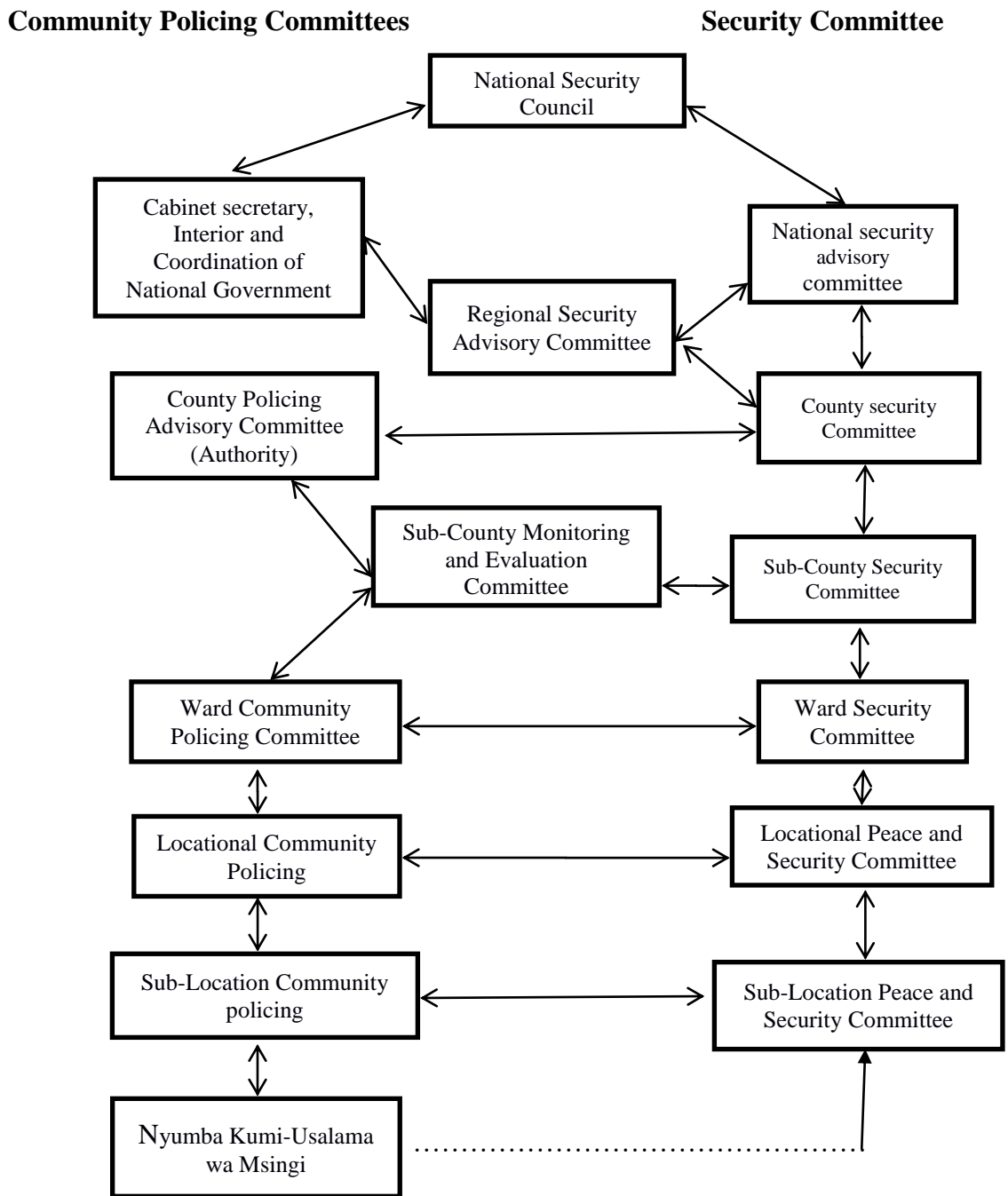
Apparently, the government introduced community policing (*nyumba kumi* initiative) to improve security due to the perception that terrorism was getting out of hand, but according to Nyumba Kumi official (O.I., 2015), as a concept it is geared toward addressing all aspects of insecurity. Likewise, it is geared at addressing the root causes of insecurity such as economic, environmental degradation and public health, among others (Nyumba Kumi official, O.I., 2015, local government official O.I., 2015). However, this remains to be seen. The government response may be was propelled by the response during the Westgate attack. The Westgate attack response demonstrated the need of community policing, as the first respondents to the attacks were the licensed armed civilians and neighbourhood members demonstrating the importance of the informal sector in prevention and response (Holmer et al., 2014).

The involvement of the local communities in the provision of security helped to demystify the concept that the fight against terrorism is the responsibility of the law enforcement agencies. This, according Nyumba Kumi official (O.I., 2015), is grounded in 'if you see, say; if you feel, say; and if you hear, say'. This places the community at the centre of fighting insecurity as a whole. Moreover, in partnership with security agencies, it disrupts terrorist activities and attacks before they happen. This program would see the restructuring of the current village system under elder to ten household units. However, this does not mean ten households, but this is the basic level of security

arrangement, which will ultimately form a foundation of national security (Republic of Kenya, 2015).

This program is organized at different levels with the basic level being the nyumba kumi- Usalama wa Msingi and the top most being the National Security Council (see figure, 2.0), with each level of committee having different responsibilities (Republic of Kenya, 2015).

**Figure 2: Organizational Structure of *nyumba kumi* (ten household).**



**SOURCE: Republic of Kenya 2015: 7.**

At each level, there are delegated duties and responsibilities. However, the key functions of the institution are: sharing information among member; prioritizing security needs; act in a pro-active process to prevent crime; identify problems that could give rise to crime and social disorder among others (Republic of Kenya, 2015, p. 10).

Nyumba Kumi official (O.I., 2015) compares the current structure of Community Policing (*nyumba kumi*) to the previous version launched in 2005 and in doing so; the respondent acknowledges that *nyumba kumi* is better. This is because in *nyumba kumi* the citizens are the one who determines what needs to be done as opposed to the predecessor where the security officials explained what was to be done. But in conducting response to the community concerns' the security agencies are required to abide by various regulations that guide such responses and are within the national laws.

According to Nyumba Kumi official (O.I., 2015), the program stands a better chance of mitigating terrorism and other crimes if well implemented and follow ups are made. In mitigation of terrorism, Nyumba Kumi official (O.I., 2015) and a local government, official (O.I., 2015) point out those perpetrators of terrorist attacks requires the assistance of local population for logistical purposes. These can be either in terms of car hires, hotels or either to be housed by Kenyans. Thus, through the cooperation of the locals and security agencies, provision of such services cannot go unnoticed; therefore, early prevention of terror attacks before they are executed. For example, under this program, hotels are required to keep the list of their guests for easy tracking of suspects' movements. In consideration of the changing nature of terrorism the Nyumba Kumi



official (O.I., 2015) argues that they can change their *modus operandi*, but one thing they cannot change is where they will reside before perpetrating the acts.

Nyumba Kumi official (O.I., 2015) considers this program a pro-active mechanism in dealing with insecurity and can go a long way in addressing the security blame games witnessed among security agencies after attacks. Blame games according to the Nyumba Kumi official (O.I., 2015), are mitigated through the minutes taken during the nyumba kumi meetings, therefore it is required to disclose the security agency or official that failed to act on the provided information .

The local government official (O.I., 2015) and Nyumba Kumi official (O.I., 2015) remained optimistic about the success of the program despite the various criticisms. For example, the question arose in the prospect of the program in the Somali based community, because these communities are involved in inter clan conflicts, which has also been aggravated by the mistrust existing between the Somali community and the police force. In response to such criticism, Nyumba Kumi official (O.I., 2015) argues that in cases of insecurity, everybody is affected either directly or indirectly; thus, it's upon the community to participate with security officials since insecurity is everybody's concern. On mistrust and fear for victimization, the Nyumba Kumi official (O.I., 2015) comprehends that under the nyumba kumi programme, there are no informers because information is taken inform of minutes so it is not an individual but a committee.

#### **4.4 The role of international and regional bodies in the fight against terrorism**

Terrorism is transnational and it is not one country's responsibility to deal with it but requires a national, regional and international efforts. This has pressed the government to enlist the support of other countries in the fight against terrorism. The most ally of Kenya in the fight against terrorism has been the United States of America, which has funded various projects and has supported the various security sector reforms that the government has been undertaking. This does not deny the fact that Kenya has also received assistance from other countries other than US such United Kingdom (UK), Israel among others.

The US programs range from the East African Counterterrorism Initiative (EACTI), the Combined Joint Task Force-Horn of Africa (CJTF-HOA) among others. The increased western countries focus towards East Africa came in the wake of attacks on US Embassies in Kenya and Tanzania 1998 and this further gained momentum following the September 11<sup>th</sup>, 2001 attacks in the US. The Horn of Africa and East Africa became a focal point for the US counterterrorism policies because of the various terrorist attacks and activities in the regions. Even though there are many regional efforts to combat terrorism in the country and as part of the HOA and EA this case will focus on the efforts of the United Nations, Intergovernmental Authority on Development (IGAD), African Union (AU) and the American assistance to counterterrorism to the region.

##### **I. East African Counterterrorism Initiative (EACTI)**

It was established after the September 2001 attacks in the US to coordinate counterterrorism capabilities in the East African countries of Kenya, Uganda, Tanzania,

Djibouti, Eritrea, and Ethiopia, to improve police and judicial counterterrorist capabilities in the region (US Department of State 2004). In June 2003, the Bush administration announced a US \$100 million EACTI to strengthen the capabilities of the above countries in the effort to combat terrorism and to promote cooperation between these governments (Okumu, 2008). This, according to Kagwanja (2006), showed the centrality of the region in the fight against terrorism.

The EACTI program contained an array of programs that involve improving the security sector's capabilities in dealing with terrorism. As part of EACTI, there is military training for border and coastal security, a variety of programs to strengthen control of the movement of people and goods across borders, aviation security capacity-building, assistance for regional efforts against terrorist financing, and police training. EACTI also includes an education program to counter the extremist influence and a robust outreach program (Wycoff, 2004). Under this initiative, the government received funding to improve the NCTC and to fund the Joint Counterterrorism Task Force (Tiony, 2012, p. 55). Part of the EACTI is the safe skies for Africa initiative. This program has worked to ensure security, safety, and air navigation enhancements in the country as part of the overall airport security component of countering transnational threats (Henneke, 2007).

In fiscal year 2009, EACTI was replaced by a new regional program, the East African Regional Strategic Initiative (EARSII) with broader mandate and covering more countries (Open Justice Initiative, 2013, p. 43). It is to promote regional counterterrorism efforts, build partner capacity, and diminish support for violent extremism. Partner countries include Comoros, Djibouti, Eritrea, Ethiopia, Kenya,

Mauritius, Seychelles, Somalia, Sudan, Tanzania, and Uganda. Yemen is also considered an EARSIS candidate (Ploch, 2010, p. 24). Despite the change, much of the counterterrorism programs under EACTI are undertaken by EARSIS.

EARSIS was renamed Partnership for Regional East Africa Counterterrorism (PRACT) (Open Justice Initiative, 2013). PRACT according to the US Department of State report (2013) has the objectives to counter terrorism funding; enhancing border security; reducing the appeal to radicalization and recruitment of violent extremism among others (p. 12). Under this program, training and equipment for light infantry, technical intelligence, and crisis response units have supported Kenya (US Department of State, 2013, 12). This program has enhanced the capacities of countries within the in the fight against terrorism.

## **II. Terrorists Interdiction Program (TIP)**

Kenya participates in the US sponsored program called terrorist interdiction program (TIP). It provides the government with a state-of-the-art computer name-check network that enables immigration and border control officials to quickly identify terrorist and criminal suspect persons attempting to enter or leave the country (Wycoff, 2004: Whitaker, 2008: Shinn, 2004). This is carried out through the installation of Personal Identification Secure Comparison and Evaluation System (PISCES) at selected points of entry in a participating country (Wycoff, 2004).

This, according to Wycoff (2004), has facilitated easy of collecting, comparing, and analysis of travelling data and thereby contributing to the global effort to understanding terrorist methods and tracking their movements (no pp.).

### **III. Anti-Terrorism Assistance (ATA) by United States of America**

Kenya also participates in the US Department of State's Anti-Terrorism Assistance (ATA) program (Aronson, 2011). ATA was founded in 1983, to provide law enforcement training in order to enable the participating country to develop indigenous counterterrorism capabilities. These trainings involve detection and rendering safe explosives devices, post-blast investigation techniques, strengthening interagency collaboration, improving prosecutorial capabilities among others (Wycoff, 2004; Ploch 2010). In Kenya, the program has equipped and trained the police, immigration and customs officers in effective border control, airport safety and security, urban counterinsurgency, detection and investigation of terrorist incidents, and tracking of suspect financial flows (Mogire & Agade, 2011, p. 476).

This program has been operating in Kenya since 1989 and between these periods to 2004 it had trained 594 personnel and expended over \$4.05-million, however, it gained operational momentum in the country in 2005 (Wycoff, 2004; Aronson, 2011). Kenya has consistently been one of the largest ATA recipients in the world, ranking only behind Afghanistan, Jordan, and Pakistan in Financial Year 2010 (Ploch, 2010, p. 33). Despite the program having existed in Kenya for a long period, the prevalence of terrorism in the country has been on the rise. Hence, this demands rethinking the priorities that the program funds if it is to be effective.

### **IV. Combined Joint Task Force-Horn of Africa (CJTF-HOA)**

Kenya also participates in CJTF-HOA, which was founded in 2002 to fight extremist in the region. It operates in Kenya, Ethiopia, Eritrea, Sudan, Somalia, Seychelles, and

Djibouti where its headquarters is based in Camp Lemonier. Nevertheless, the countries that are adjacent to countries of operation are considered “areas of interest” (Ploch, 2010). The CJTF-HOA has been involved in training the region's security forces in counterterrorism measures and other areas of military professionalization, collection of intelligence, conducting civil affairs projects, overseeing and supporting humanitarian assistance efforts, and serving as advisors in multilateral peace operations (Ploch, 2010, p. 27).

In Kenya, it has provided civil affairs training to personnel, provided medical and veterinary service, drilled water wells and trained navies of Kenya (Kagwanja, 2006; Kimunguyi, 2011; Rabasa, 2009). Activities such as civil affairs are critically important in gaining the support of the population against terrorism elements, thus promoting counterterrorism (Rabasa, 2009). This is geared at winning the hearts and minds of the communities that terrorist elements find support or hide outs. This goes a long way in addressing the root causes of terrorism, thus helping in mitigation of terrorism.

#### **V. Intergovernmental Authority on Development (IGAD)**

Due to the changing needs of the HOA region, the organization was rebranded to deal with the emerging security and development issues in 1996. It has been involved in the peace process in both Somalia and South Sudan. Such efforts, according to Rosand et al., (2010) contribute to addressing ‘conditions conducive to the spread of terrorism’ (p. 98).

IGADs efforts to combat terrorism in the sub region have been achieved through the IGAD Capacity Building Program against Terrorism (ICPAT). The ICPAT program was launched in June 2006 in Addis Ababa for duration of four years (Rosand et al., 2010,

Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program, 2012). This program focuses on five areas in its effort to combat terrorism: promotion of judicial measures, border control, and interdepartmental cooperation, institutional linkages with other agencies to avoid duplication, training, and sharing of information and best practices (Rosand et al., 2010).

ICPAT was restructured in 2010 to become IGAD Security Sector Program (ISSP). This was to absorb the best practices from ICPAT and address the regional security matters in the HOA in a holistic manner (Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program 2012, p. 13). The ISSP was constituted in 2011 with a mandate:

to enhance the capacity of member states to mitigate terrorism deal with maritime threats, organized crimes and provide security efficiently and effectively through security sector reform with capacity building as an overarching component (Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program 2012, p. 13)

## **VI. African Union (AU)**

AU promotion of counterterrorism in Africa is carried out under its organ dealing with conflict prevention, crisis management, and peacekeeping missions. AU has promoted peace in different parts of Africa, for example, in Somalia under the auspice of the African Mission in Somalia (AMISOM), which is critical to elimination of security threat. Instability in a country is often utilized by terrorist groups to provide a safe haven and as an area of carrying terrorists' activities in the neighbouring countries for example; al-Shabaab has been using Somalia to carry out attacks in Kenya and fleeing back to Somalia.

The AU effort to combat terrorism was first initiated at the 1999 Algiers convention on the Preventing and Combating of Terrorism. This was followed closely by the Plan of Action on the Prevention and Combating of Terrorism in Africa in 2002 in Durban following the 9/11 attacks in the United States. Through these efforts, the AU established the African Centre for Study and Research on Terrorism (ACSRT) in October 2004 based in Algiers, as its technical arm on matters related to terrorism and implementation of the AU counterterrorism program (Kagwanja 2006: Rosand, Millar & Ipe, 2010, p. 98). The purpose of the centre is:

to centralise information, studies and analyses on terrorism and terrorist groups and develop training programmes by organising, with the assistance of international partners, training schedules, meetings and symposia. (Plan of Action Article 19-21 as quoted in Sturman, 2002: 107)

The Algiers convention and Plan of Action provided extra measures in dealing with terrorism in the continent. The AU, Plan of Action offers more practical guidance to the implementation of the Algiers Convention. Moreover, it also promotes enhanced border security procedures, and the regular training law enforcement, border control, and judicial officials (Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program 2012, p. 13). The implementation of the Convention is carried out by the AU Peace and Security Council, the AU Commission and other sub regional bodies e.g. IGAD (Centre on Global Counterterrorism Cooperation and IGAD Security Sector Program, 2012).

ACSRT has organized various seminars, regional workshops and other capacity-building activities for African states, including East African region, on critical topics related to



prevention and combating of terrorism. These include the law enforcement training, critical infrastructure protection, mitigating the financing of terrorism (Ewi, 2013, p. 158 & Kimunguyi, 2011). These seminars have assisted in reassessing vulnerabilities of each region, examination of a country's counterterrorism capabilities, promotion of information sharing and counterterrorism best practices among the member states (Ewi, 2013).

## **VII. United Nations (UN)**

The upsurge of terrorism and its threat to the global peace and security has prompted the international community to respond universally with various legally binding resolutions to all state through the United Nations. These have been carried out by the adoption of various conventions dealing with different terrorist acts. For example, the 1999 International Convention for the Suppression of the Financing of Terrorism was to curb the financing of terrorism by different entities.

The obligations of these treaties are always to incorporate the crimes defined by the treaty in question in the domestic criminal law, and to make them punishable by sentences that reflect the gravity of the offense. The states are also obliged by these treaties to extradite the suspects or open proceedings against them. Nevertheless, these conventions require cooperation between the members in dealing with terrorism (in investigations, prevention, and prosecution of relevant offences) (O'Donnell 2006,p. 856-858).

However, it is the UN Resolution 1373 adopted after the September 11, 2001 attacks in the US which had far reaching mechanism that required states' role in fighting terrorism.

This include prevention and suppression of financing of terrorist acts; refraining from supporting entities or persons involved in terrorists acts; ensuring that terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts; cooperating with other states on early warning systems and the investigation of terrorist acts; and adopting stringent border controls to prevent the movement of individuals or persons involved in terrorist acts (Redress & Reprieve, 2009,p. 31; UN Resolution 1373: 2001).

This Resolution also established a Counterterrorism Committee to oversee the implementation of Resolution 1373 accordingly and provide technical assistance. Kenya has ratified 13 international counterterrorism conventions and protocols set out in Resolution 1373 (Kamau 2006; Okumu 2007; Redress & Reprieve, 2009).

In strengthening counterterrorism for safer Kenya, United Nations Development Program (UNDP) and United Nations Office on Drugs Commission (UNODC) worked jointly to promote this. This was carried out through partnership of the National Counterterrorism Center and the Office of the President. This was to assist the country in dealing with terrorist incidences, terrorism financing, and money laundering in the country. This was funded through the government of Denmark (Redress & Reprieve, 2009, pp. 33-34).

#### **4.5 Conclusion**

It was the objective of this chapter to conceptualise security sector reforms in the context of Kenya in the fight against terrorism and the various security sector reforms by the government. This also delved in regional and international mechanisms. It is clear that

government has taken various initiatives to reform the security sector in order to march the levels of terrorism threat. This has taken the form of reviewing of legislations to enhance the capacity security institution, creation of specialised terrorism security institutions such as ATPU and NCTC. The reforms have also focussed on enhancing the capacity of the public participation in security issues through community policing. To supplement this, the government has recognised regional and international counterterrorism measures. Despite these reforms, the threat of terrorism has remained persistent since the reforms are focus on policing, border security and catching the bad guys rather than resolving the root causes of terrorism such as marginalization, corruption, and poverty. It is upon this, which the next chapter build on to provide a critical approach of some of the security sector reforms.

## CHAPTER FIVE

### 5.0 ASSESING THE EFFECTIVENESS AND IMPLICATIONS OF SECURITY SECTOR REFORMS

#### 5.1 Introduction

The previous chapter discussed the various security sector reforms put in place by government in order to deal with terrorism threats to Kenya's national security. These reforms range from enactment of legislations, establishment of new security institutions and restructuring of existing security agencies. The reforms also involve regional and international cooperation in order to fight terrorism. In light of these reforms, this chapter assesses the effectiveness of these reforms.

In the wake of the various attacks and the perceived terrorist threats that Kenya has faced, terrorism is securitized and in the process of securitization major reforms in the security sector are always initiated that often have far-reaching implications on human rights. The implications are attributed to the manner in which they are instituted and implemented by the government. Thus, the Kenyan governments faced with threats to national security may display tendencies of carrying out reforms that erode values of the open societies due to fears of terrorism. With the increasing threats of terrorism, the Kenyan government has stepped up its resolve to mitigate terrorism, but finds it hard balancing between liberty and security. This has seen counterterrorism measures degenerating into violation of human rights and security threats. Therefore, there is a challenge in reconciling the foundational principle of SSR, which thrives on transparency and democracy. In light of this challenge, this chapter will provide critical approach to the various SSR and counter-terrorism measures such as a legislation, which has been instituted by the government.

## **5.2 Legislations**

As noted in the previous chapters, the threats of terrorism prompted the Kenyan government to introduce different legislations in order to mitigate it. In Kenya, the legislations have had far-reaching implications in the fight against terrorism. The consequences have been raised by civil society, opposition leaders, religious leaders and human right groups. The allegations are always based on the transgression of human rights due to security agencies manipulation and excessive use of force, thus negating the very cause for which they are called upon, to protect citizens. The proceeding sub-topics examine the various legislations offering a critique of the same.

### **5.2.1 The Suppression of Terrorism Bill 2003**

The Suppression of Terrorism Bill 2003 was introduced in 2003 by then the minister of justice and constitutional affairs and was supported by some government officials. This bill received a lot of criticism from human rights activists, civil society among others. This bill was also considered a blue print of the US Patriot Act and therefore the perception that the bill was American sponsored (Whitaker, 2008: 260; Kamau, 2006). Nevertheless, the bill was seen as violating the then existing Kenya's constitution (Kamau, 2006). Thus, the implementation of the Bill would mean legitimization of harassment of people (Africa News Update, 2003). This bill became a critical event for Kenya's state-society relations (Bachmann and Honke, 2009).

The government accepted there was foreign assistance in drafting the Bill. This was when Justice Minister Kiraitu Murungi admitted that while the Bill was meant to address the terrorism threat in Kenya, it had been drafted with assistance from foreign countries.

He admitted that 'there is no way you can reinvent the wheel...governments all over the world assist each other in drafting Bills' (Kamau, 2006,p. 137). The minister was responding to the various allegations that the bill was drafted with the assistance of Western countries and this case the US and he wanted to make clarification why the Kenyan governments sought the assistance of US in drafting the bill.

The US assistance may have been grounded on US experience of enacting a legislation to curb terrorism after the September 11, 2001 attacks. Thus, one may argue that the Bill borrowed from the US Patriot Act of 2001, because of their assistance in drafting the Kenyan bill and would have exported the US Patriot Act on Kenyan case. This may be because the terrorists' activities in the country were targeting Western interests and not the locals. This is, however, contrary to the minister's sentiments of the bill being meant to address terrorism threats to Kenya (Kamau, 2006). This made the Bill to be disproportionately irrelevant in Kenya's case.

Other popular resistance to the United States-promoted legislation includes the Bilateral Immunity Agreements that Kenya was required to sign. This agreement was to protect Americans from prosecution in the International Criminal Court (ICC) (Whitaker, 2008; Vittori & Bremer, 2009). The refusal of Kenya to sign the Bilateral Immunity Agreements (Article 98 Agreements) led to US suspension of aid to Kenya in the year 2005 and 2006. The funding was to resume in late 2006 upon US government's realization that it was affecting the 'war on terrorism' because Kenya could not purchase equipment and train troops for counterterrorism operations (Whitaker, 2008). However, by the time of resumption of funding, Kenyans were left with a strong dislike of these

tactics, especially in light of Nairobi's consistent cooperation in the War on Terror (Vittori & Bremer, 2009). This was later to decide the fate of the newly redrafted antiterrorism legislation of 2006.

Section 3 (1) of the Suppression of Terrorism bill defines *terrorism* as 'the use or threat of action designed to influence the Government or to intimidate the public or a section of the public; and made for the purpose of advancing a political, religious or ideological cause'. This definition was so vague that it encompassed virtually any act of political dissent to be acts of terrorism (Prestholdt, 2011). On the same, Okumu (2008) argues that the broad and vague definition provided wide latitude for the government to abuse the proposed law (p. 65). Mazrui (2007) adds that the definition encompassed a wide range of crimes that are currently covered by the country's Penal Code, from robbery with violence to crimes of passion between lovers (p. 70).

Flaws like these always affect the effectiveness of policy and make them open to abuse the concerned parties. Despite the importance of the definition of terrorism, the Bill failed to provide a clear and precise definition because only an offense that meets this definition falls under the strictures of the law (Local security expert, O.I., 2015). In a sense, the definition failed to establish the threshold of "terrorism" from a legal perspective (Mwazighe, 2012, p. 59).

Hodgson and Tadros (2013) consider the definition of terrorism to be important because "it determines which actions count as acts of terrorism, and hence who is regarded as a terrorist, but also because the definition of terrorism triggers a range of controversial extension of police and prosecutorial powers" (p. 494). Despite the importance of the

definition of terrorism, the term has remained subjective and just as elsewhere, Kenya has failed to come up with comprehensive definition.

This has provided a challenge in dealing with terrorism as attempts directed to fighting the vice is often perceived to be infringing on liberal values. Article 12 (1) on the bill outlines that a person will be suspected of being a terrorist by merely wearing clothing similar to those worn by known terrorists affiliated to organizations such as *al-Qa'eda* (Okumu, 2008). Particularly clause 12, paragraph, the bill states:

A person who, in a public place wears an item of clothing, or wears or carries or displays an article in such a way or in such circumstances as to arouse reasonable suspicion that he is a member or supporter of a declared terrorist organization is guilty of an offense. (The Suppression of Terrorism Bill, 2003, 30 April 30, 2003), Clause 12 (2))

This legislation allowed police to arrest people who wore certain clothing. Nonetheless, this provision left the Muslim community vulnerable to police officers who could decide on the mode of dressing and anyone donning Muslim attire constituted support for a terrorist organization (Kamau, 2006, p. 136). Such provision worked further in the alienation of the Muslim community in the fight against terrorism, yet their inclusion would have, and still remains important in the fight against terrorism. The Muslim community in the country has lamented the marginalization of their lot by various governments and such provision was promoting it. In Islamic religious and social practices, there is wearing of garbs similar to those of traditional Middle Easterners; thus, criminalization of dress code meant Islamization of terrorism.



Participants at a forum organized by the Law Society of Kenya criticized the bill on various grounds. One of the participants, lawyer Kinyanjui, argued that if the Bill was passed by parliament, then it would mean that the country had surrendered its sovereignty. On the same, a group allied to Kenya Human Rights Network said that the Bill was placing the country's sovereignty at the whims of the US and British governments (Africa News Update, 2003).

The argument was attributed to the facts that the aforementioned two countries were behind the Bill. Clause 37 eased the extradition of Kenyan citizens without normal safeguards and allowed foreign security to operate in the country (Kamau, 2006, p. 137). This also violates the principle of non-refoulement because in the extradition of the terror suspects, there was no consideration of whether the state where the suspect was being extradited was party to counterterrorism conventions or not. This also happens without regard to the other state's human rights record or rights of a fair trial or the suspect's will. Moreover, it did not stipulate any guarantees, legal or otherwise, of the individual's personal safety once (Mwazighe, 2012).

In the Bill, the Kenyan Attorney General owed an explanation of his actions to a foreign state and directs the Kenya's attorney general to execute foreign states' requests regarding the "tracking down, attachment, or forfeiture of any suspected terrorist property located in the country" (Kamau, 2006; Mwazighe, 2012). This could have placed the security of Kenyan citizens at the hands of foreign states. Kinyanjui in furthering his argument lamented that the Bill, unlike the US Patriot Act did not allow

the compensation of those people who were wrongly branded as terrorists (Africa News Update, 2003).

The Bill also gave extensive power to the Minister for Internal Security to declare an organization as terrorist by decree (Bachmann & Honke, 2009). This placed the local organizations and even political parties at the whim of the minister. Such flaws could be used by the government to crack a whip on organization or political parties that were critical of their regime. This is in relation to Kenya that has a history of unhealthy relationship between the government and organizations as they claim that they are always harassed and arrested.

After the rejection of the proposed legislation, the government through the support of the Law Society of Kenya in late 2005 produced a new draft, which was published in April 2006. This was also rejected despite addressing the many concerns that were raised concerning the 2003 Suppression of Terrorism Bill. With 2007 election approaching, the incumbent government did not want to alienate a section of the electorate by anti-terrorism legislations (Whittaker, 2008) and in this case, the Muslim society, which perceived counterterrorism, measures to be targeting them. This drawback placed the government in a precarious position in the fight against terrorism. Indeed, lack of legislation fuelled government's ineffectiveness in dealing with terrorism.

Even though the Prevention Terrorism Bill 2006 provided a hallmark of dealing with terrorism and was more improved compared to the Suppression of Terrorism Bill 2003, still there were flaws that could be abused by any regime. The 2006 Bill attempted to define acts of terrorism and not defining terrorism (Mwazighe, 2012).

This definition according to Justice Initiative and Muslim for Human Rights report (2013) would allow the government to attach the label of terrorism to various acts. According to the report, Article 3 (8) (a-b) of the Act does not prohibit the government from presenting to High Court the evidence produced through torture or other such means prohibited by international law (p. 65). Despite the criticism, the Bill was a much-improved one and attempted to address the contentions that were labelled against its predecessor.

### **5.2.2 The Security Laws (Amendment) Bill 2014**

The Kenyan government in an effort to revise and update the country's security legislations drafted the Security Laws (Amendment) Bill, 2014. The Bill was tabled in parliament by the chairperson of the Parliamentary Committee on National Security and Administration, Asman Kamama on December 11, 2014. This bill sought to amend 22 laws of Kenya concerned with matters of national security. However, it was plagued by condemnation from opposition parties, civil society, media houses, and the public. The Bill was a response to the increasing insecurity in Kenya. This bill was drafted in the wake of terrorist attack on a Nairobi bound bus from Mandera that resulted in 28 deaths mostly Christians. Because of this, pressure was mounted on the government to deal with the threat of terrorism.

The Bill was introduced in parliament on 11<sup>th</sup> December 2014 and on 18<sup>th</sup> December the Bill passed by parliament amid chaos and the president assented to it making it a law (BBC, 2014). The opposition rejected the Bill on the basis that it infringed on civil liberties and media freedom that are guaranteed by the Kenyan constitution and

international regimes. The opposition to the Act saw the challenging of the Act in court by the opposition party, the civil society, Kenya National Commission on Human Rights (KNCHR) and other interested parties. This resulted to suspension of seven Articles of the Act; Articles 12, 16, 20, 26, 34, 48 and 95 of the law (Agutu, 2015).

The new Bill required journalists to obtain a police permit before investigating or publishing stories on domestic terrorism and security issues. It also stipulated that concerned people need police approval for publication and broadcasting of information relating to terrorism investigation (BBC, 2014; Article 19, 2014). Section 75 of the Bill introduces Section 30 (F) to the Prevention Terrorism Act 2012, stating the punishment for acting against the above provision. The offences are punishable by a term of imprisonment not exceeding three years or to a fine of five million shillings, or both. The fines according KNCHR (2015) were punitive and not proportional to the limitation intended by the amendment. This was interpreted to be an attempt by the government to muzzle the media of which could further hamper access to information by the public. This according to a local journalist (O.I. 2015) was also seen as a plan by government to prevent criticism on the way they often handle terrorist incidences.

The perceived government intent to silence the media was a response following the exposé of government mishandling of the 2013 Westgate attack. After the attack, the media was awash with government's mismanagement of the attack. For example, Kenya Television Network on October 18<sup>th</sup>, 2013, aired closed-circuit television (CCTV) footage showing KDF soldiers leaving the Nakumatt Supermarket at Westgate with loaded white papers, which were suspected to be containing looted goods.

A Local journalist (O.I. 2015) stated that the exposé may have irritated government and security agencies so to deal with future cases of media exposing the misconducts of security officers, they needed to gag them and this was to be achieved by this bill. This may be attributed to the assumed symbiotic relationship between the media fraternity and terrorism (Wardlaw, 1989). This symbiotic relation through media dissemination of any information was likely to undermine investigations or security operations. For example, in cases involving hostages, media broadcast may tip off the captors of the security agencies move; thus, putting the lives of the hostages at risk. Even though the government concerns were genuine, there should be a balance between media freedom and security. The media itself also should find a balance between reporting and privacy of those affected by terrorism, in doing so they should not compromise national security and that of an individual.

Section 66 of the Bill amends the National Intelligence Service Act. This is done through the introduction of Part V on covert operations: Under section 42 (2), the Director General (DG) of the National Intelligence Service (NIS) is empowered to authorize covert operations. The DG authorizes this where he has reasonable grounds to believe that a covert operation is necessary to enable the Service to investigate or deal with any threat to national security or to perform any of its functions.

This also provides the use any written authorization by the DG to Service members to obtain: information, material, records, document, or thing for the purpose of operation; monitor communication; install, maintain or remove anything; and do anything considered preserving national security. This suspends the role of the judiciary in

protection of privacy, as if the DG that authorizes the agency's activity. This authorization will only be valid for a period of 180 days and is supposed to be specific.

This immense power to the DG can be open to abuse as he is only subject to the Council. This gives DG to carry out mass surveillance on online communication for the purpose of national security (Article 19, 2014; Former intelligence officer, O.I, 2015). It is important to note that these intrusive mechanisms are authorized by the executive and not the courts (Article 19, 2014). This can also make such mechanism open to abuse by the executive to carry out mass surveillance on their critics in the pretext that it is in the interest of the national security.

According to KNCHR (2015), the bill sought to give the NIS powers to arrest suspects just like the defunct Special Branch. The implication of this was the mixing of powers of policing and intelligence of which the former is constitutionally not provided to the agency. Thus, the agency should concentrate on their constitutional mandate of gathering intelligence of criminal activities that assist the police into preventive action (KNCHR, 2015).

The Bill further provided a limit to the number of refugees and asylum seekers to 150,000. The refugees were also not permitted to leave the camps unless with the permission of the camp officer. The High Court ruled against this, arguing that there is no other country that has set the limit of refugees that had to enter their countries (Muthoni & Thuku, 2015; KNCHR, 2015). KNCHR (2015) through its review argued that the question of refugees and asylum seekers could only be dealt with through administrative and political manner. The rationale behind this being that it is not the sole

responsibility of the hosting state to cater for the refugees, as it is the responsibility of the international community designated in bodies such as the United Nations High Commission for Refugees (UNHCR) (KNCHR, 2015, p. 7).

Refugees question in this case was securitized by the Kenyan government and considered an existential threat to Kenya's national security that required immediate action. The securitization of refugees, to some extent, was accepted by part of the public who perceived refugees as a source of security threat. The Kenyan government concerns on refugees may be driven by various allegations of refugee camps and refugee settlements being recruitment grounds for terror groups like al-Shabaab. According the UN Monitoring Group on Somalia and Eritrea (2014), the Westgate attack was planned in Dadaab refugee camp and executed from Eastleigh and could be the reason for the government security threats concerns.

On the contrary, Masaai (O.I., 2015) argues that if the government was aware that the refugee camps are recruiting grounds for al-Shabaab then why not increase security in the camps. Masaai (O.I., 2015) also contends that if the allegations are true that the camps are used as recruitment ground, still it does not mean all refugees are al-Shabaab sympathizers. Therefore, the Kenyan government collective punishment of refugees is not justified.

The allegations of refugees being targets of al-Shabaab recruitment prompted the Kenyan government to blame insecurity on refugees resulting to a crackdown on urban refugees and alleged deportation. According to Osoro (2013), the allegation of Dadaab being a fertile breeding for terrorists may be convincing enough to the government to

link the al-Shabaab and the refugees. This is because Somalia is home to al-Shabaab and the majority of refugees in Dadaab are from Somalia so the relationship should be obvious. As such, this could be an attempt by government to externalize the challenges it is facing due to its failure to deal with these challenges such as corruption, and insecurity among others. If this is not the case, does it mean that for Kenya to be safe the number of refugees has to be regulated or they must go? How comes the Kenyan government want to regulate the number of refugees yet its citizens are refugees in Uganda following the post-election violence of 2007/2008. Nonetheless, the refugee question in Kenya exposes the inability of the international community to address the protracted conflict in Somalia resulting in refugee predicament (Local security expert, O.I. 2015).

The Bill also amends the National Police Service Act by inserting Section 95A. This establishes the National Police Service Disciplinary Board to deal with disciplinary matters within the police service (Government of Kenya, 2014). This is despite the existence of the National Police Service Commission, which has a constitutional mandate of dealing with discipline issues in the police force. According to a key informant who is a local security expert (O.I., 2015) the creation of the new board would bring conflict and confusion between the board and the National Police Service Commission.

The bill in amending the NPS Act amended the procedure of appointing inspector general. Under the NPS Act of 2011, when a vacancy occurred in the office of IG the appointment was to be conducted by the National Police Service Commission but the



amendment substituted this by giving the president powers to appoint the IG. This opened the office of IG to manipulation by the executive, which in appointment can appoint their cronies or their puppets or tribesmen, and not on the merit and ability to deliver services to the Kenyan citizens. Nonetheless, it leaves the IG at the mercy of the executive due to removal of subsection 2 of 15, which required in any case for removal of IG from office once a petition was supposed to be presented to the NPSC. This left the duty of hiring and firing of IG to the executive, which has total control over this docket. To further, render NPSC functionless the Act deleted subsection 2& 3 of section that empowered the commission to appoint and determine the limit the term of the Director of Criminal Investigation. These were to be done by the president. The amendment to NPS act clearly outlines the attempt by the Jubilee government to centralize power by having control over security agencies. This, according to the local security expert (O.I., 2015) is deemed to be taking Kenya back to the dark days when security agencies were used for the benefit of the ruling elites at the expense of the common citizens.

Despite the court ruling and criticism, the Bill provided a wide range of new paradigms in security reforms to deal with terrorism. Section 85 of the Bill amends the Prevention of Terrorism Act 2012 by inserting mechanisms for coordinating terrorism measures through the provision of NCTC. The agency comprises of personnel from different security agencies: KDF, NIS, the National Police Service (NPS), and other agencies. The responsibility of the agency is the coordination of national counterterrorism and efforts in order to detect, deter and disrupt terrorist acts. This is to be achieved through carrying out public awareness on terrorism; facilitating capacity building for

counterterrorism stakeholders; developing strategies to counter and de-radicalisation (Government of Kenya, 2014).

This limits the focus on addressing the root causes of terrorism by preventing radicalisation through the involvement of different stakeholders and encouraging public participation in the fight against terrorism. The Bill under Section 344 also facilitates the reintegration of the individual back into the society by placing them under the supervision of a police officer for a period of five years from the date of his release. This would help prevent the individual engaging in further terrorist activities after release and help him or her in the reintegration back to the society.

The Bill also places stiff penalties to those involved in carrying radicalisation; the individuals who provide training and instructions for purpose of terrorism and presumptions of travelling to a country for purposes of being trained as a terrorist. It also includes penalties to foreign terrorists or persons who are aiding and abetting terrorism (Government of Kenya, 2014). The penalty is a jail term ranging from 15-30 years and no provision for fines so that it acts as deterrence. This is due to the allegations that Kenyan citizens have been travelling to Somalia to be trained by terrorist group al-Shabaab and on return are used to carry out attacks in the country.

The bill is an appropriate measure to enhance national security and individual security, but this should not be carried out in a manner perceived to be against the Kenyan constitution. The various clauses of the act that generated debate should be reviewed in order to make sure they are in line with the national laws of Kenya, country's constitution and international regimes.

### 5.3 'Usalama Watch'

Even though the government has legitimate national security concerns, the policy responses and implementation raise concerns regarding the respect of human rights. With the increasing threats of terrorism to Kenya, the national security placed the Kenyan government and the refugees at the crosshairs. Following the Mombasa attacks on 23<sup>rd</sup> March on Likoni church and the Eastleigh explosion of 31<sup>st</sup> March, 2014, the government implemented operation 'usalama watch' (security watch) to flush out members of al-Shabaab allegedly living in Eastleigh (Yarnell & Thomas, 2014). Well intended was the program, but it was marred by allegations of human rights abuses, extortion, arbitrary arrests, detention, and unjustly and inextricably linked Somali refugees to terrorism, (Amnesty International, 2014, p. 14; Yarnell et al., 2014; Jane, O.I., 2015).

During the operation, at least 4,000 people, most of them Somalis, were rounded up within weeks and held in Nairobi's Kasarani Stadium (later gazetted as a police station), as well as Pangani, Gigiri, and Kasarani police stations, and "screened" (Amnesty International, 2014, p. 13). In addition, refugees from elsewhere (including Ethiopia and the Democratic Republic of Congo) as well as Kenyan citizens of Somali origin were caught up in this operation (Yarnell et al., 2014). In the police stations, it is alleged that they were held in deplorable conditions (Amnesty International, 2014; Yarnell et al., 2014).

There was also forced encampment of urban refugees to the gazetted refugee camps in the country. There were also allegations of forced expulsions of which, according to

Amnesty International (2014), were mostly Somalis. These were conducted despite their contravention to national and international law regarding refugees. The operation was mostly carried out in Eastleigh, which is predominantly inhabited by the Muslim community; thus, giving a reflection that it targeted the Muslims despite it targeting all urban refugees. Equally, alleged encampment according to Maasai (O.I., 2015) would reduce the productiveness of the refugees in contributing to Kenya's economic growth and reduce their ability to fend for themselves. This is because in urban centres, they have opportunities to provide for themselves by engaging in income generating businesses, rather than living on the food and other aid in the camps (Yarnell et al., 2014).

A local government official (O.I., 2015) stated that if the government was to transfer all the urban refugees to camps the economic boom, which some towns are experiencing, could dwindle. For example, in Eastleigh, it is believed that most of the business premises in the area are owned by refugees and have created employment to many Kenyans and that if the government was to implement its misguided policy the locals who are employed in these areas could lose their jobs.

It is also argued that it is the pretext of national security threat that the Kenya's Department of Refugees Affairs (DRA) in December 13, 2012 announced relocation of urban refugees. The DRA announced that 55,000 registered urban refugees in the country (predominantly Somalis and Kenyan Somalis) were to be relocated to refugee camps (Amnesty International, 2014; Human Rights Watch, 2013). The DRA announcement was squashed by the High Court on July 2013, on the basis that it violated various

refugees' acts and human rights bill and it was unconstitutional. Additionally, Kenyan government had not demonstrated that the refugee presence in urban areas resulted in an increased national security threat (Amnesty International, 2014, p. 5).

Maasai (O.I., 2015) finds no reason why the government should place the blame of insecurity squarely on refugees yet in early 1990s, when the refugees started trickling into the country from Somalia; the Kenyan government took a backseat and left the refugee issue to the United Nations High Commissioner for Refugees (UNHCR) and other stakeholders. Kenya has played host to Somali refugees for more than two decades in which Kenya lacked laws regulating asylum or refugee status despite Kenya being a signatory to the Convention on Refugee Status of 1951 (Osoro, 2013, p. 2). It is only in 2006 that the Kenyan government enacted the Refugee Act of 2006 in an attempt to address the question of refugees and asylum seekers and address security concerns (Osoro, 2013; Maasai, O.I., 2015).

The relocation of refugees implies that refugees were a major threat to national security and more specifically perpetrators of terrorism. It is on the same basis that the Cabinet Secretary for the Ministry of Interior and Coordination of National Government Interior Joseph Ole Lenku issued a press statement on 26<sup>th</sup> March 2014, ordering all refugees to return to the camps, citing 'security challenges' as the key reason (Amnesty International, 2014, p. 4). The abuses during this operation caught the attention of Independent Police Oversight Authority (IPOA), which ordered investigations into the alleged abuses.

The operation bore similarities to the response during the Westgate attacks both being reactionary. In dealing with terrorism, the government responses have been reactionary rather than proactive and preventive (Jane, O.I., 2015; Daniel, O.I, 2015). The allegations made during these operations often work against the government's efforts to fight terrorism. This, according to Alingo (2014), deepens a sense of resentment, isolation, and discrimination, which are recipes for radicalisation, extremism and ultimately further terrorists' activities. Accordingly, the deportation back to Somalia makes the deportees vulnerable to extremist group recruitment who might exploit their resentment to the Kenyan government and also to their lack of livelihood, thus further posing threat to the country's national security (Maasai, O.I., 2015).

Therefore, there is need for the government to put in place comprehensive policies to ensure appropriate, proactive and preventative counterterrorism action. According to Alingo (2014), the best way to do this is by ensuring that large-scale security operations are based on clear intelligence, and are well thought out and planned to ensure they are conducted in a humane and balanced manner. Such operations should be carried out in a manner that is not deemed to be targeting certain faith or community for the realization of intended purpose.

#### **5.4 Anti-Terrorism Police Unit (ATPU)**

ATPU was created in 2003 as a specialized Kenya police unit to deal with issues of terrorism. However, in their operation, they have been accused of various abuses such as: the use of excessive force during house raids; torture and ill-treatment of detainees; arbitrary detentions, including disappearances; and rendering terrorist suspects to

countries where they faced a real risk of torture (the Justice Initiative & Muslim for Human Rights, 2013, p. 10).

The simultaneous 2002 attacks on Kikambala hotel along the Kenyan coast, an attempted missile attack on Israeli airliner and the foiled attack on the newly established US embassy in Gigiri, prompted extensive arrest by the ATPU (Amnesty International, 2005). The arrests were carried out both in Nairobi and along the coastal towns. However, this response was tainted with allegations of detention without trials, incommunicado detention, and detention in undisclosed areas. The operation also targeted certain groups particularly the Muslim community. The areas where the operation was carried out such as Nairobi's Eastleigh area and the coastal region are mostly inhabited by the Muslim communities. In Mombasa, people were stopped and searched and some arrested on their way to or from the mosque (Amnesty International 2005, p. 7).

Amnesty International (2005) report, reveals that these arrests were indiscriminate as even the family members of terror suspects were arrested and were not charged in any court of law. The only crime that they committed was being the family members of the suspect. For example, the mother of terror suspect to 2002 attack was arrested and detained for nine days (Amnesty International, 2005). In every aftermath of terrorist attacks and threats, this has been the trend and it has become the blueprint of operation of ATPU.

Nonetheless, in carrying out interrogation the Kenyan police have cooperated with foreign intelligence bodies (Amnesty International, 2005). In certain cases, these foreign

intelligence bodies have carried the interrogations without the presence of the local police officers. With this allegation, there is also the possibility that the foreign security agents may have been involved in the torture of the suspects in order to extract information from them. This also may raise an eyebrow of ineffectiveness of the local security agents to carry their own independent investigations without assistance from other countries.

Redress & Reprieve of 2009 report also highlights how ATPU has been carrying its operation “above the law” and “outside of any formal legal structure.” This is characterized by not registering arrests and detention and not having particular police stations, which they operate; therefore, they operate on a roving basis (p. 47). This was also revealed by an investigation carried out by Doha based media Al Jazeera in 2014. The investigation dubbed ‘Inside Kenya’s Death Squad’ that highlighted how the antiterrorism agency carried out extra judicial killing of ‘terrorist suspects’, and the Kenyan police using the war on terrorism to kill with impunity (Jepson, 2014). This confirms what has been in the public domain and what many civil societies have often raised about the ATPU.

The manner with which the antiterrorism police unit violated human rights and conducted counterterrorism measures raised concerns of whether they were not applying the Suppression of Terrorism Bill 2003. According to Bachmann et al., (2009) some of the discriminatory provisions of the bill were carried out in practice by security forces, even though the law had not been enacted (p. 108).

The human rights abuses by the ATPU have led to increasing tense relations between the



central government and the Muslim community (Bachmann et al., 2009; Justice Initiative & Muslim for Human Rights, 2013). This has eroded the trust of the Muslim community in the government. The violations of human rights in counterterrorism can be exploited by radical fundamentalist groups such as al-Qaeda and its affiliates as a platform for recruitment of terrorists (the Justice Initiative & Muslim for Human Rights, 2013). The tense relation has always been manifested through violent and peaceful demonstrations that are always carried in the wake of killings and disappearances of alleged 'terrorist suspects'.

The alleged killings of Sheikh Aboud Rogo in August 2012, Omar Faraj October 2012, and Sheikh Ibrahim Omar Rogo in October 2013, believed to have been carried out by ATPU resulted into violent riots. In managing the riots, it is alleged that the security agencies responded in a repressive manner by carrying out mass arrests and detentions (the Justice Initiative & Muslim for Human Rights, 2013). Such responses further builds distrust by the community on security agencies and erode credibility of the ATPU among the Muslim community therefore, becoming counterproductive in the fight against terrorism.

These responses target the Muslim community due to the fact that most of the operations are carried out mostly in Muslim dominated areas, therefore, further energizing the misconceptions that they are the target (the Justice Initiative & Muslim for Human Rights, 2013). Also during the demonstration against the killing of Sheikh Ibrahim Rogo, the Salvation Army Church was set ablaze in Majengo: Mombasa (the Justice Initiative & Muslim for Human Rights, 2013).

The burning of churches can possibly plunge the country into a religious war marked by reprisals by each group. In this case, the ATPU was seen as protecting the government interest, which is Christian, dominated and at the same time being oppressive to the Muslim community. Because of this perception, rioters target churches as retribution whenever Muslims clerics are assassinated. For example, when Aboud Rogo's successor Ibrahim Rogo was assassinated on 3<sup>rd</sup> October 2013, radicalized youth burned down a church in Mombasa, two pastors were also killed by radicalized youth on 20<sup>th</sup> and 21<sup>st</sup> October 2013 in Mombasa and Kilifi respectively (International Crisis Group, 2014).

Retribution against the Christians, according to a participant at a conference held in Hekima College on 8<sup>th</sup> May, 2015 has instigated the concept of "third cheek theory". This concept is grounded on the Biblical teaching verse in the book of Mathew 5:39 'if anyone slaps you on the right cheek, turn to them the other cheek also.' Since human being has only two cheeks, the third cheek in this context means retaliation. According to the participant the retributions and attacks on Christians are perceived to be too much by Christians, therefore, Christians should also hit back. Such opinions may provide a recipe for sectarian conflict between Muslims and Christians. Therefore, how can the fight against terrorism be warn when the security organs, which are supposed to protect the citizens, become a threat to their security?

### **5.5 Information sharing with other countries**

Kenya is considered the strongest ally of the Western countries in the Horn of Africa and East Africa and this has placed it in the front line in the fight against terrorism (Pretholdt, 2011). This is further enhanced by the number of attacks that the country

has experienced of which mostly target the western interests in the country. This has made it the centre of Western counterterrorism operations. This is manifested through the US and other donors channelling counterterrorism assistance to East African countries to fight extremism in the region (Open Justice Foundation, 2013). This foreign assistance and cooperation have had impacts in the fight against terrorism in the region.

According to Prestholdt (2011), the SSR programs have been used by the security forces and the Kenyan government as an economic instrument to leverage the country's diplomatic relationship with the US (p. 5). Before the 1998 bombing of the US embassies in Kenya and Tanzania, the Kenyan-US relation was one marked with conflict of interest. The Americans accused the Moi's regime of heavy handedness in dealing with the opposition, human rights abuse, and corruption. This was to change with the 1998 bombing. President Moi invited the Federal Bureau of Investigation (FBI) to assist the local security agencies in investigating the attack and bringing the perpetrators to book. This, according to Prestholdt (2011), offered an opportunity to collaborate with the US since the end of the Cold War and thus, help mend the diplomatic antagonism between the two countries (p. 8).

Considerably cooperation between the two governments came after the 9/11 attack in the United States. This attack resulted in unprecedented cooperation of the two states. This was marked by the security aid by the US government, which funded the various SSR programs in the country (Prestholdt, 2011). It is under the US \$100 million EACTI that the ATPU was launched in 2003; the Joint Terrorism Task Force, National Counterterrorism Center, and the National Security Advisory Committee were created.

These initiatives were to increase the countries capacity to investigate terrorist incidences, identify cells, coordinate law enforcements, and prevent future attacks (Whitaker, 2008, p. 258).

The provision of aid was and still remains partly driven by the perceived threat of terrorism to the country. However, this has not brought more change than if it could have focused on the abilities of the Kenyan government to deal with the threat. Omari (O.I., 2015) considers the US aid to Kenya and Kenya's appeal for assistance in the fight against terrorism as a way to source for donor funds and only to be diverted to the individual's pockets. The respondent also alleges that Kenya's joining of AMISOM following intervention in Somalia may be was driven by the desire to get a share of UN funding of the countries that intervened in Somalia. This has placed Kenya in conflicts with other actors in Somalia like Ethiopia, which has been in Somalia longer than Kenya. Nonetheless, the move by the Kenyan government to make Kenya Defense Forces in Somalia join AMISOM was not well received by local suppliers who before the merger provided food products to KDF since this meant the end of a multi - million businesses with the government (Mandela O.I., 2015).

The argument on foreign aid or assistance to some extent can be used to explain Kenya's government attempt adopt certain legislation despite their contravention to Kenya's national laws. It is alleged that there was increasing pressure on the Kenyan government by the US government to enact antiterrorism legislation as a precondition for continued counterterrorism aid to Kenya (Otiso, 2009; Whittaker, 2010). Counterterrorism measures require funds and a country like Kenya cannot exclusively fund such measures.

Such programs may include adding biometric data in passports and maintaining traveller databases, adding new government coordination bodies and training of security forces (Whitaker, 2010: 648; Otiso, 2009), which requires a lot of funds. Because of this, the government of Kenya to some extent showed complicity by the number of times it attempted to draft antiterrorism legislation.

The cooperation has also been marked by diplomatic pressure through travel advisories of its citizen in order to force the Kenyan government to enact various reforms in regard to the fight against terrorism. These travel bans wrongly punish Kenya for past terrorist attacks. The absurdity of all this is that, when the Western countries are attacked by terrorists, Kenya always shows solidarity with them and does not issue travel advisories against those Western countries. This in turn affects the tourism sector, thus, affecting the country's economy. Otiso (2009) attributes the tension to the differences in the perception of the country's terrorism risk and the inability to sustain the high cost of the fight against terrorism without adequate international support (p. 124).

There has been reluctance on the Kenyan part to participate with Western countries in the fight against terrorism. Whitaker (2008) attributes this to democratic transition process that the country was going through. Therefore, democracy often makes it hard for countries to publicly participate with US in the fight against terrorism, but privately cooperating (Whitaker, 2008, p. 256).

The American security aid in Prestholdt's (2011) view has allowed Kenyan authorities to expand their security infrastructure significantly. However, this infrastructure has yet been seen to affect the authorities' ability to identify terrorists, foil terrorist plots, and

bring criminals to justice (p. 11). Despite this assistance, the level of terrorist activities has increased with emergence of al-Shabaab an al-Qaeda affiliate in the HOA. The expectation has been the improvement of various infrastructures to the security agencies their capabilities to investigate, prevent terrorist attacks, and prosecute terror suspects will be enhanced. However, this expectation has not marched the realities. On the contrary, this aid has been seen as rewards for the Kenyan government continuity of abuse of human rights in the fight against human rights (Jane, O.I., 2015).

The importance of the country in the fight against terrorism has seen increased assistance from the US, United Kingdom (UK) and other donor countries. This is aimed at increasing the capacities of the country in dealing with terrorism acts and threats. These assistances according Open Society Justice Initiative (2013) are opaque with the UK case being even more opaque. This often makes it difficult to provide a rough estimate and what kind of assistance is given to the government.

Nevertheless, the increased the reliance of the country on foreign donors on funding of counterterrorism measures. This is exemplified by the case for ATPU, which through ATA and the EACTI (now PRACT) programs has received a lot of funding. Kenya is one of the largest global recipients of US anti-Terrorism Assistance (ATA) program. ATA funds, finances counterterrorism training for Kenya Police and have averaged to \$8 million annually in the recent years (Blanchard, 2013: 17). In the fiscal years of 2003-2011, Kenya received approximately, \$49.5 million and State Department requesting \$5 million for fiscal year 2013 (Open Society Justice Initiative, 2013, p. 43).

Despite the constant allegations by the civil societies of government abuses of human

rights in the fight against terrorism, the foreign donors have continued their assistance. It can be contended that foreign donors are either in support of government actions or are just deliberately ignoring the government abuses as such, as long as their interests are protected. The donor countries should ensure that their assistances are effective and not counterproductive in abetting human rights abuses. This is by ensuring that the government acts according to law and refrains from human rights abuses (Open Society Justice Initiative, 2013, p. 41).

Kenya is not only cooperating with the Western countries in the fight against terrorism, but also with the regional neighbours such as Ethiopia, Uganda, and Tanzania among others. This cooperation, more often than not has had impacts. After the Kampala bombing of 2010, Kenya cooperated with security agencies of Uganda to bring perpetrators of the attack to justice. In doing so, the government of Kenya through the ATPU rendered several Kenyan and Ugandan suspects in Uganda to face trials in Uganda (Prestholdt, 2011; Open Society Foundation, 2013).

The extraditions were considered illegal and perpetrated the abuse of the rights of the extradited suspects. As a response human rights activist Al Amin Kimathi travelled to Uganda to oversee the trial of the extradited Kenyans and on arrival, he too was detained on accusations of murder and conspiracy to commit acts of terrorism (Prestholdt, 2011: 17). Nevertheless, the renditions were deemed illegal by the Kenyan High Court (Open Justice Society Initiative, 2013). There was also an allegation of interrogation of the suspects being conducted by the Federal Bureau of Investigation (FBI) with involvement of Ugandan police and Kenya police (Open Society Justice Initiative, 2013).

The other incidence of rendition of Kenyan citizen in the government's fight against terrorism was Mohamed Abdulmalik. The ATPU arrested him on suspicion that he was one of the perpetrators of the 2002 attacks and he was planning another attack in 2007 during the World Cross-Country Championship in Mombasa (Human Rights Watch, 2008; Open Justice Foundation, 2013). According to Redress & Reprieve reports, he was held in various police stations in Nairobi before being handed over to US officials who flew him to Guantanamo Bay through Djibouti and Bagram Air Base in Afghanistan (Redress & Reprieve, 2009, p. 18).

Whitaker (2008) notes that counterterrorism cooperation between the Kenya and the US increased in 2007, resulting in increased human rights abuses by investigators from both countries. This was as a response to capture terrorist suspects fleeing from Somalia violence in North Eastern parts of the country (Whitaker, 2008, p. 258; Redress & Reprieve, 2009). This was after Ethiopian intervention in Somalia through the support of the US to dislodge militia and al-Qaeda operatives in the southern Somalia. This was to prevent Islamist fighters, and possibly al-Qaeda operatives' fighting side by side with them fleeing to Kenya (Mogire, 2011).

During the operation, Kenyan security forces arrested at least 150 people from 18 different countries who were trying to enter the Kenyan territory and transferred them to Nairobi, before flying at least 90 of them to Somalia and Ethiopia (Bachmann et al., 2009; Human Rights Watch, 2008; Muslim Human Rights Forum, 2007). The Kenyan government downplayed the problem by denying that there were Kenyans amongst the deported, significantly exacerbating tensions with the Muslim population (Bachmann et



al., 2009).

This rendition was carried out by the Kenyan government, despite its flouting of the international law. The individuals were deported despite the fact that in certain cases there was knowledge that they were going to be tortured. For example, the case of Mohamed Abdulmalik who at the time of his rendition, the public was awash with what foreign ‘terrorist suspects’ handed over to US would be subjected to (Redress & Reprieve, 2009,p. 25). This was carried out despite the provision of international law on *non-refoulement*, which prohibits a country from deporting an individual to places where their lives or freedoms could be threatened.

Rendition makes the suspects susceptible to human rights abuses by the receiving state and the states involved are unaccountable (the Justice Initiative& Muslim for Human Rights, 2013; Open Justice Foundation, 2013). In carrying out the renditions, the Kenyan government deliberately ignored the 1968 Extradition Act that provides procedures for lawful transfer of persons to another country (Open Justice Society Initiative, 2013). This makes rendition a common technique in dealing with terrorism suspects in order to avoid the long due court processes.

Kenya also violated international law through its arbitrary arrests in various circumstances of the allegation of individuals being ‘terrorists’. Yet, under Articles 9 (1) and (2) of the International Covenant on Civil and Political Rights (ICCPR),

Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such

procedure as are established by law [and] (2) Anyone arrested or detained shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

The rendition process and arbitrary arrests were seen by Muslim, Somali communities and the civil societies as profiling the minority communities in the country, in this case the Muslim community (Open Justice Society Initiative, 2013). Rendition in this case is seen as a way to subvert the rule of law in dealing with terrorism in the name of national security.

Cooperation with other states saw the Kenyan government acceding to American instructions to seize the assets of and deregister a Saudi-sponsored NGO, the Al-Haramain Foundation, and some four other Muslim NGOs (Mercy Relief International, Help African People, the Islamic Relief Organization, and Ibrahim bin Abdul Aziz al Ibrahim Foundation) on allegations that they were funding terrorist activities (Mazrui, 2007; Shinn, 2004). This action was taken without due process of law, resulting in major protests from the Muslim constituencies as well as members of the NGO community (Mazrui, 2007).

The de-registration of Islamic charities in Kenya was perceived by the Kenyan Muslims to be aimed at suppressing Islamic activities in the East African country (Achieng, 1998). Such organizations were perceived to be filling the void of the inability of Kenyan government to provide social and economic services to the alleged marginalized Muslim populations (Achieng, 1998; Botha, 2013). According to Botha (2013) the deregistration caused further socioeconomic desperation among Muslim communities that depended on these organisations. This, according to Botha (2013) in turn led to a change of tactics

by people considered to be direct beneficiaries of these organizations, the majority of whom are Saudi-trained scholars and imams (p. 18). At the same, this group developed new mechanisms for accessing funds and controlling the Kenyan Muslim community's socioeconomic and political infrastructure by establishing new bodies and associations, and taking over those that already existed (Botha, 2013, p. 18).

Nonetheless, this action by the government drove the already vulnerable population into the hands of extremists, which we were using humanitarian charities to advance radical ideologies, which were perceived to be giving meaning and purpose to their lives. According to Botha (2013) in the case of Islam, the mosque plays an important role as a gathering place to preach, but in the hands of an extremist religious leader, it can become a centre of religious indoctrination that preaches a message of intolerance and hatred towards those not supporting the leader's particular interpretation of Islam (p. 18). For example, the Pumwani Riyadh Mosque in Nairobi's Majengo area when young Muslims violently took over the management of the mosque and several income-generating ventures, ousting a committee of elderly people in 2009 and allegedly used them to preach extremist ideologies (Botha, 2013; Nze, 2012).

In this case, the Kenyan government concerns were candid but the whole process should have been conducted within the framework of national laws. Likewise, the government should have provided opportunities for those who were going to lose their jobs and services of the charities as a way of winning the hearts and minds of the Muslim community. This would help in diminishing the perception of Muslims as the targets; thus, further enhancing the tense relation of the Kenyan government and the Muslim

community.

The government's counterterrorism measures aforementioned to some extent have negative impacts in the fight against terrorism. Government's efforts in counterterrorism have resulted to an outcry by the Muslim society. The growing insecurity in the country specifically on terrorism has been blamed on the Somali nationals and Kenyan-Somalis (Botha, 2013, p. 19). The aftermath of the attacks that the country has often experienced are characterized by massive arrest of Muslim youths on suspicion of engaging terrorist activities. This, according to Botha (2013, p. 19), is often misguided by the global perception that all Muslims are terrorists or potential terrorists.

This is founded in the stereotypical demonization of Islam and its equation to terrorism (Mammdani 2004). This further pushes the youth to extremist groups as they are left with no option. Thus, it does not matter whether they do engage in terrorists' acts or not because they are already considered terrorists even if they not, thus, it does not make any difference.

Nonetheless, there is alleged collective punishment through indiscriminate arrests of Somalis or Muslims. It is always a common phenomenon of terrorism in the country to be associated with terrorism, even if the facts prove otherwise. This profiling is often marked by mass arrests and categorization of Muslims as second-class citizens. This is not only common with security agencies, but also with the general population. For example, after the 18<sup>th</sup> November 2012, attack in Eastleigh, Nairobi, Kenyan nationals attacked Somalis and Kenyan-Somalis (Botha, 2013, p.19). This, to some extent, demonstrates the association of terrorism to Islam and Somalis by both the security

agencies and the public. This in turn creates a dilemma where the individuals who are not involved in the act may join extremist groups as a way to defend themselves thus promoting radicalization (Botha, 2013).

Although practices in the name of counterterrorism have deeply affected the relations between Muslims and the government, they also created a stronger cooperation between Muslim groups and the broader society. This has resulted in better coordination between Muslim organizations and the (mainly non-Muslim) mainstream human rights community and in an increased professionalism to mobilize and to lobby for Muslim rights (Bachmann et al., 2009). This has also ensured assertiveness of civil society, the Kenyan citizens and some national leaders to defending civil liberties. Moreover, if Kenyan government is going to abandon democratic principles and its commitment to justice due to terrorism and embrace dreadful and unprincipled strategies being used by terrorist groups to respond to terrorism, they will surely complete for the terrorists the job they began.

The foregoing discussion of the critique of security sector reforms used in the context of the fight against terrorism demonstrates that the cost of fighting terrorism in Africa is high, as it tends to compromise both human rights and national security. Yet, these are mutually reinforcing concepts and compromise of any threatens the other (Omotola, 2012). For example, if the human rights are compromised in the fight against terrorism, it threatens the national security. This has been the case in Kenya; the government antiterrorism policies have always been seen to be making the Muslim youths vulnerable to terrorist recruitment. Policies such as collective punishment of the Muslim

community in the wake of terrorist attacks or threats have further created tense relations between the Muslim community and the central government. This will also allow them to be vulnerable to radicalization and activism, thus, presenting a security threat.

In addition, the security measures and approaches have been defined, driven and directed by the Western countries. Consequently, these approaches have been based on a Western understanding of terrorism and have reflected Western solutions and interests. Yet Kenyan experience with terrorism is different and calls for different approaches but within the framework of national and international laws.

## **5.6 Conclusion**

This chapter has highlighted the various implications of security sector reforms in the fight against terrorism in Kenya. The legislation mechanisms taken by government target certain religious groups, yet their support is needed by the government in the fight against terrorism. This has often led to resistance by politicians, civil society and civil society. Nonetheless, these policies at times are perceived to be infringing on the civil liberties and freedom of the media, refugees and the Kenyan population. The same has been levelled against security agencies put in place to help fight terrorism, which their responses are perceived to be a collective punishment to communities alleged to be abating terrorism.

The responses have created tension between the Muslim community and the Kenyan government. The study established that the government counterterrorism measures have increased dependency of Kenyan government of foreign assistance in the fight against terrorism. On the contrary, these government mechanisms to some extent have helped in

rooting out terrorist elements from the country. However, much still needs to be done and this informs the argument for the next chapter, which highlights some of the recommendations.

## CHAPTER SIX

### 6.0 SUMMARY, CONCLUSION AND RECCOMENDATIONS

This study set out to examine the security sector reforms and their implication in the fight against terrorism in Kenya (1998-2015). The objectives of the study were to explore the conceptual issues and origin of global terrorism, to explore the trends of terrorism in Kenya (1998-2015), to analyse the reforms in the security sector relevant to fighting terrorism in Kenya since 1998 and assess the effectiveness and implications of security sector reforms. Chapter one problematized security sector reforms in the fight against terrorism, which indicated that a lot has not been done in the analysis of security sector reforms in regards to the fight against terrorism.

In chapter two, an attempt was made to conceptualize the origin of terrorism, the subjective nature of terrorism and the morphing nature of terrorism. In this respect, an effort was made to trace the origin of global terrorism, which, according many scholars can be traced to the French revolution, but not denying the fact that terrorism is old as mankind civilizations. However, it emerged that the advent of terrorism, demonstrate that the phenomena has been changing over time in terms of targets, *modus operandi*, the perpetrators, and ideology. In the evolution of terrorism, which is associated with French revolution, terrorism was used to restore order in the wake of revolutions. Contrary to the kind of terrorism during the French revolution, the current terrorism that emerged in the late 1970s is driven by religious fundamentalism and uses the religion of Islam as a conduit for the recruitment and justification of their vicious acts.



The religious and fundamentally driven terrorism is rooted in the Israeli-Palestinian conflict, which is perceived by some Muslims as a conspiracy of Christians against Muslims. It is also rooted in proxy strategies used by the American Central Intelligence Agency (CIA) to fight the Soviets in Afghanistan during the Cold War and the continued uses of American hegemony status to act as world police. This has placed US relationship with the Arab world in a precarious position, making her and her allies a target of terrorist activities.

The changing nature of terrorism and its association with subjective activities has presented a definitional problem among governments, international organizations and scholars. The variance in definition presents a possibility of condemning one form of terrorism and accepting the other. Thus, it will continue to remain a problem depending on who is defining and identifying terrorism, and the context, which the definition is made. The chapter also highlights the African place in the conceptualization of terrorism and various terrorist organizations in the continent. The chapter concludes that the concept of terrorism is complex and has been in existence since human civilization.

The second chapter formed the background of chapter three, which focused on trends in terrorism in Kenya. This was carried out by examining the various terrorist attacks that Kenya experienced the historical development of terrorism in Kenya and why the country is a soft underbelly for terrorist activities. It was established that between 1980 and 2010 Kenya did not experience many terrorist attacks; however, this changed with the incursion of its troops into Somalia. Kenyan intervention in Somalia was to fight a Somali based terrorist group-al-Shabaab.

In historical development of terrorism in Kenya, the study provided the troubled history of the Kenyan state and the Muslim community by providing historical analysis of the *shifita* war. This troubled relationship in certain corners fuel terrorism in Kenya. However, other factors include: porous borders; instability in neighbouring countries; corruption; perceived close ties with the West, perceived marginalization; and laxity of security agencies. The study revealed that the current threat of terrorism emanates from al-Shabaab an affiliate of al-Qaeda and local terror groups such as al-Hijra.

It was established that to a limited extent, terror attacks still targets the American and Israeli citizens, but most targets are Kenya security agencies, churches, public transport, universities and other complex soft targets. Churches and Christians have become targets in order to purge the country into a religious war between Christians and Muslims. The study also highlighted how Kenya has embroiled itself in the Somali conflict in the name of fighting al-Shabaab. This is by the use of proxy strategy of training Kenyan youths of Somali origin to fight the group (al-Sabaab) and attempts of creating a security buffer zone through Juba land initiative. These proxies have come to haunt the Kenyan government due to alleged association of current attacks with the Kenyan recruits to fight in Somalia. The chapter concluded that the country would continue to face global terrorism threat as long as the underlying factor that promotes it remains in place.

Chapter four of the study focused on the conceptualization of security sector reforms (SSR) in Kenya in an attempt to address the increasing threat of terrorism. SSR as a concept emerged after the cold war in 1990s and it provided for redefinition of security.

This was by providing a paradigm shift from state-centric concept of security for increasing focus on human security. SSR is achieved through the review of policies and programs of a country's security sector, with the aim to make it more professionalized, efficient and effective to meet the needs of the national security or policing policies. Though SSR has been associated with professionalizing security of countries that are emerging from conflicts or collapsed states, it may be aimed at improving operational effectiveness to counter threats such terrorism. It is in this light that an attempt was made to link security sector reforms and the fight against terrorism. It emerged, that SSR could help prevent, contain or defeat terrorism.

The study also analysed the various security sector reforms that the Kenyan government has put in place to curb terrorism. These ranged from security agency's reforms to enactment of new legislations and regional and international cooperation. Since 1998, after the US embassy attack government reformed the intelligence service to enable its deal with new threats. In 2002, the Kenyan government instituted specialized antiterrorism police the (Anti-Terrorism Police Unit) within the Kenya police to deal with terrorist activities. The government also created the National Counter Terrorism Center to provide timely and factual intelligence to assist in the fight against terrorism.

The enactment of various legislations laid down the general reforms within the Kenyan police. However, it is the 2010, Kenyan constitution that provided extensive legal platform for extensive reforms in the Kenyan police. Through various acts of parliament, reforms were initiated within the security agencies through vetting and the provision of public oversight of the Kenyan police. These reforms have improved the security

agencies; this despite the current challenges it faces in dealing with insecurity.

The reforms have also taken regional and international cooperation due to the international nature of terrorism. The Kenyan government has cooperated with regional actors such as IGAD and AU and international institutions such UN to combat terrorism. This is through adoption of regional and international regimes geared to mitigating terrorism. This cooperation has also been with Western countries such United States, Britain, and Israel among others. The US, has remained the key partner of Kenya in the fight against terrorism through intelligence sharing and sponsoring of various counterterrorism in the country and the East African region which Kenya is part of. The chapter concluded that the Kenyan government has taken various security reforms to help in the fight against terrorism, which has also involved regional and international cooperation.

Chapter five provided a critical approach of the aforementioned security reforms in Kenya. Kenya in dealing with the threat from terrorism has found it challenging to achieve balance between liberty and security. As it emerged, Kenya faced with threats to national security, has shown tendencies of carrying out reforms that erode values of the open societies due to fears of terrorism. The erosion of civil liberties, expansion of executive and police powers has made it difficult to reconcile the foundational principle of SSR, which thrives on transparency and democracy.

It was noted that the Kenyan government in an attempt to deal with terrorism introduced antiterrorism legislation in 2003, to provide a legal framework to deal with terrorism. However, this was shelved due to opposition by civil society, religious leaders and

politicians. Just as elsewhere, the bill had a vague definition of terrorism and almost all criminal acts were terrorism. It was also perceived to be targeting certain religious groups and gave immense power to security agencies without checks. Nonetheless, due to increase of terrorism threats the government enacted the Prevention of Terrorism Act of 2012, which has since provided the legal framework in dealing with terrorism.

It also emerged that specialized antiterrorism police unit bore the largest brand of accusation of abuse of human rights in Kenya. This is through its counterterrorism measures in the wake of terror attacks. A part from the security institution, government policies such as 'usalama watch' and crack down on terrorists on perceived terrorist breeding grounds equally received criticism. This was seen as working against government interest of ensuring national security. The government's approach of targeting certain communities, particularly the Somalis, pushed some individuals to join extremist groups due to collective punishment. This was made possible since terrorist groups such as al-Shabaab are keen to exploit on this to get recruits. Therefore, the government effort should be seen as targeting the criminals and not all of the community.

More so, the government cooperation with foreign intelligence or foreign security agencies often has resulted in human rights abuses of the suspects. The cooperation with other state security agencies as it emerged are often not carried out within the parameters of national and international laws. This has often resulted in human rights abuses.

The chapter concludes that despite these criticisms, the fact remains that the Kenyan government counterterrorism measures have done much in the prevention of terrorism. The security agencies have foiled terrorist attacks, but these are not always in the public

domain. The security agencies are always working around the clock to ensure national security and it is their counterterrorism measures, which have always forced terrorists to change their *modus operandi*. The prospect of the national security agencies to deal with terrorism remains bright.

In problematizing the study, both securitization and game theory were both integrated in analysing the various objectives of the study. The study has shown that terrorism is a subjective in nature; therefore, there is no comprehensive definition of it. The game theory was imperative in explaining this as terrorism has been able to morph itself in terms of targets, perpetrators, lethality and ideology. This is so because terrorists' acts are interdependent with the government security sector reforms. Though the governments are always forced to change tactics when dealing terrorism, this has also compelled terrorist organisations to change their *modus operandi* to achieve highest pay offs. For example, the al-Shabaab initially targeted foreigners in Kenya on their onslaught in the country, however, this changed following Kenya's intervention into Somalia in late 2011. This could be attributed to inaccessibility of foreigners as soft targets, therefore, forcing them to target easily available soft targets such as security agencies, public transport and churches. Moreover, the continued Kenyan government resolve to fighting terrorism has also forced al-Shabaab to shift to soft targets in North eastern and coastal parts of the country rather Nairobi due to their proximity to Somalia. This is because of the porous borders of between Kenya and Somalia, which has provided safe latitude for the group to slip back into Somalia following attacks.

Additionally, game theory was important in explaining why al-Shabaab is using other groups as a conduit to carry out attacks and recruitment of members. Because of increased government efforts to fight terrorism, al-Shabaab has merged with other groups to make it more effective. In 2012, the group became affiliated with al-Qaeda to remain relevant due to the loss of viability of achieving nationalistic ideology, therefore, compelling the group to adopt global *jihad* sponsored by al-Qaeda. Al-Shabaab also have regional affiliates such as al-Hijra in Kenya and Ansar Muslim Youth Center (AMYC) in Tanzania. This is to help mobilizing recruits and raising of funds on behalf of the group. Moreover, it was noted that to surpass the government efforts the group created specialised units for its operations. The group has armed force wing known as Jaysh al-Usra (the Army of Hardship), intelligence unit called Ammniyat ‘secret service’ and a unit code-named Jeysh Ayman, predominantly composed of Kenyans. The latter is responsible for carrying out attacks in Kenya due to their familiarity with the regions and ability to blend within the communities. It is this light that we argued that the interdependence between terrorism and government security sector reforms has played a key role in securitisation of terrorism hence periodic security reforms

The second theoretical perspective that is securitization was used to analyse the frequency and outcome of the security sector reforms. It was established that terrorism had become more securitized by political actors such as the state, the executive, and legislature. Therefore, this created an urgent and immediate attention, as well as the use of extraordinary measures to counter the threat of terrorism. In this way, the government has always taken measures to curb it by giving it more priority despite the existence of other crimes such as corruption, which have implication on the country’s security and

economic growth.

In this respect, the priority that has been given to terrorism is reflected in the number security sector reforms that the government has carried out and the frequency by which terrorism has been referred to as a threat to national security by government and national leaders. Therefore, the government has carried out array of reforms such as the creation of specialised antiterrorism police unit called ATPU, review of legislations in order to enhance the capacity of security institutions to deals with terrorism and prosecution terrorism related suspects. Nonetheless, securitization of terrorism also led to the intervention of Kenyan government in Somalia under the operation ‘Linda Nchi’, enactment of policies such as ‘Usalama Watch’, and regional and international cooperation.

However, in analysing of the implication of these reforms in regards to the fight against terrorism, it was established that through securitization of terrorism the Kenyan government has stepped up its resolve to mitigate terrorism, but finds it hard balancing between liberty and security. That in the securitization of terrorism, there exist loopholes that can be used to justify infringement on human rights, justification for security reform measures deemed inappropriate and lastly it allows the use of extraordinary means in the name of security. Thus, state just like people can be paranoid, constructing threats where none exists and in doing so they ignore the actual threats. In chapter five, under section on legislation, we showed that refugee crisis in the country became securitized thus the increasing equation of refugees to insecurity in the country. Therefore, the attempt to enact legislations limiting the number of refugees despite the fact that no country has



ever done that and not all refugees are terrorist sympathisers. As a result, this has seen SSR degenerating into violation of human rights and security threats.

### **Recommendation**

Through its counterterrorism strategy, the Kenyan government has taken various security sector reforms to improve efficiency and effectiveness of security organs in dealing with terrorism. The following are some recommendation to the Kenyan government:

- I.** The government should address the perceived economic marginalization of the Muslim community, both at the coastal and north-eastern regions of Kenya. This can either be done by making sure that the devolved system of government is realized in order to enable the population in these areas participate in the governance of their counties. This should also include addressing the historical injustices, which have continued to disfigure politics, perception, and discourse of the Muslim community and the Kenyan government.
- II.** Kenyan government in dealing with the root causes of terrorism should also denounce the terrorists considering their acts as criminal acts just like others. However, secretly, the Kenyan government should be working to win the hearts and minds of the communities supporting terrorism; thus, denying terrorists the support of the community. This could be done through mega projects that aim at improving the economic status of the regions.
- III.** The government should increase efficiency in law enforcement, prosecution of terrorist suspects, by improving intelligence gathering and the police should be

effectively trained to deal with terrorism incidences. The covert nature of terrorism often precludes an easy analysis of their capabilities or intent, therefore, giving them an advantage of lying in wait and striking when least expected; thus, the government counterterrorism should be proactive.

- IV.** The government should strengthen the National Counterterrorism Centre to coordinate all counterterrorism efforts in the country. This will allow it to provide timely and factual intelligence to assist in the fight against terrorism. This would limit the blame game within security agencies that are often witnessed after terror attacks. Nevertheless, National Counterterrorism Center and the National Intelligence Service should move from need to know principle to need to share principle.
- V.** The public should also be sensitized about terrorism and this should be done under the auspice of community policing. Through community policing, the public could be used to improve intelligence gathering of terrorists' activities and other crimes. This will also oversee the improved relationship between the public and the police; thus, helping in the mitigation of crimes. Therefore, the Kenyan government should make 'nyumba Kumi' initiative a reality. On the other hand, the government should fight corruption within security agencies, immigration officials and in other areas, which has been exploited by criminals to buy their way into Kenya.

The study recommends further study on the implication of these of these reforms on Kenya's foreign policy, diplomacy and international relations. For instance, to what extent has Kenya's limited economic resources, military capability and state weakness

compromised the effectiveness of her fight against terrorism and even the country's national interest and sovereignty.

## REFERENCE

### BOOKS

- Agbala, A., & Pulkol, D. (2009). The General Performance and System of Intelligence Bodies in the Great Lakes Region. Africa, S. & Kwadjo, J. (Eds.), *Changing Dynamics of Intelligence in Africa*. GFN-SSR.
- Ball, N. (2010). The Evolution of Security Sector Reform Agenda. In Sedra, M. (Ed.), *The Future of Security Sector Reform* (PP. 17-28). Ontario: Canada, CIGI. Pp. 29-44.
- Boinett, W. (2009). The Origins of the Intelligence System of Kenya. Africa, S., & Kwadjo, J. (Eds.). *Changing Dynamics of Intelligence in Africa*. GFN- SSR.
- Buzan, B., Waever, O., & Wilde, J. (1998). *Security: A New Framework of Analysis*. United Kingdom: Lynne Rienner Publishers.
- Center on Global Counterterrorism Cooperation and IGAD Security Sector Program (2012). *Fighting Terror Through Justice: Implementing the IGAD Framework for Legal Cooperation Against Terrorism*. New York and Addis Ababa.
- del Carmen, A. (2003). The Domestic Responses to Terrorist Attacks on America; an Operational and Legal Assessment. In del Carmen, A. (Ed.). *An Interdisciplinary Perspective*. 2<sup>nd</sup> Ed. Australia: Thomson Learners.
- Ewi, M. (2013). The Role Regional Organizations in Promoting Cooperation on Counter-Terrorism Matters: The European and the African Institutions in Comparative Perspective. In Herik, L., & Schrijver (Eds.). *Counter-Terrorism Strategies in a Fragmented International Legal Order: Meeting Challenges*. UK. Cambridge University Press. Pp. 128-180.
- Ganor, B. (2009). Trends in Modern International Terrorism. In Weisburd, D., Feucht, T., Lakimi, I., Mock, L., & Perry, L. (Eds.). *To Protect and To Serve: Policing in an Age of Terrorism*. (pp. 11-42). London: Springer Science + Business Media.
- Griset, P., & Mahan, S. (2003). *Terrorism in perspective*. London: SAGE Publications.
- Hanggi, H. (2004). Conceptualizing Security Sector Reform and Reconstruction. In Bryden, A., & Hanggi, H. *Reform and Reconstruction of Security Sector*. Munster, Germany: LIT Verlag, pp. 3-18.
- Hoffman, B. (2004). Defining Terrorism. In Kaufman, D. Parker, M., Howell, P., & Doty, G. *Understanding international relations: the value of alternative lenses*. Boston: McGraw-Hill Custom Publishing. 5<sup>th</sup> Ed. (Pp. 821-841).

- Huntington, S. (1997). *The Clash of Civilization*. In Kegley, C., & Blanton, S. (2011). *World Politics: Trend and Transformation*. Boston: Wadsworth.
- Lyman, P. (2009). The War on Terrorism in Africa. In Harbeson, J., & Rothchild, D. (Eds.). *Africa in World Politics: Reforming Political Order*. University of Michigan: Westview Press. (No page No.). Retrieved from [http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.cfr.org%2Fcontent%2Fhtml/nktank%2FLyman\\_chapter\\_Terrorism.pdf&ei=AtjFVJL5HIy3UczjgbgB&usg=AFQjCNHY1\\_wLjITrhxkthbN46Hlq5\\_O1HLA&bvm=bv.84349003,d.d24](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB8QFjAA&url=http%3A%2F%2Fwww.cfr.org%2Fcontent%2Fhtml/nktank%2FLyman_chapter_Terrorism.pdf&ei=AtjFVJL5HIy3UczjgbgB&usg=AFQjCNHY1_wLjITrhxkthbN46Hlq5_O1HLA&bvm=bv.84349003,d.d24)
- Makinda, S. (2007). The History and Root Causes of Terrorism in Africa. In Okumu, W. & Botha, A. (Eds.). *Understanding Terrorism in Africa: In Search for an African Voice*. Pretoria; Institute for Security Studies, (Pp.15-22).
- Mamdani, M. (2004). *Good Muslim, Bad Muslim: America, the Cold War and the Roots of Terror*. Dakar: CODESRIA.
- Mazrui, A. (2007). Africa's Role on America's 'War on Terrorism: Some Political Implications. In Okumu, W. & Botha, A. (Eds.), *Understanding Terrorism in Africa: In Search for an African Voice*. Pretoria; Institute for Security Studies, (Pp. 67-76).
- Mingst, K. (2008). *Essentials of International Relations* (4<sup>th</sup>Ed.). New York: W.W Norton.
- Mogire, E. (2011). *Victims as Security Threats: Refugee Impact on Host State Security in Africa*. England: Ashgate.
- Mwagiru, M. (2008). Africa in International Security Agenda Setting. In Mwagiru, M. (Ed.). *Human Security: Setting the Agenda for the Horn of Africa*. Nairobi, Africa Peace Forum.
- Okumu, W. (2008). Gaps and Challenges in Preventing and Combating Terrorism in East Africa. In Okumu, W. & Botha, A. (Eds.) *Understanding Terrorism in Africa: Building Bridges and Overcoming Gaps*. Institute of Security Studies; Pretoria. (Pp. 62-70).
- Rapoport, D. C. (1990). Sacred Terror: A Contemporary Example from Islam. In Reich, W. (Ed.). *Origins of Terrorism: Psychologies, Ideologies, Theologies, State of Mind*. New York: Cambridge University Press.
- Rapoport, D. C. (2004). The Four Waves of Modern Terrorism. In A. K. Cronin, & J. M. Ludes (Eds.), *Attacking Terrorism: Elements of a Grand Strategy*, (pp. 46-73). Washington, DC: Georgetown University Press.

- Rotberg, R. I. (2005). *Battling Terrorism in the Horn of Africa*. Washington, DC: Foundation & Brooking Institution Press
- Rourke, J. (2011). *International Politics on the World Stage* (11<sup>th</sup> Ed.). Boston: Lyn Uhl.
- Rourke, J., & Boyer, M. (2004). *International Politics in the World Stage*. 5<sup>th</sup>Ed. New York: McGraw-Hill.
- Sabala, K. (2008). Towards a Regional Security Architecture for the Horn of Africa: A Framework Analysis. In Mwangi, M. (Ed.). *Human Security: Setting the Agenda for the Horn of Africa*. Nairobi, Africa Peace Forum.
- Sedra, M. (2010). Introduction: the future of security sector reform. In Sedra, M. (Ed.), *The future of security sector reform* (PP. 17-28). Ontario: Canada, the Centre for International Governance Innovation (CIGI).
- Shane, J. (2009). September 11 Terrorist Attacks Against the United States and the Law Enforcement Response. In Haberfeld, R. & Hassell, A. (Eds.) *A New Understanding of Terrorism: Case Studies, Trajectories & Lessons Learnt*. New York: Springer, (pp. 99- 142).
- Sherman, J. (2010). The “Global War on Terrorism” And Its Implications for Us Security Sector Reform Support. In Sedra, M. (Ed.). *The Future of Security Sector Reform*. Canada, Centre for International Governance Innovation. (Pp. 59-73).
- Snow, D. (2007). *Cases in International Relations: Portraits of the Future* (Custom Ed.). Boston: PEARSON .
- Stern, J. (2000). *The Ultimate Terrorists*. Cambridge, Massachusetts; Harvard University Press.
- Wairgu, F., Kamenju, J., & Singo, M. (2004). *Private Security in Kenya*. Nairobi, Security Research and Information Center.
- Ward, H. (1998). The Glass Bead Game: Testing Game-Theoretic Models. In Scarbrough, E & Tanenbaum, E. (Eds.). *Research Strategies in the Social Sciences: A Guide to New Approaches*. New York: Oxford University Press.
- Wardlaw. G. (1989). *Political Terrorism: Theory, Tactics and Counter-Measures*, (2<sup>nd</sup>Ed.). Great Britain, Cambridge: Cambridge University Press.
- White, J. (2003). Terrorism: Religion and Terrorism. In del Carmen (Ed.). *Terrorism: An Interdisciplinary Perspective* (2<sup>nd</sup> Ed.). Thomson Wadsworth: US.
- Wilkinson, P. (1986). *Terrorism and the Liberal State*. (2<sup>nd</sup> Ed.). London: MACMILLAN.

Zinn, H. (2002). *Terrorism and War*. Toronto: Seven Stories Press.

### JOURNALS

Anzalone, C. (2012). Kenya Muslim Youth Center and Al-Shabab's East African Recruitment. *Special Issue*. Vol. 5 (10), pp. 9-13.

Aronson, S. L. (2013). Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism. *African Journal of Criminology and Justice Studies*. 7(1), 24-34.

Bachmann J., & Honke, J. (2009). Peace and Security' as Counterterrorism? The Political Effects of Liberal Interventions in Kenya. *African Affairs*. Vol. 109 (434), 97-114.

Beinin, J., & Hajjar, L. (2000) 'Palestine, Israel and the Arab-Israeli Conflict: A Primer', *Middle East Report*; Available on line at [http://www.merip.org/paestine-Israel\\_primer/intro-pal-isr-primer.html](http://www.merip.org/paestine-Israel_primer/intro-pal-isr-primer.html). Accessed on 25/05/2015.

Botha, A. (2013). Assessing the vulnerability of Kenyan youths to Radicalisation and extremism. *Institute for Security Studies Papers*, (245), Pp1-28.

Botha, A. (2007). Challenges in understanding terrorism in Africa: A human security perspective. *African Security Review*, 17:2, 28-41.

Cilliers, J. (2003). Terrorism in Africa. *African Security Reviews*. Vol. 12 (4), pp. 91-103.

Cronin, K. A. (2003). Behind the Curve: Globalization and International Terrorism. *International Security*, Vol. 27, No. 3. pp. 30-58

Forest, J., & Giroux, J. (2011). "Terrorism and Political Violence in Africa: Contemporary Trends in a Shifting Terrain". *Perspectives on Terrorism*, Vol. 5, Issues 3-4, September, pp. 5-17.

Gatsiuonis, I. (2012). After Al- Shabaab. *Current Trends in Islamist Ideology*. Vol. 14. Pp. 74-89.

Hodgson, J., & Tadros, V. (2013). The Impossibility of Defining Terrorism. *New Criminal Law Review: An International and Interdisciplinary Journal*, Vol. 16(3), pp. 494-526

Hoffman, B. (2004). Defining terrorism. In Kaufman, D. Parker, M. Howell, P. and Doty, G. *Understanding international relations: the value of alternative lenses*. Boston: McGraw-Hill Custom Publishing. 5<sup>th</sup> Ed. pp. 821-841.

Jenkins, B. M. (1974). International Terrorism. A New Kind of Warfare. *Rand*

*Corporation*

- Kagwanja, P. (2006). Counter-terrorism in the Horn of Africa: New Security Frontiers, Old Strategies. *African Security Studies*, 15(3), 72–86.
- Kamau, W. C. (2006). Kenya & the War on Terrorism. *Review of African Political Economy*, No. 107, pp.133–141.
- Khadiagala, G. (2004). Kenya: Haven or Helpless Victim of Terrorism? Terrorism in the Horn of Africa. *United States Institute of Peace*, Special Report No. 113, 2-4.
- Khalif, Z., & Oba, G. (2013). ‘Gaafa dhaabaa - the period of stop’: Narrating impacts of shifta insurgency on pastoral economy in northern Kenya, 1963 to 2007. *Research, Policy and Practice*, Vol. 3 (14)
- Kimunguyi, P. (2011). *Terrorism and Counterterrorism in East Africa*. Global Terrorism Research, Monarch University, Australia.
- Krause, V., & Otenyo, E. (2005). Terrorism and the Kenyan Public. *Studies in Conflict and Terrorism*. Vol. 28(2). Pp. 99-112
- Makinda, S. (2007). History and Root Causes of Terrorism in Africa. In Okumu, W., & Botha, A. (Eds.). *Understanding Terrorism in Africa: In Search for an African Voice*. Pretoria; Institute for Security Studies. Pp. 15-22.
- Marchal, R. (2009). A tentative assessment of the Somali Haraqat Al-Shabaab. *Journal of Eastern African Studies*. Vol 3 (3), pp. 381-404.
- Menkhaus, K. (2014). Al-Shabab’s Capabilities Post-Westgate. *Special Issue*. Vol. 7(2). Pp. 4-9.
- Menkhaus, K. (2004). Terrorism in Somalia: Threat Assessment and Policy Options. Terrorism in the Horn of Africa. *United States Institute of Peace*. Retrieved March 27, 2014, from <http://www.usip.org/publications/terrorism-in-the-horn-africa>
- Mogire, E., & Mkutu Agade, K. (2011). Counter-terrorism in Kenya. *Journal of Contemporary African Studies*, 29(4), 473–491.
- Muthoni, K., & Thuku, W. (2015, February 24<sup>th</sup>). Judges Declare Eight Sections of New Security Law Illegal. *The Standard*. Retrieved from: [http://www.standardmedia.co.ke/article/2000152677/court-declaresseveral-sectionsofthesecuritybillunconstitutional/?articleID=2000152677&story\\_title=judges-declare-eight-sections-of-new-security-law-illegal&pageNo=4](http://www.standardmedia.co.ke/article/2000152677/court-declaresseveral-sectionsofthesecuritybillunconstitutional/?articleID=2000152677&story_title=judges-declare-eight-sections-of-new-security-law-illegal&pageNo=4). Accessed on 25/02/2015



- Nantulya, P. (2013). "Beyond 'Westgate': Towards a Comprehensive and Conflict Responsive Counterterrorism Strategy." *Conflict Trends*. Vol. 4: 11-18.
- Nzau, M. (2010). Counter-Terrorism in the Greater Horn of Africa 2004-2010: Revisiting the Somalia Question. *Journal of Language, Technology & Entrepreneurship in Africa*, 2(2), 163–177.
- Nzes, F. (2014). Al-Hijra: Al-Shabaab Affiliate in Kenya. *Counterterrorism Sentinel*. Vol. 7 (5), pp. 24-26
- O'Donnell, D. (2006). International Treaties Against Terrorism and the Use of Terrorism During Armed Conflict and by Armed Forces. *International Review of the Red Cross*. Vol. 88(864), 853-880
- Omotola, J. (2012). Assessing Counter-Terrorism Measures in Africa: Implications for Human Rights and National Security. *Conflict Trend*. pp. 41-48.
- Onapajo, H., Uzodike, U., & Whetho, A. (2012). Boko Haram terrorism in Nigeria: The International dimension. *South African Journal of International Affairs*, Vol. 19(3), 337-357.
- Osse, A. (2014). Police reform in Kenya: a process of 'Meddling Through', *Policing and Society: An International Journal of Research and Policy*,
- Otenyo, E. (2004). New Terrorism. *African Security Study*. Vol. 13(3).Pp. 75-84.
- Otiso, K. (2009). Kenya in the Crosshairs of Global Terrorism: Fighting Terrorism at the Periphery. *Kenya Studies Review*. Vol. 1(1), 107-132. Retrieved at [http://kessa.org/yahoo\\_site\\_admin/assets/docs/5\\_K\\_OTISO.140160306.pdf](http://kessa.org/yahoo_site_admin/assets/docs/5_K_OTISO.140160306.pdf)
- Prestholdt, J. (2011). Kenya, the United States, and Counterterrorism. *Africa Today*, Vol. 57(4), pp. 3-27
- Rabasa, A. (2009). *Radical Islam in East Africa*. Rand Corporation. Retrieved from [http://books.google.com/books?hl=en&lr=&id=x96UabsFz4AC&oi=fnd&pg=PP1&dq=Radical+Islam+in+East+Africa+by+angel+rabasa&ots=cIFm\\_\\_kPuE&sig=-c3OYzAjbXUCaQknOKqnZOxTf1s](http://books.google.com/books?hl=en&lr=&id=x96UabsFz4AC&oi=fnd&pg=PP1&dq=Radical+Islam+in+East+Africa+by+angel+rabasa&ots=cIFm__kPuE&sig=-c3OYzAjbXUCaQknOKqnZOxTf1s)
- Rosand, E., Millar, A., & Ipe, J. (2010). Enhancing counterterrorism cooperation in Eastern Africa. *African Security Review*. Vol. 18 (2), 93-106
- Rosenau, W. (2005). Al Qaida Recruitment Trends in Kenya and Tanzania. *Studies in Conflict & Terrorism*, 28(1), 1–10.
- Ruteere, M., & Pommerolle, M. (2003). Democratizing Security or Decentralization of Repression? The Ambiguities in Community Policing in Kenya. *African Affairs* 102, pp. 587-604.

- Rowley, C., & Taylor, J. (2006). The Israel and Palestine land settlement problem, 1948– 2005: An analytical history. *Public Choice*. Vol. 128: 77-90.
- Sandler, J., & Arce, D. (2003). Terrorism and Game Theory. *Simulation and Gaming*. Vol. 34 (3), pp. 319-337.
- Shinn, D. (2004). Fighting Terrorism in East Africa and the Horn. *Foreign Service Journal*. pp. 36-42.
- Shinn, D. H. (2007). Al-Qaeda in East Africa and the Horn. *Journal of Conflict Studies*, 27(1).
- Shughart II, W. F. (2006). An analytical History of Terrorism, 1945–2000. *Public Choice*, Vol. 128(1- 2), 7–39.
- Sjah, A. (2014). Tracing Al Shabaab’s Decision to Cooperate with Al Qaeda in Somalia (2008). *Journal of Terrorism Research*. Vol. 5(1), 35-45.
- Sturman, K. (2002). The AU plan on terrorism joining the global war or leading an African Battle? *African Security Review*. Vol. 11(4). 103-108.
- Terdman, M. (2007). The Effects of the Somali Crisis on Kenyan Muslims,” The Project for Research of Islamist Movements (PRISM), GLORIA Center. *Islam in Africa Newsletter*, 2(2).
- Ward, F. (2014). The Somali Charcoal Industry- Strange Bedfellows. *Africa Watch*. Vol. 5.
- Whitaker, B. E. (2010). Compliance Among Weak States: Africa and The Counter-Terrorism Regime”. *Review of International Studies*, 36(3), 639–662.
- Whitaker, B. E. (2008). Reluctant Partners: Fighting Terrorism and Promoting Democracy in Kenya. *International Studies Perspectives*, 9(3), 254–271.
- Whitaker, B. E. (2007). Exporting the Patriot Act? Democracy and the “War on Terror” in the Third World. *Third World Quarterly*, 28(5), 1017–1032.
- Wise, R. (2011, July). Al Shabaab. *AQAM Futures Project Case Study Series*, 2.

### Unpublished

- Adan, H. H. (2005). Combating Transnational Terrorism in Kenya. DTIC Document. Retrieved from <http://oai.dtic.mil/oai/oaiverb=getRecord&metadataPrefix=html&identifier=ADA436675>
- Henneke, J. (2007). In What Ways has the US Security Cooperation Programs been Effective in Helping Kenya to Build Partnership Capacity to Counter

Transnational Terrorism. Unpublished Monograph, United States Army Command and General Staff College

- Karanja, S. (2011). An Analysis of Militant-Radical Terrorism and Counter-Terrorism Measures in Kenya, 1985-2010. Unpublished Master Dissertation, University of Nairobi, Institute of Diplomacy, and International Studies.
- Kawira, S. (2014). Police Reforms in Kenya, Case of National Police Service Commission. Unpublished Master Thesis, University of Nairobi.
- Muhammed, Y. (2014). The Role of External Actors in the Somali Conflict: A Post 2000 Study of Kenya and Ethiopia's Involvement in the Conflict of Somalia. Unpublished Master Thesis, Malmo University.
- Mutave, N. (2005). Terrorism Challenges Facing Kenya's National Security and National Response to Terrorism, 1981-2003. Unpublished Master Thesis, University of Nairobi.
- Mwazighe, C. L. (2012). Legal Responses to Terrorism: Case Study of the Republic of Kenya. Unpublished Master Thesis, Monterey, California. Naval Postgraduate School.
- Oketch, E. (2001). The Diplomacy of Terrorism: A Critical Analysis of the Nairobi and Dar el Salaam Bombings of August 7<sup>th</sup> 1998. Unpublished Master Thesis, University of Nairobi.

### Internet

- Africa News Update (2003), 'Kenya: Pressure Mounts on Anti-Terror Bill' (July): The Norwegian Council for Africa, 14 November 2005, <http://www.afrika.no/Detailed/3804.html>. Accessed on 2<sup>nd</sup> February 2015.
- Alingo, P. (2014). Kenya's current probe on terror: why Operation Usalama Watch won't cut it. *Institute of Security Studies (ISS)*. Available online: <http://www.issafrica.org/iss-today/kenyas-current-probe-on-terror-why-operation-usulama-watch-wont-cut-it>. Accessed on 19/2/2015
- Article 19. (2014). Kenya: Concerns with Security Laws (Amendment) Bill. Retrieved from [http://www.article19.org/resources.php/resource/37800/en/kenya:concerns-with-security-laws\(amendment\)bill#sthash.luLYmLQR.dpuf](http://www.article19.org/resources.php/resource/37800/en/kenya:concerns-with-security-laws(amendment)bill#sthash.luLYmLQR.dpuf) from
- BBC (2014, December 19). Kenya Security Law: President Uhuru Kenyatta Signs Bill. Retrieved from <http://www.bbc.com/news/worldafrica30546951>. Accessed on 25/02/2015
- Barnes, C., Abdille, A., & Yusuf, Z. (2015). Al-Shabaab's Kenya Ambitions.

*International Crisis Group*. Available online at <http://blog.crisisgroup.org/africa/2015/04/15/al-shabaabs-kenyan-ambitions/>. Accessed on 18/04/2015.

Ibrahim, M. (2013) 'Somalia: Al-Shabaab Amniyat Branch Tasked with Protecting Godane', *Africa Online*, 16 July, Available at: <http://allafrica.com/stories/201307170057.html>. Accessed on: 2/05/2015.

Jepson, K. (2014). Inside Kenya's Death Squads. *Al-Jazeera*. Available online at <http://interactive.aljazeera.com/aje/KenyaDeathSquads/>. Accessed on 2/05/2015.

Kenya National Commission on Human Rights (KNCHR), 2014. "Advisory on the Security Laws (Amendment) Bill, 2014." Available online at: [http://www.knchr.org/Portals/0/Bills/Advisory%20on%20Security%20Laws%20\(Amendment\)%20Bill%202014%202.pdf?ver=2014-12-16-170539-963](http://www.knchr.org/Portals/0/Bills/Advisory%20on%20Security%20Laws%20(Amendment)%20Bill%202014%202.pdf?ver=2014-12-16-170539-963) Accessed on 18/04/2015.

Mohamed, H. (2014). Somalia's al-Shabaab Names New Leader. *Aljazeera*. Available online at <http://www.aljazeera.com/news/africa/2014/09/somalia-al-shabab-names-new-leader-20149617410271106.html>. Accessed on 18/04/2015.

PBS online [http://www.pbs.org/newshour/terrorism/international/fatwa\\_1998.html](http://www.pbs.org/newshour/terrorism/international/fatwa_1998.html)

Roggio, B. (2015). US Confirms Shabaab Intelligence Official Killed In Drone Strike. *The Long War Journal*. Available online at <http://www.longwarjournal.org/archives/2015/03/us-confirms-shabaab-intelligence-official-killed-in-drone-strike.php>. Accessed on 2/5/2015

Ross, D., & Barr, N. (2015). From Westgate to Garissa, al-Shabab's Murderous Wave. *Foreign Policy*. Available online [http://foreignpolicy.com/2015/04/10/al-shabab-garissa-attack-westgate-kenya/?wp\\_login\\_redirect=0](http://foreignpolicy.com/2015/04/10/al-shabab-garissa-attack-westgate-kenya/?wp_login_redirect=0). Accessed on 24/04/2015.

Taylor, L., & Lackey, C. (2009, November 10<sup>th</sup>). Kenya Recruits Somali Refugees to Fight Islamists Back Home in Somalia. *Human Rights Watch*. Available online <http://www.hrw.org/news/2009/11/16/kenya-recruits-somali-refugees-fight-islamists-back-home-somalia>. Accessed on 1/6/2015.

Warner, G. (2015). Al-Shabaab: One Terror Group, Many Brands. *National Public Radio (npr)*. Available online. Accessed on 18/04/2015.

### **Newspapers and Newsletters**

Abdi, A. (2015, April 20<sup>th</sup>). On the Enemy Side? Riddle of Missing KDF- Trained Youth. *Standard Media*. Accessed on 1/06/2015. Available online

<http://www.standardmedia.co.ke/article/2000159047/on-the-enemy-side-riddle-of-missing-kdf-trained-youth>

- Agutu, N. (2015, February 23). Chaos at Parliament during Security Law debate was "loud consultations", High Court rules. *The Star*. Retrieved from <http://www.thestar.co.ke/news/chaosparliamentduringsecuritylawdebatewasloudconsultationshighcourtrules#sthash.e7Fgf6ld.dpuf>, Accessed on 25/02/2015
- Gisesa, N. (2014, September 21<sup>st</sup>). The final curtains on controversial Muslim Youth Center. *The Standard on Sunday*. Pp. 38-39.
- Hourelid, K. (2009, November 17<sup>th</sup>). Kenyans recruited to fight in Somalia. *Associated Press*. Available online at: <http://www.timesfreepress.com/news/local/story/2009/nov/17/kenyans-recruited-fight-somalia/243055/> Accessed on 1/06/2015.
- Koross, K. (2015, April 3<sup>rd</sup>). Kenya Unbowed: 147 Killed in Terrorist Attack on University. *The Standard*. Pp. 2-4.
- Mukinda, F., & Mutambo, A. (2015, April 3<sup>rd</sup>). 147 Students Killed in Cold-Blooded Raid on Campus. *The Daily Nation*. Pp. 4-5.
- Ombati, C. (2015, April 7<sup>th</sup>). Varsity Terror Suspect was Friends with Pangani Blast Perpetrator. *The Standard*. Pp. 2.
- Ombati, C. (2013, September 24<sup>th</sup>). Detectives Put Mall Tenants on the Spot as Investigations Takes New Turn. *The Standard*. pp. 24-25/
- Ombati, C., & Jubat, A. (2015, April 6<sup>th</sup>). Shock of Father whose Terrorist Son was killed in Varsity Raid. *The Standard*. Pp. 1.
- Rotberg, R. (2013, September 23). "A Wounded Leopard: Why Somalia's al-Shabab Attacked a Nairobi Mall," *Globe and Mail*. Available online <http://www.theglobeandmail.com/globe-debate/a-wounded-leopard-why-somalias-al-shabaab-attacked-a-nairobi-shopping-mall/article14460642/> accessed on 28/04/2015.
- Teyie, A. (2014, June, 28<sup>th</sup>). Abandoned KDF war boys return to unleash terror. *Daily Nation*. Available online <http://mobile.nation.co.ke/news/Abandoned-KDF-war-boys-return-to-unleash-terror/-/1950946/2365486/-/format/xhtml/item/0/-/755ckp/-/index.html> accessed on 1/06/2015
- The Washington Post. (2015, April 4). Al-Shabaab Statement on Deadly Campus Assault in Kenya. *The Washington Post*. Available online. Accessed on 18/04/2015

- Wabala, D. (2015, July 13). Al Shabaab Unit Formed to Cripple Kenya. *The Star*. Available online at <http://www.the-star.co.ke/news/al-shabaab-unit-formed-cripple-kenya>. Accessed on 13/07/2015.
- Wafula, P. (2014, August 31<sup>st</sup>). “Kenya has been Attacked 133 times since start of operation linda nchi”. *The Standard*, Pp. 10-12.
- Mungai, C. (2015, April 17<sup>th</sup>). Kenya May Actually Have Trained the Al-Shabaab Militants Terrorising it on Home Soil. *Mail and Guardian Africa*. Available online at: <http://mgafrica.com/article/2015-04-17-kenya-government-may-have-actually-trained-the-al-shabaab-operatives-terrorising-it-on-home-soil>. Accessed on 1/06/2015

### Reports

- Amnesty International. (2015). *Amnesty International Report 2014/15*. London, Amnesty International Publications. Available online at <https://www.amnesty.org/en/countries/africa/kenya/report-kenya/> . Accessed on 24/05/2015.
- Amnesty International. (2014). *Somalis Are Scapegoats in Kenya’s Counter-Terror Crackdown*. London, Amnesty International Publications.
- Amnesty International. (2013). *Police Reforms in Kenya: “A Drop in the Ocean”*. Available at: <http://www.refworld.org/docid/510ba3de2.html>. Accessed 20 February, 2015
- Amnesty International. (2005). Kenya: The Impact of “Anti-Terrorism” Operations on Human Rights. AI Index: AFR 32/002/2005.
- Blanchard, L. (2013). *U.S.-Kenya Relations: Current Political and Security Issues*. Congressional Research Service.
- Blanchard, L. P. (2013). *The September 2013 Terrorist Attack in Kenya: In Brief*. Retrieved from <https://openocrs.com/document/R43245/2013-11-14/download/1005/>.
- Bryden, M. (2014). The Reinvention of Al-Shabaab: A Strategy of Choice or Necessity? *A Report of the CSIS Africa Program*. Washington DC, Center for Strategic and International studies.
- Bryden, M. (2013). Somali Redux? Assessing the New Somali Federal Government. *A Report of the CSIS Africa Program*. London.

- Combating Terrorism Center at West Point. (2006). *Al-Qaeda's (Mis)Adventures in the Horn of Africa*. Washington. Retrieved from <http://www.isn.ethz.ch/DigitalLibrary/Publications/Detail/?lng=en&id=31690>
- Eriksson, M. (Ed.). (2013). *External Intervention in Somalia's Civil War: Security Promotion and National Interest?* Report No FOI-R-3718-SE
- Hermesmeyer (2010), Institutionalizing Security Sector Reform: Options for the U.S. Government
- Holmern G., & van Deventer, F. (2014). Inclusive Approaches to Community Policing and CVE. *Special Report 352*: United States Institute of Peace
- Human Rights Watch. (2008). *"Why Am I Still Here?" The 2007 Horn of Africa Renditions and the Fate of Those Still Missing*. New York: Human Rights Watch.
- Human Rights Watch. (2013). *'You are All Terrorist': Kenyan Police Abuse of Refugees in Nairobi*. United States of America, Human Rights Watch.
- Institute for Economics and Peace. (2014). *Global Terrorism Index 2014: Measuring and Understanding the impact of terrorism*.
- International Centre for Transitional Justice (ICTJ). (2010). Security sector reform and transitional justice in Kenya. ICTJ Briefing. Nairobi: Author. Available online: <https://www.ictj.org/sites/default/files/ICTJ-Kenya-Security-Reform-2010-English.pdf> Accessed on 20/02/2015
- International Crisis Group. (2014). Kenya: Al-Shabaab-Closer Home. *African Briefing*. Nairobi/Brussels, No. 102
- International Crisis Group. (2012a). Kenyan Somali Islamist Radicalization. *African Brief*. Nairobi/Brussels, No. 85.
- International Crisis Group. (2012b). The Kenyan Military Intervention in Somalia. *African Report*. Nairobi/Brussels, No. 184.
- International Crisis Group. (2004). Biting the Somali Bullet. *Africa Report*. Nairobi/Brussels, No. 79.
- Moller, B. (2007). *Security Sector Reform and the Fight against Terrorism*. Copenhagen, Denmark Danish Institute for International Studies, DIIS. Available online at [http://subweb.diis.dk/graphics/Publications/Reports%202007/RP\\_2007-12web.pdf](http://subweb.diis.dk/graphics/Publications/Reports%202007/RP_2007-12web.pdf). Accessed on 22/5/2014.

- Muslim Human Rights Forum. (2007). *Horn of Terror. Report of Us - Led Mass Extra-Ordinary Renditions from Kenya to Somalia, Ethiopia and Guantanamo Bay January – June 2007*. Nairobi, Kenya.
- Open Society Justice Initiative and Muslim for Human Rights. (2010). *“We’re Tired of Taking You to the Court”: Human Rights Abuses by Kenya’s Anti-Terrorism Police Unit*. New York Open Society Foundations.
- Open Society Justice Initiative. (2013). *Counterterrorism and Human Rights Abuses in Kenya and Uganda: The World Cup Bombing and Beyond*. New York, Open Society Foundations
- Ploch (2010). *Countering Terrorism in East Africa: The U.S. Response*. US congressional Research Service.
- Redress and Reprieve. (2009). *Kenya and Counter-terrorism: A ‘Time for Change’*. Available online at: [http://www.voltairenet.org/IMG/pdf/Kenya\\_and\\_Counter-Terrorism.pdf](http://www.voltairenet.org/IMG/pdf/Kenya_and_Counter-Terrorism.pdf) Accessed on 22/5/2015.
- Saferworld (2008). *Implementing Community-Based Policing in Kenya*. The September 11<sup>th</sup> Commission Report 2004.
- United Nations Monitoring Group on Somalia and Eritrea. (2011). *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 1916 (2010)*
- United Nations Monitoring Group on Somalia and Eritrea. (2012). *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2002 (2011)*.
- United Nations Monitoring Group on Somalia and Eritrea. (2014). *Report of the Monitoring Group on Somalia and Eritrea pursuant to Security Council resolution 2111 (2013)*.
- US Department of Homeland Security Act of 2002. Available on-line <http://www.dhs.gov/homelandh-security-act-2002> US Department of state (2005). *Country Reports on Terrorism 2004. Bureau of Counterterrorism*. Available online <http://www.state.gov/j/ct/rls/crt/2005/>. Accessed on 20/02/2015.
- US Department of state (2006). *Country Reports on Terrorism 2005. Bureau of Counterterrorism*. Available online <http://www.state.gov/j/ct/rls/crt/2005/>. Accessed on 20/02/2015/
- US Department of State, (2013). *Country Reports on Terrorism 2012. Bureau of Counterterrorism*. Available online <http://www.state.gov/j/ct/rls/crt/2012/index.htm>. Accessed on 20/02/2015.



- US Department of State. (2004). *Patterns of Global Terrorism Africa Overview*. Office of the Coordinator for Counterterrorism, 29 April. Article online. Retrieved from [www.state.gov/s/ct/rls/pgtrpt/2003/31578.htm](http://www.state.gov/s/ct/rls/pgtrpt/2003/31578.htm). Internet. Accessed on 20/02/2015.
- US Department of State. (2011). *Country Reports on Terrorism 2010*. Bureau of Counterterrorism. Available online <http://www.state.gov/j/ct/rls/crt/2010/index.htm>. Accessed on 20/02/2015.
- Vittori, J., & Bremer, K. (2009). *Islam in Tanzania and Kenya: Ally or Threat in the War on Terror?* U.S. Air Force Academy, Institute for National Security Studies, USAFA, CO, 80840.
- Wycoff, K. 2004. *Fighting Terrorism in Africa*. Testimony to Subcommittee on Africa of the Committee on International Relations, Washington DC. Available online at: <http://20012009.state.gov/s/ct/rls/rm/2004/31077.htm>
- Yarnell, M., & Thomas, A. (2014). *Between A Rock and a Hard Place: Somali Refugees in Kenya*. Refugees International

### **Government documents**

- Crime and Money Laundering (Prevention) Bill of 2004.
- Government of Kenya. (2014). Security Laws (Amendment) Act. *Kenya Gazette Supplement*. No. 163.
- Independent Policing Oversight Authority Act No. 35 of 2011.
- National Police Service Act, No. 11a of 2011.
- National Police Service Commission Act No. 30 of 2011
- Republic of Kenya. (2015). Draft Guidelines for Implementation of Community Policing-Nyumba Kumi: Usalama wa Msingi. Nairobi, Government Printer.
- The Constitution of Kenya, 2010. Available online: <http://kenyalaw.org/kl/index.php?id=398>. Accessed on 25/02/2015
- The Prevention of Organized Crimes Act No. 6 of 2010.
- Suppression of Terrorism Bill 2003, *Kenya Gazette*: Vol. 38.
- The Prevention of Terrorism Act No. 30 of 2012

The Proceeds of Crime and Anti-Money Laundering Bill, 2009. Available online:  
<http://kenyalaw.org/kl/fileadmin/pdfdownloads/bills/2009/200913.pdf>  
 Accessed on 25/02/2015

### Archival documents

KNA, GO/3/2/73, Historical Survey of the Origin and Growth of Mau Mau, Volume one.

### Others

Achieng, J. (1998). *Ruling On Muslim Charities Averts A Major Strike*. Available online <http://www.hartford-hwp.com/archives/36/266.html>

Botha, A. (2007). Relationship Between Africa and International Terrorism: Causes and Linkages. In *conference on Southern Africa and International Terrorism, Tswalu South Africa (25-27 January, 2007)* (p.10). Retrieved from [http://www.thebrenthurstfoundation.com/Files/terror\\_talks/Relationship%20between%20Africa%20and%20International%20Terrorism.pdf](http://www.thebrenthurstfoundation.com/Files/terror_talks/Relationship%20between%20Africa%20and%20International%20Terrorism.pdf)

Bradbury, M., & Kleinman, M. (2010). *Winning Hearts and Minds? Examining the Relationship Between Aid and Security in Kenya*. Boston: Tuft University. Feinstein International Center.

Kenya National Commission on Human Rights (2014). Advisory on the Security Laws (Amendment) Bill, 2014.

Pope, W. (2005). Testimony: Eliminating Terrorist Sanctuaries: The Role of Security Assistance. Before the House International Relations Committee, Subcommittee on International Terrorism and Non-proliferation. Washington, DC.

Shinn, D. (2008). Implications of Terrorism and Counterterrorism in the Horn of Africa. Paper Delivered at the Horn of Africa Conference – VII, *Faith, Citizenship, Democracy and Peace in the Horn of Africa*; City Hall, Lund, Sweden. 17-19 October 2008

Maps of World, available at: <http://www.mapsofworld.com/kenya/cities/nairobi.html>  
 date Accessed on 11/12/2014.

**APPENDICES****A1: INTERVIEW SCHEDULE****A. QUESTIONS FOR SECURITY EXPERTS AND AGENCIES**

1. In your opinion, what would you comment on international terrorism in the country?
2. Do you think there have been reforms in the security sector to deal with it?
3. What are the defining features of reforms in the security sector?
4. In your own opinion, are these reforms effective?
5. It has been claimed in the media that the reforms in the security sector have implications. Do you think this is true?
6. Are there challenges faced in the implementation of reforms in the security sector?

**B. QUESTIONS FOR PERSONEL IN STATE SECURITY AGENCIES**

1. Which year did the country (Kenya) first experience international terrorism?
2. What are the causes of international terrorism in the country and why is it a target?
3. What has been the government response in mitigating it?
4. Are there some changes that your department has gone through with the aim of fighting international terrorism in the country?
5. In your own opinion, are there government responses enough? Please explain your response.
6. Are there implications of government responses?
7. Do you think the issue of fighting terrorism should be solely left to the security agencies? Please expound on your answer.

8. How best can the issue of international terrorism be addressed?

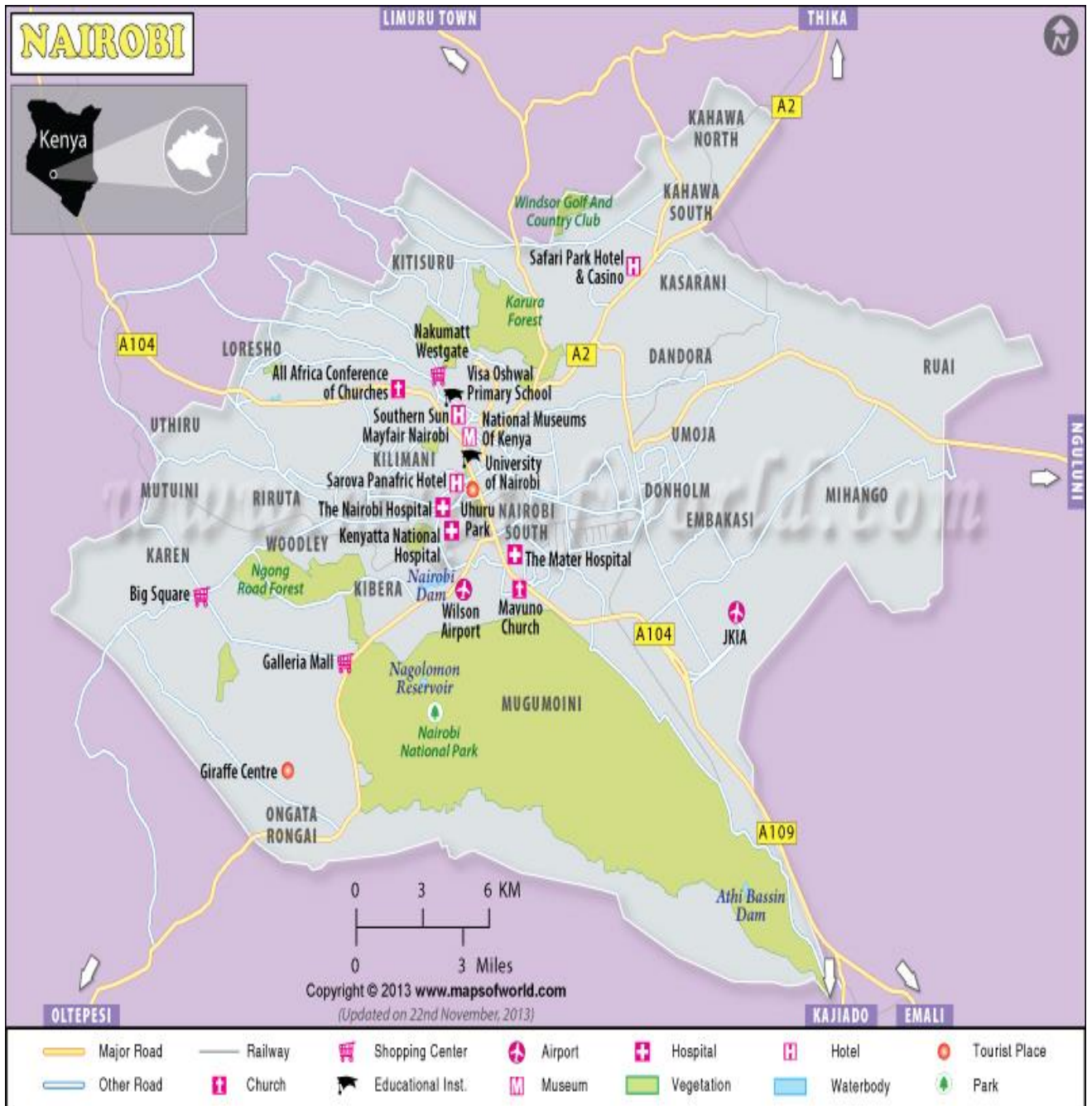
**C. QUESTIONS FOR HUMAN RIGHT AGENCIES AND CIVIC GROUPS**

1. What's your take on international terrorism in the country?
2. Kindly address claim by the civil society that reforms in the security sector have some implications in fight against international terrorism.
3. Can the fight against international terrorism be carried out without violations of human rights? Explain your response.
4. Counter-terrorism in most cases is aimed to protect the citizens from terror activities. Based on this, do you think this is the same case in Kenya?

**A2: LIST OF KEY INFORMANTS**

| <b>NO.</b> | <b>NAME</b>                 | <b>DATE</b> | <b>PLACE OF INTERVIEW</b>            |
|------------|-----------------------------|-------------|--------------------------------------|
| 1.         | Daniel                      | 04/05/2015  | Kenyatta University                  |
| 2.         | Former intelligence officer | 22/04/2015  | Nairobi Central<br>Business District |
| 3.         | Immigration official        | 20/05/2015  | General Post Office                  |
| 4.         | Isaak                       | 12/04/2015  | Ngong road                           |
| 5.         | Jane                        | 15/05/2015  | Jogoo road                           |
| 6.         | Local Journalist            | 20/05/2015  | Nairobi Central<br>Business District |
| 7.         | Local government official   | 16/05/2015  | Eastleigh                            |
| 8.         | Maasai                      | 25/05/2015  | Jogoo road                           |
| 9.         | Mbuni                       | 24/04/2015  | Nairobi Central<br>Business District |
| 10.        | Mandela                     | 29/05/2015  | Hurligham                            |
| 11.        | Mary                        | 06/05/2015  | Nairobi Central<br>Business District |
| 12.        | Maxi                        | 15/05/2015  | University way                       |
| 13.        | Nyumba kumi official        | 22/05/2015  | Harambee house                       |
| 14.        | Omari                       | 16/04/2015  | Kenyatta university                  |
| 15.        | Local security expert       | 17/04/2015  | Nairobi Central<br>Business District |

**A3: MAP OF NAIROBI**



**Description:** Nairobi map showing tourist places, hotels, airports, railway lines, Roads, shopping centres, etc.

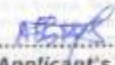
**Source:** Maps of World.

**A4: RESEACH PERMIT**


THIS IS TO CERTIFY THAT:  
**MR. ALBERT OKINDA OCHIENG**  
of **KENYATTA UNIVERSITY, 43844-100**  
Nairobi, has been permitted to conduct  
research in **Mombasa , Nairobi Counties**


on the topic: **SECURITY SECTOR**  
**REFORMS AND ITS IMPLICATION IN THE**  
**FIGHT AGAINST TERRORISM IN KENYA**  
**(1998-2014).**

for the period ending:  
**31st December, 2015**

  
Applicant's  
Signature

Permit No : **NACOSTI/P/15/7696/5497**  
Date Of Issue : **7th April, 2015**  
Fee Received : **Ksh 1,000**



  
Director General  
National Commission for Science,  
Technology & Innovation