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ROLE OF THE INTELLIGENCE COMMUNITY IN COUNTER TERRORISM: A CASE STUDY OF KENYA

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DECLARATION

I, Peter Otieno Onyango, hereby declare that this research project is my original work and has not been presented for a degree in any other University;

Signed: ……………………………   Date: …………………………..

C/50/83589/2015; Peter Otieno Onyango

This project has been submitted for examination with my approval as University of Nairobi Supervisor;

Signed: ……………………………   Date: …………………………..

Prof. P. Nying'uro

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List of abbreviations and Acronyms

9/11	September 11, 2001
ACSRT	African Centre for the Study and Research on Terrorism
AMISOM	African Mission in Somalia
ATPU	Anti-Terrorism Police Unit
CIA	Central Intelligence Agency
CISSA	Committee of Intelligence and Security Services of Africa
CIU	Criminal Intelligence Unit
CVE	Counter Violent Extremism
DCI	Directorate of Criminal Investigations
DMI	Directorate of Military Intelligence
EARSI	East Africa Regional Strategic Initiative
EU	The European Union
FBI	Federal Bureau of Investigations
FIA	Foreign Intelligence Agency
GWOT	Global War on Terrorism
HoA	Horn of Africa
HUMINT	Human Intelligence
IO	Intelligence Officer
IR	International Relations
ISIL	Islamic State of Iraq and the Levant
JITS	Joint Investigation Teams
KDF	Kenya Defence Forces
LEA	Law Enforcement Agency
NCTC	National Counter Terrorism Centre
NEP	North Eastern Region
NIS	National Intelligence Service
NSCVE	National Strategy to Counter Violent Extremism
ODPP	Office of the Director of Public Prosecutions
OSINT	Open Source Intelligence
SLAA	Security Laws Amendment Act, 2014
TECHINT	Technical Intelligence
UK	The United Kingdom
US	The United States of America
WMD	Weapons of Mass Destruction

ABSTRACT

This study investigates the role of the intelligence community in counter terrorism. The study identifies Kenya as a case study because of it being one of the African countries that has suffered most terrorist attacks undertaken by transnational terrorist groups. The objectives of the study are: investigating the capability of the Kenyan intelligence community in countering terrorism; the local community's support to the intelligence community; the impact of intelligence cooperation; and how the intelligence community supports prosecution of terrorism suspects. The study covered the period between 1998 and 2016. The study obtained its primary data using two sets of questionnaires: one for the intelligence community and the other for the local community. Because of the sensitivity of the subject (terrorism) and secrecy of the operatives (intelligence community), the researcher used purposive sampling to identify respondents from within the intelligence and the local communities. The main interest was on counter terrorism officers working in the NIS, ATP, CIU, NCTC and ODPP, and the local community leaders who provide counter terrorism related information to the intelligence community. The study also obtained data through analysis of government documents, and reviews of related academic literature on security, intelligence, terrorism, and counter terrorism. The major finding of the study is that the intelligence community plays a very important role in the fight against terrorism by collecting related information from the major stakeholders, such as the local community, and through inter-agency cooperation and liaison with foreign intelligence agencies. The resultant intelligence is shared by the relevant government agencies, which form part of national policies aimed at preventing and pre-empting terrorism activities hence denying terrorists opportunities to actualize their intentions. This reduces human casualties and destruction of properties. The study recommends the establishment of inter-agency Joint Investigation Teams (JITs) for the purpose of preserving criminal evidence. It encourages joint training and workshops to stimulate inter-personal relationships, thus building trust for inter-agency officers, which is vital during joint operations. The study also recommends expansion of open source intelligence at the inter-agencies level to incorporate information from the internet, private databases, international students, academic scholars and researchers. Community intelligence should also be expanded, incorporated and utilized in detecting terrorism activities.

CHAPTER 1:   INTRODUCTION

1.1   Background to the Study

Terrorism is one of the most serious security concerns in the contemporary society. This is because terrorism is conceptualized differently by different players using different approaches. The French revolution popularized the traditional understanding of terrorism (Hoffman, 2006; 3). The modern understanding of terrorism is primarily and fundamentally political, which is the pursuit, acquisition, and use of power to realize political change. This often leads to injuries, and loss of life and properties making terrorism one of the threats that has caused much pain and suffering to the world's civilian population (Rihani, 2004; 1).

The international system was relieved that there was reduction of hostilities in many parts of the world when the Cold War ended. The relief was shuttered by the 1998 twin terrorist attacks at the Nairobi and Dar-es-Salaam American embassies. This was followed by another twin attacks in Mombasa of an Israeli owned hotel, and an attempt to shoot down an Israeli Airline in 2002. These attacks changed how the world conceptualized terrorism from being state sponsored attacks on Israeli interests, to non-state organizations targeting Israeli and Western interests anywhere in the world, including in Africa. This increased the threat of terrorism internationally, even to areas previously not affected by the threat. The attacks in the United States of America (US) on September 11, 2001 (9/11), and the declaration of the "Global War on Terrorism" (GWOT) by the US government brought a new age of global terrorism. These were followed by the 2002 Bali attack, the 2003 Madrid attack, and the 2005 London attack among others. These revealed that no country was safe from terror attacks. Following the collapse of the Iraqi and Libyan governments, and the Syrian crisis, the world is also watching an increase in terrorist groups and activities. The large numbers of deaths, insecurity, destruction of properties and economies have captured leaders' and governments' attention. This forced the international community to formulate counter terrorism strategies.

In Africa, terrorist activities are rampant in the Maghreb, West Africa (especially in Nigeria) and Horn of Arica (HoA). The 2011 Arab spring led to increased terrorism in the Maghreb, especially in Libya, where terrorist group, the Islamic State of Iraq and the Levant (ISIL) is rampant (Bordas, 2015; 74). West African countries of Nigeria, Cameroon, Chad and Niger have experienced significant terrorist attacks from the ISIL allied Boko Haram (US Department of State, 2016). In the HoA, the Somalia based Al-Shabaab not only targets

Somalia, but is also focused in attacking targets outside Somalia, especially countries that contributed troops to the African Union Mission in Somalia (AMISOM).

Kenya has experienced a series attacks attributed to terrorism since early 1975 when a bomb exploded at the Information Bureau, near the Hilton Hotel, and the OTC bus station. These were followed by another attack by the Popular Front for the Liberation of Palestine (PFLP) in 1980 targeting the Jewish owned Norfolk Hotel in Nairobi (Aronson, 2013; 27). But the game changer, which brought about "the new era of terrorism" in Kenya, was the 1998 twin terror attacks at the United States of America's (US) Nairobi and Dar-es-Salaam Embassies.

In the Kenyan case, terrorists had mainly targeted unarmed civilian "soft targets" before the 2011 KDF's incursion into Somalia. Thereafter, this changed and the targets now include "hard targets" such as security installations, and military vehicles camps in Somalia. These daring attacks are a departure from the earlier *modus operandi.* Thus, terror attacks are now vicious, creating fear in Kenyans, both civilians and security agents. This is because terrorists operate in a secretive manner and their next target may not be precisely known, thus creating more fear within the population. Also, terrorist groups targeting Kenya have no centralized military force, nor army. As such, the key to winning the war against terrorism cannot only be through the absolute might of the KDF, but also the critical support of the intelligence community. Thus, the military plays an important in countering terrorism, a supporting role by intelligence in giving strategic directions is critical. As such, the Kenyan intelligence community has devoted significant resources in countering the threat of terrorism.

Terror activities intensified in Kenya from 2011 following the Kenya Defence Forces' (KDF) invasion of Somalia. The attacks were mainly carried out by the Al-Shabaab terrorist group resulting in thousands of fatalities, injuries and destruction of properties. With the onset of the new era of terrorism and frequent attacks, the government responded by formulating policies, legislations, and formation of departments and units within the security agencies with the sole objective of enforcing counter terrorism strategies. One of the strategies is the use of intelligence to fight terrorism. It is out of this situation that the researcher is interested in examining and highlighting the role that the intelligence community plays in countering terrorism. Therefore, the study focuses on the Kenyan intelligence community, which includes security agencies and institutions working towards countering terrorism activities through the use of intelligence. They include the National Intelligence Service (NIS), the

Directorate of Criminal Investigation's (DCI) Criminal Intelligence Unit (CIU) and Anti-Terrorism Police Unit (ATPU), and the National Counter Terrorism Centre (NCTC).

1.2   Problem Statement

Global terrorism has been one of the major threats to Kenya's national security since the 1998 terrorist attack. As such, Kenya has been formulating counter terrorism strategies to deal with this threat, which include counter terrorism legislations, creation of specialized counter terrorism security units, regional security cooperation, and lately, military operations. These strategies were designed to eradicate the threat.

However, this has not been the case because terrorists are still carrying out attacks in the country. This might be as a result of misunderstandings among the security agencies, which are tasked with the elimination of this threat by implementing the counter terrorism strategies. But these strategies have had shortcomings and controversies. There is need for these strategies to be supported by intelligence from both the local and foreign agencies, through bilateral and multilateral liaison arrangements to realize a more effective implementation. Therefore, this study seeks to investigate how the Kenyan intelligence community undertakes its role in the implementation of countering terrorism strategies.

1.3   Research Questions

In examining the role of the Kenyan intelligence community in counter terrorism, this study focuses on the following questions:

1) What is the capability of the Kenyan intelligence community in detecting, preventing and pre-empting terrorist activities?

2) What is the relationship between the intelligence community, and the local community, and how does this influence counter terrorism operations?

3) What is the impact of intelligence cooperation on counter terrorism and its influence on the prosecution of terror suspects?

1.4   Objectives of the Study

The main objective of the study is to examine the role that the Kenyan intelligence community plays in countering terrorism. The specific objectives are:

1) To investigate the capability of the Kenyan intelligence community in detecting, preventing, and pre-empting terrorist activities.

2) To examine how local communities support the intelligence community on countering terrorism.

3) To study the levels of intelligence cooperation, including its support to judicial processes, and how these influence counter terrorism.

1.5 Justification of the Study

States operate within an international system, which is not only political but also anarchical, following on the realist theory of International Relations (IR). For the state to survive within this hostile international system, it needs intelligence for regime protection, to consolidate its power, and safeguard its national security. Global terrorism is one of the major threats to both national and international security. Thus, states, individually and collectively, develop and implement strategies to counter the activities of terrorist groups.

The contemporary terrorism has become one of the major security threats in Africa, with Kenya being one of the main targets. Unlike the traditional national security threats posed by rival nation-states, non-state actors (such as terrorist groups) pose threats which are more difficult to anticipate, detect and combat. Like intelligence agencies, these terrorist groups operate more like an intelligence organization; thus, they operate in secrecy, spy and collect intelligence on their targets' vulnerabilities before attacks. Therefore, the intelligence community plays a vital role in countering their activities by gaining a thorough knowledge of their organizations, capabilities, *modus operandi,* structures and members.

The findings of this study will benefit the Kenyan intelligence community on how to improve their counter terrorism strategies. Also, the findings will add to the national policy framework on counter terrorism strategies, which ensures strategic planning, policy formulation, implementation and coordination. Policy and decision makers can then be advised on potential and/or available opportunities on terrorism prevention and/or mitigation. This will be useful to the officers charged with ensuring national security.

There are several scholarly literatures on intelligence and terrorism subject areas, but due to the sensitive nature of counter terrorism operations, especially on the use of intelligence, there are few academic literatures. Still, most literature on intelligence and terrorism have

mainly focused on the developed world, and little, if any, on developing countries. Therefore, this study hopes to make a modest contribution to the few available sources of reference on the intelligence community and counter terrorism in Kenya. It will proffer areas of future research in the discourse of intelligence and terrorism, thus contributing to the debates on the role that the intelligence community plays in counter terrorism.

1.6   Scope and Limitations of the Study

Though terrorism threat has been prevalent in several parts of Africa, this study specifically focuses on Kenya for the period between 1998 and 2016. Due to the nature and sensitivity of their work, the intelligence community maintains secrecy on their operations and collection methods. The information and documents kept by the intelligence community are mostly classified and are not available to any person who does not have the right security clearance, because of "the need to know" philosophy. This may limit the availability and validity of data collected from the intelligence community.

1.7   Operationalization of Concepts

Intelligence: For this study, intelligence is conceived as information that has been collected, processed, analysed and disseminated for use against security threats, such as terrorism. It is also considered as covert operations undertaken by the Kenyan intelligence community.

Intelligence community: For this study, intelligence community means all government departments and security agencies that work separately and together in full cooperation to fulfil a number of security and intelligence functions, in this case, counter terrorism. They include the NIS, ATPU, CIU, the Directorate of Military Intelligence (DMI), and ODPP. It should be noted that there is no formal intelligence community in Kenya, nor an official head, but the NIS Director General is the *defacto* head of the Kenyan intelligence community.

Terrorism: For this study, terrorism is conceived as violence or threat of violence carried out by organized non-state actors aimed at civilians, security agents, private properties or governments institutions; resulting into fatalities, injuries, and loss and destruction of properties. It is often aimed at achieving political, religious, or ideological objectives.

Counter terrorism: For this study, counter terrorism is considered as strategies and measures undertaken by the Kenyan intelligence community, security agencies, and the government, through its policies, to prevent, pre-empt, mitigate and respond to terrorist acts.

Local Community: For this study, a local community is considered to be made up of individuals or groups of individuals based in the same geographical area and/or having shared interests, with a common culture.

1.8   Literature Review

1.8.1 Introduction

There have been several books on terrorism during and even after the Cold War period. However, since the 9/11 attacks in the US, academic literature on international terrorism have tremendously increased. This is partly because of the superpower status of the US in the international system in a unipolar world. As such, the phenomenon of terrorism have been researched by many scholars in order to understand its cause and identify remedies. Thus, several scholarly articles and books about international terrorism have resulted from this.

On the contrary, though being one of the oldest professions, academic literature on intelligence has not been readily available because of its secretive nature. But since the end of the Cold War, intelligence studies and literature in the academia have registered a growth in the fields of political science and history as more diplomatic and military scholars comprehend the significance of intelligence for their work (Warner, 2007; 18). This has created a community of intelligence scholars who have reclaimed intelligence from its initial shadowy nature. Currently, the number of reliable scholarly literature on security and intelligence has increased, especially after the 9/11 attacks in the US. Therefore, this review has identified a range of published academic journals and books on the study of the role of intelligence, collected by the intelligence community, in countering terrorism.

The work of the intelligence community in countering the 21st century terrorism is a challenging task requiring objective study of the changing trends and threats due to social and technological advancements. This is because counter terrorism intelligence is different from the classical intelligence, which was mainly military and political intelligence against an enemy state (Kamon, 2002; 120). Kamon points out three fronts in countering terrorism as reorganization, cooperation and technology development by intelligence agencies. The US security and intelligence agencies have taken steps to improve their capabilities by tripling the Federal Bureau of Investigations' (FBI) counter terrorism unit immediately after the 9/11, and the creation of the Counter Terrorism Centre (CTC) by the Central Intelligence Agency (CIA) to counter the threats of terrorism at the highest military and civilian levels (Kamon,

2002; 125). In Europe, Germany and Russia increased their security forces and formed elite units respectively to deal with terrorist threats targeting their territories. Kamon adds that cyber-terrorism is the new ground of terrorist groups' activities. The Internet has become a tool of communication, fundraising, funds transfer, and other structural needs, thus creating a major challenge for the security and intelligence communities. The threat of "nonconventional weapons", especially weapons of mass destruction (WMD, such as nuclear, biological, radiological, and chemical weapons or materials) is a real security threat to the US administration (Kamon, 2002; 128). Thus, threat of non-conventional and large-scale terrorist acts and plots enhances the need for an early warning system to prevent them. But in light of these threats and trends, the author did not address the role of security and the intelligence community in addressing the large-scale terrorist groups and organizations. Since Kenya has recently been faced with an imminent biological terrorist attack, this paper will examine how the domestic intelligence community can prevent such catastrophic attacks before they occur.

Finally Pollard and Sullivan (2014; 245) consider counter terrorism as an intelligence war without wartime objectives. Thus, the intelligence community's role in counter terrorism is to understand the threat, warn of the adversary's intent and capability, find and disrupt the adversary, and measure the success of the counter-terror operations. Intelligence is about preventing, managing and/or reducing terror threats.

1.8.2   Role of Intelligence Community in Preventing Terrorist Activities

Hughbank and Githens (2010) discuss the role of intelligence in terrorism prevention by noting that intelligence, as a process and a product, plays a central role in diplomacy and warfare throughout history, and currently plays an important role in homeland defence and security. Thus, various wars (such as in Iraq and Afghanistan) have been fought depending heavily on strategic and tactical intelligence. Unfortunately, the book does not specify the contribution(s) of intelligence and the intelligence community to counter terrorism, though it is known that intelligence is critical in countering terrorism by reducing its impacts and tactics. The use Intelligence has resulted in preventing and foiling several terrorist attacks, but as a tradition, the successes of the intelligence community are generally not publicized. Therefore, Kamon (2002) rightly posits that reliable intelligence is the best defence against international terrorism. Kamon examines how intelligence has conformed to deal with the changing mode of operations of various terrorist organizations since the 1990s.

Dahl (2013) also considers the 9/11 as intelligence failure by presenting a comprehensive analysis of the intelligence picture (and its failure) before the 9/11 attacks. This is because important warnings were not acted upon or the intelligence community didn't accurately collate the existing information. "Dahl theory of preventive action" (Dahl, 2013, 68 – 84) posits that the success in preventing an enemy's surprise attack tactics relies on obtaining the attacks' detailed, tactical and specific (actionable) intelligence, and the receptiveness of the policymakers to the intelligence warning. The theory relies on the belief that success or failure in preventing a surprise attack is a role of the intelligence community and the exchange between those who warn and the decision makers, who decide whether and how to act on the warning. The element of surprise in the post-9/11 international security setting, is also explored by Huband (2013), who notes that surprise, especially the ability to effectively wield it against an enemy, is a potent weapon. Intelligence community spends its life safeguarding the power to surprise away from the enemy (Huband, 2013; 17). Policymakers' attention to intelligence warnings are scarce, thus Dahl could have explored reasons why policymakers tend to ignore intelligence warnings leading to national security threats.

The concept of intelligence failure is also discussed by Gill and Phythian (2012), who wrote on intelligence gathering and dissemination methods against the backdrop of the war on terror. They highlight possibilities of the failure by the intelligence community in recognizing and warning of the 9/11 attacks. They give attention to the products of intelligence practise and how failure and autocratic tendencies can be addressed by arguing that public focus on the intelligence community and its central importance in modern counter terrorism developed after the 9/11 attacks. Technological advancement and the rise of social media is not only important to certain states, but have also created new scenarios for non-state groups (Gill and Phythian, 2012). This is proven by online chatrooms and links through which terrorist groups share information and plan attacks. The authors seem sceptical of the consistency and efficiency of these methods. Thus, technology has enabled intelligence change from being progressively militarized since the start of the war on terror, to new collection methods. It has also helped to democratize intelligence analysis by integrating the people into the network of intelligence gathering.

1.8.3   The Influence of Local Community on Counter Terrorism

The role of local communities in preventing and responding to terrorism and political violence has increasingly been finding prominence within government strategies, nationally

and internationally. However, the implementation of effective community based partnerships has been minimal. Spalek and Weeks (2017) argue that complexities to the community based counter terrorism policies, such as the Prevent policy in Britain, was developed with good intentions, but has received significant and sustained criticism by the very communities it sought to engage. This has resulted in discussions within research forums associated with radicalization, extremism, and terrorism as to the role, if any, that local communities play in the counter terrorism policies. Spalek and Weeks highlight these policies while pointing out some of the community based perceptions and initiatives that prevail in the UK.

Nevertheless, the UK's intelligence community's operations have remained contentious in post 9/11 and July 2007 London attacks because of the way in which the regime (mis)used intelligence in proving its case for the Iraqi war (in 2002). On the flipside, extreme reaction by the state directed at a community from where terrorists are drawn tends to be a radicalizing factor since what is viewed as state oppression drives individuals to terrorist networks. As such, Walker (2008), notes that the official UK government's Counter Terrorism Strategy (CONTEST) has four elements, namely; Prevent, Protect, Prepare, and Pursue. This requires the intelligence community's support because of the advanced, secretive and devoted manner of terrorist groups, that is, they do not make common mistakes and are difficult to infiltrate (Walker, 2008; 55-56). He notes that advice from the intelligence community was ignored in formulation of the anti-terrorism laws set out in the Prevention of Terrorism Act (2005), Anti-Terrorism, Crime and Security Act (2001), and the Terrorism Act (2000 and 2006).

Huq (2017) explores the idea that non-state actors embedded in geographically and religiously defined communities have a distinctive role to play in responding to growing terrorist recruitment efforts in Europe and North America. Huq labels the resulting community-led counter terrorism as an ideological competition and ethical anchoring. The existing counter terrorism policing strategies do not harness these mechanisms and may well undermine them. Community-led counter terrorism thus presents an untapped opportunity, even as it raises new and difficult ethical questions for both Muslim minority communities in the West, as well as liberal democracies.

Tyler, Schulhofer and Huq (2010) consider the circumstances under which members of the Muslim American community voluntarily cooperate with police on efforts to combat terrorism. Their cooperation include both the general receptivity towards supporting the

LEA's anti-terror efforts and the specific willingness to alert LEAs to terrorism related risks within the community. Tyler, et al argue that local communities cooperate with LEAs, firstly, because they see tangible benefits that outweigh any costs, and secondly, people respond to their belief that the LEAs, especially the police, are a legitimate authority. They call these perspectives as instrumental and normative, respectively. The authors posit that the findings of their study strongly supported the normative perspective by concluding that the procedural justice of the LEAs activities were the primary factor shaping the legitimacy and cooperation between the community and the LEAs.

Omand (2010) offers an important analysis on the purpose of intelligence community in crafting counter terrorism tactics. The main focus is on how security, in the face of terrorist threats, can be maintained affordably as this is the primary duty of the state. Omand argues that security is an end that public policy has to protect, and intelligence is a means to this end. An effective response to security threats requires the state to protect its citizens from disruptive events. As such, the intelligence community has to avail strategic information on evolving trends about threat actors and their fields. Thus, government security agencies must respond to security through comprehensive preventive measures by predicting enemies' actions, which is one of the most valuable products of intelligence activity. Such intelligence generate suitable security response to pre-empt or prevent attacks. To this end, Omand (2010) discusses various predictive methodologies and assessments, which are decisions made about evolving conditions as opposed to specific intelligence. A typical feature of the scholarship is the tension between national security and democratic requirement to protect citizens' liberty and privacy, which rightly applies to the Kenyan situation. Therefore, a modern approach to national security has to be formulated to respond to threats that affect the people rather than the institutions of the state. This is because, although intelligence supports governments to maintain security, it also raises concerns over its methods. This study seeks to navigate acceptable approaches that the Kenyan intelligence community can exploit to safeguard national security and, at the same time, protect civil liberties and privacy.

The dichotomy between national security and civil liberties during counter terrorism operations is captured by Treverton (2009). He notes that due to the secretive nature of intelligence, Americans agreed to fundamentally give a free-hand to intelligence operations with the understanding that the intelligence community would be sensitive to American values. But with the perceived 9/11 intelligence failures and the Iraqi's Abu Ghraib prison

abuses of power, trust and social contract was broken. For Treverton, social contract must be rebuilt again to address terrorism and how certain security operations can be done by the intelligence community without compromising their reputations (Treverton, 2009; 249). If the US does not maintain these legal and ethical standards, its actions will be heinously similar to terrorist's acts, thus reducing the entire counter terrorism measures into moral ambiguity. He captures the evolving nature of security threats, pointing out that during the Cold War, the US intelligence was mainly state-centric and non-state actors, such as terrorists, were secondary (Treverton, 2009). Currently, this has been reversed and terrorism is now a top priority US security concern. Thus, the national counter terrorism objective has evolved from collecting intelligence for policymakers to deter attacks (from state actors), to intelligence collection that would enable Law Enforcement Agencies (LEAs) to prevent attacks.

Treverton's concern for ethical intelligence operations within the US and the international community emphasises the value of public legitimacy. Therefore, the intelligence community should help the state maintain the social contract. One of the approaches to achieve this is to strike a balance between privacy and civil liberties, and security in the context of a changing threat and technology. Unfortunately, the author does not highlight how frequent intelligence failures are. So, it is impossible to ascertain if failures are the exception or the norm in intelligence processes, nor if there is an attempt to assess the meaning of failures by highlighting "lessons learnt". Johnson (2014) advises that after each failure, intelligence agencies should consider better intelligence integration to avoid the same mistake recurring.

1.8.4   Intelligence Cooperation and its Influence on Prosecution

Gill and Phythian (2012) explore the role of security and intelligence within confines of IR, which is a significant task as it frames the successive arguments in the basis of the realist theory. As such, intelligence is essential to the national security and survival of a sovereign state. This is against their argument that technology has changed and democratized collection of intelligence, which is more of a liberalist thinking. The book covers much, but does not go into details in politicization of intelligence that has led to intelligence failure. It does not give much details on democratization of the intelligence community. The book is state-centric with the assumption that secrecy is a dominant force and the major intended beneficiary is the government in implementing its policies. It also does not acknowledge international intelligence cooperation, also known as liaison, which has improved both on the bilateral and the multilateral levels, according to Kamon, (2002; 126). To effectively combat terrorism, a

better understanding of terrorists and terrorism must be gained, a task best undertaken by the intelligence community since terrorism is primarily a psychological warfare. As such, acts of terrorism are intended to have profound psychological consequences on target audience.

The balancing and information sharing approaches are reinforced by Waxman (2012), who argues that while most national security literature tend to emphasize balancing security and liberty, and cooperation at the inter-state level, there are also other studies about such balancing and collaboration at the national (or federal) level. Waxman's federalism approach assists in understanding the cooperation and tensions between local and federal governments with respect to counter terrorism and national security intelligence and highlights directions to restructure the relations (Waxman, 2012; 291). He highlights the main policy benefits of a collective federal-local government security structure and advises a way forward to capture the benefits since terrorism threats are currently developing to a greater domestic element. Thus, counter terrorism intelligence is not just an element of national security policy, but both national and local governments have substantial roles to play. The focus for intelligence relations should not only be at the national level intelligence community, but also between state and local government and within the local government groups. Thus, there is need to delegate execution of some counter terrorism intelligence and investigative functions to lower levels of command. Since the promulgation of the Constitution of Kenya (2010), the Kenyan intelligence community can learn a lot from Waxman's intelligence and security federation, especially in devolving counter terrorism strategies to the counties.

Although the intelligence community is secretive, the power it affords the policymakers from the information it avails to governments is valuable. Lowenthal (2012) proposes a constant need for background, context, warning, as well as assessments of risks, benefits, and likely results. The Intelligence community plays a crucial role in policy design, which includes the impacts and effects the war on terrorism has on intelligence gathering, analysis and counter intelligence. Lowenthal outlines the US intelligence community and its link with the executive and legislative arms of the government in the new dispensation of a politicized post-9/11 intelligence environment. He gives an understanding of the role the intelligence community plays in making national security policy, and the insights of its strengths and weaknesses. This is reinforced by Treverton (2009), who underscores the importance of cooperation between intelligence and LEAs. In the US, the CIA and FBI are sharing not just information, but also analysis across the federal system. Information sharing implies that it is

logistically easier to move information, both in top-down and bottom-up fashion on the "need-to-know' basis (Treverton, 2009; 168-169). This requires intelligence collection both within and without the state as new targets arise. Since counter terrorism and extremism operations are global efforts involving cooperation and alliances with other states within the international community, the US cannot afford to alienate other states. But the authors did not give the guidelines on how the intelligence cooperation may be implemented.

A case for regional and transnational security and intelligence cooperation is explored by Kaunert and Leonard (2013), taking a more specific view on European security integration after the 9/11, Madrid and London terror attacks. They emphasize that global terrorist networks have made intelligence collection challenging and strongly dependent on an efficient international cooperation. Thus, the rise of globalization resulted in new security challenges reflected through societal, institutional, and technological developments that bind countries closer than before, while concurrently enabling rapid proliferation of cross-border threats. The EU, as a security actor, is trying to tackle these complex challenges within and beyond its borders. It has rebranded itself as a dominant force within the international security arena through the promotion of intelligence sharing and cooperation between national police forces, to combat global terrorism. Though the EU has laid down the rules of intelligence and security cooperation and engagement, its member states have been victims of vicious terrorist attacks. They are yet to figure out their failures and deal with the same.

At the same time, Svendsen (2010) explores the coordination of security and intelligence sharing between states; especially the bilateral cooperation between the United Kingdom (UK) and the US. He calls this the 'globalization of counter terrorism intelligence'. His main finding is that since the countries use different counter terrorism methods, their relationship does not always flow smoothly. The UK–US intelligence liaison was politicized to legitimize the Iraqi military operations in lieu of credible information, which was an intelligence failure. Without a conceptual stance, Svendsen does not go deep into the subject of security intelligence since he based his accounts on open source reports. He expands his scope of intelligence cooperation to include global relationships by providing in-depth insights into intelligence liaison, exploring the complexities of the process, and acknowledging the difficulty in studying intelligence liaison because of the secrecy surrounding it (Svendsen 2012). His weakness lies in not clearly stating the factors that can improve global intelligence cooperation which should be formed with the primary objective of sharing information to

counter terrorism. This has not been smooth due to differences in intelligence collection, operations methods, and the individual national interests.

The intelligence community also plays a crucial role in prosecution of terror suspects. Moran and Phythian (2008) explore the UK terrorism war experiences on probing the effectiveness of their counter terrorism policies by studying the use and abuse of intelligence as a basis for policy legislations and criminal investigations. They explore the debate on whether the UK should accept evidence obtained from torture in a court of law. A feature adopted by the UK after the 9/11 has been the extension of the pre-charge detention period. The government argued that this was necessary because of the complexities of gathering evidence in terrorism trials (Moran and Phythian, 2008; 222).

Lynch et al (2007) examines the rule of law in countering terrorism threats by merging the different views on the link between law and security. They focus on terrorism challenges by probing the role of the judiciary during a 'supposed emergency' and how Australia responds to the same. They address the importance of fair trial and the risk of lapse of justice. Ruddock (2007) adds that the laws introduced after the 9/11 were essential as terrorism preventive weapons and fair as they balance between safeguarding national security and human rights. Although he argues that the new laws were warranted and effective, the question remains whether the criminal justice system is sufficiently equipped to handle the threat of terrorism. But the balancing approach is rejected by Lynch (2007; 223), who argues that civil liberties and human rights cannot be balanced against national security, since national security is paramount. Lynch should have advocated for an approach to national security which is premised upon, rather than contemptuous of, civil liberties. Both authors do not offer justification or evidence on the success of the criminal justice system in preventing terrorism. This is partly because Australia is yet to experience serious terrorism threat.

1.8.5   The Case for Regional Counter Terrorism Intelligence

Nielsen, Syed & Vestenskov (2015) explore instability and chaos due to increase in terrorist activities in Central and South Asia after the declaration of GWOT. All regional actors were to develop new methods to handle difficult and elusive enemy, rough geographical terrain, and public anger over governments' decisions to be involved in asymmetric warfare. They evaluate the Afghanistan and Pakistani Counter Insurgency (COIN) and counter terrorism operations to identify lessons that could be applied in future political and military operations for both Danish and Pakistani governments. Kilcullen (2009) also contributes to the debate on

COIN and counter terrorism operations in the Middle East by using Afghanistan and Iraq as case studies for a new war that provokes the Western powers into a gruelling and protracted war. Kilcullen's concept of the accidental guerrilla; "the local fighter, fighting because his space has been invaded", to study and analyse the nature and need for a radical change in the Middle East's COIN policy. He stresses a people-centric approach in COIN operations that would not set the conditions for the population to turn into accidental guerrillas. An enemy-centric approach neglecting the people is a fertile ground for insurgents through propaganda and/or coercion resulting into the creation of the accidental guerrilla. Kilcullen declares that terrorism cannot be addressed by military means alone and urges policies based on securing and assisting populations. He basically criticises overemphasis on counter terrorism, but does not entirely explain the newer strategies that governments should employ to defeat insurgency in the Middle East, which is so complex. The intelligence community's contribution to the war against terror in the Middle East is missing in both books.

The reviewed literature captures most of the roles and purposes of intelligence and the intelligence community in fighting terrorism. But they mostly apply to the developed countries because usually, security studies rarely focus on Asian and African states unless it was affecting the interests of the superpower(s). This is confirmed by the literature on intelligence liaison, which mainly focuses on cooperation between developed countries. The reviewed literature also highlights the intelligence failures in the war against terrorism, but falls short of prescribing how these failures can be eradicated through formulations, implementations and coordination of intelligence policies to effectively counter terrorism and how policy makers relate to these policies because they play a crucial role in their enactment. But Africa, especially Kenya, has a unique culture to which intelligence processes, operations and agencies have to conform to. As such the reviewed literature provides a strong foundation for building a strong case and highlighting the role of the intelligence community in counter terrorism in Kenya. This is the literature gap that the study seeks to fill.

1.9   Theoretical Framework

In social science, the subject of security can be theorized within IR, psychology, sociology and criminology frameworks among others. This also applies to terrorism and intelligence, which are aspects of security. Brannan et al (2014, 56) argue that most terrorism literature lack theoretical frameworks necessary to support and produce accurate analysis. Thus, this study will rely on IR theories to present a theoretical understanding of intelligence and how it

can be applied in counter terrorism approaches. Nevertheless, there are still scholarly debates among terrorism scholars on the appropriate methodology to be used contemporary terrorism research, but there is glaring insufficiency of counter terrorism theories. The application of the established IR theories to research on security studies was occasioned by the security crisis that emerged following the 9/11 terrorist attacks. World security was threatened by the new wave of terrorism, and as such, security concerns became a primary focus of IR, which cannot be addressed without collaborating the two. Furthermore, security is a vital objective of all states in contemporary world affairs. To maintain security, all states collect intelligence and recognise its significance. Thus, intelligence is a normal function of the state.

In intelligence practice, theories are crucial in creating applications that address the intelligence agencies' core mandate, namely, the protection of national security. Walt (1998; 38) based the IR theories on four basic paradigms, namely; liberalism, realism, critical theory and social constructivism. As such, security is theorized in its multidimensional approach of contemporary and traditional security. While the traditional conceptualization of security followed along the realms of realist security theory, the contemporary conceptualization of security follows along the realms of liberalist security theory. Transformation of security from traditional to contemporary have also changed intelligence dimensions.

Morgenthau (1985; 4-15), notes that the central concern of a state is to realize its national interests through power. Because the desire for more power is entrenched in the flawed human nature, for realists, states engage in the power struggle to increase their capabilities (Elman, 2008). Realists theorize that the state is the principal actor in the international system, while security is primarily in their hands based on their authority over others. Thus, states utilize their means and power to realize their basic aim, specifically, survival. Applied to intelligence, realists focus more on state survival in the international environment. Their conception of the world system is that it is composed of states. Therefore, intelligence focuses on threats to the international survival of the state, which emanate from other states. Morgenthau (1985) advocates for building alliances in an anarchic world. In this case, intelligence focuses in identifying friends with whom states can enter into alliances for survival. According to Nicollo Machiavelli's doctrine of 'the end justifies the means', where the end is security, realists would go to any extent to gather intelligence that would ensure state security. Thus, realists in their view of intelligence collection, are 'amoral'.

Neo-realists, such as Kenneth Waltz, emphasize on the structure of the international system (structural realism). They argue that intelligence policies and methods are meant to counter threats emanating from within the structure of the international system, which is linked to power distribution, namely, polarity. Intelligence is affected by a change in polarity, and as such, intelligence cooperation between states will identify and tend to require the support of the superpower. The superpower determines and defines the threats and the enemy.

A major weakness of realist theory is its disregard of the domestic security variables within the state. Thus, intelligence in directed against other states and ignores political, economic and, environmental threats, and threats originating from within the society. These threats can be addressed by liberalists. Liberalists also address the issue of morality and ethics in intelligence processes and operations.

The liberal security theory dates as far back as Immanuel Kant's *Perpetual Peace* (1991), who emphasized the importance of 'republican' constitutions in sustaining peace. Liberalism is based on the assumption that the state, which is one of the actors in the international system, functions in a peaceful environment, endeavours for cooperation and peaceful disputes' handling (Navari, 2008). Collective security is the basis of the liberal theory. Thus, cooperation among states led by the international community results in reduction of danger and averts occurrence of war and conflicts. Liberalists expanded the concept of security to include political, economic, social, and environmental security.

The liberalists' referent point is security for the human person, and as such, intelligence gathering and policies are aimed at securing the human person to bring out their virtues. This is because human beings are good natured, but it is their environment that may cause them to engage in threats to security. Thus, liberalists see radicalization and terrorism as encouraged by man's environment. Because of the shared values, liberalists advise collective (and not national) security to secure the world. They see the world as a cooperation between the various actors in it. Thus, intelligence agencies should share intelligence and information because their main aim is to secure the world, not individual states since security is indivisible. Intelligence sharing through liaison ensures that if one state is secure, then the whole world is secure. The reverse also applies. Liberalists believe in ethical relations between states. Ethical and moral processes and methods of intelligence collection ensures safeguarding and promotion of human rights and their dignity. Thus, democratic and human rights oriented intelligence operations and policies can eliminate threats and activities that

threaten security in the world, such as terrorism. Thus, intelligence operations and methods of collection that violate human rights, to liberalists, can be counterproductive.

Liberalists' weakness emanates from their underestimation of the role of state in international and security affairs. Apparatus to collect and act on intelligence belongs to the state, making it a critical actor in security and intelligence. The best way is to empower the state on its role in security and make it democratic. As such, the intelligence community would undertake responsible intelligence collection and operations, which can then play a vital role in counter terrorism by preventing terrorist acts through intelligence cooperation and addressing its root causes, and support judicial processes in prosecuting terror suspects.

Realists do not recognize non-state actors, such as terrorists, therefore, intelligence should not be focused on terrorists because 'they do not pose security threats to states'. This wrong perception was one of the likely intelligence failures that led to the 9/11 attacks. This was because intelligence (the CIA) focused on threats from external states and not local non-state actors. Liberalists recognize non-state actors, thus intelligence can be focused in countering terrorist activities. Also, because of globalization, intelligence cooperation by the intelligence community, formed on mutual security agenda, such as counter terrorism, is vital in fighting transnational terrorist activities. Finally, intelligence processes and operations in countering terrorism should be for the public good, and not benefiting only the policymakers.

In light of the above theoretical arguments, the researcher noted the different roles that intelligence and the intelligence community play in counter terrorism can better be examined by using both realist and liberalist theories. As such, the researcher used realist and liberalist theories to examine the role of the Kenyan intelligence community in counter terrorism.

1.10   Hypotheses

The main assumptions that this study seeks to confirm or negate are as follows:

1) Intelligence-led counter terrorism approach denies terrorists opportunities to execute their plans thereby reducing the extent of destruction of properties and human casualties.

2) Local community support to the intelligence community results in successful counter terrorism operations.

3) Counter terrorism success depends on the level of intelligence cooperation within the local, national and international levels, and how this supports the judicial processes.

1.11   Research Methodology

The study used both secondary and primary data collection methods. It used qualitative research design because the study variables vary in kind, meanings, concepts, characteristics and descriptions of things, as opposed to amounts.

1.11.1 Sampling Technique and Study Population

The study used purposive sampling to identify respondents within the intelligence community and the local community. In purposive sampling, the researcher deliberately selects particular respondents within the study population to constitute a sample on the basis that the respondents selected are a representation of the whole (Kothari, 2004). Thus, the researcher's judgement plays an important role in this sampling design.

Purposive sampling was considered because of the small population within the intelligence community for specific identification of respondents within various units and sub-units who are knowledgeable on the research subject due to their training, expertize and work experience. This is because the intelligence community have formed specialized departments and units to specifically handle counter terrorism. The study also used purposive sampling to identify respondents within the local community in the terrorism affected areas. The study used purposive sampling because of the sensitivity and secretive nature of the intelligence community, which required the need to conceal their sources and methods.

The target population of this study were officers from government agencies making up the Kenyan intelligence community, namely NIS, NCTC, ATPU, CIU and ODPP. The other target population were from local communities in Garissa, Mandera and Lamu counties.

The study targeted a population of 100 respondents, with 70 and 30 respondents from intelligence and local communities respectively (Appendix 1) a total of 81 respondents returned their questionnaires, that is, 61 and 20 respondents from intelligence and local communities respectively, representing 81% response (figure 1.1). The distribution of questionnaires to the intelligence community depended on the magnitude of their counter terrorism activities. The local communities targeted were Lamu, Garissa and Mandera counties because these counties have been among the latest targets of terrorist attacks.

Figure 1.1: Response Rate
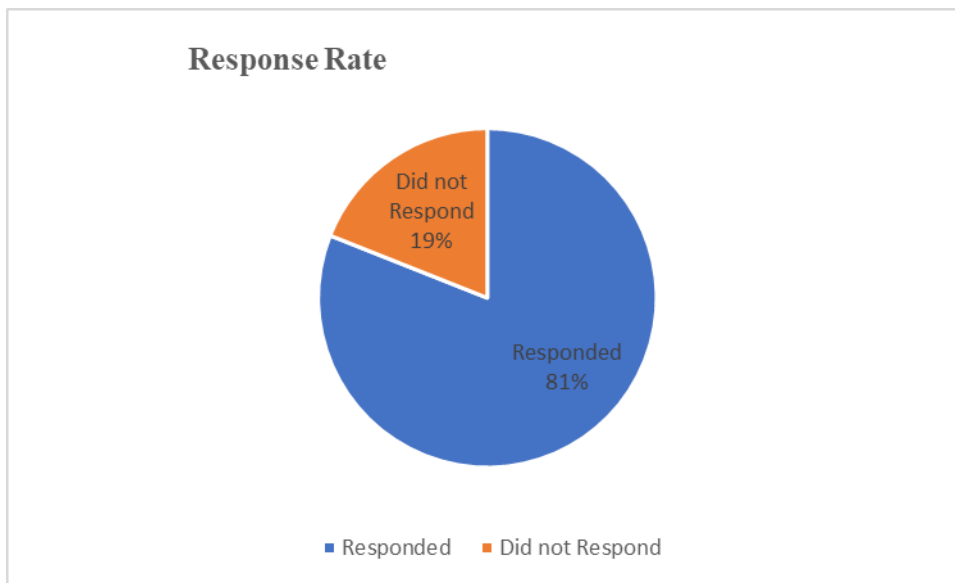
1.11.2 Research Design and Data Collection

For primary data collection, the study used semi-structured interview method. This entailed developing sets of questionnaires with closed and open-ended questions; one set for the intelligence community (Appendix 2) and another set for the local community respondents (Appendix 3). Before administering the questionnaires, the researcher met separately with the heads of the respective counter terrorism departments within the intelligence community to explained the purpose of the study and give an assurance of the confidentiality of the information given. The questionnaires were administered through the heads of departments by use of Drop-off/Pick-up (DOPU), email, and phone interview methods for both the intelligence community and the local community respondents. Data was also be collected by review of key government policy papers and reports, and legal documents. Further, the study relied on secondary data from the available literature on the subject areas, which included academic books, journals, articles, government reports and media articles.

The research was conducted on a sample of 81 respondents, of which 61 respondents were from 5 intelligence community institutions that handle issues related to the subject under study, namely; the NIS, NCTC, ATPU, CIU, and ODPP. The other 20 respondents were from the local communities whose counties had lately experienced terror attacks, namely; Lamu, Garissa and Mandera. Table 1.1 and Figure 1.2 summarizes the responses by the respective institutions/ departments and counties.

Table 1.1: Responses by Institutions and Counties

Institution/County	Count	Percent
NIS	24	30
ATPU	13	16
CIU	9	11
NCTC	10	12
ODPP	5	6
Garissa	7	9
Lamu	6	7
Mandera	7	9
Total	**81**	**100**

Figure 1.2: Responses by Institutions and Counties

Responses by the Intelligence and Local Communities

Mandera, 7, 9%
Lamu, 6, 7%
Garissa, 7, 9%
ODPP, 5, 6%
NCTC, 10, 12%
CIU, 9, 11%
NIS, 24, 30%
ATPU, 13, 16%

NIS ATPU CIU NCTC ODPP Garissa Lamu Mandera
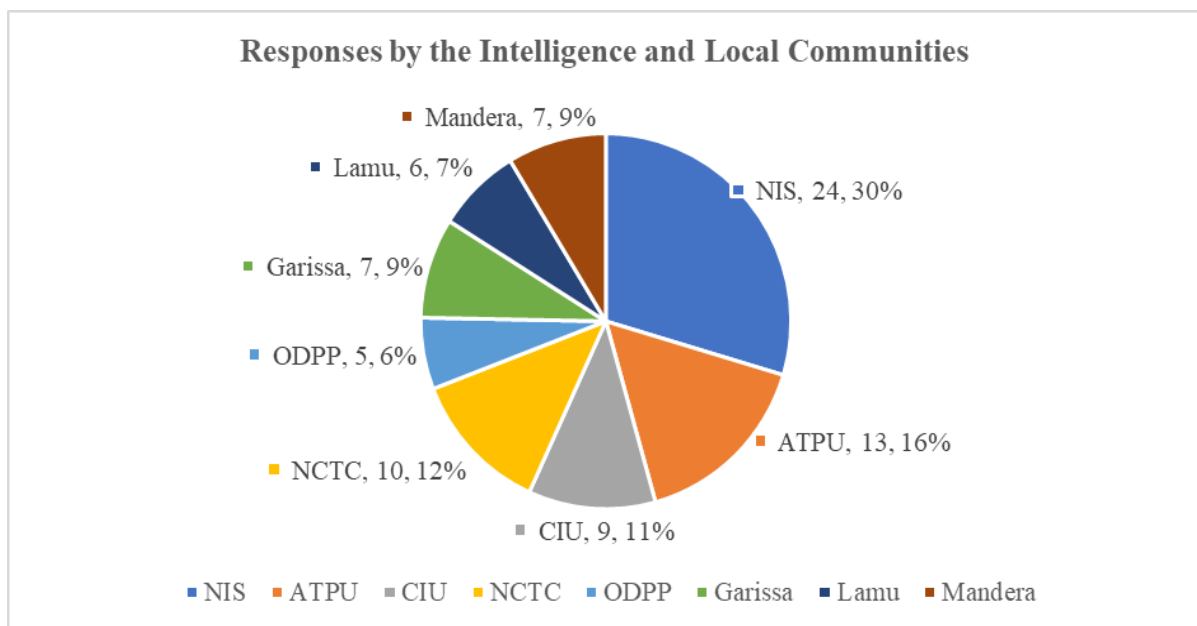
Majority of respondents from the intelligence community were Analysts (34.4%), followed by Collectors (24.6%), and Investigators (23%). The others were: Public Educators (8.2%), and Prosecutors (8.2%). The study also used purposive sampling to identify respondents within the local community in the terrorism affected areas. Within the local community, 30% of the respondents were working within the provincial administration/government, 20% were religious leaders, 15% were clan elders, and 20% were from the business community, *Nyumba Kumi,* NGOs and the youth.

1.11.3 Data Analysis and Presentation

The study used content analysis and SPSS (v21) to interpret and process the data. The collected data was first manually checked for errors before using the SPSS. Data entry was done after the researcher allocated numbers (coding) to the options in the closed-ended questions and treated the open-ended questions as cases. The data was then processed and results generated from the SPSS to tables, charts and figures.

Since the study is descriptive in nature, data was mainly analysed using percentages and presented through descriptive method, namely, pie-charts, graphs and frequency tables. This allows the qualitative data collected from the respondents to be systematically and reliably analysed so that generalizations can be made in relations to the set objectives. Thus, the qualitative data collected was analysed and interpreted in a way that relates the findings to the objectives of the study by comparing, contrasting and searching for patterns.

1.11.4 Validity, Reliability and Ethical Challenges

The reliability and validity of any study findings depend mainly on the quality of the data collected, which depends on the research instruments used to collect the data (Kothari, 2004). If the instruments are reliable and valid, the findings should be reliable and valid too. To ensure this, the researcher used different primary and secondary data collection instruments and designs. The primary data was collected through the use of two sets of questionnaires with simple, logical unambiguous and comprehensive questions. The study supervisor then crosschecked and scrutinized the questionnaires for accuracy, relevance, consistency and completeness in covering the study objectives before being adopted by the researcher.

Ethics is concerned with the creation of a trusting relationship between the researched and the researcher (Kothari 2004). Since the researcher was part of the researched, the researcher had to adhere to a number of ethical principles during the research. The researcher disclosed to the respective participants the purpose of the research so that they can make an informed consent to participate in the research without the feeling of being coerced or being indebted to a colleague. Because of the sensitivity of the study topic, the researcher was obligated to ensure that the methods and sources of intelligence, especially the sources within the local communities were not exposed to harm. As such, the local community participants were approached through the intelligence officers (IOs) covering their respective areas ensuring that their privacy and confidentiality of information received were highly regarded.

By being part of the intelligence community, the researcher did not exploit this position to obtain information by disguise or manipulate the collected data, but used the position to identify and target specific units and respondents who were conversant with the topic of the study. This could not have been easy for an outsider.

1.12   Organization and Outline of the Study

This study is structured into five main chapters, with a brief introduction and conclusion of the subjects discussed in each chapter. Chapter one introduces the study and provides the background of the study, the objectives, the problem statement, theoretical framework used, literature reviewed, and methodology used among others. Chapter two examines Kenya's counter terrorism strategies and the way the intelligence community addresses the origin of terrorism with the aim of preventing the vice. Chapter three investigates how the local communities support the intelligence community in their counter terrorism preventive approach and its effects on the war against terrorism.

Chapter four analyses how the Kenyan intelligence community's internal and external cooperation complement one another to form comprehensive counter terrorism strategies. It also examines the intelligence community's support of counter terrorism judicial processes. Lastly, Chapter five gives the final conclusions and findings of the study in accordance with the hypotheses and the study objectives. It also highlights the shortcomings, recommendations, and the area(s) of future studies to be considered.

CHAPTER 2: THE KENYAN INTELLIGENCE COMMUNITY AND ITS ROLE IN COUNTER TERRORISM

2.1 Introduction

To understand how intelligence supports counter terrorism, it is important to know the evolution of terrorism and its roots causes, and the structure of the Kenyan intelligence community and its counter terrorism strategies, which are addressed in this chapter.

2.2 Evolution of Terrorism and the New Era of Terrorism in Kenya

Global terrorism, which is an old terror tactic, has become part of our daily lives. In the affected areas, citizens live in mortal fear of terrorist attacks, which if it happens, results in several casualties and destruction of properties.

For many decades, the word "terror" was associated with the French Revolution's "Reign of Terror" (Hoffman, 2006; 3-4). During this period, the masses took over power from the rich landowners with a view of creating a perfect equal society. Thus, terror was then state sponsored with the aim of creating an egalitarian society. Internationalization of terrorism happened from the 1970s, with the Palestine Liberation Organization (PLO) being its pioneers (Townshend, 2002; 28). The old paradigm of terrorism was mostly state sponsored.

 International terrorism has since evolved to a new paradigm marked by the 9/11 attacks in the US. The 9/11 attacks were closely followed by the 2002 Bali attack, 2004 Madrid, 2005 London attacks, and lately, the 2015 and 2016 Paris and Brussels attacks respectively. This new era of terrorism, scholars argue, involve different actors, actions, tactics and outcomes, compared to the old era of terrorism. The basic elements of the new era of terrorism include non-state actors, non-conventional warfare, and political and religious convictions, all aimed at changing the religious, societal and political order through dehumanizing violence. This signifies a very different and a more dangerous threat than the old paradigm terrorist groups, which breaks most of the basic prospects about terrorists (Hoffman 2006).

Since governments have recognized that a new breed of terrorist has emerged out of the normal profile, they have to stop terrorists from actualizing their plans through counter terrorism measures. The success of counter terrorism operations varies from spectacular to disastrous. This depends on the planning stage, which mostly needs information, beforehand,

on the terrorist group(s), their plans, capability, and timing among others. This information is collected and provided by the intelligence community to the operations team(s).

The creation of counter terrorism departments, specifically to deal with the new era terrorism, within the Kenyan security agencies, was in response to the Nairobian American Embassy attack in 1998, followed by the twin attacks on the Israeli hotel and airline in Mombasa. Some battles were won, and some were lost. The lessons learned from these operations led Kenya to adjust its counter terrorism measures through the creation of specialized counter terrorism units within the intelligence community to reinforce the work of the security agencies. The ATPU and NCTC were created by a presidential directive (from a decision of the cabinet) in 2004 to deal with terrorism threats. The directive was cemented in law by the Security Law Amendment Act (SLAA) 2014, which created the NCTC.

The deployment of the KDF into Somalia, in 2011, intensified terrorist attacks, mostly targeting Kenyan interests, both civilian and military targets in Kenya and Somalia. The Westgate and Garissa University College (GUC) attacks were as a retaliation of KDF incursion into Somalia (Goldstein, 2015; 229). These were some of the largest operations carried out by the Somalia based Al-Shabaab terrorists in Kenya, resulting in more than one hundred casualties. According to the realism school of thought, the main interest for every state is its existence and security against likely external threats to its survival (Morgenthau, 1985). The Somalia based Al-Shabaab, which carried out numerous terror attacks in Kenya and Kenyan interests threatened Kenya's national security. Thus, as the casualties increased, the government improved the capabilities of its counter terrorism teams to effectively deal with the threats and specifically, to prevent the attacks. Because the attacks by the Al-Shabaab, which is a non-state actor whose networks are hard to find and destroy, threatened Kenya's national security, it has become one of the highest priorities of the Kenyan intelligence community. Thus, the intelligence community has become the principal player with respect to information, intelligence and analysis with respect to terrorism.

According to Pillar (2008), intelligence has never been a more important discourse on security and international affairs than it became after the 9/11. The chapter discusses the role of the intelligence community on prevention of terrorism by analysing its structure, the root causes of terrorism in Kenya and how these causes can be addressed by the intelligence community, the civil society and local community, to prevent terrorism.

2.3   The Kenyan Intelligence Community Network

A community generally consists of individuals, groups and institutions that have shared interests and values. The Kenyan intelligence community is charged with providing timely and objective intelligence to the decision and policy makers. This is realised by creating clear goals and priorities for collection, analysis, production and distribution of intelligence, which is known as "the intelligence process". As part of the counter terrorism strategies, the intelligence community also sets policies for inter-agency intelligence sharing, as well as intelligence sharing with the state (decision/policy makers), local actors, as well as other foreign intelligence agencies (FIA). In this case, the Kenyan intelligence community brings together security and intelligence agencies that have an interest in counter terrorism, and a culture of secrecy.

2.3.1   An Overview of the Kenyan Intelligence Community

Intelligence services (or agencies) are government organizations primarily tasked with collection, analysis and dissemination to decision makers, information related to national security threats, such as terrorism threats. This task is usually performed by specialized intelligence services, and/or in some cases, branches of the police. The intelligence services are mandated to work exclusively within and without the borders of their states, and can liaise with other friendly foreign intelligence services/agencies.

The Kenyan intelligence community is made up of state security and institutions that work in secrecy. Though there is no official Kenyan intelligence community, there is an intelligence service (NIS), branches of the Kenya police Service (ATPU and CIU), an organization (NCTC), and a department of the KDF (Directorate of Military Intelligence, DMI), which form a *de facto* counter terrorism intelligence community in Kenya. The NIS is created by the Constitution (2010, Article 242), while the NCTC was created by an Act of Parliament, the SLAA (2014, Sec. 40A), and the other three departments were created by their respective national security organs.

2.3.2   The National Intelligence Service

The NIS is a constitutional body mandated for gathering and using security intelligence and counter intelligence reports to safeguard national security (Constitution of Kenya 2010, Article 242). According to the NIS Act (2012, Sec. 5), it is authorized to collect, analyse and

share with relevant state agencies, intelligence reports, advise the President and the Government through the National Security Council (NSC) of any threat to national security, and to support Law Enforcement Agencies (LEAs) in detecting and preventing serious crimes and threats to national security.

One of the major threats to national security is terrorism. Thus, to counter terrorism, the NIS collects information on it, analyses and transmits the resultant intelligence to the NSC, the decision makers and other relevant government departments. To undertake this function, the NIS is structured into departments, one of which specifically deals with Counter Terrorism Coordination (CTC). The CTC is made up of specialized officers who are trained on counter terrorism operations. They are able to penetrate terrorist organizations/groups and gather intelligence so that they can use the same to prevent, predict, pre-empt and mitigate acts of terrorism. In case of an act of terrorism occurring, the CTC department are trained and have the tools to support investigations and collect intelligence to thwart future threats.

The NIS provides strategic counter terrorism intelligence to the government to enable it to develop and implement counter terrorism security policies. However, the NIS does not enforce this policy as it is the duty of the other LEAs, especially the Kenya police. It also supports the LEAs with tactical counter terrorism intelligence. As such, NIS is limited in its counter terrorism operations as it depends on the other security organs, especially the police, to effectively neutralize terrorism threats. Thus, there has to be an effective inter-agency coordination to achieve effective counter terrorism. By doing this, the NIS contributes to the human security of the state; thus, the safety and wellbeing all the citizens in the society.

2.3.3   The National Counter Terrorism Centre

The NCTC is an inter-agency body established by the SLAA (2014, Sec. 40A), authorized to coordinate national counter terrorism efforts to detect, deter and disrupt terrorism acts. It is mandated to establish an updated terrorism database by collecting data from security, governmental and non-governmental networks and frameworks, which can support and strengthen LEAs' counter terrorism strategies. The NCTC is also mandated to undertake public sensitization on terrorism prevention, develop policies for counter and de-radicalization, and assist in capacity building for counter terrorism stakeholders. To perform these tasks, the NCTC is developed to collect intelligence, coordinate regional counter terrorism efforts, and establish long-term region counter terrorism strategies.

Terrorism prevention is a major pillar in Kenyan national security strategy. As such, NCTC developed National Strategy to Counter Violent Extremism (NSCVE), which was launched by the President of Kenya in September 2016. The NSCVE is aimed at reducing the pool of individuals that terrorist groups seek to recruit and radicalize. To achieve this, it is expected to liaise, rely on and co-opt private citizens and other relevant government institutions. At the regional and county levels, the NCTC incorporates the security agencies, especially the NIS, to play the critical role of driving the NSCVE implementation on the ground.

2.3.4   The Anti-Terrorism Police Unit

The ATPU is a component unit of the Directorate of Criminal Investigation (DCI), created in 2003 in response to the 1998 Nairobi US embassy attacks. ATPU deals with terrorism, organized crimes and cross-border criminal gangs. It also collects intelligence on possible terror targets/suspects, investigate terror crimes and suspects and arrest them. To realize this, the ATPU officers undergo specialized training and are provided by relevant equipment. This enables them to have the capacity to respond to terrorist incidents and prevent future attacks.

In conjunction with other security and intelligence agencies, the ATPU has conducted several counter terrorism operations resulting in arrest of terrorism suspects, detection of terrorist cells and disruption of their plans. The ATPU, as arresting officers, prepare charge sheets, attend and give evidence in court as witnesses during prosecution of terrorism suspects.

2.3.5   The Criminal Intelligence Unit

The CIU is a component of the DCI, formed by the Inspector General of the Police, to ensure that the police receive criminal intelligence to act on, and to supplement and act on information from the intelligence community (Gumbihi, 2014). The criminal intelligence provided by the CIU is an analysed information that is disseminated to anticipate, monitor and/or prevent criminal activities. This is realized by collecting information that identifies individuals, locations, and/or activities that are suspected of being involved in or preparing to engage in criminal acts, such as terrorism. The criminal intelligence is used within the DCI, the intelligence community and other liaison partners.

2.3.6 The Directorate of Military Intelligence

The defence or military intelligence service is part of the armed forces whose main duty is collecting and analysing information on threats to the armed forces personnel and their bases, and sharing the same with the senior military command (Wills, 2010; 11). In Kenya, the mandate of the DMI is restricted to military related threats originating from within the defence forces, transnational groups operating locally, and from foreign states and entities. It does not gather information on threats that are not military related.

The KDF which was then ill prepared to prevent and respond to terrorist attacks, currently plays a critical role in counter terrorism, which includes border control and surveillance, intelligence gathering and threat assessment. Since the KDF incursion into Somalia in 2011, the DMI has been actively collecting and analysing intelligence related to the Al-Shabbab terrorist group, and lately, the ISIL. This is because the Al-Shabaab, apart from being a foreign terrorist group threatening the security of Kenya, has also been targeting KDF bases and personnel, in Somalia and in Kenya. The DMI is therefore part of the Kenyan intelligence community as it liaises with the other security and intelligence agencies to counter terrorism threats.

2.3.7 How Intelligence Community Support Counter Terrorism

The various respondents who were interviewed for this study returned varied feedback on how their organizations/institutions deal with terrorism threats. This is captured in Table 2.1 below.

Table 2.1: Intelligence Community Supports Counter Terrorism

How respective Organizations/Departments support counter terrorism		
	NIS	• Collecting CT related information, analyzing and disseminating intelligence to relevant government agencies, including the LEAs • Developing both human and technical resources towards fighting terrorism, through training and availability of equipment • Counter Terrorism technical collection, cyber security, forensic exploitation and analysis • Undertaking counter and de-radicalization programs • Carrying out investigation in order to detect, deter and pre-empt and terror threats • Counter intelligence coordination within the Kenyan intelligence community and foreign intelligence agencies

ATPU	• Arresting and prosecuting terrorism suspects and their supporters • Conducting public awareness on prevention of terrorism • Collecting terrorism related intelligence • Investigating, detection and disrupting terror activities • Training and capacity building of CT staff	
CIU	• Sensitizing and enhancing relationship with the public in order to identify terrorist activities • Profiling, tracking and maintaining a data bank of known terrorists • Collecting, collating, analyzing and disseminating CT related data • Counter and de-radicalization, and training of the staff	
NCTC	• Conduct public awareness and education on terrorism • Coordinate CT liaison within the Kenyan intelligence community and foreign intelligence agencies • Undertake long-term CT strategies, which include: CVE, counter and de-radicalization • Provide CT training	
ODPP	• Prosecuting of terrorism case suspects	

From the above responses, it can be deduced that each intelligence agency in specialized in some field, but still share some responsibilities. The shared responsibilities, such as intelligence collection, counter terrorism training, and undertaking counter and de-radicalization programs, do not conflict. This is realized through cooperation within the intelligence community to de-conflict their individual operations.

2.4 The Root Causes of Terrorism in Kenya

No person is born a terrorist, and becoming one is a process with several steps and a historical background with diverse origins. Terrorism is also a choice, among other options, that try to influence political strategies. Therefore, without understanding the root causes, no realistic solution will come out. According to the root cause approach to counter terrorism, knowing why people resort to terrorism is a critical precondition for determining how to respond (Cinar, 2009). Thus, understanding it is the first step towards formulating a functioning counter terrorism strategy.

Preventing terrorism involves not only enhanced security, but also better efforts to deal with the fundamental conditions leading to violent extremism and radicalization. Thus, the conditions that cause and/or promote terrorism should be addressed by respective counter terrorism policies. The role of the intelligence community in pro-active and preventive counter terrorism approach is to ensure the identification and destruction of these conditions.

However, there is no theoretical analysis of the causes of terrorism despite inspiring a voluminous literature in recent years (Crenshaw 1981). This is because some scholars approach terrorism literature from historical viewpoints, which Crenshaw, citing Laqueur's work, dismisses explanations considering many cases as "exceedingly vague or altogether wrong" (Crenshaw, 1981; 379). According to Cinar (2009), terrorism can be studied under historical and political roots, socio-economical roots, and ideological and religious roots.

From Table 2.2 below, 21 respondents for this study (25.9%) from both the local and intelligence communities cite poverty as the major cause and condition conducive to the spread of terrorism. The other major causes and conditions conducive for the spread of terrorism are; youth unemployment (17.3%), radical preaching (16%), and perceived discrimination, marginalization and oppression by the government (14.8%), among others.

1. Historical and Political Roots

The Kenyan North Eastern Region (NEP) shares a long border with Somalia, with residents having a strong historical and cross-border kinship. This is also true with the Kenyan coastal region, which is mostly populated by Arabs with strong cultural and historical relationships with the Middle East Arabs. The common language, religion and culture enables Islamic fundamentalists and terrorists to easily invade and blend into the local communities. Together with other factors, this has resulted in a growing dissent among the NEP and coast populations making them vulnerable to terrorist activities.

Most terrorists attacking Kenya are based on its unstable neighbour, Somalia, whose government collapsed in 1991, creating an anarchic society where crime and radical ideologies flourish. Somalia has not been able to govern its territory effectively, as it lacks monopoly on use of force, and does not offer local security and basic public services (Davis, 2016). The Al-Shabaab radical group was formed as an offshoot of the Islamic Courts Union (CIU), which took over the country in 2006 before being overran by the Ethiopian army. The Al-Shabaab became a threat, not only to Kenya, but to the world at large. Since the KDF

invaded Somalia in the 2011 "Operation Linda Nchi", the Al-Shabaab has used this as the basis for nearly all terrorists' attacks in Kenya.

Terrorism is an outcome of a political system and when the system cannot meet the demands of some individuals, they feel alienated. When there is a perceived injustice, some people lean towards retaliation and are branded terrorists. Thus, terrorists become political actors of a political system in a country. The perceived injustice and oppression, especially on Somalis and coastal residents, include vetting and issuance of national identity cards (IDs), government services, educational opportunities, and basic public services. This aspect was aptly captured by the 14.8% and 6.1% of the study respondents, who felt that perceived marginalization by the government and political conflicts respectively, were some of the conditions conducive to the spread of terrorism (Table 2.2). Historical injustices and grievances on particular communities by the regimes are also root causes of terrorism, according to 2.5% of the study respondents. Lack of IDs to local youths after completing high school deny them opportunities for university and college education, and employment to secure their future. These perceived alienations, fuelled by Islamic radicalism leads to disaffection and this informs their escape to Somalia and other areas to join terrorist groups.

2. *Economic and Social Roots*

Beyond the sanctuary of unstable states, widespread conflicts and poverty form a fertile ground for radicalization thus providing would-be recruits with a cause to join terrorist groups (Mills, 2016; 20). The perceived socio-economic marginalization of Muslims due to uneven sharing of development resources have made them "rebel" against the state leading to radicalization (Aronson, 2013). Most youths become susceptible to radicalization forces due to feelings of real and perceived marginalization, exclusion from national resources, hopelessness, frustrated expectations, no gainful employment, insufficient policies to support and provide financial support, and relative deprivation. Ted Gurr's relative deprivation theory posits that marginalized groups harbour feelings of deprivation and frustration and are likely to engage in violent conflict (Gurr, 1970). The Muslim community's resentment is exploited by extremist preachers and groups, who offer development where state have failed and monetary inducement and appeals for religious identity, hence infiltrating the communities.

Poverty of resources, choices, prospects and respect also enables terrorism to thrive (Newman, 2006). Poverty breeds antipathy, desperation and support for political extremism

as well as grounds for grievances. This was confirmed by the study respondents (Table 2.1), who cited poverty and youth unemployment as the leading conditions conducive to the spread of terrorism, at 25.9% and 17.3% respectively. The aspect of promises of better lives by terrorists to potential recruits was cited by 1.2% of the study respondents. This signals a changing trend where those who join terrorist groups because of poverty and unemployment do not necessarily fight for better economic lives, but believe to be fighting for the betterment of their alianated communities.

But Newman (2006) points out that active supporters of most terrorist groups are not poor nor uneducated. The Kenyan police, acting on local and liaison intelligence, have intercepted several terror suspects traveling outside the country to join terrorist organizations, mostly the ISIL. Most of those intercepted are young Kenyan Muslims from middle class and wealthy families, and particularly graduates in medicine, engineering, computer science (Ombati, 2016; Achuka, 2016; Mukinda, 2017; Bwana, 2017). This continued radicalization and recruitment of university students, according to the Commission of University Education, had reached 44 students by end of September 2016 (Achuka, 2016).

3. *Ideological and Religious Roots*

Ideologies, culture and religious beliefs also have impacts on terrorism. Islamic fundamentalism and radical ideologies is the latest drug offered to the poor and desperate with the appeal of not only "going to heaven", but also taking vengeance. The universal Muslim brotherhood, the "Umma ideology", have been used to indoctrinate young Kenyan Muslims in believing that the wars in Iraq, Syria, Somalia, Afghanistan, and Israel-Palestine war are part of a universal campaign against Islam as a religion (Fandy, 2007). This became known as the "global jihad". The belief is that all Muslims are ideologically, politically and religiously related. This and other factors have led to radicalization and recruitment of many Kenyan youths as fighters by extremist groups such as the Al-Shabaab. According to 17.2% of the study respondents, ideological radicalization through preaching is a major cause of terrorism.

The Al-Shabaab and other regional militant groups have aligned themselves to the global jihad ideology to exploit ethnicity and religion to win over new partners, financiers and sympathizers. They then radicalize local youths, who launch attacks for the benefits of the sponsors by attacking people from different communities and religion. Since the KDF

invaded Somalia, the Al-Shabaab attacks have mostly been targeting rural NEP and coast regions, targeting specific religions and communities.

Samuel Huntington's "Clash of Civilization" (1996) provides the justification that Islam has bloody borders and Muslim states have high tendency of resorting to violence. This thesis has provided justification of governments' to adopt hostile counter terrorism strategies against the Muslims hence aggravating radicalization. The perceived "collective punishment" of the Muslims and unresolved killings of Islamic preachers and key suspects, driven by the opinion that all Somalis and Muslims are either likely terrorists or sympathizers, have done more harm than good, aiding the Al-Shabaab to advance and foster extremism.

Table 2.2: Causes and conditions conducive for the spread of terrorism

		Frequency Intelligence	Frequency Local	Total Value	Percent
1	Missing Value	3	1	4	4.9
2	Perceived discrimination, marginalization and persecution by the government	9	3	12	14.8
3	Lack of political good will and political conflict	5		5	6.1
4	Historical injustice/grievances	2		2	2.5
5	Poverty	14	7	21	25.9
6	Youth Unemployment	10	4	14	17.3
7	Promise of better lives by terrorists		1	1	1.2
8	Lack of awareness/education	3		3	3.7
9	Radicalization through preaching	10	3	13	16.0
10	Religious grievances	1		1	1.2
11	Un-resolved Palestinian-Israel conflict	1		1	1.2
12	Porous border	2	1	3	3.7
13	Lack of vetting for organizations/persons	1		1	1.2
	Total	**61**	**20**	**81**	**100.0**

2.5   Kenya Counter Terrorism Strategies: The Intelligence Community

The intelligence community provides the most sensitive protective security for the very survival of a country. Since 1998 when Kenya embarked on its fight against the new era of

terrorism, the intelligence community has played a crucial role in both defensive and offensive counter terrorism operations to defend the country. With the arduous task of collecting, processing, packaging, prioritizing, and disseminating terror related information and data, the intelligence community has become very important to the Kenyan internal security. While intelligence alone may not stop the next terror attack, it liaises with, and supports the other security organs to undertake this mandate. Therefore, it plays a crucial first step in detecting and possibly thwarting a terror attack. Investigation, conversely, is a process taking place after an event and is mostly directed at arresting the culprits and their associates. Therefore, both processes, intelligence and investigations, are mutually supportive.

Effective counter terrorism should involve the support of good intelligence, mostly from the intelligence community. Counter terrorism intelligence is divided into three categories, namely; psychological, strategic and tactical intelligence (Raman, 2002; 256). Tactical intelligence relates to specific terrorist action plans, also known as preventive or indicators and warning intelligence, which enables the state to pre-empt, prevent, and frustrate terrorist attack plans. Strategic counter terrorism intelligence is information on a terrorist group's organizational structure, leadership, facilitators/financers, aims, modus operandi and weapons. Psychological intelligence covers details of a terrorist group's propaganda war and terrorist related data, such as discontent against the leadership, which can enable the state to mount a psychological warfare against them. The latter two counter terrorism intelligence can easily be covered by the intelligence community through open sources, peripheral secret informants and agents, and analysis of captured documents and media, tactical intelligence can only be obtained from moles in a terror group's leadership, interrogation of captured suspects, and technical intelligence (TECHINT) collection (Schreier, 2005; 143).

Tactical counter terrorism intelligence is premised on detecting pre-incident indicators, or initial clues of terrorist plots. As such, tactical counter terrorism intelligence, which is a critical counter terrorism preventive weapon, relies on both TECHINT and human intelligence (HUMINT). HUMINT is the use of human agents, informants and moles to acquire information and perform covert actions against terrorist groups and membership. However, HUMINT collection is the most difficult and the most dangerous for counter terrorism practitioners because its mistakes can be fatal, embarrassing and likely to undermine its goals. As such, tactical counter terrorism intelligence requires an in-depth knowledge, customs and culture of the terrorist group to be penetrated. This can be a risky

and difficult task, particularly in the case of religion (such as the Al-Shabaab) and ethnicity based groups, which need meticulous planning and direction by an intelligence officer. To achieve this, Raman (2002, 258) advises that the intelligence officer (IO) from the same ethnic and/or religious group as the targeted terrorist belong, should win-over members who have already been accepted and initiated into the terrorist group. In undertaking HUMINT, Raman also recommends TECHINT penetration as another way of collecting precise tactical intelligence for preventive purposes. For the intelligence community, this has been made considerably easier due to technological advancements and globalization.

2.5.1 The Counter Terrorism Intelligence Cycle

In this study, intelligence had been defined as a process by which information is collected, processed, analyzed and disseminated for use against security threats, such as terrorism. It is also the resultant product from this process, which is delivered to customers. Lastly, intelligence is the organization with structures that undertake the intelligence process. Thus, intelligence has three dimensions, namely; intelligence as a process (activity), as a product (knowledge), and as an organization (Johnson, 2011; 2). The relationship between the process and the structure to produce a reliable and timely product, is known as the *Intelligence Cycle*. Thus, the intelligence cycle is a series of interactive steps, namely Planning and Direction, Collection, Processing, Analysis and Production, and Dissemination (Johnson, 2007).

The classic intelligence cycle is a uni-dimensional, uni-directional process that starts with the decision makers and policy officials planning, and defining methods to use in gathering information on threats and opportunities at home and abroad (Johnson, 2007). The information is collected against adversaries using determined method(s). It is then processed into readable texts and then analysed for its meaning and interest, and tested for its reliability and accuracy. The "finished information (intelligence) must be disseminated to public office officials, troops, and/or security enforcers in the field, who rely on its insights to plan their subsequent policy initiatives, military or operational moves respectively.

To understand how intelligence is used as an effective counter terrorism instrument, it is necessary to develop a counter terrorism-based intelligence cycle (Figure 2.1). In the Kenyan intelligence community, intelligence relies on different entities to achieve a collective result. This involves a coordinated effort, which is indeed a complex process when applied on the ground. Thus, counter terrorism intelligence is collected from multiple and varied sources and

shared with varied consumers. The policy and decision makers, and those who implement and enforce it all require intelligence. The customers can be at any or all levels of the government, therefore, requirements can come from any or all of these potential consumers.

Figure 2.1: The Intelligence Cycle
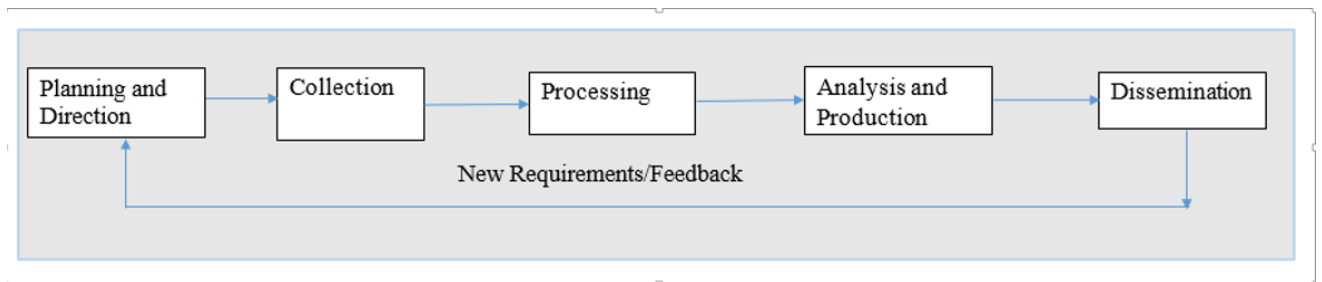
With the distributed and varied consumer base, requirements handling system must be widely inclusive, which greatly complicates prioritization (Gray & Slade, 2008). Some consumers also maintain their own independent collection means leading to duplication of effort and a challenge in apportioning resources to some tasks and foregoing others. This needs coordination at various levels within the intelligence community and the security agencies. This requires the intelligence managers at various levels being in touch with their policy and/or liaison counterparts. By asking counterparts to provide specifics of their concerns, the intelligence managers would provide reliable counter terrorism intelligence.

Figure 2.2: The Counter Terrorism Intelligence Cycle
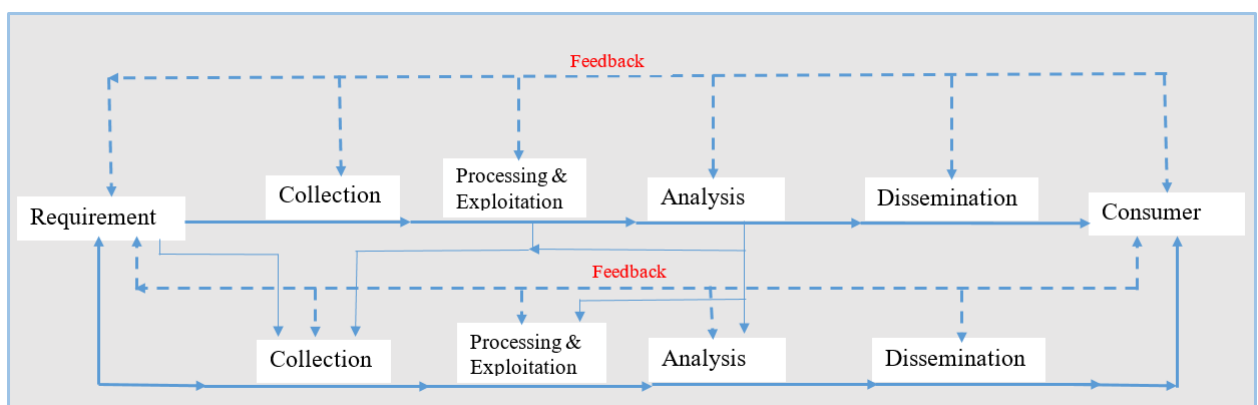
2.5.2 The intelligence community's Effectiveness in Counter Terrorism

Counter terrorism strategies considers several aspects from different stakeholders, which mainly include security agencies. Implementations of such strategies are expected to give positive results, which are aimed at curtailing the threat of terrorism. The effectiveness of such strategies are known by the intelligence community and their results are seen by the affected local communities.

According to Table 2.3 below, the effectiveness of the intelligence community on counter terrorism training has been rated by most respondents (36.1%) as well as on acquisition of tools and equipment being rated by majority of respondents as very good (37.7%). The effectiveness of the intelligence community on availing resources, both financial and personnel, has been rated as good by most respondents (36.7% and 45% respectively).

It can be noted that the intelligence community has very good trained officers, with the right tools/equipment, but it is necessary to deploy more officers to the counter intelligence units with enough financial support.

Table 2.3: Assessment on institution's effectiveness by the intelligence community

Aspects	Poor Count %	Satisfactory Count %	Good Count %	Very Good Count %	Excellent Count %
Training	2 3.3	2 3.3	17 27.9	22 36.1	18 29.5
Tools/Equipment	1 1.6	4 6.6	22 36.0	23 37.7	11 18.0
Resources (Financial)	4 6.7	17 28.3	22 36.7	12 20.0	5 8.3
Resources (Personnel)	0 0.0	9 15.0	27 45.0	15 25.0	9 15.0

2.6 Role of the Intelligence Community in Preventing Terrorism

The respondents evaluated the performance of the intelligence community on countering the threat of terrorism on various aspects.

Table 2.4: Rating the role of the intelligence community in preventing terrorism

	POOR	SATISFACTORY	GOOD	VERY GOOD	EXCELLENT
	Count	Count	Count	Count	Count

Aspect	%	%	%	%	%
Evaluating the commitment of the Kenyan government to countering terrorism	0 0.0	2 3.3	11 18.0	21 34.4	27 44.3
Rating the overall performance of the Intelligence community in preventing terrorism acts	0 0.0	2 3.3	9 14.8	31 50.8	19 31.1
Evaluating how intelligence community addressed the conditions conducive to the spread of terrorism	2 3.9	8 15.7	10 19.6	21 41.2	10 19.6
Rating intelligence community effort to educate/sensitize the public on the need to cooperate with security agencies to expose terrorist groups	4 6.9	6 10.3	14 24.1	22 37.9	12 20.7
Impact of the intelligence community on counter violent extremism and counter/de-radicalization	1 2.0	6 11.8	16 31.4	22 43.1	6 11.8
Rating the role of the local community in fighting terrorism	8 13.6	11 18.6	17 28.8	19 32.2	4 6.8
Overall, how the intelligence community has succeeded in counter terrorism strategies	0 0.0	4 6.7	9 15.0	40 66.7	7 11.7

From Table 2.4 above, most respondents (44.3%) within the intelligence community believe that the Government's commitment on counter terrorism as excellent, and the overall performance of the intelligence community in preventing acts of terrorism is very good (50.8% respondents). On how the intelligence community has been addressing conditions conducive to the spread of terrorism, majority of the respondents (41.2%) believe their respective agencies were doing very well.

The intelligence community is doing very well in their efforts to sensitize the public on the need to cooperate with the security agencies, according to 37.9% respondents. On the success of CVE and counter/de-radicalization efforts by the intelligence community, 43.1 % of the respondents believe that it was very well implemented. Overall, 66.7% of the study respondents believe that their respective agencies' was very successful in implementing counter terrorism strategies.

2.7   Conclusion

The main goal of the state is its survival, and since the state operates in an anarchic international system, it can never be sure of the intention of other states (Mearsheimer, 2003). Terrorism poses grave danger to the security of the state, hence the existence of the state is threatened. Good intelligence serves as an early warning by which states seek to manage the international system to their advantage, such as protecting itself against terrorist attack(s). To effectively deal with terrorism, intelligence is a prerequisite. Counter terrorism intelligence allows for timely and effective policy response to potential or actual attackers thereby minimizing human and financial costs.

One of the ways to identify an effective counter terrorism strategy is focusing on the collective grievances behind radicalism and violent extremism by addressing the root causes of terrorism. The aim is to decrease the social, economic and political appeal of terrorism by separating terrorists and winning over possible recruits. The intelligence community provides decision leads by presenting information and analysis that can advance decision making process for policy and decision makers, while thwarting terrorist activities, warning of their potential threats, and situational awareness.

With the contemporary terrorist threats evolving to become more unpredictable, more vicious and more imminent, there was need for the Kenyan government to change its counter terrorism strategies by directing several security agencies to focus on the terrorism threat; each agency supplements the efforts of the other. Despite significant improvement in counter terrorism efforts, the intelligence community has had unrealistic public expectations of preventing all terrorist attacks within the country. The past attacks have always led to the collapse of public and political support of the intelligence community. But through timely intelligence, several acts of terrorism have been prevented by the intelligence community.

`CHAPTER 3:   THE INFLUENCE OF THE LOCAL COMMUNITY ON COUNTER TERRORISM INTELLIGENCE

3.1 Introduction

The perpetrators of terrorism acts live or have lived within a community. Most of them have relatives within particular communities, from where they were recruited to join terrorist groups. As such, most terrorist recruits and sympathizers are known to the local community. Therefore, security agencies need to partner with the local community to support their investigation or crime prevention tasks, which they define, understand and use in various ways according to their organizational imperatives and concerns. The range of potential partners include the intelligence community, which view the local community as a source of information for terrorism prevention. Thus, intelligence collected from multiple sources, including community informants, has led to intervention prior to attacks, and arrests of terror suspects in the US, Canada and Britain (McGarrell, Freilich, & Chermak, 2007; 151). Establishing connections between the intelligence community and the local community results in informants and intelligence that could form the basis for predictive intelligence.

3.2   Local Community Support to Counter Terrorism Intelligence

The Kenyan intelligence community, like all intelligence services, maintain secrecy in their dealings, especially intelligence collection. This is the point of departure between intelligence collection and criminal investigations. An intelligence officer (IO) covertly collects counter terrorism intelligence from the local community. The informants and information sources go through rigorous screening to help prevent information leaks and protect them.

By its nature, the main problem with terrorism is that it gives out limited signals. This is because an attack can be carried out by a minimal number of people, does not require transfers of large amount of funds, and involves limited communication. A terrorist organization operates like a security agency; it has a fighting, logistics and intelligence units. They are trained on security and intelligence tradecraft, which includes collection, analysis, production and use of intelligence, and counter intelligence. Tradecrafts are particular methods an IO (and even terrorists) use to operate and communicate without being detected (Shulsky & Schmitt, 2002; 19). Therefore, detecting and dealing with terrorism indicators might not be easy for a regular LEA officer, it requires an IO.

However, terrorists belong to and operate within the community. These include recruitment of new members, and at times, their training. As such, the local community plays a crucial part in counter terrorism. These include information on terror suspects, which includes their identity, activities and associates, if known. The work of an IO is to collect terrorism related information and data, and take it through the intelligence cycle. The method of collection is mainly from human sources, HUMINT, which involves the identification and recruiting a human source, who by virtue of his work, relation, or position of trust in an organization, has access to important information and data and, for some reason, is willing to share it with the IO (Shulsky & Schmitt, 2002; 11). The information must be on someone or something of interest (known as a target), which the IO has an interest on.

Terrorist are usually vicious and brutal, and would capture and kill anyone suspected of espionage against them. This endangers the lives of the IO and his source, hence the IO has to train his source on tradecraft to avoid detection, maintains communication by briefing and debriefing the source, provides necessary resources and ensures that the flow of information covertly continues. HUMINT information is valuable as it is cheap and capable of providing relevant and timely information on the targets covered.

The Kenyan intelligence community's IOs covertly collects terrorism related information and data after establishing a two-way communication with their local HUMINT sources. This is taken through the intelligence cycle producing actionable and strategic intelligence, which is disseminated to decision and policy makers (Figure 3.1). During information processing, the IO may re-task or direct his sources to fill the gaps identified during analysis and production. The resultant intelligence, in terms of current, operational and/or strategic intelligence briefs, are shared with decision and policy makers, who use it for field operations, and formulation of counter terrorism policies and strategies. The briefs may be originating from respective intelligence and security agencies, and/or the intelligence fusion centre.

The resultant operational intelligence is used for planning/conducting security, intelligence and/or military counter terrorism operations on national interest. Current intelligence provides regular terrorism situational reports and updates for the purposes of coordinating and management of national security. Basic intelligence provides biographic data or situations that may be required for policy and decision making processes, while strategic intelligence is necessary for the state to formulate and implement long-term national policies

on Kenya's security, defence, socio-political affairs and the economy among others. Among the long-term national policies formulated by strategic intelligence is the NSCVE.

Figure 3.1: Local Community Support to Counter Terrorism
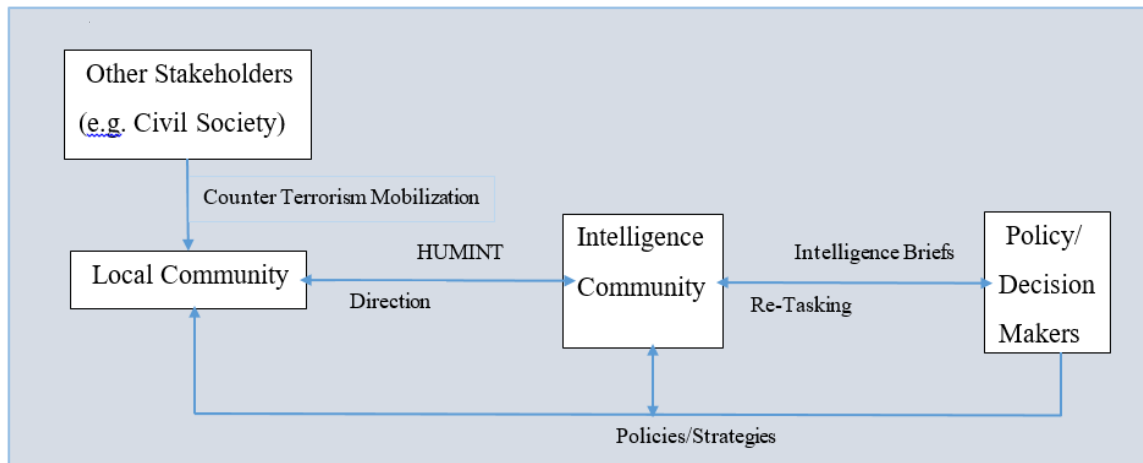
3.2.1   How Respective Local Communities Support Counter Terrorism

Since the local communities have lots of information on some of their youths, who might be supportive of terrorist activities, the local communities become very important sources of information. Because of the sensitive nature of the information, there are always covert channels put in place by the intelligence community to access this information. Most importantly, access to counter terrorism information mainly depends on the support of the local communities. As such, the local community respondents to this study returned varied feedback on how they support their community and the security agencies deal with terrorism threats. The responses are tabulated Table 3.1.

Table 3.1: Local Community Response on their Counter Terrorism Support

	How respective organizations/communities support counter terrorism		
	Response	**Frequency**	**Percent**
1	Apprehend suspects and handover to the police	1	5
2	Deploy both human and non-human resources towards counter terrorism and collecting related information	3	15
3	Sensitizing the community and the youths about terrorism and its effects	6	30
4	Enforcing *Nyumba Kuma* initiative	1	5
5	Reporting suspicious activities and Sharing terrorism related information with security agents	8	40
6	Missing Value	1	5
	TOTAL	**20**	**100**

From the responses, most respondents (40%) believe that sharing information about suspicious activities of their neighbours with the security agents can help in the fight against terrorism. This information is mainly collected through the HUMINT. As such, the intelligence community has to create a channel that can be used covertly by the local community informants to relay the information. Actually, according to figure 3.2 below, 95% of the local community respondents believe that the government has provided a channel for the locals to share terror related information with the security agencies.

Still, 30% of the respondents think that sensitization of the local community about the effects of terrorism can address how the youth respond to terrorism recruitments. In this case, the intelligence community has to formulate sensitization programs that can reach most of the residents targeted within the respective communities.

Figure 3.2: Provision of a channel for information sharing by government
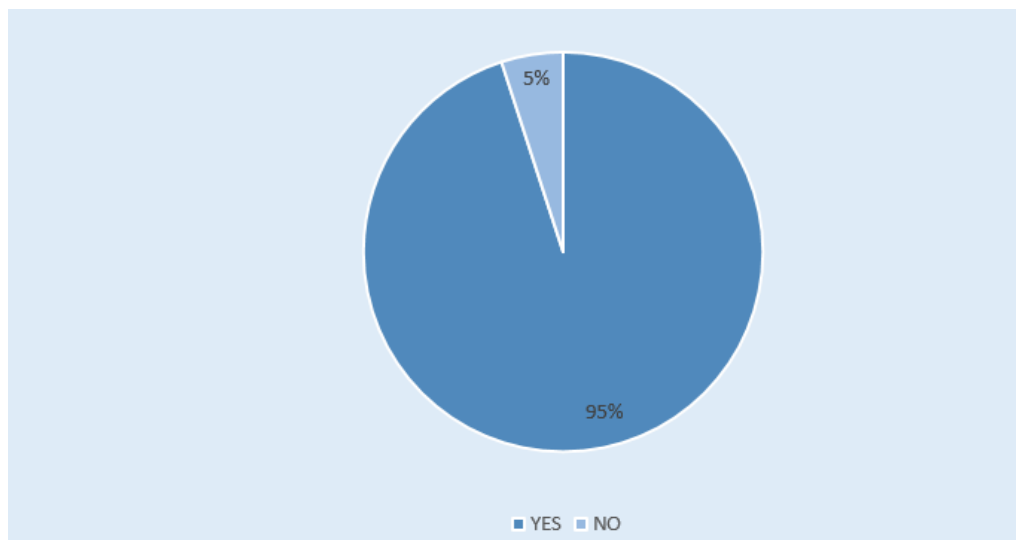
However, it is apparent that the local community is yet to appreciate the effects of community policing, through the *Nyumba Kumi* initiative. This is because only 5% of the local community respondents believe that the *Nyumba Kumi* initiave is a method that can be used to counter terrorism. This can be attributed to suspicion within the community and the fear of revenge attacks directed at the *Nyumba Kumi* elders, who are believed to be reporting terrorism suspects to the government authorities, in some communities.

3.2.2 Local Community – Intelligence Community Information Sharing

It is the wish of the intelligence community to receive any terrorism related information from the local community. This might not be easy because the information is passed willingly from the local to the intelligence community. However, some informants might only be comfortable to willingly pass such information to some of the security agents. As such, there are options of security agency departments that an informant should choose from. Still, all terrorism information collected by any of the departments are channelled to the respective department's counter terrorism unit.

Table 3.2 below shows the preferred agency that the respective local community prefers to pass their terrorism related information. These agencies have their officers operating within the local communities and are easily accessible to the locals.

Table 3.2: Local Community Response

Would you agree to share information on terrorism with?	STRONGLY DISAGREE	DISAGREE	DONT KNOW	AGREE	STRONGLY AGREE
	Count %	Count %	Count %	Count %	Count %
The Intelligence Service	0 0.0	0 0.0	1 5.0	1 5.0	18 90.0
The Kenya Police	3 15.0	3 15.0	5 25.0	5 25.0	4 20.0
Provincial Administration (Chief, Assistant Chief, Village Elder)	1 6.3	5 31.3	3 18.8	3 18.8	4 25.0

From Table 3.2 above, majority of local community respondents (90%) would strongly prefer sharing counter terrorism related information with the Intelligence Service, and none of the respondents disagrees on sharing information with the Service. This might be due to the fact of confidentiality in handling HUMINT terrorist related information, hence developing trust between the Service and the locals. This is different from how the local community would like to share information with the Police and the local provincial administration, which the local community strongly disagrees on sharing information with. Only 25% of the

respondents would strongly agree to share information with the provincial administration, but these were the respondents whose roles were within the provincial administration. Hence, there exists a distrust between the local community and the provincial administration, namely, the county commissioner, deputy and assistant county commissioner, chief, assistant chief and the village/clan elder.

On the flip-side, majority of the local community respondents (30%), according to Table 3.3 below, would rather not share terrorism related information with anyone else, apart from the security agents. This shows the sensitivity of the information, hence mishandling it would result in dire consequences.

Table 3.3: Information sharing with none security agents

Who else would you share information with?		
	Frequency	**Percent**
No Response	4	20.0
Clan elder	2	10.0
County commissioner	2	10.0
Imam	1	5.0
Local community policing	1	5.0
Non-Governmental Organizations	1	5.0
None	6	30.0
Other security agencies	2	10.0
United Nations	1	5.0
Total	**20**	**100.0**

3.2.3 Local Community's Opinion on the Government's Counter Terrorism Strategies

Most of the government's counter terrorism strategies are implemented within, and for the benefit of, the local communities. The beneficieries of these strategies are the targeted local communities. As such, they have their own opinion on the effectiveness of these strategies, which are captured in Table 3.4 below.

Table 3.4: Rating the role of local community and government in countering terrorism

Aspect	Strongly Disagree	Disagree	Don't Know	Agree	Strongly Agree
	Count %	Count %	Count %	Count %	Count %
In your opinion, do you agree with the commitment of the Kenyan government to countering terrorism?	0 0.0	0 0.0	1 5.0	8 40.0	11 55.0
Evaluating the importance of the role the local community plays in preventing terrorism	0 0.0	0 0.0	2 10.0	1 5.0	17 85.0
Rating the strategies being used by the intelligence community to counter violent extremism and conditions conducive to the spread of terrorism have been effective	0 0.0	2 10.0	1 5.0	8 40.0	9 45.0
Rating the government's effort to sensitize the public on the need the need to cooperate with security agencies to expose terrorist groups within the community	0 0.0	2 10.0	0 0.0	2 10.0	16 80.0

The local community strongly agree that it plays an important role in preventing terrorism. Most of the respondents (55%) strongly agree that the government is committed to countering terrorism. At the same time, majority of the local community strongly agree with the strategies being implemented by the intelligence community to address the root causes and counter conditions conducive to the spread of terrorism and violent extremism. Still, 80% of the local community recognizes the government's community sensitization efforts, and strongly agrees with the need to support the security agencies in their counter terrorism tasks. These opinions by the local community respondents can be due to the reduced incidents of local youths being radicalized and disappearing from the community to undergo terrorism training, and reduced cases of terrorism attacks in the country. It shows that the intelligence community's counter terrorism strategies are reaching the intended recipients and seen to be performing the intended purpose.

3.3   Counter Terrorism Community Policing

The concept of community policing is a management approach that emphasizes the LEAs, especially the police, working proactively with residents to reduce fear, solve crime related problems and prevent crime (Miller, Hess, & Orthmann, 2014). It has two themes, namely; police-community partnerships and a pro-active crime prevention approach. Since the police cannot maintain public safety alone, community policing inspires interactive partnerships with relevant stakeholders, which include the intelligence community. The point of departure between the police – community partnership, and intelligence – community partnership is that whereas the former engages local community overtly, the latter engages them covertly hence giving their sources of information some confidence of security and protection.

The traditional intelligence and security approaches have attained limited penetration of communities mostly associated with terrorism because of tactics used. These tactics included use of intrusive, aggressive and militaristic strategies to investigate and identify terror suspects and plots. A LEA at war with the community it targets is unlikely to find people willing to share information with it (Kappeler & Gaines, 2011; 44). Such tactics alienate the targeted community and are antithesis. The intelligence community mostly depends on the public to volunteer information to effectively prevent terrorism. Counter terrorism community policing targets the support base of the terrorists; their local communities, which play a pivotal role in prevention of terrorism. The intelligence community depends on the local community to observe and report suspicious activities. It should be the role of the intelligence community to foster its relationship with the local community so that it can contribute significantly as the first line of defence against terrorism information collection. The counter terrorism intelligence community involves the local community mainly on covert intelligence gathering, intended for disruption of plots, risk analysis, target hardening, and community mobilization against radicalization and violent extremism among others.

3.3.1   Countering Radicalization and Violent Extremism

Radicalization is a process where an individual accepts terrorist violence as a legitimate, course of action (OSCE, 2014). The process may eventually, or not necessarily, lead the person to advocate, support, or engage in terrorism. Radicalization develops to a national security threat when individuals and groups engage in violence as a means of promoting ideological, political or religious goals, which is known as violent extremism (VE). VE refers to radicalized persons who are ready to engage in, or actively support, acts of violence in

furtherance of radically non-liberal, non-democratic political systems or ideologies. The use of persuasive means to delegitimize VE beliefs and reduce the number of terrorist groups' supporters and recruits is known as counter violent extremism (CVE).

Youth radicalization has spread throughout Kenya, particularly in the Coastal and North Eastern regions. The clear growth in the number of youths attracted to extremism is proven by the rising recruitment and terror attacks in several parts of the country. Also, the heightened radicalization is due to the presence of local radical and foreign extremist Muslim preachers, who import the ideology into Kenya. The preachers penetrate the local community's religious and cultural institutions for recruitment to join the militia and radical insurgent groups, especially the Al-Shabaab and the ISIL.

Engaging the public on counter radicalization and coordinating the implementation of the NSCVE is a policy function of the NCTC (SLAA, 2014). The NSCVE (2016) reflects a new inclusive and comprehensive approach to CVE, beyond the previous security-driven approach. As per their mandate, the NCTC directly engages other government agencies and departments, LEAs within the counter terrorism intelligence community, the county governments, the civil society, Non-Governmental Organizations (NGOs) for the efficiency and sustainability of CVE approaches. To consolidate its implementation, the NCTC is responsible for the NSCVE at the national level and incorporates members of the County Security and Intelligence Committee, the County Government and Assembly, local religious leaders, youth representative and the local private sector members at the county level. The tasks include developing information, education and communication materials for awareness at the community level for CVE. This is done overtly and covertly.

To organize and plan an attack, terrorists need funds, recruits, supporters and even places to hide. Their natural choice is their local community. Therefore, the local community is the main target of CVE and counter radicalization because it is the most affected as it harbours radicalized youths, terrorist sympathizers their relatives, and may be, financiers. The radicalized youths within the community, local returnees, or those captured by the security agencies have to go through the NSCVE's de-radicalization, disengagement, rehabilitation, re-integration (DDRR). The DDRR involves encouraging, facilitating and educating the community to renounce violence and VE ideologies. It also ensures former radicalized youths are re-integrated into the society to lead a legally productive life. The reformed youths have

to go through screening by the intelligence community, to protect them from sliding back and their former terrorist group, and also debrief them.

3.4   Conclusion

It has been established that the local community is an important player in the war against terrorism because terrorism operatives belong to, and at times, operate within the community. As such, the intelligence community, through their IOs, covertly collect HUMINT from collaborating local community informants, which are then collated with information from other sources to produce actionable and strategic intelligence. These can then be used against terrorists through covert operations and to formulate counter terrorism policies, which can be used as terrorism early warnings.

To access counter terrorism intelligence, majority of the local community prefer dealing with LEAs, especially the NIS. This is because terrorists are vicious and brutal. As such, confidentiality and protection of information sources is paramount. This must be the reason why most local community informants prefer dealing with IOs than the regular LEAs.

The intelligence community needs the support of the local community to counter terrorism threats, through the following approaches: Creating awareness, Sensitizing and educating the youth on terrorism; Embracing community policing and the *Nyumba Kumi* initiative; Liaising with LEAs by sharing/reporting counter terrorism related information and activities; Evaluating the influence of madrassa teachings on their children; and Supporting government counter terrorism strategies and policies at the community level. As such, majority of local community respondents advocate for formulation of long-term counter terrorism policies that can address the conditions conducive to terrorism, and CVE.

CHAPTER 4: COUNTER TERRORISM INTELLIGENCE COOPERATION

4.1 Introduction

Countering the threats of terrorism cannot be done in isolation due to its transnational nature. As such, there is need for local security agencies to cooperate with other local and foreign agencies. Thus, this chapter seeks to examine the Kenyan intelligence community's inter-agency cooperation, liaison with Foreign Intelligence Agencies (FIAs) and the role of intelligence in prosecution of terrorism suspects.

Pointedly, all the intelligence community respondents interviewed for this study indicated the existence of inter-agency counter terrorism intelligence/information sharing. At the same time, all the local intelligence agencies (80%), except respondents from the ODPP, liaise with friendly FIAs. This is because the ODPP is an independent office which should not have external influence, but may choose to liaise with local security agencies in pursuit of prosecution evidence.

4.2 The Need for Intelligence Cooperation

States within the international system exercise power for survival in a competitive and an anarchic international arena, according to the realist theory of international relations (IR). They nurture relations with other international actors (states) because they cannot survive alone without making alliances and countering perceived enemies. This is mainly for sustaining and achieving their prosperity needs and security against internal and external threats. Within the alliances, each state aims to maximize its power for safe and secure achievement of its national interest. Such alliances are aimed at pursuing the state's foreign policy, which is informed by, among others, intelligence made available to the policy makers.

The Cold War era intelligence was supposed to protect states against other hostile states through advancement of their foreign policies. Intelligence policies were aimed at protecting sources and methods, while keeping enemies from gaining access to military secrets. Therefore, the intelligence communities achieved their goals through secret and compartmentalized collection, analysis, and dissemination of information. This approach worked well as long as the decision and policy makers knew who the adversary was, what information to search for, where to get it, and the consumer who needs it. Intelligence was

then shared among carefully defined groups, including senior government officials, all of who held appropriate security clearance.

These policies are ill-suited to the current fight against transnational terrorism. The dual requirements of the "need to know" and security clearance impede free flow of information to the relevant consumers who are involved in countering the threat of terrorism. The transnational nature of terrorism needs close collaboration between intelligence agencies and LEAs, both local and foreign (Schreier, 2005). This is because some terrorism suspects will be brought to courts to face trial at home or abroad, but others are dealt with through other means, such as military and/or covert actions. As such, intelligence cooperation happens at the local, national and international levels (Clough, 2004). These levels are applicable to intelligence cooperation within the context of international intelligence cooperation and could also be applied to intelligence cooperation on local, national and regional levels. Just as intelligence can be defined as an institution, as a process and as a product, intelligence cooperation also happens along the same lines.

In the Kenyan context, important steps have been taken to foster closer cooperation within the intelligence community, and between the intelligence community, the policy makers and other LEA's. The Kenya National Assembly's (KNA) reports on Westgate Mall and Garissa University College (GUC), and the Independent Policing Oversight Authority (IPOA) report on Mpeketoni terrorist attacks all allude to lack of cooperation among the security and intelligence agencies, and lack of action on disseminated actionable intelligence (KNA, 2013; KNA, 2015; IPOA, 2014). The reports recommend a multi-agency security cooperation and information sharing, as well as regional and global cooperation and information sharing with liaison partners, such as the UN, the AU, the Inter-Governmental Authority on Development (IGAD) and the East African Community (EAC). As such, in external cooperation, twelve international conventions related to counter terrorism have been ratified by Kenya. These include the AU's Convention on the Prevention and Combating of Terrorism (1999) and its 2002 Protocol, and US funded East Africa Regional Strategic Initiative (EARSI) and Combined Joint Task Force – Horn of Africa (CJTF-HOA), among other conventions.

4.2.1 Counter Terrorism Intelligence: Areas of Cooperation

There various areas of counter terrorism intelligence cooperation, which mainly depend on the needs of each agency. Areas of cooperation with FIAs is mainly dependant of the Memorandum of Understanding (MoU) between the cooperating intelligence agencies. The

main areas of intelligence cooperation includes, but not limited to training, information, joint operations, and equipment/tools. Table 4.2 below shows responses from the intelligence community focusing on the specific areas of intelligence cooperation, both within the intelligence community and with FIAs.

Inter-agency intelligence cooperation is mainly formal, with some aspects of informal intelligence sharing, while cooperation with FIAs is strictly formal. According to most respondents (55.7%), From Table 4.1 below, inter-agency intelligence cooperation is both formal and informal, while the relationship with foreign agencies is majorly formal (73.3%). No respondent think these relationships should be purely informal.

Table 4.1: Formality of intelligence cooperation

	INFORMAL		FORMAL		BOTH INFORMAL AND FORMAL	
	Count	%	Count	%	Count	%
Within the local intelligence/ security agencies	0	0.0%	27	44.3%	34	55.7%
With foreign intelligence/ Security agencies	0	0.0%	44	73.3%	16	26.7%

Table 4.2: Evaluation of Kenya Intelligence cooperation

	POOR	SATISFACTORY	GOOD	VERY GOOD	EXCELLENT
	Count %	Count %	Count %	Count %	Count %
Within the Kenyan Intelligence community					
Training	1 1.6	9 14.8	20 32.8	21 34.4	10 16.4
Information sharing	2 3.3	7 11.5	18 29.5	23 37.7	11 18.0
Joint operations	1 1.6	4 6.6	15 24.6	28 45.9	13 21.3
With foreign intelligence agencies					

Training	1	11	13	22	12
	1.7	18.6	22.0	37.3	20.3
Information sharing	0	14	25	9	10
	0.0	24.1	43.1	15.5	17.2
Equipment/Tools	2	9	18	18	11
	3.4	15.5	31.0	31.0	19.0

With reference to Table 4.2 above, majority of the intelligence community respondents considered that the inter-agency intelligence cooperation within the intelligence community was very good in terms of training (34.4%), information sharing (37.7%), and joint operations (45.9%). Intelligence liaisons with foreign agencies was considered by most respondents as very good (37.3%) in terms of training, good (43.1%) in terms of information sharing, and both as good (31%) and very good (31%) in terms of equipment and tools.

It can be noted that cooperation within the Kenyan intelligence community in terms of training, information sharing and joint operations are good, but there is need to improve this cooperation to a higher level. The same improvement should also be applied to the cooperation between the local intelligence agencies and FIAs.

4.2.2 Intelligence Community Inter-Agency Cooperation

Timely intelligence and increased intelligence cooperation within security and intelligence agencies is an appropriate and fundamentally significant element of any successful counter terrorism strategy (Staberock, 2012). Intelligence is critical in identifying and analysing threats, thus providing LEAs and prosecution officers with the required tools to prevent and prosecute acts of terrorism respectively. In understanding the context and environment of a terrorist organization's support base and their targets, intelligence play an invaluable in in disrupting terrorist plots as well as providing the LEAs and criminal justice system with the necessary information so that they can intervene and act in a timely and appropriate manner.

Since the KDF launched *"Operation Linda Nchi"* in 2011, and eventually joining the AU Mission in Somalia (AMISOM), terrorist attacks have increased both in Kenya and Somalia, targeting civilians, military and security installations and personnel. Some of the major

attacks include Westgate Mall (2013), Mandera buses (2014), Mpeketoni (2014), and the GUC (2015) among others. Reports on inquiries to these attacks points out that either the actionable intelligence shared by the LEAs were not acted upon by the decision makers, or were not specific. This points out to an information flow problem. This has made the Kenyan intelligence community to form close working relationships amongst themselves and the relevant stakeholders. Schmid (2011; 38) suggests rules for combating and preventing terrorism includes strengthening coordination of anti-terrorism efforts within and between states, enhancing international police and intelligence liaison, and offering technical support to countries that lack the expertise and means to upgrade their counter terrorism tools.

4.2.3 The Counter Terrorism Fusion Centre

The Kenyan intelligence community have come up with mechanisms to process, share and disseminate intelligence to their respective and joint customers as shown in figure 4.1 below. This led to the formation of a Fusion Centre. According to the US Department of Homeland Security (DHS), a fusion centre is a collaborative effort of two or more agencies providing resources, information and expertize aimed at maximizing their capacity to detect, prevent, investigate and respond to terrorist activities (Cilluffo, Clark, Downing, & Squires, 2012). The Kenyan Fusion Centre is instituted to receive, gather, analyse and share threat related information. It exists as a system that detects threats, shares information, provides early warning, and coordinates responses. The Centre has representatives from all the agencies within the intelligence community, and other incorporated members from relevant government agencies as shown below (Figure 4.1).

Counter terrorism intelligence cooperation within an intelligence community requires a horizontal and vertical coordination (Waxman, 2009). Horizontally, the intelligence community need to communicate and collaborate within the community and with other local security agencies. Vertically, each security and intelligence agency needs a top-down/bottom-up intelligence flow, following on the chain of command basis.

Within the Fusion Centre, counter terrorism intelligence cooperation occurs at every stage of the intelligence cycle, namely; Planning and Direction, Collection, Processing, Analysis and Production, and Dissemination. Division of labour occurs at the Planning and Direction stage, where each intelligence agency, according to its capability, decides what to do and how to do it. A common task from the consumers is shared amongst the agencies, who may individually

or collectively plan and gather information on the task from their respective sources. The intelligence community lists what is known, intelligence gaps and how to fill the gaps.

Figure 4.1: Information Sharing Process
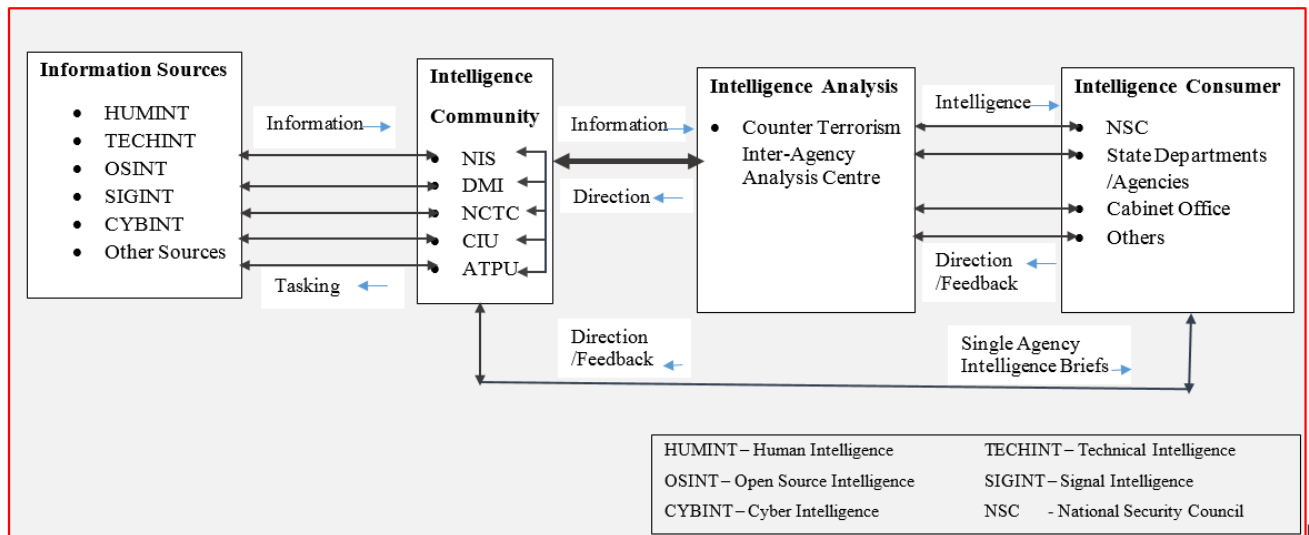
Analysis and Production is one of the most critical stages of cooperative intelligence. The Counter Terrorism Inter-Agency Analysis Centre, a component of the Fusion Centre, has trained intelligence analysts from all the agencies within the intelligence community. The Analysis Centre is responsible for joint counter terrorism information analysis. It may re-task or direct any member of the intelligence community for more information. The resultant intelligence is disseminated to the respective consumers. At the same time, each agency may do their own analysis for internal consumption, share with partner agencies, and/or disseminate to policy makers in terms of individual intelligence briefs. The disseminated intelligence briefs can be basic, current, predictive, operational and/or strategic intelligence.

Counter terrorism strategic intelligence refers to knowledge about terrorists' network, organization, location and *modus operandi*. It provides future outlook, identifies trends, and gives early warnings on possible future threats. Strategic intelligence is essential for the state to formulate and implement long-term security and counter terrorism policies. Since it is not a direct and actionable intelligence, strategic intelligence is easily shared amongst national security and intelligence agencies, and foreign governments' national intelligence agencies. Unlike strategic intelligence, operational counter terrorism intelligence is shared on the need-to-know basis. Since it is mission specific, it is only shared by those concerned with the particular operation. This can be intra-agency or inter-agency sharing as the need be.

4.2.4 Foreign Intelligence Liaison

Premised on the realist's IR theory, intelligence in the old era was mainly used for regime protection and safeguarding national interests. With the emergence of new security threats, this has since changed. Counter terrorism intelligence exchange and collaboration between FIA's has significantly increased since the September 11th terror attack (9/11). The UN Resolution 1373, adopted from Chapter VII of the UN Charter by the UN Security Council (UNSC), encouraged international sharing of counter terrorism information. The most common counter terrorism information sharing happens at the the state and agency levels, namely; state-to-state and agency-to-agency sharings, respectively. State intelligence agencies cooperate, both multilaterally and bilaterally primarily in accordance with their foreign policy objectives and self interest. Finally, intelligence cooperation happens when the potential benefits are apparent and its costs and risks are well understood. As such, Trans-national intelligence liaison has three aspects, namely: availability of training facilities to each other, sharing of intelligence gathered independently, and joint operations aimed at itelligence collection and neutralization of terrorist groups identified as common enmies.

State-to-state and agency-to-agency counter terrorism intelligence sharings are made possible through bilateral and multilateral agreements between and among state intelligence agencies. Most state-to-state intelligence sharing give precedence to information needed to save lives, such as an imminent terror attack, which should not be kept away from the target country, whether a structured intelligence sharing agreement exists or not. This negates the common realists notion that intelligence agencies only think of their own interest first. Bilateral intelligence cooperation between national security and intelligence agencies are mainly done through liaison officers. These are intelligence officers seconded to foreign countries to liaise with the host country's intelligence agency as conduits for intelligence exchange and cooperation. Liaison officers expedite and facilitate intelligence collection and exchange through direct contact with the host country's security and intelligence agency. They act as hubs and facilitators of formal and informal networks of intelligence sharing and exchange.

In the Kenyan context, friendly FIA post liaison officers to their Nairobi embassies, who liaise with the Kenyan Chief Liaison Officer (CLO) for the purposes of intelligence exchange and cooperation. Intelligence sharing in this case is mostly formal and based on specified areas of interest to both nations. Since such exchanges are bilateral, there are basic principles that guide their exchange and privacy. The "third-party principle" directs the recipient

intelligence agency not to share information received with a third party without consent of the originator of the information. The "quid-pro-quo" principle ensures that the liaising parties enjoy certain balances concerning not only the amounts (quantity) of information shared, but also their value and contents (quality). These two principles are closely observed between Kenya and its counter terrorism intelligence liaison partners.

Kenya's main counter terrorism intelligence liaison partners include the US, UK and Israel. This is because the first major terrorist attacks in Kenya (1998 and 2002) targeted the American and Israeli interests in Kenya respectively. Though the suceeding attacks attacks were aimed at Kenyans, several were also aimed at Western interests. Intelligence cooperation between Kenya and the Western nations have helped avert most terror attacks. To forstall these attacks, the intelligence cooperation mostly involved sharing of intelligence between the Kenyan intelligence community and respective state intelligence agencies based on terrorist groups' assessments, pre-emptive intelligence such as terrorist groups' movements and plans, equipment and technical support, specialized personnel training, and even operational cooperation (covert action).

The US and its GWOT allies, UK and Israel, have had a long history of security cooperation with Kenya (Ploch, 2010) because it has remained fairly stable and peaceful in a region with unstable and fragile states. The peace and stability has made Kenya a regional hub for trade, investments and a top tourist destinations, hence playing an active role in regional security. Coupled with fears over the Al-Qaida affiliated Al-Shabaab terrorist group, the US has shown keen interest in Kenyan counter terrorism strategies, mainly focusng on contributing significantly to improving Kenya's anti-terrorism capacity (Ploch, 2010; 50). This assistance covers all Kenyan security organs, including the intelligence community, to enable it control its land and sea borders against terrorism. Through the bilateral Kenya-US counter terrorism intelligence cooperation, the government established the ATPU, the Joint Terrorism Task Force (which has since been disbanded), National Security Advisory Committee (NSAC), and the NCTC (Aronson, 2013; 30). Without this assistance, most of Kenya's security and counter terrorism intelligence programmes and operation would not have been possible.

4.2.5 Regional Intelligence Cooperation Programs

The US government in 2003 launched the East African Counterterrorism Initiative (EACTI) in collaboration with Kenya and other HoA countries Tanzania, Uganda, Ethiopia, Eritrea

and Djibouti (Whitaker, 2010). As such, the countries showed their commitment to counter terrorism by ratifying and/or acceding the 1999 Organization of African Unity (OAU) Convention and to most of the UN conventions on terrorism. Each of these countries had experienced growing activism of minority Muslim society. Since the three East African countries have experienced deadly terrorist attacks, with the most famous being the August 1998 simultaneous attacks on the US embassies in Kenya and Tanzania, the US intelligence community have increasingly focused on them. Thus, the focus of the US intelligence community, through the EACTI, has been on mitigating and countering violent extremism within the HoA region, especially the marginalized and predominantly Muslim regions. The EARSI replaced EACTI in 2009 with an expanded membership, including the Comoros, Mauritius, Seycheles, Somalia and Sudan. The EARSI aims at fostering regional counter terrorism efforts, members' capacity buiding, and reduce support for violent extremism.

The Kenyan intelligence community, through the NIS, is a signatory to the Committee of Intelligence and Security Services of Africa (CISSA), which was established in 2004 by the African Heads of Intelligence and Security Services. This was due to the rising awareness of the importance and practical value of cooperative and constructive multilateralism. The main function of CISSA is the acquisition, processing, analysing and transmission of intelligence through a joint secretariat on shared threats to the stability of member states. CISSA enables capacity building, harmonises tactics, and develops an indigenous African security doctrine to these common security threats. The objectives are to facilitate intelligence cooperation and exchange amongst member agencies on common and/or cross border security threats, and work as a cooperation platform with similar organizations outside Africa.

Terrorism is a common security threat to most African countries, especially in Eastern, Northern and Wester African regions. The African Centre for the Study and Research on Terrorism (ACSRT) undertakes CISSA counter terrorism technical coordination within these affected regions. ACSRT was established by the AU in 2004 as a centralized collection, analysis and dissemination mechanism on terrorism and terrorist group information. The ACSRT provides technical expertise, and promotes the collaboration and normalization of efforts aimed at improving capacity of member states to prevent and combat terrorism (Ewi, 2013). With the support from the US and EU member states, the ACSRT organizes regional workshops and seminars, which serve as forums for facilitating counter terrorism information sharing and taking stock of counter terrorism measures.

4.3 Counter Terrorism Inter-Agency Relations, Information Sharing and Privacy

The overwhelming domain within the intelligence community remains its emphasis on tight security and security for information being exchanged (Deeks, 2016). The community thrives on a common culture; secrecy. As such, intelligence communities the world over are inherently secretive and are driven by their own desire to provide their country with accurate and timely information that allows their policymakers to make timely and best decisions for their country. Intra-intelligence community and inter-agency agency intelligence and information sharing may jeopardize the confidentiality of the shared intelligence and/or expose their sources and/or methods of intelligence collection. Intelligence communities are reluctant to disclose the details of their sources and methods of used to collect intelligence to the public and to one another. This is also true of different agencies within the same state and also applies to the usage of intelligence as evidence in a court of law (Walsh 2006, 629).

4.3.1 Information Sharing and Privacy

In addition to protection of sources and methods, different states have different notions of privacy, thus resisting large scale intelligence sharing. This is because the intelligence shared may be shared by a third party or used by the receiving state for purposes it was not intended for by the provider, and without being requested for or informed that it be used for that purpose. Thus, bilateral intelligence exchange between two peer intelligence agencies are guided by the third-party principle whereby the recipient intelligence agency is not obligated to share the received intelligence with a third country without the express permission of the originator agency. As such, intelligence exchange between two peer agencies is like a world within a world, governed by liaison officers on their own diplomacy, and characterized by elaborate agreements, momerandums of understanding (MoUs') and treaties (Deeks, 2016; 19). Therefore, the security of the intelligence shared and not the intelligence itself, is the main substance and focus of such agreements reflecting how the shared intelligence be circulated within each intelligence community and its respective national system.

Because of the disposition to the realist school of thought within the international security cooperation, mistrust between and among intelligence agencies emanates from fear of compromising intelligence sources and methods through intelligence cooperation. This hampers intelligence sharing. Protection of intelligence sources is the most treasured asset of any intelligence institution. Still, the Kenyan intelligence community and its bilateral liaison partners observe the thrird party principle in sharing counter terrorism intelligence.

4.3.2 The Intelligence Community Relations

The success of counter terrorism intelligence mainly depends on how the decision and policy makers receive it, hence the relationship between the intelligence community and decision/policy makers is very important. Also important is the relationships amongst the different agencies with the common goal of countering the threat of terrorism.

From Table 4.3 below, the relationship within the local intelligence community is very good (36.7%), same as between the local intelligence agencies and foreign FIAs (52.6%). Most respondents (38.3%) believe that there exists an excellent relationship between the intelligence community and the decision/policy makers. But the relationship between the intelligence community and the civil society is satisfactory according to most respondents (37.5%), while only 4 respondents (7.1%) think this relationship is excellent. Still, majority of the respondents (33.9%) believe that the relationship between the intelligence community and local community is very good. Thus, there is need to improve these relationships to the optimal level to improve effects of intelligence on counter terrorism.

Table 4.3: Rating of intelligence sharing

	POOR	SATISFACTORY	GOOD	VERY GOOD	EXCELLENT
	Count %	Count %	Count %	Count %	Count %
Rating intelligence cooperation/sharing as a counter terrorism tool	0 0.0	4 6.7	8 13.3	15 25.0	33 55.0
Rating of the relationship Between the Intelligence Community and:					
Local intelligence/security agencies?	0 0.0	3 5.0	17 28.3	22 36.7	18 30.0
Foreign intelligence/security agencies?	1 1.8	2 3.5	11 19.3	30 52.6	13 22.8
Rating of the relationship Between the Intelligence Community and:					
Decision/policy makers (intelligence consumers)	0 0.0	1 1.7	16 26.7	20 33.3	23 38.3
Civil society	12	21	9	10	4

	21.4	37.5	16.1	17.9	7.1
Local community	6	12	16	19	3
	10.7	21.4	28.6	33.9	5.4
Impact on intelligence cooperation/sharing					
Legal	3	18	14	21	4
	5.0	30.0	23.3	35.0	6.7
Technical	1	9	15	26	9
	1.7	15.0	25.0	43.3	15.0
Organizational	0	8	27	18	7
	0.0	13.3	45.0	30.0	11.7
Financial	3	20	17	13	7
	5.0	33.3	28.3	21.7	11.7

From Table 4.3 above, majority of the respondents believe intelligence cooperation and information sharing is an excellent counter terrorism tool. Within the Kenyan intelligence community, the impacts of legal and technical factors on intelligence cooperation and information sharing were considered very good by most respondents. Still, the impact of organizational structure was considered as good, while financial factor was considered satisfactory by most respondents. This may be due to the different remunerations and funding to the respective agencies.

The challenges noted by various intelligence community respondents on intelligence cooperation and information sharing were mainly anchored on above factors, namely, legal, technical, organizational and financial. They included: bureaucracy within the intelligence community due to different organizational structures and cultures, cases of corruption and information leakages, lack of trust amongst the local agencies leading to compartmentation, insufficient and different funding leading to low morale in some agencies, inconsistent legislations and interpretations, and lack of joint training, among other various factors.

The respondents also noted several achievements due to the intelligence cooperation and information sharing amongst different intelligence and LEAs. These included; enhanced proactive measures and ability to pre-empt and prevent attacks, achievement of successful

convictions from shared forensic analysis, better operations' coordination and teamwork through multi-agency approach, and timely dissemination of actionable intelligence.

4.4 The Role of Intelligence in Counter Terrorism Prosecutions

The intelligence community mostly targets those who present a risk of involvement in acts of terrorism and strive to prevent them from actualizing their intentions. At times, such targets may commit crimes and may be dealt with in various ways prescribed in respectives statues, which include prosecutions in courts of law. In such cases, intelligence may constitute some of the best evidence to be used in terrorism prosecutions. Still, there are numerous obstacles to using intelligence as evidence in courts of law. These include the methods used in collecting information, which may not necessarily be legitimate since intelligence is designed to provide policy makers with secret information to help prevent future threats. In exceptional circumstances, intelligence may be shared by LEAs to trigger criminal investigations and/or be used as evidence in a court of law (Quirine and Ginkel, 2011). But the courts have powers to rule which part(s) of evidence are inadmissible and striking them from the records if the methods used to obtain them might have been unlawful.

There are various ways that the intelligence community supports counter terrorism operations, which includes profiling and investigations of persons of interest. These are aimed at collection of additional information through interviews and intrusive/passive surveillance actions. Intelligence also informs the executive on actions such as visa decisions, travel bans, and can form the basis for targeted or drone killings (Staberock, 2012; 371).

4.4.1 How Intelligence Influences Counter Terrorism Prosecutions

Most of the intelligence community respondents believed that intelligence plays a very important role in prosecution of terror suspects. Referring to Table 4.4 below, majority returned a very good response on various aspects on how intelligence and intelligence community supports prosecution. These included: 44.3 % rating on the impact of the intelligence community in supporting judicial processes; 36.1% rating on how the intelligent community's support contributes to successful prosecution of terror suspects; 33.3% rating on the effectiveness of Kenyan anti-terrorism legislation in combating terrorist activities; and 33.3% on the relationship within the intelligence community on procuring and preserving evidence for terrorism suspects.

Table 4.4: Role of intelligence in prosecution of terror suspects

	POOR	SATISFACTORY	GOOD	VERY GOOD	EXCELLENT
	Count %	Count %	Count %	Count %	Count %
Rating the impact of the intelligence community in supporting judicial processes	0 0.0	9 14.8	14 23.0	27 44.3	11 18.0
How the intelligent community's support contributes to successful prosecution of terror suspects	1 1.6	9 14.8	15 24.6	22 36.1	14 23.0
The effectiveness of Kenyan anti-terrorism legislation in combating terrorist activities	3 5.0	9 15.0	18 30.0	20 33.3	10 16.7
The relationship within the intelligence community on procuring and preserving evidence for terrorism suspects	1 1.7	10 16.7	17 28.3	20 33.3	12 20.0

Even though most of the ratings were very good, there is still need to improve some aspects of intelligence – prosecution relationship so that intelligence can have more effects on prosecution of terrorism related cases. Table 4.6 below shows suggestions from various respondents on how intelligence and the intelligence community can be imroved to support prosecution.

Table 4.5: Local Community on the role of intelligence in supporting judicial processes

	STRONGLY DISAGREE	DISAGREE	DONT KNOW	AGREE	STRONGLY AGREE
	Count %	Count %	Count %	Count %	Count %
Prosecution of terrorism suspects should be conducted in accordance with fair trial and due process	0 0.0	0 0.0	0 0.0	3 15.0	17 85.0
Would you agree to give evidence in a court of law against terrorism suspects	0	5	5	1	9

(consider Witness protection if necessary)?	0.0	25.0	25.0	5.0	45.0

From Table 4.5 above, majority of local community respondents strongly agree with the important role intelligence plays in supporting prosecution of terror related cases in courts of law. Majority of the respondents (85%) strongly support that prosecution of terrorism suspects should be conducted in accordance within the rule of law. Also, 45% of the local community respondents would strongly agree to give evidence in a court of law against terrorism suspects when considering witness protection services. However, half of the respondents are either not sure or would not agree to give evidence on terror related cases in a court of law. These might be due to the fear of the repercussions or revenge directed at those who give evidence. As such, the intelligence community, with the support of the ODPP, should sensitize the local community on their security and the security of their immediate family in case they agree to be state witnesses on a terror related case. Still, there are suggestions on how to improve intelligence and intelligence community to support prosecution in Table 4.6 below.

Table 4.6: Suggestions for improving intelligence support to prosecution

Responses	Frequency	Percent
No Response	4	6.6
Admissibility of intelligence as evidence	9	14.8
Review of bail controls and allow preventive detention	3	4.9
Continuous review and amending counter terrorism laws for stiffer penalties and easy prosecution of cases	20	32.8
Build on trust	3	4.9
Increase resources; both personnel and financial	3	4.9
Having independent courts	1	1.6
More joint training	13	21.3
Legal entities to discuss on the best practices	1	1.6
Need for more research on Terrorism	1	1.6
Need for timely decision making on cases	1	1.6
Observe privacy rights during investigations	1	1.6
Working with the local community leaders	1	1.6
Total	**61**	**100.0**

Most respondents suggested a continuous review and amendments of counter terrorism laws to give stiffer penalties. Other suggestions included: increased joint trainings between the intelligence community and ODPP; admissibility of intelligence as evidence; review of bail terms and allowing preventive detention; increase both personnel and financial resources. But it can be noted that some of these suggestions if addressed, has challenges in implementing, or their implementation can greatly influence how intelligence supports prosecution.

In 2014, the Security Laws Amendment Act reviewed and amended several existing laws to strengthen Kenya's anti-terrorism legislative framework, which included the Prevention of Terrorism Act (POTA, 2012), Proceeds of Crime and Anti Money Laundering Act (PCAMLA) and Prevention of Organized Crime Act (POCA). The amendment strengthened the mandates of the NIS and the KDF and created Anti-Terrorism Police Unit, to be actively involved in counter terrorism measures to safeguard national security. Admissibility of intelligence in a court of law is a contentious issue, but the intelligence community has found a way of dealing with and converting intelligence to evidence as discussed below. But the government may consider reviewing Chapter 4 of the Constitution (2010) to allow security Acts introduce preventive detention and stiffer bail conditions for national security crimes, such as terrorism acts

4.4.2   Converting Intelligence to Evidence

One of the main challenges faced by state counsels is the procedure for transforming intelligence gathered covertly into evidence for criminal proceedings. The dilemma is how to protect the intelligence, the sources and the methods, on one hand, and the need to ensure defence rights, such as prior access to witness statements and evidence. The use of raw intelligence in criminal proceedings would put intelligence methods and sources in jeopardy because of the disclosures required for successful criminal prosecutions.

Due to the heightened terrorist threats, the Kenyan security organs established a joint taskforce for the purposes of preventive, preemptive and prosecutive counter terrorism. In this case, DCI investigators and ODPP prosecutors are engaged in counter terrorism investigations at an early stage, thus allowing the intelligence community to collect intelligence and the police investigation team to gather evidence that coud be used to successfully prosecute a case. This creates a firewall, which separates intelligence collection

and criminal investigations. Failure to manage this firewall, according to Roach (2010), can make it difficult, if not impossible, to use the criminal process as a response to terrorism.

Figure 4.2: Information, Intelligence and Evidence Gathering
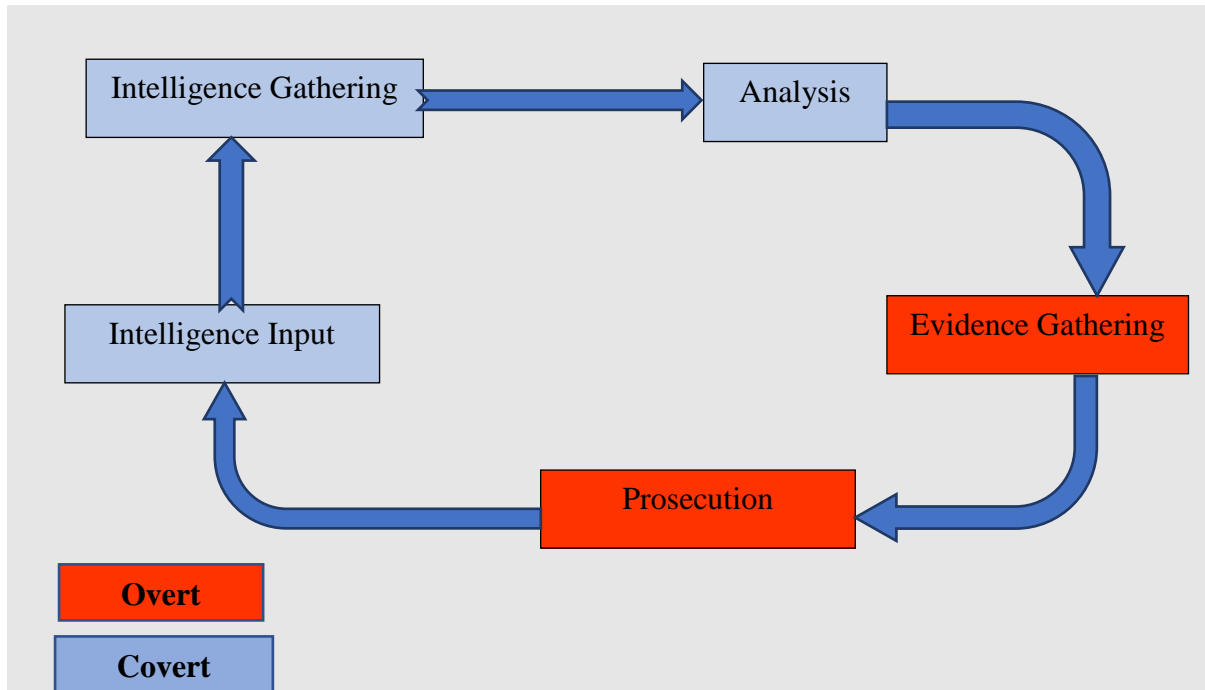
In normal circumstances, the information that can be used in criminal prosecutions can be gathered by the intelligence community as part of their own activities. This is then analyzed into intelligence. The resultant intelligence could serve both as a trigger to criminal investigations by the LEAs, and to provide useful evidence. The evidence gathered could be useful during trial and could be challenged by defence counsels. The LEAs work in accordance with their evidence collection standards seeking to meet the evidentiary threshold of the courts, thus, adhering to the principles of legality, and ensuring protection and upholding the rule-of-law (Walsh, 2006). The rule-of-law holds that prosecution information be disclosed to the accused person to prepare his/her defence. In such a case, the prosecutor may be confronted with the stark dilemma of whether to disclose or dismiss the case. But in the diagram above, the prosecutor must have been able to devise a non-classified substitution.

Although the accused person's access to information is recognized in fair trial in the Kenyan courts, protection of witnesses, sources and methods, and protection of the state's interest in national security may justify proportionate restrictions on intelligence information used as evidence.

4.5 Conclusion

Contemporary terrorism is random in its targeting, amorphous in its form, and its methods are unpredictable. Thus, the most powerful tool available in the fight to prevent and pre-empt terrorist attacks and dismantle its networks is intelligence. This can be achieved through emphasis on collaboration, networking and information sharing within the local intelligence community and their friendly foreign liaison partrners. Counter terrorism information sharing has done away with the age-old compartmentation model of "the need-to-kniow" basis to a new concept of "the need-to-share". The concept enhances a platform of bilateral and multilateral sharing, as well as intergration for domestic and international co-operation within and between governments as well as development of NCTCs.

Some of the areas identified by the new concept of "the need-to-share" include the possible conversion of intelligence to evidence to enhance success in prosecution of terrorism suspects. The logic in the parnership between the intelligence community and the ODPP ensures effective use of both intelligence and evidence gathered to deliver a more transparent, accountable, inclusive and integrated approach to terrorism prosecution. This reduces the chances of suspects' acquitals and enhances successful prosecutions by addressing loopholes that otherwise could have been exploited by defence counsels.

Though intelligence sharing has made reasonable progress over the ages, it has not improved to the desired level. There is still significant mental resistance within the intelligence community and the idea of state interest within foreign intelligence liaison. As long as this continues, inter-agency and inter-state intelligence liaison would remain half-hearted and only partly effective. This scenario would only benefit terrorists and their sponsors.

CHAPTER 5:   CONCLUSION AND RECOMMENDATIONS

The basis of this study was to examine the role that the Kenyan intelligence community plays in countering terrorist activities. As such, this chapter presents a summary of findings emanating from the study, conclusions arrived at from the data analysis, and offers appropriate recommendations. The outcome of the study problem will be highlighted in an effort to determine whether the research questions have been answered and the objectives of the study have been met. The conclusion arrived at based on the objectives and hypotheses of the study will inform the recommendations.

5.1   Conclusions

Based on the analyzed data, both primary and secondary, the study makes it clear that the overriding component for effective counter terrorism is judged to be intelligence. As such, intelligence availed to the policy makers is used to inform the state's foreign policy so that it can maximize its power for a safe and secure achievement of its national interests; one of them being securing its national boundaries and security of its citizens from external threats, such as terrorism. As such, intelligence remains a state function. Therefore, states share intelligence at their level. However, intelligence cooperation between states is defined by their (selfish) desire for survival in an anarchic international system and achievement of the state's national interest. As such, without any benefit for it (interest), a state would not get into an intelligence cooperation with other states.

5.1.1   The capacity of the intelligence community in preventing terrorism

The study found out that intelligence is a prerequisite in countering terrorism and the Kenyan intelligence community has an excellent capacity in detecting, preventing and pre-empting acts of terrorism. Thus, the intelligence community has the capacity to successfully support and spearhead the war against terrorism. This is because the intelligence community is committed in its counter terrorism strategies, which include sensitization of the affected local communities and their youth, focusing mainly on the grievances behind the root causes of terrorism within the local community. The intelligence community engages the local community, which plays an essential role in prevention of terror activities.

The study also found out that counter terrorism cannot be purely militaristic (reactive), but a combination of both preventive and reactive approach offers best results. The Intelligence

community plays a vital role in this approach, especially in identifying those involved, their level of involvement, spearheading covert operations, and identifying vulnerable points and the risks they pose. It is also responsible for building a database that is crucial in establishing terrorist patterns and methods, which can then be used to improve decision making hence vital in detection and prevention of terrorist activities (Terrorism Early Warning System). As such, Intelligence-led counter terrorism approach denies terrorists opportunities to execute their plans thereby reducing the extent of destruction of properties and human casualties.

5.1.2   How local community supports intelligence community in counter terrorism

The study established that the local community's support to the intelligence community results in successful counter terrorism operations. The local community supports intelligence community to realize their counter terrorism strategies through several approaches, which include embracing community policing and *Nyumba Kumi* initiative, supporting sensitization programs, and sharing terrorism related information and activities with the intelligence community or other government agencies. This is because the local community understands itself better and can self-administer, hence capable of identifying terrorism sympathizers, sponsors and recruits. Since most them belong to their respective communities, the local community remains a goldmine of HUMINT information gathering, mainly from the locals. This information is shared covertly with the intelligence community through an earlier agreed channel. The study established that there exists a channel for the local community to share terrorism related information with the intelligence community, which they have been made aware of and are utilizing. The information is then collated with others before being processed and analyzed to produce intelligence that is used in counter terrorism strategies.

Through the cooperation between the local and intelligence communities, most terrorism attacks are detected, and prevented or pre-empted. The few attacks that are actualized are easy to investigate and the suspects, who are mainly known to the respective communities, are taken to court. But still, the penetration of the local communities mostly associated with terrorism is limited because of the perception of the government's persecution and as such, many locals are unwilling to share information with the intelligence community.

5.1.3   The impact of intelligence cooperation on counter terrorism

The study determined that the success of counter terrorism depends on the level of intelligence cooperation within the intelligence community and FIAs. Since the targets

(terrorists) and their methods have changed along with intelligence sources, cooperation becomes more important than before because of the amount of information available from both overt and covert sources is overwhelming for a single agency or country. As such, because of the transnational nature of terrorism and the existence of an efficient network of intelligence sharing and cooperation, the Kenyan intelligence community have had several achievements in detecting and dealing with terrorist activities.

The study found out that there exists an inter-agency information sharing and intelligence cooperation within the Kenyan intelligence community. This is mainly formal through inter-agency memos, briefs and fusion centres focusing on the analysis and production, and dissemination stages of the intelligence cycle. Multi-agency task forces are formed by the decision and policy makers for specific national security purposes, such as joint security operations, and covert operations, among others. Collection and processing of intelligence are mainly agency specific because of organizational setups, and the need to protect sources and methods. But the study also established that in exceptional occasions and for legal purposes, intelligence and evidence collection teams collaborate to collect information and evidence that can be used in courts of law.

The study found out that all the agencies within the Kenyan intelligence community, except the ODPP, maintain a bilateral intelligence liaison with several friendly FIAs. These relations are mainly formal, mostly through memorandum of understandings that spell out terms of cooperation and support. These are mainly intelligence briefs and memos, and support through specialized counter terrorism training, equipment and tools.

The study highlighted the challenges that undermine cooperation within the intelligence community emanate from different remunerations and organizational cultures. These might have led to cases of information leakages, low morale, corruption and mistrust, leading to compartmentation (the "need-to-know" basis).

5.1.4 Contribution of intelligence community to prosecution of terror suspects

The study found out that there is a challenge in the use of intelligence as evidence in a court of law. This is because of the different information collection processes, hence the covert intelligence collection, processing and analysis methods, as opposed to the overt method, would not meet the legal requirements and evidentiary threshold required by the prosecution. As such, when criminal investigation and prosecution team is incorporated earlier, it can

device non-classified substitution of sensitive information, which can be shared by the accused persons and their legal teams as required by the law.

At the same time, the study found out that the cooperation between the intelligence and local communities in supporting judicial processes greatly contributes to successful prosecution of terror suspects. The cooperation includes willingness of local community-based witnesses giving evidence in courts of law when witness protection is considered. As such, the local community supports that prosecution of terror suspects be conducted within the rule of law, however, they lowly rate the effectiveness of the Kenyan anti-terrorism legislations. They recommend a continuous process of review and amendment of anti-terrorism laws, which would include stiffer penalties for convicts.

5.2   Recommendations

This study highlights some recommendations and proposals to improve the role of the intelligence community in countering terrorism in Kenya. These recommendations are based on the findings from the literature reviewed and the responses from intelligence and the local communities.

The government may consider expanding the scope of counter terrorism intelligence since developments in intelligence cause the scope to be substantially wider than before. Since the threat of international terrorism is also constantly evolving as dictated by the changes in the international security environment, so too must be the intelligence community, their methods and sources. These should include the quality of intelligence officers and their tools. There is need for continuous education and training of the officers to measure up to evolving terrorist methods. The training and tools should be sophisticated enough to be "two-steps-ahead" of terrorist capabilities. Thus, the intelligence community should increase investments on human capital. The collection capabilities should evolve to be flexible enough to encompass sources that were not previously considered but are currently valuable. These should include Open Source Intelligence (OSINT), commercial off-the shelf (COTS) products, academic scholars and researchers, and international students and travelers among others.

The policy makers may consider incorporating the concept of "community intelligence" (COMINT) in the national counter terrorism policy. COMINT refers to the information gathered from individuals within the local community and local institutions. These include information from community policing enforcers, *Nyumba Kumi* elders, security guards,

school teachers, religious leaders, family members of affected households, and the public. These individuals should be provided with a channel through which they can covertly share information on individuals who display signs of radicalization, have suspicious activities or behaviours, or any other terrorist related signs. The information shared by the COMINT should be accessed by the intelligence community for further action.

The decision makers may consider investing on "soft" measures to stimulate intelligence cooperation within the intelligence agency. Such soft measures should include joint trainings, courses, conferences and workshops that are aimed at nourishing personal contacts between intelligence officers from different backgrounds and agencies. The investment on personal relationships between officers enhances trust and seamless working relationships during information sharing and joint operations respectively. It also eradicates feelings of inferiority and superiority amongst officers undertaking a joint task, hence better outcomes.

Inter-agency Joint Investigation Teams (JITs) have great potential in combating terrorism through collection of both intelligence and evidence during investigations. JITs incorporate criminal investigation and intelligence collection teams at initial stages of information gathering, and as such, whenever necessary, they have the capacity of converting intelligence to evidence admissible in courts of law, thus protecting both intelligence sources and methods, and securing successful convictions. However, success of JITs relies on the quality and amount of support the team members receive from their respective agencies. As such, the policy makers and decision makers from the respective agencies, who may consider employing JITs, should give them adequate resources to perform their duties.

5.3   Suggestions for Further Research

The researcher recommends that further research be undertaken to demystify the relationship between intelligence and terrorism. The research may consider exploring the impact of intelligence on human rights during counter terrorism operations with a view on how intelligence can be used to safeguard human rights during such operations.

BIBLIOGRAPHY

Achuka, V. (2016, 4 September). The Mystery of Medical Students Trooping to ISIS. *Sunday Nation*, p. 6.

Aldrich, R. J. (2004). Transatlantic Intelligence and Security Cooperation. *International Affairs, 80*(3), 733 - 755.

Aronson, S. (2013). Kenya and the Global War on Terror: Neglecting History and Geopolitics in Approaches to Counterterrorism. *African Journal of Criminology and Justice Studies*, 25 – 34.

Bordas, M. (2015). Problems of State Efficiency and Terrorism in North Africa. In J. Tomolya, & L. White (Eds.), *Terrorist Threats in North Africa from a NATO Perspective* (pp. 58 - 91). Amsterdam, Netherlands: IOS Press BV.

Brannan, D., Darken, K., & Strindber, A. (2014). *A Practitioner's Way Forward: Terrorism Analysis.* Salina, California: Agile Press.

Cilluffo, F. J., Clark, J. R., Downing, M. P., & Squires, K. D. (2012, June). Counterterrorism Intelligence: Fusion Center Perspectives. *Counterterrorism Intelligence Survey Research, 2*(1), 1 - 40.

Cinar, B. (2009, June). The Root Causes of Terrorism. *METU Studies in Development, 36*, 93 - 119.

Clough, C. (2004). Quid Pro Quo: The Challenges of International Strategic Intelligence Cooperation. *International Journal of Intelligence and Counterintelligence, 17*(4), 601 - 613.

Crenshaw, M. (1981, July). The Causes of Terrorism . *Comparative Politics, 13*(4), 379 - 399.

Dahl, E. J. (2013). *Intelligence and Surprise Attack: Failure and Success from Pearl Habor to 9/11 and Beyond.* Washington DC: Georgetown University Press.

Davis, J. (2016). Africa's Road to the War on Terror. In J. Davis (Ed.), *Africa and the War on Terrorism* (2 ed., pp. 1 - 16). New York, USA: Routledge.

Deeks, A. (2016). Intelligence Services, Peer Constraints, and the Law. In Z. K. Goldman, & S. J. Rascoff (Eds.), *Global Intelligence Oversight: Governing Security in the Twenty-First Century* (pp. 3 - 36). New York, USA: Oxford University Press.

Elman, C. (2008). Realism. In P. D. Williams (Ed.), *Security Studies: An Introduction* (pp. 15 - 28). Abingdon, Oxon, UK: Routledge.

Ewi, M. (2013). The Role of Regional Organizations in Promoting Cooperation on Counter-Terrorism Matters: the European and the African Institutions in a Comparative Perspective. In L. v. Herik, & N. Schrijver (Eds.), *Counter-Terrorism Strategies in a Fragmented International Legal Order: Meeting the challenges* (pp. 128 - 180). New York: Cambridge University Press.

Fandy, M. (2007, June 04). Enriched Islam: The Muslim Crisis of Education. *Survival: Global Politics and Strategy, 49*(2), 77 - 98.

Gill, P., & Phythian, M. (2012). *Intelligence in an Insecure World.* Cambridge, UK: Polity.

Goldstein, J. (2015, November). Kenya's 9/11: The Effects of the Garissa University College Attack on Kenyan Counterterrorism Policy. *Georgetown Security Studies Review*, 227 - 248.

Gray, D. H., & Slade, C. (2008). Applying the Intelligence Cycle Model to Counterterrorism Intelligence for Homeland Security. *European Journal of Scientific Research, 24*(4), 498 - 519.

Gumbihi, H. (2014, June 27). Kimaiyo to Create Intelligence Unit to Match NIS. *Standard Digital*. Retrieved September 24, 2017, from https://www.standardmedia.co.ke/article/ 2000126225/kimaiyo-to-create-own-intelligence-unit-to-match-nis

Gurr, T. R. (1970). *Why Men Rebel.* Princeton: Princeton University Press.

Hoffman, B. (2006). *Inside Terrorism.* New York: Columbia University Press.

Huband, M. (2013). *Trading Secrets: Spies and Intelligence in an Age of Terror.* London: I.B. Tauris & Co. Ltd.

Hughbank, R. J., & Githens, D. (2010). Intelligence and it Role in Protecting Against Terrorism. *Journal of Strategic Security, 3*(1), 31 - 38.

IPOA. (2014). *Report on the Mpeketoni Attacks (15 and 16 June 2014).* Nairobi: Independent Policing Oversight Authority.

Johnson, L. K. (2007). Introduction. In L. K. Johnson (Ed.), *Handbook of intelligence studies* (pp. 1 -16). New York, USA: Routledge.

Johnson, L. K. (Ed.). (2010). *The Oxford Handbook of National Security Intelligence.* New York: Oxford University Press.

Johnson, L. K. (2010). National Security Intelligence. In L. K. Johnson (Ed.), *The Oxford Handbook of National Security Intelligence* (pp. 3 - 32). New York: Oxford University Press.

Johnson, L. K. (2011). Intelligence in the United States: An Introduction. In L. K. Johnson, & J. J. Wirtz (Eds.), *Intelligence: The Secret World of Spies; An Anthology* (3 ed., pp. 1 - 6). New York, USA: Oxford University Press.

Johnson, L. K. (2014). The Development of Intelligence Studies. In R. Dover, M. S. Goodman, & C. Hillebrand (Eds.), *Routledge Comp[anion to Intelligence Studies* (pp. 3 - 22). New York: Routledge.

Kamon, E. (2002). The Role of Intelligence in Counter-Terrorism. *Korean Journal of Defence Anlysis*, 119 - 138.

Kappeler, E. V., & Gaines, L. K. (2011). *Community Policing: A Contemporary Perspective* (6 ed.). Boston, USA: Elsevier Inc.

Kaunert , C., & Leonard , S. (Eds.). (2013). *European Security, Terrorism and Intelligence: Tackling New Security Challenges in Europe.* London: Palgrave Macmillan.

Kenya National Assembly. (2015). *Report on Investigations into the Garissa University College Terrorist Attack.* Parliament Buildings, Departmental Committee on Administration and National Security. Report on Investigations into the Garissa University College Terrorist Attack: Clerk of the National Assembly.

Kilcullen, D. (2009). *The Accidental Guerrilla: Fighting Small Wars in the Midst of a Big One.* New York: Oxford University Press.

Kothari, C. R. (2004). *Research Methodology*: *Methods and Techniques*. New Delhi: New Age International (P) Limited Publishers

Lefebvre, S. (2003). The Difficulties and Dilemmas of International Intelligence Cooperation. *International Journal of Intelligence and CounterIntelligence, 16*, 527 – 542.

Lowental, M. M. (2012). *Intelligence: From Secrets to Policy* (5 ed.). California, USA: CQ Press-SAGE Publications.

Lynch, A., MacDonald, E., & Williams, G. (Eds.). (2007). *Law and Liberty in the War on Terror.* Sydney, Australia: The Federation Press.

McGarrell, E., Freilich, J., & Chermak, S. (2007). Intelligence-Led Policing As a Framework for Responding to Terrorism. *Journal of Contemporary Criminal Justice, 23*(2), 142-158.

Miller, L., Hess, K., & Orthmann, C. (2014). *Community Policng: Partnerships for Problem Solving* (7 ed.). New York: Delmar Cengage Learning.

Mills, G. (2016). Africa's New Strategic Significance. In J. Davis (Ed.), *Africa and the War on Terrorism* (2 ed., pp. 17 - 30). New York, USA: Routledge.

Moran, J., & Phythian, M. (Eds.). (2008). *Intelligence, Security and Policing Post-9/11: The UK's Response to the 'War on Terror'.* Hampshire, UK: Palgrave Macmillan.

Morgenthau , H. J., & Thompson, K. W. (1985). *Politics Among Nations: The Struggle for Power and Peace* (6 ed.). New York: McGraw Hill.

Mukinda, F. (2017, October 6). Kenyans lured to Libya by ISIS brought back. *Daily Nation.* Retrieved October 26, 2017, from http://www.nation.co.ke/news/Kenyans-lured-to-Libya-by-ISIS-brought-back-/1056-4127468-

National Assembly Clerk. (2013). *Inquiry into Westgate and other Terrorist Attacks.* Parliament Buildings, Joint Committee on Administration and National Security; and Defence and Foreign Affairs. Nairobi: Kenya National Assembly.

Navari, C. (2008). Liberalism. In P. D. Williams (Ed.), *Security Studies: An Introduction* (pp. 29 - 43). Abingdon, Oxon, UK: Routledge.

Newman, E. (2006, January). Exploring te "Root Causes" of Terrorism. *Studies in Conflict & Terrorism, 29*, 749 - 772.

Nielsen, T. G., Syed, M. H., & Vestenskov, D. (2015). *Counterinsurgency and counterterrorism: Sharing Experiences in Afghanistan and Pakistan.* Copenhagen, Denmark : Royal Danish Defence College.

Omand, D. (2010). *Securing the State.* New York, US: Oxford University Press.

Ombati, C. (2015, August 18). Police name Kenyan suspects luring youth to join Al Shabaab. *The Standard*. Retrieved October 26, 2017, from https://www.standardmedia.co.ke/article/2000173237/police-name-kenyan-suspects-luring-youthto-

Ombati, C. (2016, August 29). Two medical students with links to ISIS terror group arrested at Malindi Hospital. *The Standard*. Retrieved October 26, 2017, from https://www.standardmedia.co.ke/article/2000213837/two-medical-students-with-links-to-ISIS-terror-group-arrested-at-malindi-hospital

OSCE. (2014). *Preventing Terrorism and Countering Violent Extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach.* Vienna, Austria: Organization for Security and Co-operation in Europe.

Philip , R. (2007). Law as a Preventive Weapon Against Terrorism. In A. Lynch, E. MacDonald, & G. Williams (Eds.), *Law and Liberty in the War on Terror* (pp. 1 - 9). Sydney, Australia: The Federation Press.

Pillar, P. R. (2008). Counterterrorism. In P. D. Williams, *Security Studies: An Introduction* (pp. 376 - 388). New York, USA: Routledge.

Ploch, L. (2010). *Countering Terrorism in East Africa: The U.S. Response.* United States Congress. Washington DC: Congressional Research Service (CRS).

Pollard, N. A., & Sullivan, J. P. (2014). Counterterrorism and Intelligence. In R. Dover, M. S. Goodman, & C. Hillebrand (Eds.), *Routledge Companion to Intelligence Studies* (pp. 245 - 255). New York: Routledge.

Quirine, E., & Ginkel, B. (2011). Compatible or Incompatible? Intelligence and Human Rights in Terrorism Trials. *Amsterdam Law Forum, 3*(4), 3 - 16.

Raman, B. (2002). *Intelligence: Past, Present & Future.* New Delhi, India: Lancer Publishers & Distributors.

Rihani, S. (2004). *Exploding the Myths of Terrorism.* London: Macmillan.

Schmid, A. P. (Ed.). (2011). *The Routledge Handbook of Terrorism Research.* New York, USA: Routledge.

Schreier, F. R. (2005). Combating Terrorism and its Implications for Intelligence. In T. H. Winkler, A. H. Ebnother, & M. B. Hansson (Eds.), *Combating Terrorism and its Implications for the Security Sector* (pp. 129 - 166). Stockholm, Sweden: Swedish Defence College.

Shulsky, A. N., & Schmitt, G. J. (2002). *Silent Warfare: Understanding the World of Intelligence* (3 ed.). Dulles, Virginia, USA: Brassey's Inc.

Staberock, G. (2012). Intelligence and Counter-Terrorism: Towards a Human Rights and Accountability Framework. In A. S. de Frias, K. Samuel, & N. White (Eds.), *Counter-Terrorism: International Law and Practice* (pp. 315 - 387). New York, USA: Oxford University Press.

Svendsen, A. D. (2010). *Intelligence Cooperation and the War on Terror: Anglo-American security relations after 9/11.* Oxon, London: Routledge.

Svendsen, A. D. (2012). *The Professionalization of Intelligence Cooperation: Fashioning Method out of Mayhem.* Hampshire, UK: Palgrave Macmillan.

Townshend, C. (2002). *Terrorism: A Very Short Introduction.* New York: Oxford University Press.

Treverton, G. (2009). *Intelligence in the Age of Terror.* New York, US: Cambridge University Press.

US State Department. (2016). *Country Reports on Terrorism 2015.* Washington DC: United States Department of State Publication. Retrieved August 15, 2017, from https://www.state.gov/documents/organization/258249.pdf

Walker, C. (2008). The Pursuit of Terrorism With Intelligence. In J. Moran, & M. Phythian (Eds.), *Intelligence, Security and Policing Post-9/11: The UK's Response to the 'War on Terror'* (pp. 54 - 78). New York: Palgrave Macmillan.

Walt, S. M. (1998). International Relations: One World, Many Theories. *Foreign Policy, 110*, 29 - 46.

Warner, M. (2007). Sources and methods for the study of intelligence. In L. K. Johnson, *Handbook of Intelligence Studies* (pp. 17 - 27). Abingdon, Oxfordshire: Routledge.

Waxman, M. C. (2009). Police and National Security: American Local Law Enforcement and Counterterrorism After 9/11. *Journal of National Security Law & Policy, 3*, 377 - 407.

Waxman, M. C. (2012). National Security Federalism in the Age of Terror. *Stanford Law Review, 64*(2), 289 - 350.

Whitaker, B. E. (2010). Compliance Among Weak States: Africa and the Counter-Terrorism Regime. *Review of International Studies, 36*, 639 – 662.

Wills, A. (2010). *Guidebook: Understanding Intelligence Oversight.* Geneva: Geneva Centre for Democratic Control of Armed Forces (DCAF).

APPENDICES

Appendix 1: List of Respondents

	Focus Area	Organization	Department/Unit	Sample Size
1		NIS	Counter Terrorism Coordination Department; Collection and Analysis Unit	30
2		ATPU	Collection, analysis and Investigation Units	15
3	Intelligence Community	CIU	Collection and Investigation Units	10
4		NCTC	Collection, analysis and Public Education Units	10
5		ODPP	Counter Terrorism Prosecution Unit	5
6		Lamu	Provincial Administration and Community Leaders	10
7	Local Community	Garissa	Provincial Administration and Community Leaders	10
8		Mandera	Provincial Administration and Community Leaders	10
		TOTAL		**100**

Appendix 2: Questionnaire 1 (Intelligence Community)

Introduction

I am student at the University of Nairobi, Department of Political Science and Public Administration, pursuing Master of Arts Degree in Strategic and Security Studies. I am in my final year of study, and as part of the requirements for graduation, I am undertaking a research on "The Role of Intelligence Community in Counter Terrorism: A Case Study of Kenya". To ensure an objective research, I am therefore kindly requesting for your support in responding the questions below as candidly and accurately as possible.

Though the information given will be highly confidential and used for research purposes only, I am not focused on confidential/operational information that may compromise ongoing counter terrorism operations.

Participation in this survey is voluntary.

General Information

1. Your Organization/Institution/Department

NIS [ ]   ATPU [ ]   CIU [ ]   NCTC [ ]   ODPP [ ]   Foreign Intelligence Agency [ ]   Other _____

2. Your Designation/Role

Collector [ ]   Analyst [ ]   Investigator [ ]   Public Educator [ ]   Prosecutor [ ]   Other _____

3. Your age

20 – 30 Yeas [ ]   31 – 40 Years [ ]   41 – 50 Years [ ]   Above 51 Years [ ]

4. How long have you worked in your current organization/institution/department?

Below 2 years [ ]   2 – 4 years [ ] 4 – 6 years [ ] more than 6 years [ ]

5. *How does your organization/Institution support counter terrorism?*

_____

For this questionnaire, the weighting scale is as below. Please tick only one

1	2	3	4	5
Poor	Satisfactory	Good	Very Good	Excellent

Role of Intelligence Community and Local Community in Preventing Terrorism

In your opinion, evaluate the commitment of the Kenyan government to countering terrorism.

1	2	3	4	5
				.

What would you recommend to the government as the most effective counter terrorism approach?
Preventive [ ]   Reactive [ ]   Combination of Preventive & Reactive [ ]

Rate the overall performance of the intelligence community in preventing terrorism acts.

1	2	3	4	5
				.

According to you, what are the conditions conducive to the spread of terrorism?

_____

Evaluate how your organization addressed the conditions conducive to the spread of terrorism

1	2	3	4	5
				.

Assess the effectiveness of your organization/institution in preventing terrorism in terms of;

		1	2	3	4	5
i	Training					.
ii	Tools/Equipment					
iii	Resources (Financial)					
iv	Resources (Personnel)					

Rate your organization's effort to educate/sensitize the public on the need to cooperate with security agencies to expose terrorist groups within their community.

1	2	3	4	5
				.

Does your organization undertake counter violent extremism and counter/de-radicalization?
        Yes [   ]   **No [   ]**

If yes, what do you think is the impact?

1	2	3	4	5
				.

What is the role of the local community on the fight against terrorism?

_____

How would you rate their role?

1	2	3	4	5
				.

Overall, how has your organization succeeded in counter terrorism strategies?

1	2	3	4	5
				.

Role of Intelligence Cooperation and Sharing in Counter Terrorism

Does your organization liaise with;

	Yes	No
Local intelligence/security agencies?		
Foreign intelligence/security agencies?		

How would you define the relationship?

	Informal	**Formal**	**Both Informal & Formal**
Local intelligence/security agencies?			
Foreign intelligence/security agencies?			

How would you rate the relationships?

	1	2	3	4	5
Local intelligence/security agencies					
Foreign intelligence/security agencies					

How would you rate intelligence cooperation/sharing as a counter terrorism tool?

1	2	3	4	5
				.

Evaluate Kenyan intelligence cooperation in terms of; training, equipment, and information sharing;

			1	2	3	4	5
i	**Within the Kenyan intelligence community?**						
	a)	Training					
	b)	Information Sharing					
	c)	Joint Operations					

ii	**With foreign intelligence agencies?**					
	a) Training					
	b) Information Sharing					
	c) Equipment/Tools					

Briefly comment on the challenges/achievements of the cooperation

_____

How can you improve intelligence cooperation within the Kenyan intelligence community, and between the Kenyan intelligence community with foreign intelligence/security agencies?

_____

What is the relationship between your organization and the following entities on countering terrorism?

		1	2	3	4	5
i	Decision/Policy makers (intelligence consumers)					
ii	Civil Society					
iii	Local Community					

In your opinion, how does the following impact on intelligence cooperation/sharing between your organization and the other Kenyan intelligence/security agencies?

		1	2	3	4	5
i	Legal					.
ii	Technical					
iii	Organizational					
iv	Financial					

Role of Intelligence in Prosecution of Terror Suspects

In countering terrorism, how would you rate the impact of the intelligence community in supporting Judicial Processes (Prosecution of terror suspects)?

1	2	3	4	5
				.

How do you think the intelligence community's support contributes to successful prosecution of terror suspects?

1	2	3	4	5
				.

Rate the effectiveness of Kenyan anti-terrorism legislations in combating terrorist activities

1	2	3	4	5
				.

Suggest way(s) for improvement

_____

What is your relationship within the intelligence community on procuring and preserving evidence for terrorism suspects' prosecution?

1	2	3	4	5
				.

Appendix 3: Questionnaire 2 (Local Community)

Introduction

I am student at the University of Nairobi, Department of Political Science and Public Administration, pursuing Master of Arts Degree in Strategic and Security Studies. I am in my final year of study, and as part of the requirements for graduation, I am undertaking a research on "The Role of Intelligence Community in Counter Terrorism: A Case Study of Kenya". To ensure an objective research, I am therefore kindly requesting for your support in responding the questions below as candidly and accurately as possible.

The information given will be highly confidential and used for research purposes only.

Participation in this survey is voluntary.

General Information

6. *Your Gender*   Male [ ]   Female [ ]

7. *Your age?*   20 – 30 Yeas [ ]   31 – 40 Years [ ]   41 – 50 Years [ ]

    51 – 60 Years [ ]   Above 61 Years [ ]

8. *Your Community*

Local community [   ] County: _____

Other [   ]   Name: _____

9. Your designation/Role: _____

10. How long have you been in your current designation/Community

Below 2 years [   ]   2 – 4 years [   ] 4 – 6 years [   ] Above 6 years [   ]

11. Your religion

Christian [   ]   Muslim [   ]   Indigenous [   ]   Other [   ]

12. *How does your organization/community support counter terrorism?*
_____

For this questionnaire, the weighting scale is as below. Please tick only one

1	2	3	4	5
Strongly Disagree	Disagree	Don't know	Agree	Strongly Agree

Role of Intelligence in Preventing Terrorism: the Local Community

In your opinion, do you agree with the commitment of the Kenyan government to countering terrorism?

1	2	3	4	5
				.

What would you recommend to the government as the most effective counter terrorism strategy?
Preventive [   ]   Reactive [   ]   Combination of Preventive & Reactive [   ]

In your own understanding, what do you believe are the causes of terrorism in Kenya?

_____

Do you believe the local community play an important role in preventing counter terrorism?

1	2	3	4	5
				.

The strategies being used by the intelligence community to counter violent extremism and conditions conducive to the spread of terrorism have been effective.

1	2	3	4	5
				.

Do you agree with the government's effort to sensitize the public on the need to cooperate with security agencies to expose terrorist groups within the community?

1	2	3	4	5
				.

Have the efforts been effective in preventing terror activities? **Yes [   ]No [   ]   Not Sure [   ]**

Role of Intelligence Sharing in Counter Terrorism

Does the government provide a channel for the local community to share information on terrorism/counter-terrorism?   **Yes [   ]**   **No [   ]**

Would you agree to share information on terrorism with;

		1	2	3	4	5
i	The Intelligence Service					.
ii	The Kenya Police					
iii	Provincial Administration (Chief, Assistant Chief, Village Elder)					

Who else would you share information with?

_____

Role of Intelligence in Supporting Judicial Processes

Prosecution of terrorism suspects should be conducted in accordance with fair trial and due process

1	2	3	4	5
				.

Would you agree to give evidence in a court of law against terrorism suspects (consider Witness Protection if necessary)?

1	2	3	4	5
				.

Appendix 4: NACOSTI Certificate to undertake Research and Collect Data
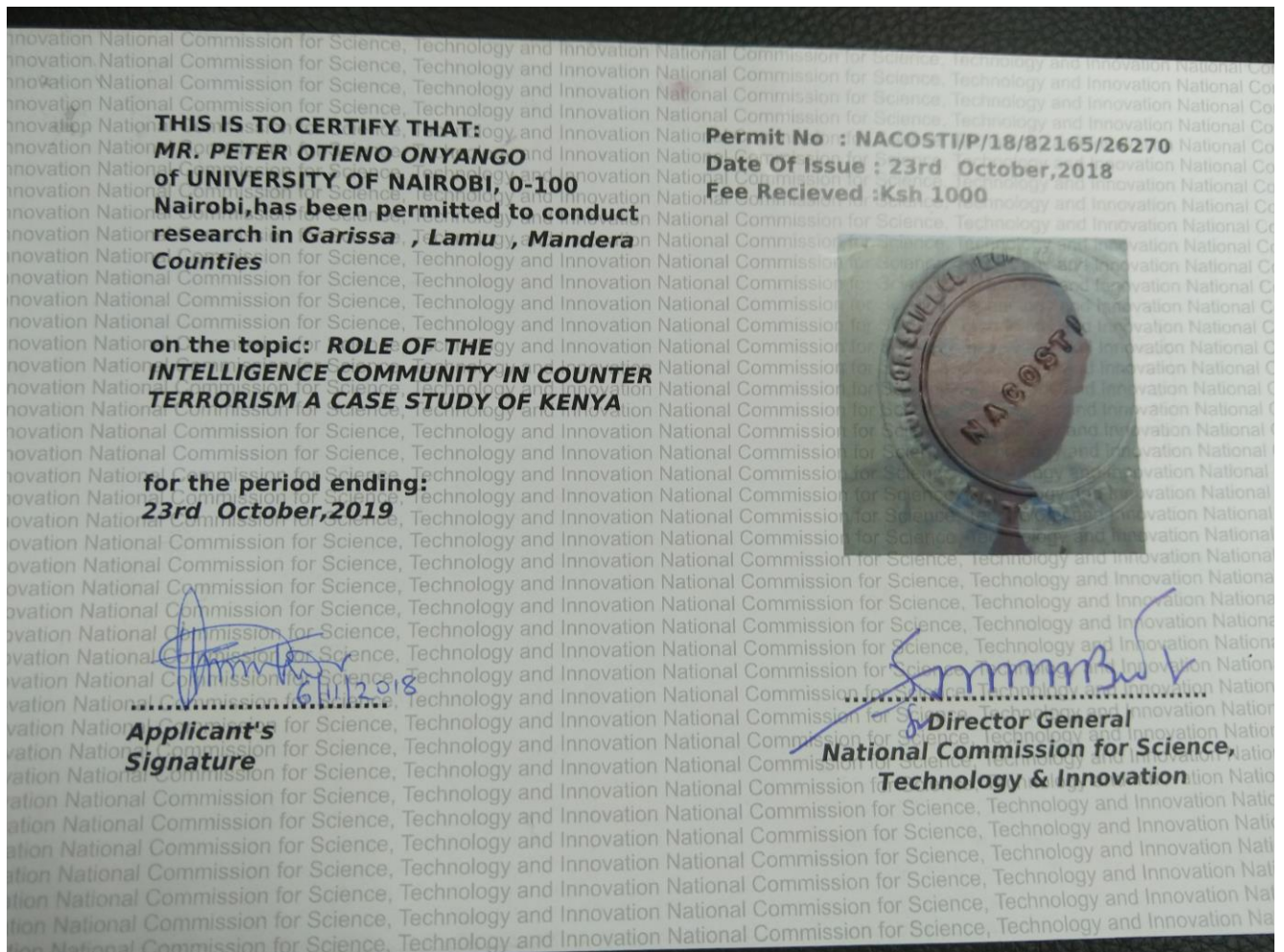
Appendix 5: UoN Letter of Undertaking to Collect Data

University of Nairobi
COLLEGE OF HUMANITIES AND SOCIAL SCIENCES
Department of Political Science & Public Administration

Telephone: 318262 Ext.28171
P.O Box 30197
Telegrams:"Varsity"   *Nairobi*
Nairobi, Kenya.
Fax: 254 (020) 245566
Email: Dept-pspa@uonbi.ac.ke
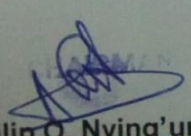
Our Ref: C50/83589/2015   Date: 23/08/2017

TO WHOM IT MAY CONCERN

This is to confirm that Mr. Peter Otieno Onyango is a bona fide student in this department, pursuing a Master of Arts in Strategic and Security Studies degree course.

Mr. Onyango is currently working on his project paper. He is collecting data for his research project titled "**Role of the Intelligence Community on Counter Terrorism: A Case Study of Kenya.**"

Any assistance accorded to him will be highly appreciated.

Prof. Philip O. Nying'uro
Chairman,
Department of Political Science and Public Administration